Legislative Council.

Tuesday, April 22, 1975.

The PRESIDENT **(Sir Raymond Garrett)** took the chair at 4.54 p.m., and read the prayer.

WATER (AMENDMENT) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. F. J. GRANTER (Minister of Water Supply), was read a first time.

BUILDING INDUSTRY LONG SERVICE LEAVE BILL.

This Bill was received from the Assembly and, on the motion of the Hon. F. J. GRANTER (Minister of Water Supply), was read a first time.

WATER RESOURCES BILL.

This Bill was received from the Assembly and, on the motion of the Hon. F. J. GRANTER (Minister of Water Supply), was read a first time.

QUESTION WITHOUT NOTICE.

REPLY TO QUESTION ON NOTICE.

The Hon. M. A. CLARKE (Northern Province) (*By leave*): I wish to direct a question without notice to the Minister of Water Supply, for the Minister of Labour and Industry. It refers to question No. 355 which has now been on the Notice Paper for some two weeks and to which I have not yet received a reply.

During the week-end I heard over the radio statements by the Minister of Labour and Industry which applied substantially to this question. I ask the Minister of Water Supply, who represents the Minister of Labour and Industry, to look into this matter because it appears to me that some breach of privilege of this House may be involved when the Minister replies outside Parliament and yet fails to supply the answer to me inside Parliament.

The PRESIDENT (Sir Raymond Garrett): That question should have been answered by the Minister.

The Hon. F. J. GRANTER (Minister of Water Supply): In answer to Mr. Clarke, I can only say that I will take up the matter immediately with the Minister of Labour and Industry and ask him to supply the answer.

HOUSING (MOVABLE UNITS) BILL.

The Hon. V. O. DICKIE (Minister of Housing), by leave, moved for leave to bring in a Bill to make further provisions with respect to movable units to amend the Housing Act 1958, and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

GEELONG WATERWORKS AND SEWERAGE (POWERS) BILL.

The Hon. F. J. GRANTER (Minister of Water Supply), by leave, moved for leave to bring in a Bill to make provision concerning the powers of the Geelong Waterworks and Sewerage Trust and other authorities and for other purposes and to amend the Geelong Waterworks and Sewerage Act 1958 and the Water Act 1958, and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

TOWN AND COUNTRY PLANNING (AMENDMENT) BILL.

The Hon. A. J. HUNT (Minister for Local Government), by leave, moved for leave to bring in a Bill to amend the Town and Country Planning Act, and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

PAPERS.

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

Fire Brigades—Report of the Metropolitan Fire Brigades Board for the year 1973–74.

Milk Board—Statement and account for the year 1972–73.

River Murray Commission—Report for the year 1973–74.

Statutory Rule under the Prerogative Powers of the Crown—No. 109.

Statutory Rules under the following Acts of Parliament—

- Appeal Costs Fund Act 1964—No. 111.
- Apprenticeship Act 1958—Nos. 98, 118 and 119.
- Audit Act 1958—No. 99.
- Barley Marketing Act 1958—No. 121.
- Co-operation Act 1958—No. 104.
- Country Roads Act 1958—No. 124.
- Dentists Act 1972—Nos. 122 and 127.
- Education Act 1958—No. 101.
- Forests Act 1958—No. 100.
- Grain Elevators Act 1958—Nos. 125 and 126.
- Hairdressers Registration Act 1958—No. 112.
- Labour and Industry Act 1958—Nos. 116 and 117.
- Land Surveyors Act 1958—No. 114.
- Local Government Act 1958—No. 107.
- Marketing of Primary Products Act 1958—No. 105.
- Melbourne Harbor Trust Act 1958—No. 115.
- Mental Health Act 1959—No. 95.
- Milk Pasteurization Act 1958—No. 106.
- Motor Car Act 1958—No. 96.
- Opticians Registration Act 1958—No. 97.
- Parliamentary Salaries and Allowances Act 1968—No. 108.
- Police Regulation Act 1958—No. 120.
- Portland Harbor Trust Act 1958—No. 123.
- Stock Medicines Act 1958—No. 103.
- Teaching Service Act 1958—Nos. 102 and 110.
- Transport Regulation Act 1958—No. 113.

Town and Country Planning Act 1961—

- City of Frankston Planning Scheme—Amendment No. 8.
- Eildon Sub-Regional Planning Scheme 1951—Amendment No. 10, 1973.
- Shire of Lilydale Planning Scheme 1958—Amendment No. 10, 1968.

CRIMES (CAPITAL OFFENCES) BILL.

The debate (adjourned from April 15) on the motion of the Hon. Murray Byrne (Minister for State Development and Decentralization) for the second reading of this Bill was resumed.

The Hon. J. W. GALBALLY (Melbourne North Province): Mr. President, sadly I reflect that in the long years during which this House had the power and the opportunity to cast out the death penalty, again and again it refused and, now, when whatever honorable members decide really does not matter any more, there is to be a full debate with even, so it is said, the prospect of success. Honorable members have it on the word of the Leader of the House that the Government will not impose the death penalty. One House of the Parliament of Victoria has already voted to remove the death penalty. Both the Premier and the Deputy Premier have recently changed their minds on capital punishment and have rejected it.

The policies of both the Liberal Party and the Labor Party reject capital punishment for one reason—the other very old reason which goes back to the turn of the century. In all the years of this century when the Labor Party has been in office it has never once demanded the death penalty. This House, passing up its unique opportunities for reform, has now become grotesquely irrelevant as capital punishment is drawing unpeacefully to a close and nothing this House can do can prevent its long awaited death. For many years, instead of initiating and promoting investigation and study, this House preferred the savagery of the past. Many times I endeavoured, in some way or another, to interest this House in investigating capital punishment. It was thumbs down all the way and, Mr. President, if you were to go into the Library you would see there an enormous array of books on capital punishment—a whole library of them, ancient and modern. I asked the Librarian, in the extensive work that was obviously involved in this research, to point out one article, one book that was in favour of capital punishment. There is not one.

I anticipate tonight that Mr. Gleeson will tell honorable members what effect capital punishment has on

people and compare it with cats and canaries and what we do to punish them and so on.

The Hon. W. M. CAMPBELL: The honorable member is entitled to his view, just as you are, is he not?

The Hon. J. W. GALBALLY: He is entitled to put a reasoned view.

The Hon. W. M. CAMPBELL: Yes, and his view is reasoned.

The Hon. J. W. GALBALLY: Rubbish! He cannot support it with anything except the imagery of his mind.

The Hon. V. O. DICKIE: That is an arrogant statement.

The Hon. J. W. GALBALLY: In all those years in this House when I tried to stimulate some interest in this topic there was none. It has been left to the newspapers of Victoria, in editorials and articles, to educate the community. Parliament which could have done so much was stubbornly silent.

Mr. President, in this House we wasted time and now time wastes us. The stayput determination of this House and the Government on capital punishment has warped our attitude towards reform of the criminal law, not only of murder. The obsession of this House in emphasizing the retention of capital punishment blinded our concern for other victims of crime. Those who are killed on the roads are just as dead as the victims of the bludgeon, the bullet and the knife. The victims of the road are too often the victims of crime, not murder certainly, but surely reckless driving and too often manslaughter.

As a legislature, we have neglected to separate the drunken driver from the wheel of his car. The most deadly combination of alcohol and gasoline is tolerated by Parliament, obsessed with the necessity, if you please, of preserving capital punishment.

Murder is the most terrible crime known to humanity but the victims of murder are numerically insignificant when compared with the slaughter on our roads. We know that alcohol is a deadly killer on the roads but do nothing about it. Moreover, we could be pardoned for believing that we encourage its use as an aid to the driver. No hotel or club can be established without the most elaborate plans providing for the accommodation of hundreds of cars. Plans submitted for clubs and hotels must include large adjoining areas for the parking of cars. One might be excused for believing that the aim of authority was to ensure that the drinking driver should have his car so close to the trough that even though he is unable to walk to it he will be able to fall into his car and drive it away. The determination of this House to preserve capital punishment has blunted our conscience and sapped our will. That is what all those wasteful years have done.

I am not going to attempt to repeat any arguments on capital punishment. I hope the House will realize my good sense on that subject. However, I want to say that every member of my party has, at one time or another, spoken out against capital punishment in this House. Their views have not altered. If it were possible they would have been strengthened.

The Hon. I. A. SWINBURNE (North-Eastern Province): For many years honorable members have debated Bills on this subject introduced into this House by Mr. Galbally so it is not a new experience for us to deal with this important decision tonight.

I was a little disappointed by the approach of my old friend, Mr. Galbally, to this debate. Perhaps the honorable member has become like a person who goes regularly to one of the hotels or clubs that he has spoken so much about tonight and has become a little drunk with success. That might be the reason why Mr. Galbally has spoken in such a mood tonight.

Honorable members have an important decision to make and, at the outset, I want to say that each member of the Country Party will make

his own decision and will speak as he wishes to speak. We will in no way try to influence one another on what should be done.

I think my views have always been well known to this House and I wish to express my views on the Bill that is before it. In effect the Bill takes out of the Crimes Act the provision for the death penalty for treason and murder and substitutes the penalty of "imprisonment for the term of his natural life". The remainder of the Bill is consequential to those two factors.

Over the many years that honorable members have been debating this issue in this Chamber, I have always advocated that we should endeavour to set out some degrees of murder for which penalties may be prescribed. However, as Mr. Galbally rightly said, the House was not in the mood to do anything of that nature and therefore, no decision was ever made nor was any action taken by the Government to approach the question in this way. Mr. Smith, the Law Reform Commissioner, did make a report but I believe the terms of reference of that investigation were so limited that it did not result in what we had advocated over a number of years.

However, the Government—or should I say the Premier—decided to test the Parliament on the abolition of capital punishment. At the time the Premier introduced the Bill he did so on one principle—that each member should have the right to vote as he desired—and it was accepted on that basis. Honorable members then had the alternative of voting either for the Bill or of voting against it.

I want to make my position clear. I will oppose the measure. I have always felt that certain persons who commit heinous crimes, such as murders under extreme conditions, forfeit their right to be members of our society. The object of the Bill is to amend the penalty which has existed in the past. Whether or not the penalty has been implemented by the Government of the day does not concern the measure itself. The Executive Council has always had the right to commute the penalty to whatever it considered appropriate in the light of the policy of the Government of the day.

Over a long period of years different Governments have had different views on this matter. I understand that in his speech last week—I was not present at the time—the Leader of the House clearly indicated that the present Government would not exact the death penalty. That is only the decision of the present Government; its members could change, and the Government itself could change. Sometimes succeeding Governments may implement it. This is clearly a matter of conscience and policy on the part of those who make the decision, but once a person forfeits his right to continue to live in society, if one set of responsible people decide that capital punishment should be applied to remove him from society, although a section believes he ought to be imprisoned for the term of his natural life, the verdict is that of the people of the day.

If I had to hand down such a decision, I would never imprison a person for the term of his natural life because I believe that is the most unforgivable penalty that could be imposed on anyone. I strongly oppose not only the abolition of capital punishment, but also the alternative punishment that has been included in the Bill, namely, imprisonment for the term of a person's natural life. It may still be left to the members of the Executive Council to vary the sentence. In view of what has happened in the past few months, I have not much faith that the present Government is sympathetic towards altering that principle, because the penalties for murder which have been imposed in the past few months have been for terms of 40 to 50 years. When a person is imprisoned for that length of time, I cannot see how he

could ever face up to society again, because in effect that is the term of his natural life.

I have always believed in reform for prisoners or persons found guilty of any charge, and accordingly the type of sentence to which I have just referred is abhorrent to my nature. I well remember that the magistrate who swore me in as a justice of the peace said to me, "Always give the person, especially a first offender, a chance to reform". Over the years I have noticed that many people who have been convicted once have never offended again. I have always believed that the purpose of prisons and reformatories is to provide prisoners with the opportunity to reform and make amends so that they can be returned to society. If that is not the purpose of those institutes, the imposition of a term of imprisonment for the term of a person's natural life is no less severe than the sentence of capital punishment.

Some people say that life should not be taken. However, if a person is removed from society and shut away knowing that he will never re-emerge from the doors of prison, then that punishment is just as bad as the taking of life.

The Hon. C. A. M. HIDER: That is a strange view of humanitarianism.

The Hon. I. A. SWINBURNE: We all have our own views; I respect the views of Mr. Hider, but I am stating my opinion at the moment. Each honorable member has the right to declare the reasons why he opposes or supports the Bill. I will not be led into discussion of any outside issues, because I am dealing with the Bill as it is.

To place any person in prison for life without a chance to reform and without the hope that he may be able to re-enter society in the future is foreign to my way of thinking. Long prison sentences do not fit into my code, and although I realize that the Executive Council has the right to alter, by means of remissions and so on, a sentence imposed for the term of a person's natural life, I understand that under the present code, a person who is sentenced to 50 years' imprisonment with a minimum term of 40 years can expect to serve at least 26 or 27 years of that sentence. That is a cruel and severe penalty to be applied to those who have committed murder.

Some people who have committed crimes have re-entered society and never offended again, so I am in favour of reform. If capital punishment is to be abolished, let us show some humanity and endeavour to impose sentences which will permit convicted persons to be eventually replaced in society. The Bill is designed to do away with one penalty, but in my opinion replaces it with a punishment which is worse, and accordingly I intend to vote against the Bill in its entirety.

The Hon. W. V. HOUGHTON (Minister for Social Welfare): This is the first time I have entered a debate on capital punishment, although I cannot say it is the first time I have listened to one.

Until four or five years ago I had not taken the trouble to determine my attitude towards capital punishment. It becomes necessary, particularly for members of this House when forming their opinion, to direct attention to the issue, examine their consciences and thoughts on the subject and to have regard to the views of other intelligent, rational and often judicial people on capital punishment. I had to ask myself a number of questions about this subject and in order to obtain the answers, I had to do some study.

The first question to which I applied my mind was whether capital punishment is a deterrent. That question has been argued up hill and down dale and no side has succeeded in proving that capital punishment is a deterrent. There is no way of showing whether it is, and no argument can be used to reach a positive conclusion on the issue. In my view,

the evidence is inclined to the conclusion that capital punishment is not a deterrent.

The second question that I needed to ask myself was: Is a sentence of death a punishment? Again, one can only conclude that a sentence of death is not a punishment because a dead person cannot be punished and can have no consciousness of being punished.

The third question I asked myself was whether capital punishment can be justified as a deed of vengeance, and it must then be asked whether such a vengeful act is appropriate to be used in a modern, civilized society. In my view, the answer to that question is, "No.". If anything could be done for the victim of a senseless and brutal crime, I should vote for the retention of capital punishment, but not a single thing can be done for the victim of such a crime.

The last question I asked myself was whether killing was justified. My answer is that it is justified to kill in self-defence or in the defence of a helpless person. No punishment—including capital punishment—would deter me, and I suspect, many people, from taking the supreme action and destroying anyone who threatened to commit murder in the abominable way in which some people have acted. It is extremely unlikely that one would ever have the opportunity to do that, but most people would not hesitate to take that action in extreme circumstances. Therefore, I believe that killing can be justified in circumstances such as those which I have outlined, but judicial killing cannot be justified. Therefore, I shall vote in favour of the abolition of capital punishment.

The Hon. HADDON STOREY (East Yarra Province): Murder is a heinous crime; the worst that one can imagine occurring, other than, perhaps, treason, and it deserves the most severe penalty that the community considers appropriate to give. However, the question is: What is the most severe punishment that the community considers ought to be imposed for the commission of what I regard as the most serious crimes?

In the early times of civilization the attitude of communities was to do to the wrongdoers as the wrongdoer had done to the victim, and the rule of "an eye for an eye and a tooth for a tooth" was developed. Maiming, mutilation and execution were the punishments meted out by those communities.

Over many centuries all that changed considerably as people came to realize what the proper role of punishment was. Maiming and mutilation disappeared, but execution remained the punishment for countless crimes, some 300 or so of which were recorded in the last century. In Victoria today there are only two crimes for the commission of which the sentence of capital punishment must be imposed, and they are the only relics that remain of what I regard as the old approach to crime, of doing to the wrongdoer what he did to the victim.

It represents a progression in community attitudes as ideas have changed and as the community reflects through its members of Parliament and its laws its beliefs as to what the proper role of enforcement of law ought to be.

Today honorable members have the opportunity to take that process one step further and remove capital punishment for the commission of those two crimes. A great deal of research, work and thought have been applied to the question of whether capital punishment should be abolished or retained, and honorable members take part in the debate in the realization that capital punishment has been abolished in other parts of the world. If this Bill is passed, we shall be following a pattern which has been adopted by communities all over the world and shall be doing something that reflects community attitudes.

It is difficult to determine what everybody in the community might think on any issue. One can judge

only from the objective evidence that is available, and opinion polls show that there is an even division of opinion in the community as to capital punishment, compared with a few years ago, when there was always a clear majority who favoured the retention of capital punishment.

One of the most recent opinions of which I am aware was conducted last year and showed that 43 per cent were in favour of retention of capital punishment, 43 per cent were against it and the remaining 14 per cent were undecided. The poll indicated that the community is fairly evenly balanced on the issue and that result was achieved after simply asking the public to answer the question without the benefit of the discussion and the results of research that are available to honorable members in this House tonight.

What are the reasons for imposing punishment? Firstly, it is imposed to show the disapproval of the community about something which has occurred and to inflict detriment on the people who have incurred the disapproval of the community. Secondly, it is intended to act as a deterrent to the commission of further crimes and, thirdly, to act as a form of rehabilitation or reformation of the criminal.

One feature about capital punishment is that it cannot be held out as a means of reformation or rehabilitation of a criminal, because a person who has been executed is no longer available to enjoy that privilege. Does the disapproval of the community merit the infliction on the person who committed the crime of the very thing of which he stands convicted? Is the community entitled to take the life of a person because that person has taken the life of some other person?

In my view, as the Minister for Social Welfare said a moment ago, that is not what the community ought to do as it tends to put the community in the same vindictive position as the criminal. It causes the community to adopt as its standard a type of violence and the senseless attitude of taking the life of a criminal for doing something to a member of the community. Does this indicate the nature of the community? It is interesting to examine the extent to which capital punishment has been applied over the years. According to statistics which appear in the *Victorian Parliamentary Debates* on the number of persons executed in the history of Victoria, 163 were executed in the period from 1842 to 1900; 12 from 1900 to 1925, and 10 in the past 50 years. The community has imposed this punishment less and less, thus indicating that it is not a punishment which ought to be imposed except on rare occasions.

As a result, the Executive Council, which finally decides whether the sentence of capital punishment should be carried out, has virtually occupied the place of the courts in deciding whether the supreme penalty ought to be imposed on a convicted murderer. Were it simply a process of commutation—that is, considering each case and deciding whether the sentence should be commuted—one would expect a pattern of capital executions with some commutation of sentences, but the reverse process has taken place. To me this seems to take away from the courts a decision on the imposition of capital punishment as laid down by Parliament for certain crimes. I do not believe this state of affairs should exist. It exists today only because the community really does not consider that capital punishment should be imposed.

Other arguments could be used against capital punishment. Delays, sometimes of many months and even of years after a crime has been committed, take place in the court processes leading to an execution taking place. There is also the possibility of errors and there are established cases of innocent people having been executed following a conviction for committing murder.

What I have said so far leads me to the view that a heavy onus rests on any person who wishes to maintain capital punishment in the community. The argument which is always advanced in support of capital punishment is that it is said to be a unique deterrent, not just a deterrent, because any punishment no doubt operates as a deterrent. For example, life imprisonment would operate as a deterrent, and if Mr. Swinburne's views were accepted, it would act as a deterrent to a greater degree than capital punishment. However, I cannot accept Mr. Swinburne's views. It is not a question of whether capital punishment acts as a deterrent but whether it acts as a unique deterrent.

The Minister for Social Welfare has said that this point has been examined and argued over the years but there is no evidence one way or the other. I know that many responsible and expert people in this field say that capital punishment is a unique deterrent but I do not accept that viewpoint. It seems to me that the results of the many inquiries which have been made and the studies which have been conducted demonstrate quite conclusively that there is no evidence that capital punishment acts as a unique deterrent. If there is no such evidence, the argument that capital punishment acts as a unique deterrent falls to the ground.

The question of capital punishment has been debated many times in this Chamber. One study on the subject has never been referred to because it was published only in 1973. I do not apologize for taking a few moments of the time of the Chamber in referring to this study. It is a Canadian study on the deterrent effect of capital punishment with particular reference to the Canadian situation. The committee conducting the study was asked whether it could be shown that capital punishment was a unique deterrent. The answer it gave very simply was, "No". For the benefit of honorable members I shall quote one or two conclusions which were reached. On page 53 of the report there is this conclusion—

> If capital punishment is a deterrent to murder, then a declining use of it, reflected by a decrease in the number of executions, which necessarily means an increase in the chances of escaping it, should be followed or accompanied by an increase in the rates of murder. However, statistics available from many countries, and particularly the United States, provide evidence that this is not true. In fact, they indicate that murder rates have remained constant or declined despite trends away from the use of capital punishment.

The study included an examination of comparable States alongside each other in the United States, some of which had capital punishment and some of which did not. That obviates the argument that, for instance, one cannot compare a situation in Canada with one in Great Britain. The study examined socio-economic conditions and discovered that the homicide death rates in the relevant States followed exactly the same trend irrespective of whether capital punishment was on the statute-book. Again, this proves the proposition that capital punishment does not operate as a unique deterrent. Finally, on page 193 the study concluded—

> A study of homicide statistics in Canada jointly with the statistics of other crimes of violence and comparisons between the provinces and between the years do not lend support to the assumption of the uniquely deterrent effect of the death penalty. Thus, in deciding on the question of the reintroduction or abolition of capital punishment, reintroduction cannot be justified on the argument that it is a more effective deterrent to potential killers than the alternative of protracted imprisonment.

The Hon. O. G. JENKINS: The problem is that you cannot get statistics on the ones you deter.

The Hon. HADDON STOREY: The statement by Mr. Jenkins shows a complete failure of some people to understand fully the figures to which I have just referred, the conclusions reached in the report and what has been stated in the report of every inquiry that has ever been conducted into capital punishment around the world. The results show

that if one takes comparable areas—one in which there is capital punishment for murder, and another where there is no capital punishment—no distinction can be found between the rates of murders committed. Therefore, it is quite possible to show—in fact, the evidence does show—that capital punishment is not a unique deterrent.

The Hon. J. W. GALBALLY: Similar studies have been conducted throughout Australia and quoted in this House.

The Hon. HADDON STOREY: Yes. I invite Mr. Jenkins to consider those studies. One of the problems with capital punishment is that the subject tends to provoke an attitude or reaction by everybody who looks at it. All people are entitled to their views on the punishment for murder and on the effect of capital punishment. However, I believe, as legislators, we should look at the studies which have been conducted and take note of any conclusions that have been reached. Unless there is an overwhelming case in favour of retention of capital punishment, for the reasons I have given, the law ought to be repealed. In fact, far from there being an overwhelming case in favour of its retention, the conclusions usually establish capital punishment as not being a unique deterrent. Of course, there is no reason why it should be a unique deterrent because most murders are not carefully calculated. Before they are committed murderers do not take into consideration whether the penalty will be capital punishment or life imprisonment.

If honorable members look at the report of Mr. Commissioner Smith, they will find that it sets out statistics covering the number of convicted murderers over a 25-year period in Victoria. Mr. Smith states that the greatest percentage—over 50 per cent or 453 out of 868—arose out of special relationships. In other words, the majority of murders involved families, husbands and wives, fathers and sons and special relationships such as that. A further 166 murders arose out of arguments, 13 murders were associated with homosexuality, 7 were associated with abortion and 14 from a falling-out between criminals. A total of 39 murders were unsolved. Very few murders could be said to have been committed in a criminal sense, as honorable members understand that term to apply to a person who decides to commit an offence against the community.

Many more factors in addition to the possibility of punishment influence a person not to commit a crime. The most certain deterrent of all is the certainty of being captured and dealt with by the community. If it were possible to convince a person that he would be caught if he committed the crime of murder, he would not commit the crime. The hardened criminal—the person who kills in cold blood—holds the view that the thought of imprisonment is not a deterrent because he believes he will get away with it, and that is the only reason why he commits the crime. If he thought that he would not get away with it, he might not commit a crime. There is therefore no reason to assume that capital punishment acts as a strong deterrent.

There are many arguments on this subject and many have been advanced in this Chamber in earlier debates and will later be used in this debate. I take the opportunity of saying that I respect human life. I detest the person who takes human life. I have tremendous feelings of sympathy for those associated with the victim of murder and, of course, with the victim concerned. However, none of those sentiments leads me to adopting the view that the community should, in its turn, proceed to take the life of the person who commits the crime. I therefore welcome the opportunity and shall vote in favour of the Bill.

The Hon. F. S. GRIMWADE (Bendigo Province): In the eight years in which I have been a member of this Chamber, there have not been many opportunities to debate without

the constrictions of party politics a matter of such social importance as that of capital punishment. The fact that there is to be a free vote exercised by all parties in Parliament gives me the opportunity to speak and to examine my own position and my own conscience on the subject without the constraints which can be imposed on individual members of Parliament in terms of their electorate or their party.

I hope the debate will be approached and conducted in a rational way, and that there will be no ill feeling, because honorable members are entitled to hold divergent views on the matter. I shall try to persuade those who have not yet made up their minds by giving the reasons for my decision.

Country people are well aware of life and death, more so than city people. From an early age, children in the country see the seasons when lambs and calves are born, when crops are sown, and the harvest. They know that bulls are turned out with the cows for one reason. They know that in order to have lambs it is necessary for the rams to go with the ewes. It is not at all unusual for country children to see death in its many forms. Many watch the killing of the sheep which will ultimately feed the family, and some may enjoy the process which is strange to them. They see the killing of animals when they have suffered from disease. They may see a lamb, which has been cast and will never recover, killed in order to put it out of its misery. They see the killing of lambs by foxes or stray dogs.

They also experience the occasion when it is necessary to take the life of a sheep dog which has turned killer. We should consider this and draw some conclusions. Certainly, the taking of the dog's life affords protection to animals which it would have killed. There is an element of retribution in that the sheep dog takes a life and has his life taken. Of course, there is no deterrent value, and there is no rehabilitation.

But animals are animals and humans are humans. The two are not the same. Because of that, there is a great difference between the taking of the life of an animal and the taking of the life of a human. It is necessary to protect the community from a killer, but we can ensure that by having adequate police forces and detention centres; it is not necessary to take a life.

My friend and colleague, Mr. Storey, mentioned that in earlier days it was thought necessary to maim a thief by cutting off his hand in retribution. But there is no need for retribution in a civilized community.

The deterrent value of the taking of a life will be debated for a long time. It is my belief that capital punishment is a deterrent, but it is also my belief that it is not a unique deterrent. Because of that, I see no need for taking life.

I believe, as others do, that the best preventive is the inevitability that the offender will be caught. If it could be guaranteed that everyone who committed a criminal act was caught, that would be the greatest possible deterrent. In our civilized community, we must attempt to restore those who have fallen by the wayside. Certainly the community is not doing enough for the victim, his family and his friends. As individuals, as groups, as people in government and as responsible authorities, we must have compassion. We should spend much more effort and time in helping those who have been unfortunate enough to be touched in this way. But no matter what we do or what we do not do, nothing will be achieved for the victim's family by taking the life of a murderer.

My position is quite clear. The more I read the more convinced I am of the lack of necessity to take life. It is more humane, more logical—and more difficult—not to take the life of a murderer. But where there is life there is hope. The Bill deserves support.

Of course, there is an emotional side to this question. I agree with other honorable members that, if members of my family or friends had been attacked in a vicious way, my instinctive attitude would be to protect them. But I agree with the argument that what might be right for an individual in an emotional situation is certainly not right in a civilized community acting in a cold, calculated way, many months after an event. I have much pleasure in supporting the Bill.

The Hon. H. R. WARD (South-Eastern Province): I have mixed feelings about this scaffolding Bill which has been debated as an academic exercise for some months. I was rather disgusted by the approach of our colleague, Mr. Galbally. Mr. Galbally did not contribute anything to the debate. One would have expected to hear a speech of great standing from Mr. Galbally, the Parliamentarian, as we know him. I believe that, if honorable members felt other than they do, they would have voted for the retention of capital punishment. Neither honorable members of this House nor anybody else who has debated this question has been obsessed with the idea of retaining capital punishment. I agree with the remarks made by the Minister for Social Welfare and I commend the thought which he has given to the subject.

I make it clear that, if it were my duty to hang a person, that would be done. We should not dodge the issue on any ground. But what we are dealing with is an amendment to the present law.

Some of us have been close to death, having had relatives killed. To the extent that this has occurred, we may have the feeling that the important thing is to gain vengeance. If one has lived in a community where a murder has occurred and has studied the attitude of people in that community, one must give great thought to this. One of the first things that comes after a murder is a lynch law mentality. People think that the first thing which must be done it to catch the murderer and hang him. They forget the processes of law. If they could catch the murderer and hang him, they would. But, as time goes by the vengeful attitude wanes and people turn towards the relatives of the murderer and the shame cast upon them.

As Mr. Grimwade said, there ought to be some compassion. But what is murder? It is the unlawful taking of life. The courts must consider whether the act was wilful and callous.

I have suggested that this is an academic exercise. After the terrible case of the Nolte girl, when the sentence of death was not carried out, we can say that there will be no more capital punishment in this State.

It has been said that most murders occur within the special relationships of families. When a person has committed an act of abortion and the woman has died, the question is whether the person carrying out the abortion meant to kill the victim. Recently a terrible case was dealt with in England, where the courts are to be admired. A man whose evil spirits had been exorcized committed a terrible murder. When it was found that the man was mentally deranged at the time, he was not committed for trial.

The Bill reflects some degree of thoughtlessness in that it provides that a person convicted of murder must be sentenced to imprisonment for the term of his natural life. This is a terrible sentence to be passed on any person, but the Bill makes it mandatory. It does not allow for any change in the sentence, except by the Executive Council, which was not prepared to have the sentence of death carried out in the Nolte case. Sentences should be imposed by the courts. Special provision should be made within them so that when a person is convicted of murder he will be subjected to tests, examinations, and investigations to

make sure that he is given a reasonable, prescribed sentence, and not automatically sentenced to imprisonment for the term of his natural life.

I will vote for the Bill and for the abolition of capital punishment. Now, having gone to wars like others and having been trained to kill, as many have been, I can never see the sense in the deal at all. We must think for the future and we must consider what can be done with the murderer. To my mind, this is most important. Nothing can be done to return the murdered person to society.

It is important to realize that when younger people are asked whether they favour capital punishment, they give the matter a great deal of thought and generally say that they believe it should be abolished. But older people, say, those in the same age group as Mr. Galbally, are concerned that there should be a deterrent to murder. They believe it could happen to them. When people are in their 60s, 70s, and older and death becomes more of a reality, people believe they should be allowed to live out their lives and not be murder victims.

The Hon. S. R. McDONALD: Do you believe that, in time, younger people will change their views?

The Hon. H. R. WARD: Some of them will, as we all do as we grow older. But I believe the younger people, and in 50 or 100 years' time people will see the works of science and the correction of people who commit acts against society, and there will be fewer of them as the world progresses.

I hope the Bill will be passed. I also hope we will see the day when the provision which states that a convicted murderer shall be sentenced to imprisonment for the term of his natural life is removed. More consideration should be given to this provision which appears to have been included thoughtlessly or to cover up some compromise. It is important that the whole matter remain with the courts. That would be the best way to ensure that appropriate sentences were imposed. I have much pleasure in supporting the Bill.

The Hon. C. A. M. HIDER (Monash Province): I wish to speak only briefly to this Bill, as I have spoken on the subject on several occasions in this House in some detail. I refer anyone who wishes to read my views in more detail to *Hansard* of October, 1971. For that reason I shall not go into great detail to support my conclusion that the Bill should be agreed to by the House. I join with other members in congratulating Mr. Galbally on the work that he done over so many years in reminding us in this House and the community of where our conscience is and what we ought to do about this problem.

I consider that this matter boils down to two simple propositions. The first is that I consider a society is measured in terms of maturity and civilization by its attitude, firstly, to life and, secondly, to criminals. I believe every person's life is of value and that it should not be taken by anybody wantonly or needlessly. Therefore, as Mr. Storey has said, for society to decide that it will commit judicial murder and kill somebody in the name of that society, it must be satisfied that the reasons for taking that life are overwhelming and paramount. I do not consider that persons who believe in capital punishment have proved that there is justification for the taking of that life by society. I therefore believe it is the essence of a mature civilization that it respects the sanctity of life even if the person whose life is being respected is a criminal.

The second simple proposition I put is that capital punishment is not a deterrent, and certainly not a unique deterrent. I suggest, respectively, that the basic argument put forward by the retentionists, though disguised as an argument based on deterrence, is really one based on retribution or vengeance. It is an understandable argument because the feeling that is

aroused within a person when a horrible murder is committed is perfectly normal and understandable. It is natural that one should want to revenge oneself against the perpetrator of such a crime. As Mr. Houghton said, one's action may be justified in certain circumstances of self-defence, and so on. But is society's action as a society, as an inanimate object, justified if based on vengeance or retribution? I do not believe it is, and I again suggest that it is an indication of society's maturity when it appreciates that crime and punishment should be based not on retribution but on other considerations and other factors and that the primary basis should be respect for human life.

The third aspect of the law relating to capital punishment in Victoria is that it is a mandatory law covering all forms of murder. It does not purport to distinguish one murder from another. It imposes the same punishment for a variety of murders. As Mr. Commissioner Smith has said, it is really not possible to try to distinguish one murder from another and to classify the so-called degrees of murder. It therefore means that a criminal having had a trial and having been found guilty of murder the judge has had no choice but to impose the death sentence.

It is at that stage, regretfully, unnecessarily and I believe wrongfully the death sentence has entered the political arena because it has been left not to the court, not to the judicial process that we know so well, but to the Executive Council then to have a non-judicial hearing, a non-judicial consideration of the facts to make up its mind whether or not the death sentence should be carried out. No evidence is taken, no argument is presented. One does not know whether proper legal rules as to admissibility of evidence are followed. Nevertheless, a group of politicians reach a conclusion about whether or not a person will lose his life. I believe that is totally wrong, totally alien to our way of life and to the rule of law and the British common law.

It is quite wrong for questions of life and death to be decided outside the judicial system. If there is to be capital punishment—and I hope this Bill is carried—the question whether or not the death sentence is the appropriate one should be left to the judge. But those of us who practise the law know that this is a social responsibility that the judges do not want because it would place on them the difficulty of distinguishing one case from another, and they certainly do not want that. I believe, as the Minister for State Development and Decentralization said, the members of the Executive Council do not want that responsibility either. But however one looks at it one finds that nobody, politically, the Executive Council or the judiciary, is prepared to accept the responsibility of deciding to take another person's life. I agree with the motives of the Bill and I am delighted that that sort of responsibility shall be taken from the statute-book if the Bill is passed.

As I have said on previous occasions, if one wishes to have a perfect criminal law, one must attempt to achieve the object of deterring a crime before it is committed. To deter should be the basis of any criminal law. If it is accepted that that is the basis of a criminal law, I believe the certainty of apprehension is the most fundamental deterrent that one could ask for. No crime is ever committed on the basis that a person will be caught, unless that person is of unsound mind, and that in itself is a defence.

So let us look at the criminal system. Persons who wish to retain capital punishment should urge the community to spend more money on investigation of the causes and cure of crime, on the Police Force, and on facilities to deter the criminal by ensuring that he is apprehended. If we did that we would have no need to be considering such a harsh penalty as the death sentence. For those

reasons, as I have indicated several times before in this House, I am totally opposed to capital punishment and I certainly support this Bill even though I do not approve of a mandatory life sentence.

The sitting was suspended at 6.23 *p.m. until* 8.4 *p.m.*

The Hon. S. R. McDONALD (Northern Province): This is the first occasion during my eight years in this Chamber on which members have had the opportunity of deciding the fate of a Bill on a free vote. On this occasion I believe this is the correct and appropriate action to take as the Bill before the House involves a serious and important moral question. I commend honorable members who have already spoken because they have kept the debate on a high plane, although I thought Mr. Galbally spoke with less objectivity than usual.

The decision to determine this issue by a free vote of members of both Houses has been accepted and applauded, particularly by the press. I was concerned to read the editorial in the *Age* of 9th April, the day after the final vote in another place was taken. It said—

> It remains now for the Legislative Council to support this advance from the dark ages and surely the Council will not flout the express wishes of the Legislative Assembly. Surely the Council will not turn back the clock. The Legislative Assembly has pointed the way forward. The Legislative Council must not hurl us back.

I find this difficult to reconcile with the *Age's* earlier commendation of the decision to have a free vote. I believe the members of this Chamber have a right and a responsibility to exercise their judgment independently of what happens in another place.

The Hon. W. M. CAMPBELL: It shows lack of knowledge of the Parliamentary system.

The Hon. S. R. McDONALD: Mr. Campbell, not I, made that statement. On this issue and on any other issue members of this Chamber would be failing in their responsibility if they were influenced by what happened in the Legislative Assembly. For that important reason I trust that no member of this Chamber will be influenced in any way by the debate and the decision taken in the Legislative Assembly.

Some members of this Chamber will vote for the Bill and some will vote against it. I respect the right of each member to arrive at and make a final decision. However, not everyone is prepared to accord to every individual the right to hold his own view. In making this comment I am not referring to members in this Chamber but to those in another place. I was surprised and not a little concerned to hear in the State news some days ago that a member of another place was quoted as saying that all humane and thinking persons are in favour of abolition. The implication, of course, was that those who favour the retention of capital punishment are inhumane and unthinking. I reject that point of view entirely. I do not believe those who will ultimately vote against the Bill are inhumane and as a group they are any less compassionate than those who will vote for the Bill.

Before I became a member of this Chamber I supported the retention of capital punishment and I have since studied the reports of various Royal Commissions and investigations that are available in the Library. I have examined some but not all of the texts on the subject. My researches have not convinced me that I should change my original opinion. I will vote against the Bill because I believe the State has the right to impose the death penalty in certain cases. Capital punishment can and should be used as a penalty. I make it clear that my judgment is not based on motives of revenge or retribution. In my view some classes of murder—for example, those involving kidnapping, terror, the killing of police or penal officers, extreme violence or cruelty—warrant the death penalty. Capital punishment could and should be used more frequently than it is at present.

In making that comment I do not intend to be critical of members of Cabinet and the Executive Council. I concede that I express the opinion without having the experience or the knowledge that is available to members of Cabinet.

It would be possible for every member in this House to take part in a long debate and question some of the statements, comments and arguments of those members who support the opposing view but I do not believe anything will be gained from doing so. In this sort of issue it is not possible to present statistics and facts that will substantiate either side of the case. In the end each honorable member must make an intuitive and instinctive judgment on the issue which in this case is capital punishment.

The only other comment I wish to make concerns clause 2, the operative clause of the Bill. I agree with the comments of Mr. Swinburne concerning the use of a mandatory whole-of-life sentence as a penalty for murder. I do not believe that is a forward step and I would go so far as to say that a whole-of-life sentence is in some ways inhumane. To me it is quite incomprehensible that those who support the Bill and will vote for the abolition of capital punishment at the same time support this provision of the Bill.

The Hon. V. T. HAUSER: If the motion was successful, would you agree that life imprisonment would be the only alternative?

The Hon. S. R. McDONALD: In that situation I would agree with Mr. Hauser. I shall vote against the Bill because I believe the State has the right to impose the death penalty on those who are guilty of certain classes of murder. If the retention on the statute-book of this penalty in its present form is responsible for the prevention of even one murder in the future, it is completely justified.

The Hon. K. I. WRIGHT (North-Western Province): Few, if any, members of this House have been closely involved in a murder situation or a situation of capital punishment to a friend, relative or neighbour. I certainly have not. However, as a justice of the peace I have been involved in dealing with minor cases and have often been accused of being soft in my rulings. It has been my impression that in court the accused persons almost invariably show signs of remorse and their demeanours are unobjectionable. Unfortunately, one finds that if they are acquitted or given substantially light sentences, in more cases than not they repeat their misdemeanours or commit others. However, I realize that the sentence of death is an entirely different proposition—the supreme penalty.

I vividly remember that when I was a child a man frequented the town in which I lived and brutally, sadistically and maliciously beat a number of young people in the area. There was terror in the neighbourhood, the lights were switched off in the houses and the doors were locked. One has only to experience a similar situation to realize just how families must feel in many cases of murder and violence.

A great deal of interest in the Bill has been shown by the media. There has been much publicity of it. However, I can truthfully say that only one constituent has expressed to me support for the abolition of capital punishment. By the same token, I must admit that few people have expressed the opposite view. At the same time hundreds of people are coming to me to discuss other various matters. Therefore, on my own initiative I conducted a survey of the people with whom I came in contact in my general travels about the North-Western Province. Of the people to whom I spoke, four were in favour of capital punishment to every one against it. Practically all the women to whom I spoke were very much in favour of the retention of capital punishment. This can be considered in conjunction with the fact that many shocking crimes

are committed against defenceless women. Often their assailant gets off with a light penalty.

The *Herald* of 1st April, 1975, contained an article which stated—

PUNISHMENT AS A DETERRENT.

Last week in the County Court two young men who drunkenly battered a fine citizen to death were sentenced. With good behaviour one will be out in four months, the other in two years. Both offenders had previous convictions.

In February a young man who killed a pedestrian while driving in a drunken stupor, and who had serious previous convictions, was released on a good behaviour bond.

Sympathy to offenders by all means, but fairness and justice for the community too. That is what ordinary people want to see.

The Hon. J. W. GALBALLY: Are you reflecting on the judge?

The Hon. K. I. WRIGHT: I did not mention the judge. Three aspects of capital punishment could be considered. Firstly, is it a deterrent? Secondly, should it be exacted as a punishment? Thirdly, is the community aware of the cost of the alternative contained in this Bill, that is, life imprisonment for murder? It has been claimed by most honorable members, and rightly so, that the statistics on whether capital punishment is a deterrent are inconclusive. With most people, I believe that those who commit crimes of passion, and so on, at the time give no thought to the penalty. It would probably be correct to say that a person who is involved in adultery knows full well that he may be placed in a violent situation. It could be argued that capital punishment is a deterrent to premeditated crime. New South Wales has abolished capital punishment for a number of years. I submit that the situation in New South Wales is alarming. I quote from the *Sun-Herald* of 20th April, 1975—which could not be more recent—the following small paragraph—

FOUR MURDERS IN 11 DAYS.

Not quite like New York yet . . . but there have been four murders—two in the country—in New South Wales in the past eleven days.

In the same paper there is this statement—

Australia was fast moving into the big league of violent crime, a top Sydney detective said yesterday.

The article continues—

He described the escalation of armed hold ups in New South Wales over the past decade as frightening.

Detective Inspector W. B. Ross told delegates at the Austral-Asian Pacific Regional Forensic Sciences Conference in Sydney: "When we compare today's situation to fifteen years ago, when armed hold ups, bombings, extortion and threats with violence were comparatively rare, then, with the present-day trend, we are fast moving into the big league.

"Armed holdups are now every-day events. Aggravated assaults are definitely escalating, bombings now not so rare and extortion attempts associated with threats of violence are a commonplace occurrence.

He said any criminal who carried a gun was a potential murderer. "Two murders have been committed in recent weeks by such offenders, one of whom was released from prison only three months earlier after serving only three and a half years of a ten year sentence for a series of armed holdups."

The Hon. S. R. MCDONALD: He had obviously reformed!

The Hon. K. I. WRIGHT: No, that is the result of leniency. The article continues—

120 PER CENT JUMP.

Earlier the conference was told that crimes of violence for the first four months of this year had risen compared to the same period for 1974.

The statistics revealed that murder had jumped by 120 per cent—20 killings compared to nine last year.

On these figures the abolition of capital punishment is certainly not having a favourable effect in New South Wales—far from it.

In 1949, in Victoria eight offences were deleted from the list for which the death penalty could be used. That left murder as the only crime for which the death penalty was applied. One of the crimes that was deleted was that of rape. Such crimes are undeniably increasing.

From 1945 to 1949, 84 murders were reported, and from those there were 48 prosecutions. From 1950 to 1954, 80 murders were reported, and of that number 46 were prosecuted.

It can be seen that statistically for the five years before and the five years after the deletion of the offences there was no significant alteration in the figures.

I now turn to what effect the actual punishment has. I quote from the *Herald* of 8th July, 1974—

SOFTNESS IS NO CRIME CURE.

Today's "enlightened" prisons and parole systems are largely a waste of time and money.

The majority of discharged prisoners are back in prison within two years of release.

. . . . .

The survey of 423 men released from Canadian prisons in 1968 was conducted by 29-year-old Canadian criminologist Irvin Waller, for the University of Toronto.

. . . . .

Dr. Waller found that 68 per cent of dischargees and 44 per cent of parolees were back in prison within two years. So much for leniency.

I should like to refer to another aspect that has not been mentioned in the debate. The Bill states that instead of the existing penalty for murder there should be substituted "imprisonment for the term of his natural life". No honorable member has examined the cost of imposing this penalty. Some weeks ago, in answer to a question on notice asked by me, it was revealed that the cost of keeping a prisoner in a prison in Victoria was approaching $2,500 a year. This includes only the actual maintenance and disregards the capital cost. I venture to say that the full cost of keeping a prisoner in prison would have to be $5,000 a year. This is surprisingly low, as the article in the *Herald* of 8th July, 1974, points out that Dr. Waller said that in Canada it now cost Canadians $10,000 a year to keep each inmate in prison. If we take the sum of $5,000 a year as the cost of keeping each person in prison, and estimate that the average prisoner will live another 30 years, on the basis that the amount of $5,000 could be invested for 30 years at 10 per cent compounding, which is a reasonable rate of interest, it will cost the Government and the community $820,000.

The Hon. P. D. BLOCK: Is the honorable member seriously suggesting that people should be hanged because of the cost of imprisonment?

The Hon. K. I. WRIGHT: I am merely stating the consequences in cost to the State if the Bill is passed. I have a great concern for the victim of murder. I have been speaking of the punishment of the criminal, but I am now referring to the cost of keeping the criminal in gaol. Each prisoner will cost the community $820,000 for the 30 years he can be expected to spend in prison. Based on the Canadian figure of $10,000 a year for each prisoner, the cost would increase to $1·6 million.

The Hon. J. M. WALTON: Because of that do you think everyone should be hanged?

The Hon. K. I. WRIGHT: I did not say that. I am informing the House of the cost of keeping each prisoner in gaol for 30 years, regardless of what is done with him.

I have discussed three angles of this question, namely, whether it is a deterrent, whether it should be exacted as a punishment, and whether the community should be saddled with the cost of the proposed alternative to capital punishment. Taking a line through the various matters I have discussed, and having regard to the overwhelming view of the people of Victoria, I will vote for the retention of capital punishment. I emphasize that I exclude crimes of passion and similar offences. I want capital punishment retained only for premeditated murder; crimes against policemen and gaol warders; and crimes involving the hijacking of aircraft.

The Hon. R. J. LONG (Gippsland Province): As a relatively new member of Parliament, I have not had the privilege of hearing previous debates on capital punishment in this Chamber. I confess that the previous speaker, Mr. Wright, used certain statistics which honestly left me cold. The honorable member instanced four murders in New South Wales in eleven days. It could be said on a

relative basis that if there were one murder on one day in Victoria, there would be eleven in eleven days.

The Hon. S. R. McDONALD: That is not exactly what the honorable member said.

The Hon. R. J. LONG: I know, but carried to its logical conclusion that is what he said. He then referred to the cost of imprisonment. If the taking of a life is to be equated to cost, where are our senses leading us?

The Hon. S. R. McDONALD: Again the honorable member did not listen closely to what Mr. Wright said.

The Hon. R. J. LONG: Mr. Wright used the illustration of the overwhelming view of the people of Victoria favouring the retention of capital punishment. Where is the evidence to substantiate Mr. Wright's claim? I have not seen it. I believe many people in this State support the retention of capital punishment because they consider it to be a deterrent. I believe this is a non-issue in Victoria. I have attempted to whip up enthusiasm and obtain answers concerning it, but I have failed dismally. If this was an issue in the State—I regret to say this—Mr. Galbally should have been in a much higher position 20 years ago. Most honorable members agree that there is no proof that capital punishment is a deterrent. To be fair, there is equally no proof that it does not deter.

Because capital punishment is on our statute-book, I firmly believe that many people in the street believe it must be a deterrent. It has been my experience that if it is accepted that capital punishment is not a deterrent, people who support capital punishment lose the full force of their argument. I have found in moving around my electorate that, strangely enough, many females are strong abolitionists, and some males are retentionists. Until two years ago I was probably the greatest retentionist of all time. I believe I would have spoken in the same manner as Mr. Wright did tonight.

The Hon. D. G. ELLIOT: Not quite, surely.

The Hon. R. J. LONG: Perhaps not as extravagantly. However, I became involved in a murder trial, and that completely changed my mind. If I were honest, I would say that in the past I had not really thought through the issues properly. The murder trial in which I was involved and a number of interviews with the accused taught me for the first time that the question of punishment had never entered the accused's mind at any stage. What did enter his mind at the moment the murder was committed was the possibility of detection. That was when he was trying to think up schemes and ways of avoiding detection. I agree with those speakers who say that the fear of detection is the prime reason for the prevention of crime.

The report of the Law Reform Commissioner, Mr. Smith, teaches us one thing. In schedule A of the report to which Mr. Haddon Storey referred, passion, if I might use that word, was involved in 453 out of 868 murders in the past 25 years. A percentage of murderers, I venture to suggest, have never been involved with the law before; they have not previously been involved in crime in any shape or sense, and suddenly they find themselves confronted with a charge of murder. It is important to bear that in mind because of the circumstances in which murder is often committed, and we should think about whether a murder of this type deserves capital punishment. I am satisfied from my experience that a murderer never thinks of the punishment.

I must also consider whether the jury is always right. I do not want to be misunderstood in this regard because I believe the jury system is the best system that has been invented, and gives the best results that can be obtained through the use of mankind. However, I am still left with the problem that a jury can possibly be wrong, and if it is wrong on just one occasion that is sufficient reason why we should abolish the death sentence. I could not sleep at night if I believed I was a party to the execution of an innocent person.

I also believe that the argument "leave it on the statute-book in case we ever want it" is bunkum. If it is on the statute-book we should use it. If it is not intended to use capital punishment, it should be abolished. I believe the death sentence in Victoria was, for all practical purposes, abolished after the Nolte murder at Hamilton. Honorable members may remember Mrs. Nolte, the mother of the murdered girl, saying a few days after that crime that the murderer should be hanged. As time went on she changed her tune and said that no good purpose would be achieved by hanging. If I could take it further, in the murder trial in which I was involved, with the passage of time the mother of the murdered man wanted to give evidence for the accused. This is important; I could believe in lynching at the time a murder is committed, but I could not concur with the cold-blooded murder of the accused some 12, 15, or 18 months later.

The Hon. H. M. HAMILTON: He was not normal though, was he?

The Hon. R. J. LONG: That is another argument.

The Hon. MURRAY BYRNE: It backs up what Mr. Long is saying.

The Hon. R. J. LONG: The Nolte murder in Hamilton was probably the most grotesque murder that has been committed in this State, but surely after considering all the evidence in the trial one wonders whether the young men concerned were normal. It comes down to a question of whether they were normal. If one decided to take a punt and say that irrespective of whether they were normal they should still be hanged, to me that would be abhorrent.

The Hon. S. R. McDONALD: Nobody has suggested that in this debate.

The Hon. R. J. LONG: But that is in the back of one's mind. One must be satisfied that a person who committed a murder was normal.

The Hon. W. M. CAMPBELL: Is that not a defence?

The Hon. R. J. LONG: It is a defence, but if the jury does not accept it, it is not a valid defence. I went through this in the murder trial in which I was involved, and I believed the accused was of doubtful mental ability, but the jury did not accept this viewpoint. In this debate each honorable member is entitled to his own opinion, so long as he is prepared to stand up and support it. However, surely those who advocate retention of capital punishment, if they are honest, should extend the penalty to the crime of rape, particularly pack rape. Why should not those who commit pack rape as well as those who commit the crime of murder, be hanged by the neck until they are dead?

I must confess, and I am in agreement with Mr. Swinburne here, that I thought the penalty in the Bill, as originally drafted, was excellent, but I have grave doubts about the imprisonment for the term of a natural life. I have strong objections to the penalty ultimately being decided by the Executive Council or Cabinet, whichever way one wants to look at it. I believe firmly that when a judge hears for some days the whole of a criminal trial, and hears the evidence for and against the accused, he is in the perfect position to sum up the situation and to determine the proper punishment. I should have preferred the Bill to state "the term of his natural life or such term of years as a judge fixes". I am completely opposed to the proposition that the punishment should be left to the Executive Council, firstly, because, with the greatest of respect, many members of the Executive Council are not qualified.

Secondly, they read the evidence, whereas the trial judge hears the answers given by the witnesses to all the questions, and he is in a much better position to assess the whole situation. Thirdly, the judge is trained to assess and weigh up the

medical evidence, and to impose an appropriate penalty. My argument with the Executive Council or Cabinet doing this is that some members are not trained and they only read the evidence, which is not the same as hearing it. I am totally opposed to the Executive Council ending up as the judge. I should much prefer to have seen the Bill retained in its original form with the penalty imprisonment for the term of natural life, or a term of imprisonment for a number of years fixed by a judge.

I have thought deeply about this matter over the past eighteen months. Because I am quite convinced that it is a non-issue, I am left in the position, as a representative of Gippsland Province, of making my own decision, and my own decision is that I support the Bill.

The Hon. W. G. FRY (Higinbotham Province): The matter of capital punishment has come up and, in my experience, it is unique that honorable members have a free vote in this Council; I expect that is also true for the majority of members in the House tonight. I am interested in a free vote because it means that honorable members may exercise a vote free from party politics. We are free from all outside influences to vote as we see fit on the matter. I believe members of the Labor Party have been given a free vote. I have been informed that that is so and I have no reason to doubt their word in this case. I find it hard, however, when I look at the much-quoted Gallup polls, Nos. 88 and 107, in which people throughout the whole of Australia were asked for their opinion on capital punishment.

The PRESIDENT (Sir Raymond Garrett): Perhaps Mr. Fry should quote the date.

The Hon. W. G. FRY: The poll was held on 6th April, 1974, Mr. President. The poll looked at many angles, and asked questions of men and women. It also looked at the political colour of people who voted, and of Liberal-Country Party voters 48 per cent favoured retention, 38 per cent opposed it and 14 per cent were undecided. On the other hand, 47 per cent of Australian Labor Party voters opposed hanging, 40 per cent favoured it and 13 per cent were undecided, which makes the figures not greatly different. I will admit that there is a difference. I was surprised to note that on the Bill which has come from another place to this House to debate, according to the newspapers all the members of the Labor Party voted for abolition.

I find it hard to reconcile a free vote with all members of that party voting in favour of abolition when a widely accepted Gallup poll indicated that people were divided 50-50 irrespective of whether their political affiliations lie with the Liberal Party or the Labor Party. It has been suggested to me that any member of the Labor Party who voted for retention would soon be looking for a seat.

The Hon. D. G. ELLIOT: That is not so. That is an unfair statement.

The PRESIDENT (Sir Raymond Garrett): The question is not one of a free vote but relates to the abolition of hanging.

The Hon. W. G. FRY: I agree with you, Mr. President, and I am pleased that Mr. Galbally also agrees although he devoted half of his speech to drunken drivers.

A great deal has been said in this House about retention and I want to quote from a document entitled, "A research report, the public interest No. 36, summer 1974—Does punishment deter crime?" The document contains statements by several people of some standing in the community who have examined retention or otherwise. The author refers to publications by Isaac Erlich on the deterrent effect of capital punishment and states—

> Moreover, even if it were the case that the death penalty did not deter murder, it would not automatically follow that deterrence does not work in general. The argument is frequently made that life imprisonment is actually a more severe punishment

than the death penalty and it might turn out to be true, at least in the eyes of potential murderers.

The Hon. J. W. GALBALLY: What is your opinion about that, Mr. Fry?

The Hon. W. G. FRY: My opinion is that that could be so and I am backed up in my opinion by other statements in the same document. Reference is also made to an article by a sociologist named Jack Gibbs which was published in the *Social Science quarterly*. The author further states—

The publication of this paper set off a spate of other papers by Louis Gray and David Martin, Frank Bean and Robert Cushing, and Charles Tittle. All of these scholars took up their cudgels with the intention of demonstrating that Gibbs was wrong, and all ended up agreeing with him.

The Hon. J. W. GALBALLY: Can you give the House your own views? If you have any why not state them?

The Hon. W. G. FRY: I have some views. Mr. Galbally's speech today had no substance in it and he might as well have not spoken. A sociologist, Arleen Smigel Leibowitz, has also been quoted and her findings reached the same conclusion as that reached by other sociologists—

That is, when other factors were held constant, the States which had a higher level of punishment showed fewer crimes. Such crimes as rape and murder were deterred by punishment just as well as (indeed, perhaps better than) burglary and robbery.

I am quoting from the document because some honorable members have said that there is nothing in the Parliamentary Library to support retention and I am endeavouring to prove otherwise.

The Hon. P. D. BLOCK: But does the document refer to capital punishment or just punishment?

The Hon. W. G. FRY: Rape and murder are referred to and this House is debating murder. I cannot help it if honorable members will not believe the findings of scientists.

It has been suggested during the debate that the death sentence is perhaps imposed as revenge. I agree with Mr. Galbally that it is a savage penalty, but I am sure that most honorable members do not think of capital punishment as revenge for a crime. Those who support retention have no thought of revenge in their mind.

Mr. Long quoted Mrs. Nolte as saying that no good purpose would be served by putting to death the two young men who committed an atrocious crime in Hamilton, but I do not know whether honorable members should take any notice of that. It does not add to the evidence that is already available from scientists and others who have researched the subject and found that there is some deterrent value. There was no need for Mr. Long to bring that matter to the notice of honorable members this evening.

I have examined the figures relating to murder rates in New South Wales and Victoria from 1970 to 1974. Only once is the rate in New South Wales, which has abolished capital punishment, higher than in Victoria in the past 5 years, but I do not propose to use that to support any argument. For Victoria, in the five-year period, the murder rate per 1 million of population was 16, 15, 15, 12, and 13 respectively, whilst the rate for New South Wales in the same period, was 12, 20, 15, 16 and 14 respectively. There is really not a great deal of difference. Prior to that there apparently was some difference because, the *Australian* of 6th February, 1969, published a letter from a Mr. Joseph Firth of New South Wales in which he stated—

With the pronouncements last week by the Chief Justice of New South Wales, Sir Leslie Herron, regarding the need for sterner measures with deliberate criminals, it is interesting to note that the murder rate per million people in New South Wales for the past 18 months has been double that in Victoria.

These two States are populated by people of the same ethnic origin, they have virtually the same social organization, and the same educational facilities. Could it just be coincidence that Victoria has capital punishment (though rarely used) and the people of New South Wales do not have this protection?

I agree that the variation of the death penalty should be a matter for the Supreme Court. The report of the Law Reform Commissioner on this matter has some substance and should be taken into account.

The Hon. P. D. BLOCK: Does Mr. Fry agree with the report in total?

The Hon. W. G. FRY: Not in total, but I certainly agree with paragraphs 70 and 71 wherein Mr. Smith recommends that it may well be desirable that the Governor in Council should be invested by statute and with a discretionary power, in those cases in which it decides to commute a death sentence, to refer to the Court of Criminal Appeal the function of imposing an appropriate sentence in lieu of that imposed at the trial. The Government should earnestly consider this recommendation.

In voting for the retention of the death penalty, I am in the good company of the people in the area that I represent, who have received scant consideration during the debate. The original Gallup poll came up with a line-ball decision over the whole of Australia, but in certain areas of Australia people are strongly opposed to abolition and their vote would go into the over-all average.

In my own province, I have taken a good deal of trouble to ask groups of 40 or 50 people to vote on this question without any remarks being made either for or against. I did this with a dozen or more groups and in one instance the vote in favour of retention was 2 to 1 with the greatest vote being 6 to 1 for retention. The electorate which I represent joins that represented by Mr. Norman Billing in another place. He took a poll among 1,100 people, with 27 samples, and found that the community in the area voted two to one for the retention of the death penalty. In a Channel 7 telecast people were asked to telephone their views and 9,400 people said that they wanted the death penalty retained and about half—4,600—said that they favoured abolition of the death penalty. I admit that these are not scientific samples.

The Hon. J. W. GALBALLY: Mr. Fry should give the House his views.

The Hon. W. G. FRY: Those figures have led me to the conclusion that the majority of people in the area that I represent will back what I am saying. Those are my views. Mr. Hamilton has told the House a dozen times that after Ryan was hanged he stood for election on that issue and was returned with a bigger majority than ever. There is no doubt in my mind that in the community in which I live and which I represent the majority of people will be behind me in my stand for the retention of capital punishment.

The Hon. B. P. DUNN (North-Western Province): I have always maintained in this House that the views I should put forward are those of the people whom I represent. On the issue of capital punishment it is not easy to ascertain the views of the people in the North-Western Province. Therefore, I am charged with the responsibility of making up my mind on what I consider to be the consensus or the views of the people that I represent. No clear view has been put to me by either side. However, I am quite happy to make known my views on capital punishment.

My views on penal reform, capital punishment and law enforcement have all been directed towards the safety and security of the community. This is first and paramount in my consideration of these issues in this Parliament. I put the safety and welfare of the people in the community above penal reform and social reform. In fact, I put it as No. 1 priority.

The community today is having inflicted upon it crimes of incomprehensible viciousness and cruelty. There is no doubt that innocent people are being victimized by the brutal actions of a minority; but that minority is present. I am horrified

by this brutality against innocent persons—children and women particularly. It is the women in the community who are paying the price for this violence and these crimes. Invariably these vicious crimes are committed against women. I have found, in talking to women, as have some other honorable members, that many women take a harder line on this issue than do men and perhaps this could be for a good reason. I have no sympathy towards the person who knowingly and wilfully murders an innocent person or tortures him to death.

The Hon. I. B. TRAYLING: What percentage is that?

The Hon. B. P. DUNN: I have not interjected tonight and Mr. Trayling has been interjecting continually. He should get up and make a speech.

The Hon. I. B. TRAYLING: Does Mr. Dunn know the percentage?

The PRESIDENT (Sir Raymond Garrett): Order! Mr. Trayling should cease interjecting and Mr. Dunn should ignore interjections.

The Hon. B. P. DUNN: I am making my own speech in my own way, and if Mr. Trayling has the gumption to get up and make a speech, I shall listen to him. I have compassion or feelings of sympathy for people who commit certain crimes, but there are vicious crimes committed and I cannot have any real compassion for the person who commits those crimes. Should we devote our sympathy to a murderer who commits a vicious crime? Has such a man, by his actions to his fellow man, any claim to mercy or a right to re-enter the community?

We are in the age of change and social reform. It seems to be the going thing to reform and change the rules of our society. There is a changing attitude. We have a very liberal attitude to freedom rights, prison reform and so on. Will history prove that these changes were in fact in the right direction and to the benefit of the community? I do not know whether we can judge that. Will the community be safer by the changing attitudes of this time or will it not? Will future generations retain similar views to those that we have? I have some doubt about that after talking to many young people.

In my opinion adequate arguments have not been advanced for the abolition of capital punishment. I expected these arguments to be put forward and I do not believe it has been proved beyond doubt that capital punishment is not a deterrent.

The Hon. I. B. TRAYLING: This is part of your prepared speech before you heard anything.

The PRESIDENT: Order! Mr. Trayling will cease interjecting as he has been asked to do.

The Hon. B. P. DUNN: I have just about had enough of him, too, Mr. President. Honorable members have to be fair in this debate and up until now I had a high regard of Mr. Trayling's attitude towards the forms of this House. I am of the opinion that there is a case for retaining the death sentence for certain murders and other crimes and I will vote against the Bill and for the retention of capital punishment.

The Hon. M. A. CLARKE (Northern Province): This Bill to abolish capital punishment is really a non-issue—as it has been described by previous speakers—because it is unlikely that the death penalty will be carried out in Victoria in the foreseeable future. The only reason I can see for retaining the death penalty is as a deterrent. This is a matter that has been argued this evening and I shall come back to it later.

Honorable members are really being asked to do two things with this Bill and they will realize this if they read the Bill carefully. Few honorable members have referred to the actual words in the Bill. The Bill seeks to repeal certain sections of the Crimes Act and by repealing section 475 it seeks to repeal capital punishment for murder or treason, which are the only two grounds now

for capital punishment. I would support the abolition of capital punishment for treason because treason is a matter which changes complexion according to the loyalties of the people who govern the country. I remember being profoundly impressed by the execution of Sir Richard Casement during the first world war. Many people now regard him as a patriot of the highest ideals. However, at the time he was regarded as a traitor and was duly executed.

The Hon. J. W. GALBALLY: He had been highly commended by the King.

The Hon. M. A. CLARKE: He had a most eventful and in many cases a most brave life. I would support a Bill to abolish capital punishment for treason.

Section 485 of the Crimes Act is to be repealed and that is the section which specifies that capital punishment shall be carried out by hanging by the neck until the person is dead. I do not approve of hanging as a punishment. What are the alternatives? The first is being adopted by the Government and that is imprisonment for the term of a person's natural life. It is hard to imagine what that would involve. I cannot put myself into the minds of people who are condemned to this sort of punishment.

The Hon. J. W. GALBALLY: It is subject to the right of the Crown to allow the person to go at any time.

The Hon. M. A. CLARKE: That may be so, but I remind Mr. Galbally that I spent four years in prison. Other honorable members have also spent time in prison as prisoners of war.

The Hon. J. W. GALBALLY: That is a different thing altogether.

The Hon. M. A. CLARKE: In my view it is probably worse. It is an indeterminate sentence with an outcome which is totally unknown. I learned one lesson from those four years. A person who has very little hope and who is in despair will kill in order to escape and that was done. Warders, as they are called in civilian prisons, and guards, as we called them in Germany, have been killed by prisoners in their attempts to escape. I remind the House of the attitude that can be built up in the mind of a person who is sentenced for the term of his natural life with no hope of release.

Mr. Galbally pointed out that the Governor has the power of commutation. I have some doubts in my mind about that because other sections of the Crimes Act are being repealed. I suggest that the Government should examine the powers of commutation by the Governor because they may be changed by this Bill in a way that the Government does not expect.

I said that I was against hanging which was an alternative to imprisonment for the term of one's natural life. In my view we should not continue with hanging, but if we must have a form of capital punishment it should be a painless death and with modern science that is perfectly practical. We are no doubt going through a more humanitarian phase in the history of the world and this will become evident when I remind the House of the forms of execution that have been used over the centuries. I refer to beheading, and stoning to death as in the Bible. Burying alive was a practice in Rome. The Vestal Virgins, when they broke their vows, were buried alive. Then there was the Crucifixion, drowning and burning at the stake, which was used particularly for witches and wizards. There was also boiling to death. These are some of the forms of execution that have been used in the past.

Hanging and the introduction of the drop so that death would be caused instantaneously by the breaking of the neck was designed as a measure of mercy towards the person being executed. That stage has been passed, and execution should be carried out by painless means.

At the beginning of my speech I said that the Government was unlikely to hang anybody in the present

climate, and that the penalty should remain on the statute-book merely as a deterrent. I believe the prospect of capital punishment by one means or another must be a deterrent. If a child, a girl or a young person fell into the hands of a kidnapper who was demanding ransom—and many cases have occurred in which kidnappers have killed their victims—the only threat that the victim can hold out against the kidnapper is that if the victim is killed, the kidnapper may also die. If capital punishment is abolished it will not matter in a bad case of kidnapping whether the victim is killed, because the same sentence will probably apply.

I take also the case of rape where a girl or young woman is in the power of either a single rapist or a gang of rapists, a knife is being held at her throat and she is being threatened with violence. It may be a deterrent against her attackers if she is able to say, "If you kill me, you may suffer the same penalty". That must be some deterrent.

The Hon. J. W. GALBALLY: Are you in favour of restoring capital punishment for rape?

The Hon. M. A. CLARKE: Mr. Galbally has completely misrepresented me. I said it would be a defence for a girl or woman in the hands of a rapist or a gang of rapists when a knife is being held at her throat to be able to say, "If you kill me"—and Mr. Galbally heard me; he must not misrepresent me—"then you may die". I said nothing about reintroducing the death penalty for rape, and I hope the House and *Hansard* will bear me out.

Mr. Long said in his speech that in his opinion the murderer does not think of the possible punishment when he is committing the crime. However, if a kidnapper has a victim in his hands for seven or fourteen days—and this has not been uncommon in the past—he has plenty of time for thought. A case occurred in Queensland where two men kidnapped and raped a woman over a period. There was plenty of time for thought in that case, and it was not done on the spur of the moment. Cases do occur where there is ample premeditation of the violence. That brings me to the case for degrees of murder.

It is ridiculous in every capital case where the jury brings in a verdict of guilty for the judge to be forced to don the black cap and pronounce the death sentence. There should be degrees of murder. There should be murder in the first degree, where there are special circumstances of savage premeditation or cruel violence. If a jury found an accused person to be guilty of murder in the first degree, the death sentence should be pronounced.

The Hon. P. D. BLOCK: Has Mr. Clarke read the report of the Law Reform Commissioner, Mr. Smith, on this subject where he comes down strongly against what Mr. Clarke is now advocating?

The Hon. M. A. CLARKE: I have a great respect for Mr. Smith. I read with him in Chambers, so I have known him for many years. I have indeed read his views on the establishment of degrees of murder, and I differ from him in that respect, as I am entitled to do. I think there should be degrees of murder and that the death sentence should be pronounced only in cases of murder in the first degree.

The Hon. J. W. GALBALLY: Why does Mr. Clarke classify it as murder in the first degree?

The Hon. M. A. CLARKE: I hoped I had been explaining that to the House. It would refer to cases where there has been deliberate premeditation or particular savagery in the commission of murder. I would also extend it to the killing of a warder with some deliberation by a long-term prisoner trying to escape.

The Hon. J. W. GALBALLY: What about a man who cold-bloodedly murders his wife over a long period

by poisoning her? Is not the premeditation in such a case just as savage a crime as that of a prisoner attacking a warder?

The Hon. I. A. SWINBURNE: Mr. Clarke has already covered that case.

The Hon. M. A. CLARKE: As Mr. Swinburne pointed out, I have covered the case of a long-term poisoner in my earlier remarks. I should be surprised if Mr. Galbally had any sympathy for a person who slowly and deliberately poisons his or her spouse.

The Hon. J. W. GALBALLY: I have no sympathy for such a person; that is what I am trying to tell you. The simplified idea of a prisoner shooting a warder and being hanged for it bears no comparison with the slow, deliberate poisoning of a loved one.

The Hon. M. A. CLARKE: We are passing through a humanitarian phase. I do not know how long this will last, but Australia is in the backwaters.

The Hon. A. J. HUNT: I hope it lasts forever, don't you?

The Hon. M. A. CLARKE: I hope it lasts; I certainly hope it lasts in Australia for generations to come, but in countries like Uganda thousands of people have been thrown into rivers to be eaten by crocodiles as a form of execution; accusations are now being made that beheadings are occurring in Indo-China, and it is known that every South American revolution brings with it a spate of executions.

The Hon. A. J. HUNT: Do you want Australia to be counted with those countries?

The Hon. M. A. CLARKE: No. In conclusion, I think capital punishment should be retained in this country in case it is needed. If it is abolished now, it will only have to be reintroduced at some time in the future. I do not favour its retention for treason, and I do not favour the retention of hanging as a form of capital punishment.

The Hon. P. D. BLOCK (Boronia Province): I rise to speak on this Bill, conscious of the fact that capital punishment has been debated many times in this Chamber. However this is the first time that I have had the privilege of discussing it because I am a recently elected member of the House and I therefore feel obligated to put my point of view before honorable members. I shall make absolutely clear from the outset that I have a deep philosophical and personal commitment to the abolition of capital punishment. However, many of my friends—people whom I respect highly, both intellectually and for a variety of other reasons—have a different view from that which I hold on the subject. I respect the points of view that are put by people who differ from me on this subject, and I have no intention at any stage of denigrating or diminishing the sincerity with which they put those points of view. However, I am going to argue against them and I will put my points as clearly, succinctly, and, hopefully, as briefly as I can.

Firstly, I refer to that gentle and friendly man, my colleague, and, I hope, my friend, Mr. Fry, who spoke about referenda and said that one should consult with one's electors on such matters. Mr. Fry quoted the remarks of a gentleman in the other House who spoke to about 900 people before arriving at the conclusion of how he should vote on the Bill. I follow the beliefs, dictates and the aphorism, if you will, of Edmund Burke, which is that honorable members are elected to the Chamber for many reasons; one is to represent the people who elect them, but even more importantly, to exercise that which is the best part of a person, hopefully, and that is his judgment.

I am here to exercise my judgment on this matter. If I do so in a way that strikes discord with my electors, they will exercise their prerogative in a democracy by removing me from this House, which is their right, but in the meantime I shall exercise my judgment on this and other critical and vital matters.

The Hon. W. G. FRY: But you would not say it was wrong if your judgment happened to coincide with that of your electors, would you?

The Hon. P. D. BLOCK: No, of course I would not, but I do not believe that a referendum should be held on such matters.

The Hon. W. G. FRY: I never mentioned a referendum. I merely said that I had obtained the opinions of people in my electorate.

The Hon. P. D. BLOCK: Then I apologize to Mr. Fry. My Leader has pointed out that there are many areas on which public opinion is such that if members of Parliament asked the public's opinion on matters such as Parliamentary salaries, they would still be receiving about $2,000 a year.

To return to the point about which I rose to speak, I shall refer to one or two disagreements which I have with honorable members who have spoken. I refer particularly to the father of the House, Mr. Swinburne, whom I have learned to respect since I became a member of the House, and his deputy, Mr. McDonald. They spoke sincerely of their abhorrence of the possibility that instead of the imposition of capital punishment, henceforth in Victoria the penalty administered for murder would be imprisonment for the term of the convicted person's natural life.

Although I disagree with the clause that has been inserted in the Bill to this effect—and I completely agree with my colleague, Mr. Long, on this matter—I take issue with Mr. Swinburne and Mr. McDonald because they have indicated that in many instances they would rather see a penalty of capital punishment administered than have prisoners incarcerated for the term of their natural life. With the greatest possible respect—and I mean that sincerely—if that had been thought through, for somebody who has committed the most heinous of all murderous crimes it would mean that capital punishment would not be administered, but that he would be imprisoned for life. It would follow that those who committed lesser crimes would receive the lesser sentence of capital punishment. It is sophistry to say otherwise. I do not say that Mr. Swinburne and Mr. McDonald spoke with sophistry, but it seems possible that neither of those honorable members has thought through to the fullest extent the arguments they have put to the Chamber.

The Hon. G. J. NICOL: If Mr. Block had been in gaol for three and a half years he might appreciate that point of view.

The Hon. P. D. BLOCK: I intend to quote, not verbatim, but the substance of the words of one of the greatest creative geniuses who has ever lived—Dostoyevsky. He was sentenced to be shot and was actually marched before a firing squad. The rifles were raised, and at the last moment the Czarist emissary came with a reprieve. This is what Dostoyevsky had to say: "If I were condemned for the rest of my natural life to stand on a tiny ledge and peer from the precipice down a thousand foot drop, I would choose to stand there for the rest of my natural life than have my life extinguished I would just stand on that ledge."

These are the words of a man who actually came to the point where he was almost destroyed. We do not have a better argument against capital punishment. If one man can give an insight into the condition of human existence, such as Dostoyevsky gave after being reprieved from capital punishment, we have one argument against capital punishment that is very forceful.

The Hon. D. G. ELLIOT: A normal person will hang on to life as long as he can.

The Hon. P. D. BLOCK: That is so. There are people who are abnormal, but I shall come to them later. A great deal has been said in this House tonight about whether capital punishment is or is not a unique deterrent,

and I wish to speak very briefly on that subject. Professor Thorsten Sellin, Professor of Sociology at the University of Pennsylvania, gave evidence before the Royal Commission in Great Britain held between 1949 and 1953. Sir Ernest Gowers, the chairman of that Royal Commission, said that Professor Sellin was the unrivalled authority on capital punishment of our time and had conducted many investigations within the United States of America.

Mr. Haddon Storey alluded to some figures relating to various States in the United States of America. I shall provide specific statistics, although I know that there are statistics and statistics. It has been claimed by Mr. Fry that nobody has really given the facts on this aspect, but I want to provide statistics for the States of Illinois and Michigan, two States which have identical socio-economic backgrounds. One of them has capital punishment and one has removed it.

The figures have been collated by Professor Sellin for the years between 1950 and 1964. In the State of Illinois, where capital punishment has been retained, during those fourteen years there were eleven executions for murder, and the murder rate was 5·3 per 100,000 of population. In the neighbouring identical socio-economic State of Michigan, which has removed capital punishment, the murder rate averaged 4 per 100,000 of population. I do not claim "the world" with those statistics. I do not claim that they provide proof indisputably one way or the other, but they do give an indication that if capital punishment is abolished the rate of capital crime does not increase.

There are other statistics to which I shall refer briefly. In Sweden, capital punishment was abolished in 1910, and in the years since there has been a slight decrease in the murder rate per 100,000 of population. The Netherlands abolished capital punishment in 1870 and the murder rate per 100,000 has decreased. I do not believe a single European country has retained the death penalty for capital crimes.

A piece of information to which I shall refer is taken from a very fine book from which I have no hesitation in quoting. I refer to the book *The Penalty is Death* edited by a member of this Parliament, Mr. Barry Jones. In it he states that in the nineteenth century in Bristol 167 persons were hanged and that 164 of them had at some stage witnessed an execution of some description. That fact is against the argument that capital punishment acts as a deterrent. I have heard no overwhelming evidence since I have been sitting in this Chamber to counter-balance what I have just said.

Another aspect to consider is the extraordinary irony of the fact that in certain circumstances and countries people who have committed serious crimes, particularly crimes against policemen and warders, are put to death. There is a great deal of evidence relating to judicial suicide. An inexorable role is cast upon the community by the Government of the day if somebody murders a policeman or a warder in that a sentence of execution is likely to be imposed. There are within State institutions insane people who will destroy themselves by taking another person often a policeman or a warder with them. That has been referred to by Professor Sellin, who said that many instances of judicial suicide had been recorded over the years, and he provided statistics pertaining to warders and policemen.

Finally on this issue —I do not wish to deal with it in detail—I refer to Sir John Barry's *Machonichie of Norfolk Island,* which dealt with the early history of our country, and which gave several instances of men who were sentenced to go to Norfolk Island but who considered that sentence to be a fate worse than death and committed murder to make sure they did not go to that island. They were subsequently hanged in Sydneytown.

There are certain unbalanced people for whom, ironically, the penalty of death, if not carried out, will not act as a release from their unhinged state. They regard it as being a fate worse than death. I stress that they have to be unhinged.

I shall now quote a statement by Sir Ernest Gowers. I remind honorable members that Sir Ernest Gowers was the chairman of the Royal Commission into capital punishment in England between 1949 and 1953. In his book *A Life for a Life*, published in 1956, he wrote—

> Before serving on the Royal Commission I, like most other people, had given no great thought to this problem. If I had been asked for my opinion, I should probably have said that I was in favour of the death penalty and disposed to regard abolitionists as people whose hearts were bigger than their heads. Four years of close study of the subject gradually dispelled that feeling. In the end I became convinced that the abolitionists were right in their conclusions —though I could not agree with all their arguments—and that so far from the sentimental approach leading into their camp and the rational one into that of the supporters, it was the other way about.

To a great extent that sums up one of the points I was making. I have enormous respect for those people who, because of their feelings, say " A life for a life " when someone harms or destroys somebody else. They claim that an identical punishment should be administered, yet those people are acting from revenge. Further, they are not having regard to the judicial system in our civilized society, a system under which for periods of a year, or perhaps two years, a convicted person can wait in a condemned cell while all sorts of legal procedures take place.

The fact is that when anybody really turns his mind in depth to the problem we are debating tonight, almost invariably he comes down on the side of abolition. Two former distinguished members of this House introduced this Bill into the lower Chamber and they formerly held the belief that capital punishment was a good thing. They are classic examples of persons who have opened their minds to the situation and reached the conclusion that no longer does capital punishment form any part of modern civilized society.

I shall refer to the remarks of Mr. Wright to whom I have listened in this Chamber on many occasions and for whom I have great respect. Mr. Wright introduced what I regard as an immoral argument by claiming that the whole problem of capital punishment was that it cost money to keep a person in prison, and therefore why should people be kept in prison, particularly murderers? Mr. Wright claimed that we should hang them. I do not believe that that is an argument which can be sustained morally for one second. I am sure if Mr. Wright really considered what he said he would come to the same conclusion that I have arrived at, that his argument is immoral. Certainly ways should be explored of enabling prisoners to earn an income; they should be put to some sort of productive employment. Unquestionably a great deal has to be done, and I am sure the Minister in charge of these matters has given and is giving a great deal of thought to this aspect.

The Hon. D. G. ELLIOT: There should be compensation for the victim.

The Hon. P. D. BLOCK: That is another matter. An article published in the *Herald* of 5th October, 1973, stated—

> In a criminal court in Miami, Florida, on October 4, Judge D. Satin pondered the problem of a convicted second-degree murderer. He suggested that an excellent scheme might be to allow him to go free under probation provided that he contribute to the support of his victim's widow and five children. The prosecutor called the idea " disgusting, abhorrent and abominable ". Judge Satin's reasonable response to this outburst was " that it is something we should think about at least ". Judge Satin still ponders.

My point is this: If a person who has committed a crime does not constitute an ongoing risk to society, why not put him to work to support the victim or widow of the victim? Why should we administer this blind, vengeful concept of " justice "? It is

a strange sort of justice. What we do to people who commit crimes does nothing to help the victim. Hanging a person does not help the victim or the dependents. All that it does is create more victims, the dependents of the person upon whom we commit this act.

A great deal of serious thought should be given to putting people to constructive, creative, productive work within the community so that they can actually physically and financially help the victims of their criminal acts. In my view that would be justice in the true sense of the word. I have no sympathy whatsoever for the rapist or the person who commits a heinous crime upon women, children or anybody else in the community, but I do consider that no possible good can be done to the community, to the victim or to anybody else by continuing this barbaric act of hanging criminals.

I have already alluded to the possible irony that, by providing an inexorable death sentence for the killing of a policeman or a warder, we may be preserving what we are trying to prevent. Professor Sellin, whom I have mentioned, referred to research on the effects of capital punishment in 266 cities in the United States of America between 1919 and 1955. He demonstrated that in non-capital punishment cities the incidence of murder of policemen and warders was no greater than it was in capital punishment cities. There is no evidence whatsoever that the abolition of capital punishment puts members of the Police Force or warders at risk. When that is added to previous evidence that I have given, it is a strong argument.

I reiterate that I understand that members will vote on this issue according to deeply-held convictions. I certainly do not condemn those who will disagree with me; I merely say that I hold my convictions as deeply as they hold theirs. I hope I have argued them convincingly. I also hope that I have given facts and reasons for holding my convictions.

Finally, there is one overwhelming reason why capital punishment should be abolished and another reason why I support the Bill. In our cities today there are murderers who are free but who would have been convicted and sent to prison except that the juries were frightened to convict them because of the fear that they would be hanged. There is no question but that juries will frequently find—as they have frequently found in the past—ways of releasing people or convicting them of lesser crimes if capital punishment remains on the statute-book. Like all other honorable members, I do not want murderers who constitute an ongoing risk to society to be released prematurely, before rehabilitative work on their psyche has been undertaken, or before whatever is necessary to rehabilitate them has been done.

However, like Dostoyevsky, I believe that if one life is saved to add one tiny bit of knowledge to the sum total of human knowledge it is worth while to abandon this archaic and brutal law. I support the Bill.

The Hon. W. M. CAMPBELL (East Yarra Province): With the utmost respect to other honorable members, I pay tribute to Mr. Long. During his speech he did not introduce any statistics; he spoke about facts and practicalities. They are what interest me. I am one who has an open mind on this Bill. However, even though I agree wholeheartedly with every comment made by Mr. Long, I still do not support the Bill.

Mr. Long did not go far enough. In the main, he dealt with the social murder, the family triangle murder, the murder committed in an emotional situation, or the murder committed because, at the time of the act, the murderer was insane in some way or other. If the Bill merely abolished capital punishment in those circumstances, I would support it. Unfortunately, it abolishes capital punishment

in toto. A legislator must consider the community as a whole. Therefore, my comments will clearly show why I cannot support the Bill.

There are certain areas in which capital punishment should be prescribed for specific crimes. I shall deal with each individually. Before doing so, however, I address myself to deterrence. A decision on whether or not to abolish capital punishment should not be made solely on the ground of whether it is a deterrent. If we were to consider the matter in that way, we should also look at other penalties for crime. People, I feel, use deterrent as a *cliché* or red herring. They say, because it cannot be proved that capital punishment is a deterrent, it should be abolished. That is tantamount to saying that a sentence of ten years' imprisonment for armed robbery is not a deterrent because we have had so many armed robberies in recent years, therefore the sentence should be abolished. I cannot support the arguments on deterrence.

I agree with Mr. Storey that there are reasons for and against a consideration of deterrence. As he said, there are arguments on both sides, and they are such that they should be ignored. I agree with this view; a crime against a statute attracts a certain penalty which the legislators of the State have considered suitable. The penalty is not set down on the basis of whether it is a deterrent; it is a penalty for committing that particular crime.

I have said that I would be happy if capital punishment were abolished for social murders, those committed within a family triangle, and for murders committed in emotional circumstances. I now direct attention to crimes for which capital punishment should be retained. The first is murder associated with kidnapping. If a man kidnaps a person, keeps him for a few days, demands and obtains a ransom, and then kills the innocent victim, can any honorable member say that he has not committed cold-blooded, premeditated murder? He has had plenty of time to think about the crime.

There has been no emotional involvement and no family involvement. It is cold-blooded, calculated murder. Therefore, capital punishment should be retained in our statutes for crimes of this type.

Capital punishment should be retained for paid killings. We all know that such killings occur. They may not be frequent but people have been paid to kill. Killers have been brought from other States for the sole purpose of killing a particular individual.

The Hon. C. A. M. HIDER: In Victoria?

The Hon. W. M. CAMPBELL: I was speaking of Australia but I believe it has happened in Victoria. If a person comes here and kills a citizen for pay, this is cold-blooded, premeditated murder. Again, there is no emotional aspect in the crime.

The third type of crime for which capital punishment should be retained is treason. I disagree with Mr. Clarke on this point. I accept, as he said, that there are some actions of treason about which it could be said that capital punishment was too severe a penalty. But there are many other acts of treason for which capital punishment would not be too severe. In a specific case, a person who committed treason could place a whole community in jeopardy because of what he may have sold to some other country or because of some action that he took on behalf of a foreign power. He could hold a community to ransom. That is cold and calculated action over a period of time. That type of treasonable activity does not fall into the category of crime for which I would abolish capital punishment.

The last category is terrorism. I direct attention to events which have occurred over the years, such as the Munich Olympic Games. Five terrorists entered the Olympic

Village and eventually shot eleven Israeli athletes. They did not shoot all of them at once. Initially, they shot two. It could be said that the first two were shot when the terrorists were in an emotional state brought about by breaking into the village and finding the people whom they wanted. But the killing of the other nine Israeli athletes was cold-blooded, calculated murder. Just prior to that, some 25 people were gunned down at an Israeli airport. That, too, was cold-blooded, premeditated murder. Crimes like these cannot be placed in the categories of social, family triangle or emotional murders.

It is even more important that capital punishment should apply to terrorist crimes. Should a terrorist be captured; at a later date other people are held to ransom by friends of the captured terrorists. Demands are made that the captured terrorists who have committed cold-blooded murder be released; otherwise the hostages—average innocent citizens—will be killed. This is the additional problem with terrorists.

The Hon. S. R. McDONALD: If that had been the position initially with hijacking, do you think there would have been so much of it?

The Hon. W. M. CAMPBELL: I do not know. I have said that I do not think the deterrent effect comes into the matter. We must examine the actions of terrorists from the point of view of the protection of the people. That is our job as legislators.

Heaven forbid that we ever have terrorists in this country, but if we do what will we do if capital punishment has been removed from the statute-book? Do we leave the community wide open to the same type of terror that existed after the Munich affair or at Tel Aviv airport? Do we leave the community or hostages to ransom because capital punishment is not on the statute-book? Our job as legislators is to protect the people. For those four reasons only, I consider that capital punishment should be retained.

I conclude on this note. I cannot support the Bill because unfortunately it abolishes capital punishment *in toto*. Although I support Mr. Long's comments on the family and emotional murders that are committed—I agree entirely with what he said—I believe that as legislators we must consider the welfare of the community in the other areas to which I referred.

Unfortunately, the Bill cannot be amended accordingly, which is a pity. If an attempt was made to amend the Bill as I should like it to be amended, it would amount to a virtual negation of the measure and, therefore, would be out of order. For that reason I must unfortunately oppose the Bill.

The Hon. S. E. GLEESON (South-Western Province): So little relevance in such an unconscionable mass of words! That may be a misquotation, but it comes to my mind after reading through a great number of speeches on this subject. However, I must agree with Mr. Campbell that what has been neglected time and again is the concept of justice—just retribution and punishment for the act.

I speak against this Bill because I consider that, if passed, its effect on social behaviour would be negligible for good and the harm it may do—I say " may " because it is my personal opinion—in widening even further the gap between the people, the judicial system and the Parliamentary system will be great. The gap will be widened because the majority of people believe in what might be called the natural law.

Strange to say, even our most venerable—I do not mean venerable in age but the subject of veneration—legal men believe this is so because they believe in the jury system. They believe that through the average man is still an admirable way to get justice for the individual. I believe so, too, and I believe—this is based not only on personal opinion but on conversations and effort over the years to find

out people's opinions—that people do believe in the natural law and just retribution and punishment.

Part of the problem associated with this Bill is that somewhere along the line we have tried to mix justice with mercy or justice with an effort to understand human behaviour. In doing that we become confused with the whole system—this is, justice, excuses for people's behaviour and rehabilitation.

To use a phrase which I almost never use, this is an antinomy. That just means that the two concepts, of justice and mercy, can never be blended. In one way or another they lose by any effort to do this. This is my personal opinion and that of a number of prominent psychologists.

The Hon. D. G. ELLIOT: Could you name a few?

The Hon. S. E. GLEESON: Dr. Glasser, for a start. If Mr. Elliot reads him first, I shall then name others.

The Hon. A. J. HUNT: Do you reject the concept of tempering justice with mercy?

The Hon. S. E. GLEESON: Yes, I reject that absolutely. Mercy is applied after the sentence has been passed and the verdict of the jury or of the court attained.

The evidence that has been submitted so far is that no society has been improved by the abolition of the death penalty. Although it is said that it has not been made worse, that is doubtful, too. It is a fact that we live in a violent society. Throughout the world violence is not on the decrease.

The Hon. HADDON STOREY: Do you think the world is more violent than it was, say, 100 years ago?

The Hon. S. E. GLEESON: It is hard to assess. We live in a violent world and there is no indication that the violence that characterizes society will be one whit abated by the abolition of capital punishment. To me this is an indication of the guilt complex of society. The effort nowadays to abolish the death penalty is caused by that guilt complex. I have not much hope of convincing the members who have made up their minds about this Bill, but I feel that what I have to say should go on the record.

I refer to a quotation from a reputable source that we are looking for a society where the lion and the lamb will lie down together. We are looking for an age in which violence in society will be minimal and people will not, as they do now, go in fear of attack or be subjected to violence of one form or another. And all this in a society that is obsessed with violence; it is obsessed with murder, war, western films and violence in literature, theatre, film and the media. We kill 1,000 persons a year with our motor cars.

The Hon. R. J. LONG: Should the death sentence apply there?

The Hon. S. E. GLEESON: Perhaps it should. The death sentence does not worry me as much as it does some other people.

How many people would be subject to capital punishment in a year because of murder compared with the large number of people who suffer death by violence in many other areas? We have adopted our present attitude because of a certain guilt complex because society has in the past misused its powers. In doing so we are absolving ourselves from our responsibilities as legislators and as a society to protect ourselves from violence either from within or without.

The history of the distortion of justice makes one think that there is good reason to be more lenient in our punishment. However, let us have a look at another side of the question. Whereas in the past many offences were committed out of necessity, out of deprivation, hunger and need, now the majority of crimes are committed because of greed, lust and the satisfaction of particular aberrations. That is a most important concept which should not be forgotten. Nowadays no one needs

to steal or to use violence because he is hungry or short of anything. There are other avenues for filling our normal needs and in nearly every case where violence is used for these purposes it is inexcusable for those reasons.

I think it should be admitted, too, that we have a dichotomy in society in the fact that we look at violent films and read violent literature and listen to violent media and the media write up violence in all its forms and at the same time we deplore that society is using the death penalty as a suitable punishment. I think this is illogical and in some cases indefensible.

To understand society and its guilt complex one must go back to the origins of civilized man. In the early days, when a group consisted of just a family, there were no inhibitions about the man defending members of his family in any way he liked by taking the lives of other men or any animal that threatened them. But as aggregations of society evolved it became necessary to instil in people respect for the local tribe and finally for the people of the local country. Then this dichotomy arises of promoting the idea of peaceful living and at the same time being prepared to give one's life to defend one's country against an aggressor.

We have to come to terms with this situation because aggression is a natural attribute of people, particularly men. I should hate to think of a nation of people like sheep. We all admire aggression in one form or another, so long as it is supporting something we think is justifiable. But aggression must be tempered by a feeling of justice and a natural code of behaviour which will protect the weak and the people in need of protection.

As has been pointed out previously, people who are likely to suffer are not men, although plenty of men have been murdered, but women and children. Few women resort to murder, but many homicides in one form or another are committed by men. This is from the aggressive instinct more evident in men. Therefore, it is extraordinary for a group of men to be deciding this question in isolation, something which affects the lives of women and children.

I can never go along with the idea that society should regard it as right to be "kind"—if it can be referred to in that way—by sentencing a person to life imprisonment rather than to death. I could not treat murder in any way but subject to the most severe penalty. There has been a lot of talk about whether the death sentence is a deterrent. Of course it is. I do not know whether it is more of a deterrent than life imprisonment. In my opinion, the death penalty is, or could be, the just punishment in some instances, as Mr. Campbell pointed out, for the crime of taking a life.

I do not mind whether capital punishment is worse than life imprisonment or more of a deterrent; I am saying that it should not be rejected by society as a punishment for this crime. Retribution should not be confused with revenge. Retribution is fair and just punishment. Obviously punishment has some deterrent effect, but that is not why it is inflicted.

The Hon. D. G. ELLIOT: To think I went crook at Mr. Galbally for going crook at you.

The Hon. S. E. GLEESON: Mr. Elliot reminds me of the woman who took her child to school and said to the teacher, "Johnny is a sensitive child. If he is naughty smack the boy next to him". That is the principle of deterrence.

The Hon. P. D. BLOCK: That is the very principle put forward by those advocating the retention of capital punishment.

The Hon. S. E. GLEESON: No, it is not and deterrents are confusing, because they have no real relevance to this matter. My reading in psychiatry and psychology is minimal, but I have some knowledge of them. I doubt whether it is worth while making an

effort to change the nature of some of these men—some pathological types. In some cases it would be, but in others it would not be. I was amused when Mr. Block criticized Mr. Wright's utilitarian approach to killing because it costs money to keep people alive and in prison, and then suggested that these people should be put to work so that they can earn money. It was the same principle but a slightly different style.

This Bill is a good example of society's desire to sweep anything unpleasant under the carpet. It is a feature of society today that it does not like to face realities.

A respect for life has been mentioned. This is a sophistry. Most people respect life only when it suits them. In this society in which people shoot game, thousands of people shoot ducks, and animals are sometimes kept under extreme conditions and used as food, it is absurd to speak of a respect for life. I prefer the approach of some philosophers who say that surely man was intended to take life when in his view it is essential. This may be the view of the murderer also, but human beings are given reason, intelligence and a number of factors which enable them to make these decisions. Certain animals are used for food. Why is society so opposed to using dogs and horses for food? People think it is a crime to kill horses and eat their meat. This is done in other parts of the world. In Australia people consider that horses should be used only on the racetrack, We have an extraordinary approach to this matter.

I am not comparing human life with animal life because there is an essential difference. A religious person believes that man has a soul and that he is on a different plane from animals. This is difficult to justify in a secular society such as ours. The behaviour of some people makes one wonder where the division line should be placed. One of the problems in this dichotomy of the taking of life occurred in Christianity when a group divided on whether mankind was the most important part of creation and whether he had dominion over all other life on earth. Nowadays we have changed our mind on whether man can execute this power as he has in the past. This leads me to suppose that this respect for life is artificial. There is no reason why society should not choose to take life for its own protection and in certain rare circumstances. No nation in the world willingly succumbs to invasion from outside when an aggressor wishes to take over its territory. If it does, that nation is soon taken over in this modern world. Most people realize this, and that defence is justifiable in these conditions.

This leads me to one of my main objectives. The measure indicates a gap between the people and the judicial and Parliamentary system. This gap might be called a gap between the State and the individual. People no longer respect the State and its wishes as much as they did. They no longer respect the police as they did, and they do not take responsibility for prisons or the Army as they did. This dichotomy of the taking of life makes it appear that people are only too willing to pass their responsibilities on to paid groups to do their dirty work for them. Society should take on its own shoulders the responsibility of ensuring that the police, the prison system and the armed forces are backed by the will of everyone. Once people lose sight of that concept, they are in serious trouble. This may seem a long way from the relatively minor provisions of the Bill, but I fear that a gap is growing in the community between society and its respect for the law and judicial processes.

It has been said that this Bill is a non-issue. I fear that the Bill may accentuate the division between society and the judicial system. One must be careful in considering treason in the same crime category as murder. Murder is essentially a crime against humanity and has not changed in thousands of years.

Treason changes every few years and with every change of Government.

I refer again to the concept of whether the threat of the taking of life means anything to people. I quote from the wisdom of Solomon. On one occasion Solomon was asked to decide on the parentage of a child. He drew his sword and said that he would cut the baby in half and give each woman half. The grief of the mother became obvious, and he gave the baby to her. The threat was there to take life. This same threat has relevance in our system of punishment.

Mr. Block deserves another comment. He referred to his own judgment against that perhaps of the people of his electorate. I do not accuse him of hypocrisy because I do not believe he is a hypocrite, but the idea of people saying, "That is right and the other person would think so if he had as much sense as I", has always annoyed me.

The Hon. P. D. BLOCK: I did not say that. I have great respect for the opinion of other people.

The Hon. S. E. GLEESON: That is right, but I suspect that many of the most important people in favour of social change honestly believe that everyone would think as they do if they had had the benefit of the same background, education and so on.

The Hon. D. G. ELLIOT: The same applies to people who do not want social change.

The Hon. S. E. GLEESON: I am sure it is recognized that natural justice is a much stronger force.

I am against the idea of a magnanimous society which can grant pardons here and there and be merciful in its judgments. It is similar to handing out someone else's money. Mercy is a wonderful thing in the individual case. It is not meritorious in society. Justice is necessary. It may be relevant that the majority of lawyers appear to want to vote for the abolition of capital punishment. They may know the system better than we do, but it seems extraordinary to alter the punishment and not the method of arriving at the verdict. Many areas may need altering. Why should it be thought that a person who has taken alcohol or drugs has diminished responsibility? He has added responsibility, and this should cause his sentence to be more severe. Mr. Galbally might agree with me when that concept is applied to drunken driving.

The Hon. J. W. GALBALLY: The concept of diminished responsibility is not recognized by the law. Mr. Gleeson is confusing it with insanity.

The Hon. S. E. GLEESON: No, I am not. I do not have the quotations at present but I could point to a number of cases where the verdict has been modified because the person has been drunk at the time. This is regarded as an excuse.

The Hon. J. W. GALBALLY: I have never experienced that. All the textbooks say that drunkenness is no excuse.

The Hon. S. E. GLEESON: They may say so but it is not applied.

I quote from the *Age* of 2nd April, 1975, regarding a dispute which is going on in Great Britain. The article refers to some comments by Sir Robert Mark as follows—

> "Justice is not their concern". Sir Robert said.—

this is referring particularly to lawyers—

> "It is for them to get their client off by any tactics permitted by the rules".

The other quotation was in rebuttal of that remark by the Bar Council. I thought this was remarkable and it confirmed my suspicions.

The PRESIDENT (Sir Raymond Garrett): Would Mr. Gleeson quote the sources of the quotation?

The Hon. S. E. GLEESON: This is from an article in the *Age* of 2nd April entitled, "The law v. the law in Britain", by Peter Cole-Adams in London. The article quotes Sir Robert

Mark's comments on some recent cases, followed by the Bar Council's opinion on the matter. The article states—

> The Bar Council went on : " It is not the duty of counsel for the defence to judge the truth of his client's assertions of fact ".

The Hon. J. W. GALBALLY : I agree with that statement.

The Hon. S. E. GLEESON : I will quote a Russian author, Tolstoy, who said that there are two professions in which it is very hard for a man to maintain his integrity; one is the Army and the other is the law.

The Hon. J. W. GALBALLY : From what has been heard tonight, one might add politics.

The Hon. S. E. GLEESON : I will add it. I suggest that for these reasons people are suspicious of the law.

The Hon. J. W. GALBALLY : They are also thoroughly suspicious of some members of Parliament.

The Hon. S. E. GLEESON : So am I. I suspect part of the reason why people are suspicious of the legal processes is because they do not understand them, and they are also subject to such delay and distortion. The legal system should be for the protection of the weak. I sometimes wonder whether it is not merely for the use of the strong or the wealthy.

I now refer to the fear of mistake. I do not agree with the idea that it is better that 99 guilty men should escape than that one innocent man should go to prison. I will not have a bar of that. I will quote from another source, which Mr. Galbally will regard as impeccable. To quote from Cardinal Newman, " If man waited until he was sure he had not made a mistake he would not do anything ". This is the case with the law in the sense of it being preferable that 100 guilty men should go free rather than that one innocent man might suffer. I am not willing to go along with it. I put to honorable members a famous quotation of John Bradford, " There but for the Grace of God go I ". What that man really meant to say was that he did not deserve any particular merit or special treatment because he had human failings.

Finally, on the question of intent, if a man goes out with a loaded firearm to commit robbery, one of his intents is murder. A rational man could not think that although he takes a firearm he would never discharge it. For these reasons, and because society is divided on this question and this Bill does not solve the issues which I believe need solving, I cannot support the Bill and shall vote against it.

The Hon. H. M. HAMILTON (Higinbotham Province): I join this debate with considerable trepidation. I have listened to it with interest, and I am probably more open minded than most members of this House. I find that its subject is probably of greater importance than any other that I have discussed in the Chamber in the eight or so years that I have been a member. In my first year of membership I debated the subject on behalf of the Liberal Party and then expressed a view supporting capital punishment. I would remind the House, as my colleague Mr. Fry pointed out earlier, that I was elected virtually on a vote in favour of the retention of capital punishment. That was the issue in the by-election at which I was elected in a record majority for the then seat of Higinbotham, and I believe it substantially represented the view of that part of the electorate of Victoria at that time. I should also like to say that on balance I believe I shall vote in favour of this Bill.

It is right that I should record the reasons for making this decision. At the outset I want to make it quite clear that I do not see the issue as a matter of black and white. I am not convinced by many of the arguments which have been brought forward by those in favour of the abolition of capital punishment. I find the counter arguments have a great

deal of weight. I believe the discussion of this subject has been prejudiced for a number of years by the enormous pressures that have been brought to bear outside the Parliament, particularly through the press. Mr. Galbally commented on the lack of literature emanating from those in favour of retaining capital punishment. I believe many people have been deterred from providing that sort of literature by the pressures exerted, principally through the media, and that those inclined to favour the retention of capital punishment are labelled with unacceptable labels, and as being in favour of hanging. It has been suggested that they lack compassion. I am grateful for Mr. Block stating definitely that he respected the views on both sides and did not feel that either side had any monopoly on human feelings.

To me there are two issues involved. The first is moral responsibility. Has this State the right to extract a penalty from anyone in the form of loss of life? I find that that is a very difficult decision on which to be definite. A few years ago perhaps I had little doubt that the State could do this. Today I wonder, but other things being equal I think I would still vote in favour of the State imposing this penalty.

The second issue is a more important one in determining the issue. It is the question of political responsibility. Are we as members of this House tonight going to approve a Bill which could result in the death of some innocent person? In other words I return to the perennial argument: Is there any deterrent value in capital punishment? We have heard it expressed in so many ways this evening. I find that those people who ardently support abolition of capital punishment tend to quote some rather impressive figures, but as soon as those on the other side try to match the figures and question them or call them to account, they are very quick to point out that the figures do not prove anything.

From my own point of view, I remember the early days when I studied the subject of statistics, and one of the appointed text-books for preliminary reading was called *The Abuse and Mis-use of Statistics*. I cannot think of a better book to recommend to anyone in terms of quoting statistics because the first and elementary error most people make in trying to extract statistics relevant to this subject is to compare two different points in time. All the circumstances are not the same; I emphasize that particularly because when one goes back for any period of time the situation is very different. As Mr. Gleeson knows, 100 years ago our western civilization was a brutal and vicious society by and large, with the bulk of the population ill-fed, ill-housed and illiterate. Today our society has achieved a substantial degree of literacy, and the level of human sensitivities has increased beyond measure. I believe it would be reasonable to expect in those circumstances a reduction in violent crime. The fact that there has been little reduction tends to point me away from the course which I propose to take this evening.

I believe Mr. Campbell put his finger on one of the weaknesses when he tried to divide capital crime into those crimes committed in a moment of passion—in the heat of the moment—and those crimes committed by people who, to say the least, were insane. If those cases could be separated from the others, the statistics would probably give a better indication of whether capital punishment was an effective deterrent. But the report by Mr. Commissioner Smith has shown the difficulty of making this division. In any case, my limited knowledge of these statistics tells me that if that were done the residue would be statistically insignificant and too small to be the basis of an effective judgment.

We are reduced to making an empirical judgment on this matter. So far as I can see, most arguments point to the fact that there is an

element of deterrence in capital punishment. Unwittingly, one of the great advocates of abolition in this House acknowledged this. That was Mr. Hider who now tells me that I am misquoting him. However, I directed his attention to the relevant passage in the *Hansard* report after the incident occurred.

Most honorable members will recall that, when the House was debating the subject of capital punishment, Mr. Hider delivered a carefully prepared and sincere speech. During that speech, the then Leader of the House, the late Sir Gilbert Chandler, asked him whether he believed that capital punishment should be retained for the murder of policemen and prison warders. Mr. Hider's subconscious mind came to the fore and he said—

> Why should they receive any more protection than the rest of society?

The Hon. C. A. M. HIDER: If it is protection.

The Hon. H. M. HAMILTON: As an afterthought, Mr. Hider possibly clarifies that comment. But most people would agree that a quick answer like that reflects what a person inwardly feels. I agree that these are purely empirical arguments.

I have had rare contacts with criminals over the years. Once or twice I have discussed with some of them the question of murder and capital punishment. It was a number of years ago but the general opinion amongst experienced criminals then was that they would not carry a lethal weapon because to do so meant that they risked the rope. However they expressed themselves —usually in their own picturesque language—and what they said amounted to the same thing: to the experienced criminal, the rope was a deterrent.

My dilemma this evening is that these arguments point me in different directions. I find it difficult to clear my conscience one way or the other. Perhaps the determining factor is something that was mentioned by the Leader of the House when he introduced the Bill. The honorable gentleman said that, in his view, the Victorian Government was unlikely again to carry out a sentence of capital punishment. That surprised me somewhat. If there is no prospect of capital punishment being applied in the foreseeable future, we must conclude that its use in the distant future would be capricious, to say the least. That is not satisfactory.

In the past few years there have been one or two cases in which a sentence of death probably should have been carried out. I shall not underline them; honorable members can make their own judgments about them. The fact that the death penalty was not carried out in these cases reinforces my view. I believe there are crimes for which capital punishment is still the appropriate penalty, but the exercise of justice should not be capricious; it should at all times be consistent.

It is sometimes said that crime no longer exists in some places, particularly Russia and China, but, of course, these countries had an effective method of disposing of people predisposed to crime. They executed them all.

The Hon. W. V. HOUGHTON: China still has the death penalty.

The Hon. H. M. HAMILTON: If I remember correctly, Russia abolished the death penalty in 1927. But I should hate to estimate the number of people a gentleman named Stalin slaughtered after that. I know that it is claimed that, today, Russia does not have these crimes. It is certainly claimed that China does not have them.

If I had my way, I would prescribe capital punishment for the peddling of narcotic drugs, particularly to children. But I will not be a party to the capricious use of such a penalty. For that reason I must support the Bill.

The Hon. A. J. HUNT (Minister for Local Government): I support the Bill. I congratulate Mr. Hamilton for the stand which he has taken. It must be difficult for a man who has spoken out strongly on an issue such as this to take the opposite view to that which he previously advocated after having convinced himself, not beyond all doubt but on balance, that he should do so as a matter of conscience. I pay great tribute to Mr. Hamilton for the stand he has taken in these circumstances.

For a moment I shall apply myself to the question of freedom from doubt on this issue. I turn against Mr. Gleeson the words of Cardinal Newman which he used. Mr. Gleeson pointed out that Cardinal Newman said that if he acted only when he was free from doubt he would seldom act at all. That is true of many things that we do in this House. It must be true of most people who have views on this great social issue. Of course, any man worth his salt must have doubts about this subject in one way or another. If a person has no doubts on an issue such as this, he is playing at God.

I have doubts. I believe most of those who have spoken in support of the measure must have doubts. But what is incumbent upon us is to have the courage to make a decision one way or another and to accept the responsibility for that decision. In the opening words of an old hymn which I learned in Sunday school days—

> Once to every man and nation
> Comes a moment to decide.

If ever a decision had to be made, a decision has to be made on this issue in this House. Many debates on this subject have taken place in this Chamber, but they were debates on party lines. This evening the debate is—ostensibly at least, and certainly so far as the party of which I am a member is concerned—one which will be determined by a free vote. Every honorable member must make up his mind without sheltering behind the banner of his party. I hope everyone, whether with doubts or not, will have the courage and the sense of responsibility to make up that mind.

There has been some talk of the attitude of voters. Just as we cannot hide behind the banner of our parties on this issue neither can we, in fairness or honesty, hide behind the ostensible or alleged beliefs of the electorate. This is a moral issue upon which we must make up our minds and be prepared to stand up and be counted, regardless of the cost one way or the other.

It would be disappointing indeed if the House, with a measure of this nature passed by another Chamber, were not to grasp the opportunity offered to it to take one step forward in the civilized progress of mankind.

We have a responsibility to give a lead to the community not just follow behind what public opinion is believed to be on an issue such as this. I have no doubt that our lead ought to be a further step in the onward search for light.

There has been much argument whether capital punishment is a deterrent, but that is an unprovable argument either way. However, it seems abundantly clear to me that an alleged deterrent which is not implemented in practice, cannot, in fact, be a deterrent at all. If it is not exercised, not implemented, in all honesty we ought to abolish it, for a law which is not enforced is a bad law by any definition.

If there is a chance or a possibility that it will be exercised at some stage in the future, it is abundantly clear that the exercise will at best be uncertain and erratic, and that the choice of the penalty will depend somewhat upon the party or coalition in office at the time and in part upon the composition of the men who make up the Government rather than upon the nature of the crime.

Mr. Hamilton referred to this as a capricious exercise but I would not go so far although it is an understandable description. At least it is clear that it must be, as I see it, erratic and uncertain. Against whom and what sort of murderer is the penalty, if it is exercised, likely to be exercised? As in the past 25 years, it would be exercised probably in respect of the poor, the underprivileged and the less educated defendants. I say advisedly, "As in the past" and ask honorable members to look at the record. In living memory in this State, has there been a person convicted of murder who has gone to the gallows with a university degree after his name or with wealth supporting him? The answer is, "No"; the penalty has applied to the poor, to the ill-educated, to the underprivileged, and that is the only type of person against whom it is likely to fall ever again if it is retained.

These considerations lead me inexorably to the conclusion that a bad law, an uncertain law, an unenforced law ought to be abolished and that to do so would represent a positive advance in our society.

Mr. Gleeson spoke of the natural law, of the violent society and of the nature of man, which he inferred was unchanged. I like to think that man is making some little progress, however slow. Perhaps we are fooling ourselves when we believe it, but at least I like to believe so. At least I should hope that the reason for the presence of every honorable member is his desire to assist in some small way in the advancement and progress of mankind. It is to counsel despair to believe that man is essentially from the jungle, violent and unchangeable. There is plenty of evidence of the progress of man and we ought to try to assist as best we can in furthering that progress, albeit in a small and almost imperceptible way.

Mr. Clarke referred to the fact that we appear to be going through a humanitarian phase. I know or at least I hope that he did not mean it in any derogatory sense. I should hope this humanitarian phase would be evidenced by the mass of law made by this Parliament in the past and in the future and that, in furthering that humanitarian phase, tonight we will take the step envisaged by the measure. If we do not take it tonight or on the measure before the House, it will be a long time before the opportunity again presents itself.

I urge those honorable members who still have doubts on the issue to come to a conclusion, notwithstanding the doubts. Who has not doubts on a measure such as this? I invite them, however, to make up their minds to exercise responsibility and to assist, as they are able to do on this occasion, towards the progress of mankind and the continuance of the humanitarian phase to which Mr. Clarke referred.

The Hon. A. K. BRADBURY (North-Eastern Province): As the Minister for Local Government spoke, I doubted whether any member of this Chamber has not some doubt when determining his attitude towards the Bill. However, the Minister contended that members should support the Bill on the ground that, because capital punishment has not been implemented, it is a bad law and should be erased from the statute-book. Does the Minister or his colleagues believe the Liberal Party will occupy the Treasury bench for ever or that the present Ministers will remain in the Government while their party may be in power?

The Hon. W. V. HOUGHTON: We are not debating this issue on party lines.

The Hon. A. K. BRADBURY: I am not suggesting that the Minister for Social Welfare is, but the Minister for Local Government has said that it is a bad law if it is not being implemented. Members of the Country Party are pleased that the matter is being debated on a non-party basis, but if the Minister for

Local Government calculates the numbers within his own party, he will find that a majority of members of his party are in favour of retention.

The Hon. A. J. HUNT: We will wait and see.

The Hon. A. K. BRADBURY: It is fairly evident from the vote in another place as recorded in the newspapers. One would not need to be a mathematician to work out that the majority of members of the Liberal Party favour the retention of capital punishment.

The Hon. J. W. GALBALLY: Does that matter?

The Hon. A. K. BRADBURY: I am not arguing that; I am pointing out that the Minister for Local Government has said that a law is bad unless it is implemented. The personnel of the present Government will not be in power for ever. Mr. Galbally made the poorest speech on this subject that he has made for the 22 years that I have been here.

The Hon. J. W. GALBALLY: I am entitled to one bad one.

The Hon. A. K. BRADBURY: I agree; everyone is entitled to one bad speech. Despite the fact that Mr. Galbally has introduced a private member's Bill on this subject each year for the past 22 years, to date he has not had one supporter from his party on this Bill, although members of the Labor Party supposedly have a free vote.

The Hon. I. B. TRAYLING: Give us time.

The Hon. A. K. BRADBURY: We have waited until 11 p.m. Furthermore, my understanding is that the abolition of capital punishment has been a plank in the Labor Party platform for many years.

The Hon. J. W. GALBALLY: All praise to it!

The Hon. A. K. BRADBURY: When the Labor Party was in office between 1952 and 1955 did it introduce a Bill to abolish capital punishment? Of course it did not.

The Hon. I. B. TRAYLING: The Labor Party did not have control in this House.

The Hon. A. K. BRADBURY: That is used as an excuse. The Labor Party had control in another place. Why did it not test the position there?

The Hon. I. B. TRAYLING: We are doing it now.

The Hon. A. K. BRADBURY: Of course, but the Labor Party did not take the opportunity when it was in power.

The Hon. A. J. HUNT: Community attitudes were a little different then.

The Hon. A. K. BRADBURY: That may be so. I agree with what some members of the Liberal Party have said. I have discussed this vexed question with many people. Honorable members are not prepared to make up their minds on this question without giving the matter much serious consideration. Of the people to whom I have spoken only a small percentage have been in favour of completely removing capital punishment from the statute-book.

The Hon. J. W. GALBALLY: Has that influenced you?

The Hon. A. K. BRADBURY: No.

The Hon. J. W. GALBALLY: Why mention it?

The Hon. A. K. BRADBURY: Because it has been mentioned earlier tonight.

The Hon. J. W. GALBALLY: You do not have to follow the others.

The Hon. A. K. BRADBURY: I am not doing so. I remind Mr. Galbally that he was a member of a Government that commuted a certain person's death sentence to one of life imprisonment for the term of his natural life. In his attempt to escape that person was fortunate that he did not kill a warder. If he had shot the warder dead, and if I had been a member of the Executive Council—thank goodness I was not—I would have felt that I was an accessory to the death of the warder because that prisoner's life was saved.

Mr. Long advanced the argument that the criminal does not fear the consequences of his crime but that he does fear apprehension. Is Mr. Long or anyone else able to read the mind of a criminal? When he commits a crime does he fear apprehension for committing that crime, or is he apprehensive of the penalty for the crime? I believe the penalty has a great effect on the mind of the criminal. I qualify that by saying that no one can read a criminal's mind and it cannot be said for sure that a person fears apprehension but has no fear of the penalty.

We are passing through a period when many violent crimes are being committed. I consider that capital punishment should be retained on the statute-book. I do not subscribe to the view that a hijacker or a person who kills a warder or a policeman in the execution of his duty should simply be locked up. Policemen and warders take their lives in their hands every day in the course of their duty. It is our responsibility to safeguard them in their jobs so far as is possible.

I agree with some of the arguments that have been advanced about degrees of murder. Some years ago I had not made up my mind on this subject. A certain crime was committed and a number of well-meaning people were screaming for clemency for the convicted person. The late Sir Arthur Rylah, the then Chief Secretary, invited people to his office to view the horrible photographs of the victim. I believe that type of person is not a human being; he is a beast in the community.

The Hon. I. B. TRAYLING: Do you mean Sir Arthur Rylah or the victim?

The Hon. A. K. BRADBURY: Mr. Trayling can have his say later.

The Hon. HADDON STOREY: The person about whom Mr. Bradbury is speaking was not executed.

The Hon. A. K. BRADBURY: No, he was not, but it did not take long for him to be declared sane again. He was declared insane and that saved him from the gallows. I believe these people should be made to suffer as much as the relatives of the deceased suffer.

The Hon. I. B. TRAYLING: Do you believe they should be hanged?

The Hon. A. K. BRADBURY: I believe that for some degrees of murder this penalty should be retained on the statute-book. Parliament should have sufficient confidence in the Executive Council to allow it to have the final say, despite what Mr. Long has said, that the Executive Council, unlike the judge, has not heard the case or made the summing up. When listening to the case a judge can be carried away with a degree of emotion but members of the Executive Council—I am told they call the trial judge before them when these matters are being considered—in a cool, calm and rational reading of the transcript of the evidence that has been given, can make a judgment on the evidence without being involved in the emotions that surround the court on such an occasion. We have a responsibility to protect society and no harm is being done by allowing this Act to remain on the statute-book. Some overseas countries that have abolished capital punishment have been seriously considering its restoration. Despite what the Law Reform Commissioner, Mr. Smith, has said, Parliament should be considering the degrees of murder for which this sentence will be implemented. I shall be voting against the Bill.

The Hon. D. E. KENT (Gippsland Province): I welcome the opportunity of speaking on this subject in what I hope is an historic debate and the last opportunity in the Victorian Parliament of debating the abolition or retention of capital punishment. We are talking about the death sentence, not the form in which it is executed. It is just as obnoxious to me in whatever form it is implemented.

Irrespective of the remarks of Mr. Hunt, I have no doubt and I am quite conscious of the fact that I am not playing God in that respect, that it is a subject which I cannot claim to have been convinced about by argument or experience over recent years. It is something on which I have held a view with deep conviction for as long as I can remember. As a matter of principle I do not believe in a free vote or a conscience vote being an acceptable practice in our Parliamentary system but I welcome this opportunity because it gives me a chance not only of supporting the policy on which as a Labor member I was elected but of speaking without inhibitions or restraints from the party, and expressing the views which I hold as strongly as anybody could hold views.

If this Bill is passed it will be the most significant piece of legislation with which I am likely to have the opportunity of being associated in this Parliament. I acknowledge the fact that it will not directly affect the lives of many people and perhaps no person will hang if the Bill is not passed. However, it is important that we should not be seen to be people who believe there is justice and righteousness in leaving on the statute-book an Act which acknowledges the fact that we believe the State and the individuals who comprise the State are justified in taking human life under certain circumstances.

I have heard all the arguments and have listened to them with an open mind not only in this debate and that in another place in this Parliament but in other debates over the years. Many people whose views I respect believe in the retention of the death sentence. There are others, for whom I have the utmost contempt, who, because of other expressed religious or philosophical professions, still believe, in contradiction of other professions, that they and the State have the right to take a human life.

Many arguments which are to me completely irrelevant have been brought forward in the debate. The question of deterrence is irrelevant because there is no conclusive evidence one way or the other. That does not affect my judgment on the matter. I have spoken in this House before on the subject of punishment. I do not believe in punishment as we see it. I believe in protection for society and that punishment should be something which is eliminated from our criminal law. My concern for the victim and the relatives is as strong as that of any other person but we are not doing one thing for the benefit of the relatives of the victim or perhaps the relatives of the murderer himself by condemning to death the person who is found guilty.

I certainly intend to support this Bill because it abolishes the death sentence. I regret very much that it still retains the sentence of imprisonment for the term of natural life for the crimes of murder and treason. I commend Mr. Clarke and others for bringing to our attention the fact that treason is still regarded as such an offence as to render a person guilty of it liable to the maximum penalty. Treason is a matter of a particular judgment by those who happen to be in power at a particular time. If I were to speak honestly, if I were in power today I would have to make a judgment and in my judgment I would find many people guilty of treason for actions they took not long ago. I do not believe we should seek retribution or revenge in any form. The question of representation has been discussed and, as I said, I have been elected as a representative of my party, of whose platform the abolition of capital punishment has long been part.

The Hon. V. T. HAUSER: If you opposed the Bill, would you abstain from voting?

The Hon. D. E. KENT: That question has not arisen. I am doing something as a matter of conviction and

of party policy, and I was elected by the people of Gippsland Province to represent them. I cannot always represent the point of view of the majority, and I do not know what the majority view on this issue would be. To be perfectly frank, I suspect that a majority of people would favour the retention of capital punishment, but irrespective of their view I was elected as an individual, as a particular type of person—I have not endeared myself to everyone in the electorate, because I speak the truth whenever I am called on to express an opinion—and I am being true to myself and will face the judgment of my electors if they wish to judge me on this issue.

Even if I thought that 90 per cent of my electors were opposed to this Bill, I should still support it, because that is the extent to which my conviction goes. It is not possible to obtain the point of view of all one's electors, and I do not think it is important. Honorable members are often told that, as leaders, they should lead public opinion. If it had not been for the initiation of reform by those who were ahead of the thinking of the majority in any society at any time, people would not have risen from the law of the jungle to make substantial strides towards the development of the civilization which has been reached today.

If people are obsessed with the idea that we live in a violent society today, I invite them to examine the type of society which existed in the so-called Christian civilization—this great western culture, the British nation from which most of us sprang a century ago when more than 100 crimes were punishable by death. Yet, there were more murders, violence and robbery then than there are today. We are emerging from those times, and unfortunately it is not always as a result of leadership from those from whom one would expect it.

I commend honorable members who have spoken in the House tonight with such honesty, reason and compassion. Many members found it a difficult decision to make. I sincerely hope—although I speak frankly and perhaps bluntly—that I do not cause offence to anyone, because I will be expressing my own beliefs—accurately, I trust—on an issue about which I feel deeply. I respect the honest opinions of those who believe, through various misconceptions, that it is right and proper for society to retain the right to take the lives of other people.

It is particularly disappointing in this free vote that many people who, like myself, represent country areas, seem to believe predominantly that country people are slower to develop a sense of compassion and enlightenment.

The Hon. S. R. McDONALD: Who suggested that?

The Hon. D. E. KENT: I do not suggest that there is no free vote, but it is significant that every member of the now defunct Country Party has indicated his intention to oppose the Bill. I do not think it does justice to country people. Not only the people whom I represent, but many of those represented by a young man whom I should have expected to have some feeling, compassion, foresight and consideration, would not have wished to see the taint of bloodshed upon the hands of those whom he represents.

The Hon. B. P. DUNN: To whom are you referring?

The Hon. D. E. KENT: I refer to Mr. Dunn. It is unfortunate that in this evolving democratic society, people who consider that they represent a majority point of view are able to come here, and, while representing 50,000 electors, can cast on an issue such as this a vote which has the same value as that of Mr. Block, who represents three times that number of people. If honorable members are concerned about representing a consensus in the State, they ought to consider seriously where that consensus lies.

Many arguments have been put forward, and they carry no weight with me because of my absolute opposition to the taking of human lives. Arguments have been presented about the degrees of atrocity of different types of murder. There is no question about the ultimate result of death; that is what we are talking about. The same ultimate result comes from capital punishment, as it is called. The Minister for Social Welfare has suggested that it is not really a punishment, because there is no feeling afterwards.

I deplore the fact that imprisonment for the term of a person's natural life has been retained, but the reason I will not reject the Bill on that ground is that we are, I hope, taking a significant step forward. I do not envisage that members of the future Parliaments of Victoria will have minds that are stagnant, that there will be no development in human understanding and compassion. Although at this stage people may be sentenced to imprisonment for the term of their natural life, I hope that within a short time the proposed legislation will be amended as society becomes more intelligent and compassionate. Some people who have a guilt complex will suffer for their own sins.

There has been concern about the protection of society. I do not propose to present any statistics; adequate statistics, for what they are worth, have been presented on similar issues from time to time. I have rejected the idea of capital punishment or a life-long sentence of imprisonment as a deterrent, but I believe that society —as Mr. Galbally mentioned—is threatened more by people who have never been found guilty of murder. Those who are free and deemed to be innocent are much more likely to destroy lives than those who have already been convicted of crimes. Is a society going to develop in which laws are introduced to apprehend potential murderers, potential threats to the lives of others? They could be violent types, perhaps in isolated country areas. Are we to seek all those people who might be a threat to the lives of others and say that because they are a potential danger and may commit a violent crime, their lives must be taken or their freedom surrendered? We must make a decision which fundamentally and strongly divides the attitudes of human beings.

In my opinion it is a decision between an attitude of humanity and an attitude of bestiality. Some honorable members may not like that, but the divisions are sharp and real. Irrespective of what has been traditionally accepted by those who have given lip service to Western culture or Christian beliefs, I believe they are completely incompatible. Arguments have been put forward in another place, both for and against capital punishment on the basis of vindication of principles of Christian teaching. Much of that is based on the pre-Christian law of an eye for an eye and a tooth for a tooth. I do not suggest the Christian faith is synonymous with a certain type of compassion. I wish it were, but obviously the past and present record of many of the organizations which represent those values is not always synonymous with them. I have just as great a respect for those people who for any other philosophical reason respect human life. This distinguishes men from animals. There are no doubts in my mind.

Many arguments have been brought forward which I believe are irrelevant, but as an organized, rational society we should not legislate for revenge or vindictiveness, and lower ourselves to these animal instincts and actions which we are condemning. We are not merely members of Parliament; we are members of society and part of the State. What is done by society and the State is done in our name, and I hope that never again in this State will my name be attached to an act which takes the life of a human being. One thing we cannot do as

human beings is create a life which has been destroyed. We can rebuild a broken life or character. Every man, irrespective of his opinions or actions, was created in the image of God, and he has some right to rehabilitation and degrees of guilt and sin are irrelevant. It is not for man to judge other men. Either we are different creatures or we are simply animals, as some members suggest. My reasons are not based on statistics. I am not a computer. I am not an animal, but a human being, and I believe we should reject the right of any human being, in the name of the State or otherwise, to destroy the life of another.

The Hon. O. G. JENKINS (South-Western Province): I understand that there have been twenty speakers today. I am aware that other members wish to speak. In the circumstances, I move—

That the debate be now adjourned.

I suggest that the debate be adjourned until the next day of meeting.

The Hon. J. W. GALBALLY (Melbourne North Province): When the matter of the adjournment of the debate was raised last week, I said—

It is hoped that the Government will then make time available so that when the debate is resumed we could, hopefully, reach a conclusion on the matter without interruption to the debate.

I then moved the adjournment of the debate. The Minister for State Development and Decentralization did not give that assurance. I will read what he said—

In view of what Mr. Galbally has said, if it is the wish of the House the Bill will be the first item of business on Tuesday next. I agree with Mr. Galbally that the matter has been debated, if not *ad nauseam*, at great length in this House and the Government will be pleased to have the Bill resolved next week on the basis that members of this House will have the same opportunity of full and open debate that they have had on all other occasions.

Therefore, it is perfectly clear that the Minister did not give the assurance that I sought. No doubt the House will wish to adjourn now. I ask the Minister whether it is the intention of the Government to resume this debate as the first item of business tomorrow. That would mean the rights of private members' Bills would have to be surrendered. I presume that my colleagues will have no objection to that. What I am really asking is whether the Minister will inform honorable members what he proposes to do tomorrow, and in the light of that I am sure we can agree. I beg him to say the debate on the Bill will be concluded tomorrow one way or the other.

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization): I reiterate exactly the undertaking I gave on that occasion. I give the same assurance that this will be the first item on the Notice Paper tomorrow. It is certainly my intention that the Bill shall be fully debated tomorrow. Subject to the fact that everyone is entitled to full and open debate, I expect the matter to be determined tomorrow.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until the next day of meeting.

TRUSTEE COMPANIES (COMMISSION) BILL.

This Bill was received from the Assembly.

The PRESIDENT (Sir Raymond Garrett): I have examined this Bill, and whilst not wholly decided I believe the Bill must be ruled a private Bill.

The Hon. A. J. HUNT (Minister for Local Government): I agree with that view. In another place, this Bill was ruled to be a private Bill, but was treated as a public Bill. 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.

The motion was agreed to.

On the motion of the Hon. A. J. HUNT (Minister for Local Government), the Bill was read a first time.

MELBOURNE (SNOWDEN GARDENS) LAND BILL.

This Bill was received from the Assembly and, on the motion of the Hon. F. J. GRANTER (Minister of Water Supply), was read a first time.

TRANSPORT REGULATION (PRIVATE OMNIBUSES) 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.

NATIONAL PARKS BILL.

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

The House adjourned at 11.42 *p.m.*

QUESTIONS ON NOTICE.

OUYEN–PATCHEWOLLOCK RAIL LINK.

(Question No. 354)

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

(*a*) What planning has been undertaken by the Victorian Railways Board in relation to the construction of a new line linking Ouyen and Patchewollock?

(*b*) What is the estimated cost of such a link?

(c) What other costs would be involved in strengthening other lines and providing a link direct from north-western Victoria to the port of Portland?

The Hon. W. V. HOUGHTON (Minister for Social Welfare): The answer supplied by the Minister of Transport is—

(*a*) None.

(*b*) Although detailed planning has not been undertaken, it is estimated that on present-day costs, construction of such a link would be in the vicinity of $6 million.

(c) A sufficiently direct link already exists between north-western Victoria and Portland via Maryborough and Ararat. It is capable of efficiently handling all traffic offering.

The most direct rail link between Patchewollock and Portland is via Balmoral. It would be necessary to upgrade the whole of this route to carry fully loaded bogie bulk hopper wheat wagons and would also entail relaying the following sections at the estimated costs as shown—

Patchewollock—Hopetoun $1·2 million.
Horsham — Balmoral — Hamilton $4·5 million.

These estimates do not include any other strengthening works which may be found necessary.

SECONDARY TEACHER RESIGNATIONS.

(Question No. 359.)

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

(*a*) How many secondary teachers submitted their resignations to the Education Department between 1st January, 1975, and the commencement of the first term in 1975, and were these teachers' salaries paid up to the commencement of the first term?

(*b*) To what date could these teachers have submitted their resignation during the third term in 1974 and still qualified for payment up to the commencement of the first term in 1975?

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

(*a*) During the period 21st December, 1974, and the commencement of term 1, 1975, a total of 152 resignations were received where resignations were lodged with effect from the commencement of term 1, 1975. Where the teachers concerned were eligible, payment was made to the effective date. Some teachers did submit resignations with effect from a specified date earlier than the commencement of term 1 and payment was made only to that date.

(*b*) Teachers may submit resignations with effect from a particular date although the usual courtesy of a month's notice is expected. If a teacher submitted his resignation with effect from the commencement of term 1, 1975, he would qualify for vacation pay provided that he had been employed prior to 31st October, 1974.

Possible changes to the above regulations are currently being considered.

WERRIBEE TECHNICAL SCHOOL.

(Question No. 363)

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

When is it expected that tenders will be called for the final stages of the Werribee Technical School?

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

Subject to the availability of funds the project is scheduled for tender in the financial year 1975–1976.

PATCHEWOLLOCK–OUYEN RAIL LINK.

(Question No. 364)

The Hon. K. I. WRIGHT (North-Western Province) asked the Minister for Social Welfare, for the Minister of Transport—

Has the Minister of Transport considered the advantages of a rail link between Patchewollock and Ouyen which would link existing lines with the systems leading to Portland and South Australia; if not, will the Minister institute a full investigation of the advantages of such a proposal, including the maximum development of Portland as a port?

The Hon. W. V. HOUGHTON (Minister for Social Welfare): The answer supplied by the Minister of Transport is—

The Victorian Railways Board advises me that the cost of providing a rail link between Ouyen and Patchewollock would not be offset by any real advantage to rail users or any operational savings.

All rail traffic from Mildura to Portland runs via Avoca. The rate charge is based on the shorter distance by an imaginary rail connection between Litchfield and Minyip. The Ararat to Portland track was recently upgraded and can adequately handle all traffic offering.

There is already a direct rail link from Ouyen to South Australia via Pinaroo, a much shorter route than would result from the construction of a link between Ouyen and Patchewollock.

ROADS IN ST. KILDA.

(Question No. 373)

The Hon. I. B. TRAYLING (Melbourne Province) asked the Minister for Social Welfare, for the Minister of Transport—

(*a*) When will the reconstruction of St. Kilda Road, St. Kilda (formerly known as High Street), be completed?

(*b*) When will Alma Road, west of St. Kilda Road, which was originally closed three months ago for two or three weeks to enable alteration of services to be completed, be reopened, and will the Minister of Transport give the reasons for this protracted and highly inconvenient closure?

The Hon. W. V. HOUGHTON (Minister for Social Welfare): The answer supplied by the Minister of Transport is—

(*a*) The Country Roads Board expects that the roadworks in St. Kilda Road will be completed by the end of May, 1975. However, the board does not expect that the installation of traffic control signals will be fully completed before the end of August, 1975, because of delays in the supply of the necessary equipment.

(*b*) Work being carried out in Alma Road is expected to be completed and the road open to traffic by 25th April, 1975. Material shortages, industrial action and abnormal weather conditions have resulted in this work taking longer to complete than was originally expected.

YARRAVILLE SCHOOL BUILDING.

(Question No. 366)

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

What does the Education Department propose for the old school building in Francis Street, Yarraville, when the new school is fully operational?

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

There are a number of educational purposes for which the old school building in Francis Street, Yarraville, may be used when the new school is fully operational. No decision in the matter has been made at this time.

BIRCHIP HIGH SCHOOL.

(Question No. 376)

The Hon. K. I. WRIGHT (North-Western Province) asked the Minister for State Development and Decentralization, for the Minister of Education—

When is it expected that work on the new wing and principal's residence will be commenced at Birchip High School?

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

Because of the limited funds available to the department for capital works and the greater need of other centres it is not expected that the home economics and science wing proposed for Birchip High School will proceed during the 1975-76 financial year. The needs of Birchip will be reviewed from time to time as further funds become available to the department.

The Secretary of the Teacher Housing Authority advises that works required to the principal's residence will be undertaken when the question of rental revision has been resolved.

MINYIP–LITCHFIELD RAIL LINK.

(Question No. 377)

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

(*a*) What planning has been undertaken by the Railways Board in relation to the construction of a new line linking Minyip and Litchfield?

(*b*) What is the estimated cost of such a link, and what advantages will be forthcoming in the movement of freight?

The Hon. W. V. HOUGHTON (Minister for Social Welfare): The answer supplied by the Minister of Transport is—

(*a*) None, but the economic feasibility of a rail link between Litchfield and Minyip has been closely examined by the Victorian Railways Board on a number of occasions. The results have always shown, however, that such a link would not be viable.

(*b*) Although detailed planning has not been undertaken, it is estimated that on present day costs, construction of such a rail link would be in the vicinity of $5 million.

The Victorian Railways Board advises me that the provision of a rail link between Litchfield and Minyip would not result in any operational savings or real advantage to rail users, as freight rates between Mildura and Portland are already calculated as though the rail link did exist.

MELTON SEWERAGE TRUST.

(Question No. 390)

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

Will he lay on the table of the Library the file relating to the Melton Sewerage Trust and its proposed sewerage works?

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

An appeal against the issue of a planning permit for the use by the Melton sewerage authority of the treatment site located south of Greigs Road, Melton South, is, at present, part-heard by the Town Planning Appeals Tribunal. The appeal is scheduled to be resumed on 29th April and the commission is a witness in the matter.

It is considered it would be inappropriate of the Water Commission to make its file available before the tribunal has considered the evidence.

SCHOOL STAFFING.

(Question No. 392)

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

(*a*) In determining teaching allotments, does the Teachers Tribunal lay down by regulation a lower allotment for first-year teachers; if so, is this factor taken into account when staffing such schools as the Echuca High School, which has eleven first-year teachers?

(*b*) What special consideration is given by the secondary staffing officers to schools which have a significant proportion of first-year teachers?

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

(*a*) and (*b*). Yes. The new regulation of the tribunal limits the allotments for exit students to 25 periods. Efforts are being made by the staffing officers to increase the staff above the base figure at high schools which have a substantial number of first-year teachers.

HOUSING COMMISSION ALLOTMENTS AT WERRIBEE.

(Question No. 394)

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

Has the Housing Commission sold any allotments at Werribee to persons wishing to purchase land for housing purposes; if not, when is it proposed that such allotments will be available to eligible persons?

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

The commission has not yet sold any allotments at Werribee for housing purposes. It is proposed that such allotments will be available to eligible persons as soon as planning and development processes are completed and lot titles are available.

MUNICIPAL RATES.

(Question No. 396)

The Hon. K. I. WRIGHT (North-Western Province) asked the Minister for Local Government—

(*a*) How many municipalities are charging a "shady-scheme" rate based on unimproved capital value and capital improved value valuations?

(*b*) Why have more councils not availed themselves of this scheme?

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

(*a*) One. The City of Caulfield. Another municipality, the City of Kew, has resolved to adopt composite rating but a poll on the proposal could still be demanded. A composite rate is based on unimproved capital value and net annual value (not capital improved value) valuations.

(*b*) This question could be answered only by the 209 other councils, whose reasons doubtless differ substantially.

EUROPEAN CARP.

(Question No. 397)

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

(*a*) What action is being undertaken by Government departments and agencies to ensure that European carp does not spread to the Wimmera waterways and domestic supplies?

(*b*) Are preventive measures being implemented to stop the carp being introduced through the Waranga West channel?

(*c*) What future action is planned, in relation to this matter?

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

(*a*) European carp are already present in parts of the Wimmera water system and will almost certainly extend their range to include most if not all of this system in due course.

(*b*) I am informed that European carp are already present in the Waranga West channel.

(*c*) European carp are known to spread from one water to another by flooding, by being transported by irresponsible or poorly informed persons and perhaps also by birds. It is thought that the eggs of carp may adhere to the legs of water birds. The history of European carp in other parts of the world is that they will ultimately be found in all waters of a continent in which they can survive. There is no known way of preventing the spread of this fish from one water to another or of eradicating it except from a very small pond.

The Fisheries and Wildlife Division has, through an extensive publicity campaign, made the public aware of the dangers of European carp, thus attempting to reduce the transportation of this species from one water to another by uninformed people.

The spread of European carp in south-eastern Australia has been brought to the attention of the standing committee of fisheries and a situation report is being prepared by Victoria, South Australia and New South Wales for the information of the Australian Fisheries Council. In the meantime the Victorian Fisheries and Wildlife Division is seeking funds and the appointment of special staff to study European carp in Victoria and to assess its effects on other fishes, on water fowl, on the aquatic environment and to exercise whatever controls may be practicable in restricting its range or reducing its numbers and ill-effects.

MUNICIPAL FINANCE.

(Question No. 399)

The Hon. K. I. WRIGHT (North-Western Province) asked the Minister for Local Government—

(*a*) Is he aware that Queensland is considering a poll tax on people renting flats or homes and property owners, to assist municipal councils to raise much-needed additional finance?

(*b*) Is such a new tax structure under consideration in Victoria, and will the current difficulties of many municipalities influence any such consideration?

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

(*a*) I am aware that a kite has been flown.

(*b*) No. The justification claimed for a poll tax is that it would supplement the present system of taxation in that it would enable a charge against many persons who use local government services but do not contribute to local government revenue through rates. The collection of such a tax, however, poses substantial problems, and the cost of doing so might well approximate or exceed the amount collected.

Further, such a tax would have no regard to the means and ability of the taxpayer to pay, to the value of his property or to the extent of use of municipal facilities. Nor would it be chargeable to residents of neighbouring municipalities who used the facilities of a different municipality extensively. The assumption that tenants and lodgers do not contribute to rates is in any event questionable, as rental and board charges normally take account of rates payable by the owner.

The 1965 New South Wales Royal Commission of inquiry into rating valuations and local government finance recommended that provision be made for a poll tax in that State. The Government rejected the proposal just as the English Government rejected a similar proposal some years previously. The Voumard report of the Board of Inquiry into Local Government Finance in Victoria expressly considered and rejected the possibility of a poll tax, and the Victorian Government agrees with that view.

The Victorian Government accepts that in an era when local government increasingly serves people rather than property, the burden cannot and should not be borne by a property tax (viz. rates) alone. The Victorian Government has pressed and will continue to press for the allocation to local government as of right of a fixed and known percentage of the national pool of taxation. This should be payable to every municipality in part by way of *per capita* grants and in part by way of additional grants to meet special needs. Each municipality should receive at least the *per capita* grant appropriate to its category as of right, and all payments (whether on a needs or *per capita* basis) should be unconditional.

CLOSURE OF BANK AT BRIDGEWATER.

(Question No. 400)

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

What steps (if any) can he take to prevent the intended closure of the National Bank of Australasia Ltd. branch at Bridgewater?

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization): The answer is—

I have been informed that the Bridgewater branch of the National Bank of Australasia Ltd. is to close through a downturn of business being transacted.

The National bank has two efficient branches in Bendigo, 19 miles away. It has become apparent to the management of the bank that the locals at Bridgewater are using the facilities of its Bendigo branches.

I am informed that the decision of the bank is purely one of viability. However, what I am prepared to do with its co-operation and support from Mr. Clarke is to urgently call a conference and request that senior bank officials attend such a conference and that the local people should have an opportunity of putting their point of view and discussing the answers that have been given them by the bank and Mr. Clarke.

AIR AMBULANCE SERVICE.

(Question No. 401)

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

(*a*) What company or companies have aircraft on charter to the air ambulance service in Victoria?

(*b*) How many aircraft are involved?

(*c*) How often are tenders called?

(*d*) Does the Government charter aircraft on—(i) term contract; or (ii) hourly or daily rates?

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

(*a*) Executive Airlines Pty. Ltd.

(*b*) Two permanently available and in use; a third available if required; in emergency, a fourth aircraft can be made available.

(*c*) Usually every three years; present contract has been extended for one year in view of change of responsibility for the service to Victorian Civil Ambulance from 1st April, 1975.

(*d*) Both—a fixed monthly charge on a term contract plus an hourly charge for actual hours flown.

Legislative Assembly

Tuesday, April 22, 1975.

The SPEAKER **(the Hon. K. H. Wheeler)** took the chair at 4.5 p.m., and read the prayer.

ABSENCE OF MINISTERS.

The SPEAKER (the Hon. K. H. Wheeler): I have to announce that the Minister of Health and the Minister of Public Works will be absent from the House today.

QUESTIONS WITHOUT NOTICE.

MOB VIOLENCE.

Mr. WILKES (Northcote): Can the Chief Secretary advise the House what action, if any, the Government and particularly his department is taking to counter the mob violence that is breaking out throughout the State, and when the honorable gentleman contemplates taking this action?

Mr. ROSSITER (Chief Secretary): The Premier and I have conferred on this matter. The Chief Commissioner of Police and I are having discussions and will make a decision on how to eradicate the great outbreak of violence that is so concerning honorable members.

CATTLE INDUSTRY.

Mr. ROSS-EDWARDS (Leader of the Country Party): Has the Treasurer received any notification from the Prime Minister concerning the reported $20 million to be made available by the Federal Government at a 4 per cent interest rate to assist the cattle industry? If not, will the honorable gentleman take steps to ascertain what this will mean to the cattle industry in Victoria?

Mr. HAMER (Premier and Treasurer): In reply to the Leader of the National Party——

The SPEAKER (the Hon. K. H. Wheeler): Order! I think I should take up the suggestion that there has been a change of name. I inform the House that until I am advised of the change the corner party must remain known as the Country Party.

Mr. HAMER: I inform the Leader of the Country Party that a few minutes ago I received a telegram from the Prime Minister on this subject. On a quick perusal it appears to indicate that $20 million would be made available throughout Australia and that it is intended that the sums would match those being made available by the States, that the rate of interest would be 4 per cent and that preferably the sums should be administered through rural finance commissions or the equivalent.

The telegram also states that the Federal Government wants to confer with the States on the subject. The Victorian Government will be ready to do that. If the telegram means what I think it means, it indicates that a sum about twice as large as that now available will be provided to assist the beef industry in Victoria. However, we do not know the conditions and will have to discuss those with the Prime Minister or his representatives in due course.

SPECIAL EDUCATION.

Mr. FORDHAM (Footscray): What steps is the Minister of Education prepared to take to ensure the provision of an adequate career structure in special education in Victoria, bearing in mind the spectacular failure of the Teachers Tribunal over the past year to provide such a structure as recently outlined by the teachers and unions concerned and the Assistant Minister of Education?

Mr. THOMPSON (Minister of Education): The Assistant Minister of Education is a man of action who is very keen to provide expert services for handicapped children. There has been some measure of disagreement on the best way of finding an appropriate career structure for people in the Special Services Division, particularly people who are

looking after the education of mentally and physically handicapped children. A number of submissions have been made to the Teachers Tribunal, and I understand that a decision will be made at an early date on a further extension of the career structure for people in the Special Services Division.

PROBATE DUTY.

Mr. WHITING (Mildura): I ask the Premier and Treasurer whether, in view of a number of anomalies which appear in the Probate Duty Act, particularly with regard to notional assets and the depreciation of land following death, he has set up a specialist committee to consider the matter. If so, who are the members of the committee; if not, will the honorable gentleman consider establishing such a committee?

Mr. HAMER (Premier and Treasurer): Yes, some months ago I set up a committee to consider the Probate Duty Act. I would have to consult the files to give the names of the members of the committee, and I will do that and advise the honorable member by letter.

The purpose of the committee is to investigate anomalies in the Act, particularly those arising out of the fall in value of assets after the date of death and before duty is assessed and paid. This is a serious problem, although I stress that one does not hear complaints from people when the opposite effect occurs and the value of assets rises. However, one hears strong protests from those who are adversely affected by the operation of the Act when the value of their part of an estate is effectively reduced by a reduction in the value of assets on which duty has been assessed.

Some other matters have been referred to the committee, and I expect that the committee will present a report to Parliament in time to allow it to be considered during the spring sessional period.

HONORARY PROBATION OFFICERS.

Mr. JONES (Melbourne): Has the Premier and Treasurer given consideration or, alternatively, will he give consideration when bringing down the Budget proposals, to the financial position of the 8,000 honorary probation officers in Victoria? In particular, will the honorable gentleman give sympathetic consideration to the suggestion that they should receive some allowance for motoring, telephone or office expenses which are actually incurred in the performance of this valuable public work?

Mr. HAMER (Premier and Treasurer): Yes, I will be glad to consider the matter during the preparation of the next Budget. As the honorable member for Melbourne knows, the honorary probation officers have so far operated without receiving any allowances, and certainly without receiving pay or remuneration. They perform a valuable service, and the Government relies on them a great deal. I shall be happy to see what can be done to provide at least a refund of their out-of-pocket expenses.

LEGAL AID.

Mr. CHAMBERLAIN (Dundas): I ask the Attorney-General whether, in view of the questionable nature of an expensive advertising booklet which appeared yesterday in a women's magazine, he will approach the Premier with a view to obtaining a grant for advertising in the various sections of the news media to extol the virtues of the independent legal profession which has served Victoria well with integrity and in a professional manner.

Mr. HOLDING (Leader of the Opposition): I rise to a point of order. Mr. Speaker, you have consistently ruled out of order in this House any reference to press articles when those matters have been raised by honorable members on the Opposition side of the House. I ask you, Sir, whether it is in order for a member of the Government side of the House now to

direct the attention of the Attorney-General to a press article and, indeed, to hand a copy of it to the honorable gentleman?

Mr. WILCOX (Attorney-General): Mr. Speaker, on the point of order, this article that I have been asked about is not a press statement, it is a publication headed "Legal Aid". Legal aid is a subject about which I answered questions in the House all last week. Now an honorable member from the Government side of the House is asking me a question on the subject.

The SPEAKER (the Hon. K. H. Wheeler): Press statements as referred to by the Leader of the Opposition are out of order when honorable members are asked whether they are correct. That is the only time when the mention of press articles has been ruled out of order.

Mr. WILCOX (Attorney-General): Thank you, Mr. Speaker. I am very glad that this magazine has been directed to my attention and to the attention of honorable members, because—I say this in all seriousness—the rules of government in this country do not count any longer. We are entering into a phase in which the propaganda machine is being put into motion in Canberra.

Mr. DOUBE (Albert Park): On a point of order, Mr. Speaker, the rules relating to question time are clear in that a member may ask a question, and a Minister may answer it, but he may not debate it. The Attorney-General is not only perilously close to being in breach of the Standing Orders, but in fact is giving an opinion, and opinions may not be sought during question time, nor may they be given as answers. If the matter is to be debated, I am sure the House will be happy to accommodate the honorable gentleman, but it cannot be done at question time.

Honorable members interjecting.

The SPEAKER (the Hon. K. H. Wheeler): Order! This is becoming a daily occurrence, but I appeal to honorable members to allow question time to be as it is intended and to cease interjecting.

Mr. DOUBE: If this practice continues, it will make a farce of question time. Questions may be asked, but Ministers may not answer them by giving opinions.

The SPEAKER: Order! I have no intention of allowing anything that is outside previous rulings. Standing Order No. 81 states—

> In answering any such question a member shall not debate the matter to which the same refers.

The Attorney-General had just got to his feet. It is not correct for me or for the honorable member for Albert Park to anticipate whether the Attorney-General——

Mr. HOLDING: You know what he is up to.

Honorable members interjecting.

The SPEAKER: Order! If interjections continue, I will have no alternative but to name one member and perhaps two. I ask honorable members to consider the situation I am in. I am asked to rule on a certain matter, and I will do it. The honorable member for Dundas asked a question, and the Attorney-General had just got to his feet. Until the honorable gentleman has proceeded further with his answer I cannot decide whether he is debating the matter. I ask him to continue his answer in accordance with the rules laid down.

Mr. WILCOX (Attorney-General): Thank you, Mr. Speaker. This is a serious matter, and obviously it is a matter that worries the Opposition, because I am giving the House facts. This is not a matter of opinion. The first fact is that this publication is an expensive production. I have been asked whether I will ask the Treasurer for a grant to publicize the workings of the legal profession. I would be happy to do so, but in fairness to the honorable gentleman, I would have to let him know what the cost might be. That is what we are talking about, a comparative cost.

Mr. WILTON (Broadmeadows): On a point of order, Mr. Speaker, I should like one point cleared up. I understand that an honorable member is entitled to ask a Minister a question which is directly related to the area of the Minister's responsibility and that in answering the question the Minister is confined to this area. I understand that the publication that the Attorney-General is waving around has been produced by a Minister of another Government. Therefore, I fail to see how the subject of the question is in any way related to the responsibility of the Attorney-General. I submit that on that ground the question is out of order.

The SPEAKER (the Hon. K. H. Wheeler): Order! The honorable member for Dundas asked the Attorney-General whether he would confer with the Premier with a view to obtaining a grant to issue a publication concerning legal aid. Legal aid is within the ambit of the Attorney-General—there is no doubt about that in my mind. Therefore, I ask the Attorney-General to answer the question as briefly as he can.

Mr. WILCOX (Attorney-General): I am delighted to answer the question briefly but up to date I have been interrupted by members of the Opposition every time I have sought to complete a sentence. The reason is quite obvious why that is occurring. Members of the Opposition know that the Government in Canberra is involved in something which is without precedent in this country. I refer to the way in which propaganda has been put out by the Government in Canberra, and I suggest that the cost involved would run up to $500,000 on this publication alone.

Mr. DOUBE (Albert Park): I raise a further point of order.

The SPEAKER (the Hon. K. H. Wheeler): Order! Before I call on the honorable member for Albert Park, I ask the Attorney-General to answer the question and to keep strictly to the question asked by the honorable member for Dundas.

Mr. WILCOX (Attorney-General): I was coming to the point of the cost. That is the whole point, because it is quite clear that if I am to approach the Treasurer—I shall be happy to approach the Treasurer—with respect to the expenditure of moneys, I should not approach the Treasurer without knowing what I am talking about in terms of money. For the information of the honorable member I am quite happy to go to the Treasurer and ask for a grant.

Mr. DOUBE (Albert Park): Mr. Speaker, it is necessary for members of the Opposition to raise points of order to protect the position of Opposition members during question time. The Attorney-General has not been asked, nor is he competent, to discuss in this Chamber the question of costs. The answer to the question raised should be "Yes" or "No". If matters of cost or other aspects are raised, they are not to be answered in the House. The Attorney-General has been asked whether he will do something, and the answer is either "Yes" or "No".

Mr. WILCOX (Attorney-General): I shall conclude on the cost matter, but obviously hundreds of thousands of dollars are involved.

The SPEAKER (the Hon. K. H. Wheeler): Order! On the point of order raised by the honorable member for Albert Park, again I repeat that the essence of the question asked by the honorable member for Dundas was whether the Attorney-General would confer with the Premier on obtaining a grant towards the cost of a publication. The Attorney-General has said that he will discuss the matter with the Premier. However, I invite the Attorney-General to round off his remarks.

Mr. WILCOX (Attorney-General): I shall do that by simply saying that the cost involved here must be something approaching $500,000.

Mr. HOLDING: How would you know that is the cost involved?

Mr. WILCOX: I have had an estimate, and that is not far out.

The SPEAKER (the Hon. K. H. Wheeler): Order! I appeal to honorable members, and I take exception to some extent to the statement by the honorable member for Albert Park that he had to rise to protect the interests of members of the Opposition. I do my best during question time to protect the rights of all honorable members; hence my continual appeals for no interjections. If my appeals were heeded all honorable members would have ample opportunity of asking questions. We have 30 minutes for question time—little enough, I believe—and interjections take up the time which honorable members are rightly entitled to use.

Mr. WILCOX (Attorney-General): I shall simply conclude by saying that I will consult, as I have indicated, with the Treasurer. It is important that he should know what costs are involved, and it is quite obvious to all that, having done over the medical profession, they are going to nationalize the legal profession.

ADVERTISING ON NEWPORT POWER HOUSE.

Mr. TREZISE (Geelong North): Firstly, can the Minister for Fuel and Power inform the House of the approximate cost to the State Electricity Commission or other sources of the recent well-publicized campaign on television and in the press in support of the argument for establishing a power house at Newport? Secondly, did the Minister confer with the Premier before the campaign was launched?

Mr. BALFOUR (Minister for Fuel and Power): The campaign was run by the State Electricity Commission and the cost was $63,000.

TEACHER HOUSING AUTHORITY.

Mr. HANN (Rodney): I ask the Minister of Education: In view of the serious liquidity position of the Teacher Housing Authority, particularly the shortage of funds, and the fact that the building programme has virtually stopped and maintenance works cannot be carried out, what action does the Government intend to take to improve the teacher housing position in Victoria?

Mr. THOMPSON (Minister of Education): Any financial problems being encountered by the Teacher Housing Authority will be taken into account when the Budget is being determined for the next financial year.

MELBOURNE UNDERGROUND RAIL LOOP.

Mr. MUTTON (Coburg): Can the Premier inform the House when he proposes to submit a report on the time factor and the cost of the Melbourne underground rail loop?

Mr. HAMER (Premier and Treasurer): From time to time estimates are given by the Melbourne Underground Rail Loop Authority. Of course the ultimate cost depends on the letting of contracts. I have not at my fingertips the latest estimated cost, but if I remember correctly it was approximately $160 million. It will, of course, go up because I believe we are faced with increasing inflation for the rest of this year, and there is no sign of its abating. The Consumer Price Index figures for the March quarter were higher than for any other March quarter since 1951. Therefore, the indications are that there will be further inflation of costs and prices in the forthcoming months, and it is impossible to say what the ultimate cost will be. The current estimate is around $160 million.

TRANSFER OF PUPILS TO STATE SCHOOLS.

Mr. SKEGGS (Ivanhoe): I ask the Minister of Education: In view of a statement attributed to Mr. Francis, Director of Secondary Education, to the effect that as at February, 1975, 2,000 pupils had transferred from private schools to State schools, will the Minister consider requesting that

a sociological study be made of this shift in school population by a team from a social science department of one of our universities?

Mr. THOMPSON (Minister of Education): That is an interesting suggestion. I shall be very glad to consider it. The more recent cause of the transfers of pupils, I suggest, may well be the recent decision of the Commonwealth Government to reduce the taxation concession from $400 to $150. I direct attention to the fact that at the conference of State Education Ministers last year a resolution was unanimously adopted requesting Mr. Beazley to persuade the Commonwealth Treasurer to take action to restore this allowance to its original level and to use a more equitable basis for its assessment, rather than to reduce it or abolish it altogether.

I raised the matter again in Perth last Thursday. I pointed out that increased pressure was being placed on our State school system by this drift from independent schools and stressed the importance of action being taken this year. Mr. Beazley once again agreed to reconsider the proposal.

FLOOD DAMAGE.

Mr. CURNOW (Kara Kara): When will the Treasurer approve grants to shires to rebuild flood-damaged roads, grants on which many are relying to keep them out of dire monetary trouble this financial year?

Mr. HAMER (Premier and Treasurer): A large number of such grants have already been approved. I approved another batch of them only last week. I am not sure which shire or shires the honorable member has in mind but I inform him that more than $2·5 million has been allocated to shires to compensate them for flood damage to roads and bridges. If the honorable member gives me the name of any shire he has in mind, I shall check to see that there has been no delay.

LEGAL AID.

Mr. MACLELLAN (Gippsland West): Is the Attorney-General able to confirm that legal aid practitioners are provided, without a means test, for people in Victorian courts and, if so, whether such practitioners could be made available to the Leader of the Opposition?

The SPEAKER (the Hon. K. H. Wheeler): Order! I rule the question out of order on the basis that it is frivolous.

GROWTH CENTRES.

Mr. EDMUNDS (Moonee Ponds): Will the Premier inform the House whether the Government has abandoned its programme to promote five growth centres in Victoria? Has such a decision been brought about because the programme was a failure as it discriminated against all Victorian towns which were not among those growth centres?

Mr. HAMER (Premier and Treasurer): I should like to refer the honorable member to a letter of mine on this matter which was published this morning in the *Age*. I wrote the letter to point out that there was an entire misconstruction of something I said in an address to the Decentralization and Development League in Echuca last Friday.

I pointed out that Victorian Government financial incentives for decentralized industry were available without distinction; that is, they were available wherever an industry wanted to set itself up, provided that it was outside the metropolitan area. The Government believes that policy to be fundamentally correct. I was contrasting that attitude with an apparent inclination of the Federal Government to confine whatever financial support it gives to a few " growth centres ".

I said that the Victorian Government would not confine its assistance to a few chosen centres. That was interpreted by the reporter to mean that the Government was abandoning the plan to provide, so far as possible,

for accelerated growth in the five centres recommended by the Manson committee as long ago as 1969.

I point out that, although financial incentives are available generally throughout the State—wherever an industry sets up in a country centre—it is still open to the Government, and it is its intent, to promote the five centres, so far as possible, in such areas as tertiary education, recreational, cultural and sporting facilities, and in the location of Government offices and regional centres for decentralized administration. In all these ways the Government can assist those centres, but it is not prepared to confine its incentives to them at the expense of other centres in Victoria.

PETITIONS.

FLUORIDATION OF WATER SUPPLY.

Mr. JONA (Hawthorn) 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 102 signatures.

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

Mr. JONA (Hawthorn) presented a petition from certain citizens of Victoria praying that the House take action to ensure that fluoridation of communal water supplies, as provided by the Health (Fluoridation) Act 1973, is undertaken without further delay. He stated that the petition was respectfully worded, in order, and bore 138 signatures.

It was ordered that the petition 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—

Metropolitan Fire Brigades Board—Report for the year 1973–74.

Milk Board—Statement and account for the year 1972–73.

River Murray Commission—Report for the year 1973–74.

Statutory Rule under the Prerogative Powers of the Crown—Regulation governing expenditure of commissions and boards of inquiry—No. 109.

Statutory Rules under the following Acts—

- Appeal Costs Fund Act 1964—No. 111.
- Apprenticeship Act 1958—Nos. 98, 118, 119.
- Audit Act 1958—No. 99.
- Barley Marketing Act 1958—No. 121.
- Co-operation Act 1958—No. 104.
- Country Roads Act 1958—No. 124.
- Dentists Act 1972—Nos. 122, 127.
- Education Act 1958—No. 101.
- Forests Act 1958—No. 100.
- Grain Elevators Act 1958—Nos. 125, 126.
- Hairdressers Registration Act 1958—No. 112.
- Labour and Industry Act 1958—Nos. 116, 117.
- Land Surveyors Act 1958—No. 114.
- Local Government Act 1958—No. 107.
- Marketing of Primary Products Act 1958—No. 105.
- Melbourne Harbor Trust Act 1958—No. 115.
- Mental Health Act 1958—No. 95.
- Milk Pasteurization Act 1958—No. 106.
- Motor Car Act 1958—No. 96.
- Opticians Registration Act 1958—No. 97.
- Parliamentary Salaries and Allowances Act 1968—No. 108.
- Police Regulation Act 1958—No. 120.
- Portland Harbor Trust Act 1958—No. 123.
- Stock Medicines Act 1958—No. 103.
- Teaching Service Act 1958—Nos. 102, 110.
- Transport Regulation Act 1958—No. 113.

Town and Country Planning Act 1961—

- City of Frankston Planning Scheme, Amendment No. 8.
- Eildon Sub-regional Planning Scheme 1951, Amendment No. 10, 1973.
- Shire of Lilydale Planning Scheme 1958, Amendment No. 10, 1968.

TEACHING SERVICE (SPECIAL DUTIES ALLOWANCES) BILL.

Mr. THOMPSON (Minister of Education), by leave, moved for leave to bring in a Bill to make provision for the payment of special duties allowances to certain assistants in certain schools, to amend the Teaching Service Act 1958 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

LOCAL GOVERNMENT (CITY OF RINGWOOD) BILL.

For **Mr. DUNSTAN** (Minister of Public Works), Mr. Meagher (Minister of Transport), by leave, moved for leave to bring in a Bill to approve ratify and validate a private street construction scheme of the City of Ringwood made pursuant to the provisions of Division 10 or Part XIX. of the Local Government Act 1958.

The motion was agreed to.

The Bill was brought in and read a first time.

ENVIRONMENT PROTECTION (NOISE CONTROL) BILL.

Mr. BORTHWICK (Minister for Conservation), by leave, moved for leave to bring in a Bill to amend the Environment Protection Act 1970 in relation to the control of noise and other matters, and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

STOCK MEDICINES (AMENDMENT) BILL.

Mr. I. W. SMITH (Minister of Agriculture), by leave, moved for leave to bring in a Bill to amend the Stock Medicines Act 1958 to increase the stock medicines registration period, and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

STOCK (ARTIFICIAL BREEDING) (AMENDMENT) BILL.

Mr. I. W. SMITH (Minister of Agriculture), by leave, moved for leave to bring in a Bill to amend the Stock (Artificial Breeding) Act 1962 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

CATTLE COMPENSATION (AMENDMENT) BILL.

Mr. I. W. SMITH (Minister of Agriculture), by leave, moved for leave to bring in a Bill to amend the Cattle Compensation Act 1967 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

GRAIN ELEVATORS (AMENDMENT) BILL.

Mr. I. W. SMITH (Minister of Agriculture), by leave, moved for leave to bring in a Bill to amend the Grain Elevators Act 1958.

The motion was agreed to.

The Bill was brought in and read a first time.

POLICE REGULATION (PENSIONS) 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 Police Regulation (Pensions) Bill.

Mr. HAMER (Premier and Treasurer) moved for leave to bring in a Bill to amend the Police Regulation Act 1958 in relation to superannuation, gratuities, pensions and allowances and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

PARLIAMENTARY SALARIES AND SUPERANNUATION 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 this Bill.

GAS AND FUEL CORPORATION BILL.

Mr. BALFOUR (Minister for Fuel and Power) presented a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Fund for the purposes of this Bill.

TRUSTEE COMPANIES (COMMISSION) BILL.

The debate (adjourned from April 9) on the motion of Mr. Wilcox (Attorney-General) for the second reading of this Bill was resumed.

Mr. TREZISE (Geelong North): The purpose of the Bill is to increase the maximum commission which may be charged by a trustee company on assets committed to its administration on both corpus—that is, capital—and income. The Opposition sees no justification for any percentage increase for these companies.

The trustee companies have requested that the present maximum rate of commission chargeable on capital be raised from 4 per cent to 5 per cent, an increase of 25 per cent, and that the maximum rate of commission chargeable on income be increased from 5 per cent to 6 per cent, an increase of 20 per cent. In his second-reading speech the Attorney-General said that one of the main reasons for the introduction of the Bill was the rapid rate of inflation. Members of the Opposition consider that that is not a valid argument.

Mr. WILCOX: The reason is not so much inflation as high labour costs.

Mr. TREZISE: The Minister said that in the past two or three years the rapid rate of inflation had played its part.

Mr. WILCOX: That is right—its part.

Mr. TREZISE: Members of the Opposition do not consider that there is any justification for increasing the percentages because what was 5 per cent in days when the dollar had a lower value is still 5 per cent today in times of increased value. For example, if 50 per cent of a certain amount some twenty years ago remains 50 per cent of a comparable amount today the return at that percentage is certainly increased in line with the rate of inflation. That is why members of the Opposition do not consider that there should be any increase in the percentage chargeable by trustee companies.

One argument put to me by one trustee company is that salaries have increased rapidly in the past twelve months. If the companies believe that salaries have increased to an extent out of proportion with their other costs and the percentages chargeable are increased by 25 per cent and 20 per cent, as proposed, what will happen in twelve months' time if salary increases are reduced to lesser proportions? I presume that percentages chargeable at that time will not be reduced.

If it is said that the proposed commissions of 5 per cent and 6 per cent are justified, I point out that in New South Wales the present maximum charges are 4·25 per cent and 5·25 per cent, respectively. In his second-reading speech the Attorney-General did not provide any justification for the proposed increases. What charge is made by the Victorian Public Trustee? I presume that office is satisfied with the present charge.

Mr. WILCOX: The Public Trustee does not pay tax.

Mr. TREZISE: The Public Trustee charges only 3·5 per cent.

Mr. ROSS-EDWARDS: A 50 per cent tax is paid by the other companies.

Mr. TREZISE: Regardless of whether they pay tax or not, any claim that the trustee companies are bankrupt or are in a depressed condition is belied by their development in recent years. I consider that one

of the main reasons private trustee companies are not retaining their figures—and that can be questioned, too—is that many people are using the services of solicitors and of the Public Trustee. Is it right for Parliament to prop up the private trustee companies in a so-called competitive free enterprise era under a State Liberal Party Government? Some people prefer to go to the Public Trustee, who charges a lesser percentage. It is not the right of this Parliament to guarantee the profits of private companies.

I obtained from the Parliamentary Library the October, 1974 annual report of the Trustees Executors and Agency Company Ltd. I do not profess to be a financial expert, but one does not gain the impression from the report that the company is struggling. According to the report the company paid a dividend of 11 per cent last year compared with 10 per cent for the previous year.

The report also discloses that net profit after tax in 1970 amounted to $73,000 and that this rose to $139,000 in 1974, an increase of almost 100 per cent. The earning rate on ordinary capital was 26 per cent in 1970 and 49·8 per cent in 1974. The dividend in 1970 was 17 per cent, and in 1974 it was 22 per cent. Members of the Opposition, particularly those members who have had some personal knowledge of trustee companies' operations in recent years, do not intend to support the Bill. Neither the Minister's second-reading speech nor our personal observations provide justification for Parliament to hand the proposed increased percentages to private trustee companies. Therefore, at the appropriate time, members of the Opposition will oppose the Bill.

Mr. ROSS-EDWARDS (Leader of the Country Party): Members of the Country Party intend to support the Bill. However, it is sad legislation. It was interesting to listen to the Opposition spokesman saying how unnecessary the Bill is. It has been made necessary by the inflationary policies of the Federal Government in Canberra. It must be made clear from time to time that the State has to pass legislation of this type because of inefficient government in the Federal capital.

I shall try to explain to the honorable member for Geelong North why the Bill has been introduced. Trustee companies have a heavy labour content. The basic costs of any business that has a heavy labour content are rising far more rapidly than those of businesses that can be mechanized. A trustee company that handles estates cannot be mechanized to any appreciable extent. It is similar to a solicitor's office in that respect, and I can speak with some authority about the fantastic rises in wages.

A further point is that equal pay has been introduced. It is easy to say that we approve equal pay and that it is a great thing, but we must pay the cost.

Mr. WILKES: But solicitors have increased their charges.

Mr. ROSS-EDWARDS: The cost of everything in this nation has increased tremendously since December, 1972, whether that cost is of manufactured articles, services or whatever it is. That is the point overlooked by the honorable member for Geelong North. If this were a mechanized industry in which machines played a part his argument would have some foundation, but in this situation it has none.

The Minister made it clear in his second-reading speech that the charges will not be altered for estates that are currently being handled. Any person who is alive and well today can make his will and he is not forced to nominate the services of a trustee company to handle his estate if he does not wish to do so. A person does this only from choice. He can ask a solicitor or his uncle or anyone else to do the work.

Mr. WILCOX: That is what most people do.

Mr. ROSS-EDWARDS: The overwhelming majority of people get members of their families to handle the work.

Another point overlooked by the honorable member for Geelong North is that today an evening-out process is taking place and the size of estates is continually dropping. Obviously, the trustee companies make their money on the large estates and not on the small ones. It is right and proper that the State Government should impose strict conditions on trustee companies. This is a group of companies that have been brought into existence by statute and are therefore controlled by Parliament. Parliament is ensuring that they obtain a reasonable return for the job that they do.

It would not do honorable members any harm to think about the reports of various Parliamentary committees relating to trustee companies. One of the interesting points that emerged and one problem that was highlighted by these committees was that trustee companies have been the object of company raiders. That fact has been of great concern to the Attorney-General. I am talking about people who want to take over companies and break them up. The reason behind this move is that the earnings of the trustee companies have not matched their assets. The position is as simple as that. With such a high labour content it is difficult to obtain a satisfactory result year after year. Unless the commission allowable to trustee companies is increased as proposed, the trustee companies will not remain in a viable condition. They have played an important part in handling estates in Victoria. They administer only a comparatively small proportion of the total number of estates.

People engage trustee companies for two reasons—firstly, because of the complexity of the estate; and secondly, because they have not any immediate family who are capable and suitable to do the pob. Trustee companies are a necessary facility. If they are to continue to operate they must be allowed to charge a reasonable percentage. This Bill has been introduced only because of the mess that the Federal Labor Government in Canberra has made of the economy.

Mr. CHAMBERLAIN (Dundas): I support the Bill although with some reluctance, particularly the provision to increase the commission on income. I point out, perhaps contrary to the views put by the honorable member for Geelong North, that trustee companies perform a valuable service. They have been with us for a long time, and I hope they will be in existence for a long time hence.

The value of their services comes from several points. Firstly, they have perpetual succession; in other words, they are bodies corporate. As a result, the problems of succession that occur when a private trustee dies do not arise with trustee companies because they have perpetual succession.

Secondly, trustee companies have an independence of trusteeship. The company has no axe to grind; it does not become involved in family squabbles and is in a much better position as an independent body to solve any problems that arise.

Thirdly, it has professionalism. It has expertise which has grown up over a number of years, although probably most honorable members can give examples where that professionalism has broken down. As a rule they provide the professional services for which they are paid. They are particularly of advantage in providing trusts for the benefit of infant children. Problems sometimes arise when parents die leaving young children, and relatives have conflicting interests. The trustee companies are in an ideal situation to take care of the interests of infant beneficiaries in these cases. Trustee companies have a valuable role to play.

All honorable members would have received a letter from the Trustee Companies Association dated 9th

December, 1974, in which it is stated that negotiations had been going on with the Attorney-General for an increase in the rates of commission, which had not been increased since 1953, and also about the powers of investment of trustee companies. I wrote to the Executive Director of the Trustee Companies Association on 11th December, 1974, and the part of my letter that is most relevant is as follows—

> I believe that trustee companies perform a very valuable service in the community. However, as your letter points out, we are in inflationary times, with the result that assets and income are also inflated (for example, the increase of mortgage interest over the last three years from about 7 per cent to 14 per cent). These factors, I believe, should ensure an adequate return to trustee companies and I would be personally opposed to an increase in the rates of commission.

I should have thought I would have had a reply from the Trustee Companies Association in which it would have vindicated the sort of claim that it now makes. Since then I have done some research myself and I have looked at the reports of some trustee companies. The report to which the honorable member for Geelong North referred was that of the company which is probably the best performer in the field. During my research I examined the *Australian Banking Record* and found that in 1973 overdraft interest rates were 7 per cent and are now 11·5 per cent. Perhaps more relevant is that the interest rate paid by banks on term deposits of three months and longer has increased from 4 per cent to 9 per cent. That is more than double. It is possible that interest rates will come down soon because interest rates do fluctuate. That is a mark to the credit of the trustee companies in the case that they put forward.

Mr. ROSS-EDWARDS: The honorable member is referring to a temporary situation.

Mr. CHAMBERLAIN: That is what I am saying. I support the Bill with some reluctance and I can understand the problems that trustee companies are facing. I should have thought there would have been a considerable increase in the value of estates over the same period because of the inflation of capital, but I found from examining the year books of the Commonwealth and the States that there has been no practical evidence of this.

Mr. WILCOX: I said that in my second-reading speech.

Mr. CHAMBERLAIN: I know, but I thought I should do some independent research. Although one would have thought there should have been an increase in the capital values of estates, that has not been borne out by the statistics.

In my opinion trustee companies perform a valuable service and it is in the interests of the community to keep them in business. However, it is with some reluctance that I support the proposal to increase the rates of commission on income charged by those companies.

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

Ayes	50
Noes	16
Majority for the motion ..	34

AYES.

Mr. Austin	Mr. McLaren
Mr. Balfour	Mr. Maclellan
Mr. Baxter	Mr. Meagher
Mr. Billing	Mr. Mitchell
Mr. Birrell	Mr. Plowman
Mr. Borthwick	Mr. Rafferty
Mr. Burgin	Mr. Ramsay
Mr. Crellin	Mr. Reese
Mr. Dixon	Mr. Ross-Edwards
Mr. Dunstan	Mr. Rossiter
Mr. Ebery	Mr. Skeggs
Mr. Evans (*Ballaarat North*)	Mr. Smith (*Bellarine*)
Mr. Evans (*Gippsland East*)	Mr. Smith (*Warrnambool*)
Mrs. Goble	Mr. Stephen
Mr. Guy	Mr. Suggett
Mr. Hamer	Sir Edgar Tanner
Mr. Hann	Mr. Thompson
Mr. Hayes	Mr. Trewin
Mr. Jona	Mr. Vale
Mr. Lacy	Mr. Whiting
Mr. Loxton	Mr. Wilcox
Mr. McCabe	Mr. Wood
Mr. McClure	
Mr. MacDonald	*Tellers:*
Mr. McInnes	Mr. Chamberlain
Mr. McKellar	Mr. Williams

NOES.

Mr. Amos	Mr. Mutton
Mr. Doube	Mr. Simmonds
Mr. Edmunds	Mr. Trezise
Mr. Fogarty	Mr. Wilkes
Mr. Ginifer	Mr. Wilton
Mr. Jones	
Mr. Kirkwood	*Tellers:*
Mr. Lind	Mr. Roper
Mr. McAlister	Mr. Stirling

PAIRS.

Mr. Scanlan	Mr. Curnow
Mr. Templeton	Mr. Fordham
Mr. Wiltshire	Mr. Holding

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Commission).

Mr. WILCOX (Attorney-General): I should like to make a few brief comments about the matters referred to by the honorable member for Geelong North. The honorable member did not seem to have any regard to the fact that the last time on which the commission rates were increased was 1953 and quite apart from what has happened in the past two years, which has been spectacular in the wrong way, 1953 is a long time ago. A careful investigation was conducted before the Bill was presented to Parliament and the Government is not displaying great generosity to the trustee companies. Other things were sought by the companies and were not agreed to. The Public Trustee is in a privileged position because he does not pay income tax.

Mr. TREZISE: His activities should be extended.

Mr. WILCOX: If that principle were extended the position could eventually be that there would be no one left to pay income tax. The honorable member for Geelong North referred to the rates of commission charged in other States and I point out that in Western Australia the rate is a high as 6 per cent.

Mr. TREZISE: It is lower in other States.

Mr. WILCOX: It is 4·25 per cent in New South Wales, but the rate is to be increased.

Mr. TREZISE: Is that the lowest rate in Australia?

Mr. WILCOX: I think it is. The only other point I should like to make is that honorable members should not lose sight of the fact that unless trustee companies get a reasonable return from the administration of estates which are committed to their trust, they must be greatly tempted to go into other fields to service their capital and to make at least some reasonable profit on their activities. As I pointed out in my second-reading speech, it may not be in the interests of testators if the companies were forced to seek income from other sources.

Trustee companies are in a particular position and that is why there is a special Act of Parliament governing their activities. Some honorable members said that if the Government believed in the free enterprise system there should be no need for restrictions on trustee companies. Normally that would be a good idea but trustee companies are in such an unusual position that this Parliament has for many years put them into a different category and dealt with them separately. For the reasons that have been advanced not only by me but by the Leader of the Country Party and by the honorable member for Dundas in some considerable part, and as the Parliament has undertaken to legislate specifically for trustee companies, this Parliament would not be living up to what it should do if it did not accede to this request by the trustee companies. The companies have advanced a case that is as strong as the Bill.

The clause was agreed to.

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

MELBOURNE (SNOWDEN GARDENS) LAND BILL.

The debate (adjourned from April 8) on the motion of Mr. Borthwick (Minister of Lands) for the second reading of this Bill was resumed.

Mr. JONES (Melbourne): The Opposition welcomes this Bill which takes another useful step towards developing a wonderful complex of buildings for the arts just south of the Yarra River. Melbourne lacks the natural physical advantages of Sydney, which ranks with Rio de Janeiro, Venice, Hong Kong, Istanbul, Stockholm, and San Francisco for the beauty of its setting. Melbourne has never been on the international tourist circuit. If we are to lure visitors and to provide attractions that some of the most exciting cities in the world provide for their own inhabitants we shall have to rely on artificial attractions—our public buildings and churches, the Royal Botanic Gardens—which are not exactly as nature left them but as dedicated people have left them—the other major parks, the lush hinterland of Liberal-voting suburbs, and some quaint mementos of our past: the Melbourne City Council, the old Melbourne Gaol, the Melbourne Club and the Legislative Council.

Only 4 per cent of Australians in other States choose Victoria for their holidays. I have often thought that the Minister for Tourism in another place might sponsor a competition for attracting interstate visitors. The first prize could be one week in Melbourne and the second prize two weeks in Melbourne.

At first glance the Melbourne Snowden Gardens seem dauntingly small for an international concert hall. The area is roughly of triangular shape, and if one measures not with a tape measure but in paces it is 102 paces along St. Kilda Road from City Road to Riverside Avenue, 100 paces from Riverside Avenue to the corner of South Gate and 125 paces down South Gate back to City Road. At present it is dominated by the South Gate fountain. One wonders how it would be possible to fit on that area a concert hall which will seat 2,500 people. Tribute must be paid to the ingenuity of Roy Grounds and Co. Pty. Ltd., the architects, who I believe have made absolutely masterly use of this relatively small space. It is proposed that the South Gate fountain will be removed from its present site and placed on the other side of St. Kilda Road, in the area known as East Terrace.

In the centre of Snowden Gardens a 3-tiered concert hall is to be built. It will contain 1,000 seats in the stalls, about 800 seats in the circle and another 700 seats in the third tier or upper circle. The hall will be covered by a very shallow dome, so that from the air it will appear as a circle. However, it is also planned that the citizens of Melbourne will not lose any parkland. The most ingenious use will be made of the parklands so that there will be an area almost equivalent to the present area of Snowden Gardens.

It is proposed that there will be landscaped walk-ways for people who walk from City Road to St. Kilda Road, and also that passing pedestrians and people going to other areas and to the cultural centre or the National Gallery of Victoria can walk through. Covered walk-ways will extend for the entire distance from the concert hall to the National Gallery of Victoria, and in time they may go across Nolan Street and to the Victorian College of the Arts and provide people with the advantage of being under cover all the way. It is expected people attending concerts will park their vehicles—unless the Labor Party is in power and public transport is given a much needed boost — underneath the National Gallery, and then they will have a covered walk all the way to the concert hall.

Mr. ROSSITER: What would you do with the police stables?

Mr. JONES: The Deputy Leader of the Opposition will reply to the Chief Secretary on that. The great merit of the design that Roy Grounds and Co. Pty. Ltd. has created is that it has avoided the "Utzon fallacy". The Sydney Opera House is a great building, perhaps the finest, certainly

the largest and unquestionably the most expensive free-standing outdoor sculpture in the world, but the design began from outside and the working elements of the inside had to fit in with the engineering requirements of the exterior.

In Melbourne's concert hall, the starting point will be simply a stage on which people will perform and a row of seats on which people will sit. The form of the exterior does not matter so much. The architects have done extremely well by fitting in with the natural surroundings, by involving the smallest possible interference with the environment and by encouraging pedestrian access on walk-ways. The Opposition is gratified by this.

Victoria's artificial attractions on the strictly cultural side include the Melbourne Symphony Orchestra, which is one of the two major orchestras in Australia; the Melbourne Theatre Company, which is generally regarded as the best in Australia; the Australian Ballet Company; the Melbourne Film Festival, which is the biggest, the most important and the oldest in Victoria; and the National Gallery, which houses the finest collection of art works in the southern hemisphere. It is therefore fitting that there should be a central position for the concert hall, close to the city and close to the river. A fair amount of vehicular traffic will pass along St. Kilda Road, but it seems that this problem can be overcome.

The auditorium will have a volume of approximately 950,000 cubic feet. Many major auditoria have been constructed in recent years, such as the one at the Lincoln Centre in New York, which proved to be disastrous acoustically. It seems that the acoustic problems are likely to be solved here and that control will be obtained by means of absorbent panels which can be raised or lowered at will to provide a different acoustic response. This will allow variation and reverberation time from 2·3 seconds for major symphonic concerts to 1·6 seconds for more intimate types of music.

The first step was the handing over of the site by the Melbourne City Council in 1973. It has taken two years for the Bill to be introduced. It is hoped that work will commence at the beginning of the next financial year.

Far from cramming everything inside the hall, the architects have provided for some areas of space inside which have not yet been allocated and which will be put aside for future use. This will include a green room and canteen for performers. It will provide——

Mr. ROSSITER: A Barry Jones common room!

Mr. JONES: I hope so; that would be a splendid project. The Opposition is always sad when parklands appear to be given up but in the circumstances the Opposition is happy with the Bill and will support it.

Mr. WHITING (Mildura): The Country Party supports this small but important Bill which proposes to transfer a piece of land that is necessary for the extension of the Victorian Arts Centre. This land has been developed to some degree but, as the honorable member for Melbourne pointed out, plans have been made for a very elaborate expansion of the facilities which will be available to the public of Victoria and to visitors.

Mr. KIRKWOOD: Does the honorable member think any of his voters will come down?

Mr. WHITING: My word! I should like to point out that Mr. Reginald Etherington, of Mildura, is a member of the Advisory Committee of the Development of the Arts Centre and this area, which has generally been known as the north end development, is underway to the north of the present art gallery. The Bill proposes to extend it farther, across City Road, so that it will come right to Riverside Avenue on what will be a delightful

slope down to the River Yarra. As the honorable member for Melbourne has pointed out, there will be tiered development which will cater adequately for this sloping piece of land. The Country Party commends the Victorian Arts Centre Committee and the Victorian Arts Centre Building Committee for the work they have already done and for the plans they have for the eventual complete development of this site.

The motion was agreed to.

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

NATIONAL PARKS BILL.

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

Discussion was resumed of clause 2 (Repeal Schedule One).

Mr. BORTHWICK (Minister for Conservation) : I thank the honorable members for Albert Park, Gippsland East and Gippsland South for their contributions to the second-reading debate. Honorable members will recall that when the matter was formerly before the Committee, the honorable member for Gippsland East and myself circulated amendments for the consideration of the Committee. Because of the number of amendments that were circulated and to enable honorable members to have an opportunity of studying them, progress was reported. I presume the Committee is now prepared to deal with the clauses and the proposed amendments.

The clause was agreed to, as was clause 3.

Clause 4 (National parks).

Mr. BORTHWICK (Minister for Conservation) : I move—

Clause 4, page 4, line 15, after "environment" insert "including wilderness areas".

This matter was raised by a number of honorable members when speaking to the second-reading motion. It was certainly raised with me when I purposely introduced the Bill to the House late in the last sessional period in order to invite public comment on the proposed legislation. Provision actually exists in clause 22 for various zones to be declared by the Governor in Council. Doubtless one of these zones will relate to the management of wilderness areas.

As I have mentioned, after receiving representations from a number of people and organizations I am of the opinion that the attention of the National Parks Service should be directed to the need for the protection and management of wilderness areas.

Mr. WHITING (Mildura): During the second-reading debate I referred to a possible name for areas which apparently are to be named "other parks". I should like the Minister's view on whether consideration has been given to a more appropriate name than "other parks" for the areas which are to be set aside for the protection and preservation of indigenous flora and fauna, and so on, but are not to be considered in the category of a national park. It would not be difficult to arrive at a more suitable name than "other parks".

Mr. BORTHWICK (Minister for Conservation): This matter has received a good deal of attention. The expression "other parks" is used for convenience when referring to Schedule Three parks, but it does not mean that the areas in question will be called other parks. Initially, there was the type of national park with which honorable members are traditionally familiar, but some of the parks we are now administering are almost metropolitan type parks. I refer for example to Warrandyte Park and the land recently purchased on the metropolitan side of Warrandyte Park. I cannot recall the name of the land. A wide variety of parks must be administered. The Act in no way inhibits the service in the naming of parks.

Honorable members will recall that recently Mr. Reid gave Haining dairy farm in the Yarra Valley to the

Crown to be administered by the National Parks Service for the purpose of demonstrating to city children proper farming techniques based on conservation concepts and reinstatement of the banks of the Yarra. In fact, that park will probably be named Haining Park followed by the National Parks Service. Parliament is given complete latitude to name the park, and how it shall be entitled, when it includes the park in the schedule.

I am assured by Parliamentary Counsel that there is no problem, provided that the park is not actually called a national park. As honorable members will realize, it would be extremely foolish to call that type of park, Haining National Park. The National Parks Advisory Council will make recommendations on the appropriate naming of a wide variety of parks, but ultimately Parliament must agree or disagree with the names when the parks are included in Schedule Three.

Mr. WHITING (Mildura): The Minister may have missed the point of my comment. I was endeavouring to find some category for these parks. During my second-reading speech I referred to the comparison between Cape Schanck Park, which has many features that should be preserved, and Wattle Park, or for that matter, Albert Park. A visitor to Victoria may, for argument's sake, see on a tram the destination " Albert Park " and he would not know whether it was a Government administered park similar to what Cape Schanck Park will be. I believe these parks should be called State parks, as well as the name Cape Schanck or Warrandyte, or have some denomination to indicate that they are under the National Parks Service. This would indicate that they are different from a national park but under the control of the National Parks Service.

Mr. BORTHWICK: That will be on a notice board outside the park.

Mr. WHITING: I appreciate the Minister's point of view that a notice board outside the park will indicate that the park is under the control of the National Parks Service, but surely a visitor who asks for a brochure or publication of that nature containing a list of parks that he would like to visit, will not have the benefit of that information. There is a strong need for an expression such as State parks which can become known to the public of Victoria and visitors from other States and overseas as parks operating, organized, controlled, and developed by the State, but not in the same special category as national parks.

In addition, the Federal Government in the near future proposes to establish national parks, if it has not done so already. This will further confuse a person such as I have mentioned.

Mr. B. J. EVANS (Gippsland East): I support the point raised by the Deputy Leader of the Country Party. I raised much the same proposition during the second-reading debate, and pointed out that the Land Conservation Council of Victoria in its Melbourne study report, which was issued on the day on which the second-reading debate was resumed, outlined its views on the types of parks which apparently it considered would be a desirable system. I expected the Minister to comment on the definitions of various parks in the report of the Land Conservation Council. After all, he is the Minister who is responsible for the council. Does he intend simply to ignore the obvious, and perhaps even pointed, recommendations contained in the Melbourne study report? It appears to be a half-thought-out idea simply to define certain parks as other parks under the proposed legislation. Obviously, in time they will be referred to either as other parks or Schedule Three parks, to distinguish them from national parks. I am doubtful whether Schedule Three parks will be an appropriate name, but I am concerned at the influence that seems to be developing through the Minister's comments on this clause. I am still curious why the amendment was introduced, and why

it was necessary to add the words "including wilderness areas" to the clause when this would be adequately taken care of in the preservation and protection of the natural environment in those parks. Surely this is part of the basic objective of the Bill.

As a result of the further point made by the Minister relating to Heany farm, I am beginning to wonder where the National Parks Service will finish. Will a vast sum of money be spent on areas like a display dairy farm on the outskirts of Melbourne, to the disadvantage of the vast areas of natural country which require the services of the National Parks Service? I suspect that honorable members who represent the more remote areas of the State will see a continuation of the policy under which for many years the facilities and parks close to Melbourne receive close attention. Because these areas are in the eye of the service and the Minister, large sums of money are spent on them. One has only to look at what is happening in the Dandenongs where large amounts of Forests Commission money are being spent on a particular forest. This money was allocated for expenditure on the vast forest areas in Victoria, but it is not being spread evenly throughout the State. Instead, it is being used to meet the needs of the metropolitan people only. Forest areas in remote parts of the State are being mined of their wealth and money derived from this source is being spent on areas closer to those under the eyes of the Minister.

It is axiomatic that people who live in the far corners of the State are out of sight and away from the eyes of the Government. Is it necessary for the National Parks Service to run a show-place dairy farm? The Government must get its priorities straight. It would be satisfactory if the national parks were properly managed for the people, but I believe most of the people I represent, particularly those in the more remote areas, fear that national parks will be left to become giant fire hazards—wildernesses left to grow, with rubbish accumulating. Until the Government realizes that the basic reason why most country people object to the declaration of national parks is their fear of fires, the Government will not have the co-operation and support of the people in many country areas.

It is not pleasant to see a mammoth bush fire racing over the countryside towards one's property, to all one owns and holds dear. A national park can prove to be a fire hazard area in which a fire builds up to such gigantic proportions that it becomes beyond the means of man to control it. This is my concern, and that of most of the people in the areas that I represent. I hope I am wrong, but judging by the attitude of the Minister I am afraid this is what is in store for us for years to come.

Mr. BORTHWICK (Minister for Conservation): I cannot allow the remarks of the honorable member for Gippsland East to go by unchallenged. Since I have been the Minister responsible for national parks a major amendment to the Forests Act has placed on the Forests Commission responsibility for the prevention and suppression of fires in national parks. That is one of the first things that I did for national parks. I do not bow to the honorable member for Gippsland East concerning fires, because the electorate I represent has lost more homes and property as a result of fires than any other in the State for something like 80 years. There is a national park in the middle of the electorate. The suggestion of the honorable member for Gippsland East that I am not aware of fires is wide of the truth.

I refer the honorable member for Gippsland East to the following section that was inserted in the Forests Act last year—

> Notwithstanding anything to the contrary in any other Act or law it shall be the duty of the Commission to carry out proper and sufficient work for the prevention and suppression of fire in every State forest and national park and on all protected public land but in any national park or protected

public land proper and sufficient work for prevention of fire shall be undertaken only by agreement with the person or body having the management and control thereof and in case of failure to reach any such agreement as determined by the Governor in Council whose determination shall be final and conclusive.

In recent months, as a result of that action, an agreement was reached between the Forests Commission and the National Parks Service, to establish a joint committee of four people —with an alternating chairman— consisting of two representatives of the Forests Commission and two of the National Parks Service, to draw up fire prevention plans. If there is a dispute the Governor in Council will determine it. That is to ensure that what the honorable member is fearful of, and I as the local member have been fearful of, will not occur in the future.

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

Clause 5 (Director of National Parks).

Mr. BORTHWICK (Minister for Conservation) : I move—

Clause 5, sub-section (6), page 5, line 21, omit " Public Service Act 1958 " and insert " Public Service Act 1974 ".

Honorable members will realize that this Bill was introduced prior to the passing of the Public Service Act 1974.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 6 and 7.

Clause 8 (Application of Public Service Act, 1958 and Superannuation Act 1958 to Director).

Mr. BORTHWICK (Minister for Conservation) : I move—

Clause 8, sub-section (1), paragraph (*b*), page 6, lines 14 and 15, omit " section 63 of the Public Service Act 1958 " and insert " section 47 of the Public Service Act 1974 ".

The reasons for this amendment are the same as the reasons I gave for the amendment to clause 5.

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

Clause 9 (Staff).

Mr. B. J. EVANS (Gippsland East) : I ask the Minister to advise whether this clause makes it mandatory that all persons appointed as authorized officers must be employees of the Government or whether municipal employees may be appointed as authorized officers of some parks. I raise this point because my electorate includes a number of substantial national parks and it is a continuing problem to police these parks adequately to ensure that the regulations governing their operations and the actions of people within the parks are carried out. To expect this to be done by professional full-time employees of the Crown seems to me to be quite impractical at this stage.

Many of the parks have passing through them roads which are patrolled at reasonable intervals by shire employees. I wonder whether it would be possible for shire employees to be appointed authorized officers to ensure that the regulations governing operations are observed.

Mr. BORTHWICK (Minister for Conservation) : I do not believe it is intended that people other than employees of the National Parks Service shall be appointed authorized officers. Clause 9 (2) provides *inter alia*—

The Director may from time to time appoint a person, whether or not he is appointed or employed under sub-section (1) . . .

This is breaking away from the Public Service Act; in other words, employees may be exempted from the terms of that Act.

I suggest that if there were a need for back-up assistance from municipal councils, the best method would be to appoint a municipal employee as a Crown land bailiff. A Crown land bailiff has very wide powers. Appointments of these bailiffs are not limited to Government employees. Many private citizens who have particular interests in public lands, including foreshore lands, have in the past been appointed Crown land bailiffs. If the National Parks Service considered it needed assistance in the policing of regulations of national

parks, I know of no reason why it could not appoint local people as Crown land bailiffs.

Mr. B. J. EVANS (Gippsland East): I am even more concerned following the Minister's reply, because it seems that not even forest officers or vermin and noxious weeds inspectors are to be given any authority or are to be appointed to positions of authorized officers. This means that the National Parks Service must be a fully professional self-contained organization. On this basis I predict that the funds available to the National Parks Service will spread very thinly. It is a retrograde step not to appoint to the National Parks Service at least employees of other Government departments who are in many cases equally conversant, if not more conversant, with the areas, and not to take advantage of very willing services that are available. I find this extremely hard to understand. Perhaps I misunderstood the Minister; perhaps he does have in mind appointing forest officers, Lands Department inspectors and people in similar categories as authorized officers.

Mr. BORTHWICK (Minister for Conservation): The honorable member mentioned municipal employees, and I was referring to them, but any person under the Public Service Act could be appointed.

The clause was consequentially amended and, as amended, was adopted.

Clause 10 (National Parks Advisory Council).

Mr. B. J. EVANS (Gippsland East): I move—

Clause 10, page 6, lines 41-43, omit "Minister from a panel of not less than three names submitted by the Victorian National Parks Association" and insert "Minister of Forests".

This clause deals with the National Parks Advisory Council, which will consist of the director and six other members appointed by the Governor in Council, of whom one shall be nominated by the Minister from a panel of not less than three names submitted by the Conservation Council of Victoria, and one shall be nominated by the Minister from a panel of not fewer than three names submitted by the Victorian National Parks Association. The two bodies are of very similar background, structure and interest, and I believe the interests of these people would be adequately covered by the appointment of one member nominated from a panel of names submitted by the Conservation Council of Victoria.

Undoubtedly, the Victorian National Parks Association will have a good deal of influence because it has great impact on the Government. Whenever the association hammers a thought for six or twelve months, the Government busily puts it into effect. The association exerts great pressure on the Government from time to time. It is unnecessary for the interests represented by the association to have more than one representative on the National Parks Advisory Council.

As the Minister said a moment ago, the Forests Commission is responsible for the control and suppression of fires in national parks, but the commission has no direct representation on the council. This serious omission could easily be rectified by deleting the representative of the Victorian National Parks Association and substituting a representative of the Minister of Forests.

I do not hesitate to agree with the Minister's earlier comments about the responsibility of the Forests Commission. Admittedly, in the area represented by the Minister, which is exceedingly vulnerable to the ravages of fire, the circumstances differ because the problems in the Dandenong Ranges are more directly associated with people lighting fires compared with other areas where natural causes create the main problem. It is vital that the Forests Commission should have a direct voice on the National Parks Advisory Council.

Mr. DOUBE (Albert Park): Although there might be some merit in the proposal for the Minister of

Forests to have a representative on the National Parks Advisory Council, the Opposition is not prepared to sacrifice the representative of the Victorian National Parks Association for this purpose. Although the honorable member for Gippsland East probably did not mean to denigrate the important work of the association, he did suggest that the body does not do very much and that when it does, it makes extraordinary demands which the Minister meekly puts into operation. The honorable member has demonstrated a complete misunderstanding of the work of the Victorian National Parks Association and the character of the Minister. I have a high regard for the work of the association, as its members are pioneers.

Mr. B. J. EVANS : Pioneers?

Mr. DOUBE : The honorable member for Gippsland East should not place too narrow an interpretation on the word. I am not using it in the sense of the early settlers who lived in the wilderness. Currently, in that sense, it is difficult for anybody to claim to be a pioneer because of the availability of hot and cold water, electricity and other facilities. Even those who go down to the Antarctic these days, when compared with Scott and other early visitors to the region, cannot be classed as pioneers.

The Victorian National Parks Association has pioneered work in the preservation of Victorian lands for national parks, and has earned its place on the proposed advisory council. If the Minister chooses to expand the membership of the council from seven members to perhaps eight or nine members, the Forests Commission could be represented. The Opposition rejects the amendment because it removes the representative of the Victorian National Parks Association and replaces him with a representative of the Minister of Forests.

The honorable member for Gippsland East confuses the work of the Conservation Council of Victoria and that of the Victorian National Parks Association. Admittedly, there is some slight similarity, but there is a world of difference between the functions of those two bodies. When it is proposed to involve more and more people in decisions, it is excellent that this body should be represented. Honorable members must not lose sight of the fact that for any proposal to be successful in the community there must be community involvement. The Victorian National Parks Association represents many people in Victoria. Accordingly, the Opposition rejects the amendment.

Mr. TREWIN (Benalla) : It appears that the amendment will not be accepted by the Government or supported by the Opposition. Between now and when the Bill is debated in another place, I ask the Minister to examine the proposition of having a representative of the Forests Commission on the National Parks Advisory Council. I represent a part of the State where national parks are few, but they will come into more prominence in the not-too-distant future.

In north-eastern Victoria, the Forests Commission has played and is playing an important role in the conservation of the State's forests. The commission is closely acquainted with national parks in forest areas, has undertaken a programme of harvesting and conservation, and is actively engaged in fire suppression and control. The commission should be honoured by being granted representation on this important council.

Over the years officers of the commission have expressed concern about dual management in some areas. A lessening in the commission's involvement as the director of forest areas would greatly concern municipalities in which the forest areas and national and other parks are situated. I ask the Minister to consider this matter before the Bill is debated in another place.

Mr. BORTHWICK (Minister for Conservation) : The Government does not accept the amendment but

not for the reasons submitted by the honorable member for Albert Park, although I support the reasons that he gave. The Victorian National Parks Association is an extremely capable body and worthy of representation on the council.

During the second-reading debate, I gained the impression from the remarks of the honorable members for Gippsland East and Gippsland South that they felt that the role of the council was to be similar to the role of the former National Parks Authority. The original authority comprised mainly permanent heads of the various land-use departments or authorities and in general had a management role. The honorable members have confused the role of this council because of the reference in clause 11 that it will act as a committee of management in accordance with section 12.

After land is reserved under the Land Act for future use as a national park, a period of time elapses before it legally becomes a national park by Act of Parliament and is included in the schedule to the Act. This period is limited to two years and in that interim period, as the Government has done with regard to the Brisbane Ranges, which have been reserved pending the passage of this Bill, and perhaps Warrandyte Park, the existing advisory council under the old Act is being used as the committee of management under the Land Act. In other words, this is a holding measure until Parliament includes the land within one of the categories of parks referred to in the Bill.

The advisory council has no management role under the National Parks Act. It is an advisory council to advise the Minister generally on the administration of the Act and on particular matters referred to it by the Minister, and to give the Minister a report within three months after 30th June each year.

If the Government were to cater for all departments which are involved in land under the management of the National Parks Service, where would it stop? All the departments have a role to play and the Forests Commission is governed by its own Act regarding its direct involvement in fire suppression and prevention. Once we get away from that, other departments, such as the Department of Youth, Sport and Recreation could also be involved, as could the Ministry of Tourism, the Ministry of Water Supply, or even my other hat, the lands administration through the Vermin and Noxious Weeds Destruction Board. Indeed, the Minister for Youth, Sport and Recreation made strong representations that he ought to be represented on the council, and there is a legitimate reason for the suggestion.

It would not be sensible to have every Government department that might have some legitimate interest to be represented on the proposed advisory council. The membership of the council follows very closely the existing council but recognizes that there are perhaps wider areas of public interest than previously. Provision is made for the appointment of two persons with experience in matters affecting the interest of the community to be nominated by the Minister. This provision will allow the Government to bring in people with some special interests in parks, but with a wider interest than national parks. It may be someone interested in bush walking. The purpose of the provision is to allow the Government to bring in people who have a breadth of interest.

Mr. B. J. EVANS: What about the people with interests next door?

Mr. BORTHWICK: The honorable member for Gippsland East always speaks on the presumption that a national park is a bad thing. At least that is the impression I get from what he says, and I am sorry if I have incorrectly interpreted his remarks. My comments do not apply to other members of the Country Party, particularly on debates on national parks. The Government does not accept the amendment moved by the honorable member.

The amendment was negatived.

The sitting was suspended at 6.17 *p.m. until* 8.5 *p.m.*

Mr. B. J. EVANS (Gippsland East): I move—

Clause 10, page 7, line 5, omit "names" and insert "persons (each of whom resides in or is a councillor of a municipality in which the whole or part of a national park is situated)".

The amendment refers to the National Parks Advisory Council. When speaking on the previous amendment, the Minister indicated that the functions of the council were nebulous and unimportant. The general feeling I obtained from his remarks was that the council did not matter much in any case. If this is true—and I should not be surprised if it were—the National Parks Service will be dictated to by the Minister or the director, and they alone will determine what is to happen to national parks in Victoria. Perhaps the Government believes this is a good idea.

There are some advantages in giving direct responsibility to Ministers. Sometimes one wishes they would accept more responsibility for their own activities instead of passing the buck to various State authorities which they have created from time to time, but, as I indicated in earlier comments, the people who have to live their lives in close association with national parks have to face problems including the fire hazards that the parks may represent if not properly managed, and the various vermin and noxious weeds which may originate within the boundaries of national parks and spread to surrounding properties. These people have few opportunities of expressing their views, and little heed is taken of their views.

I have a copy of a letter dated 30th October, as far back as 1968, directed to the National Parks Authority from the Shire of Orbost. It reads—

It appears from a perusal of Parliamentary debates as provided in *Hansard* that some action may be taken to declare additional areas throughout the State as national parks.

It is requested that, if any such proposed areas are situated within this shire, the council be advised of the intention, and given the opportunity to hold consultations on the proposals.

The council would appreciate your co-operation in this matter.

That letter indicates the feelings of the councillors of the Shire of Orbost.

A letter dated 25th January of the same year was written by the secretary of the Shire of Omeo about a proposal, which is still under consideration, for the creation of a massive alpine national park. The people of that area also wish their views to be at least registered and if possible taken into consideration during the discussion on the declaration of additional national parks. One of the functions of the National Parks Advisory Council is likely to be that of recommending to the Minister areas which may be declared national parks in the future.

The two letters to which I referred originated because of moves which were afoot at that time to establish the Land Conservation Council, which has the power to make recommendations on future national parks. However, the purpose of my amendment is to ensure that there will be at least some country representation on the National Parks Advisory Council. As the Bill is framed, every member of the proposed council could well be a resident of the metropolitan area. A person living on his own quarter-acre block with fully serviced home site, sealed roads, water, sewerage, electricity and all the modern amenities provided could be a member. Many of the people who live near national parks do not have most of these facilities, and it is they who are out of pocket, not the city people who make the claims for these additional national parks.

A good example of this situation occurred last week in the Shire of Orbost, where a number of national parks exist. Attention has been directed to the fact that because the shire includes an extremely large

unrateable area—only 12 per cent to 13 per cent of the municipality is rated—the people have been placed in an impossible financial situation. The council still has to build roads and provide what minimal services it can for the people in those areas. I often wonder whether the Government wants anybody to live in the country because it does not seem to give much thought to those who live in remote areas. That statement has never been made as Government policy, but perhaps the Government would be prepared to say whether it wants people to live in isolated areas. However, before a decision is made consideration should be given to the help these people provide in fighting bush fires. They rally together whenever a major bush fire breaks out, and their work is important in the areas of fire control and communications. Somebody has to live in these areas, and the Government should give more thought to the people who live there.

The ACTING CHAIRMAN (Mr. Stephen): I ask the honorable member to give more thought to the amendment which is under discussion.

Mr. B. J. EVANS: I am giving a good deal of thought to the amendment because I want to refer to the problems confronting municipalities which provide facilities and services to these people. As I mentioned, the Shire of Orbost is virtually going to the wall because of similar problems.

I shall draw on another example close to home by referring to the discussions which are taking place about preserving the Mitchell River gorge. The Minister knows a great deal about this matter. The Government decided that instead of flooding the Mitchell River gorge it would put a dam farther upstream, but who is to pay the cost of this construction? The additional cost of building a dam on another site to save a national park, as it is sometimes claimed to be, falls on the local people who are aspiring to have the dam constructed, because the Government says, "It is too expensive; we cannot find the money". If the city people want these parks set aside for their use and benefit, they should help to foot the bill for the inconvenience and limitations which are being placed on development in that area.

The ACTING CHAIRMAN (Mr. Stephen): Can the honorable member tell me how his remarks relate to the amendment?

Mr. B. J. EVANS: My remarks are closely related to the amendment because the members of municipal councils are leaders in the fight, and have the responsibility of providing a wide range of community facilities. They are well aware of the difficulties which arise because large areas of land which are preserved for national parks are unrateable, and thus create additional problems in the management of a municipality.

The Country Party believes that when selecting a representative of the Municipal Association of Victoria to be appointed to the National Parks Advisory Council, the Government should require the association to submit the name of a resident, officer or councillor of a municipality which has to deal with problems similar to these from day to day.

This will give the National Parks Advisory Council a proper appreciation of all the problems. It is all too easy to declare an area of land a national park and ignore the liabilities which flow from that declaration. In this House honorable members often hear words of praise about the benefits which accrue from the declaration of national parks. However, there are liabilities, such as the inability of councils to collect rates and increased costs of providing roads and services. People who hold these views on these matters could best be represented on the National Parks Advisory Council by somebody

having a direct interest in a municipality in which the national park is situated.

Mr. DOUBE (Albert Park): The committee is now considering an amendment moved by the honorable member for Gippsland East to alter the structure of the National Parks Advisory Council.

Mr. WHITING: Not at all.

Mr. DOUBE: In my opinion the amendment alters the structure. If honorable members accept the concept that a municipality should be represented on the National Parks Advisory Council if a national park is located within its boundaries, as the honorable member is suggesting, the structure will be altered. It will not be competent for other people to be nominated, so the Committee will be limiting the National Parks Advisory Council to the extent that the only people whom the Municipal Association of Victoria can nominate will be persons connected with the municipality in which the whole or part of a national park is situated. It is true that the person nominated does not have to be a councillor, but he should reside in or be a councillor of the municipality. It seems to me that that is tying the nomination down very tightly, because it excludes a whole host of people.

The functions of the National Parks Advisory Council are expressed clearly in the Bill to be—

(*a*) To advise the Minister generally in relation to the administration of this Act and of particular matters in relation to that administration on which its advice is sought by the Minister;

(*b*) To act as a committee of management in accordance with section 12; and

(*c*) To submit to the Minister within three months after each year ending on the 30th day of June a report on the performance of its functions during that year.

One appreciates the problems of the honorable member for Gippsland East because in the Gippsland area are to be found eleven of the 25 national parks created in Victoria.

Mr. B. J. EVANS: There are nine in my electorate.

Mr. DOUBE: The honorable member states that there are nine in his electorate, but there are eleven in Gippsland. The honorable member considers that shire councils will be precluded from suggesting development in those areas once they are declared as national parks. The bulk of Gippsland is unalienated Crown land, and while it remains such and is not declared to be national parks I suppose shire councillors think that one day the areas may be used for other purposes and then the shires can receive rates.

Mr. B. J. EVANS: That is not true.

Mr. DOUBE: It seems to me that that is the basis of the argument. Once an area is declared a national park rates from that land are not available to the municipal council. It is thought that the land is gone forever as a source of rates.

Mr. B. J. EVANS: But councils have never received rates from many areas.

Mr. DOUBE: That is true. That is the strange thing about the argument of the honorable member. I said that the vast majority of Gippsland comprised Crown land, which is unrateable. Once the Government decides to declare part of the unalienated land a national park, the honorable member considers that something is lost.

Mr. B. J. EVANS: No, I did not say that.

Mr. DOUBE: That is the impression I obtained. The honorable member is basing his argument on the fact that Gippsland carries the greatest burden of national parks in Victoria.

Mr. B. J. EVANS: The honorable member admits that it is a burden?

Mr. DOUBE: Yes, it is a burden in a sense, once land becomes a national park.

Mr. B. J. EVANS: I am glad that the honorable member is on my side and admits that it is a burden.

Mr. DOUBE: I am on the honorable member's side; I admit it is a burden and that the more national parks which are declared in the area the less the honorable member for Gippsland East will like it.

Mr. B. J. EVANS: That is not necessarily so.

Mr. DOUBE: It must be true according to the argument advanced by the honorable member. He has stated clearly that national parks impose a burden on shires. If more national parks are declared more burdens will be imposed. One hopes there will be more national parks declared and that Victoria is not satisfied with its present declaration of 25 national parks. Gippsland has a considerable amount of unalienated Crown land, and is obviously the area where additional national parks could be declared.

I return to the point of the honorable member for Gippsland East that to safeguard the shires which have national parks within their boundaries one of the members of the National Parks Advisory Council should be a person who either resides in or is a councillor in the area. To me this destroys the whole concept of national parks. When we speak of Victoria it is odd to use the word "national," because it has an Australian rather than a Victorian connotation. But when we refer to a national park in Victoria we mean a park which is for the benefit of all people in this State. I cannot see how this concept will be enhanced by insisting that a person who lives in or is a councillor in the area must be appointed to the National Parks Advisory Council. If honorable members think nationally they have to start by forgetting about shire boundaries. It is possible that someone who would be an excellent appointee to the National Parks Advisory Council did not live in the area.

Mr. WHITING: There are opportunities for such a person to be appointed.

Mr. DOUBE: That is possible, but I cannot see how one can be talking about national parks and then insisting that someone who lives in the area or is a councillor in the area must be on the National Parks Advisory Council. Such a person would not necessarily have an interest in thinking in a national sense, and the Committee does not want appointed someone who has only a special feeling for Gippsland South or Gippsland East. If this person is to do his job as a representative on the National Parks Advisory Council, he has to be able to embrace the broad compass of all views—a difficult enough task. It would not matter if he came from West Footscray or Brighton. However, members of the Country Party continually raise barriers between the city and the country and claim to be the only people who can represent the country. It is odd that the Country Party is changing its name to one which will be much nearer to having a national concept.

The functions of the National Parks Advisory Council include keeping the Minister informed of developments in the area and how the area can be better served. I accept the view that national parks do create problems. In fact, in my second-reading speech I said that a form of compensation should be paid to shires in which national parks are located.

Mr. B. J. EVANS: In that event why does the honorable member for Albert Park not move an amendment?

Mr. DOUBE: An amendment cannot be moved at this stage. If the Gippsland area has nearly 50 per cent of all national parks in Victoria within its boundaries, one could say that it has a grouch. However, the real grouch is that every time a national park is created and Crown land is alienated for a specific use, it cannot be used for industry

and residential development and the shire loses that rating potential. That is all that the shire loses, and the reasons which have been advanced by the honorable member for Gippsland East are certainly not strong enough for the Opposition to accept the narrowing effect of the amendment he has moved covering representatives of municipalities on the National Parks Advisory Council.

It is obvious that the proposal would be unworkable with eleven of the national parks situated in the Gippsland area and the others scattered throughout the State. How is the Minister going to be able to pick and choose? The other point is that a person can be a councillor in a shire without being a resident, and yet in one sense the amendment says the person nominated is to be either a resident or a councillor. In any case let honorable members think nationally; let us not think in terms of one region of Victoria. The Opposition cannot accept the amendment moved by the honorable member for Gippsland East.

Mr. WHITING (Mildura): The amendment moved by the honorable member for Gippsland East does not in any way alter the structure of the National Parks Advisory Council. Clause 10 (1) (*d*) provides—

> One shall be nominated by the Minister from a panel of not less than three names submitted by the Municipal Association of Victoria within the meaning of the Municipal Association Act 1907.

The effect of the amendment is that in place of the word "names" there shall be inserted the words, "persons (each of whom resides in or is a councillor of a municipality in which the whole or part of a national park is situated)".

All that means is that three names are to be forwarded by the Municipal Association of Victoria and they would be people who live in or near a national park. It is presumed that because of that fact they would have some knowledge of the operation of the national park, both the financial aspect and the problems associated with it.

It would make a difference and the calibre of the three persons nominated by the Muncipal Association of Victoria would be improved if they did have knowledge of a national park, even if it was only the national park in the Dandenong Ranges or the Organ Pipes National Park at Keilor. There is no limitation imposed by the amendment that the three persons are to come from a specific area. They would not have to come from the Shire of Omeo or the Shire of Orbost and the Minister would be able to choose the person he thought best fitted for the task. I submit that that is a very good reason why the Minister should accept the amendment, as it would provide more balance on the National Parks Advisory Council.

The clause provides that one member of the council shall be selected from nominees of the Conservation Council of Victoria, one shall be selected from nominees of the Victorian National Parks Association, and one shall be an academic in the field. All of them could come from the metropolitan area. I agree, as the Minister says, that all could come from the country. But the Bill should ensure that one member of the council lives in a municipality in which a national park is located, whether he be a councillor or not.

This would be small enough compensation for municipalities in which national parks are located. I know that people living near the Hattah Lakes and Wyperfeld national parks would like to see them surrounded by fences 2·2 metres high to prevent kangaroos and emus from invading wheat properties before the harvest and eating enough wheat to account for 50 per cent of farmers' incomes. This is always a possibility. There should be some consideration for these people, but that is not the point of this exercise.

If the Bill gives an indication to the Minister that the nominees of the Municipal Association should be people who have some experience with the operation of national parks within the municipalities they represent, this will help in the good operation of the advisory council.

Mr. BAXTER (Murray Valley): I am in sympathy with the reasons which prompted the honorable member for Gippsland East to move the amendment. The argument advanced by the honorable member for Albert Park, on behalf of the Opposition, lacked conviction. I do not think the honorable member really believed what he said. For some reason he insisted on supporting the clause as drafted.

In recent years there has been a trend to community involvement and participation in most advisory committees. When the Albury–Wodonga Development Corporation was established care was taken to ensure that local people who knew the area well participated in its deliberations. The community is being encouraged to become involved with and take part in the administration of schools.

The amendment moved by my colleague would ensure that one member of the National Parks Advisory Council would know the effect of a national park being located within the municipality in which he lived. It would not alter the construction of the council. There would still be six members as well as the director. It would merely define more clearly who should constitute that number.

Mr. BORTHWICK (Minister for Conservation): The Government does not accept the amendment. It is difficult to follow the logic of the argument put in its support. The honorable member for Murray Valley spoke about local involvement. I fail to see how a person living in Mildura could claim to be locally involved with a national park in Orbost.

Traditionally, when the Government wants municipal representation, it invites the Municipal Association of Victoria to nominate a panel of names from which a member of a board or council shall be selected. The association has invariably done that. The municipal representative on the present National Parks Advisory Council is Councillor Cooper, of the Shire of Upper Yarra. That municipality has substantial areas of non-rateable land, including large parts of the water catchment area of the Melbourne and Metropolitan Board of Works.

The argument in support of the amendment assumes that unless the municipal representative comes from a municipality in which a national park is located, he will have no knowledge of the problems of municipalities with national parks, and also that he would have no knowledge of national parks. It could easily be put the other way, that a councillor from a municipality with a national park does not necessarily have any knowledge of national parks. I could name a substantial number of municipal councillors in the electorate I represent who have no real knowledge of the management of national parks, although the electorate has a national park which probably attracts more people from the metropolis than does any other national park in the State.

Those sponsoring the amendment are endeavouring to make the provisions too detailed. With reports coming forward from the Land Conservation Council, within the next decade there will be few municipalities which do not have national parks or parts of national parks, or are not located close to national parks.

Invariably, the Municipal Association has nominated country people for selection for the present advisory council. I can see no reason why it should not continue to do so. Further, when a nominee from the panel of names has been selected it has been the practice to choose a councillor from the country. But I do not believe this should be pinpointed in the way suggested by the amendment. If

that were done, the services of the best man for the job might be lost to the State.

In saying that, I do not underestimate the importance of that person being able to reflect the attitude of municipal government. If the Government did not want that, it would not want the Municipal Association to submit names for selection. But the provision need not be so finely detailed as proposed by the amendment.

Mr. B. J. EVANS (Gippsland East): The Minister fails to grasp the fact that the spirit of the amendment comes from country people realizing more and more that, almost daily, their influence on what takes place where they live and their control of their lives is being reduced. They constantly find that Governments hold up their hands in righteous indignation at the thought that country people should have any say whatsoever in how their lives should be ordered to run.

Governments use the argument that things must be done in the national interest, and that comes back to the people. It does not matter whether country people are severely disadvanaged, so long as the majority of the people are all right. That is all that concerns the Government. That attitude overlooks the problems of country areas.

The amendment is proposed in an effort to ensure that at least one person on the National Parks Advisory Council is a country resident. The predudice of the Labor Party against the country is almost matched by the anti-rural bias of the Liberal Party of Victoria. When members of the Country Party urge the point of view of country people in this House, they find that Government supporters are ready to slap them down.

I urge the Minister to think again about the amendment, instead of leaving the choice of a panel of names entirely to the Municipal Association of Victoria. I agree that, in the past, the association has put forward the name of a gentleman whose appointment is in the spirit of the amendment—a fine man he is, too. But there is no assurance that that will continue. Like every other area of government, the Municipal Association will become dominated more and more by city interests as more city municipalities are created. There is no assurance that a person such as Councillor Cooper will continue to represent the association. The Country Party wants to ensure that there will be more Councillor Coopers in the future to render valuable advice to the National Parks Advisory Council.

The House divided on the question that the words proposed by Mr. B. J. Evans to be omitted stand part of the clause (Mr. McLaren in the chair)—

Ayes	..	51
Noes	..	7
Majority against the amendment	..	44

AYES.

Mr. Amos	Mr. Meagher
Mr. Balfour	Mr. Mutton
Mr. Birrell	Mr. Plowman
Mr. Borthwick	Mr. Rafferty
Mr. Burgin	Mr. Ramsay
Mr. Chamberlain	Mr. Reese
Mr. Crellin	Mr. Rossiter
Mr. Dixon	Mr. Scanlan
Mr. Doube	Mr. Simmonds
Mr. Ebery	Mr. Skeggs
Mr. Edmunds	Mr. Smith (*Warrnambool*)
Mr. Evans (*Ballaarat North*)	Mr. Stephen
Mr. Fogarty	Mr. Stirling
Mr. Ginifer	Mr. Suggett
Mrs. Goble	Sir Edgar Tanner
Mr. Guy	Mr. Thompson
Mr. Hamer	Mr. Trezise
Mr. Jona	Mr. Vale
Mr. Jones	Mr. Wilcox
Mr. Lind	Mr. Wilkes
Mr. Loxton	Mr. Williams
Mr. McAlister	Mr. Wilton
Mr. McCabe	Mr. Wood
Mr. McClure	*Tellers:*
Mr. McKellar	Mr. Lacy
Mr. Maclellan	Mr. Roper

NOES.

Mr. Evans (*Gippsland East*)	Mr. Whiting
Mr. Hann	*Tellers:*
Mr. Mitchell	Mr. Baxter
Mr. Trewin	Mr. McInnes

PAIR.

Mr. Templeton	Mr. Ross-Edwards

Mr. B. J. EVANS (Gippsland East): I move—

Clause 10, page 7, line 8, after "persons" insert "(at least one of whom resides outside the metropolitan area as defined in the Town and Country Planning Act 1961)".

This amendment also relates to the National Parks Advisory Council, and specifically to sub-clause (1) (e) which provides that two members of the council shall be persons with experience in matters affecting the interests of the community nominated by the Minister.

The purpose of the amendment is to ensure that at least one of those persons—in other words, at least one of the seven members of the National Parks Advisory Coumcil—shall be a country person. I have previously stated why members of the Country Party believe im this amendment so earnestly, and I content myself by referring to my earlier remarks in support of it.

Mr. BORTHWICK (Minister for Conservation): The Government is prepared to accept the amendment moved by the honorable member for Gippsland East, but not because it believes that the present composition of the advisory council is necessarily "city". Any one of the members could be domiciled in the country. It is not specified in the Bill how the two persons mentioned in paragraph (e) might be chosen so the Government is prepared to accept the amendment.

Mr. DOUBE (Albert Park): I regret that the Government proposes to accept this amendment because all that it means is that the Country Party has succeeded in narrowing down the type of person who may be selected. To the extent that it thrives, the Country Party thrives on the concept that its members represent people in the country and that country people are different from everyone else.

It is now proposed—the Government has accepted the proposal—that of the members of the advisory council who do not represent the other areas of special interest one member must reside outside the metropolitan area. Because the great bulk of the people live within the metropolitan area, it means that there will be a reduced choice. It follows that if 2 million people live in the metropolitan area and fewer than 1 million outside that area, the amendment must restrict the choice of whatever abilities exist.

I consider that that procedure is wrong. Persons should be chosen irrespective of their race or colour or where they live, whether within or outside the metropolitan area; they should be chosen on sheer ability. It is pathetic that the party, which once represented the country according to its name and now supposedly represents the nation according to its new name, is narrowing the ability of the Government to select the best person for the job. Is it not a fact that we want the best person for the job, wherever he lives? Therefore, why restrict the choice so that one of these people must live outside the metropolitan area? What virtue is there in the proposal other than that members of the Country Party can return to the country areas and say, "Look what we got from the Government for you".

Mr. Whiting: The person chosen might have a little more experience than you have.

Mr. DOUBE: I would not doubt that, but it must be obvious that the amendment will limit the choice to someone living outside the metropolitan area as defined in the Town and Country Planning Act 1961. The best talent available cannot be selected if one of the appointees must be chosen from a certain area.

I regret that the Minister has accepted the amendment because it is utterly ridiculous to be talking about national parks, to be dealing with a Bill which goes further than previous legislation and for the Government to submit to the blandishments of the Country Party and to destroy the concept of this body

being of a national character and making it parochial by providing that one person must come from the country. That is walking away from a principle that the Minister tried to establish earlier.

Mr. BURGIN (Polwarth): The comments of the honorable member for Albert Park are interesting. He contends that because the Minister has indicated that the Government will accept the amendment moved by the Country Party the community field from which one person may be nominated is narrower. Let us examine who are to be the other members of the National Parks Advisory Council. One member is to be nominated by the Conservation Council of Victoria. I suppose it could be said that that is a narrow field. The next person is to be nominated by the Victorian National Parks Association. A similar comment can be made. Both of those groups are excellent bodies, but the proposal can be criticized on the ground that choosing members from those groups narrows down the field.

The next member of the National Parks Advisory Council is to be from a Victorian university. As the universities are in the metropolitan area, that appointment narrows the field down even further. The amendment accepted by the Minister proposes that one member of the council with experience in matters affecting the interests of the community shall be a person from outside the metropolitan area as defined in the Town and Country Planning Act 1961. Surely that is a reasonable amendment. It is amusing to hear the honorable member for Albert Park, with his narrow concept in many things, suggesting that the amendment does not leave a wide enough field, but five other persons on the advisory council will be chosen from fields throughout Victoria. The acceptance of the amendment by the Minister will provide balanced representation on the council and I compliment the honorable gentleman on accepting it.

Mr. McINNES (Gippsland South): Likewise, I compliment the Minister for indicating that the Government proposes to accept the amendment moved by the honorable member for Gippsland East. It is a sensible, fair and just amendment. Earlier in the debate, I referred to individuals who have great attributes in bush lore. It is a question of living with the bush and growing up with it. Perhaps one does not need a degree in zoology to become fully acquainted with it. In choosing this member of the National Parks Advisory Council, I should hope the Minister would choose someone with a close association with the forests, the bush and the national parks. I hope the person concerned will be selected not merely on academic attainment but on his attainment in the "university of hard knocks".

Persons of this type live in the area; they are intelligent and by observation have probably arrived at the right conclusions far earlier than persons who have academic attainments. More importantly, some of these people spend the greater proportion of their lives in the bush; they live with it; they are not simply vacationing in the area. They are not merely referring to manuals or other references, as unfortunately some people do too often. These are people who have individually thought out their own philosophy on the bush and how it should be sustained. They are sensible people who have seen the whole thing in harmony.

Some conservationists have an unbalanced view and this is a danger of which honorable members should be aware. I strongly support the concept of having one voice at least on this council who will stridently introduce a measure of common sense. Hopefully the Country Party would be able to recommend to the Minister for consideration for such a post someone who has spent his life in the area.

Mr. DOUBE (Albert Park): I wish to comment briefly on the clause. The advisory committee will consist of six people and the director. Its function will be to advise the Minister generally on national parks. When this House constituted the Archaeological Relics Advisory Committee in the Archaeological and Aboriginal Relics Preservation Act, it legislated for an advisory committee of ten members. On this occasion the advisory committee will consist of only seven members. The objectives of the proposed legislation regarding national parks are very wide. They are—

(*a*) to make provision, in respect of national parks—

(i) for the preservation and protection of the natural environment in those parks;

(ii) for the protection and preservation of indigenous flora and fauna and of features of scenic or archaeological, ecological, geological, historic or other scientific interest in those parks; and

(iii) for the study of ecology, geology, botany, zoology and other sciences relating to the conservation of the natural environment in those parks;

The National Parks Advisory Council will be composed of six members of whom—

(*a*) one shall be nominated by the Minister from a panel of not less than three names submitted by the Conservation Council of Victoria;

(*b*) one shall be nominated by the Minister from a panel of not less than three names submitted by the Victorian National Parks Association;

(*c*) one shall be a professor or teacher of ecology, biology or earth science at a University in Victoria who is nominated by the Minister;

(*d*) one shall be nominated by the Minister from a panel of not less than three names submitted b ythe Municipal Association of Victoria within the meaning of the Municipal Association Act 1907; and

(*e*) two shall be persons with experience in matters affecting the interests of the community nominated by the Minister.

It is clear that items of historical interest in the Victorian concept will be connected generally, apart from the small settlement that Collins established at Portsea in 1805. Most of the historical interest will be around the protection of Aboriginal middens, signs of habitation and so forth. I suggest to the Minister that between here and the Bill being debated in another place, he should consider increasing the National Parks Advisory Council by one member so that a representative of the Archaeological Relics Advisory Committee who is mainly connected with Aboriginal relics can be appointed to the advisory council.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 11 and 12.

Clause 13 (Members of National Parks Advisory Council).

Mr. BORTHWICK (Minister for Conservation): I move—

Clause 13, sub-section (5), page 8, line 18, after "member of the Council" insert "not being the Director".

Over a number of years since the National Parks Advisory Committee was established in 1971, the Director of National Parks has been chairman. Since the appointment of the present director and at his request Dr. Malcolm Calder, who is one of the members of the advisory committee, has been appointed as chairman. It would be of considerable benefit to the operation of the advisory council if the chairman of the council were not the director because the director has day-to-day access to the Minister and his advice. The National Parks Advisory Council could function more efficiently and with more direct involvement if one of its members other than the director was chairman.

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

Clause 14 (Advisory committees).

Mr. B. J. EVANS (Gippsland East): This clause provides for the appointment of advisory committees for individual national parks. During the second-reading debate I pointed out that the Country Party believes it is a retrograde step to abolish the existing committees of management, which in some cases have done an

excellent job over the years in the control and management of various national parks. The Minister pointed out that it was the intention of the Government under the Bill, particularly under this clause, to appoint these committees of management as advisory committees. This leaves the existing committees of management very much in the air as they are unsure of what their precise functions will be. Clause 15 provides that their function shall be to make recommendations to the director relating to the care and control of the park or parks in respect of which they are appointed. That is a nebulous definition of the functions of the committees. Are they to have any direct control? Are they to be in possession of any finance or are they to be completely and purely advisory committees? If they are to be advisory committees, I suggest that a good proportion of the people who have dedicated much time to various national parks because of their specific interest in them will become disillusioned and disappointed and gradually their interest will be lost.

The effect of this change will be to kill the genuine interest of people in national parks. Members of the committee of management of the Mallacoota National Park, for instance, have a direct interest in that park. The same applies to the committee of Mount Buffalo National Park and, as my colleague the honorable member for Benalla reminds me, the committee of management of the Fraser National Park. These committees of management deserve something better than being told, "Thank you very much for all the work you have done over many years. You have been very good in the past, but in future all you can do is advise us and if we do not want to take your advice that is too bad." This is a retrograde step and I ask the Minister to state exactly what he expects the committees of management to do under this legislation in the future.

The clause was agreed to, as were clauses 15 and 16.

Clause 17 (National parks. Schedule Two).

Mr. BORTHWICK (Minister for Conservation): I move—

Clause 17, page 10, line 7, after "protect" insert "wilderness areas in the park and".

The amendment was agreed to.

Mr. BORTHWICK (Minister for Conservation): I move—

Clause 17, page 10, line 17, after "parks" insert "; and

(*d*) prepare a plan of management in respect of each national park".

It is acknowledged around the world that a plan of management should be prepared for a national park as part of the management of the park. Many Victorian parks now have plans of management and the Government believes it should be a charge of the director to prepare a plan of management for all national parks.

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

Clause 18 (Other parks. Schedule Three).

Mr. BORTHWICK (Minister for Conservation): I move—

Clause 18, page 10, line 43, after "public" insert "; and

(*d*) prepare a plan of management in respect of each park referred to in sub-section (1)".

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

Clause 19 (Powers of Minister).

Mr. BORTHWICK (Minister for Conservation): I move—

Clause 19, page 11, lines 1-21, omit sub-sections (1) and (2).

When one reads sub-clauses (1) and (2) one realizes that they are charges on the Minister which are at present being undertaken by the director. It is proposed that these functions, with an amendment to those provisions relating to the expenditure of funds, should be transferred to the director rather than to the Minister.

The amendment was agreed to, as was a verbal amendment, and the clause, as amended, was adopted, as were clauses 21 to 28.

Clause 29 (Wilson's Promontory National Park).

Mr. DOUBE (Albert Park): Subclauses (2) and (3) provide—

> The Minister may grant to such persons as he thinks fit permits to graze cattle on such part of the land delineated and shown hatched on the plan in Part I. of the Second Schedule to the National Parks (Amendment) Act 1969 as is specified in that behalf by the Governor in Council by proclamation published in the *Government Gazette*.
>
> A permit under sub-section (2) shall be granted for a period not exceeding seven years and may be subject to such covenants and conditions and the payment of such fees and charges as the Minister thinks fit.

The grazing of cattle in national parks has worried a number of people for a considerable time. I should have thought that the passage of this Bill was the opportunity to phase out this activity.

Mr. BURGIN: Why do you want to phase it out?

Mr. DOUBE: It depends on how one views a national park. Obviously, if the ecological unit of a national park is to be maintained, the problems will eventually correct themselves. Grazing disturbs the whole ecological balance.

Mr. B. J. EVANS: So do people.

Mr. DOUBE: I admit that some areas are so barely viable that people should be kept out. Wilderness areas for flora and fauna must certainly exist. For those species in danger of extinction, it is imperative that human beings are kept out of the area. As the Minister pointed out, national parks are meant to fulfil a variety of functions. Some are to be conjoint, where people can play sport and enjoy the bushland. Some will be reserved bushlands and some will be areas specifically for the preservation of the specialized ecology that exists there. We must consider phasing out grazing completely. Surely cattlemen are not economically forced to graze their cattle in certain national parks. Whatever type of animal happens to be grazing, all vegetation gets eaten out in the process. It is not only the most succulent green grass that is eaten by grazing animals. I should have thought that honorable members would be concerned to study the problem rather than to be mildly derisive about banning grazing in national parks.

Buffer areas are required around some of the smaller national parks because grazing destroys the tender balance that exists between the species that live in an area, whether flora or fauna.

Mr. MCCLURE: What do the buffer zones consist of?

Mr. DOUBE: I am satisfied if I have raised a spark of interest in the honorable member. I invite honorable members to examine the buffer area from the point of view of aerial spraying of pesticides. Obviously, a buffer zone is needed if there is agricultural spraying from the air on commercial farming properties close to national parks. It has been worked out that to preserve an area of 1 square mile from aerial spraying, 4 square miles are needed, because man cannot control the direction and force of the wind.

Mr. B. J. EVANS: Why not have the whole country one big national park and be done with it?

Mr. DOUBE: Australia was once such a place. It was an ecological system that was working itself out. I do not suggest that situation can return, but we should attempt to preserve in the national park areas this unique situation which has brought into existence and maintained unique animals which will disappear from the face of the earth unless they are protected. The Country Party may consider that a minor matter. I do not want to impute any wrong motive to that party, but clearly grazing should be phased out of the national parks. If permission is to be given for grazing, it should be given only under the

closest scrutiny and with the realization that in the areas in which cattle make tracks there is a significant alteration in the eco-system of the area. I trust that the Minister will treat the matter seriously.

Mr. McINNES (Gippsland South): The honorable member for Albert Park has been specifically concerned with the area of Wilson's Promontory National Park which is called the Yanakie Run. Historically this area has been used for grazing and the agistment of cattle by farmers and graziers in the area of South Gippsland adjacent to it. Although it is probably within the national park, I believe the nature of the topography is such that it does not conform with the area of the national park to which the public mind is generally directed. I am talking of the hilly and mountainous area. This is a buffer zone of good grazing land on the approaches to the Wilson's Promontory National Park.

Reference has been made to aerial spraying or aerial top dressing, and the fact that there must be a buffer zone. I am sure this is completely true. If developed grazing land is within a few miles of a park, and periodically the land is treated from the air and from the ground with fertilizers or on occasions with insecticides or weedicides, it is highly unlikely that any damage will be done to the area. I believe the drift would not be a big problem. Aerial spraying operators are well aware of their responsibilities. The land in the area which serves for winter grazing for cattle on agistment has been used for many years. It is really a question of management.

The honorable member for Albert Park is not speaking specifically of the matters contained in the clause but is referring to the wider subject of cattle grazing in alpine areas. This is a very vexed problem. A large number of cattle graze in alpine areas. At times in the past there has been overstocking. There may be a case for examining the fees charged for mountain runs because they are, to say the least, very minor. There is a case for examining them and assessing the number of cattle that should be turned out and licensed for grazing in these areas. The licence fee should be adapted to a more realistic figure. Presumably, the fee goes towards the protection of the mountain area.

The clause refers to the Wilson's Promontory National Park and the Yanakie Run. This is low-level country, almost at sea level, and it can be easily policed. The rangers and employees of the parks authority have direct access. This land is not away from the area in which people normally will be moving about. To my knowledge, over the years there has been no deterioration in the Yanakie Run, and therefore the positive advantages of having cattle there should be examined. The advantage that immediately springs to mind is that of fire protection. Should the area be allowed to become overgrown with grass, shrubs, brush and the sort of material that can become the tinder for a major fire in a dry season? These matters must be examined. Cattle can play an important part in keeping a balance. It is amazing that somehow cattle are singled out as not being of the animal species when conservationists refer to the harm involved.

Mr. B. J. EVANS: They do not mind the deer.

Mr. McINNES: It is the natural habitat of deer, rabbits, wombats, kangaroos, emus, bandicoots, wallabies and koalas. Almost equally it becomes the natural habitat of cattle and, perhaps to a lesser degree, sheep. From the farmers' point of view cattle do far less damage to pasture than sheep. It is a fallacy to excise cattle and put them into the same category as human beings. Cattle do not throw empty beer cans around and do not light fires, as two legged members of the public do. Cattle live with their environment and the people who take care of them and herd them also live with their environment. There is no value

in turning cattle out into an area which has no pasture and therefore no nutritional value on which the stock can feed.

There is again the question of an in-built factor of management. The same attitude of management has to be extended to the natives of the park, the fauna and flora. If they become dominant in one form or another they can do just as much harm. Honorable members should not say that agistment is a bad thing, because a fee is paid to the Lands Department. Let us look realistically at whether stocking of the area has a beneficial effect as well as a harmful effect, and somewhere between the two we will arrive at a conclusion which has a beneficial effect and which ought to be continued. I should hate to think along the lines of the honorable member for Albert Park and say that an area must be locked up and no more people will be allowed in. I am sure that the people who have for many years been involved in servicing the Yanakie Run are well aware of their responsibilities. This matter has been kept in check and the practical evidence of it is to be seen today.

Mr. BORTHWICK (Minister for Conservation) : This provision is not concerned with cattle grazing in the parks throughout this State ; it relates specifically to the Yanakie Run. The Yanakie Run area has been used for agistment by a group known as the Yanakie Agistment Association. This was by arrangement with the Lands Department at the beginning of this century. It took a great deal of negotiation between the National Parks Authority, as it was then, the Shire of South Gippsland, the Lands Department and the Yanakie Agistment Association for an agreement to be reached whereby the Yanakie Run could be included in the national park. It was only in 1969 that this area was brought into the Wilson's Promontory National Park by this Parliament. Since that time the National Parks Service has developed a very good understanding with the people who agist cattle there, and considerable co-operation has developed regarding fire fighting, fire control, and similar things.

I am not suggesting that agistment should continue on the Yanakie Run for ever, but the gentleman's agreement that was arrived at when the Yanakie Run, with the co-operation of all people concerned, was brought within the boundaries of the national park, should stand, and that is safeguarded by this provision in the Bill.

Mr. B. J. EVANS (Gippsland East) : I was most interested to hear the remarks of the honorable member for Albert Park on this clause. It seemed to me that he was speaking about a matter on which he was not very familiar, because he related it largely to grazing generally. The only area in which grazing is permitted in a national park is the Yanakie Run in Wilson's Promontory National Park. However, that does raise a very important question for the future in relation to a projected alpine national park and one which concerns many people engaged in the stock industry in East Gippsland.

The honorable member referred to aerial spraying. I wonder whether he believes in the use of aerial spraying for the control of phasmatidae, or lurps, which is a less important insect pest. He has failed to indicate whether he believes in aerial spraying in those cases. It seems he may well believe in aerial spraying to control these pests in the forests of national parks, but when it comes to controlling pests on farmlands to protect the food crops of the farmers, and the food of the people, the honorable member regards this as of less importance. He ought to indicate where his priorities lie in this field and whether people are not important.

The clause was agreed to, as were clauses 30 to 35.

Clause 36 was consequentially amended, and, as amended, was adopted, as were clauses 37 to 47.

Clause 48 (Regulations).

Mr. BORTHWICK (Minister for Conservation) : Clause 48 concerns the regulation-making powers of the Bill. Clause 48 (1) (*h*) refers to the making of regulations regarding the entry into parks of persons and vehicles and the prescribing of periods during which persons or vehicles may remain in parks. It has been brought to my notice since the Bill was introduced that in future there may well be concern about regulating the entry of aircraft and vessels. Consequently, I move—

Clause 48, page 22, lines 26-28, omit paragraph (*h*) and insert—

"(*h*) regulating the entry into parks of persons and regulating or prohibiting the entry into parks of vehicles and vessels and the landing in parks of helicopters and other aircraft and prescribing the periods during which persons, vehicles, vessels, helicopters or other aircraft may remain in parks;".

This amendment is looking to the future, as the use of aircraft is increasing and the Government should have the power to determine areas where helicopters and other aircraft may be able to land.

Mr. McINNES (Gippsland South): I should like to comment on this provision relating to regulating the entry into parks of persons and vehicles and the landing in parks of helicopters. I shall first look at the maritime side. As I indicated earlier, there have been complaints that people on yachts and motor cruisers who have sheltered in the lee of Wilson's Promontory, particularly on the eastern lee, have been asked to leave.

Mr. BORTHWICK : Will the honorable member be able to substantiate that, because I cannot?

Mr. McINNES : I have it directly from the people who were ordered to leave. I am speaking about a Mr. John McDonald, and boats which were sheltering in the waters of this area. I understand from members of that party that they were asked to "shove off" and keep outside 300 metres, I think, of the shore. This incident was reported in the papers of the day. In fact, some of that party were flown out by helicopter. I have the word of the people who were in the party that they were asked the leave. This is the only substantiation I can offer the Minister. I believe their word to be acceptable.

There is a great difference in motivation between people who come in boats to the shores of national parks, perhaps, for recreational cruising, and those intent on vandalism, who care little about the mess or the damage they leave behind them. I support the regulations of the parks, or the regulatory system that rangers enforce to ensure that those people are not welcome and do not leave rubbish behind them. But the area in the lee of Wilson's Promontory National Park is a particularly stormy and dangerous area of water and a storm can build up there in a short period. Historically it has been a sheltering point from the day of Bass and Flinders, and will continue to be so for ships both large and small. I should be very disturbed if people were forced back into dangerous waters by a regulation of a park which was not being interpreted in the most charitable sense. On that point there ought to be some form of amendment to the regulation stating that where people are in some peril, appropriate provision could be made for them.

I am not sure whether this provision has arisen out of the particular incident I mentioned earlier. In that incident the women of the party were taken out of this area by helicopter. A blanket prohibition should not be made on equipment going in there, and approval ought to be given under certain circumstances. There should also be an indication from whom approval may be sought. Entry of such equipment into a national park can be looked at from several points of view, one of which is from a fire situation. Without doubt the most effective means of controlling a fire in a national park, and I refer to Wilson's Promontory National Park in particular, would be by air; firstly, by fire bombing spot fires in their early stages; and, secondly, by delivering men to the nearest point of

that fire by helicopter—that is often the only way delivery could be made there—to a helipad in the area. They could then quickly fight the fire. The Forests Commission has already constructed a number of fire pads throughout the Wilson's Promontory area, and I presume approval was given for this.

I come now to the next point; how to preserve the character of the national park without the predatory activities of human beings. I wonder whether in the future the way of preserving the national park, and at the same time making it accessible to a wider section of the public, will not be through a programme of helicoper flights throughout the area. It might be said that helicopters are noisy machines. At present this is so, but there are technological measures being taken to mitigate the noise. There is a helicopter which cannot be heard when flying overhead at 500 feet. Therefore, these present problems can be overcome. It may be that in the future helipads or heliports will be available in the area for people of all ages, and I am concerned about the 72-year-old grandmother who wants to see the park and who has a perfect right to see it. Such a lady may well have a desire and a more pressing need to view the park than some eighteen-year-old hiker. If provision is to be made in the future, perhaps this would be the most sensible way of doing it. The amendment relates to regulating the entry into parks of persons, vehicles, vessels and the landing of helicopters and other aircraft, and I go along with the idea of controlled entry.

However, in framing the regulations, I hope the Minister will take into account that this ought to be a justifiable method of entry and not to close for all time access to these parks. The entry of helicopters can also be considered from the point of view of rescues. Here again, no one knows when a hiker might be lost or injured and need to be recovered from the top of Mount Oberon or from the thick bush. In these cases, a helicopter would be very desirable.

Mr. BURGIN (Polwarth): I have some reservations concerning regulating the periods during which persons, vehicles, vessels, helicopters or other aircraft may remain in parks. The officers who will be in these areas may not be competent to judge whether the weather conditions are right for a plane to be sent out of the park or for a vessel to put out to sea again. It is asking too much of an officer of the National Parks Service to make a decision of this sort because after all he is not a sailor or a pilot. It is hoped that the administration will consider this matter carefully because people's lives could be in danger unless the regulation were policed sensibly.

A decision by an officer could give rise to a number of problems and a wrong decision could lead to a loss of life. No honorable member wants this to happen. Between now and when the Bill is considered in another place, I ask the Minister to examine the amendment and ascertain whether it could be improved to safeguard the type of situation to which I refer.

The amendment was agreed to.

Mr. B. J. EVANS (Gippsland East): The clause provides wide powers to the Governor in Council to regulate the control and management of national parks, but one or two points concern me. Responsible people should be given the role of controlling and putting these regulations into effect. I recall an incident a couple of years ago at a park under the control of the Lands Department where people arrived late at night with a car and caravan, and parked in the camping area quite unaware that under the regulations dogs were prohibited there. The person who was in charge of the park arbitrarily used a shotgun to shoot the dog, which was a valuable show dog, without giving the owners the opportunity to remove the dog. With the powers which are available under the clause, the regulations will need to be applied with common sense and understanding.

Mr. DOUBE: At what park did the incident occur?

Mr. B. J. EVANS: It occurred at the Buchan Caves camping park which is under the control of the Lands Department. Another matter which has concerned me for many years is that in parts of East Gippsland the Princes Highway and other major roads pass through or alongside national parks. Information should be provided so that the travelling public are aware of this fact. Under the regulations it will be possible for somebody quite innocently to pull up on the side of the road, unaware that he is in a national park, to exercise his dog or to shoot a rabbit. In each case he would be committing an offence which carries a severe penalty. The National Parks Service should ensure that people know when they are entering a national park as they travel along a highway. Without this information, a person could unwittingly infringe the regulations.

Apart from this, we ought to be sufficiently proud of our national parks to advise the travelling public when they are entering a national park. Admittedly, in the past couple of years the National Parks Service has made progress in this regard but there is a long way to go. For example, at the Alfred National Park there is a small sign on the side of the road which informs the traveller that he is travelling through a national park. This stretch of the highway is one of the most attractive in Victoria. Undoubtedly, many people pull up to admire the luxurious, semi-tropical jungle growth at the side of the roadway.

Mr. RAFFERTY: Where is that?

Mr. B. J. EVANS: Apparently the education of the Minister of Labour and Industry is lacking if he does not know that semi-tropical jungle growth occurs in Gippsland. I invite the Minister to spend a week with me and I will be delighted to show him around. I am pleased that the Minister indicates his acceptance of my proposal.

Mr. WHITING (Mildura): Sub-clause (4) refers to the making of a regulation in respect of a part of a road that is bounded on each side by a park. For approximately 7 or 8 kilometres, the Murray Valley Highway runs through the Hattah National Park. If a person travelling along that section of the road stops and allows his dog out of the vehicle, technically he is breaching the regulations and could be subject to a penalty. I am not clear whether under sub-clause (4) these roads and highways will be exempted from the other regulations. I should like to hear the Minister's comments on that.

Mr. BORTHWICK (Minister for Conservation): I am not able to decipher that provision in legal terms at the moment. I will examine the matter before the Bill is dealt with in another place and clarify the situation for the honorable member.

The clause, as amended, was adopted, as was clause 49.

Clause 50 (Transitional Provision).

Mr. BORTHWICK (Minister for Conservation) I move—

Clause 50, sub-section (1), paragraph (*b*), page 24, lines 17–19, omit "a declaration under sub-section (1) of section 4 of the Public Service Act 1958 applied" and insert "the Public Service Act 1974 did not apply by reason of a declaration made under sub-section (1) of section 4 of the Public Service Act 1958 or sub-section (1) of section 4 of the Public Service Act 1974".

The amendment was agreed to, as was a verbal amendment, and the clause, as amended, was adopted, as were clauses 51 to 54.

Clause 55 was verbally amended, and, as amended, was adopted.

Schedule One.

Mr. BORTHWICK (Minister for Conservation): I move—

Schedule One, page 29, after—

"8210	National Parks (Amendment) Act 1971 ..	.. The Whole"

insert—

"8353	Railways (Amendment) Act 1972 ..	.. Item in Schedule relating to National Parks Act 1970"

The purpose of this amendment is to tidy up a section in the Railways Act under which the commissioners were replaced by the board. This amendment therefore amends the Railways (Amendment) Act 1972, not the National Parks Act. In clause 3 (2) of this Bill the Victorian Railways Board is referred to. In the National Parks Act 1970 reference is made to the Railways Commissioners.

The amendment was agreed to, and the schedule, as amended, was adopted, as were the remaining schedules.

Mr. BORTHWICK (Minister for Conservation) : I move—

Insert the following new clause to follow clause 19—

"AA. (1) The Director may, subject to this Act, do all things necessary or desirable to achieve the objects of this Act and in particular—

(*a*) may initiate or investigate proposals for or in relation to the acquisition of land to be added to and form part of a park or to be established as a park;

(*b*) may, subject to sub-section (2), promote research study or investigation of matters that relate to the objects of this Act; and

(*c*) subject to sub-section (2), may, with the approval of the Minister, authorize the payment of moneys from the Fund for or in connection with research study or investigation promoted under paragraph (*b*).

The new clause was agreed to.

The Bill was reported to the House with amendments, and the amendments were adopted.

Mr. BORTHWICK (Minister for Conservation) : I move—

That this Bill be now read a third time.

Mr. TREWIN (Benalla) : Most national parks consist of Crown lands and authorized lands. Earlier today I mentioned that the Forests Commission had practically been excluded from any operational activities of the National Parks Service. As the commission is an adjoining landholder in practically every instance, it should have representation on the National Park Advisory Council. This is an area in which it could serve the State exceptionally well.

I again bring before the House and before the Minister the need for people representing the Forests Commission to be involved in the activities of the National Parks Advisory Council. These people are relied upon in some areas for suppression and containment of fires and for many years they have carried out work of preserving flora and fauna. On occasion they have also destroyed areas because of the need of the nation for softwood plantations. They can be excused almost wholly in that regard. I sincerely believe the Forests Commission should be involved with the National Parks Service, particularly through the council, in the maintenance of order in national parks.

The motion was agreed to, and the Bill was read a third time.

TRANSPORT REGULATION (PRIVATE OMNIBUSES) BILL.

The debate (adjourned from April 10) on the motion of Mr. Meagher (Minister of Transport) for the second reading of this Bill was resumed.

Mr. JONES (Melbourne) : This Bill seeks to amend the Transport Regulation Act by setting up a third Part dealing with private omnibuses. Honorable members will recall the tragic crash on 28th October, 1974, of a bus which was owned by the Dallas Marching Girls Team and which got out of control in Burgundy Road, Heidelberg, in the electorate of the honorable member for Ivanhoe. As a result the driver died and 40 other persons were hurt.

It seemed that buses of that type did not require any particular registration other than registration as private motor vehicles. The Minister has therefore sought to amend the principal Act, which contains two Parts. The first Part sets up and gives powers of reference to the Transport Regulation Board. The second Part regulates commercial passenger vehicles for which a fee or charge per passenger is levied. Now, like

Gaul, the Act will have three Parts. The third Part simply provides for a definition of private omnibuses and for the their licensing. Proposed section 46 provides—

(1) A private omnibus shall not be driven on any public highway unless it is licensed in accordance with this Part.

(2) The driver and the owner of any private omnibus which is driven on a highway contrary to the provisions of sub-section (1) shall be severally guilty of an offence.

That covers not only the driver but also owner. Proposed section 49 (1) provides—

(1) The Governor in Council may make regulations for or with respect to —

(*a*) the design and construction of private omnibuses;

(*b*) the maintenance and repair of private omnibuses;

(*c*) the form of and any particulars to be set out in licences;

(*d*) applications for licences or for renewal of licences;

(*e*) the fixing of fees not exceeding $10 to be paid for licences; and

(*f*) penalties not exceeding $40 for any breach of the regulations.

As the Minister pointed out in his second-reading speech, many organizations, schools, sporting bodies, youth and other groups have now bought private buses for the purpose of taking club members, elderly citizens, school children and so forth on excursions. This is a tendency that ought to be encouraged. The Bill is a good one because it provides for the Act to cover precisely this kind of motor vehicle ownership. It is not within ordinary private motoring, and yet it is not public bus transport in the sense of operation for hire or profit. I do not wish to say too much about the Bill. It would be out of character if I praised the Minister for introducing it. I should not want him to get an exaggerated sense of confidence. The Opposition is glad the Bill has been brought in, and gives it full support.

Mr. TREWIN (Benalla): I praise the Minister for bringing in this Bill. Private omnibuses, as has been mentioned by the honorable member for Melbourne, are becoming part of our transport system. Country high schools and technical schools find that by having one of these buses and keeping it in good repair they are able to take students on special tours so that their study of different features of the curriculum may be assisted and school projects developed. One bus that possibly had been discarded was purchased by a technical school which had mechanics as part of the curriculum. The bus was put in good order at the school and was used for transporting the students to their weekly rendezvous, a camp close to a water storage.

The Country Party supports the Bill. Although its enactment will mean that certain fees must be paid, it will also mean that certain measures must be taken to ensure that the buses are of a standard that will give security and safety to the driver and to passengers. In country districts if buses have to traverse fairly long distances they are usually kept in good order. On numerous occasions it is not possible to hire a bus and a subsidy is not available for the transport of students for sporting fixtures or exploration excursions. The cost to the school with one of these buses is much less than if it had to hire a public bus. The Country Party supports this small piece of proposed legislation and congratulates the Minister on bringing it before the House.

Mr. McINNES (Gippsland South): I support the remarks made by the honorable member for Benalla and compliment the Minister of Transport on bringing forward this measure. The Bill covers the maintenance and roadworthiness of the vehicles used in the carriage of passengers. Although commercial operators in the main have attended to this aspect of their operations diligently and with integrity, accidents have occurred from time to time because of poor maintenance. This measure will help to tighten up these provisions, and in doing so, may well

add to the cost of maintenance. The Minister of Transport recognizes this fact.

One aspect of general transportation that has always concerned me — it comes within the scope of this Bill to some extent — is the ability and licensing of drivers. When a pilot converts from one type of aircraft to another, he must undergo conversion training and must receive an endorsement for that type of aircraft. There is only one endorsement for the drivers of buses, and it enables them to drive a whole range of vehicles. Recently I spoke to a fleet operator who controls 52 trucks. He said that not long ago any rapscallion who walked in the door — usually with bare feet and bearded — could be given a truck on the spur of the moment, and would disappear into the night to drive to Sydney with a load of cargo. Often the owner doubted whether either the driver or the truck would be seen again. This is typical of the approach that was often taken by the operator.

That was bad enough when applied to the driver of a truck, but in the case of the driver of an omnibus— which implies that it is a vehicle used for the carriage of passengers —the ability of the driver ought to be examined. One ought to be much more circumspect when placing the lives of members of the community —more specifically, lives of school children, perhaps on excursions usually undertaken by omnibuses, as well as the services that school buses undertake—in the hands of bus drivers. A training programme should be undertaken by the drivers who are to handle these buses. They have a heavy responsibility, and there have been many fatalities when school buses have been struck a glancing blow. Unfortunately, in several cases school children have died. A level crossing smash occurred at Traralgon when the foot of the bus driver slipped off the clutch and the vehicle moved forward into the path of an oncoming train. About six children were killed in that accident. The Minister should take a closer look at the human element, in the ability and training of what is often called the nut behind the wheel.

Generally, the maintenance of buses by their owners and operators has been of a high standard in the past and has fallen below the norm only in isolated instances. However, more care must be taken in the supervision and training of drivers and more attention paid to their ability and licensing when they are responsible for the handling of valuable human cargo.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Insertion of new sections).

Mr. MEAGHER (Minister of Transport): I thank honorable members for their support of the measure, and I refer particularly to the remarks of the honorable member for Gippsland South. The licensing of drivers comes within the competence of the Chief Secretary, and I shall direct the attention of the honorable gentleman to the remarks of the honorable member. I move—

"Clause 2, page 2, line 37, omit "31"."

Section 31 of the principal Act relates to the review by the Governor in Council of licence applications. As the licences under this Bill are given as of right, the section does not apply. I therefore desire its removal and have moved accordingly.

Mr. JONES (Melbourne): I am glad that the Minister has indicated that he will do something about the matter raised by the honorable member for Gippsland South, because it is a valuable point. I ask the honorable gentleman whether the third-party liability of private buses would be determined by the Transport Regulation Board of whether it comes within the honorable gentleman's competence.

Mr. MEAGHER (Minister of Transport): The third-party provisions of the Motor Car Act state that anyone who registers or licenses a vehicle must pay third-party insurance on it. The vehicle is insured, and therefore it comes into the realm of the Chief Secretary as the licensee of the vehicle. The Transport Regulation Board plays a secondary role. I give the assurance that the vehicle would certainly be covered by third-party insurance.

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

The Bill was reported to the House with an amendment, and passed through its remaining stages.

PUBLIC SERVICE (TRANSITIONAL PROVISIONS) BILL.

Mr. HAMER (Premier and Treasurer): I move—

That this Bill be now read a second time.

The passage of the Public Service Act 1974 in the closing stages of the last session of this Parliament provided the framework for the appointment of a new Public Service Board and a Promotions Appeals Board, and for many new measures aimed at increasing the efficiency of the Public Service of Victoria.

The Government has delayed the proclamation of the Act so as to give the present Public Service Board and its staff the necessary time to take all the steps required in the transitional period before the new Act becomes effective.

We have in the Bill provided a commencement date of 1st August, 1975. Achievement of this target date, however, is conditional on approval by Parliament of measures contained in the Bill which I now bring before the House. It was found, in preparing the way for the introduction of the new Act, that certain machinery amendments were necessary in order to be sure that the new Act would not be challenged, or that certain anomalies were avoided.

One such point, which is dealt with in clause 2, is concerned with the power of the present board to take any action authorized or required to be taken under the provisions of the 1974 Act during the transitional period.

Mr. WILKES: Can the honorable gentleman be sure that it will not be challenged?

Mr. HAMER: The problem is that until the 1974 Act is proclaimed, any action which it authorizes in the meantime may be challengeable. In order to prepare the ground to enable the Act to operate, these transitional provisions are required. It is a matter which is in doubt, and not for the first time certain legal opinion is in conflict. The Government considers it best to clear the air.

This is particularly important in respect of elections to be held under section 6 (2), (3) and (6) of the 1974 Act to decide the service representatives and their deputies to be appointed to the board. As the 1974 Act now stands, there is doubt as to the legality of holding such elections before the Act is proclaimed. But if we wait until the Act is proclaimed, we will not have a full board until elections can be held, a matter of several weeks. The amendments proposed in clause 2 will rectify this matter.

Clause 3 deals with the second major point concerning appointments and appeals in course at the time the 1974 Act comes into operation. Some transitional arrangement is required to avoid the lapsing of such appeals and for the new Promotions Appeals Board to become fully effective. The proposed amendment makes it clear that the new board will have the powers of the old board in respect of the filling of vacancies advertised before the commencement of the 1974 Act.

A further amendment in clause 4 provides for members of the new board to receive payment for duties other than their board duties with the consent of the Governor in Council. This is primarily intended to cover the member representing the officers of the Mental Hygiene Branch who is, of course, not a full-time member of the board but would be prevented from drawing any other pay with the Act as it is. Deputies to the members are also covered.

Clause 5 (*c*) deals with the board's power to cancel a promotion or transfer if the person concerned does not have the appropriate qualifications. By simplifying and clarifying the procedures of this process, a tremendous amount of work by the board, departments and the Executive Council can be obviated.

To simplify the procedures of the disciplinary appeals tribunal, clause 5 (*f*) removes the need for elections of the service representative and substitutes selection by approved associations of officers.

Clause 5 (*e*) provides for the board to be given a limited degree of retrospectivity in the making of regulations to give effect to its determinations in respect of salaries, allowances and the like. In practice, there is always a lapse of time between a determination in principle and the publication of the detailed determination because of the need to make calculations and other preparations.

The board has in the past fixed the date of operation of a determination as the date on which it made its determination, and this practice has incurred comment from the Subordinate Legislation Committee. On the other hand, the committee has not formally objected to regulations involving a small degree of retrospectivity. The proposed amendment will overcome this difficulty and will provide for a measure of justice to those who stand to gain by the board's determinations.

There are some other minor amendments. Further, I wish to draw the attention of the House to another proposed amendment in clause 5 (*a*) which is of a different character from the procedural amendments described earlier.

Members will recall that, in the debate on the 1974 Bill, I gave an assurance to the Leader of the Opposition that I would examine the provisions of section 30 which will preclude the board from appointing any person to the Public Service unless he or she is an Australian citizen or a British subject. This provision is in line with similar provisions for the Commonwealth Public Service and other States and, indeed, in many overseas countries. The previous practice of the board has been to appoint such persons on probation and to confirm their appointments only when they obtain a certificate of Australian citizenship. The new Act sought to regularize this procedure.

It is interesting to note that the Commonwealth Government's committee on discrimination in employment and opportunity, in its recently presented first report, examines this matter at some length. It concludes that, although the practice is discriminatory, the Commonwealth Government should require a person to become an Australian citizen if he or she wishes to enjoy the privilege of secure and permanent employment in Government service.

The Government generally endorses this view. But it has been put to it that, with the present shortage of specialist Australian personnel in some areas, the service and the Government could be disadvantaged by the inability to recruit such specialists from overseas. There are current examples in the Social Welfare Department and the Ministry for Conservation.

The Government has therefore decided to amend the 1974 Act, as set out in clause 5 (*a*) so as to give the board the discretion, with the

approval of the Governor in Council, to waive the requirement to be an Australian citizen or British subject in the case of persons whom it is considered should be appointed in the interests of the State. I would expect the number of appointments made in this way to be very small in any one year.

The proposed amendments have been discussed with the representatives of the service associations and have their endorsement. In view of the number of steps still to be taken to ensure the successful introduction of the 1974 Act on 1st August next, particularly the elections for board members, it is essential that this amending Bill has speedy consideration by this House. I am sure honorable members will co-operate in this task. I commend the Bill to the House.

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

It was ordered that the debate be adjourned until Tuesday, April 29.

The House adjourned at 10.32 *p.m.*

QUESTIONS ON NOTICE.

The following answers to questions on notice were circulated—

CASTLEMAINE FIRE BRIGADE.

(Question No. 1017)

Mr. CURNOW (Kara Kara) asked the Chief Secretary—

In respect of the answer to question No. 927, asked on Tuesday, 11th March, 1975, whether a prosecution will be launched; if not, why?

Mr. ROSSITER (Chief Secretary): The answer is—

No. As I indicated in my previous answer, the Country Fire Authority was aware of the existence of a fire at the rubbish tip and of the degree of control exercised by council employees. Fire had erupted at the tip on previous occasions and it appears that the tip was burning below ground level some days prior to the surface fire of the 30th January, 1975. The fire was contained by council employees depositing quantities of soil on the area concerned. It appears that there was no evidence of any offence being committed in respect of the fire outbreak on the date mentioned above and the matter was not reported to the local police.

BROADCAST OF FIRE BAN WARNINGS.

(Question No. 1024)

Mr. ROPER (Brunswick West) asked the Chief Secretary—

Further to the answer to question No. 943 asked on 11th March, 1975—

1. Whether discussions are continuing to ensure fire ban warnings are given in languages other than English?

2. Which—(*a*) radio stations; (*b*) television stations; and (c) newspapers, have been approached and with what result?

Mr. ROSSITER (Chief Secretary): The answer is—

No. I regret that the information provided in answer to question No. 943 was incorrect. My previous answer mentioned discussions which had taken place between the Country Fire Authority and radio stations. However, further investigations have revealed that no approach was made by the authority to radio stations for the purpose of broadcasting fire warnings in languages other than English. Some stations broadcast fire warnings in other languages as a service to the public but promulgation of such warnings by the authority is confined to providing information to fifteen foreign language newspapers.

The need for the general issue of fire warnings in languages other than English is recognized and I intend to review the present arrangements in the near future.

VICTORIAN STATE ARTIST.

(Question No. 1067)

Mr. JONES (Melbourne) asked the Minister of the Arts—

1. What are the terms of reference and conditions of appointment of the Victorian State Artist.

2. Whether Mr. Harold Freedman was appointed to this position; if so—(*a*) at what remuneration; (*b*) by whom he was selected and what was the method of selection; and (*c*) whether the position was advertised and, if not, why?

Mr. HAMER (Minister of the Arts): The answer is—

1. The Victorian State Artist was appointed to carry out major works of art commissioned by the Government. His work is directed by a sub-committee of Cabinet.

The first task allotted to the State Artist was the large mural depicting the history of transport in Victoria, the completed portions of which are mounted in the main concourse of the Spencer Street Railway Station.

The present State Artist, Mr. Freedman, has been seconded from his position as a member of the State Teaching Service for an indefinite period.

2. Yes, on 22nd May, 1972.

(*a*) $12,800 per annum.

(*b*) Mr. Freedman was selected on the recommendation of a Cabinet sub-committee because of his general experience and ability, particularly as demonstrated by the large murals he had created for the Commonwealth Government in the War Memorial in Canberra.

(c) No. Mr. Freedman was seconded to the Chief Secretary's Department (and subsequently to the Ministry for the Arts) from his position as a member of the Teaching Service at the Royal Melbourne Institute of Technology, because he was considered to be the most appropriate available artist to carry out the work envisaged by the Government.

FLUORIDATION OF BOORT WATER SUPPLY.

(Question No. 1092)

Mr. B. J. EVANS (Gippsland East) asked the Minister of Health—

Further to the answers to questions No. 858 and 859 asked on 10th December, 1974—

1. When fluoride was first added to the Boort water supply?

2. What tests were made to check the fluoride concentration in the water supply on and from that date and who made the tests?

3. What were the results of the tests and what approval has been given by the Commission of Public Health to continue fluoridation?

4. When the fluoridation control equipment was actually installed at the Boort waterworks?

5. When supplies of the fluoride material specified by the commission were first delivered to the waterworks?

6. When the plans and specifications for the fluoridation equipment were submitted to the commission?

7. Whether any injection of fluoride was made into the water supply by or through the equipment before approval by the commission?

8. Whether the dosing equipment was installed before the test equipment was received; if so, on whose authority?

9. After the test equipment arrived on 29th November, 1974, whether fluoridation commenced on 3rd December, 1974, as the Boort Waterworks Trust proposed; if not, why?

10. In view of the commission being unable to sight and test the new and automatic equipment, on what authority the equipment at Boort was installed?

11. What trials of the equipment at Boort were conducted, indicating by whom and what results were recorded?

12. Whether the results were checked with other known and proved equipment?

13. What have been the test results since commencement of regular fluoridation at Boort with the American equipment?

14. Whether the standards required by the Health (Fluoridation) Act 1973 have been met; if not, when the waterworks trust was directed to cease fluoridation?

Mr. SCANLAN (Minister of Health): The answer is—

1. Fluoride was first added to the Boort reticulated water supply on a trial basis on 1st June, 1974. Trials continued under the supervision of the consulting engineers until 21st December, 1974, by which time the installation was complete. Routine fluoridation was instituted at that date but discontinued in January, 1975.

2. During the trial period the fluoride concentration was tested by the consulting engineers and Mr. L. Wellard, water purification plant operator, using a modified SPADNS method. During the routine fluoridation period from 21st December, 1974, Mr. L. Wellard made daily fluoride analyses using the specific ion electrode method.

3. The average fluoride concentration was 0·8 ppm, no results were in excess of 1·0 ppm.

In the terms of section 6 of the Health (Fluoridation) Act 1973, the Commission of Public Health, after considering the plans and specifications submitted by the Boort Waterworks Trust, determined—

(*a*) that the maximum concentration of fluoride expressed as parts of fluoride ion per million parts of water by weight that may be established in the Boort waterworks supply shall be 1 ppm; and

(*b*) that the compound of fluoride that may be added to the Boort waterworks supply shall be hydrofluosilicic acid.

The commission further determined that the Boort Waterworks Trust be advised that the commission was not satisfied that the proposals put forward contained adequate provisions for the recording of the quantities of hydrofluosilicic acid being added and required the trust to install a loss of weight recorder on the platform scales.

4. Installation of the fluoridation dosage control equipment was completed by 1st June, 1974.

The analytical control equipment was installed and operational by 21st December, 1974.

5. The first shipment of hydrofluosilicic acid was delivered in May 1974.

6. Preliminary plans and specifications for the fluoridation equipment were submitted by the Boort Waterworks Trust to the commission on 20th November, 1973 prior to the proclamation of the Health (Fluoridation) Act 1973 on 20th March, 1974.

7. Injection of fluoride was carried out before any decision was given by the commission in respect to the choice of fluoride chemicals and the maximum dosage.

8. Dosing equipment was installed before the test equipment was received on the decision of the Boort Waterworks Trust.

9. Routine fluoridation did not commence on 3rd December, 1974 as proposed by the waterworks trust following receipt of the test equipment. The commencement date was postponed to 21st December, 1974 when the test equipment was operational.

10. An automatic continuous analyser and recorder of American origin was not installed as the commission was not satisfied as to its satisfactory operation and reliability.

11. The fluoride dosing unit was factory tested by the agents, Mono Pumps (Australia) Pty. Ltd., and then by the trust's consulting engineers following installation at Boort.

12. No.

13. American testing equipment was not installed.

14. On 6th February, 1975, the Commission of Public Health advised the Boort Waterworks Trust that the plans and specifications did not contain adequate provision for the recording of the quantities of hydrofluosilicic acid being added and required the trust to install a loss of weight recorder on the platform scales. However, routine fluoridation of the Boort water supply ceased at the end of January 1975 due to a plant malfunction and has not been resumed.

UNMARKED POLICE VEHICLES.

(Question No. 1098)

Mr. EDMUNDS (Moonee Ponds) asked the Chief Secretary—

How many unmarked vehicles are used by the Victoria Police Force for road patrol work and how successful this form of road patrol has been in reducing road accidents?

Mr. ROSSITER (Chief Secretary): The answer is—

Forty-four unmarked police cars are currently being used as road patrol units—39 in the metropolitan area and five on the main country highways.

Many factors and controls are operating on road users throughout the State at any one time and it would be very difficult to quantify the efficacy of unmarked police cars in reducing road accidents. However, as the vehicles concentrate on serious offences, I suggest that the effect is probably significant.

NOISE FROM MOTOR VEHICLES.

(Question No. 1147)

Mr. BAXTER (Murray Valley) asked the Chief Secretary—

1. How many prosecutions were launched during 1974 for excessive noise from motor vehicles?

2. How many prosecutions were successful?

Mr. ROSSITER (Chief Secretary): The answer is—

The information requested is not readily available as statistics are not kept. Obtaining the required information from the basic records would substantially tax the limited resources available.

REBATE ON BEEF SALES.

(Question No. 1149)

Mr. CURNOW (Kara Kara) asked the Treasurer—

1. Whether he will consider rebating to beef producers who sell cattle an amount equivalent to the commission paid to agents so that producers receive the gross amount from a sale?

2. Whether he will raise this question with the Prime Minister in an endeavour to assist beef producers; if not, why?

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

(1) and (2). This matter was not raised at the recent conference convened by the Minister of Agriculture at which all sections of the beef industry were present and at which all practical ways of helping beef producers were explored.

Not all beef cattle are sold through agents in Victoria. Many farmers elect to market their stock direct with abattoirs on

a weight and grade basis, particularly farmers who belong to and use their co-operative. In addition, sales are made on a farmer to farmer basis. I understand that the introduction of a subsidy scheme along the lines suggested could have a disruptive effect on established marketing arrangements.

The Victorian Government is already going further than all other States and than the Commonwealth in assisting beef producers and having regard to the circumstances I have outlined I would not propose to extend the field of assistance to include a rebate on commissions.

At the conference to which I have referred the Victorian Government was assured of the support of the beef industry in making an approach to the Commonwealth on a number of measures to assist the beef industry. I wrote to the Prime Minister accordingly on 19th March, 1975 but to date we have not had the benefit of his reply on these urgent and important matters affecting beef producers.

RAILWAY EMPLOYEES' LONG SERVICE LEAVE.

(Question No. 1156)

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

Whether Australian ex-servicemen employed by the Victorian Railways Board receive an additional long service leave entitlement because of war service; if so, whether this entitlement is extended to include United Kingdom and Maltese ex-servicemen; if not, why?

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

Regulation 93 of the Railways Act 1958 provides that—

(*a*) Service in Australia in the Armed Forces of the Commonwealth of Australia may count as service for long service leave purposes provided the officer or employee concerned commences duty in this department immediately following completion of such service, and completes the appropriate minimum qualifying period of service in this department as prescribed by the Railways Act.

(*b*) Service overseas in the Armed Forces of the Commonwealth of Australia may count as service for long service leave purposes provided the officer or employee concerned commences duty in this department within five years of completion of such service, and completes the appropriate minimum qualifying period of service in the department as prescribed by the Railways Act.

Section 180 of the Railways Act 1958 provides that the railways shall not grant to any officer or employee any leave of absence or furlough for longer or more frequent periods or on terms more favourable than those prescribed for officers of the Public Service. As the long service leave regulations of the Public Service Board do not make provision for service other than in the Armed Forces of the Commonwealth of Australia, the railways are not empowered to include periods of war service beyond the foregoing provisions.

LINCOLNVILLE PRIMARY SCHOOL.

(Question No. 1159)

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

In respect of the Lincolnville Primary School, what is the cause of the delay in this school being occupied and when it is expected that the school will be occupied?

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

The Lincolnville Primary School although nearing completion is still in the hands of the contractor and a date for opening of the school has not been fixed. Because of the nature of the site, certain site works will be necessary before occupation can be given.

This matter is being taken up with the Public Works Department to ensure that the school is occupied at the earliest possible date.

LEVEL CROSSINGS IN BRUNSWICK AND COBURG.

(Question No. 1169)

Mr. ROPER (Brunswick West) asked the Minister of Transport—

In respect of the cities of Brunswick and Coburg, respectively—

1. Where each level crossing is located?

2. Which crossings are protected by—(*a*) automatic gates; (*b*) gates operated manually from an adjacent signal box; and (*c*) gates operated by other means?

3. How many persons are employed solely as gatekeepers and what is the annual cost to the Railways Department of protecting such crossings?

4. Whether it is proposed to—(*a*) install further automatic crossings and, if so, when and where; and (*b*) close any existing crossings?

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

1 and 2. The railway level crossings in the cities of Brunswick and Coburg, together with the type of protection provided at each one, are as follows—

Brunswick

Albert Street	..	Hand operated gates
Albion Street	..	Gates operated from signal box
Dawson Street	..	Hand operated gates
Hope Street ..	..	Hand operated gates
Moreland Road	..	Gates operated from signal box
Tinning Street	..	Hand operated gates
Victoria Street	..	Gates operated from signal box

Jewell

Barkly Street	..	Hand operated gates
Brunswick Road	..	Hand operated gates
Park Street ..	..	Hand operated gates
Union Street	..	Gates operated from signal box

Coburg

Bell Street ..	..	Boom barriers
Gaffney Street	..	Gates operated from signal box
Munro Street	..	Gates operated from signal box
O'Heas Road	..	Hand operated gates
Reynards Road	..	Hand operated gates

Coburg North

Bakers Road	..	Flashing lights
Boundary Road	..	Flashing lights
Shorts Road..	..	Flashing lights

3. In the cities of Coburg and Brunswick, the Railway Department employs 20 persons solely as gatekeepers at an annual cost of $216,000.

4. (*a*) The cost of installing automatic boom barriers is shared between the Government and the municipality in which the level crossing is located.

At present there are no plans to instal further automatic crossings in the cities of Brunswick and Coburg and any such installations would be dependent upon the availability of funds and the councils agreeing to meet their one-third share of the cost.

(*b*) No.

DRINK PACKAGING.

(Question No. 1177)

Mr. HOLDING (Leader of the Opposition) asked the Minister of Consumer Affairs—

1. Whether the Government intends to legislate to implement the recomendations of the report of the House of Representatives Standing Committee on Environment and Conservation, of November, 1974, proposing a system of deposits and taxes be imposed by the State Government on drink packaging, if so, when?

2. Whether the Government agrees with the committee's conclusion that the modern throw-away drink packages cause wastage of resources, wastage of energy, pollution during manufacturing and recycling, a waste disposal problem, and cause litter?

3. Whether the Government agrees that such taxes would provide funds for easing the load on municipalities and ratepayers?

Mr. RAFFERTY (Minister of Consumer Affairs): The answer is—

This is a question which ought to be directed to the Minister for Conservation.

RAIL SERVICES.

(Question No. 1182)

Mr. AMOS (Morwell) asked the Minister of Transport—

Further to the answer to question No. 1122 asked on 8th April 1975—

1. In view of the Railway Department general policy concerning suburban stops for long-distance country passenger trains and as air-conditioned carriages on the Gippsland line trains are not for the specific use of Berwick commuters, why the representations of a number of Berwick commuters to retain this service were favourably considered?

2. Who are the Berwick commuters referred to?

3. Whether their representations were made through a member of Parliament?

4. Whether the Victorian Railways Board will give consideration to the comfort and views of train travellers beyond Berwick by reverting to the original plan to no longer stop the Gippsland bound trains at Berwick; if not, why?

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

1. Prior to the extension of suburban electric trains to Pakenham on 19th January the following two evening country trains on the main Gippsland line made stops at Berwick—

4.53 p.m. Traralgon (first class air-conditioned carriage attached)

6.03 p.m. Sale/Bairnsdale (first & economy class air-conditioned carriages attached).

In the new time-table, the 4.53 p.m. Traralgon train was altered to depart at 4.46 p.m. and a suburban electric train to Pakenham was provided at 4.53 p.m. The railways considered that it was therefore no longer necessary to stop the Traralgon bound train at Berwick or other stations between Dandenong and Pakenham, and that train now runs express through this section.

However, in the case of the 6.03 p.m. (now 6.08 p.m.) train, the nearest-timed suburban electric trains to Pakenham in the new timetable leave Flinders Street at 5.48 p.m. and 6.28 p.m. As Berwick passengers have always had the benefit of a service shortly after 6.0 p.m. the railways considered that it would have been a retrograde step to require such passengers to travel either 15 minutes earlier or 25 minutes later. The railways therefore agreed to continue to stop the 6.08 p.m. train at Berwick.

2. The railways are not able to supply details.

3. No.

4. For the reasons set out in the answer to Question 1 above the railways do not propose to alter the present stopping arrangements of the 6.08 p.m. train.

However, the railways will review the matter, should traffic growth on the line warrant the operation of an additional suburban type train at about 6.0 p.m.

EDUCATIONAL FACILITIES FOR BAIRNSDALE.

(Question No. 1192)

Mr. B. J. EVANS (Gippsland East) asked the Minister of Education—

1. What stage has been reached in planning for the development of the existing Bairnsdale racecourse for education purposes?

2. When it is expected that the existing sub-standard technical school at Bairnsdale will be replaced?

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

1. Preliminary planning is proceeding.

2. Subject to availability of funds it is hoped that construction will commence in the later half of 1976.

DEPARTMENT OF AGRICULTURE STAFF IN WODONGA.

(Question No. 1195)

Mr. BAXTER (Murray Valley) asked the Minister of Agriculture—

1. How many officers of the Department of Agriculture are located in Wodonga?

2. What steps are being taken to provide improved office accommodation in Wodonga?

Mr. I. W. SMITH (Minister of Agriculture): The answer is—

1. There are 29 officers of the Department of Agriculture located at Wodonga, of whom ten are based at the office at 37 Elgin Street, Wodonga, thirteen at the fruit fly road block and six at the fruit fly depot at Smythe Street, Wodonga.

2. Wodonga was established as a district office of the Department of Agriculture in 1972. Since that year the department has been endeavouring to obtain, through the Public Works Department, the improved office accommodation and facilities necessary for the Wodonga district office to function effectively. The matter is in the hands of the Public Works Department.

TELEVISION REPAIRMEN.

(Question No. 1206)

Mr. ROPER (Brunswick West) asked the Minister of Labour and Industry—

In respect of proposals for licensing television repairmen—

1. When the Radio Electrical and Television Retailers Association first approached the Government with its submission?

2. Whether Mr. Jeans met a deputation on 2nd May, 1973?

3. Whether a written reply was sent to the association; if so, when, and in what terms?

4. Whether in October or November, 1973, the Secretary of the Labour and Industry Department contacted the association to inform it that any submission to the Minister requesting legislation would need to be made by mid-December?

5. Whether the department concluded that the association wished to cease its representations; if so, why, and what further contact was made with the association?

6. Whether discussions will recommence with the association with a view to the introduction of such a licensing scheme?

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

1. 5th February, 1973.

2. Yes.

3. Yes. On 28th November, 1973, a letter was sent to the Secretary of the Association in the following terms—

> "I refer to your letter of 19th November, 1973, concerning the proposal submitted by your association for the introduction of legislation to require registration of television service firms.
>
> It is noted that the association does not wish to proceed with the proposal at present. Thank you for letting me know; I have informed the Minister."

4. Yes. The Secretary for Labour and Industry spoke to the secretary of the association regarding the matter on several occasions including once on the 2nd October, 1973.

5. Yes. A letter received from the secretary of the association dated 19th November, 1973, specifically stated that the association did not wish to proceed with its request for legislation. The letter was acknowledged on 28th November, 1973.

6. No. Discussions will not recommence unless the association indicates in writing that it now wishes to proceed.

MUNICIPAL COUNCIL INVOLVEMENT IN INDUSTRY.

(Question No. 1211)

Mr. CURNOW (Kara Kara) asked the Minister of Public Works, for the Minister for Local Government—

To what extent municipal councils can be involved in industry, specifying the circumstances and conditions under which a council—(*a*) may own an industry; (*b*) may own an industry in partnership with a private firm; and (*c*) may use its borrowing powers to participate in industry?

Mr. DUNSTAN (Minister of Public Works): The answer supplied by the Minister for Local Government is—

Councils do not have any powers to engage in industry in the ordinary sense of the word, that is, the large scale mechanical production of goods. They may operate abattoirs, saleyards, electric light works, gas works and quarries. The products of the latter may be sold to ratepayers but otherwise are for municipal use only. They may also manufacture reinforced concrete pipes for municipal use. They may aid any decentralized industry in their districts but may not participate in the industry as a partner. They may borrow for any of these undertakings and, with the approval of the Governor in Council, may agree with any body corporate as to the operation and management of any undertaking they have power to operate.

SPORTING FACILITIES IN MARYBOROUGH.

(Question No. 1212)

Mr. CURNOW (Kara Kara) asked the Minister of Education—

As the Maryborough City Council is currently spending $10,500 on developing sporting facilities on Education Department land in Peel Street, Maryborough, when the department will provide a further $10,500 to match the council's contribution?

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

The Maryborough City Council is proceeding with drainage works on Education Department land in Peel Street, Maryborough, utilizing funds made available to it under the Regional Employment Development scheme. In a telephone conversation with the city engineer it has been ascertained that the council is in a position to proceed with the next stage of the development which would be clearing of stumps, earthworks, sowing down and fertilizing. I understand that the cost of this work will be approximately $6,000 and I would be happy to make available a special grant of up to $3,000 for this project during the current financial year.

CRAIGIEBURN CORRIDOR.

(Question No. 1213)

Mr. ROPER (Brunswick West) asked the Minister of Public Works, for the Minister for Planning—

In respect of the Craigieburn Corridor, whether any investigation area has been or will be declared; if so—(*a*) when; (*b*) whether development beyond urban zonings, envisaged in the 1971 plan is currently contemplated; and (*c*) whether the Ministry for Planning has had discussions with the Country Roads Board in connection with the proposed Freeway F2 and, in that event, whether he will make the file available to the member for Brunswick West?

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

(*a*) The Craigieburn area is located in the Merri Corridor which was not included in the investigation areas that are to be reported upon by the 25th of this month. The Government does not at present propose to recommend the declaration of any part of the Merri Corridor as an investigation area.

(*b*) Urban development is not currently envisaged beyond urban zones indicated in the 1971 plan.

(*c*) The Minister has had no discussions on the matter with the Country Roads Board since he relinquished responsibility for that board at 30th June, 1973.

OUYEN–PATCHEWOLLOCK AND LITCHFIELD–MINYIP RAIL LINKS.

(Question No. 1216)

Mr. CURNOW (Kara Kara) asked the Minister of Transport—

1. Whether the Victorian Railways Board has investigated a proposal to build a rail link from Ouyen to Patchewollock; if so—(*a*) when; (*b*) what as the result of the investigation; and (*c*) what was the estimated cost and the proposed distance of the link?

2. Whether the board has investigated a proposal to build a rail link from Litchfield to Minyip; if so—(*a*) when; (*b*) what was the result of the investigation; and (*c*) what was the estimated cost and the proposed distance of the link?

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

1. (*a*) and (*b*) and 2. (*a*) and (*b*). Proposals to construct rail links between Ouyen and Patchewollock and Litchfield and Minyip have been investigated on a number of occasions, but the results have never shown that the construction of such rail links would be of any real advantage to customers or produce any operational savings.

1 (c) and 2. (c). The estimated costs of the two rail links and their distances are as follows—

Ouyen to Patchewollock—approximately $6 million and 42 km

Litchfield to Minyip—approximately $5 million and 35 km.

LUBECK–BOLANGUM RAIL FREIGHT SERVICES.

(Question No. 1217)

Mr. CURNOW (Kara Kara) asked the Minister of Transport—

Whether the Victorian Railways Board proposes discontinuing freight services on the Lubeck–Bolangum line; if so—(*a*) why; and (*b*) as the people in the area want the service continued, whether he will instruct the board to keep the service operating, and if not, why?

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

The Victorian Railways Board has no plans to discontinue freight train services on the Lubeck–Bolangum line. However, a rationalization of the method of handling consignments of less than a wagonload is envisaged in conjunction with development of the proposed regional freight centre at Horsham.

BRUNSWICK NORTH PRIMARY SCHOOL.

(Question No. 1225)

Mr. ROPER (Brunswick West) asked the Minister of Education—

In respect of Brunswick North Primary School—

1. When it is expected that the Housing Commission will commence work on the proposed new block and when such works will be completed?

2. When it is expected that the renovations to the existing school building will be commenced and completed?

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

1. The Housing Commission has already started to make the pre-cast concrete components that will later be assembled to form the new building. The new building is expected to be completed by December, 1975.

2. Renovations to the existing school building will be commenced as soon as practicable after the new building is occupied. At this stage it is not possible to indicate precisely when the renovations will be completed.

MILK BOARD CONTRACTS.

(Question No. 1232)

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

1. How many farms holding Milk Board contracts have changed hands during the two years ended 31st March, 1975?

2. On how many occasions the Milk Board contract was transferred to the new owner of the property?

3. What is the method of re-allocating Milk Board contracts once a contract of sale of a farm has been finalized?

Mr. I. W. SMITH (Minister of Agriculture): The answer is—

1. During the two years ended 31st March, 1975, 909 dairy farms from which milk is supplied under contract to the Milk Board changed hands. This number includes 230 farms which changed hands under a leasehold agreement but it does not include farms in respect of which the new owner or occupant did not desire to use the property for the supply of contract milk.

2. Milk contracts are not transferable from one person to another, but on change of occupancy a new contract is issued by the board to the new occupant in lieu of that held by the previous occupant, in accordance with the procedure described in answer to question 3. During the two-year period ended 31st March, 1975, contracts were issued to 679 new owners of farms to which contracts had previously attached.

3. Both the seller and purchaser of a contract farm are required to notify the board, on an official form, of the proposed sale of the property and the date of change of occupancy.

The board then offers a contract to the purchaser, for the same quantity as that held by the seller, subject to the seller having fully maintained his contract supply.

On acceptance of this offer by the purchaser, and the issue to him of the dairy farm permit by the Department of Agriculture, the new contract becomes effective.

HOUSING COMMISSION HOMES AT EILDON.

(Question No. 1237)

Mr. STIRLING (Williamstown) asked the Minister of Transport, for the Minister of Housing—

Further to the answer to question No. 1135 asked on 8th April, 1975, concerning assurances given to Custom Carpets Manufactures Pty. Ltd., at Eildon—

1. Whether a number of suitable sites are available to the Housing Commission at Eildon?

2. Whether the commission insists that the only site to be considered is a public park in spite of 380 written objections?

Mr. MEAGHER (Minister of Transport): The answer supplied by the Minister of Housing is—

1. No.

The only suitable site available to the Housing Commission is that fronting Twenty-first Street.

2. No. The land the commission is considering is not a public park and is private land in the ownership of the State Rivers and Water Supply Commission on which some play equipment has been erected.

The Shire of Alexandra called an on-site meeting on 20th March, 1975, with representatives of the State Rivers and Water Supply Commission, Housing Commission and the Decentralized Industry Housing Authority and the conclusion reached was that the area abutting Twenty-first Street was the only area which could be economically developed in stages.

The Shire of Alexandra at its meeting on Wednesday, 9th April, 1975, passed a resolution confirming this opinion and resolved that the land be rezoned to residential in order to enable the Housing Commission's purchase of the land from State Rivers and Water Supply Commission to be concluded.

It is understood that the council considers that the proposed plan of development prepared in conjunction with the above parties meets all reasonable objections to the proposal.

RAIL FREIGHT RATES.

(Question No. 1240)

Mr. WHITING (Mildura) asked the Minister of Transport—

What are the current rail freight rates between Melbourne and Woomelang, Ouyen, and Mildura, respectively?

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

The current rail freight rates between Melbourne and Woomelang, Ouyen and Mildura for the most frequently carried categories of goods are as follows—

	Wommelang Per tonne	Ouyen Per tonne	Mildura Per tonne
	$	$	$
General merchandise ..	33.40	35.60	17.85
Edible groceries ..	19.05	19.05	11.90
Furniture—Packed ..	33.40	35.60	22.65
Unpacked ..	40.40	39.60	26.35
Specified heavy hardware	11.80	11.80	10.00
Beer	23.80	23.80	11.50

Intense competition from road transport hauliers indulging in "border hopping" activities has forced the railways to concede lower freight rates to retain business in border areas. This explains the difference between rates from Mildura and rates from Ouyen and Woomelang.

NOBLE PARK HIGH SCHOOL.

(Question No. 1241)

Mr. LIND (Dandenong) asked the Minister of Education—

1. On what date the assembly hall at the Noble Park High School was handed over to the school?

2. What was the total cost of the hall?

3. Who was the contractor?

4. Who was the builder, contractor or sub-contractor, who supplied and installed the flooring and all its supporting structure?

5. Whether the Education Department's attention has been drawn to the faults in the floor; if so—(*a*) when, and what faults were discovered; (*b*) what was the cause of these faults; (c) what was the cost of repairs; (*d*) whether the state of the floor was considered to be dangerous; (*e*) whether further faults have since been reported; (*f*) whether the attention of those persons responsible for construction has been drawn to the early deterioration of the floor and, if not, what action is proposed; and (*g*) whether it is proposed to upgrade the design and quality of floors in future school halls?

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

1. The assembly hall at Noble Park High School was occupied in December, 1970.

2. The hall cost $107,769.73.

3 and 4. The contractor was Van Vliet and Gardiner Pty. Ltd.

5. A letter dated 10th April, 1975 from the president of the advisory council was received in my office on the 14th April. The letter draws attention to a number of defects that have developed in the floor. have directed that the matters raised by the school be referred to the Public Works Department for investigation.

VINYL CHLORIDE.

(Question No. 1243)

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

1. Whether he is aware that Victoria and New South Wales are the only States producing vinyl chloride?

2. In view of the increasing number of reports of the toxic effects of vinyl chloride, why the Government was not represented on the vinyl chloride sub-committee of the National Health and Medical Research Council?

3. Whether he has given consideration to appointing a representative; if not, why?

4. Whether consideration has been given to adopting the code of practice which became operative in the United Kingdom from February, 1975?

Mr. SCANLAN (Minister of Health): The answer is—

1. Yes.

2 and 3. Appointments to the vinyl chloride sub-committee of the National Health and Medical Research Council were made by the Chairman of the National Health and Medical Research Council who is the Commonwealth Director-General of Health. The Victorian Government was not consulted on these appointments which are the prerogative of the Chairman of the National Health and Medical Research Council.

The department is represented on the Occupational Health Committee of the National Health and Medical Research Council by the Chief Industrial Hygiene Officer (Dr. A. J. Christophers) but appointments to sub-committees do no provide for direct representation from the States.

4. The department accepts this code as a reasonable standard for manufacturing practice in Victoria.

MANUFACTURE OF DANGEROUS SUBSTANCES.

(Question No. 1244)

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

1. Further to the answer to question No. 904 asked on 11th March, 1975, whether the reference to a reduction of 500 ppm to 25 ppm indicates that at no time is any worker able to be exposed to more than 25 ppm or whether the effect of the regulations is such that this figure is a time weighted average and an individual worker could be exposed to 3,000 ppm for a short period of time without breach of the regulations?

2. What knowledge he has of the effects of exposure of 3,000 ppm of vinyl chloride for a short time?

3. What action will be taken to protect employees from the effects of toxic vinyl chloride in Victoria?

Mr. SCANLAN (Minister of Health): The answer is—

1. The Harmful Gases, Vapours, Fumes, Mists, Smokes and Dusts Regulations 1945 are in the process of being amended in respect of vinyl chloride. Following promulgation of such amendment, it would be regarded as a breach of the regulations if the concentration of vinyl chloride in the breathing zone of a worker ever exceeded 25 ppm.

2. There is no direct knowledge as to whether high peaks of vinyl chloride concentration have any special danger apart from their contribution to a chronic exposure. On general principles, however, there is every reason to believe that it is the total exposure over a long period of time that matters with vinyl chloride.

3. Following promulgation of the abovementioned amendment, the Industrial Hygiene Division of the Department of Health will take apprporiate action to ensure that workers are not exposed to concentrations of vinyl chloride in excess of 25 ppm.

MERCURY WASTES AND POLLUTANTS.

(Question No. 1245)

Mr. SIMMONDS (Reservoir) asked the Minister for Conservation—

1. Why Australian Paper Manufacturers Ltd. at Maryvale has been permitted to discharge 60 times the amount of mercury wastes originally specified by the Environment Protection Authority?

2. On what basis the decision was made to permit the discharge of mercury and other pollutants and give priority to the needs of Australian Paper Manufacturers Ltd. and the packaging industry over the needs of the food producers, including the fishing industry based at Lakes Entrance?

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

1. Australian Paper Manufacturers Ltd. has not been permitted to discharge 60 times the amount of mercury waste originally specified by the Environment Protection Authority.

On April 10th, 1974 a licence was issued, not by the Environment Protection Authority, but by the Latrobe Valley Water and Sewerage Board which is the delegated protection agency of the Environment Protection Authority for that area of Victoria, to Australian Paper Manufacturers Ltd. at Maryvale to discharge effluent to the Latrobe River. Conditions of this licence included a condition that limited the maximum mercury concentration to 0.06 g/m^3. There was a further condition that required the mercury content of the waste discharge to be reduced to a maximum of 0.001 g/m^3. by the 1st October, 1974. The company appealed against this latter condition on the grounds that although mercury containing wastes could be diverted to the sewer by 1st October, 1974, it was not possible to leach out the mercury from their extensive waste treatment system during this period. The Environment Protection Appeal Board and the licensing authority accepted this as a reasonable submission and an amended licence was

issued on 20th September, 1974, which required that a monitoring programme be instituted to measure the residual mercury leaching from pipes and ponds in the A.P.M. effluent system prior to the fixing of a mercury limit for discharge to the Latrobe River. This monitoring programme is now well under way and currently the level of mercury in the discharge to the Latrobe River from the A.P.M. effluent is within the range 0.0003 to 0.0009 g/m^3.

2. The licence issued to Australian Paper Manufacturers Ltd. to discharge effluent to the Latrobe River was issued on the basis that provided the effluent kept within the conditions of the licence the effluent would not create a condition of pollution in the Latrobe River. The issue of licences to all industry is carried out on the same basis namely that a condition of pollution is not created in the receiving water and the beneficial uses of the receiving water are protected.

No priority has been given to the needs of Australian Paper Manufacturers Ltd. The statutory licensing requirements of the Environment Protection Act have been applied to all industry without discrimination.

MUNICIPAL RATING OF BEE FARM SITES.

(Question No. 1246)

Mr. CURNOW (Kara Kara) asked the Minister of Public Works, for the Minister for Local Government—

1. By what authority municipalities can rate sites held under a bee farm and range licence?

2. Whether the Minister is aware that only one acre is actually occupied by an apiarist on a bee farm and range, that the occupied area of a bee farm and range is used only six weeks in three years and that an apiarist does not have exclusive rights to a bee farm and range; if so, whether the Minister will investigate the imposition of such rates?

Mr. DUNSTAN (Minister of Public Works): The answer supplied by the Minister for Local Government is—

1. Rateable property is defined in Division 1 of part 10 of the Local Government Act.

2. I do not think that a bee range area would be rateable. As to areas held under licence for a bee farm or under an apiary occupation right, the question may depend on the prescribed conditions under which the land is held. It is suggested that the honorable member supply such information as he may have to the Local Government Department for investigation.

BELL PARK HIGH SCHOOL.

(Question No. 1247)

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

1. What is the priority at present for the provision of an assembly hall at the Bell Park High School, North Geelong?

2. When it is expected construction work will be commenced and completed?

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

1. The priority list for assembly halls was published in *Hansard* on 17th September, 1974, page 253 in response to a previous question.

2. At this stage it is not possible to give any indication as to when a special grant will be available so that construction work may commence at Bell Park High School.

ELIGIBILITY FOR HOUSING COMMISSION HOMES.

(Question No. 1249)

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

When it is expected that the ceiling income limit for applicants for rental or purchase of Housing Commission homes will be re-adjusted?

Mr. MEAGHER (Minister of Transport): The answer supplied by the Minister of Housing is—

Under the provisions of the 1973 housing agreement the income limit for applicants for rental or purchase is adjusted quarterly, using seasonally adjusted average weekly male earnings statistics published by the Commonwealth.

The current position will be re-examined, as soon as the next quarterly statistics are published by the Commonwealth.

DISCHARGE OF MERCURY AT ALTONA.

(Question No. 1250)

Mr. STIRLING (Williamstown) asked the Minister for Conservation—

Whether any discharge of mercury takes place from industries at Altona; if so, what industry is involved and what amount of mercury is discharged?

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

Mercury is discharged from the premises of Dow Chemical (Australia) Limited in Kororoit Creek Road, Altona. The average

amount of mercury discharged is 1·2 grams per day at an average concentration of 0·0015 grams per cubic metre.

INFLAMMABLE LIQUIDS.

(Question No. 1251)

Mr. AMOS (Morwell) asked the Minister of Mines—

In view of comments made in the report of the Chief Inspector of Inflammable Liquids for the year 1973—

1. Why the number of routine inspections of bulk petroleum storages by officers of the Mines Department has been described as small and what action the Government is taking to ensure that the frequency of inspections is increased?

2. Whether a risk study made by the Mines Department in 1973 of fire and explosion hazards arising from the proximity of an oil refinery to a proposed housing development at Paisley has been released; if so, with what results?

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

1. The number of inspections of bulk petroleum depots has been small because of the inability to obtain and train suitable staff for that purpose. Treasury approval has been received for four additional inspectors of inflammable liquids and the Public Service Board is in the process of creating the offices.

2. At the request of the Housing Commission, the Explosives and Gas Examining Branch of the Mines Department made a study of and reported back to the commission on the possible fire and explosion risks to a proposed housing estate at Paisley with respect to an oil refinery in the vicinity. It is understood that the Housing Commission took the report into account in redesigning the estate.

MINES DEPARTMENT STAFF.

(Question No. 1255)

Mr. AMOS (Morwell) asked the Minister of Mines—

1. What action the Government is taking to meet the needs of the Chief Inspector of Inflammable Liquids in obtaining suitably experienced and qualified staff?

2. What efforts have been made to obtain the services of an "urgently needed inspector" to visit storages, as advertised by the Mines Department in early 1973?

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

1. Additional staff is being obtained as mentioned in the answer to question 1251.

2. As the result of repeated advertisements since June 1973 and after a number of recommended applicants failed to take up the position, an inspector finally took up duties on 3rd February, 1975.

MIGRANT HOUSING AT ALTONA.

(Question No. 1256)

Mr. AMOS (Morwell) asked the Minister of Mines—

Why migrant housing was permitted so close to tanks at an oil refinery at Altona that additional safety measures were required?

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

The migrant hostel and the storage tanks existed at Altona before the Inflammable Liquids Act was enacted. Although it was not in breach of the regulations, the oil company accepted the request to install additional fire protection and other safety measures because of the proximity of the hostel.

PORTLAND PETROLEUM STORAGE.

(Question No. 1257)

Mr. AMOS (Morwell) asked the Minister of Mines—

1. Which company was given notice to empty a rivetted tank at a bulk petroleum storage at Portland?

2. For what period this company will be permitted to keep this tank in service?

3. Whether this tank constitutes a danger to other installations at Portland; if so, what installations?

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

1. Mobil Oil Company.

2. The tank was taken out of service during 1974 and it was deleted from the licence for the bulk storage. Repairs to the tank are in progress and the tank will be ready for an inspection before June, 1975.

3. The tank does not constitute a danger to other installations at Portland.

PETROLEUM FIRE PROTECTION.

(Question No. 1259)

Mr. AMOS (Morwell) asked the Minister of Mines—

1. Whether the two major oil companies, upon whom notices to fix foam fire protection systems at their bulk petroleum terminals at Portland were served in 1973, have completed this work; if not, why?

2. Whether efforts by the Mines Department to advise tanker operators who purchase old tankers of the expensive alteraations needed to bring the units up to the current safety standards have had any effect in bringing these matters to the attention of the operators; if not, what further steps to achieve this result are contemplated by the department?

3. Why service stations are exempt from the Inflammable Liquids Act 1966 as reported on page 5 of the report of the Chief Inspector of Inflammable Liquids for the year 1973 and whether this exemption is being reconsidered in the light of of the accident cited in the report; if not, why?

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

1. At one of the installations foam protection measures, as approved by the Country Fire Authority, have been completed and were tested during the first week of April, 1975. The Country Fire Authority approved plans for fire protection at the other installation in December, 1974. Two tanks have been modified to receive foam and the other two tanks are to be completed in another three weeks after product in the tanks has been run down. Foam equipment at this installation will be commissioned within two weeks from 18th April, 1975.

2. The number of old tankers being submitted for inspection for the purpose of licensing has decreased. Tanker operators have received the inflammable liquids regulations and any amendments are brought to their notice by circulars so they are made aware of the requirements for tankers. Advertisements in the classified columns of a newspaper will continue to warn intending purchasers of old tankers of the need to seek advice from the department before purchase.

3. Petrol service stations are subject to the Petrol Pumps Act but it is intended ultimately to bring all storages of inflammable liquids under the Inflammable Liquids Act.

STUDENTS-IN-TRAINING FOR TEACHING SERVICE.

(Question No. 1261)

Mr. LIND (Dandenong) asked the Minister of Education—

1. What are the current conditions of a teaching bond for a student-in-training for the—(*a*) primary; (*b*) secondary; and (*c*) technical divisions of the teaching service?

2. What remissions are granted to a female member of the teaching service who marries—(*a*) during her period of training; and (*b*) after she has completed her training?

3. How such remissions are calculated with regard to service given on a sessional basis and a part-time basis, respectively, either before or after marriage?

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

1. There has been no recent change in the conditions of the studentship agreements. A copy of the current agreement forms has been forwarded to the honorable member by letter.

2 (*a*) and (*b*). Two-thirds remission.

3. The agreement makes no provision for the recognition of sessional or part-time teaching.

PORT OF MELBOURNE ENVIRONMENTAL STUDY.

(Question No. 1264)

Mr. STIRLING (Williamstown) asked the Minister for Conservation—

Whether the guidelines of the port of Melbourne environmental study provide powers to veto the proposed port extensions planned for the years 1985 to 2000?

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

I assume that the honorable member is referring to the study to be carried out by the Melbourne Harbor Trust to enable an assessment of the environmental effects of proposed works to be made by the Ministry for Conservation.

The guidelines for the study suggested by the Ministry for Conservation set out the important issues that should be investigated to ascertain the likely effects of the proposed works on the environment. Matters suggested for investigation include social, biological and hydraulic effects.

An environmental study does not incorporate or imply a veto on proposed works. Its purpose is to ensure that adequate information about environmental feasibility and environmental effects are available along with information about economic and engineering aspects of a project so that decision makers will have the total information required to make decisions on behalf of the community and not just one part of it.

Legislative Council.

Wednesday, April 23, 1975.

The PRESIDENT **(Sir Raymond Garrett)** took the chair at 4.19 p.m., and read the prayer.

PAPERS.

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

Third Party Insurance—Report of the Premiums Committee for the year 1973–74.

Public Service Act 1958—Public Service (Public Service Board) Regulations—Regulations amended (Nos. 371 to 378) (eight papers).

SESSIONAL ORDERS.

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

That so much of the Sessional Orders as provides that the hour of meeting on Tuesdays shall be half-past four o'clock and on Wednesdays four o'clock; that on Wednesday in each week private members' business shall take precedence of Government business; and that no new business be taken after half-past ten o'clock be suspended until the end of the session and that until the end of the session the hour of meeting on Tuesdays shall be four o'clock and on Wednesdays two o'clock and Government business shall take precedence of all other business.

The motion was agreed to.

CRIMES (CAPITAL OFFENCES) BILL.

The debate (adjourned from the previous day) 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. O. G. JENKINS (South-Western Province): I welcome the opportunity of participating in this historic debate on capital punishment in the Legislative Council today. I join with other members in welcoming the fact that all members have been granted a free vote by their parties on this matter.

At the outset I want to indicate that I propose to vote against the Bill. I suppose my views and those of the majority of the members of this Chamber on this subject have been shaped by our young days, by our family attachments, by our attachments to particular churches and by the associations which we have had in our youth. I suggest that not a great number of men change their views significantly on matters of this type once they reach maturity.

The views of the community on capital punishment are divided. No referendum has been held but a number of polls have been taken. In my opinion markedly different results would be obtained if referenda on this matter were held in different areas of the State.

The State Council of the Liberal Party, which ultimately resolved to support legislation of this nature, was evenly divided. If the vote had been taken on a different day—even on a different hour on the same day—it could have gone against the proposal that was submitted to the State council.

It is obvious, from the indications already given by honorable members who have spoken, that this Chamber is evenly divided and, as a Whip, I am interested in the figures. As I see it, the difference will be very small, probably of the order of five members, so if only three members were to change their views the Bill could be rejected.

My personal view is that capital punishment is a deterrent and is an appropriate penalty for a restricted number of offences. I will not go through them because my views on these types of offences are similar to those which Mr. Campbell put forward in the debate yesterday. In my opinion to pass this measure would be to abrogate our responsibilities to the weak and the defenceless in our society.

It has been suggested during the debate that mankind has changed and that civilization has brought about

such changes but I sincerely suggest that because of our civilization these changes are, at best, a very thin veneer. The veneer from the point of view of respectability and responsibility under stress may be even thinner. It concerns me that, even in this day and age, it is possible for both men and women to be motivated to kill. People can be trained to kill for either political or ideological reasons and the training does not take very long.

I recall that when I was a young man I went into the Army. I am not an aggressive person but it does not take long, when placed in a situation where one is deliberately schooled and trained, to change one's outlook. I was fortunate that the war finished or I would have volunteered to go away.

The point I am making is that men and women can be trained within a relatively short time for political terrorism with the aims and objects of supporting a small minority group. As has been demonstrated in other parts of the world, these groups can perpetrate the most gruesome crimes thousands of miles away from the scene of the political activity with which they are concerned. They can commit such crimes against people who have nothing whatsoever to do with their particular point of view. If, for instance, a band of terrorists came to Australia and indiscriminately killed a large number of citizens in Victoria the only remedy left to us would be to lock up those people, and to feed, clothe and nurture them for the rest of their lives. In my view, if a group of men or women came to Australia and indiscriminately killed numbers of Victorian residents in pursuit of a political objective they would forfeit the right to live.

We have a special responsibility to those who have been delegated the responsibility of caring for people in prison who are serving long-term sentences for very serious crimes against the community. I was concerned to read in an article on page 1 of the *Australian* of Monday, 21st April, 1975, some remarks by Judge Goran, of New South Wales. This judge, who is conducting the trial in the Bathurst Gaol riot case, was recently the target of a murder attempt. His Honour participated in some discussions in New South Wales about the end of last week. I quote, very briefly, from what the judge is reported to have said to the conference—

> But I would like to sound, perhaps from a very biased point of view, a grim note of warning that we have terrorism here in its beginnings already.
>
> By terrorism I mean not just violence for the sake of material gain, but violence for the sake of pushing a cause.

In another part of his speech His Honour said—

> In this community I think some of us see there is the matter of violent demonstration to obtain results of this kind.

I think this highlights the view I am putting forward that we should accept, not only as Parliamentarians but also as citizens of this State, a special responsibility to those who are charged with the care of long-term prisoners, because if these prisoners commit some terrible crime in prison or in an attempt to escape there is very little that can de done about it.

I was interested in the views of Mr. Grimwade, who put forward the proposition—which I support—that, because of the pursuits that they follow, country people are closer to nature than city people, and that country people are closely aware of the natural laws. I will not pursue Mr. Grimwade's argument in detail. It is true that the chances are that those who were born on the land and remained in the country until late in their youth would support the retention of capital punishment.

The Hon. I. A. SWINBURNE: There would be a few strays.

The Hon. O. G. JENKINS: Yes, there would be variations. It is also true that some men who were born in the cities and who served and lived all their lives in an urban situation would,

because of their background, subscribe to the retention of capital punishment.

Another matter which worries me is a growing concept in the community that we are trying to live in a pure, all-white, plastic, antiseptic world, in which we can hopefully put trouble aside or, if we cannot do that, delegate it to someone else to look after. We do not want any unpleasant sounds in this all-plastic, antiseptic world and, even less, we do not want any unpleasant smells. We are almost getting to the stage where we do not want even to dirty our hands or undertake any unpleasant tasks and where there is some reluctance in this world which I described to face up to the harsh realities of life or to change—a world where we believe that the law of survival or the cruel ways of man can be ignored or put aside. I reject that concept.

There have been a number of quotations and references in this Chamber to great literary and other works. Many of them, perhaps, do not have much relevance because they were written many years ago when capital punishment was the punishment for a large variety of crimes. The view I put forward is best expressed in a contemporary song, which may even be on the hit parade today. This song, currently being broadcast and sung by Dionne Warwick, was composed by Burt Bacharach, a very prominent and well-known American contemporary composer. The song is very popular and attractive, but if one listens to the words one realizes that they sound a rather solemn note. There are three verses to this song, but I shall read only the last one.

The Hon. J. M. WALTON: Why not sing the verse?

The Hon. O. G. JENKINS: I would do so, but I am one of the few Welshmen who have very poor voices. The words of the song are—

Read the papers, keep aware,
While lounging on your leather chair
And if things don't look so good,
Shake your head and knock on wood.

The refrain is as follows—

Can we be living in a world of papier-maché,
Everything is clean and so neat,
Anything that's wrong can be just swept away,
Spray it with cologne and the whole world smells sweet.

I reaffirm my opposition to this Bill.

The Hon. V. T. HAUSER (Boronia Province): For twenty years this House, unlike the lower House, has debated capital punishment. Most of the arguments that we have heard over the past day or so have been heard before. They have been repeated over a period during debates on this subject in this House and there has not been much change in the generality of these arguments over the past two days. Particular slants and directions have been alluded to but in general the arguments have remained the same.

I believe capital punishment should be retained for two main reasons. The first reason, which has been referred to on many occasions, is my belief that it is a deterrent and a unique deterrent. We all fear death; it is the cruellest fear that has beset mankind throughout history. For that reason alone, because that which we are least prepared to lose is our own lives, it can fairly be said that the death penalty is the greatest deterrent and a unique deterrent.

Because the argument that the death penalty is a unique deterrent has been contested by many speakers in this House and in another place, it might be wise to define the meaning of the word "unique". According to the *Shorter Oxford Dictionary* it is described in the 1965 edition as meaning—

Of which there is only one; one and only, single, sole, solitary, having no like or equal, unparalleled or unrivalled.

I suggest that this definition of unique itself proves that the death penalty is a unique or different deterrent to that, for example, of life imprisonment.

The second reason why I oppose the abolition of capital punishment is that I believe capital punishment under certain circumstances, and this can be proved, is a protection to society and a protection more often than not to innocent society.

Mr. Elliot interjected in this House last night and I agreed with him that death is one of the cruellest of all basic fears. Mr. Elliot said that a normal person would hang on to life as long as possible. In a way, by this interjection, Mr. Elliot agreed that the death penalty is a unique deterrent. In regard to the protection of society, leaving aside for a moment the question of deterrence, I believe one news item which I will read can prove that at least in one instance society would have been protected had the death penalty been applied. The news item from the Melbourne *Age* of 14th November, 1974, is headed: "Man gaoled for knife murders". This fairly short item reads as follows:—

> A man who served 21 years in gaol for the murder of a 15-year-old girl in 1948 was yesterday sentenced to life imprisonment for having murdered his mother-in-law and stepson. Eric Thomas Turner, 45, a process worker of Erskineville, was found guilty in the Central Criminal Court of the murders of Harriet Louise Field, 60, and John Pilz, 11, at St. Peters, on August 24.

The news report goes on to say—

> In 1948 Turner was sentenced to death when he was convicted of having murdered Clare Rose Ann Sullivan, 15, of Hargrave Park, an outer western suburb. Evidence was given at the trial that Turner had also killed Miss Sullivan's father with an axe. The Crown proceeded against him only for the murder of the girl. Turner's death sentence was later commuted to life imprisonment and he was released in 1969.

The crime which was initially committed by Eric Turner could well have attracted or should well have attracted the death penalty. If that person had been executed, two innocent people who were murdered by him on a later occasion would be alive today. As it is one guilty man who murdered 4 people—2 in 1948 and 2 in 1974—remains alive. That is one reason why I believe in the iniquity of the abolition of capital punishment. Surely no member of this Chamber can disagree with the example which I have cited. I will go further and say that imprisonment for the whole of his natural life could also have prevented this case of murder. I understand that there are people who wish, whether or not the death penalty is abolished, also to prevent the sentence of compulsory life imprisonment for capital murder. The person whom I mentioned could have been prevented from performing these murders if he had been incarcerated for the term of his natural life. Here is a case where unquestionably two innocent people died because the State decided to keep a guilty man alive by remitting the death penalty.

The Hon. HADDON STOREY: But it is not a case where there was no death penalty.

The Hon. V. T. HAUSER: I point out to Mr. Storey that the news release stated that Turner's death sentence was later commuted to life imprisonment.

The Hon. J. W. GALBALLY: Would the honorable member consider extending the death penalty for other major crimes—for example, for large corporate frauds?

The Hon. V. T. HAUSER: I shall deal with the whole question of possible extensions and limitations of the death penalty presently. It still seems obvious that Mr. Galbally's sympathy is with the murderer rather than with the previous two victims whose lives could have been saved.

There are certain categories of murder where if the death penalty could sometimes be used or retained on the statute-book some persons would be deterred from committing a murder. However, it is impossible, of course, to prove that a murder has not taken place. I refer to coldly planned murders—not those committed under emotion or in the heat of the moment, which in my view are clearly not cases for capital punishment and sometimes

not for life imprisonment or imprisonment at all. Examples are some cases of infanticide where a poor mentally deranged and distressed mother kills her baby. Probably in many such cases there is no reason at all for a prison sentence to be imposed. So we can differentiate between types of murder.

I turn now to the question of statistics that are so often used by abolitionists. In a mathematical sense, because samples are so small even though they be comparative between the retentionist and abolitionist areas, I feel that one cannot take any real notice of such statistics for the following reason: These statistics include all homicides, and within these homicides is a much smaller number that relates to the type of murder to which the death penalty should attach as the supreme punishment. I feel that such a sample, which is a sample within a sample, is too small to be heeded.

The Hon. J. W. GALBALLY: Do you believe that all those who are in favour of abolition are on the side of the murderer?

The Hon. V. T. HAUSER: I do not think Mr. Galbally is on the side of the murderer, but I believe he is much more interested in protecting the murderer's life than the lives of innocent people. I honestly feel that this is the case. I do not think that this is deliberate; it is subjective, and this is one effect of the emotive feelings of the abolitionist.

I also believe that persons who wish to abolish capital punishment are, to some extent, against the method of carrying out this punishment rather than the punishment itself. Hanging is a relic from the past and it is a gruesome method of execution. People can be executed by shooting, poisoning, the electric chair or hanging. Suppose a member of this Chamber had been convicted of a capital offence and was required to die. If he could choose how he would be executed, would he choose to be hanged as against being shot? I suggest that almost every member of this Chamber would choose to be shot or poisoned rather than to be hanged.

I believe most murderers should not be executed. Only persons who are guilty of planned and cold-blooded murder should be executed. There are many cases where the existence of such motives can be proved. The statistics will not show the murders that have not occurred and only a few innocent people need to be saved to justify the retention of capital punishment. We must realize that some people would not be murdered if capital punishment remained on the statute-book.

The Hon. A. J. HUNT: And there would be the occasional execution of an innocent man, such as Timothy Evans.

The Hon. V. T. HAUSER: In Victoria there is no such record. In England over the past five or ten years in which executions occurred people were executed where recommendations of mercy, or even strong recommendations of mercy, were made by the judge at the time he sentenced the prisoners. This has never happened in Victoria. When there has been a recommendation of mercy in this State the Executive Council has taken notice of it. Of 123 murder convictions from 1949 to 1960 clemency was recommended in 23 instances in the United Kingdom during this period. All of those people were executed. I think this is very wrong, and I do not think it is comparable with the state of affairs in Victoria.

No retentionist believes that domestic murderers, family murderers, people who commit infanticide, matricide or patricide, Saturday night murderers or people who murder when they are drunk should be executed. We believe that innocent people should be protected from the depredations of the guilty, and we believe some guilty men might not have committed these ghastly murders if capital punishment remained on the statute-book and was sometimes used.

The Hon. A. J. HUNT: It was on the statute-book when Turner was released, was it not?

The Hon. V. T. HAUSER: Yes, but it was not used in his case.

The Hon. A. J. HUNT: How does that further your argument?

The Hon. V. T. HAUSER: I suggest that the death penalty, if retained, will be on the statute-book for use when an Executive Council is prepared not to extend clemency, and I would remind Mr. Hunt that the Turner illustration was used to prove my second argument in favour of capital punishment—the protection of society.

The Hon. J. W. GALBALLY: Does not justice primarily belong to the law courts and not to the politicians?

The Hon. V. T. HAUSER: As Mr. Galbally has often said, Parliament is the highest court in the land, and on many occasions it is a committee of Parliament, the Executive Council, that is required to determine whether a sentence should be commuted. The judge is consulted by the Executive Council if its members so wish.

I believe the death penalty should be the maximum penalty for a number of types of murder. The first is murder that is carried out when a crime is being committed; in other words, the murderer is also a criminal. The second is paid murder. This is one of the most ghastly and cold-blooded types of murder. One could say that if capital punishment were in existence the price asked for a murder to be carried out could well be higher than the person could pay and another person might not die.

The third type—even Mr. Galbally might agree with this—is murder committed in the course of civil riot or commotion. I understand that Mr. Barry Jones, the honorable member for Melbourne in another place, believes there could be a certain impact if the death penalty had to be carried out or was the law in such a case.

The fourth type of murder was mentioned in another place in a debate a couple of weeks ago—murder committed under circumstances of exceptional cruelty or sadism and where the courts could determine that there was a certain premeditation. The fifth type is kidnapping where this results in the death of the victim. The sixth is murder committed during an escape from a penal institution. I remind honorable members that these are maximum penalties and that the penalties could be determined to be less.

The seventh type is the murder of a policeman or a warder, and the eighth is murder by a person who is currently suffering life imprisonment. Let us assume that solitary confinement has been abolished; whipping has been abolished. When one considers the situation of a person who is imprisoned for life, what deterent can he possibly endure that will prevent him from committing a second murder while he is undergoing life imprisonment?

The Hon. J. W. GALBALLY: Whipping has not been abolished.

The Hon. V. T. HAUSER: It is about to be; I can see that coming. What possible deterrent can there be under these circumstances to deter a person suffering life imprisonment from committing a second murder? We are almost giving him a licence to kill by abolishing capital punishment. Otherwise we would need to incarcerate him under circumstances so cruel that they could not possibly be condoned by any member of this House.

The ninth type of murder for which capital punishment could be the maximum punishment is for a second murder separate in time from a first murder. My tenth point is that capital punishment should apply to treason during wartime; and the eleventh type is terror bombing attacks such as those that occur in Northern Ireland and in the United

Kingdom. I consider that capital punishment could possibly be a deterrent in those cases.

The twelfth type of murder relates to aircraft hijacking. If capital punishment applied to aircraft hijacking we would not have the insane situation where a hijacker is kept alive, is sentenced to life imprisonment, and a second aircraft is hijacked to get him out of the prison. Innocent people can well suffer because capital punishment is no longer on the statute-books of many countries of the world.

The last type of crime to which the death penalty should apply relates to deaths that can occur in a more indirect fashion than the others I have mentioned. I believe people who persistently push or sell or profit from the sale of drugs could well be subject to the maximum penalty of capital punishment.

The Hon. J. W. GALBALLY: Mr. Hauser has a pretty impressive list there.

The Hon. V. T. HAUSER: I thank Mr. Galbally. Which one does he want to knock off?

The Hon. J. W. GALBALLY: All of them.

The Hon. V. T. HAUSER: I thought Mr. Galbally would say that. I take it that he is in favour of the Bill. The honorable member did not make that obvious yesterday.

Mr. Galbally mentioned that no one had written a book in favour of capital punishment. I would never dream of writing such a book because I do not like capital punishment; I regard it as an unpalatable necessity. It would be most difficult for any person to bring himself to the point where he would deliberately wish to write a book saying that he thought capital punishment was necessary. None of us really likes capital punishment; we hate it.

It is completely understandable that such books are not written. It is also completely understandable that the newspapers, in retentionist areas, continually campaign for the abolition of capital punishment because it helps to sell newspapers. It is an interesting subject; it is sensational. Let us remember that in States such as New South Wales and Queensland which have abolished capital punishment, the theme of the press is quite different because they sell newspapers by crusading in many cases for restoration of capital punishment and saying that the law should be so amended. I do not blame the newspapers because unfortunately we all prefer to read the negative and the successful rather than the positive and the unsuccessful.

I disagree with those speakers who have said that capital punishment is not a unique deterrent. Of course it is, because people do not wish to lose their lives. Therefore, capital punishment is a unique deterrent.

On the question of cruelty, the United States Supreme Court outlawed capital punishment because it was considered to be a cruel crime. In California a referendum was held to overcome the effect of this decision of the United States Supreme Court. The result of that referendum was mentioned in the *Age* of 9th November, 1972, when it stated—

> Californians voted yesterday to overrule their Supreme Court and restore the death penalty.
>
> . . . . . .
>
> The issue carried on the ballot as "proposition seventeen" was supported by 69 per cent to 31 per cent, according to early returns.

A proposition which wins a majority vote automatically becomes part of the Californian State Constitution, and I assume that this provision has since become law.

Members of Parliament and Parliaments should lead the electors on many occasions, but on many other occasions they should follow them. I agree that on a conscience issue such as capital punishment, a member of Parliament has every right to disagree with the presumed decision of his own electorate. It is a matter of conscience and personality, but honorable members should pay some

account to the opinions of their constituents. If a referendum had been held in Victoria, and the results were approximately 70 per cent in favour of retaining capital punishment and 30 per cent in favour of abolishing it—this is a possible result —some notice should be taken of the view of the electorate.

A few minutes ago, my colleague, Mr. Fry, handed me a slip of paper on which is written the name of Mrs. Ida Olney, of 645 Murrumbeena Road, Murrumbeena. This lady is a constituent of Mr. Fry and has been trying to reach him by telephone all day. She has the right to her vote and to have her opinion heard. Mrs. Olney lives in a block of eight units, and she carried out her own little survey. I do not know what questions she asked these people, but for hours Mrs. Olney tried to reach a member of this Parliament by telephone. Finally, she was able to contact Mr. Fry and said to him, "Please know that I have conducted this survey, and eight residents from these eight units wish Parliament to retain capital punishment".

Is there anything wrong in mentioning the opinion of a constituent? Has she not the right to have her voice heard? Many other people in Victoria are worried or frightened at the probable abolition of the death penalty, because, let us face it, the Bill will probably be carried by this House unless a few courageous people change their minds at the last moment. I doubt that this will happen, but I should like to see it happen.

If anyone can prove to me that capital punishment is not a deterrent or a unique deterrent and that it does not protect society, I shall vote for the Bill. However, I believe the lives of the innocent are more important than the lives of the guilty, and this is what it comes down to. I believe the onus is on the abolitionists to prove that capital punishment is not a deterrent.

The Hon. V. O. DICKIE (Minister of Housing): I have been in the House, as have Mr. Swinburne and Mr. Bradbury, when Mr. Galbally has introduced his Bills for the abolition of capital punishment. In the late 1950s I always participated actively in those debates and defended the law as it then stood and as it now stands, because I strongly believe in the retention of capital punishment.

It is obvious from what has been said in the House that when the vote is taken, capital punishment will be abolished. I want to say—because this will be the last opportunity to do so—that it will be a sad day for those who believe in capital punishment.

I had the experience of listening to the well reasoned and excellent speeches of Mr. Galbally over the past twenty years, and as a Cabinet Minister I have also participated at Executive level in discussing 50 cases in which decisions had to be reached on whether to commute the death sentence. I sat at the table when the decision was made to hang Ronald Ryan. Such a decision will undoubtedly never be made again, but it was the biggest decision I have ever had to make.

I still believe in the retention of capital punishment, and for what reasons? Honorable members have heard academic exercises undertaken on whether capital punishment is a deterrent, or a punishment; books have been quoted from and references have been made. Mr. Galbally said that the Library is full of books which prove that capital punishment is no deterrent, that it is abhorrent and not in keeping with the thinking of people in 1975. Where are those books to which Mr. Hauser referred, written by men who expressed thoughts similar to those which I expressed?

I participated in these judgments, and can say that even if capital punishment is left on the statute-book, never will another man hang in Victoria. I shall give my reasons for making that statement. Seventy per cent of people in the community still believe that capital punishment is a deterrent, and while they so believe,

why can it not remain on the statute-book? Mr. Hauser was pooh-poohed by Mr. Galbally when he read out a small petition from a woman who said that eight people in the flats where she lived would like capital punishment to be retained. Last Sunday evening I heard a knock at my front door, and when I opened the door a woman handed me a letter which read—

> Since the anti-hanging Bill is about to be brought before the Legislative Council for debate and voting, I wish to inform you that I personally am against this Bill. I believe the Bill, while protecting the life of the murderer effectively, leaves the community open to more violent acts by such criminals without the tempering effects of the law and capital punishment.
>
> I know this matter to be a serious one, and I have given it much thought. I hope that you will not vote blindly, following party politics, but conscientiously in a statesman-like manner, and help legislate for the common good and the people you represent.

This letter was written by a single woman, and the address is given as care of St. Bernard's Presbytery, Bacchus Marsh. She attached the names of six women—whom I know personally—who signed the letter. They are all women living alone in the street where I live, and they have expressed exactly the same sentiments as those of the woman who wrote the covering letter. One is supposed to pooh-pooh sentiments such as those if they are expressed in this House; that is what Mr. Galbally said. It is said that although a member of Parliament represents these people, he is not supposed to put their point of view if it does not agree with his own.

Academic exercises have been undertaken in this House, in another place and all over the world about this, that and the other thing. As I said, my experience leads me to believe that capital punishment should be retained because 70 per cent of the community believes it is a deterrent. I shall give honorable members a simple example, and they can laugh it out of the House if they want to. Exactly one month ago, my sister heard a rumpus at 2 a.m. in the flats opposite where she lives. The noise continued for some time, and she looked out to see what was causing it. It was the old eternal triangle story. Two men came out of the house; one of them had a gun. One man ran down the footpath and the wife came out and said, " For God's sake, don't shoot him, Ernie, because they will hang you ". The woman thought that capital punishment was a deterrent, as I believe it is. Honorable members may laugh, but this is the belief of the community. While there is provision for the death penalty, it is a deterrent, in spite of the academic exercises that have been undertaken. In twenty years of Government in Victoria, only one man, Ronald Ryan, has been hanged.

The Hon. J. W. GALBALLY: The one man who did not commit murder.

The Hon. V. O. DICKIE: This is why I say that even if capital punishment is retained on the statute-book, there will never be another hanging in Victoria. I can recall at Cabinet meetings the terrific pressure to which the former Premier of Victoria, Sir Henry Bolte, was subjected, and the effect that it had on his wife, Dame Edith, who took the full brunt of the Cabinet decision. Although I was one of the people who sat around that table, I received only one letter on the subject, because nobody was interested in writing to anyone else but the Premier; he had to defend the Government. There will never again be a man of the fibre of Sir Henry Bolte. That is why the death penalty will never again be carried out in Victoria, because even if Cabinet makes the decision to impose it, the pressures of the public——

The Hon. P. D. BLOCK: Is this a criticism of the present Premier?

The Hon V. O. DICKIE: No, I am saying only that the pressures of the public would be so great that capital punishment could not be carried out.

The Hon. I. A. SWINBURNE: It has always been the same when capital punishment has been carried out. The Country Party had the same problem as the Government had.

The Hon. V. O. DICKIE: That is so. Recently, when the Bill was first introduced, I heard a disgraceful statement made on the television programme *This Day Tonight.* I will not have a bar of the compere of that programme, nor of the television station. The compere said, referring to capital punishment, "Ronald Ryan would be alive today if it were not for Sir Henry Bolte". What a disgraceful and shocking statement to make! I immediately telephoned the Australian Broadcasting Commission.

The Hon. J. W. GALBALLY: You say that; I do not agree with you.

The Hon. V. O. DICKIE: I am repeating what was said in the programme *This Day Tonight.* The decision to hang Ronald Ryan was not made only by Sir Henry Bolte; it was a decision of Cabinet collectively, and yet the compere of that television programme had the audacity to say that Ronald Ryan would be alive today if it had not been for Sir Henry Bolte. In a case involving the imposition of the death penalty, the spotlight and pressure will be directed to one man. As Mr. Swinburne said by interjection, it will always be that way.

I shall lay my cards on the table. If a person believes in capital punishment he can withstand those pressures, but if he does not believe in it, how can he withstand them? I am not casting aspersions, but merely stating that the ability to withstand public pressure depends on what a person believes in.

When the case of the men convicted of the Nolte murder in Hamilton came before the Executive Council, I knew the feelings of the Premier, and I respect them, as I respect the feelings of every man in this House; I would not interject when anybody was speaking in the debate on capital punishment because all honorable members are expressing personal opinions, and surely they can stand by them. When the Nolte case was discussed in Cabinet I voted that those two persons be hanged because I thought it was the most shocking case in my experience. The situation was that in single prisoner cases we had to take into consideration such facts as that the person had had an unhappy childhood, that he had been dropped on his head, that these things could have happened earlier. However, although the persons in the Nolte case had abnormal characters individually, the members of the Cabinet had to consider two people who had been acting in concert to perform the most shocking killing imaginable. If honorable members want to hear about a shocking killing, they should read about what happened to the unfortunate girl Nolte. I will not give honorable members the details as they must all be aware of them.

The Hon. J. W. GALBALLY (Melbourne Province): Mr. President, I consider it undesirable, to say the least, that a decision made in Cabinet should be expressed in this House of Parliament.

The PRESIDENT (Sir Raymond Garrett): It is an unusual situation. I do not support the point of order because I believe the Minister is giving his personal points of view rather than the views of members of the Cabinet.

The Hon. V. O. DICKIE (Minister of Housing): I am giving a personal point of view and if I cannot give it here on the last occasion on which I can give it, it will be a very poor situation indeed. In relation to the decision of Cabinet, I make the point that it went through my mind then that if the decision of Cabinet had been as it was in the Ryan case, what a shocking position our Premier would have found himself in. I know he has said, and I admire him for it, that he is one of the strongest advocates for abolition, but the Premier would

have been placed in a similar position to Sir Henry Bolte because terrific public pressure does build up between the time of making the decision and the actual hanging. I have seen this change occur over the past ten years. Mr. Swinburne would have seen the situation 25 years ago and would know how much the situation has changed if a similar situation arose today because the degree of participation in public protesting is far more prevalent than it was ten, fifteen or twenty years ago.

Mr. President, all I say is this, and I will make no further contribution: Today is a very sad day. I believe we are replacing a penalty with a harsher one. I am certain of that because to vindicate the abolition of capital punishment, when every case is considered in which life imprisonment has been imposed and the sentence has to be reviewed, the Executive will ensure that the maximum term will be applied because it will want to be certain it will not be criticized for having let a prisoner out of prison earlier than usual, thus providing him with the chance to commit another murder. Where capital punishment is imposed and one has to decide whether the man's life shall not be taken but a term of imprisonment imposed—I am relying now on my own experience—one tends to look at a figure and then one might reduce it by five years. However, one has a choice in one's own mind. In future, members of Cabinet will have to play safe.

As the Cabinet has to be sure, I suggest that a sentence of 50 years' imprisonment, which a few prisoners have received in the past couple of years, will be the rule—I are sure it will be the rule rather than the exception. Therefore, the Parliament is replacing the present penalty with a dangerous one because in future capital punishment will not be carried out and convicted persons will be placed in gaol for longer periods because the Cabinet has to act safely.

It is a sad day for those people in the community—including the woman who wrote to me and the people who have signed Mr. Hauser's petition and others—who believe capital punishment is still a deterrent. They are very sorry to see this day when capital punishment will be removed from the statute-book.

The Hon. D. G. CROZIER (Western Province): At the risk of adding to the "grotesque irrelevance of this Chamber", I enter the debate at this late stage, not with a view to persuading honorable members, because that would be clearly beyond my limited powers of advocacy, but solely with a view to explaining my own attitude. In a debate of this nature, which clearly is unusual in that it may be the only one in which many of us in this Chamber will participate in a free vote, I believe each one of us has a somewhat special responsibility to outline and explain our points of view. In saying this I commend the Premier for his initiative in permitting a free vote. Admittedly there have been some prestigous precedents for this and one is reminded of the memorable vote in the House of Commons when the original vote on capital punishment in 1964 was a free vote, as was the vote in our national Parliament. I believe some issues should be extracted from the maelstrom of party politics.

Fortunately, in a Chamber and in a Parliament that is not always noted for its quality of debate, this debate has been quite exceptional. As a partial observer of events in the other House and after listening to the debate last night and today in this House, I believe whatever point of view is expressed by honorable members and whatever their feelings may be about the ultimate vote, they would agree that this debate has been an unusual and memorable occasion even though in the view of some honorable members it should be called a non-event.

Most honorable members who have spoken have put their attitude and have indicated that they faced great difficulties in coming to a decision. Some of us—I am certainly in the minority described by the Minister for Local Government last night—have had real doubts. That is another reason why I feel constrained to explain my position.

I shall explain my personal position a little further. I am one of those persons who believe that in some circumstances the death penalty is warranted. Those instances are admittedly very unusual. With your permission, Mr. President, may I use a somewhat far-fetched analogy. Most honorable members in this Chamber will recall that in May, 1960, Adolf Eichmann was apprehended by a group of Israeli secret police in Argentina. He was drugged and removed to Israel where he faced trial. Israel had abolished the death penalty but in this special case—no one will argue it was not a special case—Adolf Eichmann was condemned to death and, on the last day of May, 1962, he was hanged, his body was cremated, and his ashes subsequently cast on the waters of the Mediterranean Sea. That was the only hanging in the history of Israel—it may be the only hanging to occur in the history of that country.

I am not suggesting that this State or this nation is likely to have to legislate for the complex crime or the type of crime for which Adolf Eichmann stood condemned—the crime of genocide—not as the principal architect but certainly as a principal actor in the sordid drama of the execution of 6 million Jews during the second world war.

I am mindful of the argument advanced by my colleague, Mr. Jenkins, that in this country we may very well face a deterioration in social standards with the likelihood of various types of organizations taking action leading to violence and the community being confronted with crimes of such dimensions as are beyond our experience. This poses for me and those honorable members who are basically opposed to capital punishment a problem with what we might call ordinary murder. In legal terms there is no such offence as ordinary murder but I am referring to the crime of murder in its ordinary sense or in layman's terms. I oppose, and have opposed capital punishment in an emotional sense for quite a long time. However, I would still seek to retain and justify it in exceptional cases. So I am in a personal dilemma concerning exceptional cases where the mechanism of capital punishment could apply.

Until recently I was attracted to the present Canadian law. I refer to the argument presented by Mr. Hauser a few minutes ago, that capital punishment should be retained for certain crimes. As some honorable members know, the Canadian law spells this out very clearly. It retains the death penalty for the murder of police officers, police constables, sheriffs, wardens, deputy wardens, gaolers, prison instructors and so on. It is not because the lives of warders and gaolers require special consideration but because the lives of those people are obviously at greater risk and therefore they may well seem to merit special protection.

When pursuing this argument, and in the course of conversation with some of my more learned legal friends over recent weeks it has been pointed out to me that this is a very difficult argument to substantiate. It is quite easy for a Parliament to codify these offences, it is a simple matter for this Chamber or any Parliament to spell this out in terms contained in the previous United Kingdom Homicide Act—the 1957 Act which provided broad coverage. If honorable members examine that Act they will see that it is feasible to have degrees of murder. I believe, as my colleague Mr. Long pointed out to me in a recent conversation, the last word on this subject is contained in the report of Mr. Commissioner Smith and therefore, with some reluctance, I

have to take a similar position to Mr. Hamilton on this aspect. I understand the reasons he clearly enunciated last night and because of the difficulties it is impossible for me to support retention of capital punishment for degrees of murder.

In my opinion other factors are involved. The Minister of Housing forcibly put an argument which was similar to an argument advanced initially by the Minister for State Development and Decentralization when explaining the Bill. Although those honorable gentlemen have said that it is most unlikely that another Victorian will hang, if honorable members accept this point of view, and I personally accept that point of view as an inevitable projection of future events if the law remains unchanged, the argument then advanced is that by retaining the threat of capital punishment, it will be a unique deterrent, according to Mr. Hauser. Honorable members would agree that capital punishment is certainly a unique penalty but its unique deterrent value rests on the admittedly remote chance that it may be invoked.

The final argument in my effort to reach a decision is similar to an argument used by Mr. Hamilton, that is, that the execution of a judicial killing would become political and not just a judicial exercise. It would be a matter of capriciousness if such a situation were to reduce the law virtually to some form of macabre lottery.

Honorable members might not appreciate my dilemma. To those members of the Labor Party and my own colleagues who are convinced abolitionists and to those other honorable members who are convinced retentionists, might I say tonight that I somewhat envy them. I envy their conviction and I respect their opinion. I hope honorable members appreciate my dilemma and the fact that by a head count it is likely, as the Minister of Housing has just informed honorable members, that this measure will pass regardless of how I vote. Perhaps this makes my decision a little easier but it still does not absolve me from explaining my position.

There are some other considerations which are only factors but which are relevant. The first is the decision of the State Council of the Liberal Party last year that has been alluded to in the debate. That decision was reached after considerable discussion. The decision was in no way a foregone conclusion; it could have gone either way. Nevertheless, the decision remains. Parliamentary members of the Liberal Party are not bound by decisions of the State Council of the Liberal Party, but that decision is a factor.

Another factor is the decision taken in another place. Another which should be given cognizance is the likely opinion of one's constituents. I do not know—there would be no way short of holding a referendum to prove this—but I suspect that, if asked today, tomorrow, or next week, the majority of my constituents would probably say that they favoured the retention of capital punishment. My responsibility is greater for not going along with that point of view. Some might say that I should be more mindful of the opinion of my constituents, that I should accept their opinion, right or wrong. But I direct attention to a memorable speech which has already been quoted, a speech by one of the greatest Parliamentarians in English history and one of the masters of the English language, Edmund Burke, who, in speaking to the electors of Bristol in 1774, said—

> 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 onus for making a decision is pre-eminently on honorable members as individuals. Therefore, it is not with the customary pleasure that I shall cast my vote for the Bill. It will

be with some misgivings, some reluctance, some soul-searching, and some apprehension for the future of the State.

I qualify that by saying that I do not share the optimism of some honorable members about the progressive enlightenment of our society. Some honorable members who have spoken forcibly for the retention of capital punishment referred to situations which seem to plague the Western World. Who would deny that our society is not exempt from the malaise? Who would deny that we are experiencing not a high point of Western civilization but a trough? Who would deny that there is an inescapable propensity for violence and a predilection for armed violence? Who would deny that those of us who will vote for this Bill have an added responsibility to see that the Police Force of this State is given every reasonable opportunity and means to prevent the sort of situations which some of us fear?

Those who take the optimistic view have found the decision much easier. My responsibility is heavier because of my hesitancy. I hope I am wrong. I hope my colleague Mr. Block, and Mr. Galbally and members of his party, who take the optimistic view on society groping, but nevertheless progressing, apparently inexorably, to some higher plateau are right. We must believe that, in the long term, that view will prevail but, in the short term, we must expect some exacerbation in conditions which will test society as it has not been tested before.

However poor my adequacy and explanation, in the tenor of this debate, those are my sincere views. I conclude with a quotation from the Royal Commission on Capital Punishment to which Mr. Commissioner Smith referred when alluding to degrees of murder. Within my limits I have wrestled with this and tried to find an acceptable compromise. I do not readily belong to either camp on this issue. My conclusion is the same as that of the commissioners—

> We conclude with regret that the object of our quest is chimerical, and that it must be abandoned.

The Hon. G. J. NICOL (Monash Province): I have taken part in many debates on this subject and have expressed a consistent view. But no debate on capital punishment in this Chamber has been so profound as this debate. Honorable members are to be congratulated on the extremely high standard of their speeches, despite an occasional touch of acerbity.

However, I have heard nothing in the arguments advanced in favour of the abolition of capital punishment which causes me to change my view in any way. I have always maintained that this is a matter of emotion and feeling and that no facts or arguments can be advanced for either side. I reject the statistics which have been quoted because I do not know—and I do not believe that those who quoted them know—the circumstances under which they were secured. The interpretation put on them may well be faulty. I reject them entirely.

I reject any suggestion that, up to now, when the Executive Council has been required to decide whether the sentence of death should be carried out, it has made any capricious decision. To say the least, the use of that expression is a grave insult to those members of the Executive Council who, from time to time, have been required to deliberate on these matters. There is nothing capricious about it.

The Hon. A. J. HUNT: It is an uncertain decision.

The Hon. G. J. NICOL: I am prepared to grant that it may be uncertain, but I cannot accept the term "capricious". I regret that it was used. It is my sincere hope that there will be no acrimony by any honorable member towards any other honorable member following the decision that is taken. I hope those honorable

members who advocate the abolition of capital punishment will not receive a decision in their favour with a display of ecstasy. I hope those who advocate retention of capital punishment will not receive such a decision with despondence. The decision will be a responsible decision by this House and this Parliament, whichever way it goes. We, as members of Parliament, must accept it in the best spirit.

The Hon. F. J. GRANTER (Minister of Water Supply): I did not intend to take part in this debate but I now feel under an obligation to do so. Every other member of my party has spoken and I should hate to be the only one who failed to state his position on the Bill. I congratulate all honorable members who have participated in the debate for the conscientious way in which they put their views.

My position on the Bill and my reaction to the debate arises from my conscience. The fact that capital punishment is on the statute-book but is not used does not mean that it is a bad provision. Many Acts of Parliament are not used. I do not follow the argument of one whom I might call my learned colleague, the Minister for Local Government, who said that, for that reason, the provision was bad. The Essential Services Act and other Acts have not been invoked for many years and probably will not be invoked. In these circumstances, I cannot say that the provision in the Act providing for capital punishment is bad.

As the Minister of Housing has said, the penalty may not be implemented. I would not want to see the death sentence carried out except in extreme circumstances. I believe Mr. Hauser has nominated the type of extreme circumstances in which the provision for capital punishment should be used.

I remember well the Faraday kidnapping. Although in my opinion it was an amateurish job, it was nevertheless a very serious matter. As one who went to the search headquarters at the Faraday school on the Saturday morning and saw the distraught faces of the people gathered there, including some of the parents and relatives of the children, I believe capital punishment should be retained. As I have said, like Mr. Dickie, I hope the death sentence will never be carried out. As a Christian—I believe all honorable members are Christians—I do not like killing in any form, but the depth of my conscience will not allow me to vote for the Bill so that capital punishment will be abolished.

I know that Mr. Galbally has argued that sentences should be left to the decision of the courts and judges and perhaps I would agree with him on that. As a member of Cabinet, although I have been one for only a short time, I have not liked the propositions which have been placed before me to invoke the death penalty on any person. The Nolte case has been mentioned. That was a terrible crime.

The Hon. A. J. HUNT: It was as bad as any.

The Hon. F. J. GRANTER: It was probably as bad a case as any presented to any Cabinet. The death penalty was not invoked and I shall not go into the reason why. Many reasons for and against the death penalty have been mentioned in this House and I shall not labour the point one way or the other. I merely say that deep in my conscience I believe the death penalty should be retained.

The House divided on the motion (Sir Raymond Garrett in the chair)—

Ayes	19
Noes	13
Majority for the motion ..	6

AYES.

Mr. Block	Mr. Knight
Mr. Byrne	Mr. Long
Mr. Crozier	Mr. Storey
Mr. Eddy	Mr. Thomas
Mr. Galbally	Mr. Trayling
Mr. Hamilton	Mr. Tripovich
Mr. Hider	Mr. Walton
Mr. Houghton	*Tellers:*
Mr. Hunt	Mr. Elliot
Mr. Kent	Mr. Grimwade

NOES.

Mr. Campbell	Mr. McDonald
Mr. Dickie	Mr. Nicol
Mr. Dunn	Mr. Swinburne
Mr. Gleeson	Mr. Wright
Mr. Granter	*Tellers:*
Mr. Hauser	Mr. Bradbury
Mr. Jenkins	Mr. Fry

PAIR.

Mr. Ward	Mr. Gross

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Punishments for treason and felony).

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization): I should like to thank and congratulate honorable members for the remarkable contributions they have made to this debate. Hardly a member has not spoken yesterday or today.

The Hon. J. M. TRIPOVICH: And in the past.

The Hon. MURRAY BYRNE: Yes, and in the past. Honorable members have spoken with greater sincerity and feeling on this Bill than I have heard them on any issue since I have been a member of the House. It is an issue of great moral moment to the community.

I am in the interesting and unique position of not having to endeavour to answer the matters raised. Without doubt every query that was raised has been answered by some honorable member. Therefore I intend only to thank honorable members for the high standard of debate that has taken place on this Bill.

The Hon. J. W. GALBALLY (Melbourne North Province): The Minister for State Development and Decentralization may be a little premature in the assumption that no query will be raised. I wish to ask him about clause 2, which amends section 3 of the principal Act, and substitutes the penalty of life imprisonment. It reads—

> Notwithstanding any rule of law to the contrary whosoever is convicted of treason or murder shall be liable to imprisonment for the term of his natural life.

The clause takes away from the trial judge the right to fix an appropriate sentence for murder. It is an insidious erosion of the independence of judge and jury. Justice belongs to the law courts and is the proud heritage of our common law and Magna Carta. The right to be tried includes the right to be punished by a court which is in possession of the facts, free from the passions of party politics or the Government of the day.

When this Bill was introduced in another place, it did not contain that provision; it provided for a judge to fix a term of imprisonment. I do not wish to jeopardize the measure in any way and therefore I shall forgo moving an appropriate amendment; in the circumstances I believe the better course is to debate this matter or to draw it to the attention of the Leader of the House. That is why I express my views.

Yesterday, if not today, in debate it was said that the imprisonment for life of a murderer was a harsher penalty than that of being hanged. The weariest and most loaded worldly life that age, penury, or imprisonment can lay on one is a paradise to what we fear of death.

The CHAIRMAN (the Hon. G. J. Nicol): I apologize for interrupting, but I wonder at the object of Mr. Galbally's speech, which is developing into a second-reading speech. Does Mr. Galbally intend to move an amendment?

The Hon. J. W. GALBALLY: No.

The CHAIRMAN: You do not oppose the clause?

The Hon. J. W. GALBALLY: No.

The CHAIRMAN: You are merely asking a question?

The Hon. J. W. GALBALLY: I am merely drawing to the attention of the Minister what I believe to be a breach of constitutional safeguard of justice. Honorable members might ask, "If you feel so strongly about it, why do you not move an amendment?" Perhaps it would be premature of me to say that the

Committee agrees with me on this question but the lawyer members to a man will agree with me. In fact, I note that Mr. Hider, Mr. Hunt, Mr. Storey and Mr. Long are nodding their heads in agreement.

The CHAIRMAN: I apologize for interrupting again. I cannot see the object of instituting what may well be a lengthy debate on this subject if the only reason Mr. Galbally has for doing so is to draw the attention of the Minister to this provision. I suggest that Mr. Galbally has done that more than adequately.

The Hon. J. W. GALBALLY: Thank you, Mr. Chairman, but it is not unusual at the first opportunity to draw the attention of the Committee to what one considers to be an inadequacy in proposed legislation and to ask the Government to consider it and bring the matter back to Parliament later. I am only furthering that and stating the reasons why I believe it is wrong, unpalatable and unacceptable that every person convicted of murder should be sentenced to imprisonment for the term of his natural life.

Justice must be given back to the law courts. The Executive is, from time to time, clearly eroding the administration of justice with administrative tribunals, boards of inquiry and so on. I hope the Committee will agree with me on that, and we put our trust in the Leader of the House to take up this aspect.

The Hon. I. A. SWINBURNE (North-Eastern Province): When the second reading of this Bill was being debated I spoke strongly against this clause because I believe firmly in the principle that a person should not be put into gaol without any chance of possible reform. Mr. Galbally has referred to imprisonment for the term of his natural life. I believe the Bill, as it was originally introduced in another place, was in its correct form. We should take sufficient time, having made the decision on capital punishment, to move an appropriate amendment which will return the Bill to its original form.

Reference has been made to the power of the Executive Council. When the Bill was in another place, an amendment was moved which puts this power in the hands of the Executive Council.

The CHAIRMAN (the Hon. G. J. Nicol): Does the honorable member propose to move an amendment?

The Hon. I. A. SWINBURNE: I move—

That progress be reported.

I consider that progress should be reported so that the appropriate amendments can be drafted to restore the Bill to its original form. I am sure this will be the wish of most honorable members.

The CHAIRMAN: There is a strong proposal before the Committee that progress be reported. At this stage little will be gained by continuing the debate, particularly if progress is reported.

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization): I congratulate Mr. Galbally on the attitude he is taking. I assure him that his point is well taken. I do not intend to be in the position of defending this matter. However, in answer to my colleague and good friend, Mr. Swinburne, I point out that the issue that honorable members have been debating is capital punishment. I have some strong views on this subject, but the Bill has come from another place and at this stage I am not prepared to agree that progress be reported. However, I give an undertaking that the honorable member's views will be put to the Government as soon as possible. That is all I can say.

The Hon. I. A. SWINBURNE (North-Eastern Province): It is strange that the Minister has replied in the way he has. Surely, honorable members are dealing with the Bill in Committee. Capital punishment has

been dealt with and eliminated. In my humble opinion, I accept that, notwithstanding the fact that I was in the minority. I am not debating that point or trying to interfere with it. However, clause 2, which substitutes a new section 3 in the Crimes Act, provides that for a person convicted of treason or murder the court must hand down the penalty of imprisonment for life. During the debate several speakers raised the point that this provision would tend to make penalties harsher. Probably half of those who supported the abolition of capital punishment emphasized that the substituted provision should never have been put in the Bill in another place. I should like it to be removed, but at this stage I am not technically qualified to draft an appropriate amendment to achieve that purpose.

The CHAIRMAN (the Hon. G. J. Nicol): Is Mr. Swinburne moving that progress be reported?

The Hon. I. A. SWINBURNE: Some time ago I moved that progress be reported. I am now expressing regret that the Minister appears to want to push the Bill through Parliament. I should like the matter finalized, and this can be done later this day, if so desired.

The Hon. H. M. HAMILTON (Higinbotham Province): I want to make my position clear. I supported the Bill and I have given my reasons for doing so. I oppose the motion that progress be reported. One factor which induced me to reach this decision was simply that of the penalty. I have no sympathy with a person who commits murder. The suggestion that progress be reported to enable an amendment to be drafted makes me wonder whether I voted on the right side in the second-reading debate. I am not prepared to support an alteration to the Bill, and for this reason I oppose the motion that progress be reported.

The Hon. R. J. LONG (Gippsland Province): I must oppose the motion that progress be reported. My views were made clear in the second-reading debate. I am happy to accept my Leader's undertaking that the matter will be brought before the Government and discussed. I even go so far as to say that if the appropriate decision is not made, perhaps I can foreshadow the introduction of a private member's Bill to achieve what is desired.

The Hon. H. R. WARD (South-Eastern Province): I wish to make some comments on clause 2.

The CHAIRMAN (the Hon. G. J. Nicol): Order! At the moment the Committee is debating whether progress should be reported.

The Hon. H. R. WARD: I accept your guidance, Mr. Chairman. I make clear my opposition to the motion because I am not clear what will be done while progress is being reported.

The CHAIRMAN: The honorable member should confine his remarks to the motion that progress be reported.

The Hon. H. R. WARD: At this stage I should like a clear indication on what will be done if progress is reported.

The CHAIRMAN: I understand that the object of the motion is to enable Mr. Swinburne to prepare an amendment.

The Hon. HADDON STOREY (East Yarra Province): I also oppose the motion that progress be reported. I understand the point Mr. Swinburne has made, and I have indicated that I agree with Mr. Galbally on the type of amendment which he discussed but did not propose to move. In his private member's Bills to abolish capital punishment, Mr. Galbally followed the same format as the present Bill, the second reading of which has been agreed to; he did not include in his Bills the proposition that is now being debated. If this matter is of such importance, it should have been considered in the second-reading debate.

An amendment should be considered at some other time, and the Bill ought to proceed through the Committee stage.

The Hon. S. R. McDONALD (Northern Province): In speaking to the motion that progress be reported, I want to say that I see no harm in reporting progress for a short time to enable Mr. Swinburne to ascertain whether an appropriate amendment can be drafted which will have the effect of removing the part of clause 2 which was inserted in another place. It is clear from the remarks of many honorable members during the debate last night and today that a majority of members favour removing from the Bill the provision in clause 2 which relates to the mandatory life sentence. I know of no reason why this step should not be taken and progress reported until later this evening. If a suitable amendment can be drafted, it will give every member the opportunity of supporting this course of action. I can see no harm in a short delay to the passage of the Bill.

The Committee divided on the motion (the Hon. G. J. Nicol in the chair)—

Ayes	.. ..	14
Noes	.. ..	19
Majority against the motion	..	5

AYES.

Mr. Bradbury	Mr. Jenkins
Mr. Campbell	Mr. McDonald
Mr. Clarke	Mr. Swinburne
Mr. Dickie	Mr. Wright
Mr. Fry	
Mr. Gleeson	*Tellers:*
Mr. Granter	Mr. Dunn
Mr. Hauser	Mr. Ward

NOES.

Mr. Block	Mr. Kent
Mr. Byrne	Mr. Long
Mr. Crozier	Mr. Storey
Mr. Eddy	Mr. Thomas
Mr. Elliot	Mr. Trayling
Mr. Galbally	Mr. Tripovich
Mr. Grimwade	Mr. Walton
Mr. Hamilton	*Tellers:*
Mr. Houghton	Mr. Hider
Mr. Hunt	Mr. Knight

The Hon. I. A. SWINBURNE (North-Eastern Province): In view of the Committee's decision on the motion that progress be reported, I take it that the Committee considers that there should be no amendment to this clause. If I am wrong, that is bad luck, but in view of the vote I shall not attempt to move an amendment. I ask those who voted against the motion that progress be reported to accept responsibility for this clause.

The Hon. H. R. WARD (South-Eastern Province): Tonight honorable members have achieved another step in compassion and humanitarian issues. However, I should like to protest at the inclusion in clause 2 of the words "imprisonment for the term of his natural life". Every piece of legislation that is considered embraces some degree of pathos, humour and mercy, but a ludicrous situation surrounds clauses of this type.

The CHAIRMAN (the Hon. G. J. Nicol): Does Mr. Ward propose to move an amendment or to oppose clause 2?

The Hon. H. R. WARD: I propose to speak against the clause and voice my protest at its retention in the Bill.

The CHAIRMAN: Does Mr. Ward propose to vote against clause 2?

The Hon. H. R. WARD: Yes.

The CHAIRMAN: I would suggest that honorable members had more than ample opportunity to debate this in the second-reading stage. I do not want this to develop into another second-reading debate.

The Hon. H. R. WARD: With due respect, Mr. Chairman, I understood that the Committee was considering clause 2 and that honorable members could comment on it. Am I prevented from making comments on the clause in the Committee stage?

The CHAIRMAN: Mr. Ward's comments should be brief.

The Hon. H. R. WARD: With due respect, Mr. Chairman, I do not think the Standing Orders state that a

member must be brief when speaking to a clause. I seek your ruling on this aspect.

The CHAIRMAN: The control of the House in Committee is in the hands of the Chairman, and I ask Mr. Ward to accept any suggestion or direction from the Chair. If Mr. Ward wishes to disagree with my ruling, he has his remedy.

The Hon. H. R. WARD: Again, with due respect to your comments, Mr. Chairman, I intend to protest against the inclusion of clause 2 in the Bill, and to comment on it.

The CHAIRMAN: I do not intend to prevent Mr. Ward from speaking, but unless he is opposing the clause or proposes to move an amendment, he should keep his comments brief.

The Hon. H. R. WARD: The comments and suggestions which I wish to make are relevant to the application of this clause, and to action which might be taken to amend it in future. The thoughts I am now expressing may have been voiced previously—I agree that you, Sir, may have heard them—but the clause will create a football tribunal type of situation, rather than allow the due processes of law to be observed. That disturbs me. Any future amendments ought to empower the court or a judge to determine sentence. All available resources should be given to such a court and this matter should not be passed over to some other body outside the law. A person should not be committed to imprisonment for the term of his natural life and then have to appear before a tribunal on the following Monday. I have voiced my suggestion to the Leader of the House so that he can pass it on to the legislators for consideration when drafting future amendments. I am sorry that I did not make my comments brief, but I believe I had the right to speak at some length.

The Hon. P. D. BLOCK (Boronia Province): I also do not propose to oppose the clause or to move an amendment to it. Therefore I shall make my comments as brief as I can in asking the Minister a question. I want to remind the Committee of certain circumstances which I described in my Address-in-Reply speech of a man who was brought from Royal Park to his trial, convicted and sentenced to death. He committed a felony. It concerned a woman who died because of an abortion. The man had an enormous medical history which could not be put before the judge because the inexorable sentence of death had to be passed.

In this clause there are those same inexorable circumstances in which the judge has no discretion to look at the background of the person he is about to sentence or to examine any facet of the man's past medical history which could have caused him to commit the crime. When the man's case is brought to the Executive Council he is at the wrong end of the law; he has already been sentenced to imprisonment for the term of his natural life and, as the Minister of Housing pointed out, there will now be a strong case for making sure that the term that is served is a very long one.

The CHAIRMAN (the Hon. G. J. Nicol): What is Mr. Block's question?

The Hon. P. D. BLOCK: Having stated the reason why I wish to ask the question, I now ask the Minister whether he will ensure that within a short period of time these facts are brought before Cabinet, so that serious consideration can be given to amending clause 2 of the Bill, to put the discretion back where it belongs, with the courts of law.

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization): Mr. Block asked two questions, the first of which related to a personal matter that Mr. Block brought before members of the Executive Council. I will not go into it as it would be completely unfair to everyone concerned if I did. However, I am prepared to take up representations on Mr. Block's behalf once again.

In his second question, I think Mr. Block wishes to know whether the matters that have been raised tonight will be raised again either in Cabinet or before the Government. My answer again is, "Yes".

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

The Bill was reported to the House without amendment, and the report was adopted.

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

That the Bill be now read a third time.

The Hon. M. A. CLARKE (Northern Province): I wish to make a personal explanation to the House as to why I did not vote on the second reading of this Bill. I was called to a meeting by the Chairman of Committees in another place and the division bells there did not ring. That is why I was unable to hear them, or come over to vote on the division.

The House divided on the motion (Sir Raymond Garrett in the chair)—

Ayes	20
Noes	13
Majority for the motion ..	7

AYES.

Mr. Block	Mr. Long
Mr. Byrne	Mr. Nicol
Mr. Crozier	Mr. Storey
Mr. Eddy	Mr. Thomas
Mr. Elliot	Mr. Trayling
Mr. Galbally	Mr. Tripovich
Mr. Hamilton	Mr. Walton
Mr. Hider	
Mr. Houghton	*Tellers:*
Mr. Hunt	Mr. Grimwade
Mr. Knight	Mr. Kent

NOES.

Mr. Bradbury	Mr. Jenkins
Mr. Campbell	Mr. McDonald
Mr. Dickie	Mr. Swinburne
Mr. Dunn	Mr. Wright
Mr. Fry	*Tellers:*
Mr. Gleeson	Mr. Clarke
Mr. Granter	Mr. Hauser

PAIR.

Mr. Ward	Mr. Gross

The Bill was read a third time.

The sitting was suspended at 6.32 *p.m. until* 8.4 *p.m.*

PARLIAMENTARY SALARIES AND SUPERANNUATION BILL.

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

THORNBURY LANDS BILL.

This Bill was received from the Assembly and, on the motion of the Hon. F. J. GRANTER (Minister of Water Supply), was read a first time.

LOCAL GOVERNMENT (APPLICATION) BILL.

The Hon. I. B. TRAYLING (Melbourne Province): I move—

That this Bill be now read a second time.

In 1973, I introduced an identical measure into this House. I was prompted to do so because of the shocking gerrymander which exists in the distribution of ward boundaries within the municipality of Melbourne. The difference between wards in terms of population and representation based on those ward populations is worse than any electoral situation of which I am aware anywhere in the world.

When I explained the Bill in 1973, I imagined that perhaps the Melbourne City Council, of its own accord, might take some action to rectify the situation. Indeed, some months later, the chairman of the council's general purposes committee made a statement—it was this week twelve months ago—that the committee would issue a report within two or three months recommending changes in ward boundaries. That would have given enough time to effect a redistribution before the 1974 Melbourne City Council elections. Nothing happened and I understand that nothing will happen this year which will cause council elections to be contested on boundaries different from the present boundaries. It is a long time since the matter was first raised and, to put it into its proper context, the boundaries have not changed since August, 1939, which is nearly 36 years ago.

Given the growth in population during that period on boundaries which were established so long ago, I do not think any electoral system would in equity retain those boundaries in terms of the value of the people voting within those wards. Certainly that is not the case with the Melbourne City Council.

Perhaps I can give an example to support my contentions. On the 1974–75 municipal rolls, the number of voters in Hopetoun ward totalled 7,662. This ward is a residential area and that number of people elect three councillors to represent them on the Melbourne City Council. In the Hoddle ward the number of voters enrolled is 1,444.

The Hon. D. E. KENT: Is that an outlying area?

The Hon. I. B. TRAYLING: It certainly reeks of the attention that the Country Party gets, but that party is not in the race with the Melbourne City Council. There is a 500 per cent difference in the value of votes of people in those two wards, which is an enormous disparity. To take the matter to its logical extension, if 1,444 people in the Hoddle ward return three councillors to the Melbourne City Council it follows that the 7,662 voters in Hopetoun ward should return fifteen councillors.

The Hon. O. G. JENKINS: Mr. Trayling would not support that.

The Hon. I. B. TRAYLING: No, I would not. I would support a change to make the position a little fairer because there are eleven wards in the City of Melbourne. Obviously, there has to be a redistribution.

The example that I have quoted is not an isolated instance because in Smith ward there are 5,766 voters, and Batman ward has 1,688. Hotham ward has 5,581 voters as opposed to Lonsdale ward with 1,962 voters. The five wards of Albert, Hopetoun, Hotham, Smith and Victoria, have 28,584 voters and elect fifteen councillors out of 33. The other six wards have 12,269 voters, who elect eighteen councillors. Therefore, 12,000 voters out of a total of 40,000 voters have a strong majority control over the decisions of the Melbourne City Council. It is such a gross distortion of democracy that it should be a subject of shame for those of us who have anything to do with proposing a change.

The Hon. S. R. MCDONALD: Do you agree that by those standards the Legislative Council is democratically elected?

The Hon. I. B. TRAYLING: By those standards, it is, and the Legislative Council is a shocking gerrymander. With figures that prove as devastatingly as they do the shameful situation which exists and which the Melbourne City Council seems happy to perpetuate, there is little need to add much in the way of additional evidence.

One hopes that the council will be prompted by some sort of pressures to speed up its declared intention of some twelve months ago to effect a redistribution. I do not know why it has to take so long. Obviously, if it had the desire, it could have done it in the two or three months in which Sir Leo Curtis indicated it would present a report twelve months ago. As I said, nothing will be done this year for the 1975 elections, so hopefully, if something is done for the 1976 elections, it will take the council from the first prompting in 1973 almost three years to take action. It does not take even the Victorian Government that long to effect a redistribution, with all the prompting in the world. The machinery is simple. There is nothing to prevent the people who are commissioned for the task from submitting a report for acceptance within two or three months, as was earlier indicated.

I am still not satisfied, even if the council finally gets around to a redistribution, that the Act should not be amended so that we do not have to wait another 36 years for pressures to emanate from resident groups

and from this House to force through another change. The Government should accept my amendment to the Local Government Act and include Melbourne on the same basis as all other municipalities. If 10 per cent of the voters in a municipality desire a change in ward boundaries and they act in the way accorded them in the Act, surely it is the right of those people to have their desire for change considered. But no such right exists in Melbourne.

The Hon. J. M. TRIPOVICH: Has Geelong the same charter as Melbourne?

The Hon. I. B. TRAYLING: Yes, the Melbourne and Geelong Corporation Act of 1935, which is an anachronism on the statutes, should be repealed; there is no need for that Act to exist. The Local Government Act can suffer minor amendments to take care of anything in that legislation.

There is no reason why Melbourne should be treated as a special case. Moreover, Melbourne is not the exclusive domain of businessmen who have influence in the city. Melbourne provides much of the cultural and shopping activities which are used by people throughout the metropolitan area and throughout Victoria, so it should not be the sole preserve of the businessmen in the municipality of Melbourne to take all the decision-making powers for what happens within the municipality.

If the Melbourne City Council hopes one day to enlarge its boundaries by what might be a rational amalgamation, it will need to show a lot more faith and goodwill to people who are interested in that subject than it has displayed hitherto.

I hope the Government will support this Bill because of the reasons I have been talking about. I cannot understand that there might be an argument against not including Melbourne in the same sort of considerations that are available to people in all other municipalities in the metropolitan area.

On the motion of the Hon. A. J. HUNT (Minister for Local Government), the debate was adjourned.

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

PROFESSIONAL BOXING CONTROL BILL.

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

That this Bill be now read a second time.

It is the result of widespread community concern about injuries to boxers. Boxing is unique amongst sporting activities in that "victory is obtained by inflicting upon the opponent such a measure of physical injury that he is unable to continue, or which at least can be seen to be significantly greater than is received in return".

In the absence of any comprehensive legislation about boxing within Australia, the Department of Youth, Sport and Recreation commenced an investigation in 1973. Subsequently, the Federal Government set up a committee of inquiry into boxing and other combat sports. The Department of Youth, Sport and Recreation contributed in various ways including representation on a committee established by the National Health and Medical Research Council for the purpose of inquiring into the health hazards of boxing. The Victorian Government considers that the extensive work that has already been completed, particularly by the National Health and Medical Research Council, now warrants the introduction of legislation to reduce the health hazards of boxing.

The purpose of this Bill is to introduce a sufficient measure of control over professional boxing in general, and tent or booth bouts in particular, so as to reduce, as far as possible, the hazards to the health of boxers. The Bill does not set out to establish control over matchmaking, contracts between boxers and their managers and promoters, or the

rules of boxing except on the points which will be outlined below in the comments on clause 13 (*e*).

Considerable thought has been given to the question of whether controls should be extended to amateur boxing but it has been resolved that the most urgent requirement is to control professional boxing. This question has been considered by the Sports and Recreation Council established under the Youth, Sport and Recreation Act and also by the Council of State and Federal Ministers of Recreation. Both councils resolved that legislation was needed to reduce the health hazards of boxing but that this should be confined to professional boxing until more information became available about amateur boxing and other combat sports such as karate and judo.

Although a variety of injuries may be caused by boxing, the most serious problem is brain damage, and the report of the National Health and Medical Research Council's committee reveals that brain damage is most common in those "who have had long careers in the sport and have been known to suffer repeated knockouts, or perhaps have been notable 'sluggers' remarkable for their capacity to remain on their feet despite continued heavy battering".

Research completed in 1969 by J. L. Blonstein concluded that the syndrome of brain damage is unusual amongst amateur boxers and that perhaps the better controls which had been imposed in the amateur sport were capable of eliminating this problem altogether.

Records about injuries from boxing have been kept since 1893 but these are far from comprehensive. However, the indications are that less than 10 per cent of serious injuries recorded have occurred in amateur boxing. Certainly, because amateur boxing contests are limited to three or four rounds, there is far less exposure to the risk of damage through a prolonged "slugging" match.

A factor which influenced the Government particularly was the reluctance to enter the field of control of amateur sport. We have strongly emphasized that we believe that amateur sport should be controlled by the parent association of the particular sport. In Victoria, the Victorian Amateur Boxing Association has been approved by the Minister for Youth, Sport and Recreation, on the recommendation of the Sports and Recreation Council, as the controlling body for amateur boxing.

Having decided to limit the provisions of this Bill to measures designed to reduce health hazards, the Government saw no need to establish any extensive administrative machinery such as a boxing commission. The relatively straightforward recording and administrative work that will be required can be undertaken by staff of the Department of Youth, Sport and Recreation. The Minister will be able to avail himself of the advice of the Sports and Recreation Council and the Department of Health on any matter which requires the formulation, interpretation or application of policy within the framework of the legislation.

I shall now comment on the principal clauses. Clause 1 gives the short title and provides for the Act to come into operation on a date to be proclaimed. Clause 2 defines certain terms used in the Bill. The definition of "boxing contest" excludes amateur bouts from the operation of the Act. I have already indicated that there is ample evidence to warrant control over certain aspects of professional boxing.

I have also outlined the reasons for not extending the provisions of this Bill to amateur sport. The urgent need is to prevent tragic incidents such as the death of a young man at Geelong last year and to

reduce the possibility of progressive damage that occurs in professional boxing under existing conditions.

Clause 3 empowers the Minister to license the promoter of any professional boxing contest. One of the main purposes of the Bill is to institute some measure of control over bouts held in booths or tents or in the open air. We consider that this can be achieved only by licensing any person who wishes to promote a boxing contest.

Clause 4 sets out the prerequisites for obtaining a boxing promoter's licence. These are set out in detail. Clause 5 requires the Department of Youth, Sport and Recreation to keep a register of boxers. The clause requires that any applicant for registration must be at least eighteen years of age. This age limit was recommended by the National Health and Medical Research council sub-committee on boxing. The clause also fixes the maximum penalty for boxing while unregistered.

Clause 6 provides for the registration of boxers, and clause 7 empowers the Minister to appoint medical practitioners to examine boxers and to remove any medical officer so appointed.

Clause 8 requires a registered boxer to submit to a medical examination not more than 24 hours before a contest. If a boxer engages in a contest after being declared to be unfit for that contest, he will be liable to the penalties prescribed in sub-clause (4) and to cancellation of his registration.

Clause 9 prescribes penalties. Clause 10 permits the Minister to delegate to the director-general, or some other person nominated by the director-general, the Minister's functions under the Act and regulations.

Clause 11 requires the Minister to authorize the taking of action against any person alleged to have breached the Act or regulations. Clause 12 provides that a certificate of the director-general shall be prima facie evidence in proceedings where it is necessary to prove whether or not a person was licensed or registered. Clause 13 empowers the making of regulations.

That is the basis of the Bill. I believe it is a necessary step forward, and I commend it to the House.

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

It was ordered that the debate be adjourned until Wednesday, April 30.

WATER (AMENDMENT) BILL.

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

That this Bill be now read a second time.

The Bill contains a number of important amendments to the Water Act together with some machinery amendments designed to improve the Water Commission's administration and the administration of local authorities.

The more important amendments include clause 3, which makes a number of changes to the Water Act and the River Murray Waters Act to facilitate the vesting in the commission of Crown lands occupied by, or required for, works or for the protection of the waters of a reservoir.

The Water Act, particularly in section 29, already contains very wide powers which enable the commission to arbitrarily obtain occupancy of Crown lands for its works. However, in the commission's view, the use of these powers would be out of character with present Government policy of planning Crown land to ensure its balanced use in the best interest of the community.

The amendments have therefore been designed to formulate adequate up-to-date procedures for the vesting of Crown lands in the commission. These provide for consultations with the Forests Commission and the Lands Department with whom the proposed amendments have been discussed in detail and their agreement to the procedures obtained.

Clause 5 is designed to protect the commission's drainage works from damage which must occur if the discharge of unauthorized drainage into its works is not controlled. The provisions of this clause complement similar provisions in the current drainage legislation and also correspond to provisions which were included in the Dandenong Valley Act and the Melbourne and Metropolitan Board of Works Act by the Local Government (Subdivision of Land) Act 1973.

Clause 8 is an important clause providing for the establishment in urban districts of a water supply maintenance and renewals account similar to the Irrigation Districts Maintenance Equalization and Renewals Account. It will supersede the existing depreciation fund.

At present, section 83 (2) of the Water Act requires that sums raised in revenue by the commission for depreciation shall, to the extent directed by the Treasurer of Victoria, be paid to the credit of the water supply works depreciation fund. It also sets out a parallel water supply works depreciation account to be kept by the commission. However, since 1954 the moneys raised by the commission have not been paid into the fund, but instead the Treasury has financed the renewal and replacement of works from Works and Services Account funds. This is not a satisfactory accounting arrangement. The new proposal will establish a procedure similar to the Irrigation Districts Maintenance Equalization and Renewals Account which has proved a satisfactory method for the financing of long-term maintenance and the renewal of works in the irrigation districts.

Clause 9 makes it an offence to divert water from an irrigation holding. This amendment stems from incidents which have occurred from time to time in the irrigation districts, particularly during drought or near-drought periods, when many irrigators are exhausting their water quotas. It is a procedure which can lead to trafficking in water, cause ill-feeling amongst irrigators and destroy the fabric of the Act on which water rights are based; that is, that the water allocated to land is for use on that land and no other. The commission has tried to stop the practice of transferring water from one holding to another, but it has been advised by the Crown Solicitor that this activity does not constitute an offence under the Water Act and that an amendment of the Act is necessary if adequate control is to be exercised in the future.

Clause 15 amends the constitution of the Ballarat Water Commissioners by increasing the number of commissioners to 10 and at the same time reducing the number of commissioners elected by the Ballarat City Council from 4 to 3 and providing for the Ballarat, Bungaree, Buninyong and Grenville shire councils and the Sebastopol Borough Council to elect 1 representative each. In addition, the Governor in Council nominees are reduced from 3 to 2, 1 of whom shall be the chairman.

The change in the constitution has become necessary because of the growth of the shires and the borough concerned and the need to ensure that their ratepayers receive adequate representation on a body which serves not only the City of Ballarat but all the surrounding urban areas.

The other amendments are in the main of a machinery nature. Clause 4 amends section 38 of the Act by increasing from $10,000 to $100,000 the consideration of a contract which the commission may make without seeking the approval of the Governor in Council.

Clause 6 is a consequential amendment to section 47 of the Act following the establishment of rural and urban districts outside the constituted irrigation and waterworks districts.

Clause 7 provides for the future use of site valuations by the commission as the basis for rating. It also contains a machinery amendment dealing with metric conversion.

Clause 10 relates to section 92 of the Act which empowers the Governor in Council to abolish a flood protection district, and the amendment merely enables the Governor in Council to transfer works and property and adjust assets and liabilities.

Clause 11 increases the maximum allowance payable to the chairman of a waterworks trust. Clause 12 streamlines the procedures for the making of special and minimum rates by waterworks trusts, and clause 13 enables waterworks trusts, if they so wish, and following the conduct of a poll, to adopt site valuations as the basis of rating, irrespective of the basis of rating adopted by the municipality.

Clause 14 provides that the Valuer-General and not the Governor in Council shall determine any disputes arising from charges levied for municipal valuations which are used by other authorities. It also clarifies some of the existing provisions in the Water Act concerning the right of an officer of an authority to inspect municipal records free of charge.

Clause 16 applies the conditions of clause 12 relating to the making of rates to the urban and rural districts of waterworks trusts and local governing bodies.

Clause 17 provides that the interest subsidy paid by the Treasurer on borrowings by local water authorities shall not apply when such borrowings are for the provision of works to service new subdivisions, the cost of which will be met by developers or where landowners will refund the cost over a period of time.

Clause 18 simplifies the banking of loan moneys by local water authorities. Clause 19 provides for the transfer of works easements assets and liabilities to or from public authorities or municipal councils where water supply, drainage or flood protection works are involved.

Clause 20 removes an archaic provision from the Water Act concerning the impeachability of by-laws. The Chief Parliamentary Counsel considers it should be deleted.

Clause 21 amends the Act in regard to the making of rates by waterworks trusts and is made in conjunction with the amendments proposed in clause 12. Under the proposed legislation authorities will be required to publish in a local newspaper notice of the rate and advice that a statement of estimates on which the rate is based is available for inspection at the authority's office.

Clause 22 makes it an offence to alter or interfere with any commission works fixtures and fittings. There has been an increasing tendency for warning lights, barricades and other protective works to be interfered with, and the proposed provision will enable the commission to prosecute offenders.

Clause 23 extends the existing provisions of section 379A (1) to persons such as water bailiffs whose duties are not specifically set out in the Act. Clause 24 inserts a new section which makes it an offence to give a false name and address when questioned by commission officers. This amendment was recommended by the Crown Solicitor. A similar provision is contained in the National Parks Act.

The final clause, number 25, amends item 6 of Table 1 of Schedule Three B to include some lands in the vicinity of the Tandarra–Calivil pondage, Pyramid No. 1 channel and the Waranga western main channel which now have a secured means of supply. The clause also corrects several errors in the plan and register of lands previously adopted. I commend the Bill to the House.

The Hon. A. W. KNIGHT (Melbourne Province): On behalf of Mr. Kent, I move—

That the debate be now adjourned.

I ask that the debate be adjourned until next Tuesday, with the understanding that, if the Labor Party is

not able to proceed on that day, the debate will be resumed on Wednesday.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until Tuesday, April 29.

WATER RESOURCES BILL.

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

That this Bill be now read a second time.

The main purpose of this Bill is to give effect to the Government's decision to bring both the State Rivers and Water Supply Commission and the Melbourne and Metropolitan Board of Works within the one Ministry. Under the proposed legislation the functions of the board in respect of water supply, sewerage and main drainage will be brought under the Minister of Water Supply, who will head a Ministry of Water Resources and Water Supply.

Honorable members will recall that during the summer of 1973 the Melbourne metropolitan area was faced with a serious water shortage because of a prolonged spell of dry weather. To advise the Government on steps to overcome the emergency at that time and to plan future water conservation works, the Government appointed a standing committee consisting of representatives of the State's two major water authorities, the State Rivers and Water Supply Commission and the Melbourne and Metropolitan Board of Works, and a representative of the Treasury. The work of the committee proved extremely valuable. It also emphasized the desirability of having an over-all co-ordinating body for the State's water resources. The Government has therefore decided to give the standing committee statutory authority within the proposed new Ministry.

As part of the Ministry there will be a Water Resources Council which will include the same representation as the standing committee. There will also be a Director of Water Resources and appropriate staff to enable the Ministry to perform a co-ordinating function in assessing and developing the State's water resources including the extension and development of sewerage and drainage services. The Director of Water Resources will be the Chairman of the Water Resources Council.

It is the Government's view that it is essential that the many competing interests and the increasing pressure for water, sewerage and drainage services should receive the attention of one over-all body.

The proposed Ministry will enable the long-range planning of future requirements, especially for additional decentralized urban complexes, and will also enable a proper balance to be achieved between rural, urban and industrial development. The Ministry will also be able to advise the Government on priorities for construction.

It is not the intention of the legislation to change in any way the functions of either the State Rivers and Water Supply Commission or the Melbourne and Metropolitan Board of Works, but rather to implement the Government's policy of bringing both bodies under a single Ministry with a view to achieving the co-ordination of their activities already referred to.

Clause 3 sets out the constitution of the Ministry, while clauses 4 and 5 concern the functions and duties of the Minister. Clauses 6 and 7 deal with the constitution and functions of the Water Resources Council, and clause 8 refers to the appointment of the Director of Water Resources.

The remaining clauses are machinery clauses. However, I draw the attention of honorable members to clause 1 of Schedule Two which has been specifically drafted to ensure that, for the purposes of the Public Service Act, the Chairman of the Water Commission shall be permanent head of the Ministry and will thus continue to handle all dealings

affecting commission staff directly with the Public Service Board. I commend the Bill to the House.

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

It was ordered that the debate be adjourned until Wednesday, April 30.

HOUSING (MOVABLE UNITS) BILL.

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

That this Bill be now read a second time.

Honorable members will recall that during the last sessional period of Parliament, the Housing Act was amended to permit private landowners to have erected on their properties self-contained units provided by the Housing Commission for their pensioner parents. The units, which are at present being designed, are commonly known as granny units.

The whole idea of providing granny units was to permit children of pensioner couples to hire a granny unit in which to house their pensioner parents or parents-in-law. At the time the original Bill was introduced, it was the Government's intention that these units be non-rateable and I believe the Bill as passed provided for this.

However, the rateability of these units has now been challenged and this small amending Bill will place beyond any doubt the legal position of the rating of the units. The small amending clause makes it amply clear that a granny unit will be non-rateable and will not constitute an improvement in relation to the land on which it is situated. I am certain that all honorable members will agree that these units should not be rateable. I therefore 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, April 29.

GEELONG WATERWORKS AND SEWERAGE (POWERS) BILL.

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

That this Bill be now read a second time.

The Geelong Waterworks and Sewerage Trust recently completed the scheme of works necessary for conveying to Geelong water from the Bungal dam on the West Moorabool River. The scheme includes a 27-in. diameter pipeline leading from a pumping station at She-Oaks on the Moorabool River to the trust's service basins at Montpellier. During construction, strong doubts emerged as to the validity of certain powers which the trust had operated under for many years and which it had assumed were provided for under the Geelong Waterworks and Sewerage Act 1958 in conjunction with the Water Act 1958.

The Bill has been prepared to remove these doubts. It provides the legislative authority under which the trust's action in constructing the above scheme and other established principal works will be clearly validated. At the same time it provides for the construction of future works as part of the Geelong water supply works.

Clause 2 of the Bill inserts in section 3 (1) of the Geelong Waterworks and Sewerage Act 1958 a definition of Geelong water supply works specifically mentioning that those works can be augmented from time to time by having the Governor in Council approve in each instance the additional works involved. This will bring the trust into line with all other local water authorities which are now empowered to add to their principal works with the sanction of the Governor in Council.

Clause 3 of the Bill provides for two amendments to section 4 (1) of the principal Act. Paragraph (*a*) is merely a consequential amendment arising from the proposed insertion of the new definition. Paragraph (*b*) makes it a function of the trust to bring water into the Geelong water

supply works by means of works approved by the Governor in Council from any source from which the trust may lawfully divert water.

The most important amendment is contained in clause 6 of the Bill. This amends, in a declaratory form only, section 307 of the Water Act 1958 to remove any doubts that section 35 of the Geelong Waterworks and Sewerage Act 1958 requires Part II.—Water Supply—of that Act and the Water Act each to be read as containing the other.

Clause 7 provides for the validation of works already constructed by the trust and the remaining two clauses provide consequential amendments which are necessary because of the new definition. I commend the Bill to the House.

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

It was ordered that the debate be adjourned until Tuesday, April 29.

TRANSPORT REGULATION (PRIVATE OMNIBUSES) BILL.

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

That this Bill be now read a second time.

It provides that private omnibuses and the drivers of these vehicles shall be licensed by the Transport Regulation Board. The vehicle licence will be issued "as of right" provided that the vehicle passes the board's fitness tests. In this way the board will be able to inspect omnibuses and also check the fitness of drivers in the interests of public safety.

There are currently some 4,000 omnibuses operating in Victoria and under the Transport Regulation Act 1958 the board, with skilled staff, carries out regular and detailed inspections on the great bulk of these vehicles which are already required to be licensed as commercial passenger vehicles. The board's inspections are undertaken to ensure that the vehicles are maintained in a fit and serviceable condition. The board already licenses drivers of commercial passenger vehicles to ensure that persons driving these vehicles are qualified for the task.

The board's existing powers, however, do not enable it to inspect all vehicles of a commercial passenger type for, under the provisions of the Transport Regulation Act, the board may inspect only vehicles which are used or intended to be used for carrying passengers for hire or reward or for any consideration or in the course of any trade or business.

In recent years there has been an increasing trend for schools, sporting bodies, youth and other groups to purchase omnibuses for the carriage of passengers which include children, families and friends as well as members of the body owning the vehicle. These vehicles, although of a commercial type, are registered as private vehicles and as such are not subject to inspection by the Transport Regulation Board.

Honorable members will appreciate that, in the interest of the community generally and in the interest of the people who ride in these privately-owned vehicles, the vehicles and their drivers should be subject to scrutiny. Indeed, I believe that in the past many parents may have wrongly assumed that these vehicles were subject to regular inspection by an appropriate authority.

To the board's knowledge, a substantial number of private omnibuses are used throughout the State. The number of these vehicles is growing and this will continue as people seek to utilize their increased leisure time and have greater opportunities to move about.

Some of these private omnibuses have been purchased as new vehicles and other vehicles have been purchased from public transport operators when the vehicles have reached the end of their economic life for commercial operation.

I am sure honorable members will agree that if these vehicles are to continue to be used on the roads for the

carriage of passengers they should be subject to regular maintenance and inspection. With this in mind the measure is presented to the House to ensure that proper safeguards will be available to protect the community.

I turn now to the specific provisions of the Bill. Clause 2 adds to the Transport Regulation Act new sections 45 to 49. Section 45 defines a private omnibus as a motor car with a seating capacity for more than twelve adult persons, not including the driver, which is used or intended to be used regularly for the carriage of passengers for or in connection with the activities of any religious, philanthropic, educational, sporting or social body but does not include a commercial passenger vehicle.

The measure provides in section 46 that a private omnibus shall not be driven on a public highway unless it is licensed by the Transport Regulation Board.

Under the provisions of the new sections 47 and 48 the board is authorized to grant annual licences for private omnibuses which the board is satisfied are fit and suitable for use as such.

Honorable members will understand that it may be necessary to make regulations regarding the design, construction, maintenance and repair of private omnibuses. The new section 49 provides that the Governor in Council may make regulations on these matters and regarding licence fees and penalties for any breach of the regulations.

The Bill provides for vehicle licence fees of up to $10. It is intended that these fees should make some contribution towards the costs of the Transport Regulation Board in administering this matter. I expect the actual vehicle licence fee will be a nominal $2.

Provision is also made in section 49 (2) for the application of sections 30, 30A, 30B and 37A of the Transport Regulation Act to apply to private omnibuses.

These sections authorize the board to allow the owner to substitute a vehicle for the licensed vehicle; where it is satisfied that a vehicle is no longer fit and suitable for the purpose for which it is licensed, after giving the owner of the licensed vehicle an opportunity of being heard, to determine that the licence shall be cancelled; and to license drivers.

In commending the Bill to the House, I point out that it is not intended at all to bring these vehicles under the regulatory provisions of the legislation with regard to controlling operations. The intention is merely to provide adequate safeguards for the community when these vehicles are carrying passengers on our roads under increasingly heavy traffic conditions.

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, April 29.

HAIRDRESSERS REGISTRATION (AMENDMENT) BILL.

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

MELBOURNE (SNOWDEN GARDENS) LAND BILL.

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

That this Bill be now read a second time.

Its purpose is to provide for the construction of the concert hall complex of the Victorian Arts Centre in the Snowden Gardens reserve.

Snowden Gardens comprises an area of land bounded by St. Kilda Road, City Road, South Gate and Riverside Avenue in the city of Melbourne. The land was permanently reserved in 1914 as a site for ornamental purposes and vested in the corporation of the city of Melbourne. The Melbourne City Council has agreed to the land being used for the Victorian Arts Centre.

Victoria is fortunate to have a site such as this for what it is hoped will be one of the world's great concert halls. Not only is the site close to the city, but it has a river alongside and gardens to the east. The architect for the Victorian Arts Centre Building Committee has worked closely with the city council's parks and gardens committee to produce a plan which will give Melbourne a concert hall in a delightful garden setting. The landscaped areas incorporated in the planning of the project will be approximately double the present gardens area.

The Victorian Arts Centre Building Committee believes it is important to locate the concert hall alongside the other components of the Arts Centre. The whole concept of a centre is to create one site where the various art forms are presented, rather than spreading different halls in an inefficient arrangement at different locations. The use of Snowden Gardens will allow for linking public plazas between the concert hall and the theatres building on the existing site.

A traffic report has shown that the area, with the inclusion of the concert hall, could cope adequately with any problems of traffic or parking. The 1,500-place car park under the National Gallery is as present virtually unused in the evenings and week-ends, the times when the concert hall will be in greatest demand.

The hall will be an ideal venue for concerts, both orchestral and popular, and will be Victoria's finest auditorium for official occasions, conferences and ceremonies. There is no doubt that people from all of Victoria will come and take advantage of the facilities to be provided. In addition, visitors from interstate and overseas will regard the concert hall and the Arts Centre as a prime tourist attraction.

The hall will seat 2,500 people and will have all facilities for orchestras and performers. One of its main functions will be to provide the Melbourne Symphony Orchestra with first-class facilities befitting the high standards the orchestra has established in world concert circles.

Flexible staging and acoustics will enable many different types of musical programmes to be presented and technical facilities will enable broadcasting television and recording of performers at the highest standards.

The use of the concert hall and the theatres building of the Arts Centre for national or international conventions will greatly assist in their economic viability.

The land to be reserved for the concert hall complex comprises the existing Snowden Gardens reserve less a small portion at the corner of South Gate and Riverside Avenue which will be used to round off that corner. In addition, the new reserve will include those portions of St. Kilda and City roads not now embodied in the formations of those roads due to the St. Kilda Road underpass works. It will also include that portion of Riverside Avenue which has been mainly absorbed in the lawns of Snowden Gardens for many years.

The new reservations will therefore follow the present alignment of St. Kilda Road, the southern-most stone retaining wall of the underpass in City Road, the existing alignment of South Gate, and the kerb line in Riverside Avenue.

In addition, the relevant municipal councils and the Lands Department have agreed to the Victorian Arts Centre Building Committee using the strata of the Crown lands above portions of the surface of Riverside Avenue, City Road and Sturt Street as abut Snowden Gardens or the existing Victorian Arts Centre for the purpose of pedestrian ways or garden plazas.

The stratum above the surface of Riverside Avenue will provide a garden terrace to take advantage of the views over the river to the bridges and the city. The stratum over City Road

will provide the pedestrian link between the concern hall and the theatres building whilst the stratum above portion of the width of Sturt Street will allow for increased garden areas.

It has been agreed that the garden and landscaped areas in the concert hall complex will be laid out to the satisfaction of the Melbourne City Council and maintained by that municipality at the expense of the building committee.

At present, Snowden Gardens are used for pedestrian access from St. Kilda Road to the business houses in City Road and the adjacent locality. The building committee will ensure that such pedestrian use is not disadvantaged in the construction stage and will be permanently provided for in the final plan.

The Melbourne (St. Kilda-road Underpass) Lands Act 1969 provided that the Melbourne and Metropolitan Board of Works may use part of Snowden Gardens in connection with the construction of the underpass. In fact, no part of the gardens was used for that purpose and the relevant provisions of the 1969 enactment are now being nullified.

Clause 1 cites the short title and provides for the commencement of the legislation. Clause 2 revokes the Orders in Council permanently reserving Snowden Gardens as a site for ornamental purposes and vesting the land in the City of Melbourne. Clause 3 closes those portions of St. Kilda Road, City Road and Riverside Avenue to be included in the new reservation for the Victorian Arts Centre.

Clause 4 provides for the permanent reservation of the land shown in the plan in the schedule as a site for the Victorian Arts Centre. Clause 5 provides for the grant of the land to the building committee for the purpose of the reservation. Clause 6 provides the authority for the building committee to use certain portions of the strata of Crown land above Riverside Avenue, City Road and Sturt Street for pedestrian ways and garden areas.

Clause 7 nullifies the provisions of the Melbourne (St. Kilda-road Underpass) Lands Act 1969 so far as Snowden Gardens are concerned. Clause 8 is the usual provision that no liability shall attach to the Crown. Clause 9 amends the National Art Gallery and Cultural Centre Act 1956 to extend the powers of management of the Victorian Arts Centre Building Committee to the new reservation.

The schedule contains a plan showing hatched and cross-hatched the land to be reserved for the Arts Centre. The land shown cross-hatched comprises those parts of St. Kilda and City roads and Riverside Avenue to be closed. I commend the Bill to the House.

On the motion of the Hon. D. G. ELLIOT (Melbourne Province), the debate was adjourned.

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

JUDGES SALARIES AND ALLOWANCES BILL.

The debate (adjourned from April 16) on the motion of the Hon. Murray Byrne (Minister for State Development and Decentralization) for the second reading of this Bill was resumed.

The Hon. J. W. GALBALLY (Melbourne North Province): This is an important Bill in the constitutional sense that we have always taken the view that a proper salary should be paid to our judges. With the unfortunate inroads of inflation, their salaries must be adjusted as are the wages and salaries of all other members of the community. This Bill reconciles the position of the judges with those of members of Parliament and the Public Service. It ought to be assented to without delay. It has been said many times that the independent judge is one of the greatest safeguards of freedom. But no judge can be said to be adequately independent if he is faced with the spectre

of want or even poverty. Therefore, centuries ago, the Parliament which was known as the Mother Parliament and which we now prefer to call the Parliament of Westminster said, "We will pay our judges an adequate sum both during their term on the bench and upon retirement." This Bill is fitting in with tradition and I am sure every member of the House will agree to its early passage.

The Hon. I. A. SWINBURNE (North-Eastern Province): Each time the salaries of public servants rise in accordance with rises in the cost of living and inflation, three other adjustments are made. The Cabinet of the day makes an adjustment of the salaries of officers who are outside the Public Service according to the formula laid down; salaries of members of this House and of another place are adjusted by a Bill brought into Parliament; and judges' salaries are brought into conformity.

As Mr. Galbally has said, it is always recognized in this country that judges should be paid a remuneration and allowances sufficient to meet the position they occupy and to allow them not to become involved in any other area of activity. The adjustments which are made in this measure would not be so great in the general atmosphere of rises which take place from time to time in other spheres, but they are adequate in the tradition that is upheld in Victoria. The Country Party supports the Bill.

The motion was agreed to.

The motion for the second reading of the Bill was agreed to by an absolute majority of the whole number of the members of the House, and the Bill was read a second time and passed through its remaining stages.

PARLIAMENTARY SALARIES AND SUPERANNUATION BILL.

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

That this Bill be now read a second time.

This is a small but necessary Bill, the principal purpose of which is to increase the benefits payable to the spouse of a deceased member or pensioner from five-eighths of the deceased member's pension to two-thirds of that pension. This is in line with the changes proposed to the Superannuation Act which are at present before Parliament and is in line with the Government's general policy of keeping the benefits for Parliamentarians and their dependants in line with those given to the Public Service, Teaching Service, police and other Government employees.

The opportunity has been taken to deal with two other matters of a drafting nature. The definition of basic salary has been recast in a more general form because it is extremely difficult to tie with precision the salaries of Victorian Parliamentarians to the basic Commonwealth salary. I refer honorable members who are interested to section 48 of the Commonwealth Constitution, the Commonwealth Parliamentary Allowance Act 1952–73 and section 7 (1) and (9) of the Remuneration Tribunal Act 1973.

The Bill also proposes to re-enact section 18 (6) of the Parliamentary Salaries and Superannuation Act 1968 which was enacted by section 8 of the Bill passed earlier in this session. As the whole of section 18 was repealed and re-enacted by section 9 of that Bill, there is some doubt as to whether the amendment made by section 8 was effective. As this is a most important provision, the doubt is being resolved by re-enacting the sub-section. I commend the Bill to the House.

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

It was ordered that the debate be adjourned until Tuesday, April 29.

THORNBURY LANDS BILL.

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

That this Bill be now read a second time.

Its purpose it to close a part of Collins Street and a part of Quarry Street at Thornbury in the City of Northcote. The part of Collins Street to be closed divides the Thornbury High School site and its closure is sought by the Education Department. The land comprised in that road is proposed to be reserved for State school purposes.

The reservation of this land will help to relieve the congested conditions being experienced at the school which has an enrolment of over 1,000 pupils. The reservation will also allow for the consolidation of the site which in turn will allow for the full and practical development of the school grounds. Further, it will remove any danger to students crossing Collins Street to the school's playing fields.

The Lands Department and the Northcote City Council are agreeable to the road being closed provided that a 90-ft. diameter turning circle is created at the western end. The Education Department has agreed to make the necessary land available for the turning circle.

The closure of the part of Quarry Street is sought by the Northcote City Council. The freehold land abutting upon the east of the part of Quarry Street is vested in the City of Northcote and the city council desires to develop its land as a municipal depot and nursery. The usable portion of that vested land is, however, very narrow, due to the presence of a quarry. The council desires to obtain the portion of Quarry Street, which is unconstructed, to allow a better arrangements of facilities. It is proposed that the land comprised in the portion of Quarry Street will be reserved for the purposes of a municipal depot.

The two road closures would, in isolation, have some adverse affect on the industrial area lying to the north-east of the lands in question. This position would be overcome by the opening of a new road 60 feet wide and linking Collins Street and Dundas Street.

The land required for this new road comprises a strip of the land being part of the high school site and vested in the Minister of Education; Crown land set apart for drainage purposes; and freehold land vested in the City of Northcote. The Education Department and the Northcote City Council are agreeable to the respective lands being surrendered to the Crown for road purposes. The Education Department has also agreed to contribute towards the cost of the construction of the new road.

Clause 1 of the Bill cites the short title and provides for the commencement of the legislation.

Clause 2 provides that certain freehold lands shall be surrendered to the Crown for the new road to be opened.

Clause 3 provides that on the surrender of those lands, the relevant parts of Collins Street and Quarry Street shall be closed as roads. It also provides for the reservation of the part of Quarry Street for municipal depot purposes.

Clause 4 provides for the proclamation and construction of the new road. Clause 5 is the usual provision that, apart from the provision for the Minister of Education to contribute towards the cost of the construction of the new road, no liability shall attach to the Crown.

The First Schedule shows by hatching the part of Collins Street and the part of Quarry Street to be closed. The Second Schedule shows the freehold lands to be surrendered to the Crown for road purposes. The lands shown hatched are vested in the Minister of Education, while the land shown cross-hatched is vested in the City of Northcote. The Third Schedule shows by hatching the lands to be proclaimed as road. I commend the Bill to the House.

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

It was ordered that the debate be adjourned until Tuesday, April 29.

TRUSTEE COMPANIES (COMMISSION) 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 increase the prescribed maximum levels of commission which may be charged by trustee companies on estates committed to their administration on both corpus and income. The present maximum commission chargeable by trustee companies under the Trustee Companies Act 1958 is 4 per cent on the gross value of the estate and 5 per cent on income. The Bill therefore provides for a maximum commission of 5 per cent on corpus and 6 per cent on income—an increase of 1 per cent in each case.

It is interesting to note that the maximum rate of commission chargeable on corpus was raised from 2½ per cent, which had not changed since 1878, to the present 4 per cent in 1953. The maximum rate of commission chargeable on income was fixed at 5 per cent in 1879 and has remained unchanged since that time. Of course, there is an answer to that; the value of assets has also increased considerably since 1878.

Section 17 (1) of the Trustee Companies Act provides that the commission on corpus or income, not exceeding the maximum prescribed in that sub-section, shall be the rate as fixed from time to time by the directors of the trustee company to which an estate is committed. Section 17 (4) of the Act ensures that the corpus or income commission shall not exceed the rate in the published scale of charges of the company which was current at the time that the estate was committed to the company, except that in the case of a perpetual trust, the current published scale of charges on income shall be applicable to the income received in respect of the perpetual trust.

The present maximum rates of commission now apply on all income received and on the gross value of estates not exceeding $500,000. The corpus commission where an estate is in excess of $500,000 diminishes down to 1 per cent where the value is in excess of $1 million.

The trustee companies in Victoria did not charge the maximum scales prescribed in the Act until 1973, and they have for some time been faced with a situation where the costs of providing services have exceeded the revenue derived from the commissions. The inflationary spiral has had a marked effect on costs as the industry is labour-intensive with approximately 75 per cent of its total expenses being for salaries. I admit that I have not envisaged a trustee company as an industry that is known as labour-intensive, but obviously it is.

The Hon. D. E. KENT: That depends on the definition of "labour".

The Hon. MURRAY BYRNE: The definition would embrace even Mr. Kent's definition. It would be difficult to envisage that a man working in an office of a trustee company could not be regarded, to use a hackneyed term, as a worker.

At the same time, both the gross value of all estates and the average value of each estate administered by trustee companies in Victoria have remained relatively static. The total gross value of estates committed to Victorian trustee companies in 1970 was $51·133 million and in 1973 was $50·257 million. Between 1968 and 1973, the average gross value of individual estates administered ranged between $56,000 and $59,000 and was as low as $51,000 in 1972. Honorable members will remember the changes in the Probate Act which exempt the matrimonial

home, joint ownership and so on, and had a marked effect on the total value of assets. The exemptions that were given to primary producers also lessened the gross value of estates. I believe that is the reason why the assets do not appear to have increased during the period in question. This absence of growth, of course, has had a significant effect on the commissions received by trustee companies.

The figures for individual estates are not high; in today's terms, they are quite modest. It is interesting to note that if the average gross values of individual estates had followed the movements in the consumer price index in recent years they would now have been approximately $90,000 at the end of 1974—by which time the price index had moved more than 50 per cent.

There may be a number of reasons for this absence of growth in the value of estates. Estate planning may have played a part but clearly the tax structure of Australia will have played a considerable part. In the past two or three years, the rapid rate of inflation has, of course, played its part in eroding the capacity of people to accumulate a reasonable level of savings in their lifetime. It looks as if the trustee companies have run into the problem that faces so many people on fixed incomes.

Trustee companies have been operating in Victoria since 1878—nearly 100 years. The Trustees Executors and Agency Co. Ltd. was the first to be established and we were not far behind South Africa, which was the first country in the world to establish trustee companies.

Trustee companies play an important role in the community and they deal with a wide cross-section of people. I think it should be borne in mind that they were set up for the primary purpose of acting as trustees and executors for deceased persons and, although they have expanded their activities, the original reason for their coming into existence should be kept well in mind. It seems to me that unless the companies can achieve a reasonable return from the commission which they are permitted to charge, they could be forced to seek income from other sources of activity. This result may not necessarily be in the best interests of the testators who have entrusted the administration of their estates to them. It should also be borne in mind that in Victoria the companies have a record which justifies some consideration from Parliament. I make the plea to the appropriate Minister that trustee companies should invest some of the vast sums of money available to them outside the metropolitan area. I remember carrying out a survey some years ago, and I was a little concerned that generally the trustee companies did not invest money outside the metropolitan area.

The increased rates of commission provided in the Bill will not apply to estates already committed to a trustee company by virtue of the provisions of the present section 17 (1) of the Trustee Companies Act. I commend the Bill to the House.

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

It was ordered that the debate was adjourned until Tuesday, April 29.

STOCK FOODS (AMENDMENT) BILL.

The debate (adjourned from April 8) on the motion of the Hon. W. V. Houghton (Minister for Social Welfare) for the second reading of this Bill was resumed.

The Hon. D. E. KENT (Gippsland Province): As the Minister said in his second-reading speech, it is proposed to introduce an updated and consolidated Bill during the spring sessional period of Parliament to amend the Stock Foods Act 1958. Therefore, it appears unnecessary to debate at length the subject of stock foods. This measure is introduced to implement the decision of the Australian

Agricultural Council to introduce a three-year cycle of registration. Members of the Opposition do not intend to oppose this provision.

The remaining clauses simply make slight amendments to certain conditions relating to the registration of manufacturing firms outside Victoria. In future, provided that the firms are registered in another State, it will not as at present be necessary for them to employ a Victorian agent.

The Opposition does not object to the prescribed fee of $2 to be paid to the Department of Agriculture when a change occurs in the address of a person on whose application a stock food or a by-product is registered. The stock food industry is a growing industry. The growth is evidence of the changes, and perhaps the sophistication developing in primary industry in its stock feeding in general. In the past the basic grain feeds for stock were simply wheat, oats and barley, particularly oats and barley. Now the majority of stock foods are a blend of grain, protein and other balanced foods. It is important that stock foods should be registered. Honorable members are aware that chaff is not used as it has been in the past; there are substitutes for it, but the type of material that is being fed to animals should be specified.

This measure is non-controversial. For that reason, I do not intend to speak at length on it. I merely say that the Opposition does not oppose the Bill.

The Hon. B. P. DUNN (North-Western Province): I was pleased that Mr. Kent outlined various points that he had picked up on the stock foods industry, no doubt at his old home at Warracknabeal in the Wimmera where these products are used, as they are in other areas. Stock foods are being used to a greater degree today than in the past. It is necessary that some control and regulation should be exercised over stock foods and that certain standards should be maintained to safeguard those who use them.

Members of the Country Party do not intend to oppose the Bill. As the Minister said, there will be an opportunity to debate the stock foods legislation when an updated and consolidating Bill is introduced in the spring sessional period. No doubt the Bill will provide the opportunity for honorable members to debate the subject in more depth. We are happy to agree with this machinery measure. The major provision is to implement the requirement of a three-year cycle of registration as laid down by the Australian Agricultural Council.

The motion was agreed to.

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

BUILDING INDUSTRY LONG SERVICE LEAVE BILL.

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

That this Bill be now read a second time.

The Bill provides for long service leave for casual employees in the building and construction industry. The concept of a scheme for long service leave based on service in an industry as opposed to service with one employer is a new one. The present long service leave provisions of the Labour and Industry Act 1958 are concerned only with service with one and the same employer. Long service leave has been properly regarded as a reward for long and loyal service with the one employer. The present entitlement to leave is thirteen weeks after fifteen continuous years' service with the one employer.

Because of the casual nature of employment in the building industry, most employees are unable to establish and maintain a history of employment with the one employer of sufficient duration to qualify for long service leave. Employment is, in most cases, on the basis of hourly hire. Employment with an employer often ceases when a building contract is completed or when a particular phase of the building contract

is finished. These employment practices in the industry preclude a large number of employees from having that continuity of employment with the one employer which would enable them to accumulate sufficient length of service to qualify. Employment in the building industry is, however, usually continuous in that the employee who is dismissed by one employer on one day usually finds employment with another employer in the industry on the next day.

The Honorable A. M. Fraser, the then Minister of Labour, said in introducing the Factories and Shops (Long Service Leave) Bill in 1953—

> The Bill does not cover any employee who, by virtue of his calling, may have served under a number of employers over a period of twenty years. That is one problem which Parliament will have to tackle at some future time.
>
> A worker in the building industry might work for seven years with one master builder and then, on account of particular circumstances, transfer to another master builder for another seven years, and then pass on to a third employer for a period of six years. At present, such a worker is not covered under the terms of the Bill, but I trust that, as we advance, that problem will be overcome and that by some system of pooling, under which the employers concerned will contribute, it will be possible to extend the long service benefit to workers of that type.

Employers, through their representative organizations, in conjunction with employees represented by the Victorian Trades Hall Council, have now requested the Government to introduce such a scheme based on employment in the building and construction industry. The employers have agreed to meet the cost of administration of the scheme and the cost of maintaining a fund to meet the expected costs of providing long service leave for employees. The Government has agreed to introduce legislation to provide for such a scheme and this Bill represents the fulfilment of that promise.

Before preparing draft legislation, the Government appointed an interdepartmental committee of specialists to examine the economic feasibility and administrative practicability of the scheme. The committee comprised the Government Statist and Actuary, the Chief Budget Officer of the Treasury, the Principal Systems Analyst of the Public Service Board's Electronic Data Processing Centre, and as chairman, the Deputy Secretary of the Department of Labour and Industry. The committee reported that there were no apparent reasons why such a scheme would not be economically feasible or administratively practicable. The committee reported in detail on the proposal. Its recommendations were taken into consideration when decisions were being made on this Bill. Representatives of employer and employee interests were consulted at appropriate stages leading up to the preparation of the Bill.

It is expected that 40,000 persons will be covered by the scheme and the cost to the employers in the industry will be of the order of 2 to 2·5 per cent of wages for 40 hours work.

I now propose to deal with the provisions in the Bill, clause by clause. Clause 1 is introductory and needs no explanation.

Clause 2 contains the interpretations. The definitions of "building and construction industry", "building and construction work" and "worker" are of particular interest in that they define the limits of the scheme. It is intended to cover workers, including apprentices performing work usually performed by persons in the occupations listed in the definition of building and construction work. It is also to cover persons acting as foreman, sub-foreman or leading hand in the supervision of this work. It is also to be noted that the scheme is meant to cover only persons employed by private employers as defined. Employees of the Crown and of statutory bodies will not be covered.

Clause 3 provides that the Bill is to be read as one with the Labour and Industry Act 1958.

Clauses 4 to 9 concern the establishment and operation of a fund to be known as the Building Industry Long Service Leave Fund.

Clause 4 establishes the fund which is to be administered by a board set up under the provisions of Part VI. of this Bill. It proposes that the income of the fund shall comprise long service leave charges paid by employers, proceeds of investments and other moneys received in the course of administration. From it are to be paid the long service leave benefits to workers and other sums authorized to be paid under this Act and the expenses incurred in the administration of the Act. It is to be noted that the Government proposes to make no contribution to the running of this long service leave scheme for casual workers. All costs of administration are to be borne by the fund.

Clause 5 allows the board to invest the money in the manner provided under the Superannuation Act 1958. The provisions in the Superannuation Act are more extensive than those provided in the Trustees Act 1958 but are sufficiently circumscribed to ensure that only prudent investments will be made. It will be noted when we are examining Part VI. of the Bill that membership of the board will include a person having knowledge of or experience in the investment of moneys.

Clause 6 deems that moneys held by the board lodged at any bank are to be held to be moneys of the Crown. This will give priority in the event of the winding up of the banking company, however unlikely an event that may seem.

Clause 7 provides that the accounts relating to the fund are to be audited by the Auditor-General.

Clause 8 provides for an actuarial investigation to be made each three years by not less than two actuaries appointed by the board.

Clause 9 allows the board to temporarily borrow money up to $1 million.

Clauses 10, 11 and 12 provide for the registration of private employers, contractors and workers.

Clause 13 provides that persons registered as contractors or private employers shall be deemed not to be workers for the purpose of the legislation.

Clause 14 allows a person to have his name in only one register at any one time. However a person may have his name removed from one register and placed on another by simple notice in writing.

Clause 15 provides that employers shall pay to the board a long service leave charge once a month. The amount is to be the number of working hours not exceeding 40 in any one week multiplied by a prescribed amount. The charge is expected to be in the vicinity of 2·5 per cent of the wages for 40 hours earned by a worker; the amount however will be prescribed to meet the needs of the fund as assessed by actuarial reviews.

Clause 16 provides for the calculation of long service leave pay to be paid to the worker. The provisions in relation to ordinary pay are similar to those contained in the Labour and Industry Act. Clause 17, however, provides that the board may determine ordinary pay where it appears that the rate due to be paid under the definition is excessive. The clause provides for appeals to the Metropolitan Industrial Court, decisions of which shall be final.

Clause 18 allows the board to determine the ordinary pay at a higher rate than that calculated in accordance with clause 16.

Clause 19 contains the proposed limits of what is to constitute continuous service. These provisions are similar to those in the Labour and Industry Act 1958.

Clause 20 provides for the determination of workers' entitlements. Sub-clauses (1) to (4) relate to credits for service in the industry prior to 1st January, 1974. Only unbroken service with the one employer accrued at 1st January, 1974 will be taken into account. Sub-clause (5) provides that the

first three months of the period of continuous service shall be disregarded. Many people enter the industry as workers but stay for very short periods. It is only workers who stay over three months who are to be considered in the scheme.

Employers will not make contributions for workers during the first three months qualifying period. There is therefore a minor penalty placed on workers in that they must serve three months before service commences to be counted for the purposes of long service leave. This penalty is very minor when compared with the benefits of having a scheme based on employment in the building industry.

Clause 21 gives the entitlement to long service leave. The quantum of leave provided—thirteen weeks after fifteen years continuous service—is the same as that provided in the Labour and Industry Act. The detailed entitlements included in clause 21 (2) of the Bill are similar to the entitlements under that Act. The difference of course is that service in the industry is counted rather than service with the one employer.

Clause 22 provides for payment in lieu of long service leave on the death of a worker. These provisions are similar to those in the Labour and Industry Act.

Clause 23 provides that service before the commencement of the Labour and Industry (Long Service Leave) Act 1964 shall be reduced by one-quarter. This is a similar provision to that in the Labour and Industry Act 1958.

Clause 24 provides for the taking of long service leave. The provisions in this clause are also taken from the Labour and Industry Act.

Clause 25 provides that the fund shall not be liable for the payment to a worker for leave taken as a result of the accrual of an entitlement to leave which occurred before 1st January, 1974. The employer would continue to be liable to fulfil his responsibilities under the provisions of the Labour and Industry Act 1958 in relation to that service.

Payments in respect of long service leave, the entitlement to which accrues after 1st January, 1974, are to be made from the fund. Clause 25 (3) provides that the fund shall reimburse employers any amounts paid for leave deemed to have accrued after 1st January, 1974.

Sub-clause (4) provides that where an employee is given long service leave or payment in lieu under the provisions of the Labour and Industry Act 1958, and the employer has during the period of service of that worker paid long service leave charges under the provisions of this Bill in respect of that worker, the employer is entitled to be reimbursed from the fund a proportional amount of the sum paid to the worker on account of long service leave except where the board determines that a lesser sum shall be paid.

An example illustrating the case that is in mind is where, say, a carpenter is employed by a building contractor first as a tradesman, then perhaps as a foreman. During this period, the employer would be required to pay long service leave charges into the fund. The carpenter might then be promoted to a higher position within the original employer's service, say to draftsman, site manager, or clerk of works, which would take him outside the definition of " worker " under this Bill.

Having completed his fifteen years service with the one employer he would be entitled to leave under the Labour and Industry Act. It would be unjust for him to lose his entitlement to leave because of the operation of this Bill so the Bill provides for the recognition of continuity of service with the one employer and also recognition of an employer's reasonable right to be reimbursed on account of payments made to the fund.

Clause 26 provides for a board to be appointed by the Governor in Council to be known as the Building

Industry Long Service Leave Board. The clause provides for a board of seven members, two from a panel of names nominated by the Trades Hall Council and one each from panels of names nominated by the Master Builders Association and the Victorian Employers Federation. There is to be an independent chairman and two other members, one of whom shall have knowledge of or experience in the investment of moneys and one of whom shall be an actuary.

When this clause was being considered in another place, two matters were raised with a view to possible amendments. One related to the panel of names to be nominated by the Victorian Trades Hall Council and the other concerned the appropriate nominating body to represent the sub-contractors in the industry. The Government has given careful consideration to the matters, but has decided not to take action to have the clause amended.

Clause 27 provides for the appointment of deputy members in the cases of members appointed under the provisions of sub-clause (5) and clause 26. Clause 28 sets out the requirements for meetings. Clause 29 provides that the secretary and such other staff as is required to assist the board in the administration of the Act shall be appointed under and subject to the Public Service Act 1958. Clause 30 provides that the board shall submit annually to the Minister a report dealing with the general administration and working of the Act.

Clause 31 provides for the keeping of books and records by employers.

Clause 32 gives the board power to make determinations as to whether work of a particular kind is or is not building and construction work within the meaning of this Bill; whether work so determined by the board to be building and construction work was performed by a particular worker during any specific period; and what are to be regarded as ordinary hours in relation to a particular kind of building and construction work. Sub-clause (3) provides for notice to be given of the board's intention to consider any application. Sub-clauses (4) to (7) relate to dates when the determination is to take effect and the procedure to be followed in any hearing.

Clause 33 provides for the settlement of disputes in relation to entitlements by the Metropolitan Industrial Court, appeals to lie to the Industrial Appeals Court.

Clause 34 provides that the decision of the Industrial Appeals Court shall be final and without appeal and adopts the provisions of the Labour and Industry Act relating to appeals to the Industrial Appeals Court. It also provides for the Governor in Council to make general rules relating to the procedure of the Industrial Appeals Court for the purposes of this Bill.

Clause 35 prohibits contracting out. Clause 36 restricts a worker's entitlement to be paid in lieu of leave and to engage in any employment during the period when he is on long service leave. Clause 37 describes the method to be adopted for acceptable service of notices. Clause 38 provides for refunds in cases of over payment.

Clauses 39 to 47 inclusive have been included in the Bill to ensure that the board has adequate powers to recover long service leave charges from employers who seek to avoid their responsibilities. The provisions are similar to those contained in the Pay-roll Tax Act 1971.

Clause 48 contains the powers of inspectors appointed under this Act and requires each inspector to be furnished with a certificate of his appointment. The clause also adopts the provisions of Division 1 of Part X. of the Labour and Industry Act 1958 in relation to inspectors exercising certain powers.

Clause 49 relates to offences and prescribes a maximum penalty of $1,000, while clause 50 relates to

particular offences under the Act. Again the penalty is not more than $1,000. Clause 51 makes the proof of certain matters in legal proceedings unnecessary. Clause 52 relates to the regulation-making powers of the Governor in Council, whilst clause 53 is a machinery clause. 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, April 29.

The House adjourned at 10.11 *p.m.*

QUESTIONS ON NOTICE.

APPRENTICES.

(Question No. 355)

The Hon. M. A. CLARKE (Northern Province) asked the Minister of Water Supply, for the Minister of Labour and Industry—

(*a*) How many apprentices were unable to enter upon their indentures during the past three years and in 1975 because of lack of space at technical schools or colleges?

(*b*) What steps are being taken to remedy this situation?

(*c*) What categories of apprentices were affected?

The Hon. F. J. GRANTER (Minister of Water Supply): The answer supplied by the Minister of Labour and Industry is—

(*a*) Lack of schooling facilities does not stop an apprentice from being indentured. It defers his schooling until the later years of his apprenticeship. The numbers of apprentices who were unable to gain entry into school during the past three years and in 1975 were—

1972	..	1,006
1973	..	1,550
1974	..	1,708
1975	..	565 (to date)

It should be noted that the cut-off period in respect of these figures was fixed at the end of August in each year.

(*b*) Although the responsibility for provision of schooling facilities is the responsibility of the Education Department, the Government has formed an inter-departmental working party to examine the situation and report quickly to a Cabinet sub-committee on ways of overcoming the problem. Proposals for the setting up of annexes to existing schools are already being examined.

(*c*) The total number apprentices in each trade not yet directed to school as at 8th April 1975, are—

Trade	Number
Auto. Machinist—1st Class	2
Boilermaking	2
Bricklaying	30
Joinery	1
Automotive Electrics	1
Fibrous Plastering	1
Floor Finishing	9
Farming	19
Cabinet Making	10
Gardening and Turf Management	18
Ladies Hairdressing	187
Men's Hairdressing	2
Jewellery Making and Repairing	6
Motor Mechanics	167
Jobbing Moulding and Coremaking	10
Painting and Decorating	10
Painting, Decorating and Signwriting ..	1
Plumbing and Gasfitting	1
Lithographic Camera Operating	1
Refrigeration Mechanic	1
Roof Slating and Tiling	15
Stonemasonry	1
Tradesman Painter	35
Tradesman Panel Worker and Panel Beater ..	28
Wood Machining	7
Total	565

VISITING TEACHER SERVICE FOR DEAF CHILDREN.

(Question No. 386).

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

(*a*) Has the administrative section of the Visiting Teacher Service for Deaf Children been transferred to the site of the Glendonald School for Deaf Children at Kew; if so, why was the transfer necessary, and is it to be permanent?

(*b*) What sections of the school have been occupied, and to what extent is the school disadvantaged in its proper functioning?

(*c*) Are any deaf children being deprived of proper tuition; if so, how many?

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

(*a*) Yes. The transfer was part of a multiple transfer of services:

(i) to provide urgently required accommodation for an increased number of deaf/blind children seeking assistance from the Monnington school. In the transfer these children took up teaching space formerly occupied by the Visiting Teacher Service for Deaf Children;

(ii) to re-locate the Visiting Teacher Service for Deaf Children at vacant accommodation at Glendonald School for Deaf Children.

It is not intended that the Visiting Teacher Service will remain permanently at Glendonald. The Director of Special Services has requested a full report of accommodation requirements at Glendonald to be undertaken by the buildings branch before a final decision as to the location of the Visiting Teacher Service is made.

(*b*) One class-room for former Monnington pupils. The Visiting Teacher Service has occupancy of—

(i) one room previously serving as a vice-principal's office, now used by the principal of Visiting Teacher Service;

(ii) one room previously used as a small library now used by two vice-principals—also serves as a resource centre and filing room;

(iii) one small room used by typist-clerk —this room is also used for stores;

(iv) shared use of a meeting room, used Fridays afternoon only;

(v) shared use of toilet and kitchen.

It should be noted that Glendonald previously housed not only the school facilities for Glendonald pupils but was also used for the accommodation for the College of Teachers of the Deaf (now moved to the Institute of Special Education at Burwood) and the Visiting Teacher Service for Deaf Children.

Since that time the rebuilding of the junior school has also provided increased accommodation. The school is not considered to be disadvantaged in its proper functioning.

(*c*) No.

PERSONS CHARGED WITH MURDER.

(Question No. 387)

The Hon. R. J. EDDY (Doutta Galla Province) asked the Minister for Local Government, for the Chief Secretary—

(*a*) How many people have been charged with murder in the past ten years, and what was the verdict and sentence (if any) in each of these cases?

(*b*) In how many of the above cases was the aggression related to the family or domestic situation?

(*c*) How many of the persons charged were born outside Australia, from what countries did they come, what were their ages on arrival, and how many were involved in a domestic argument which resulted in a killing?

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

(*a*) A total of 458 person were charged with murder during the ten years from 1964 to 1974, inclusive, and 25 of them are still awaiting trial. Of the other persons charged, 67 were found guilty of murder, 150 were found guilty of manslaughter, 49 were declared insane, 61 committed suicide, and 106 were acquitted.

The death penalty was imposed on the 67 persons found guilty of murder and the following prison sentences were imposed on the 150 persons found guilty of manslaughter—

Period of the sentence	Number of persons on whom each sentence was imposed
1 year	*4
18 months	1
22 months	1
2 years	2
2½ years	1
3 years	‡21
4 years	21
5 years	†26
5½ years	3
6 years	11
7 years	23
7½ years	2
8 years	7
8½ years	1
9 years	10
9½ years	1
10 years	9
10½ years	1
12 years	5

*3 released on bonds.
‡3 released on bonds.
†4 released on bonds.

(*b*) One hundred and ninety.

(*c*) Of the 458 persons charged with murder in the past ten years, 139 of them were born outside Australia and they came here from the following countries—

China (1)	Bulgaria (1)
Hungary (6)	Scotland (4)
Italy (27)	Ireland (5)
Canada (2)	Rumania (1)
India (2)	Czechoslovakia (3)
Yugoslavia (27)	Wales (1)
Poland (1)	New Zealand (2)
Holland (3)	Turkey (3)
England (15)	Albania (2)
Malta (4)	Lebanon (4)
Germany (7)	Macedonia (1)
Greece (13)	Spain (1)
Cyprus (2)	Ceylon (1)

The information requested as to the ages of these persons on their arrival in Australia is not available from police records. However, the records show that 55 of these persons were involved in a domestic argument which resulted in killing.

EAST LODDON CONSOLIDATED SCHOOL.

(Question No. 398)

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

(*a*) What is the enrolment at the East Loddon Consolidated School?

(*b*) What is the telephone allowance for this school, and how does this compare with the allowance for a similar school in the Melbourne metropolitan area?

(*c*) What consideration does the Education Department give to the factor that most telephone calls made from this school necessarily incur trunk line charges?

(*d*) Will the Minister of Education review telephone allowances for country primary schools in view of the heavy expense of trunk line calls?

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

(*a*) 215 (February, 1975)

(*b*) Telephone allowance for all schools is a component of the administration allowance.

ADMINISTRATION ALLOWANCES.

	East Loddon Consolidated		City School	
	$	$	$	$
October, 1973 ..	104.00	208.00	70.00	140.00
April, 1974 ..	104.00		70.00	
October, 1974 ..	154.00	397.50	110.00	282.50
April, 1975 ..	243.00		172.50	

(*c*) Administration allowances are weighted for country schools to take into account higher costs of telephone calls and freight charges.

(*d*) The matter is under constant review.

FUNDS FOR SEWERAGE.

(Question No. 417)

The Hon. O. G. JENKINS (South-Western Province) asked the Minister of Water Supply—

(*a*) What was the total amount for 1974–75 made available to Victoria, by agreement with the Commonwealth, under the national sewerage policy?

(*b*) What was the agreed allocation of funds as between the metropolitan area and country Victoria?

(*c*) What funds were allocated to the Geelong Waterworks and Sewerage Trust and, if no funds were allocated, why?

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

(*a*) $33·5 million.

(*b*) Metropolitan $29 million
Country $4·5 million

(*c*) No funds have been allocated to Geelong from the national sewerage programme. The Ministers concerned with the national sewerage programme have agreed that sewerage for Geelong would be considered in the context of growth centre programmes.

TEACHER HOUSING.

(Question No. 427)

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

Has the problem of teacher housing rents been resolved so that maintenance may be carried out on teachers' homes; if not, is an effort being made to resolve the matter?

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

The problem of teacher housing rents has not been resolved. Efforts are being made to overcome this problem as soon as possible.

Legislative Assembly.

Wednesday, April 23, 1975.

The SPEAKER **(the Hon. K. H. Wheeler)** took the chair at 2.34 p.m., and read the prayer.

ABSENCE OF MINISTER.

The SPEAKER (the Hon. K. H. Wheeler): I have to announce that owing to Government business, the Premier will be absent from the House during question time today.

DEATH OF THE HONORABLE SIR ARCHIE MICHAELIS.

Mr. THOMPSON (Deputy Premier): Mr. Speaker, I desire to move—

That this House expresses its sincere sorrow at the death of the Honorable Sir Archie Michaelis, and places on record its

acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as Member of the Legislative Assembly for the electoral district of St. Kilda from 1932 to 1952, Speaker from 1950 to 1952 and Minister of the Crown in 1945.

Sir Archie Michaelis was first elected at a general election on 14th May, 1932, for the electoral district of St. Kilda, and he retained that seat until 6th December, 1952. He was Secretary and Whip of the United Australia Party from 23rd June, 1943, to 21st September, 1943. He was Temporary Chairman of Committees from 27th June, 1944, to 2nd October, 1945, from 11th December, 1945, to 26th June, 1947, and from 30th March, 1949, to 12th April, 1950.

He was Speaker of the Legislative Assembly from 20th June, 1950, to 31st October, 1952, and he was also Minister without portfolio in the Macfarlan Ministry from 21st October, 1945, to 21st November, 1945.

Sir Archie Michaelis was a member of the following Select Committees—Working Week, Unemployment Insurance and Other Industrial Matters in 1935; Joint Library Committee from 1937 to 1945 and 1950 to 1952; Standing Orders Committee from 1947 to 1952; Joint House Committee from 1950 to 1952; and Printing Committee from 1950 to 1952.

He was created a Knight Bachelor on 1st January, 1952. Sir Archie Michaelis had a very full life, a life that was full of active service for his country and for the community in which he lived. He served in the first Australian Imperial Force in France with distinction, and was a member of the Australian Imperial Force from 1914 to 1919. He was President of the Jewish Board of Deputies; President of the Synagogue; Vice-President of the Alfred Hospital for a term, which must surely be a record one, from 1935 up until as recently as 1972. He was a man who retained his association with members of Parliament and especially the Parliamentary Library. He was a regular user of the Parliamentary Library and also was responsible for making a number of donations of valuable books to the Library. He was a philanthropist in the true sense of the word, but a quiet, unassuming one. It was not untypical of Sir Archie that on hearing of a widow in trouble about paying rent, with the possibility of being evicted from the house, it was his habit to wander down, find the landlord, and pay the rent for the following two months. That was typical of the way in which Sir Archie operated. He was indeed a kindly, generous man.

In the Parliamentary field, as you will realize from the record I have just enumerated, Mr. Speaker, he had a long period of outstanding service. The highlight would be his membership of the Legislative Assembly for a twenty-year term during a period in which politics were relatively turbulent and Governments went in and out of office fairly frequently. Despite that he decisively retained the seat of St. Kilda for two decades. Sir Archie Michaelis was also highly regarded as Speaker of the Legislative Assembly for two and a half years from the middle of 1950 until towards the end of 1952. The community has been very much the better for the life of the late Sir Archie Michaelis. He rendered outstanding service not only in the military forces of this country, but as a member of the Jewish community and in the broader field of the Australian community.

We mourn the passing of Sir Archie Michaelis. On behalf of honorable members on the Government side of the Legislative Assembly, I extend deep sympathy to members of his family.

Mr. HOLDING (Leader of the Opposition): I second the motion moved by the Deputy Premier. One can only pause and give thanks for the life of dedication and service of the late Sir Archie Michaelis. Sir Archie was a man of broad vision and, as a personality, he was generous to a fault.

During some of the most turbulent periods in the history of this Parliament, Sir Archie Michaelis

brought to the Chair of the Legislative Assembly not only a regard for the traditions and precedents of the House but also a great sense of humour which helped to reduce the effect of or avoid some critical situations. The Deputy Premier has given the House the formal record of Sir Archie's career. That record is impressive on any view. He served the community, his electorate, the Jewish members of the community, and this Parliament faithfully and well.

I knew Sir Archie Michaelis, when I was a young man, as one of our elder statesmen, but any man who met him could not fail to be impressed by the breadth of his vision and his willingness to serve all sections of the community. On behalf of the Opposition, I heartily endorse the statements of the Deputy Premier and extend deepest sympathy to his family.

Mr. ROSS-EDWARDS (Leader of the Country Party): I join the Deputy Premier and the Leader of the Opposition in paying tribute to the late Sir Archie Michaelis. For twenty years Sir Archie represented the electorate of St. Kilda in this House, and that at a time of fluctuating political fortune. In itself, that was an outstanding achievement.

Sir Archie had a close association with members of the Country Party as he was Speaker from 1950 to 1952, during the period of office of the McDonald Government. Sir Archie Michaelis had to bear a heavier burden than most people because the Government was very much a minority Government. One can imagine some of the problems which faced him in those hectic times.

Sir Archie served his country in every way possible. He went overseas with the Australian Imperial Force in the first world war. He had an outstanding business record, having succeeded his father in running a family company which became a household name in Australia. The company was formed 110 years ago by his father and it is amazing that two men should have dominated a successful public company for such a long time.

The Deputy Premier referred to Sir Archie's fine service to the Jewish community. I particularly direct attention to the wonderful work which he did in making welcome to Melbourne and Victoria the many refugees who came here just before the beginning of the second world war. At that time, Jews coming to Australia were not so readily accepted by the community as they are today. With his high standing and his personal integrity, Sir Archie did much to make those refugees welcome and to make life bearable for them at a difficult time.

I join my colleagues in expressing deepest sympathy for members of his family.

Mr. MITCHELL (Benambra): I join with the Deputy Premier, the Leader of the Opposition, and the Leader of the Country Party in paying tribute, not only to a political colleague whose memory I cherish, but also to a personal friend whose memory I hold dear.

The late Sir Archie Michaelis was educated at the famous English public school, Harrow. He there acquired all the erudition and the values to be gained from tradition and evolution in the training of youth of a school which possibly gave more leaders to England than any other school. But not once did he lose his love of appreciation of the worth of his native land of Australia. He was never excessively English or excessively Australian. To my mind he combined the attributes of both and was an example that could be followed by more people today. We are British and we cannot separate from the Motherland.

In regard to the safety of this country, the late Sir Archie Michaelis was an inspiring light that we could do well to follow. As previous speakers have said, he joined the Australian Imperial Force instead of possibly an English regiment. He did

his bit on the western front, then returned to Victoria and entered into the life of the State.

He began his political life in this House at a time of trial, unprecedented difficulty, stress, near starvation and hardship, and he pulled his weight in the House in those difficult days. He also showed to the full extent the attributes that previous speakers have touched on, a genuine and sincere love for his fellow man who was not so favourably situated as he was. His quiet and unobtrusive acts of generosity were many and varied.

Sir Archie Michaelis was a member of this House during the war years, when this nation was threatened and enemy action took place on this continent for the first time. They were difficult years with the future uncertain. Then came the time when he was elected Speaker, and the difficulties which have been outlined by the Leader of my party during those rather knife-edged brinkmanship days were made easier because of his worth and personal sympathy to all honorable members, his neutrality, his cheerful personality and his character. He had practically no difficulty during those days in controlling the House.

Sir Archie Michaelis had a keen appreciation of art, not just because he collected grand masters or similar works but because he admired the skill of the artist in portraying the life and the scenery of this country. I had the privilege of seeing some of his paintings at his home and I realized that with his pictures and his books he was not trying to be flamboyant or show some psuedo-academic knowledge but that he had a deep appreciation of the skill of the pen, the paint brush and the pencil when used to portray the life of this country and what lies behind it.

Sir Archie Michaelis was an extremely good businessman with a revered firm, which was highly respected. Moreover, he was a very good family man and to my mind everything that an Australian should be. Like my Leader, I extend my condolences to his family. It is a bad day for Australia when we mourn the passing of Sir Archie Michaelis.

Mr. DOUBE (Albert Park): I wish to pay my tribute to the memory of the late Sir Archie Michaelis. I entered this House in 1950, the year in which he was elected Speaker. He had, of course, been a member for many years before that. As was proper, one regarded the Speaker with great awe, but all honorable members were much impressed with the kindly and friendly way in which Sir Archie treated them in the House and whenever he saw them in other parts of the building. He was always ready to assist honorable members, and I am grateful for the help that he gave me. I join with the Deputy Premier, the Leader of the Opposition, the Leader of the Country Party and the honorable member for Benambra in paying my respects to his memory and conveying my condolences to his relatives.

Mr. DIXON (Minister for Youth, Sport and Recreation): When Sir Archie Michaelis terminated his service to the Parliament of Victoria I was still a boy at Melbourne High School, but since becoming the member for St. Kilda I have from time to time been involved with Sir Archie, who retained a fervent interest in the people of St. Kilda, his community and his activities. Anybody who has read the history of St. Kilda will know of the tremendous service that he has given to all the people who from time to time have lived in St. Kilda. It is right and fitting that I should pay not only my personal tribute but also a tribute on behalf of all the people of St. Kilda whom Sir Archie Michaelis served so well.

The SPEAKER (the Hon. K. H. Wheeler): I join with other honorable members in offering my condolences to the family of the late Sir Archie Michaelis. Unlike other honorable members who have spoken, I had the pleasure of meeting Sir Archie on only few and rare occasions, but I

was able to form an opinion that he was a likeable, kindly man of outstanding ability. I knew him better in business life because he was chairman of Michaelis Hallenstein and Co. Pty. Ltd., tanners and makers of leather goods, and I recognized his force and his ability in that sphere.

In private life, as has been said, he was a well-educated man, both here and abroad, and was a keen observer of his religious faith. Throughout his busy life he also found time to be associated with the Patriotic Funds Council, which made calls upon many of us, and he was closely associated with the Alfred Hospital.

Some of the rulings that Sir Archie Michaelis gave as Speaker have been referred to on numerous occasions by subsequent Speakers. I can only say that those rulings were those of a most capable Speaker and they have been referred to as being authoritative. Therefore, I join with other honorable members in conveying my sympathies to his family.

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

ADJOURNMENT.

Mr. THOMPSON (Deputy Premier): I move—

That, as a further mark of respect to the memory of the late Honorable Sir Archie Michaelis, the House do now adjourn until 4 o'clock this day.

The motion was agreed to.

The House adjourned at 2.49 *p.m.*

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

QUESTIONS WITHOUT NOTICE.

PORNOGRAPHY.

Mr. WILKES (Northcote): Can the Chief Secretary inform the House what action he proposes to take to resolve the question of the 100 tons of so-called pornography that was seized by the police and is now stored in Wellington Street, Collingwood? Is this the property of the Chief Secretary and, if so, when does the honorable gentleman propose to pay for it and what does he intend to do about this pornography?

Mr. ROSSITER (Chief Secretary): It is 72 tons; let us get the record straight. A civil action is now in process between the publishers and the printers regarding who is to be compensated for this material, and until that is resolved I cannot do a thing.

IMPORTED POTATOES.

Mr. A. T. EVANS (Ballaarat North): Is the Minister of Agriculture aware that processed potatoes, namely, French fried potatoes, equivalent to 20,000 tons of fresh potatoes, were imported into this country in the four months from October, 1974, to January, 1975, from Canada and that it is alleged by potato growers that the main bulk of these were imported by McCain Foods (Australia) Pty. Ltd.? In view of the fact that the Victorian Government has generously assisted this company to establish in Australia will the Minister confer with McCain Foods (Australia) Pty. Ltd. in an attempt to induce the company to cease importing potatoes which has resulted in the price payable to the Australian potato grower being uneconomical?

Mr. I. W. SMITH (Minister of Agriculture): I have been concerned about the recent level of potato imports which has undoubtedly led to a disastrous fall-off in price. I do not think anyone would mind potatoes being imported when prices reach the high levels that they reached at one stage last year, but after a reasonable reduction I think there should be quotas or alternatively that tighter restrictions should be placed on imports from overseas. An appeal has been made to the Federal Government, but so far there has been no response although the request was made some considerable time ago, and in the intervening period the

price of potatoes has dropped further and is causing concern for the viability of the potato industry in Victoria.

I am happy to adopt the suggestion of the honorable member that I discuss the matter of potato imports with McCain Foods (Australia) Pty. Ltd. I propose to do this after the House rises, and if I can arrange it I shall go to see the plant at Ballarat and talk again to potato growers in the area. I must emphasize that an approach has been made to the Federal Government to limit the imports of potatoes. It is a responsibility of the Federal Government, and we look to it to take a lead and to make sure that the industry is not brought completely to its knees.

COMMONWEALTH GRANT FOR AREA IMPROVEMENTS.

Mr. ROSS-EDWARDS (Leader of the Country Party): Is the Deputy Premier aware of the recent agreement signed between the Commonwealth and the State of Victoria under which a grant of $4·25 million is available from the Commonwealth for area improvements in Melbourne and near-metropolitan areas? Was the condition of where the money was to be spent dictated to the Victorian Government by the Federal Government or was it consequent upon an agreement being reached by the Victorian Government and the Federal Government?

Mr. THOMPSON (Minister of Education): The Premier has recently been negotiating with the Commonwealth in this general area and, I understand, will be in a position in the near future to make a statement which will answer the detailed questions raised by the Leader of the Country Party.

UNWRAPPED BREAD.

Mr. HOLDING (Leader of the Opposition): Can the Minister of Health inform the House what research, if any, has been conducted by his department and what are the results of such research for the purposes of establishing what diseases are caused or contributed to by the sale of unwrapped bread?

Mr. SCANLAN (Minister of Health): Over a period of two years the Commission of Public Health has given full consideration to all matters relating to the handling of bread, milk, meat and dairy products and to the food cleanliness regulations that ensure the well being and health of the Victorian people. Following its meeting yesterday the Commission of Public Health determined that the return of all bread should be permitted. That recommendation has now been furnished to me and will require an amendment to the regulations enabling the return of all bread both unwrapped and wrapped.

FOOTSCRAY HIGH SCHOOL.

Mr. FOGARTY (Sunshine): In view of the disastrous fire at the Footscray High School, Wembley Avenue, Spotswood, what action has the Minister of Education taken to relocate the pupils and the classes? Has any compensation or coverage of pupils and staff been made because of personal loss suffered in the fire, and is it the intention of the Minister to apply for a loan from some other authority because of the loss to the Education Department, the staff and the pupils?

Mr. THOMPSON (Minister of Education): The honorable member for Sunshine asked three questions, and I shall answer them in reverse order. Firstly, in view of the fact that Victoria has lost more than $6 million because of fires at schools in the past five years, it would not be unreasonable for a special grant to be made available for schools by the Commonwealth Government. Secondly, I have asked for details to be compiled of the property that was destroyed in the sixteen class-room block to determine what remedial action can be taken by the Education Department. Thirdly, in regard to the relocation of pupils, I visited the

school at 9 a.m. today and discussed the possible relocation with the principal of the school, Mr. Dyett, the regional director, Mr. Ginger, and the honorable member's colleague, Mr. Knight.

The decision that was reached this morning was to make use of available space at the Francis Street, Yarraville Primary School. That school has recently been rebuilt, and the new school will be ready for occupation in a week or two. All that remains to be done to allow reasonable occupation standards is for the water to be connected. I have asked that this be done immediately.

This proposal would release a school of approximately seventeen or eighteen class-rooms, and it is located within only a mile of the Footscray High School. There may still be a problem because the senior students would not have access to library facilities. Negotiations are taking place with representatives of other secondary schools in the area, so that the senior pupils from Footscray High School could attend one or more of these schools to use the library facilities there. Transport for this purpose will be provided by the Education Department.

I understand that, following further consideration of the matter during the day, some variation of this arrangement may be preferred. If this is so, I shall endeavour to determine what changes are desired and whether it would be preferable to have a number of portable class-rooms placed adjacent to the burnt block and thus allow the school to remain on the existing site of the Footscray High School. Every care will be taken and top priority will be given to providing the best possible alternative accommodation so that a minimum of interruption will occur to the schooling of the students, particularly those undertaking the higher school certificate course.

ROAD SAFETY AND TRAFFIC AUTHORITY.

Mr. REESE (Moorabbin): I ask the Chief Secretary whether it is a fact that late in 1974 the Road Safety and Traffic Authority commenced a survey to determine the volume of traffic using the section of the Nepean Highway from Cochrane Street, Elsternwick, to South Road, Moorabbin, with a view to establishing an extension of the clearway on that narrow section of the highway? If so, has the survey been completed and what was its result; if not, when will the survey be completed?

Mr. ROSSITER (Chief Secretary): The Road Safety and Traffic Authority is concerned with the problem of widening eventually all the Nepean Highway from Gardenvale through to Moorabbin. When this is done, the Nepean Highway will be a magnificent four-lane highway from Princes Bridge to Mordialloc.

Until this is done—and the stretch referred to by the honorable member is the last stretch of the highway that has to be done; it will cost millions of dollars, and engineering problems are also involved—other methods of helping the traffic to flow smoothly in the morning and afternoon must be devised.

As the honorable member for Moorabbin implied in his question, various counts are being carried out in an effort to keep the traffic in the area flowing freely. Both the Brighton and Moorabbin city councils are concerned, as is the Caulfield City Council, so the matter is receiving direct and energetic consideration.

I ask the honorable member to place the second part of the question on notice.

MITCHELL RIVER SILT JETTIES.

Mr. B. J. EVANS (Gippsland East): Is it a fact that the Minister for Conservation has recently received a report on the Mitchell River silt jetties? If so, can the honorable gentleman indicate who prepared the report, the

nature of the report, and whether he will make a copy available to interested honorable members?

Mr. BORTHWICK (Minister for Conservation): On a number of occasions since being appointed Minister of Lands, I have had reason to give thought to the silt jetties leading from the mouth of the Mitchell River. To be candid, I am not certain whether I have had what might be called a recent report in the past few months. I will investigate the matter and inform the honorable member.

MEDIBANK.

Mr. EDMUNDS (Moonee Ponds): I direct a question to the Minister of Health. As it is a fact that under the present health services in Victoria pensioners are not entitled to free specialist service, and under the proposed Medibank service from the Australian Government they will be entitled to services from specialists free of charge, what action does the Government and the Minister intend to take to ensure that from 1st July until the introduction of Medibank, pensioners can receive free specialist treatment?

Mr. SCANLAN (Minister of Health): The honorable member must be aware that on 1st July Medibank will be introduced to this State for that part which is known as the medical side. That has nothing to do with the State Government and is entirely a matter between the medical profession and the Commonwealth Government. However, on the hospital side, pensioners in this State receive free hospital treatment in public wards, and as part of that treatment they receive specialist treatment in the hospital.

MARIJUANA.

Mr. SUGGETT (Bentleigh): Has the Attorney-General seen reports that the Australian Government intends to legislate to override State laws to make the use of marijuana a lesser offence? In other words, it will be an offence but a minor offence —this is similar to the statement that a person is a little bit pregnant. If this is so, will the Minister take steps to challenge this unwarranted intrusion into State rights in the laws of this country? If not, why not?

Mr. WILCOX (Attorney-General): I have seen the reference to which the honorable member refers, and if the Commonwealth Government—which does all sorts of strange things—decides to lower the penalties attached to the taking of marijuana in the Australian Capital Territory and the Northern Territory——

Mr. DOUBE (Albert Park): On a point of order, Mr. Speaker, under the rules that this House made regarding questions, hypothetical questions must not be asked. The honorable member is assuming that something will happen and has asked a question. The Minister has prefaced his reply by saying "if". Therefore, I submit that the question is hypothetical and out of order.

The SPEAKER (the Hon. K. H. Wheeler): Order! The honorable member for Bentleigh asked a question along the lines of whether the Attorney-General had seen a report, whether the Federal Government intended to legislate on marijuana, and what action the Attorney-General intended to take if that were so. I cannot uphold the point of order. I ask the Minister to take note of the question and to answer it as precisely and quickly as possible.

Mr. WILCOX (Attorney-General): I did take a note of it and I am doing my very best, as usual. If the penalties are going to be lowered, that is the business of the Federal Government as it covers the Australian Capital Territory and the Northern Territory, but the view taken——

Honorable members interjecting.

The SPEAKER (the Hon. K. H. Wheeler): Order! I ask honorable members to listen to the Attorney-

General. If they do not agree with the reply given, that is their prerogative.

Mr. WILCOX: There are available a variety of drugs which can be used and the control of that use is a matter which all honorable members would, I am sure, view seriously. This Parliament has no doubt viewed it seriously because of the penalties which have been imposed. In the circumstances, I would have thought that this Parliament would be very concerned if there was some attempt to override——

Mr. WILTON (Broadmeadows): On a point of order, Mr. Speaker, the Attorney-General has had more than a fair go. Honorable members have a limited time in which to ask questions and it has been clearly established that if the national Government decides to do something, that is clearly outside the scope of the Attorney-General. The honorable gentleman is now going on to talk about what views this Parliament might have about the law. I submit that the honorable gentleman is deliberately abusing the privileges of this Parliament.

Mr. WILCOX (Attorney-General): I take exception to the honorable member for Broadmeadows referring to my abusing the forms of the Parliament. I find that offensive and I ask him to withdraw.

The SPEAKER (the Hon. K. H. Wheeler): Order! I uphold the first part of the point of order raised by the honorable member for Broadmeadows because it is not the prerogative of this Parliament to refer to what action the Federal Government takes in its own right. However, I cannot uphold the second part of the point of order because the Attorney-General is attempting to answer the question as quickly and as deliberately as he possibly can. I ask the Attorney-General to answer the question.

Mr. HOLDING (Leader of the Opposition): On a further point of order, Mr. Speaker, rulings have been given in the past that questions cannot be asked on action taken by another Parliament. I submit it follows logically from that, that a question directed to a Minister in this House on action contemplated to be taken by another Parliament is even further out of order. Having ruled, and properly ruled——

Mr. CRELLIN: What about Medibank?

Mr. HOLDING: The honorable member for Sandringham should go and talk to his bull mastiff and he might get an intelligent answer.

The SPEAKER: Order! The Leader of the Opposition should ignore interjections and come to the point of order.

Mr. CRELLIN: I will take the dog any time.

Mr: HOLDING: With respect, you do.

The SPEAKER: Order! I appeal to honorable members to cease interjecting.

Mr. HOLDING: With respect, you ruled, and properly ruled—there is precedent for that decision—that a Minister in this House cannot be asked a question relating to action taken by another Parliament or by a Minister in another Parliament. It follows logically that it is out of order for an honorable member to ask a Minister in this House a question related to the theoretical possibility of some action which might be contemplated by another Parliament. I submit that, having ruled the first aspect of the matter out of order, you are bound by your own ruling, Mr. Speaker, to rule the second part out of order.

The SPEAKER (the Hon. K. H. Wheeler): I shall repeat what I said in my original statement when this point of order was raised. The question was quite clearly, as I understood it, "Did the Attorney-General see a report in respect to certain action, etc., etc. In respect to that,

what action does the honorable member intend to take ". That is the only part of the question that can be admitted.

Mr. WILCOX (Attorney-General): Before I answer it, Mr. Speaker, I have indicated that I found the remarks of the honorable member for Broadmeadows offensive to me in so far as he said that I was abusing the forms of this House. I was doing no more than acting in accordance with the directions which you have given on the way in which to conduct question time, and I ask the honorable member to withdraw those remarks.

The SPEAKER: Order! I do not want the honorable member for Footscray to make the decision. The Attorney-General believes the words uttered by the honorable member for Broadmeadows are offensive and he asks that they be withdrawn. I am sure that the honorable member will comply.

Mr. WILTON (Broadmeadows): It is with regret that I am unable to accede to your request, Mr. Speaker, because I do not accept that the words I used were offensive.

Mr. FORDHAM (Footscray): On the point of order, when previous rulings on matters such as this have been given, the decision whether the words would be regarded as offensive rested with you, Mr. Speaker. It is clearly stated in *May* that it is only when the Speaker regards a statement as unparliamentary that a member can raise a point of order. I am sure that if you check the reference, you will support that argument.

Mr. WILKES (Northcote): On the point of order, Mr. Speaker, I desire to direct your attention to previous rulings on this matter by Speaker McDonald. I refer specifically to an occasion when the former Premier, Sir Henry Bolte, made a remark to the Leader of the Opposition during a debate in which two members were suspended. The then Speaker ruled that it was the Chair which determined whether the remark of the Premier was offensive or not, and that was carried, Sir.

Mr. HOLDING (Leader of the Opposition): On the point of order, Mr. Speaker, I suggest that you might well be guided by rulings given by previous Speakers on the use of the term " lie ".

The SPEAKER (the Hon. K. H. Wheeler): That word was not used.

Mr. HOLDING: It may assist you in this way. It has been alleged on a number of occasions that to say that a member has lied is not unparliamentary, but that the concept of a deliberate lie is involved, and that it must be contended that the honorable member has deliberately lied and that is offensive. I submit to you following that analogy, that to say the Attorney-General has abused the forms of the House merely constitutes the opinion of the honorable member for Broadmeadows. You, Sir, are entitled to disagree with that. If the honorable member for Broadmeadows said that the Attorney-General had deliberately abused the forms of the House, that would bring the statement into a category which you could well find was offensive. But to say a member has abused the forms of the House can connote that the member concerned might well be abusing the forms of the House quite unknowingly, and that statement *per se* cannot be held to be offensive. To find it so would be, in my view, stretching the rules of this House considerably. It does become a matter of opinion. If the honorable member for Broadmeadows has his view, and the Attorney-General has a different view, it might become a courtesy between members. In my view it is a wrong extension to rule that this sort of terminology must be withdrawn.

Mr. DOUBE (Albert Park): On a point of order, Mr. Speaker, I suggest that the Minister is confusing his rights to have certain words withdrawn. *May* lists particular words as unparliamentary.

Mr. WHITING: You are making it up.

Mr. DOUBE: Some honorable members do not spend much time examining *May*. The words classified by *May* as unparliamentary must automatically be withdrawn once their use is directed to the attention of the Speaker.

If an honorable member takes exception to any other words, you, Mr. Speaker, must decide whether they are objectionable and must be withdrawn. That is borne out by a reading of *May* and of Standing Orders, and is in line with the spirit of Standing Orders. Debate could stop if it were possible for an honorable member to insist on the automatic withdrawal of any words used by another honorable member, to which he objected, unless you, Mr. Speaker, passed judgment on them. For instance, during debate on a Bill when something was a matter of opinion, an honorable member could consider that something said was unfair and prejudiced. If he was able to demand a withdrawal, the debate in process would come to an end.

The point made by the honorable member for Footscray is valid and, in the interests of debate in this House, must be upheld. Words should not have to be automatically withdrawn unless they are among those specified by *May* as unparliamentary. If an honorable member objects to other words or expressions, by the precedents of the House, you, Sir, must make a decision on whether a request for their withdrawal is reasonable.

Mr. WILCOX (Attorney-General): In the circumstances of this case, Mr. Speaker, I realize that the honorable member for Broadmeadows is in a difficult position this week, and I withdraw my request for a withdrawal.

The SPEAKER: In the best traditions of the House, the Attorney-General has withdrawn his request for the honorable member for Broadmeadows to withdraw the expression used.

Mr. WILCOX: I shall answer the final part of the question.

Mr. DOUBE (Albert Park): Mr. Speaker, on a point of order, you have been asked to rule on a matter which is of extreme gravity to the House. A precedent could be established one way or the other. I suggest that, while you were being asked to give a ruling, it was improper for the Attorney-General to cut across your opportunity to do so by withdrawing his request, particularly by withdrawing it in the fashion in which he did.

Mr. THOMPSON (Minister of Education): On the point of order, Mr. Speaker, I suggest that in view of the withdrawal of his request by the Attorney-General, the matter is satisfied.

The SPEAKER: Order! I was quite ready to rule on the matter, but when the Attorney-General indicated, in the best interests of the House, that he would withdraw his request, there was no need for me to give a ruling.

Mr. WILCOX (Attorney-General): I shall answer the final part of the question—I hope without any point of order being raised. The honorable member for Bentleigh is concerned at the overriding of laws made by this Parliament by Commonwealth laws which are proposed and suggested in this matter. When that time finally comes, it will be time to worry about that.

I would not have any hesitation in saying—for reasons I shall not go into—that the Commonwealth Parliament and the Commonwealth Government will have great difficulty, in this situation, in having their law override the State law.

PETITION.

UNWRAPPED BREAD.

Mr. ROPER (Brunswick West): I present a petition from certain citizens of Victoria praying that the House take such action as it may to ensure that Health Regulation No. 56

is reviewed in order that the requirements for unwrapped bread are similar to those requirements relating to wrapped bread. The petition is respectfully worded, is in order, and bears 6,604 signatures. I desire the petition to be read.

The Clerk read the petition, which is in the following terms—

THE HONORABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY IN PARLIAMENT ASSEMBLED:

This humble petition of we the undersigned citizens of the State of Victoria respectfully showeth that the implementation of Health Regulation 56 Sub-section (2) of the Cleanliness (Food, Drugs and Substances) Regulations 1975 would have the effect of discouraging the sale of unwrapped bread.

We petitioners respectfully submit that people should have a right to choose as many different types of bread as possible.

Your petitioners therefore humbly pray that this House request the Honorable the Minister for Health to reconsider his decision to introduce Regulation 56 Sub-section (2) as it applies to unwrapped bread and for unwrapped bread to be treated similarly to wrapped bread in Health Department regulations.

Your petitioners, in duty bound, will ever pray.

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

PAPERS.

The following papers, pursuant to the directions of an Act of Parliament, were laid upon the table by the Clerk—

Public Service Act 1958—Public Service (Public Service Board) Regulations—Regulations amended—Nos. 371 to 378 (eight papers).

EDUCATION (ADMINISTRATION) BILL.

Mr. THOMPSON (Minister of Education), by leave, moved for leave to bring in a Bill to amend the Education Act 1958 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

GRIEVANCE DAY.

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

That so much of Standing Order No. 273G as permits four hours' debate be suspended for Thursday 24th April, and that Government business do take precedence on that day from 1 p.m.

The motion was agreed to.

POLICE REGULATION (PENSIONS) BILL.

Mr. HAMER (Premier and Treasurer): I move—

That this Bill be now read a second time.

It is a simple measure to apply to pensions to police widows and dependants under the Police Regulation Act the same principles as will apply in the State superannuation scheme with the passing of the Superannuation Bill 1975. Basic widows pensions will be increased by 6⅔ per cent.

Provisions parallel to those in the superannuation Bill will apply to widows' pensions in relation to marriage after retirement; *de facto* widows; and widowers of married women officers.

Children's pensions will be calculated as a proportion of officers' retirement pensions subject to the operation of a minimum of the present level of benefit on the same basis as provided in the Superannuation Bill 1975.

No change is made by this Bill in basic police pensions under the Police Regulation Act because they are already commensurate at relevant retiring age with the new proposals in the Superannuation Bill. I commend the Bill to the House.

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

It was ordered that the debate be adjourned until Wednesday, April 30.

LOCAL GOVERNMENT (CITY OF RINGWOOD) BILL.

Mr. DUNSTAN (Minister of Public Works): I move—

That this Bill be now read a second time.

Its purpose is to validate a small amendment to a scheme for construction of a group of private streets—known as the Cuthbert Street group—in the City of Ringwood.

I shall trace briefly the history of the case. The council prepared a scheme for construction of 13,000 feet of streets under the provisions of Division 10, Part XIX. of the Local Government Act. There are 239 properties and the total estimated cost is $564,000.

One of the properties in the scheme is owned by the Education Department as a site for a primary and a secondary school; development of the site has just commenced. The Local Government Department agreed to make an *ex gratia* payment for the Education Department property. The estimated amount was $42,942, which included $5,416 for a loading bay along Marlborough Road to provide for parents putting down and picking up children by car.

Before design plans were finalized the council held three meetings with the property owners to ascertain the wishes of the people in relation to factors that they wanted taken into account, including retention of trees and provision for footpaths.

First Schedule notices were served in September last and only eight objections were received. After consideration these were disallowed by the council. The scheme was adopted without modification and Second Schedule notices served on the objectors.

One of the original objectors repeated his objection. This was directed at the location of the loading bay opposite his property and he also contended that 90 per cent of the construction cost of Marlborough Road should be borne by the Education Department and only 10 per cent by the other frontagers.

At that time the Education Department decided that instead of the school fronting Marlborough Road it should front an adjacent street, Waters Grove. Consequently, it was agreed that the loading bay be moved from Marlborough Road to Waters Grove.

When this information was conveyed to the objector he withdrew his objection, with the result that the objection was deemed to have never been made. He gave the councillor and the officer who discussed the matter with him the clear impression that he was completely happy with the answers he had received and the decision to move the loading bay.

After the scheme was finally settled and adopted tenders were invited for the work and a number of attractive, competitive bids were received. The council was about to accept the lowest tender when a further letter was received from the objector, asking when council was going to prepare a new scheme, which would be necessary to provide for the new position of the loading bay, as he wished to have the opportunity to object to the proposed construction.

The council has been advised by eminent counsel that the relocating of the loading bay cannot be regarded as a minor variation to the scheme as provided in the Act, and so, technically, a new scheme should be prepared. This could delay the scheme six months, lose the advantage of a most attractive tender, and result in not less than a 15 per cent increase in costs. I might add that already an allotment with a 55-ft. frontage has an estimated liability of $1,750.

Clearly, if the council had known that the objector was going to have a change of heart his objection would have gone to the arbitrator for resolution. The council, in good faith, believed it was making a very minor change to the scheme, which suited the objector, and at the same time planned to put the loading bay where it would be used, and all at no cost to people in the scheme. The acceptance of this Bill will validate the

council's action, put the loading bay where it belongs to serve the new secondary school, and at the same time save the property owners in the scheme at least $75,000. 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, April 30.

STOCK MEDICINES (AMENDMENT) BILL.

Mr. I. W. SMITH (Minister of Agriculture): I move—

That this Bill be now read a second time.

The purpose of the Bill is to update the Stock Medicines Act 1958 and to bring it into line with recently-amended, parallel legislation in this State, in particular the legislation relating to fertilizers, pesticides and stock foods.

One of the main proposals in the Bill is to provide for a three-year registration period for stock medicines, as against the present requirement for annual renewal of registration. This principle has been agreed upon by the Australian Agricultural Council as one which should be implemented in the various States. Action has already been taken in relation to the three other areas mentioned and the move to introduce a three-year registration period for stock medicines has the full support of the veterinary chemical and other industries involved in the production of stock medicines as it will ease the workload on the manufacturers. It will also simplify the registration procedures and the processing of application by the Stock Medicines Board.

Opportunity has been taken to make some further amendments in the light of experience by the board in administering the Stock Medicines Act over the years. The board has required that applications for registration of stock medicines should be accompanied by documentation providing scientific evidence to substantiate the claims made for the particular stock medicine. The Stock Medicines Board, in consultation with the Pharmacy Board and the Poisons Advisory Committee, has been concerned at the possibility of mistakes in prescription where the distinctive name of the stock medicine is a series of symbols only, or where the distinctive name is closely related to some other product used in human or animal medicine. Accordingly, it has been agreed between the registering authorities that, to avoid the possibility of dispensing or usage mistakes, the distinctive name of any stock medicine should indicate the nature, purpose or formulation of the medicine.

It has also been agreed that the proper place for claims to be registered is in the appropriate part of the application form defined in the regulations, and that the distinctive name of the stock medicine should not contain any claim implied or explicit. Action has been taken to permit the disclosure of information relating to formulae in the case of emergency, such as suspected poisoning of humans. Provision is made for this information to be disclosed to the Department of Health or to the Poisons Information Centre.

With the three-year registration, there is a clear need for power to cancel the registration and this power has been provided to the Director of Agriculture upon recommendation of the board, where the cancellation is considered to be in the public interest.

I turn now to the Bill. Clause 2 provides for a definition of the words "distinctive name". These words are used in the Act and regulations and it was considered necessary that there should be a precise definition. The definition of "registration period" is extended to three years commencing on 1st July, 1975. The definition of "stock medicine" includes the word "cure". The view of the board over the years is that a claim to cure cannot be substantiated in relation to medicaments, and it is

proposed that the word "treat" should be substituted as more reasonable.

There have also been difficulties in making a decision on what substances fall into the category of "stock medicine" as distinct from "stock food" or merely cosmetic preparations. More precise definition of "stock medicine" is required in relation to this, and the second part of the definition of "stock medicine" has been altered accordingly.

Clause 3 relates to the statutory members of the board. Under the Act, there is no nominated chairman or person who shall be chairman in the absence of the chairman and this deficiency is remedied. Clause 4 further tidies up the matter of a three-year registration, as distinct from an annual registration.

Clause 5 makes provision for advising the Department of Health or the Poisons Information Centre of the prescription or chemical composition of stock medicines. This clause has been inserted at the request of the Department of Health so that chemical composition data can be made readily available in the event of suspected human poisoning cases. Clause 6 has also been inserted at the request of the Department of Health to allow for freedom of communication in the event of suspected poisoning.

Clause 7 proposes to validate policies which have been administered by the Stock Medicines Board for a very considerable number of years, in that the board, in dealing with new applications for registration of stock medicines, has required that the applicant supply to the board scientific evidence to substantiate the claims made for the stock medicine. The clause also proposes that the distinctive name shall indicate the nature, purpose or formulation of the stock medicine.

There have also been problems in the past with a few manufacturers who have tended to use words such as "high production", "high potency", "extra", "super", "action", and other such words, as part of the name of the product. The view of the board is that the name of the product should not contain any claim implied or explicit but that the claims should be specified in the appropriate place on the application form. The specified claims are then properly registered together with the product.

Clause 8 provides for publication of the register on a triennial, in lieu of an annual, basis. It also provides power for the Director of Agriculture, on the recommendation of the board, to cancel registration. This is considered necessary now that the registration period will be three years, and there will no longer be an opportunity for the efficacy, potency and dangers in use of a product to be reviewed on an annual basis.

Clause 9 relates to penalties. Clause 10 specifies that it is an offence for any unregistered medicine to purport to be registered in the State. Clause 11 relates to penalties. Clause 12 tidies up the penalty situation into one which now will be included under one section only and increases the penalties to a level considered reasonable in this day and age.

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, April 30.

CATTLE COMPENSATION (AMENDMENT) BILL.

Mr. I. W. SMITH (Minister of Agriculture): I move—

That this Bill be now read a second time.

The matter of Federal Government involvement in finance for compensation for cattle slaughtered as brucellosis reactors under the national brucellosis and tuberculosis eradication programme was referred by the Prime Minister to the Industries Assistance Commission. While the recommendations of the Industries

Assistance Commission and the subsequent decisions of the Commonwealth Government are awaited, the Government considers it prudent to take action now which would enable this State to take immediate advantage of any funds which may be made available by the Commonwealth Government for this purpose.

An eradication programme involving compulsory test and slaughter of brucellosis reactors can be initiated in Victoria provided that adequate funds are made available to cover costs of compensation to farmers for the reactor cattle slaughtered.

The Department of Agriculture has pre-planned the test and slaughter stage of the national programme and has a computer projection of activities required until the prevalence of the disease falls to 0·1 per cent. At that stage—that is in the financial year 1982–83—the State could be proclaimed a "provisionally free area" for brucellosis under the standard rules and definitions of the national committee.

In order to enable this State to participate immediately in any funds which the Commonwealth Government may provide, an amendment to the Cattle Compensation Act 1967 is required to make brucellosis a compensable disease under the Act and to provide for payment into the fund of any sums of money received from the Commonwealth Government for this purpose. It is proposed, at the same time, to make amendments to the principal Act in relation to references to the date of the Stock Diseases Act which was re-enacted in 1968.

Clause 2 (*a*) substitutes "Stock Diseases Act 1968" for "Stock Diseases Act 1958" wherever occurring in the principal Act. In paragraphs (*b*) and (*c*) "brucellosis" is inserted in the interpretation of "disease" and in the list of diseases for which the total compensation payable is derived from the Cattle Compensation Fund. Paragraphs (*d*) and (*e*) make provision for payment into the Cattle Compensation Fund of any sums of money received from the Commonwealth of Australia for compensation for brucellosis.

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, April 30.

STOCK (ARTIFICIAL BREEDING) (AMENDMENT) BILL.

Mr. I. W. SMITH (Minister of Agriculture) : I move—

That this Bill be now read a second time.

The Stock (Artificial Breeding) Act is described as an Act to provide for the control and regulation of the artificial breeding of stock. Since the legislation was first implemented in 1963, the Act has been administered in line with Government policy to ensure the orderly and efficient development of the artificial breeding industry in the State, to prevent the spread of infectious disease through this practice, and to ensure that semen distributed for use in Victoria should be derived only from stock of high quality.

Through the years, the main users of artificial breeding have been dairy farmers, although in recent years there has been a considerable development of artificial breeding in the beef industry.

In general, the industry in the State is serviced through co-operatives and originally it was Government policy to assist financially in the development of the co-operative and, through the years, to encourage the extended use of artificial breeding through the co-operative system. Government policy has been that, where an area was adequately and efficiently served by a co-operative, private licences were not granted and, under the legislation, the Minister has discretion to grant or refuse any application made to him under the Act.

From a consideration of the problems which have arisen in artificial breeding in other States, it has become apparent that the Government's policy in this State has been the major factor in ensuring the continued orderly development of artificial breeding in Victoria.

Over recent years, imported semen from exotic breeds has become increasingly available and this has led to a number of organizations entering the field of semen importation and trafficking in semen without necessarily being prepared to provide a full artificial breeding service to the industry. In order to ensure that the Government's policy can continue to be implemented in Victoria, certain amendments to the Act are proposed in the Bill, in part to specify more precisely the objects of the Act and the powers under the legislation for the Minister to impose terms and conditions in respect of any licence granted.

Clause 2 of the Bill sets out in some detail the objects of the Act. These objects are in line with Government policy and the administrative procedures which have been developed through the years in relation to artificial breeding and will ensure that an efficient, economical artificial breeding service can continue to be provided to Victorian cattle owners in particular through the co-operative system in this State. Clause 3 specifies more precisely the type of terms or conditions or limitation which the Minister may impose on any licence issued under the Act. 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, April 30.

PARLIAMENTARY SALARIES AND SUPERANNUATION BILL.

The debate (adjourned from April 16) on the motion of Mr. Hamer (Premier and Treasurer) for the second reading of this Bill was resumed.

Mr. WILKES (Northcote): This small Bill corrects what appeared to be an anomaly in the definition under section 3 of the principal Act, which previously read—

"Basic salary" means the amount of the salary payable per annum to members of the House of Representatives pursuant to the Parliamentary Allowances Act 1952-1973 of the Commonwealth (as amended from time to time) less $500.

This has been altered to read—

'"Basic salary" means the amount of the annual allowance by way of salary from time to time payable to members of the House of Representatives under the law of the Commonwealth less $500.'

This alteration was made because of some doubt about the legality of the wording of the principal Act. In addition, the Government has seen fit to alter section 18 of the principal Act as follows—

In sub-section (1) of section 18 for the word "five-eighths" wherever appearing there shall be substituted the words "two-thirds";

This refers to the amount of pension payable to a spouse. Under the provisions of the principal Act the amount is five-eighths of the pension. This is being altered to two-thirds of the pension to bring it into line with the changes proposed to the Superannuation Act in the Bill recently introduced by the Premier.

There is no definition of "child" in the principal Act and there will be difficulties unless there is a clear definition. The Premier may be able to enlighten honorable members on this matter. At the end of section 18 it is proposed to insert the following subsection—

"(6) Where a member dies leaving a child but no spouse or where a pensioner—

a pensioner is a former member who is in receipt of the pension—

dies leaving a child but no spouse or where the spouse of a deceased pensioner dies leaving a child there shall be payable to such person or persons as the trustees think fit an allowance at such rate as the trustees think fit in respect of each such child but so that the total amount paid to the child or children shall not exceed the amount that would have been payable as a pension to the spouse of the deceased".

This provision needs a little tidying up, because some situations are not covered by this addition to section 18 of the principal Act. There may be several interpretations of who is the beneficiary of the pensioner member when the pensioner is not married. That situation is not covered. Another example is when the spouse of the member is deceased. For how long is the child of a member a beneficiary of the superannuation scheme? Has he or she an entitlement if he or she does not fit into the category of a child? If there is a son or daughter over the age of eighteen years, is he or she covered by the section? Obviously these questions should be clearly spelt out or they will cause problems to the trustees from time to time.

No doubt the Parliamentary Salaries and Superannuation Act—I refer specifically to superannuation—does not apply to beneficiaries, other than the member, provisions that one would expect to find in the State Superannuation Act or in the Police Regulations (Pensions) Bill that the Premier introduced today. The Premier should endeavour to clarify these matters, because of the obliqueness of this clause, before the Bill goes to another place.

The Opposition supports the view that the proposed legislation should be brought into line with similar superannuation Acts. The amendment to section 3 of the principal Act puts the legality of the move beyond doubt. I should like section 18 to be more clearly defined to illustrate positively who are the beneficiaries in the cases to which I have referred.

Mr. ROSS-EDWARDS (Leader of the Country Party) : The Country Party supports the amendments to the Parliamentary Salaries and Superannuation Act 1968. The Bill specifies more technically and clearly that the basic salary for a back-bench member of the Victorian Parliament is $19,500. This brings the pension payable to a spouse in line with the pensions that are proposed to be paid to a spouse under the amendments to the Superannuation Act for the Public Service. which is two-thirds of the pension. The Bill makes provision for children under the age of eighteen years. In the case of a member whose wife has predeceased him, children under the age of eighteen years can benefit. Also children between the ages of 18 years and 25 years, who are undertaking tertiary education, can benefit. That will be arranged at the discretion of the trustees.

I am disappointed that the press gallery is empty at the moment. So often members of Parliament must put up with misreporting, particularly in the case of salaries of members of Parliament. This Bill makes it clear that the Parliamentary salary is $19,500, which is $500 less than the salary paid to Federal members. On 16th April a libellous statement appeared on the front page of the *Sun News-Pictorial,* " Hush $5,000 for Victorian M.P.s ". This deserves some explanation. More than half this amount, $3,500 of the $5,000, was an increase in the amount of reimbursement allowed to members for their offices and secretarial services. Victoria has lagged behind the other States and the Commonwealth in the provision of offices for members and the salary of a secretary. It is thanks to the Premier, and I give him credit, that to a great extent this situation is being remedied.

Mr. WILKES : It is only an interim measure.

Mr. ROSS-EDWARDS : It is the second time in a short period that the Premier has helped to correct the situation. Doubtless, more generous assistance will be given in the future, but $3,500 of the $5,000 is an increase in the amount which members can be reimbursed. A member puts in his receipts and they are vetted by a special committee. If it is proved that the money is spent in the proper running of an office, the member gets the money back. It is similar to a journalist who is sent by his paper to Ballarat, Bairnsdale, or somewhere else, to attend a conference. He incurs

$80 expenses, and if it were to be said that he had received a rise of $80 he would say that was a lot of rubbish. But that is what we as members have to put up with on the front page of a daily paper. The newspapers took about two weeks to work it out, and were two weeks behind the times. They could have gone to any responsible member of the House and asked the position, but they did not do so. The article was wrong, inaccurate and unfair, and no apology has been given. If anyone is misrepresented in the House the honorable member responsible makes an apology here. It is not good enough for the press to act in this way; it blatantly misrepresents the position and the public at large have a complete misrepresentation of the facts. I take it that you, Mr. Speaker, will take it upon yourself to bring it to the notice of the press.

Mr. HANN (Rodney): I refer briefly to a remark made by the Deputy Leader of the Opposition that no reference is made in the amendments proposed to section 18 of the Act to members who are not married, and there are a number of members in this House who are unmarried. It is of some concern to me that these members are contributing from their salaries to the Parliamentary Superannuation Fund, but that if something unforeseen happens to one of them and he dies no provision is made for the amount of money that he has contributed to the fund to be paid into his estate.

Mr. WILKES: It is not paid into the estate; it goes into consolidated revenue.

Mr. HANN: Yes, and that is unfair. I understand that the same thing would apply if a member and his wife who had no children were both killed in an accident. This is something the Premier should consider. At least the contributions paid by the member should go to his estate.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Basic Salary).

Mr. HAMER (Premier and Treasurer): In the second-reading debate the Deputy Leader of the Opposition mentioned the provision in clause (3) (c) relating to discretionary payments by the trustees to the child of a member after his death. He asked whether the word "child" needed definition, and also drew attention to the fact that the discretion of the trustees, to say the least, is very wide. I should like an opportunity of considering those comments, and I suggest that the Committee might pass the Bill on my undertaking to look at this passage before it is dealt with in another place.

I do not think there is any doubt of the meaning of the word "child". No distinction is needed to define a legitimate child or an illegitimate child, because at present the Bill would apply to any child, whether of a legal or of an irregular relationship. I believe that is what the Parliament would want. It is quite true that the discretion given to the trustees, is very wide. It is intentionally wide to enable them to hand over funds to a guardian or a relative who looks after the child. Such a discretion is what is required in this context, and is in line with many pension schemes in business and no doubt superannuation schemes generally. I undertake to have a look at this to see whether it needs closer definition in the future.

Concerning the matter raised by the honorable member for Rodney, of course all members take certain risks. The risk is whether they will live a long time or a short time. It is true that some will not survive very long after pensionable age but most of us, I hope, will live to a fine old age, in which case it will cost the superannuation fund plenty.

The question of the honorable member for Rodney relates to an unmarried member who might be thought to contribute an amount equal to that contributed by the married member, and if he does not survive long enough his contribution to the fund disappears into consolidated revenue. Again I should like an opportunity of looking at that problem. It is a common one in superannuation funds, and it is not readily solved. If the honorable member stays unmarried, and I hope he will not, and dies a few years after his retirement from Parliament, the question will arise: what proportion of his contributions will be paid into his estate. A number of things need resolving. On that undertaking, and on that basis, I ask the Chairman to proceed.

Mr. WILKES (Northcote): I thank the Premier for undertaking to look into these matters. I believe the aspect of the residue of superannuation being paid into consolidated revenue, rather than into the estate of a deceased member, ought to be investigated in every instance where it occurs, not only for an unmarried member, but where a member's wife predeceases him. A member contributes 11·5 per cent of his salary—that is quite a considerable contribution—and in the circumstances outlined the amount would be paid into consolidated revenue rather than into the estate of the member. The fair and equitable course to follow is to pay the amount contributed by the member into his estate. I realize that there is an aspect of conversion. I thank the Premier and I know he will look into the matter.

Mr. ROSS-EDWARDS (Leader of the Country Party): I wish to raise one point following the Premier's statement regarding a member of Parliament who dies in office. That is where the main problem arises. When a member retires, he has the opportunity of taking a lump sum. That is reasonable, but there should be an insurance policy for members of Parliament in the same way as other people have workers compensation. This scheme could be a contributing one. It is unusual for a member of Parliament to die in office, but this does happen from time to time. Provision should be made for a lump sum payment, which because of inflation could be increased from time to time, of say $25,000 or $30,000, if a member dies in office. When a member retires he can elect to take a lump sum. It is the luck of the game how a member fares if he elects to take a lump sum payment or a pension, but a death cover for members whilst serving in Parliament would overcome this problem. Records indicate that this situation might arise once every three or four years.

Mr. CHAMBERLAIN (Dundas): I raise a small point on the definition of "child". I should have thought the Status of Children Act, which this Parliament passed late last year, would clarify the point and ensure that "child" covers both legitimate and illegitimate children. The legislation sought to make no distinction between ex-nuptial children and others.

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

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

THORNBURY LANDS BILL.

The debate (adjourned from April 16) on the motion of Mr. Borthwick (Minister of Lands) for the second reading of this Bill was resumed.

Mr. WILKES (Northcote): Mr. Speaker, it is not often that one has the pleasure of addressing you on a matter relating to one's own electorate, and I take this opportunity of advising you of some of the advanced improvements which have taken place in the City of Northcote. Of course we thank the Minister for any assistance he has given. The

City of Northcote is sometimes referred to as "Sunny Down-town Northcote".

This Bill originated from a deputation to the Minister by members of the Northcote City Council, one of the most progressive councils in the northern area. The deputation made certain suggestions to the Minister about the new depot, and he was amenable to them. Because Northcote council is progressive it decided to construct a new depot in the north-east of the city. This required additional land known as Quarry Street—an unmade and unused street—and the Minister agreed that it could become part of the municipal depot. The other area of land is already owned by the Northcote council.

When the people in Mansfield Street became aware that the council intended to move its depot to that area, they objected to ingress and egress through Mansfield Street. The Minister agreed that these people had valid grounds for objection. The Education Department was also concerned that if Mansfield Street was not used for that purpose, then Collins Street, which runs between the Northcote Technical School and John Cain Park, and which is used by the school for recreational purposes, would become a very busy street and constitute a hazard for students crossing the road. It was because of these two factors—the agreement of the Minister on Quarry Street, and the Education Department's agreement to close part of Collins Street to protect the interests of the students at the school—that the Bill was introduced. This measure now provides for a main road into the council depot from Dundas Street in a north-south direction.

This will relieve traffic congestion in that corner of the city. That is the whole purpose of the measure and the Minister decided that this would be the best way of achieving it. The Northcote City Council is not prone to close streets without consulting some authority and on this occasion it was the Minister of Lands. I am pleased to say that had the Minister not agreed, the council would not have proceeded with its intention. This is the proper and correct way to go about closing streets which belong to the people and are used by the people. On behalf of the constituents that I represent, and the progressive Northcote City Council, I support the Bill.

Mr. WHITING (Mildura) : The comments of the Deputy Leader of the Opposition highlight the difference between members representing country areas and at least some members who represent city electorates, because the honorable member stated that it was not often that an honorable member could debate a Bill relating to his electorate. Many Bills which come before the House affect country electorates.

Country Party members support the Bill because it will improve education facilities in the Thornbury area and because the Deputy Leader of the Opposition has thoroughly vetted the measure and discussed it with the Minister. We trust that it will have a speedy passage and serve the purposes for which it is intended.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6267 s. 3).

Mr. BORTHWICK (Minister of Lands): I thank honorable members for their speedy handling of the Bill, which is so important to the Deputy Leader of the Opposition. I concur in the honorable member's remarks about the progressive nature of the Northcote City Council. It was my privilege to visit that council only last Friday.

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

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

HAIRDRESSERS REGISTRATION (AMENDMENT) BILL.

The debate (adjourned from April 9) on the motion of Mr. Scanlan (Minister of Health) for the second reading of this Bill was resumed.

Mr. LIND (Dandenong): Opposition members do not welcome the Bill. A number of provisions do not meet with our approval, but we will not oppose the measure in its entirety. When the Hairdressers (Amendment) Bill was debated in 1973, I commenced my remarks by saying that the Opposition was not satisfied with the Bill; and that although it did not intend to take the second-reading motion to a division it would oppose the Bill and point out a number of shortcomings contained in it. I concluded my remarks in much the same vein. However, very few of the things which were mentioned during the debate on that Bill and which have been desired by the union and by the Hairdressers Registration Board are encompassed in this measure.

After the Minister had explained the Bill, I telephoned the chairman of the board, whom I know very well, to seek his comments. He had not even received information about the Bill and did not know that it had been introduced into the House. I sent him a copy of the Bill and some notes on it. Much the same thing happened when the previous measure was introduced. For many years the board has wanted amendments made to the Hairdressers Registration Act. The present Bill provides for a number of them and with some of those the Opposition agrees.

The hairdressing profession has been allowed to grow like topsy. It was not until 1936 that legislation covering hairdressers was enacted. Honorable members who were young in those days will remember many of the things that happened in hairdressing establishments. The whole employment situation in the industry has altered considerably. The earlier legislation applied only to parts of Victoria, to cities, towns, and boroughs, and such townships and shires as the Governor in Council upon the recommenation of the board from time to time by notice published in the *Government Gazette* directed. It is important that by this Bill the principal Act will apply to the entire State.

It is also important that provision is made for the deletion of references to "improver" in the hairdressing industry. Provisions relating to people who were in the trade in 1936 will be repealed by this measure because there would be few people alive today who were employed as hairdressers at that time.

The Opposition still believes the Bill is unsatisfactory in the way in which it deals with training. All hairdressers should be trained as apprentices under Goverment supervision and come up through the ranks, so to speak. The Opposition does not understand why Victoria fails to fall into line with other Australian States but is continuing with the scheme of private academies with which other States have long since dispensed. From my discussions with many members of the profession, I gather that that system of training is not the best because it leads to a number of abuses, many of which are much in evidence. Under this Bill private schools of hairdressing will receive a larger slice of the cake. It opens the back door for these schools to carry on certain practices outside of normal business hours, and advantage could be taken of these innovations. It is all the more regrettable that this alteration is being included with the knowledge of the Minister.

The references in the Bill to post-graduate training places emphasis on such training in those so-called academies or under the supervision of certain hairdressers. There is ample provision for post-graduate training of hairdressers in State technical schools and tertiary colleges such as the Royal Melbourne Institute of Technology.

A good provision is that hairdressers shall state their registered number in all advertising for customers. The only doubt is what occurs when a hairdresser employs a number of registered hairdressers and it is a question of whose registered number should be used when they sally forth from the business premises. A great deal of trouble could be overcome if it were mandatory for all hairdressing to be undertaken in salons, whether they be situated in shops or in business premises. If all hairdressing were carried on in or from shops or other registered premises, far greater care and surveillance could be undertaken. No hairdresser would then be able to move around without being fully equipped.

Many hairdressers who operate from their homes and attend to the wants of sick people, be they men or women, and particularly the hairdressing of some of the older women who are not able to get to town, provide an excellent service and fulfil a much-needed want. But who is to say that that hairdresser does not take the one set of equipment from one house to another? If she had to be salon-based, and she knew the inspector could call at her salon just as she was going out to attend to some clients, she would need to have a complete set of sterilized equipment for each person in her diary and she could be watched closely from a health point of view. Under this provision not enough care is being taken.

Members of the Opposition consider that there is evidence that some of the academies are not obeying the regulations and training the number of people that they are permitted to train. We believe that at least one academy in Melbourne is exceeding the number by about twenty. This situation is to be deplored as the trade is most certainly over-supplied at present. Many girls train at academies and then find themselves unemployed and unable to get work. This situation contributes to the shambles that now exists in the industry, and they are almost forced into becoming "backyarders".

Most hairdressers—at any rate most men's hairdressers to whom I have spoken—and their representatives consider that the apprentice-trained hairdresser is a much better hairdresser than the academy-trained hairdresser and that a second-year apprentice could do all the work that an academy-trained person could do. Yet because of awards and regulations the apprentice does not receive anywhere near the remuneration paid to the academy-trained person. This is encouraging a situation that should not exist in Victoria.

Members of the Opposition agree with the provisions of the Bill that deal with fees to be paid to the chairman and to members of the board for board sittings. We are glad that it does not deal with the fees to be paid by hairdressers, over which honorable members wrangled so much several years ago. With escalating costs it is only fair that members of the Hairdressers Registration Board should receive a just reward for the services they render, and we have no complaint to make in regard to those services.

As I said earlier, we sincerely believe that the Minister could have gone much further in this Bill; it could have tidied up once and for all the trade of hairdressing and hairdressers' shops and premises.

I repeat that members of the Opposition believe the best way the profession could be put in order would be to have a scheme of apprentices, journeymen and master hairdressers. A number of those persons could be involved in the art of teaching post-graduate work in Australia. The present situation of chaos in the trade is brought about by the dual system in operation in Victoria. We realize that not so many men have their hair cut as regularly today as they used to and there has been a substantial falling away in trade for men's hairdressers. However, there has been a great expansion in women's hairdressing. Members of the Opposition

do not believe that is the main cause of the problems confronting the industry today. The Government should have rectified the situation when it had the opportunity, and members of the Opposition would have gone along with the Government completely.

Mr. BAXTER (Murray Valley): This Bill sets out to strengthen and improve the Hairdressers Registration Act. In general terms, I agree with the remarks of the honorable member for Dandenong that the Bill could have gone much further in a number of aspects. Unlike the honorable member for Dandenong I had no practical experience in this field prior to 1936, but from my study I can say that hairdressing has come a long way since those days and that the standard, service and status of the professional hairdresser have improved considerably.

As the honorable member for Dandenong pointed out, men's hairdressing has suffered in recent years but there has been a great expansion in women's hairdressing. It is unfortunate that the profession is in a shambles and a state of chaos, as the honorable member said, simply because of the unemployment situation that is brought about by the apprentices and persons attending private academies. There are four private academies in Victoria—the Associated Hairdressers Academy Pty. Ltd. with 246 students; the Venus College of Hairdressing and Beauty with 103 students; the Melbourne College of Hairdressing and Beauty Culture Pty. Ltd. with 84 students; and the Centreway Hairdressing College Pty. Ltd. with 18 students—a total of 451 trainees. There are also a large number of apprentices.

The honorable member for Dandenong raised a point that one college is training a number of students well in excess of its quota laid down by the board. That would seem to indicate laxity by the board in that it has allowed this academy to proceed on this basis. I hope steps are taken urgently to ensure that private academies work within the regulations.

From my discussions with hairdressers it seems that they are generally of the opinion that apprenticeship-trained students turn out to be much better hairdressers in the short term because they have a wider range of experience in the day-to-day operation of a salon. They are not saying that academy-trained people do not turn out to be good hairdressers in the long term after they have gained practical experience in the field.

As a result of the situation in the hairdressing trade at present, 101 apprentices are unemployed. They are mainly third and fourth year apprentices. In other words, hairdressers are able to take on students for the first year when there is a subsidy available to assist in the training of apprentices, but when they get to the third and fourth year the wage structure has become too high to sustain their employment. That is why so many are looking for jobs at present.

Hairdressers are rather reluctant to employ persons who have trained at private academies, and, because a large number of such people are looking for work, over the past number of years they have been engaging in what is commonly referred to as backyarding. This is having an unfortunate effect on the whole profession. Not only does it mean that hairdressers are unable to keep on apprentices because they have insufficient turnover and insufficient clients to justify that employment, but it is leading to a lowering of standards and a lack of professionalism in the trade.

If one takes the example of a hairdressing salon in a country town or in a suburban area of Melbourne, if all the persons who made use of hairdressers went to that salon there would be enough business to make it viable, to cover the overheads and to pay all the expenses and so on.

But a proportion of people are going to so-called backyarders who, because they have none of these overheads and are not paying rent, are able to charge a good deal less. This is having a detrimental effect on the operations of hairdressers who maintain properly-appointed salons. I should think that in some areas it is leading to the cessation of business and it therefore denies to the people in that area an adequate service. It concerns me that it leads to the unemployment of apprentices.

The greatest danger in the practice of backyarding is from the health angle because there can be little supervision over the standards practised by these people in private homes. The regulations that cover the maintenance of salons are stringent. For example, regulation No. 59 relates to wash basins, hot and cold water, clean towels, nail brushes and so on. Another regulation specifies the sort of clothing that will be worn and lays down that furnishings must be of an impervious material, that linen must be kept in dust-proof containers and that there must be receptacles well labelled for soiled linen and waste.

The regulations are quite stringent. However, inspectors are not able to inspect hairdressers who operate from private homes, even if they are able to locate the premises from which those people are operating. Council health inspectors are empowered to make such inspections, but so far as I can ascertain a good deal of reluctance has been expressed by them about entering private homes to make inspections.

I agree that it may be better to register hairdressers to operate as salon-based, as suggested by the honorable member for Dandenong. At present once a hairdresser is qualified in accordance with the standards laid down by the board he can seek and retain registration and can practise as a hairdresser either in a salon or as a backyarder. If they were salon-based there would be adequate safeguards for inspections from the health point of view. Obviously, hairdressers must be given the power to perform their services off the premises. That is why I used the term "salon-based". It is necessary from time to time for a hairdresser to attend, say, a hospital to provide services, or to visit elderly persons in private homes.

The Minister, in his remarks on clause 2, may care to indicate his attitude to this proposal advanced by the honorable member for Dandenong and myself. I realize that it can be contended that this is a denial of private enterprise and of initiative. To a certain extent that is so, but we are dealing here with a service being performed on the human body, where it is essential that the service should be provided with a minimum of risk. Recently Parliament dealt with the registration of chiropodists and the application of strict controls in that field. I should think that any philosophical objection on the ground that it was a denial of private initiative and private enterprise could be sufficiently overcome by the paramount need to safeguard the health of the people.

The Bill will expand the membership of the Hairdressers Registration Board to include a person nominated by the Minister of Labour and Industry after consultation with the Apprenticeship Commission of Victoria. Earlier I pointed out that there are a large number of apprentices in this trade, and it is commendable to enable them to be represented on the board.

The Bill also proposes to increase from one to two the number of persons appointed to the board from people nominated by the Victorian Master Ladies Hairdressers Association. When the Bill was first introduced in 1936, doubtless the term "hairdressing" referred more to men's hairdressing. The situation is different today, and most hairdressing

concerns ladies. The amendments to the composition of the board are desirable and commendable.

Clause 7 deals with the policing of registration and makes it easier for people who are not registered as hairdressers to be apprehended and prosecuted. I am not certain that this is a tremendous problem; I do not know whether a large number of unregistered people practise hairdressing, but anything that can be done to stamp out the practice of unregistered hairdressing is desirable. It is proposed to amend section 11 of the principal Act by changing the term "practise hairdressing" to read "engage in hairdressing", and this will make the prosecution of unregistered hairdressers more likely to succeed.

Prosposed section 11A (1) refers to advertising and provides that a person who advertises his willingness to undertake hairdressing must state that he is a registered hairdresser and include his registered number in the advertisement. The public has the right to know that a hairdresser who places advertisements in a public newspaper is registered, and the amendment to the principal Act is desirable.

I shall raise several other points at the Committee stage, but at this juncture the Country Party supports the Bill. As far as it goes, it is desired by most people in the trade, although my party believes further amendment will be necessary in the near future.

Mr. SIMMONDS (Reservoir): I take this opportunity of directing the attention of the Minister of Health to the position in the ladies hairdressing trade concerning entry into the trade by a dual system of apprenticeship and private schools, which means that more people are supposedly trained in ladies hairdressing than the trade can cope with. That is the fundamental problem in this area, and it has been known to the Minister of Health for a number of years, as it was known to the previous Minister. It has been known to the people who operate in the industry that charges and award conditions mean nothing because the industry does not operate in a way which enables the award to be enforced.

Young girls are forced to work long hours and go without meals. The award provisions relating to meal breaks are broken on more occasions than they are observed. Teenage girls are often forced by their employer to take a lunch break at a time which accords with the times of appointments. The girls may start work early in the morning and not have a lunch break until 4 p.m. or 5 p.m. This is intolerable in comparison with the standards that are currently acceptable to the rest of the work force.

Hairdressing is the only trade available to females that provides a significant opportunity to undertake apprenticeship. For years the training of these girls took place in an old warehouse, a section of an old gaol in a complex that has now been rebuilt at a previously estimated cost of $620,000. I imagine that the cost of the complex, when completed, will be closer to $1 million. This has done nothing to provide a solution to the trade training problem. It certainly alleviated the situation that existed at the time, but no progress has been made to train apprentices in an environment similar to that of the salon in which they will eventually be employed.

The principal of that hairdressing college formulated more than 200 sets of plans which were available for the design of a ladies hairdressing school. A great deal of work, time and effort has been put in by the staff, and problems are encountered in attracting trained teachers to teach the apprentices. I sympathize with the Minister of Health, because he has inherited a problem not of his making, but it will not be resolved until the principle of dual entry into the trade is overcome.

Until the honorable gentleman is prepared to say, "This is an apprenticeship trade that operates in the same way as every other trade except agriculture in Victoria operates", the position of ladies hairdressing will not be resolved.

The registration of hairdressers and policing of the award are conditional upon that approach. It is not good enough to adopt a concept of private enterprise which allows private schools to train people full time for a number of years and, on completion of the course, give them a certificate based on standards different from those which are applied to apprentices. On some occasions the employers, who are concerned to keep these places open, take on girls from these private hairdressing establishments but will not pay them full award rates. The girls enter the industry at a third-year apprentice rate and are paid accordingly. Then apprentices are faced with saturation in the labour maket, and the capacity to maintain legal minimum award conditions is not being met. I know that the Minister cannot change this situation now, but he should assure the House that he will examine the intolerable position that exists in Victoria.

I am indebted to the honorable member for Murray Valley for his entry into the debate. Girls from country areas often seek work in Melbourne because of lack of employment opportunities in the country, and hairdressing is one area in which they can often find employment. I know of one lass in Shepparton who waited four years for the opportunity to become apprenticed in the hairdressing trade, and when the time arrived the employer could no longer retain her so she was thrown onto the labour market. Girls come to Melbourne in a three-week block release. They are forced to live in primitive conditions, and there is no provision under the apprenticeship system to provide accommodation for them.

Mr. WHITING: That also applies to a number of other industries.

Mr. SIMMONDS: That is so, but there should be a responsibility to ensure that these young girls are trained in circumstances which include the provision of accommodation. The trade teachers in the school should be responsible for being with the girls in their accommodation in order to make full utilization of the period they are in Melbourne on block release.

If this approach were taken, entry into the trade could be controlled. Hairdressing is the biggest area of apprenticeship for girls and the second biggest area of apprenticeship in Victoria, and it plays a significant part in the apprenticeship system. If a proper approach was adopted, the trade could be regulated so that those who choose to do so will be trained correctly and fully qualified. Hairdressing is not just a matter of combing hair; the hairdresser has to know something about anatomy. There is a great deal more in the apprenticeship than the architectural concept of hair styles. The course is comprehensive and turns out skilled people who are capable of dealing with the needs of the hairdressing trade.

The Minister should consider the points I raise so that on a future occasion he can say to the House, "For the first time, I am prepared to say that we will deal with the question of entry into apprenticeship as the one method of becoming a skilled hairdresser in this State".

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6267 s. 3).

Mr. SCANLAN (Minister of Health): I thank all honorable members who have contributed to the debate on the Bill, which seeks to bring about a number of significant

improvements. The honorable members for Dandenong, Murray Valley and Reservoir are well aware of the improvements contained in the Bill, which extends the Act's operations throughout Victoria and permits representation of ladies' hairdressing groups on the Hairdressers Registration Board, and—an important element in the board's composition—as well as representatives of the Apprenticeship Commission of Victoria. This is a desirable step forward, which the honorable member for Reservoir would applaud even if the measure does not go as far at present as he seeks.

Other important provisions of the Bill include additional requirements to protect Victorian apprentices against the acceptance of hairdressers who have been trained in other States, so that their standards of hairdressing training will be comparable to those of Victoria.

The Bill makes prosecution of unregistered hairdressers easier. This will have a desirable effect in determining whether a person is engaged in hairdressing. The measure also provides for controls to be imposed on advertising, and in this area honorable members would share the concern that many unregistered, unskilled people have been able to operate as backyarders. I hope this provision will improve conditions for registered hairdressers seeking to engage in work.

The powers of the Hairdressers Registration Board are considerably strengthened by the proposals before the Committee. However, a number of points have been raised for consideration, including the proposition advanced by the Opposition and, I understand, the Country Party, that salon-based hairdressing should be mandatory throughout Victoria. At present the Government is not in a position to accept such a proposal. The reasons are that it is difficult to make arrangements and contracts for hairdressing services in the hospital area. This question also raises the question of those who are frail, aged or bed-ridden and who need hairdressing services. It may be argued that these services could be supplied by salon-based operators, but the proposition must be carefully examined before the Government can accept the concept that all hairdressing services in Victoria should be salon-based.

Even more important in the Government's consideration are the people in remote country areas and the question of whether salon-based operations could be made effective throughout the length and breadth of Victoria without denying country people the provision of hairdressing services. If the Government were satisfied on those three points, it would again consider the question, but at this stage it must reject any concept that hairdressing services should operate entirely from a salon-based business.

A question was raised by the honorable member for Dandenong, and I suspect by the honorable member for Murray Valley, concerning the operations of a school which has more students attending it than should be permitted. I understand that this has occurred as a result of the National Employment and Training Scheme; under the National Employment and Training Scheme a number of people have been admitted to this school for training. I am prepared to give an undertaking, that if the hairdressers' association is deeply concerned over this point it can advise the Hairdressers Registration Board, which will take the appropriate action. I believe it is within the competence and power of the board to take effective action concerning the number of students attending the school for training.

A further question raised by the honorable members for Murray Valley and Dandenong, and I suspect the honorable member for Reservoir, related to the condition and cleanliness of many premises where the practice of hairdressing is carried on. My belief is that all questions relating to

the condition of premises should be formally taken up by the hairdressers' association. If the association is aware of lack of action by local government leading to a situation where premises which do not meet the required standard of cleanliness are being used for hairdressing, representations should be made to the Commission of Public Health, which will draw the complaint to the notice of the municipality involved. The Commission of Public Health will ensure that the cleanliness of facilities where the practice of hairdressing is conducted is of an appropriate standard and in accordance with the requirements of the Government.

It has been claimed that chaos at present exists in the trade and that this has been caused by the activities of the backyarder. The action proposed to be taken under this Bill will be of benefit to hairdressers generally. It will certainly minimize competition between unregistered and unskilled hairdressers and those trained hairdressers who have to provide adequate and proper facilities at heavy cost.

However, there are reasons other than the operations of the backyarder which have caused chaos in the industry. Inflation is a very real source of concern, even for women who are worried about the costs of having their hair dressed. Of course, changes in the hair styles of men have had a serious effect on men's hairdressers throughout the metropolitan and country areas. These are added features which must place a real pressure on the hairdressing industry.

The Government believes the Bill represents a progressive step forward and, for the reasons I have stated, should be supported. If there are other matters causing concern to the industry, it is always possible for them to be brought to the attention of the Government and they will be considered when an amending Bill is being discussed.

The sitting was suspended at 6.19 *p.m. until* 8.3 *p.m.*

Mr. LIND (Dandenong): On behalf of the Opposition I thank the honorable member for Murray Valley for his support on the Bill. The Minister was right when he said that there were a number of good points in the Bill. However, it appears that the Country Party and the Labor Party agree that some provisions should be amended. The Opposition does not believe that it is its duty to suggest amendments; it is its duty to direct the attention of the Government to the need for them. As the clauses are considered, the Opposition will express its opinions on certain provisions on which the Minister commented. With that in view, I invite the honorable member for Murray Valley to lead the members of the Country Party towards the view of the Labor Party when the clauses with which the Opposition disagrees are under discussion.

The Labor Party cannot agree with the Minister that the provisions for appointment to the board are wholly satisfactory. Members of the Labor Party are pleased that the Apprenticeship Commission will be represented but the appointment of another employers' representative, in this case a representative of ladies hairdressers, will nullify that to a certain extent. With the provision for an additional employers' representative, there should have been provision for the appointment of an additional representative of apprentices.

The Minister said that the Opposition should make suggestions to improve the position if it did not agree with the provisions relating to academies, but that is the responsibility of the Government. It could be that one person is endeavouring to gain an advantage. Knowing full well that there are no Australian academies, one man is, I believe, proposing to change the title of his academy from "Victorian" to "Australian". That would be misleading and should be prevented. As I said, the Opposition agrees with most of the Bill, but it will oppose three clauses.

Mr. BAXTER (Murray Valley): If in his opening remarks the honorable member for Dandenong meant to convey that the Opposition intended to propose amendments to certain clauses, I should appreciate the opportunity of seeing the proposals.

Mr. LIND: We do not intend to propose amendments.

Mr. BAXTER: I shall not take the honorable member to task on whether there should be two representatives of apprentices on the registration board but I should have thought that provision for one, instead of none, was a good first step. Primarily, the board is a hairdressers' registration board, not an apprentices' board, although apprentices are an important part of the industry.

The information I have leads me to believe that the apprentices will be happy to have one representative. I emphasize that the additional employers' representative will come from the Master Ladies Hairdressers Association of Australia. That association, too, is happy to have increased representation.

I do not accept the inference of the honorable member for Dandenong that employers are ganging up on apprentices. I should have thought all representatives on the board would act for the good of the profession. Members of the Country Party are prepared to accept the board with the increased representation provided but, if time shows that the Act needs further amendment, they will consider the position again.

The clause was agreed to, as was clause 3.

Clause 4 (Amendment of No. 6267, s. 5).

Mr. LIND (Dandenong): This is a clause to which I referred earlier. The honorable member for Murray Valley has missed the point. The Opposition does not oppose the appointment of a representative of ladies' hairdressers but it believes the addition of a further employers' representative to some extent nullifies the appointment of a member representing apprentices.

I thought the honorable member for Murray Valley would have commented on the fact that one of the persons to be appointed from another category must represent people engaged in hairdressing at least 60 kilometres from Melbourne.

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

Clause 8 (Hairdressing advertisement).

Mr. LIND (Dandenong): As I pointed out during the second-reading debate, this clause does not go far enough. It provides that a registration number must be used in advertising. Difficulties could arise from this provision. A registration number may apply to an employer organization rather than to an employee. If an employee had a number, he could advertise and fulfil his obligation under this clause. The best way to overcome the problem would be to have salon-based field operations. The Government has not given enough consideration to this provision.

Mr. HANN (Rodney): I have received an inquiry from Mrs. B. J. Barkla of the Snip Ladies Hairdressing Salon, Kyabram. She asked whether a business which is not wholly or partly owned by persons qualified as hairdressers, but which employs qualified hairdressers to carry out the hairdressing, can advertise under its business name, in this case the Snip Ladies Hairdressing Salon. Fifty per cent of the business is owned by a registered hairdresser and 50 per cent is owned by a person who is not registered but who works part time at the salon on cleaning and receptionist duties. They should like to know whether this arrangement would prevent advertisements under the name of the Snip Ladies Hairdressing Salon.

Mr. BAXTER (Murray Valley): This is a reasonable clause. A hairdresser is either qualified or unqualified. If he is registered with a registration number, he must include the number in any advertising. That does not in any way nullify my advocacy, during the second-reading debate, of salon-based hairdressers. The Government should consider this.

I take the point made by the Minister in answer to the honorable member for Dandenong about the difficulties which could arise in remote parts of the State. But those difficulties would not be insuperable. Hairdressers could be based in salons but operate outside them. That would allow for hairdressing in hospitals and in the homes of the elderly and the frail in country towns. I realize that wide guidelines would be necessary, but there is no insurmountable problem.

Mr. SCANLAN (Minister of Health): In answer to the points made by the honorable member for Dandenong and the honorable member for Murray Valley, I point out that the clause changes the law considerably in regard to advertising by those who seek to provide hairdressing services throughout Victoria. The provision should be examined carefully. It is not the intention of the Government to deny these services to people in remote areas or to the aged or the frail. If it can be proved that salon-based operations can effectively provide service in all these areas, the Government will have the opportunity of reviewing its attitude. But I suggest that the provisions of the clause be accepted. Honorable members should not make a mistake and deny anyone proper service.

The honorable member for Rodney referred to a hairdressing business owned at least in part by Mrs. Barkla. Nothing in this Bill would prevent or deny the ability of the partnership to advertise, provided that the advertisement was under the serial number or registration of the hairdresser who is registered in Victoria. This is only one of the areas which the Government will have to consider carefully during the coming years, to ensure that the operation of hairdressing is carried forward in this State and not in any way denied. A number of problems will arise in this area and I prefer to go forward with certainty than to enter into the field of doubt.

Mr. LIND (Dandenong): I should not like it to be thought the Opposition in any way wanted to deprive the frail, the aged and the ill of services or to limit services in remote country areas; that does not enter into this argument. Although the Opposition appreciates what the Minister has said, that this matter could be considered at a later date, it believes it should register its opposition now so that it is known and so that the Government will not be able to forget that the Opposition believes this section can be improved upon.

Mr. HANN (Rodney): I should like to thank the Minister for his comments regarding advertising. The people concerned will be pleased with the clarification given by the Minister.

Mr. BAXTER (Murray Valley): I commend the Minister for undertaking to keep the matter of salon-based hairdressing under review, but I impress upon him the relative urgency of the matter and emphasize that it should not be allowed to go on for too long without fairly close examination. I say that for two reasons; firstly, from the health point of view with which I dealt in my second-reading speech, it seems that the salon-based industry will be much more readily policed from a health point of view. Secondly, large numbers of so-called backyarders are operating and this is tending to affect the viability of some of the established salons in Victoria, both in the suburbs of Melbourne and in country areas. I should not like to see salons, particularly when there is only one in an area, go out of business only because they were

carrying significant overheads which are not being borne by backyarders. I applaud the Minister for his undertaking to keep the matter under close review to ensure that it does not drag on too long.

The Committee divided on the clause (Mr. McLaren in the chair)—

Ayes	..	42
Noes	..	17
Majority for the clause	..	25

AYES.

Mr. Austin	Mr. Reese
Mr. Balfour	Mr. Ross-Edwards
Mr. Baxter	Mr. Rossiter
Mr. Billing	Mr. Scanlan
Mr. Borthwick	Mr. Skeggs
Mr. Burgin	Mr. Smith (*Bellarine*)
Mr. Chamberlain	Mr. Smith (*Warrnambool*)
Mr. Ebery	Mr. Stephen
Mrs. Goble	Mr. Suggett
Mr. Guy	Sir Edgar Tanner
Mr. Hamer	Mr. Thompson
Mr. Hayes	Mr. Trewin
Mr. Jona	Mr. Whiting
Mr. Lacy	Mr. Wilcox
Mr. Loxton	Mr. Williams
Mr. McCabe	Mr. Wiltshire
Mr. McClure	Mr. Wood
Mr. McInnes	
Mr. McKellar	*Tellers*:
Mr. Maclellan	Mr. Hann
Mr. Meagher	Mr. Ramsay
Mr. Plowman	
Mr. Rafferty	

NOES.

Mr. Amos	Mr. Mutton
Mr. Curnow	Mr. Roper
Mr. Edmunds	Mr. Simmonds
Mr. Fogarty	Mr. Trezise
Mr. Fordham	Mr. Wilkes
Mr. Ginifer	Mr. Wilton
Mr. Kirkwood	*Tellers*:
Mr. Lind	Mr. Jones
Mr. McAlister	Mr. Stirling

PAIRS.

Mr. Evans (*Ballaarat North*)	Mr. Holding
Mr. Templeton	Mr. Doube

Clause 9 (Amendment of No. 6267, section 18).

Mr. LIND (Dandenong): I had thought that the honorable member for Murray Valley was responding to my wooing on clause 8 but I was severely jolted when he jilted me in the division. Therefore, I do not expect much support on clause 9. In my second-reading speech I expressed my belief that clause 9 allows a back-door entry into a certain field. I ask the Minister and the Committee to take note of the speech of the honorable member for Reservoir, who pointed out the facilities that have been made available at the Royal Melbourne Institute of Technology for the training of apprentices and the fact that there one could do training to any high standard required. The Opposition maintains that there is no need to allow these schools and certain other organizations to have post-graduate facilities available to them. That should be done through the Victorian Government system and would provide a far better output. The Opposition therefore opposes this clause.

Mr. SIMMONDS (Reservoir): I support the remarks of the honorable member for Dandenong and add the proposition that the Melbourne School of Hairdressing, which is capable of developing design courses, is the place from which people who are trained under the apprenticeship system should graduate. For too long it has been said that people working in the hairdressing trade receive apprenticeship training only. It is time female apprentices in this State had the opportunity of developing their skills and were given access to design and other courses in hairdressing. There are aspects of the hairdressing trade which are not apparent on initial observation. It is not just a matter of cutting hair and perhaps trimming and setting and waving hair; it is a question of design, structure and style.

Mr. ROSS-EDWARDS: Your hairdresser did not do a bad job on you.

Mr. SIMMONDS: I hope at some time to have the opportunity of experiencing some of these skills. The problems of waiting for workers compensation to be dealt with in this

Chamber do not give me the opportunity of doing so. I hope the Minister will take some notice of my remarks.

Mr. SCANLAN (Minister of Health): I am at a loss to understand the position of the Opposition on this clause, which expands the powers of the Hairdressers Registration Board of Victoria to make regulations, with the approval of the Governor in Council, concerning post-graduate training in hairdressing. The proposition advanced by the honorable member for Dandenong is that hairdressing courses and classes should be conducted at technical schools and the Royal Melbourne Institute of Technology, but if that were done would there be any guarantee that the Hairdressers Registration Board of Victoria would have control over the courses? This clause specifically guarantees that the board will have control not only over that teaching and instruction already necessary in hairdressing but also over post-graduate teaching, and I suggest that opposition to this clause could well be misconstrued. Members of the Opposition should think carefully about voting against an extension of the powers of the Hairdressers Registration Board. It is as simple as that, philosophically speaking. Therefore I submit that the question really is whether or not one has faith and confidence in the board and in hairdressers to control their own destiny. This is a point the Opposition should clearly establish now in debate.

Mr. SIMMONDS (Reservoir): It is important to understand what the Opposition is putting. It is putting that the Bill does not provide that apprenticeship is the only method of ladies' hairdressing training in Victoria. The Opposition wants to ensure that the board has the power contained in the proposed legislation.

Mr. LIND (Dandenong): The Minister misinterprets what the Opposition is saying about this matter. The Opposition supports the Hairdressers Registration Board of Victoria and believes it should have control over apprentices. It also believes there should not be any failure by the Government to make sure that the opportunities of academies, schools and other organizations are not heightened to the degree that they have a deleterious effect on the training of apprentices and that training even for people doing post-graduate work should rather be given through our own organizations. Members of the Opposition still intend to oppose this clause, irrespective of the interpretation put on it by the Minister.

The Committee divided on the clause (Mr. McLaren in the chair)—

Ayes	42
Noes	17
Majority for the clause	25

AYES.

Mr. Austin	Mr. Reese
Mr. Balfour	Mr. Ross-Edwards
Mr. Baxter	Mr. Rossiter
Mr. Billing	Mr. Scanlan
Mr. Borthwick	Mr. Skeggs
Mr. Burgin	Mr. Smith
Mr. Dunstan	(*Bellarine*)
Mr. Ebery	Mr. Smith
Mrs. Goble	(*Warrnambool*)
Mr. Guy	Mr. Stephen
Mr. Hamer	Mr. Suggett
Mr. Hayes	Sir Edgar Tanner
Mr. Jona	Mr. Thompson
Mr. Lacy	Mr. Trewin
Mr. Loxton	Mr. Whiting
Mr. McCabe	Mr. Wilcox
Mr. McClure	Mr. Williams
Mr. McInnes	Mr. Wiltshire
Mr. McKellar	Mr. Wood
Mr. Maclellan	
Mr. Meagher	*Tellers:*
Mr. Plowman	Mr. Hann
Mr. Rafferty	Mr. Ramsay

NOES.

Mr. Amos	Mr. Mutton
Mr. Curnow	Mr. Roper
Mr. Edmunds	Mr. Simmonds
Mr. Fogarty	Mr. Trezise
Mr. Fordham	Mr. Wilkes
Mr. Ginifer	Mr. Wilton
Mr. Kirkwood	*Tellers:*
Mr. Lind	Mr. Jones
Mr. McAlister	Mr. Stirling

PAIRS.

Mr. Evans (*Ballaarat North*)	Mr. Holding
Mr. Templeton	Mr. Doube

Clause 10 (Amendment of No. 6267 s. 19).

Mr. LIND (Dandenong): Members of the Opposition oppose the clause, not in its entirety but because of the additions to it. We believe this control should extend to Saturdays, Sundays, public holidays and time outside specified working hours. Proposed sub-section (5) provides—

> This section does not apply to or in relation to practical instruction in hairdressing which is conducted by or under the auspices of the Master Ladies Hairdressers, Wigmakers and Cosmeticians Association of Victoria or the Victorian Master Hairdressers Association or any other person or body approved by the Board which is primarily for the instruction or information of hairdressers and which has been approved by the Board.

That is all very well, but other professional people, such as optometrists, pharmacists and medical practitioners, do not have their own teaching set-up, except through Government-controlled and registered bodies in the education system. The Opposition believes the same principles should apply to hairdressing. Why cannot the experts amongst the Master Ladies Hairdressers, Wigmakers and Cosmeticians Association of Victoria or the Victorian Master Hairdressers Association apply their skills and knowledge within the framework of the Victorian Government's teaching set-up? This situation does not apply elsewhere, and it should not apply in Victoria. If these people want to be helpful to the trade—and they can be helpful—each should put his best foot forward in the circles where everyone can be trained along similar lines and go from the bottom to the top in the craft.

Mr. BAXTER (Murray Valley): I ask the Minister for guidance. At present my view is that the honorable member for Dandenong is misinterpreting the intention of the clause. I should have thought that proposed sub-section (5) refers to activities under the auspices of the bodies named, and that it is primarily for the instruction or information of hairdressers. "Hairdressers" is the operative word. Apprentices or trainees are not referred to. As I understand it, this provision enables professional bodies to engage in demonstrations outside normal hours, provided that this is approved by the board. If my interpretation is correct, that provision is reasonable.

Mr. SCANLAN (Minister of Health): Substantially, the Government supports the contention put forward by the honorable member for Murray Valley. It believes this clause confers upon the Master Ladies Hairdressers, Wigmakers and Cosmeticians Association of Victoria and the Victorian Master Hairdressers Association the respect of the Government and a certain privilege. Therefore, this provision is fundamental to the well-being of those associations, and supports the respect with which the Government and the Parliament view their activities.

The Committee divided on the clause (Mr. McLaren in the chair)—

Ayes	43
Noes	17
Majority for the clause	26

AYES.

Mr. Austin	Mr. Plowman
Mr. Balfour	Mr. Rafferty
Mr. Baxter	Mr. Ross-Edwards
Mr. Billing	Mr. Rossiter
Mr. Borthwick	Mr. Scanlan
Mr. Burgin	Mr. Skeggs
Mr. Chamberlain	Mr. Smith
Mr. Crellin	(*Bellarine*)
Mr. Dunstan	Mr. Smith
Mr. Ebery	(*Warrnambool*)
Mrs. Goble	Mr. Stephen
Mr. Guy	Mr. Suggett
Mr. Hamer	Sir Edgar Tanner
Mr. Hayes	Mr. Thompson
Mr. Jona	Mr. Trewin
Mr. Lacy	Mr. Whiting
Mr. Loxton	Mr. Wilcox
Mr. McCabe	Mr. Williams
Mr. McClure	Mr. Wiltshire
Mr. McInnes	Mr. Wood
Mr. McKellar	*Tellers:*
Mr. Maclellan	Mr. Hann
Mr. Meagher	Mr. Ramsay

NOES.

Mr. Amos	Mr. Mutton
Mr. Curnow	Mr. Roper
Mr. Edmunds	Mr. Simmonds
Mr. Fogarty	Mr. Trezise
Mr. Fordham	Mr. Wilkes
Mr. Ginifer	Mr. Wilton
Mr. Kirkwood	*Tellers:*
Mr. Lind	Mr. Jones
Mr. McAlister	Mr. Stirling

PAIRS.

Mr. Evans (*Ballaarat North*)	Mr. Holding
Mr. Templeton	Mr. Doube

The remaining clause was agreed to.

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

TEACHING SERVICE (SPECIAL DUTIES ALLOWANCES) BILL.

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

That this Bill be now read a second time.

In the Secondary Schools Division of the Teachers Service there are approximately 11,000 to 12,000 members who are classified teachers ; in other words, permanent members of the Teaching Service. Some 65 per cent of these people are assistant teachers; some 20 per cent of them have been promoted to the first promotion position, that of a position of responsibility. Another 10 per cent have been promoted further to the position of senior teacher, and some 5 per cent occupy the position of principal or vice-principal.

In 1972 the Teachers Tribunal changed the terminology which applied to these promotion positions with the aim of giving a greater degree of flexibility in staffing schools in the administrative posts. The practice over recent years has been for the Teachers Tribunal to specify the number of members of the service who may be promoted to a position of responsibility. It has been the practice of the Education Department to allocate them to specific schools through the medium of the committee of classifiers. Basically the change being introduced by the Bill is that appointments, if this amendment is accepted, may be made at school level rather than at a central level through the committee of classifiers and the Teachers Tribunal.

At present the method of appointing these people is, first of all, to advertise a vacancy at a particular school. A nomination is then made by the committee of classifiers after applications have been received and the worth of applicants reviewed. Then there is a right of appeal to the Teachers Tribunal. As some 2,000 members of the service occupy this post, one can imagine the considerable numbers of applications. Much time, energy and effort is involved in making these appointments, and all told it takes a period of some two months.

There are a number of reasons why this change is being made. The first is that it is in accordance with the Government's general policy of decentralizing to the maximum degree administration to the school community level and to the regional level. The second is that the method of appointment as envisaged by the Bill makes for greater administrative flexibility in the schools. The third reason is that this change comes about after a long series of negotiations that have been conducted by the Director General of Education, Dr. Shears, and the Assistant Director General in charge of personnel, Mr. Alan Hird, with the Victorian Secondary Teachers Association, in regard to the method of appointing people to this position. I asked these two senior officers to conduct negotiations on two general aspects with the Victorian Secondary Teachers Association at the end of last year ; one was a possible review of the method of assessment of teachers of the Secondary Schools Division, and the other the development of a means of advising ways of appointing people who are occupying positions of responsibility or, as the Bill specifies, people who would be entitled to special duties allowances.

These negotiations by and large have been successful. I have been critical from time to time of the actions of the Victorian Secondary Teachers Association, but in fairness to it I thank it for the co-operative attitude it has adopted in conducting these negotiations which have led to a large general measure of agreement.

The Bill provides that teachers who will be entitled to a special duties allowance will be appointed within the school by a committee headed by the principal and two teachers; one elected from people occupying the position of senior teacher or a higher position, and one from the staff as a whole.

I should add that the special representatives from the Technical Teachers Association of Victoria would like a slightly different method of appointment, and it may be that in the Committee stage I shall move an amendment to allow some degree of flexibility to meet the wishes of the Technical Teachers Association of Victoria. I stress that this Bill applies to appointments both within the Secondary Schools Division and within the Technical Schools Division, but not within the Primary Schools Division where there is a different method of allocating responsibility.

Mr. WHITING: What happens to those people on transfer?

Mr. THOMPSON: It depends on whether they already occupy a post of responsibility. If so, they will retain the position while they remain at the same school. They could transfer as assistant teachers and be appointed to this post by a committee in a new school, but the appointment would be made from year to year by the committee in the particular school.

Generally speaking, this is a move in the right direction, which will lead to greater stability of staffing. It will greatly speed up appointments in the Secondary Schools Division, and will achieve the aim of completing appointments well before the end of the school year so that staff may take their place at the beginning of the following school year and be in a position to commence work. Much of the red tape and routine work, which does not achieve a great deal, will be eliminated. The move represents a co-operative venture between the Education Department and the Victorian Secondary Teachers Association. I commend the Bill to the House.

On the motion of Mr. FORDHAM (Footscray), the debate was adjourned.

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

That the debate be adjourned until Wednesday, April 30.

Mr. WHITING (Mildura): This is a major matter concerning teachers in Victoria, and I should like an undertaking from the Minister that if additional time is required it will be allowed.

Mr. THOMPSON (Minister of Education) (*By leave*): Yes, it will be.

The motion was agreed to, and the debate was adjourned until Wednesday, April 30.

HEATHCOTE RAILWAY REMOVAL BILL.

The debate (adjourned from April 9) on the motion of Mr. Meagher (Minister of Transport) for the second reading of this Bill was resumed.

Mr. CURNOW (Kara Kara): Yesterday I put a question on notice seeking some information on this Bill; and I have not received it. I should like to know if the Minister can give that information to me.

Mr. MEAGHER (Minister of Transport) (*By leave*): I cannot give the answer at this time. I have not had sufficient time to collect the considerable amount of information asked for.

Mr. HOLDING (Leader of the Opposition): On a point of order, question No. 1279 on the Notice Paper is not as detailed as the Minister suggests. What is being

asked is how much of this line has already been torn up.

I understand from the honorable member for Kara Kara that from his own visual observations the line which is the subject of the Bill has already been dismantled. This involves a contemptuous attitude for the functions of Parliament.

The SPEAKER (the Hon. K. H. Wheeler): Order! There is no point of order. It is not for me to arrange the business on the Notice Paper, and if some mutual arrangement is entered into between the Government and the Opposition it has nothing to do with the Chair.

Mr. CURNOW (Kara Kara): This measure involves a lot of history. The line was orginally constructed by virtue of an Act brought into the Legislative Assembly on 12th December, 1884, to authorize "the construction of certain lines of railway by the State and for other purposes". Item No. 46 in the schedule to that Act reads—

> A railway commencing on the North-Eastern Railway at or near the Wandong Railway Station and terminating on the Melbourne and Echuca Railway at or near the Sandhurst Railway Station in the line and upon the lands described in the Forty-sixth Schedule hereto, to be called the Wandong Heathcote and Sandhurst Railway:

The Bill before the House relates to the dismantling of that line. The line operated until 1968 when it was eventually closed to both passenger and goods traffic. During its life, the line carried the bulk of firewood to Melbourne. It supplied the rich agricultural district of Heathcote and areas to the south around Kilmore with much of their needs in superphosphate and also carried return loads of primary produce to Melbourne.

The section of line which ran from Heathcote to Sandhurst was closed some years before the Heathcote Junction to Heathcote line, which is now proposed to be dismantled under this Bill. According to one of the representatives of Bendigo Province in another place, the closure of the line was initially made necessary by the construction of Lake Eppalock.

As a native of the area I am prepared to state that the construction of Lake Eppalock had little to do with the closure of the first section of line from Bendigo to Heathcote because very little of that line would be under water as a result of the construction of the reservoir. The closure was brought about purely for economic reasons. Likewise, the section of line from Heathcote Junction to Heathcote, which is covered by the Bill, was closed on economic grounds.

I am always sad when railways are closed because often the action is taken without any thought for the future. No one could foresee what use this line might have been in years to come. For instance, for defence purposes, it could have become a second rail link for inland rail services in Victoria. However, the line no longer exists.

There are many interesting features about the line. A number of bridges which were constructed solely of timber are unique features of the era in which they were built. The two most important bridges have been classified by the National Trust and under the Bill will be preserved by the Government. One of the two bridges crosses Hanfords Creek and has a height of 10·5 metres or about 35 feet. The other bridge spans Mollisons Creek and is approximately 13·5 metres or 45 feet high.

A number of other bridges are situated along the line but apparently the National Trust is not interested in them and therefore they will be sold, dismantled, or otherwise disposed of. I can well remember riding a bicycle through areas near Heathcote when I was a boy and enjoying scaling some of these unique timber bridges. I believe the National Trust should have interested itself in all of the bridges and not only the two referred to in the Third Schedule. The Bill brings to an end an historically unique line.

Unfortunately, there are some poor features associated with the measure which I shall direct to the attention of the House. The line was actually

closed in 1968 without any utterance of objection from the two members in another place who represent Bendigo Province, the Minister of Water Supply and the Honorable F. S. Grimwade. Yet, when this Bill was debated in another place, those honorable members wept crocodile tears and said how they wanted to protect it and what they did to keep it going. However, a study of *Hansard* indicates that those honorable members raised not one word of objection against its closure. It is an utter disgrace that no objection was lodged by the two members for the Bendigo Province.

The SPEAKER (the Hon. K. H. Wheeler): I do not think the honorable member should refer to honorable members in another place.

Mr. CURNOW: The facts ought to be known. When this line was closed in 1968, nothing was done to save it. If I had been a member in this place at that time, I would have objected to its closure as I have done in respect of other lines in my electorate. Since my election in 1970, many lines have been proposed for closure but not one has been closed down yet. However, the honorable members in another place shed crocodile tears when this Bill was discussed, although when the closure occurred, they did nothing.

Another point that disturbs me is that the Bill provides for the dismantling of a line which was dismantled five years ago.

Mr. McCLURE: The honorable member does not understand the term.

Mr. CURNOW: For the information of the temporary member for Bendigo, I point out that the Railways Dismantling Act 1955 contains certain provisions in the preamble.

Mr. MEAGHER: That is not relevant to this Bill.

Mr. CURNOW: I am pointing this out as a precedent for the Minister, because the honorable gentleman has acted poorly in this instance. The line was pulled up five years ago and now the Minister is seeking Parliamentary authorization for this action. In the 1955 Act to which I refer, the preamble stated, *inter alia*—

> And whereas the railways and sections of railways referred to in the First Schedule to this Act have been dismantled and the materials of which they were constructed have been sold disposed of or used:
>
> And whereas it is expedient to validate such dismantling and sale disposal or use and to authorize the sale or demise of the said lands (other than the former Crown lands) and to deal with as provided in this Act the proceeds arising from any such sale or disposal and the rents and profits arising from any such demise:

The Opposition would have treated the present Bill a little more kindly if the preamble had contained a similar provision, but on this occasion that courtesy was not extended because the Minister does not know what is happening in his department.

The line was torn up five years ago, if the Minister had been fair dinkum in wanting the Opposition to condone his actions, he would have included a reference to this fact in his second-reading speech or included a statement in the preamble that the line had already been dismantled.

Indeed, the honorable gentleman has been unable to answer a number of relevant questions, the answers to which I wanted for the debate on this Bill. I suggest that the Minister has not provided the answers because he does not want Parliament to know the facts while the Bill is before it. It may well be a breach of privilege of this Parliament that the Bill is now being thrust before honorable members when it has no relevance because the line has already been dismantled.

Another point that disturbs me is in regard to the proceeds from the sale of materials on the dismantled line. Section 115 of the Railways Act 1958 provides that there shall be kept in the Treasury a Railways Renewals and Replacements Fund. It is correctly provided in the Bill that the proceeds from the sale or disposal of the materials or property shall be

paid into that fund. As the line was dismantled five years ago without authorization by an Act of Parliament, I want to know what happened to the proceeds from the sale of materials on the line.

Moreover, a number of buildings are situated on the line and I am told by the honorable member for Broadmeadows that he knows a person who is leasing a building and portion of the land from the Railways Board. Until the Bill is passed, the Railways Board has no authority to do this because section 76 of the Railways Act clearly states what may be done with property owned or administered by the railways which becomes surplus to requirements.

The Railways Board has been abysmally poor in its administration of the Railways Act and the Minister must be condemned for his failure to ensure that the board acts correctly. The whole history of this measure is a chapter of errors.

In no way do members of the Opposition condone the actions of the Minister. Indeed, we condemn him for his failure to introduce at the right time the necessary Bill which would have been passed without any fuss. Now that the line has been dismantled and the Bill has at last been presented, there is little that honorable members can do except to tell the Minister to smarten up his footwork.

The Minister of Transport is one of the greatest States' righters in this Parliament and is always criticizing the Commonwealth Government for so-called unconstitutional or illegal actions, and yet he has allowed a railway line to be torn up without the authorization of this Parliament. This railway line was constructed under the authority of an Act of Parliament of 1884. The line was torn up at the whim of the railways and apparently because of the maladministration or the lack of control that the Minister has over the Railways Board.

The financial aspects of the transaction leave a lot to be desired. One would not know what happens to the funds obtained from the sale of the land. In the railways accounting system one would not be able to find out if $10 million were missing, let alone what has been obtained from the sale of material from the Heathcote railway line. This is another sorry episode in the Government's administration of the Victorian Railways. A number of other railway lines are threatened with closure. The sooner the Minister of Transport and the Premier agree to hand control of the Victorian Railways to a proper authority, the Australian Government, the better the position will be. The Australian Government will have sufficient money to operate the railways as a public service and not subject to whether they are economic or not.

Mr. TREWIN (Benalla): This Bill will authorize the removal of a section of the railway line from Wandong to Heathcote and Sandhurst. As the honorable member for Kara Kara has said, much of the material has been removed, but the land is still the property of the railways and some material remains to be disposed of. Hence the Bill makes provision for the sale and disposal of material and property.

The history of the railways in this area has been tremendously interesting. This line branches off the main north-eastern line. Many years ago one of the definite stops on the line to Benalla was Wandong, where one changed trains for Heathcote and Heathcote Junction. This provided a service to the people of the district. A railway station also existed at the township of Kilmore, which was serviced by the branch line.

Honorable members must appreciate the advancement and the impact of motor transport on rail facilities. Although the Heathcote line was a cross-country section from the north-eastern line to the northern line, it was put to great use in the period from the 1890s to the 1930s.

A tremendous quantity of firewood was taken from central Victoria to the metropolitan area in that period. Changes occurred with the passage of time. Although honorable members may be critical of the fact that the line was closed and some of the track disposed of before legislation was passed, I assure honorable members that I was pleased when the section that crossed the Hume Highway was removed. One had to be careful of trains, and that section of the highway was exceptionally rough and was a continual hazard to the motorist. As a constant user of that road I was pleased when that section was taken up. Let us not be concerned about when that was done; the Bill will legalize the position.

I am pleased that two wooden bridges on this line will be preserved. Anyone who has seen the bridges must wonder at the ability of the early engineers and the persons who were responsible for their construction. Many stone bridges are also a monument to the ingenuity of those men. They performed great engineering feats at a time when little equipment was available to assist in construction. I am particularly pleased that arrangements are being made with the Minister for Conseravtion and probably the Treasury to ensure the preservation of these two bridges.

Other areas of land along this railway line will be disposed of and the proceeds paid to the Consolidated Fund from which finance is made available to the railways to carry out their works programme. The railways have served country areas extremely well. I am always sorry when a branch line is closed, and this is no exception.

Although people in the district may or may not have protested at the time of the closure, the fact remains that if it were still in use the line would not attract much business because primary producers and business people in the locality can service their operation adequately by road transport. Therefore, it would not be reasonable to retain the line.

The fact that the line has been closed and some of it has been taken up is significant to members of the Country Party. This Bill will almost finally close a chapter in the history of this area. The historic wooden bridges will be retained as a monument to the architects of this line and will bear witness that the area was once served by a railway line.

Mr. EBERY (Midlands): One of the reasons for the introduction of this Bill is the rationalization of the area of land in question. It is a question of economics. Transportation needs have changed since the line was constructed in the 1890s, and road transport has developed to the detriment of the railways. When this line was operating the farmers did not always obtain their goods when they were required.

Several of the shires along this railway line, particularly Tooborac, intend to subdivide some of the land which will be sold to persons who wish to build homes. This is another reason for the rationalization of the area.

The National Trust of Australia is also involved. Magnificent engineering feats resulted in the construction of several interesting wooden bridges which it is proposed to retain. Some persons take the view that everything must be retained no matter what the cost, but a great proportion of the land in question can be put to much better use than it is at present.

Mr. CURNOW: You have not seen the line.

Mr. EBERY: It is obvious that the honorable member for Kara Kara does not drive adjacent to the railway line, as I do, in travelling to Seymour.

Mr. HOLDING: Do not talk about a railway line that is not there.

Mr. EBERY: The Labor Party has only one member who represents a country area; that is why it is not often right about matters that are of concern to country people. The

closure of this railway line was naturally of concern to some people, but the provisions of this Bill will allow full utilization of the area.

Mr. HOLDING (Leader of the Opposition): The removal of a railway line must be considered seriously by this House. The position must be considered even more seriously when the Minister of Transport seeks authorization for the removal of the Heathcote railway line which has been removed. It seems to me to be a curious exercise.

Mr. WHITING: The easement is still there.

Mr. HOLDING: I remind the honorable member that the short title refers to the removal of a section of the Wandong, Heathcote and Sandhurst railway. We are not talking about easements.

Mr. WHITING: We are talking about them, too.

Mr. HOLDING: Perhaps so, but basically we are discussing the provisions contained in clause 2 which refer to the removal of a section of railway, the disposal of materials and the application of the proceeds of sales. When one examines the provisions of the Bill one is entitled to presume—as the honorable member for Midlands, who has never really found his way around this area, has presumed—that the railway is still there.

Mr. EBERY: Sections of the railway line are still there.

Mr. CURNOW: It has all gone and you know it.

Mr. HOLDING: An interesting position has been reached, because the ardent back-bencher who lives in proximity to the area being discussed says that sections of the line are still there. I do not know how a railway, a silver train or a steam train can run along only a section of a railway. I shall invite you to rule on the matter, Mr. Speaker, because if a Bill comes before the House, honorable members are entitled to work on the basis that all the facts to enable a decision to be made are placed before the House. According to the honorable member for Kara Kara, whom the House is entitled to believe, most of the railway line has gone.

Mr. CURNOW: I am prepared to say that all of it has gone.

Mr. HOLDING: The honorable member for Midlands says that sections of it remain.

Mr. EBERY: There are still the sleepers and the bridges.

Mr. HOLDING: I would expect that type of answer from the honorable member. It is an odd exercise to believe that a railway can be run along bridges without lines and along rails that are not connected. Honorable members can involve themselves in an exercise in semantics, but, if half the lines have been torn up, the Minister needs the authority of Parliament to authorize actions that have already taken place. He is entitled to seek it, but he is not entitled to introduce a Bill which invites Parliament to work on the fiction that it is dealing with a railway line which is intact and which the honorable gentleman seeks to have dismantled. I am tired of hearing the Minister of Transport continually bleating about the Socialist centralists at Canberra who are trying to deprive the State of its inalienable rights. The Bill before the House asks Parliament to work on a state of affairs which does not exist.

The best that the honorable member for Midlands is prepared to say is that only some of the railway is there. I do not know how one can run "some of a railway". I regard the honorable member for Kara Kara as a reasonable, reliable and accurate gentleman.

Mr. MEAGHER: He is most unreliable on this matter.

Mr. HOLDING: I invite the Minister to tell the House about this matter, because he was not prepared

to answer the question. He said that it was too complicated. The question he was asked was—

What is the length of the line referred to in the First Schedule of the Heathcote Railway Removal Bill?

I should have thought that question permitted of a simple answer.

Mr. MEAGHER: If you give me a chance, I will give you the answer.

Mr. HOLDING: Five minutes ago the Minister was telling the House that the question was too complicated to answer. If the honorable gentleman took one position five minutes ago and now takes another, that is his privilege. I invite honorable members to examine the rest of the questions which were too difficult for the Minister to answer because he said that it would take too long to get the relevant information. The second part of the question was—

How much of this railway line has already been dismantled and under what authority?

The railway line has either been dismantled or it has not been dismantled, and the Minister ought to be able to determine in five minutes how much of it has been dismantled, and under what authority. The third part of the question was—

Whether any of the dismantled material has been sold;

This is a question of fact and requires a "Yes" or "No" answer.

The question continued—

if so, under what authority and where the funds have been deposited?

That should take a full five minutes to answer. The fourth part of the question was—

Under what authority the Country Roads Board altered a number of crossings on the line?

That is a straightforward question. The fifth part of the question was—

What buildings have been leased or sold?

The question whether buildings have been leased or sold is one of fact. The questions require an answer of "Yes" or "No". If someone signs a lease or a contract, that is a question of fact. The question asking under what authority the action has been taken is also one of fact. There is nothing which could not have been answered within an hour by a diligent public servant, who would need only to look at the record. These are all facts which are on record and should be immediately available, even in a department of such complex bureaucracy as the railways.

For the Minister to state that the question was asked only yesterday and that he has not had enough time to reply is to presume on the credulity of the House. The honorable gentleman is entitled to presume on the credulity of the honorable member for Ringwood, but not on that of the Opposition. I ask the Minister to inform the House how much of the railway line has already been dismantled and under what authority. The honorable member for Kara Kara says that much of it has been dismantled. If a line or one section of a line has been removed, a train cannot run along it. That should be elementary even to the honorable gentleman, who still plays with his Meccano set. If part of the line is removed, the train will run off the line. The House is entitled to work on a Bill about which it has all the facts. The Opposition regards it as an abuse of the prerogatives of the House for the Government to present a Bill on the basis that a railway line still exists.

I invite you, Mr. Speaker, to examine the Bill and the terminology of the second-reading speech. If you did so, without looking at the physical disposition of the line, would you, Sir, as a reasonable member, act on the basis that this railway line was intact? Would you assume that although it might not be operating, it was all there? The House has been asked to authorize the dismantling of the railway line and the disposition of various portions of it.

I have examined the second-reading speech of the Minister of Transport reasonably closely. In the speech, the Minister said that the land is no longer required for railway operations; that is reasonable. He referred

to two timber trestle bridges of historic interest which have been classified by the National Trust of Australia and are to be preserved. That is all very good. The honorable gentleman gave a description of the land on which these bridges are situated. He went on to say that it was not reasonable to ask the Railways Board to continue to accept responsibility for the maintenance of the bridges. That was perfectly reasonable.

The Minister said that the proceeds of any sale of materials and property are to be paid into the Railways Renewals and Replacements Fund, and that the Bill authorizes the sale of lands. All that is perfectly reasonable. He went on to say that the net proceeds from the sale of land will be placed into the Consolidated Fund. That, too, is reasonable, but one is entitled to accept that the Bill deals with a railway line which was erected under the authority of this Parliament and that Parliament is now giving its authority for the dismantling and disposition of the railway.

Mr. WILTSHIRE: What does "dismantling" mean?

Mr. HOLDING: It means taking down some of the lines and disposing of the assets. The Opposition is concerned about the authority of Parliament, because one honorable member has said that much of this has already taken place and that the lines have already been physically dismantled.

I shall invite you, Mr. Speaker, to rule on the matter. By interjection, the Minister for Conservation is now trying to come to the rescue of his colleague, the Minister of Transport. He will do his ebullient best. I propose to invite you, Mr. Speaker, to rule whether it is competent for any Minister of the Crown to prepare and introduce a Bill based on a state of affairs which does not exist. As the railway was established by an Act of Parliament, it is perfectly proper for the Minister to introduce a Bill to dismantle it, or, if it has already been dismantled — as has occurred on previous occasions—to refer in the Bill to the dismantling that has already taken place and ask Parliament's authorization for it.

However, it is a breach of the prerogatives of this House for the Minister to introduce a Bill when certain actions have already been taken, sections of the line have been dismantled, sections of the property have been disposed of and Parliament has been presented with a Bill and asked to accept as factual something which is not reality.

I submit that this Parliament is not entitled to be treated in that way. I therefore ask you, Mr. Speaker, to rule whether the action of the Government involves a gross breach of the prerogative of this House; in other words, whether it is a breach to have a Bill presented in these terms having regard to the facts of the situation. It is important that Parliament must always function on the basis that all information is available to the Parliament. It is quite wrong to produce a Bill referring to actions which have already taken place without referring to the fact that they have taken place. The Bill does not refer to the actions which have taken place and the second-reading speech of the Minister of Transport also does not refer to those actions. To that extent, the Bill and the second-reading speech represent, in my view, a fraud on the Parliament. The Parliament is not entitled to be treated in that way by the Minister of Transport or by other Ministers of the Crown or by any statutory authority.

Mr. SKEGGS: The assets are still there.

Mr. HOLDING: Honorable members do not know that.

Mr. WILTSHIRE: There are a lot of things the honorable member does not know.

Mr. HOLDING: There are some things I do not know but there are many things that the honorable

member does not know. When a Bill is introduced into this Parliament and honorable members are asked to make a decision on it, honorable members are entitled to work on the basis that all the material to enable them to make a decision is available. That is the only basis on which any Parliament can work.

If it is a fact, as members of the Opposition believe, that the Railways Board has disposed of some of these assets, the Bill should refer to that and should be seeking the authorization of the Parliament to recognize what has occurred. A similar omission has occurred before and there is nothing novel about that. This would not be the first time that the Parliament has been asked to pass a Bill to assist a statutory authority or a local government authority which may have exceeded its statutory powers and performed something in excess of its powers and has subsequently been forced to ask the Parliament to set things right.

In this case, if the Railways Board has dismantled some of the line and disposed of some of the assets, it is a matter of argument whether that was a prudent or proper course. All that is required is for a Bill to be introduced into the Parliament informing the Parliament of these facts and asking it to give the necessary authorization to sanction these actions which have been taken. However, that has not occurred.

What I am drawing to your attention, Mr. Speaker, and what I am deeply concerned about is a situation where two honorable members —the Opposition does not run a detective agency and it is not the intention of the Opposition to measure every foot of railway line disposed of—are prepared to say that certain action has already taken place, and that being so it is assumed that the Bill in its present form is improperly before the House.

I am indebted to my colleague, the honorable member for Kara Kara, who has drawn to my attention the terminology used in the Railways Dismantling Act 1955, No. 5939. In that case, certain sections of railway line had already been dismantled and there was specific reference to that fact in the Bill. On the evidence before the Parliament, honorable members on that occasion were asked to approve of actions that had already been taken. If it was necessary in that case to proceed in that way, and that is clearly the way in which the Parliament should proceed, why on this occasion has a Bill been introduced into the Parliament which is asking the Parliament to operate on the basis that all the facts are known when in fact they are not? This is a slovenly approach but it is not the first time a slovenly-drafted Bill has been presented to the House. However, what is important and what I ask you to rule on, Mr. Speaker, is the prerogative of this Parliament. It is a matter which goes to the privilege of the Parliament; no Minister should introduce a Bill based on a set of facts which do not represent the true position.

One of the long-standing traditions of this House has been that if a Minister makes a statement to the House, all honorable members are bound to accept the truth of that proposition. I am not saying that the Minister of Transport is misleading the House, but what I am querying is the way the Bill has been introduced. There are a set of presumptions from which you, Mr. Speaker, and from which any honorable member is entitled to conclude that there are certain facts, but on the evidence of two honorable members, that is not so. If that is disputed, honorable members are entitled to have a full and detailed explanation, but that explanation is not found in the second-reading speech of the Minister of Transport or in the Bill.

Even if the position is as alleged —the House can take the high-water mark of the honorable member for

Kara Kara who says that all the line has been disposed of or the low-water mark of the honorable member for Midlands who says that only some of it has been disposed of—the Bill grossly misrepresents the position to the House. The Minister of Transport, in his second-reading speech, does not properly inform the House of all the facts.

That being so, the prerogatives of the House are themselves being called into question and I ask you, Mr. Speaker, to rule on whether the Bill and the second-reading speech of the Minister of Transport are in a form which can properly be dealt with by this House.

Mr. MEAGHER (Minister of Transport): On the point of order——

The SPEAKER (the Hon. K. H. Wheeler): Order! There has been no point of order raised and at this point of time the Minister of Transport has exercised his rights by making his second-reading speech. The Chair does not know whether there is a line, any line, part of a line or anything about it. So, I am not able to give judgment on the extent to which the line is still in existence. I should like the honorable members for Kara Kara and Midlands to know that I do not disbelieve either of them. This question is a matter for argument and at this stage it is not possible for me to rule whether the terms of the second-reading speech of the Minister of Transport or the Bill are right or wrong. This is a matter which must be proved by argument from one side of the House or the other.

Mr. WILTON (Broadmeadows): What I am concerned about is that it is obvious to anybody who wishes to take the trouble to examine the history of this Government that it is not prepared to learn from its mistakes in the past. It is quite clear that the Government is prepared to condone illegal acts committed by the beaurocracy and is not prepared to take any action to stop it. This has happened with the Melbourne and Metropolitan Board of Works, the Country Roads Board and the Railways Board time and again.

The SPEAKER: Is the honorable member for Broadmeadows speaking on the point raised by the Leader of the Opposition or on the second-reading motion.

Mr. WILTON: I am speaking on the second-reading motion. The point I make is that there has been, in my opinion, an illegal act committed by the Railways Board in as much as there was in 1884 according to the First Schedule to the Bill, a railway line established under an Act of this Parliament, and nowhere in that Act is the Railways Board given authority to remove that line. The Railways Board is given authority only to establish and maintain the railway line.

Honorable members now discover that the Railways Board has taken unto itself authority which it has not got. The Minister of Transport is not prepared to give Parliament any explanation for the board's action. The Premier has not even had the decency to bring before the Bar of this Parliament the Chairman of the Railways Board to explain this illegal action.

Those facts clearly show the regard that the Government has to the importance of the State Parliament. The Government considers State Parliament a joke. The Minister of Transport has been one Minister who has castigated the Australian Government and accused it of trying to destroy the State Parliament, yet the honorable gentleman and the Government of which he is a member have done more than anyone else to discredit the integrity of this Parliament and to destroy the Parliament by allowing the illegal actions of the bureaucracy to continue unchecked. As I said before, the Country Roads Board has acted illegally, as has the Board of Works and the Railways Board. This has happened more than once and no action has been taken by the Government to stop it.

Apparently the back-bench members of the Government party are so subdued that they are prepared to sit in complete silence and allow members of the Cabinet to trample over them when they introduce legislation of this nature and particularly in the manner in which it has been presented, as the Leader of the Opposition pointed out. It is quite clear that the Government is acting fraudently in that sense.

The SPEAKER (the Hon. K. H. Wheeler): Order! I suggest that the honorable member for Broadmeadows debate the Bill.

Mr. WILTON: Mr. Speaker, I am debating the Bill in as much as the Parliament is now asked to pass a measure to validate an illegal act. If that is not so, what is the purpose of the Bill? If it was not necessary for the Parliament to pass legislation to enable this line to be removed, what the Railways Board has done would be in order in having the line removed. The fact that the Minister of Transport has introduced the Bill is an insult not only to the Parliament but also to Her Majesty the Queen because the Bill provides—

> Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows.

Clause 2 provides—

> Notwithstanding anything to the contrary in any Act the board may—
>
> (a) remove the section of railway referred to in the fifth column of the First Schedule other than the bridges described in the schedule.

Obviously the Government is asking the Parliament to give the Railways Board approval to perform these functions and it is necessary for the Parliament to approve this action. Yet the Railways Board has already done that. In other words, it has taken this responsibility unto itself and has treated the Parliament, the Government and the Minister of Transport with contempt.

The Minister of Transport then comes into this Chamber and states that he will put a Bill through the Parliament to rectify the situation and the Government accepts his course of action and considers it to be justified. It is a proper role for the Parliament not to follow on the coat-tails of the bureaucracy. However, in the eyes of the Government that is the role of the Parliament, but the Opposition takes exception to the misuse of Parliament in this way and objects to the abuse of the privileges of Parliament. The only reaction from the Government is that it considers the actions of the Opposition to be a joke. So, the Government, by its own actions, has destroyed its credibility. As I said before, the Government has done more to destroy the State Parliament, its importance, its role and its functions, than anybody else by allowing the Parliament to be used in this way. It is allowing itself to be following on the coat-tails of the bureaucracy.

Honorable members know of occasions in the past when legislation has been introduced to give authority to a statutory body to carry out public work which it has already completed. In some instances the work was done by the Country Roads Board; in one case it was carried out by the Melbourne and Metropolitan Board of Works. While Parliament was considering a Bill to authorize the work, the board had already let a contract. All this went on without any concern being shown by members of the Government. They stand condemned. They are revealed as political frauds when they say that the Australian Government is a threat to the Victorian Parliament. The Liberal Party Government, because of the way it operates, has done most to destroy the authority of this Parliament. The Minister and the Government stand condemned.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Power to board to remove railway referred to in schedule).

Mr. MEAGHER (Minister of Transport) : After twenty years of sitting in this place one becomes immune to some of the hazards of facing an Opposition such as we have in this Parliament. However, it is difficult to listen to the same arrant nonsense on each of the numerous occasions that a Bill of this type is introduced. Precisely the same vacuous arguments are presented by the Opposition on every occasion.

Honorable members are told that there has been an illegal act by the Victorian Railways Board. The justification for that argument, according to the honorable member for Broadmeadows, is an Act passed in the 1880s which authorized the construction of this railway. Members of the Opposition completely overlook the fact that this Parliament has, on many occasions, passed other railways Acts and amended railways Acts to give the Railways Commissioners or the Railways Board authority of various kinds to construct railways. Of course, in the 1880s, when the Act to authorize the construction of this line was passed, nobody thought to provide for the line to be dismantled.

If I am guilty of anything in relation to this Bill, I am guilty of an attempt to make the Opposition understand the true position. I arranged for Parliamentary Counsel not to use the word " dismantled " in the Bill. I did that because, in every debate on a Bill of this type I have heard over a period of twenty years, the discussion has centred around the word " dismantled ".

The Opposition has studiously ignored the fact that the Railways Act provides that where land is vested in the railways it cannot be disposed of except by Act of Parliament. It would have us believe that a railway system could be built but that its operators could be denied the right to lift the track at any time except by the passing of an Act of Parliament. If that were the case, it would be impossible to upgrade the tracks and to keep them in a safe condition.

Therefore the Railways Act quite rightly authorizes the railways not merely to build railways but also to run trains on them, to discontinue services, and to remove and dispose of sections of track. If the railways could not dispose of, say, 70 lb. rails on a section of track which was laid 50 or 60 years ago to replace them with 90 lb. rails, the operation of the railways would be virtually impossible. In this instance, trains had ceased to run on the line because of lack of business and the railways quite properly lifted the tracks and used them on other parts of the system. The Bill is now presented to Parliament because the reservation is no longer required.

Every honorable member who has sat in this place for more than five minutes knows that the purpose of the Bill is to authorize the railways to divest themselves of the responsibility of owning the track and retaining it as part of the railways system. The Bill authorizes the railways to dispose of the land. Any honorable member who has been in Parliament as long as the honorable member for Broadmeadows should have enough intelligence to know that.

Of course the railways removed usable material from this land and disposed of it. They have done that on every occasion on which a Bill of this type has been quite properly presented to the Parliament. There is nothing illegal in this.

The Leader of the Opposition had a lot to say about my alleged failure to answer a question asked by the honorable memfor Kara Kara. That question first came to my notice when it appeared on today's Notice Paper. Presumably it was placed on the Notice Paper because the honorable member required a written answer, which he

will receive. The Bill has been before the House for at least a fortnight. Apparently it took the honorable member for Kara Kara a fortnight to think up the question. Yet he expects me to answer it within twelve hours although, at the same time, I have been denied an opportunity of providing a verbal answer.

I inform the honorable member now that the section of line concerned is approximately 40 miles long. I also inform him, in relation to the second part of his question, that most of the track and the buildings have been disposed of.

Mr. WILTON: Under what authority?

Mr. MEAGHER: Under the authority of the Railways Act. In the third part of his question, the honorable member for Kara Kara asked whether any of the dismantled material had been sold. The answer is, "Yes". However, at such short notice, I am not personally acquainted with the details of its sale. The honorable member also wanted to know under what authority dismantled material had been disposed of. It was under the authority of the Railways Act and the Minister.

Mr. HOLDING: You could have answered the question at any time.

Mr. MEAGHER: I am providing the information at the first opportunity I have of doing so. The honorable member for Kara Kara could have asked a question without notice, but he had the question placed on the Notice Paper and denied me the opportunity of answering the question as I am now doing. The honorable member also wanted to know under what authority the Country Roads Board altered a number of crossings on the line. That was done under the authority of the Country Roads Act and the Minister.

In the fifth part of his question, the honorable member asked what buildings had been leased or sold and also sought an indication of the price paid and the authority for the action. Obviously, no Minister would know off-hand the details of every building which was sold and how much it fetched. The honorable member wanted to know where the funds received from a sale of dismantled material had been deposited. Again under the Railways Act the money goes to the Railway Renewals and Replacements Fund. The money which will be obtained from the sale of the land, as I carefully explained in my second-reading speech, will go to the Consolidated Fund, but an equivalent amount will be made available to the railways in the loan programme.

The honorable member has the answer to his question at the first moment at which it was possible for me to give it in this House. Yet he prefaced his remarks by complaining of my alleged discourtesy in not answering the question. I remind the Committee that the honorable member has had his answer at the first possible opportunity, but it took him a fortnight to think of the question.

The use of the word "dismantled" is the sort of thing the Opposition has loved for many years. It was because of its emotive attachment to the word that it was not used in this Bill. I wanted a debate on the merits of the case rather than the nonsense we have listened to tonight. The railways have done nothing without proper authorization. I have explained what happened to the funds. I have explained that everything has been done in accordance with Acts of Parliament.

Claims that Parliament is being treated with contempt because of those actions are transparent nonsense.

I reiterate that in the twenty years I have sat in this Parliament I have seen many similar Bills in various forms. I became so sick of the misrepresentation of the Opposition, based on the word "dismantled", that on this occasion I asked Parliamentary Counsel to avoid it. But the

net result is that I have again heard a debate about dismantling a railway line and not about the Bill.

Mr. CURNOW (Kara Kara) : First, I thank the Minister for giving me, in part, the answer to the question I asked today. The Minister of Transport, unlike other Ministers, does not seem to be able to provide answers on the day after questions are posed.

Mr. WHITING : The Minister would have received a copy of the Notice Paper at about 10.30 a.m. today.

Mr. CURNOW : There is no doubt that he received a copy of the question last night.

Mr. MEAGHER : No, he did not.

Mr. CURNOW : I am informed that the length of line involved is approximately 40 miles. The Minister has said that most of the line has been dismantled.

Mr. MEAGHER : That is right. This is not a Bill about dismantling.

Mr. CURNOW : No, it is only a Bill about the power of the board to remove the railway.

Mr. MEAGHER : To dispose of it.

Mr. CURNOW : To remove the railway; the railway is the line. I asked the Minister by what authority the railways dismantled the line. The Minister told me the authority was in the Act. I have in my hand the Railways Act 1958 and I should like the Minister to show me the relevant section of the Act which gives the railways or the Minister the power to remove the line. I can tell the honorable gentleman before he even looks at the Act that the Deputy General Manager of the Victorian Railways, Mr. McCallum, told me yesterday that no section of the Act gives that authority. When I rang Mr. McCallum this morning for confirmation he told me the same thing. I am prepared to accept the Minister's statement that he has authority under the Act but the Deputy General Manager of the Victorian Railways cannot find that authority in the Act.

The material has already been sold and money gained from that sale. Has that money been deposited in the Railway Renewals and Replacement Fund under section 115 of the Railways Act ? The railways accounting is so poor that they would not know if they were $10 million out. The Minister knows that, because the Public Accounts Committee investigated the railway accounting system and recommended radical changes to it. Members of the Opposition are sick and tired of being a second-rate rubber stamp of actions by the bureaucracy in this State. The Parliament is now being asked to condone actions taken by the Victorian Railways five years ago and if members of this House are prepared to sit back and accept that sort of rotten second-rate power, they do not deserve to be members of Parliament.

The honorable member for Midlands represents most of the area through which this railway used to run. The railway line has been removed to such an extent that the new honorable member for Midlands would not have seen the line because he would not know where or how it has gone. One cannot even see it.

Mr. EBERY : Of course it can be seen.

Mr. CURNOW : It cannot be seen, and the honorable member knows it. Members of the Opposition are utterly fed up, sick and tired and discouraged by the way this Parliament has been treated tonight by the Minister of Transport. We will not accept the cavalier fashion in which he has tried to cover a poor and illegal act.

Mr. EBERY (Midlands): This debate has taken on a remarkable twist. Possibly under the circumstances honorable members could say that the Victorian Railways Board has no authority to remove rails or to remove sleepers or to keep railway lines in a reasonable condition. If this is taken to the

extreme it could mean that the honorable member for Kara Kara and the Leader of the Opposition would need snorkels to get through to the other side of the railway line that passes through the Eppalock dam. That is how ridiculous this debate has become. Railway lines could get down to a minimum of 1 inch wide and the sleepers could become decayed. The Railways Board must have the opportunity of upgrading and maintaining the standard of the railways and this is what the debate is about. If the Eppalock weir had been built and the board had not the authority to remove the sleepers and railway line, it would naturally have been a waste of facilities.

Mr. JONES (Melbourne): Section 79 of the Railways Act gives the Railways Board general powers for making railways but there does not appear to be anything in the section that relates to the unmaking of railways. It may be that there should always be both a making and an unmaking power, but that is not what the Act provides. No doubt it may have been an oversight by our legislative forebears. There are several headings under which this matter may be debated. The Railways Board has the right to enter lands, the right to lay and make railroads, tramways and so on, to alter the courses of streams and rivers, to make drains and conduits, piers, stations, sidings and warehouses. Under section 79 the only thing the board can remove is timber which would interfere with visibility or which might fall or otherwise obstruct or injure the raiways. It therefore has power to enter land. Section 79 also states that the commissioners may do all other things necessary or convenient for making, maintaining, altering or repairing and using the railways. The minister indicated that altering in the sense of removing rail lines is all right, but clearly the implication, on any kind of logical construction, is that the Act refers to making a line. One may make or improve a line, add to it, improve its visibility or safety, enter in and do all the things necessary to improve the line, but there is no reference in section 79 to the power to unmake or remove a line. In other words, one can do all the things necessary to augment the railways or to make the service bigger or more effective, to strengthen lines and bridges and so on, but the section gives no general power of removal.

I take it that the general principle has been that where specific lines have been dismantled, this has been done pursuant to an Act of Parliament. In this case, because the removal has already taken place, it will not be done pursuant to, but in anticipation of, an Act of Parliament. In fact the Act of Parliament will be pursuant to the removal. The result is that honorable members have been presented with a strange Bill which consists largely of a preamble, none of which is correct, and all of which is phrased in the wrong historical tense. I appeal to the Minister, if his answer to the question asked by the honorable member for Kara Kara is that under the Act he is empowered to remove the railway line, to indicate the section of the Act to which he refers.

The Act does not provide this power. Whether it ought to do so is a different matter, but the fact is that it does not give that power. The section gives a general power for the making of railways, not for the unmaking of them, and there is nothing in this lengthy clause, which continues for almost one and a half printed pages, to suggest that there is any power to remove a railway line. If there were, one would ask why on earth the Bill had been brought before Parliament. If the Minister says by implication that he already has the power to dismantle the line, then he should not need an Act of Parliament, to permit the dismantling so why has he brought the Bill before the House?

Clearly, the Bill must have some purpose. It was not designed as a means of public entertainment; it is intended to give legislative approval for something that is not authorized by the Railways Act. If that is not so it is pointless to duplicate legislation.

If it is claimed that the necessary power exists in the Railways Act, but the Government decides by way of excessive caution and for public information to introduce a Bill, I ask the honorable gentleman to indicate under what section he rests his power?

Mr. MEAGHER (Minister of Transport) : The honorable member for Melbourne clearly indicated where the power lies in the Railways Act. It is contained in section 79, the last part of which reads, in referring to the commissioners or the board, that—

> They may do all other things necessary or convenient for making maintaining altering or repairing and using the railways.

The honorable member drew the conclusion from that section that there is no power to enable the Victorian Railways Board to remove railway lines. That is perfectly true, and that is why the Bill is before Parliament, because in that context the removal of the railway, formerly called dismantling of the railway, means the removal of that railway reservation from the railways system. It is not directed at the removal of a piece of rail or a number of pieces of rail, because if there were no power for the railways to lift any piece of rail or to remove the track, there would be no way in which the railways service could ever be improved.

The underground railway loop could not have been started if the Railways Board had no actual authority to permanently lift certain sections of track. There is sufficient authority in that section alone to authorize the Railways Board to do those things which are necessary for the maintenance and use of railway lines. If one wanted to write in simple language an Act which provided for every possible contingency, the Act would be voluminous, but probably restrictive in its operation.

Mr. JONES : But the Minister has only to interpolate the words " or to remove ".

Mr. MEAGHER : The interjection of the honorable member for Melbourne shows his complete misapprehension of the whole purpose of the exercise, because if the words " or to remove " were added to the original Act, the Railways Board would be in a position to do the very things about which the honorable members who have spoken for the Opposition are complaining. The board would be able to remove and dispose of any railway reservation in Victoria without reference to Parliament.

Mr. CURNOW : You have done it already.

Mr. MEAGHER : We have done nothing of the sort, because the reservation still exists; the land is still in the possession of and vested in the Railways Board, and the existence of the right of way is an integral part of the railway system. The reservation cannot be removed without the authority of Parliament, and that is what this Bill is about.

The persistent misrepresentation over the past twenty years by the Opposition of the meaning of these terms staggers the imagination. I do not blame the honorable member for Melbourne because he has not been in this Parliament long enough to learn about it, but other honorable members—including the Leader of the Opposition and the honorable member for Broadmeadows— have heard this stupid argument stated repeatedly. The correct interpretation has been explained to them in detail on innumerable occasions, yet they continue to maintain this nonsense and farrago of misrepresentation.

Mr. HOLDING (Leader of the Opposition) : The saddest thing that has emerged from this debate is that the Minister of Transport does not

seem to understand the operation of the Act he administers. I shall not weary the Committee by stating the correct interpretation of the Bill, which was given by the honorable member for Melbourne.

Section 79 of the Railways Act 1958 gives wide powers to the Railways Commissioners to build, construct and maintain the railways. It was interesting to hear the Minister and the honorable member for Midlands argue that the power to construct, maintain or repair was somehow synonymous with the power to dismantle. The honorable member for Melbourne pointed out the specific powers contained in the section and referred the Minister to the wide power given at the end of section 79, which states that the Railways Board may do all other things necessary or convenient for making, maintaining, altering or repairing and using the railways. The Minister suddenly thought this might be the argument he needed. The concept of doing the things that are necessary or convenient for the making and maintaining of a railway is specific, and the Minister understands it. The next point refers to altering ; from time to time a rail must be lifted. Repairing occurs daily and the concept of it is specific. " Using the railways " is a wide term. How can any of those terms be strung together to give the power to the State to dismantle or remove the railway?

Mr. MEAGHER : That section does not refer to a specific piece of line.

Mr. HOLDING: The Minister, by his answer to the question asked by the honorable member for Kara Kara, admitted that most of the line has been removed.

The preamble to the Bill refers to the section of railway and the lands upon which it was constructed. It also states, *inter alia*—

—and whereas it is expedient to authorize the board to remove the said section of railway and to sell or otherwise dispose—

That is not expressed in the past tense. The Victorian Railways Board is not simply being authorized to dismantle a section of the railway in the past tense. If that was the intention, it should have been stated.

Mr. EBERY : The land has not been sold.

Mr. HOLDING : Of course, the land is not sold. I refer the honorable member for Midlands to clause 2 which states, *inter alia*, that the Railways Board may—

remove the section of railway referred to in the fifth column of the First Schedule.

That is the section of the railway which lies between the commencement of the railway and the south-eastern boundary of Mitchell Street in the township of Heathcote. Is the line there or is it not ? The honorable member knows that the line is not there, and therefore the House is dealing with an elaborate piece of nonsense. The preamble to the Bill presupposes the existence of the railway. Clause 2 specifically seeks the authorization of Parliament to remove a section of railway referred to in the schedule. The schedule contains a specific description of a railway ; it is a fairly narrow definition. Although the Bill deals with each of those steps, honorable members have now been told that the railway is not there.

Mr. BILLING : Somebody pinched it when the Labor member represented the area.

Mr. HOLDING : I suggest that the honorable member for Heatherton should apprise himself of the problems involved. If the Government wants authorization for something that has already occurred, there is no problem. It might be good enough for the Minister, who is a figure of status and authority, and has only to sniff and the honorable member for Heatherton reaches for his handkerchief. We understand the relationship of love and adoration that flows from the back bench down to the Ministry, but it is not good enough for Parliament and it should not be good enough for the honorable member for Heatherton or honorable members who occupy the back bench. The honorable member for Heatherton

lives in fantasy-land. He must watch Disneyland with an avidity which is beyond credulity.

What do these honorable members want to be told in the cosy complacency of their situation? The Minister introduced a Bill, with all the majesty that goes with his position and stated, in effect, "I want honorable members to solemnly contemplate what is involved in the proposed legislation. This Parliament created a railway, but it is no longer relevant. People do not travel on it any more. Society has grown more complex. Therefore, I have introduced a Bill for the purpose of removing it." The Bill contains a lengthy preamble and several excellent clauses, but when it comes down to the nitty-gritty of the matter, honorable members who honestly and objectively examine the Bill are entitled to believe that they are being asked to remove a railway that is no longer in use. However, they are really being asked to remove a railway which no longer exists. If that is so, the Government should say so. Is it any wonder that the railways are in difficulties when this House is asked to spend time justifying a set of fiction. That is what has occurred. The sooner the railways are disposed of and the Commonwealth is involved, the better it will be. The sooner Parliament does not have to spend time on such elaborate fiction, the better it will be.

Mr. HANN (Rodney): For a number of years I have travelled on this road on numerous occasions and observed the removal of the railway line and some of the bridges. I have noted particularly at the new "T" junction at Tooborac that the overpass bridge has been removed. There is no possible way a train can traverse the line. I have also noticed that the four major crossings over the Northern Highway from Tooborac to Kilmore have been removed by the Country Roads Board in recent years. The road has been completely sealed over the top of the railway line. It was interesting to note at that time the Country Roads Board did not remove the line; it actually built the road over the top of it.

I point out for the record that the railways went ahead and removed the line. The Minister said that the rails from the line had been used on other stretches of railway line. I doubt the honorable gentleman's statement, because a lighter grade of rail was used on the line and this type of rail is seldom used. I am inclined to the view that the line was probably sold for private use.

It appears to me, having observed the gradual removal of the line, that the Government has suddenly realized that it should have introduced a Bill to authorize its removal by the railways. I believe the Government should have been prepared to inform the House of the position.

Mr. WILKES (Northcote): I am intrigued by the remarks of the Minister of Transport. I feel sorry for the Minister for Fuel and Power. He should not have to worry about transport matters. Parliament is being asked to approve an illegal action by an authority. The Minister's explanation of the action that has been taken was simply that dismantling was not provided for in the Act, and if it was, the railways would have power to dismantle a line without reference to Parliament. I agree. If the Minister of Transport does not trust the Railways Board, why does the Minister not look at the proposition of the Railways Board acting without reference to the Parliament or to him?

Mr. MEAGHER: The Railways Board can act only with the authority of the Minister, who has the power to authorize.

Mr. WILKES: If the Minister or the Governor in Council has power to give that authority to the Railways Board, why is there a need for this Bill? That is the point I am making. The Minister of Transport has said that he has listened to this argument for twenty years

All honorable members have listened to the argument for twenty years because there has never been a solution to it. The present Minister of Transport and previous Ministers of Transport have not been able to agree. Even when Sir Arthur Warner was Minister of Transport and a member of another place there were great arguments and debates. However, if the Minister of Transport does not want to include a provision giving power to the Railways Board to dismantle without reference to the Parliament, why does he allow the Railways Board to do it?

That is the simple question the Minister of Transport has to answer instead of shuffling around and referring to what various sections provide or allow the Railways Board to do. The Act does not give power to the Railways Board to dismantle, and the Opposition does not believe it should have that power to dismantle without reference to the Parliament. Members of the Opposition consider that the proposition should be put to the Parliament first and, when it has been approved and adopted by the Parliament, the Railways Board should act under the direction of the Parliament—that is the only way.

When the Minister of Transport and other self-respecting Ministers of the Government realize that, they will not introduce legislation into this Parliament seeking approval of action already taken. It is of no use the Minister of Transport saying that he instructed Parliamentary Counsel not to refer to dismantling because he knew the argument that would be advanced by members of the Opposition.

Mr. MEAGHER: It is a false argument.

Mr. WILKES: It is not a false argument because the Minister of Transport since he has been a Minister, has taken this course of action on previous occasions. It is not a false argument when honorable members examine the reality, which is that the Railways Board has no power. The Minister of Transport will not give it power because he does not believe it should have power under its Act. He invites the Railways Board to go to him and he will say, "Yes" or "No". That is not right. It is the Parliament that should say "Yes" or "No", not the Minister of Transport.

What is the good of the Minister, after he has already informed the Railways Board that it can dismantle the line, coming to Parliament and introducing a Bill seeking approval for what he has done? It does not matter what view the Parliament takes of the measure—it is too late to do anything else. This type of argument has always been advanced when legislation approving the dismantling of a public facility has been before the Parliament. It would not matter if this Bill was defeated because trains could not run on the line as it has already been pulled up, and the bridges and crossings have already been destroyed. It would make a mockery of the Parliament, if it did nothing else.

The Minister of Transport is faced with the problem of obtaining approval for his actions, but his lazy and incompetent Government refuses to do anything about it.

Mr. AUREL SMITH: You forgot to say "inept".

Mr. WILKES: If my adjectives are not appealing to the backward back-benchers of the Liberal Party, that is a matter for them. I am referring to incompetent Ministers of the Crown and to the incompetent Government.

How much longer must Parliament put up with this Minister of Transport and other Ministers of the Crown asking the Parliament to approve legislation to cover a job that has been done? The Government does not want to give the Railways Board power to perform the task of dismantling of its own accord, but it asks the Parliament to give it its

imprimatur and to "shut up". If the Parliament does that, nothing more will be said. That is not the way to run the State and the quicker the Government wakes up to that the better off will be the residents of Victoria.

Mr. MACLELLAN (Gippsland West) : It needs to be said that the Deputy Leader of the Opposition has tried to salvage something of this debate after the "dismantling" of the Leader of the Opposition and the honorable member for Kara Kara and the sort of legal cuteness of the honorable member for Melbourne. It would have escaped your notice, Mr. Chairman, that this measure was supported by the Opposition in another place, where the Honorable J. M. Tripovich spoke in favour of the measure.

Apparently, members of the Opposition have been driving across the railway crossings or have been stopping for trains, obeying the road law, and it has just occurred to them that the line was pulled up in 1968. They have been waiting for trains to come along. It is either the longest strike or the shortest lockout, I do not know which, but it has been going on since 1968.

Strangely enough this area was represented by a member of the Labor Party until the present honorable member for Midlands was elected. Only when a member of the Liberal Party was elected was the paper work tidied up because this back-bencher of the Liberal Party saw the need and exerted pressure on the Government to introduce this measure.

The former Leader of the Opposition was also a former member for Midlands. The railway line was closed when he was the member representing the area. He did not require anything to be done at that time as he considered it was far better to allow the line to rust, the stations to fall into a state of disrepair and the bridges to fall down. That is what honorable members of the Opposition are arguing about. They are completely ignoring that what they are really discussing is the disposal of land. Mr. Stoneham, the former Leader of the Opposition, did not care what occurred to the line after it was closed in 1968. The former member for Midlands, Mr. Shilton, who represented the area until 1973, did not do anything about it.

This Bill has been referred to as dismantling legislation. Of course, members of the Opposition like to talk about dismantling legislation because they do not like to admit that on this occasion they are talking about a railway line which has long since been dismantled. What the Parliament is now discussing is the disposal of property, the land on which the former railway line stood and the future of those bridges and buildings which are set out in the schedule.

Members of the Opposition do not like this and the Deputy Leader of the Opposition has attempted to pull the coals out of the fire because he knows that if the Government took seriously the arguments advanced by the Opposition and the matter went to a division, the Opposition would, according to the way the harpies have been shrieking in this House this evening, vote against the Bill and try to keep open a railway line which does not exist, to retain the freehold of land whose disposal they know their colleagues in another place supported.

The State railway system will be better off by the passage of this Bill, and that is what should be concerning this Parliament, namely, the future of the railway system, not some argument about whether or not a 60 lb rail should be lifted out of the ground and disposed of for some useful purpose. If it is not to be used by the railways, it is of no use leaving it to rot.

It was only when a Liberal Party back-bencher pressurized the Minister of Transport by bringing the matter to his attention that a Bill was introduced into the House to get everything into order. At this stage the Parliament has a chance to think and act positively about the future of the railways of this State instead of negatively arguing about something that was dismantled in 1968, considering what will be the proceeds from the sale of this property and putting forward obstacles that affect the future progress of the railway system. The Parliament should be looking forward to the future.

Mr. WILTON (Broadmeadows): Opposition members have become accustomed to listening to the drivel of the honorable member for Gippsland West, and are aware that he has neither the wit nor the intelligence to understand our arguments. We understand the embarrassment caused by the fact that in the party room, when the Government was dealing with this Bill, the Minister put forward the argument that the railways already had the power to remove this line permanently, and that was accepted without question. The honorable member for Gippsland West is an example of the capacity of the Government back bench, and the Opposition can understand why the Minister was able to get away with that argument without question.

The honorable member for Gippsland West is so ignorant of the part of the State referred to in the Bill that he does not realize that the line in question goes through the electorate of Evelyn. Even the honorable member for Evelyn was not aware of that until tonight, and I can understand that also. At one stage the line also went through the electorate of Broadmeadows.

Mr. ROSS-EDWARDS: How is the honorable member for Broadmeadows going to vote?

Mr. WILTON: The Opposition has already made it clear that it is not opposing the Bill.

Mr. ROSS-EDWARDS: You have become a joke.

Mr. WILTON: I can understand the embarrassment of the Leader of the Country Party because he has not done his homework on this question and he now discovers that the argument of the Opposition is not based on whether the Bill should or should not be passed. What the Opposition takes exception to—and this has been pointed out to the Committee by the Leader of the Opposition, the honorable member for Kara Kara and the honorable member for Melbourne—is that nowhere in the principal Act is there a clear authority which empowers the Railways Board permanently to dismantle a railway line. The Opposition takes strong exception to a Bill for which Parliamentary Counsel, in carrying out the wishes of the Minister, drafted a clause in the following terms—

> Notwithstanding anything to the contrary in any Act the Board may remove the section of railway referred to in the fifth column of the First Schedule.

If the Railways Board had the necessary power under the principal Act, why was it necessary for the clause to be drafted in that way, and why did the Minister try to argue that the Railways Board already had the power? In our opinion, the board did not have that power and it took unto itself power which rightly belongs to Parliament.

The Minister of Transport argued that the Victorian Railways could not carry out any maintenance work if they did not have the power to remove the line. That is a ridiculous argument, because everyone accepts that the general powers given to the board relate to the maintenance and operation of the railways. Nowhere in section 79 is the board empowered to remove a railway line and not replace it, and that is the crux of

the argument of the Opposition. I believe the Opposition is justified in taking that stand on this matter.

Obviously the Bill must be passed because the line has been removed. What would be the point of maintaining a permanent way for some indefinite period? When the railway line was first closed strong representations were made to the Railways Commissioners. On two occasions at the Kilmore East railway station I was a member of deputations which put representations to the commissioners, because at that time part of the line was in the Broadmeadows electorate. It is not correct to say that the line was closed without any protest or whimper. Strong, vigorous protests were made over a number of years, and the closing of the line was delayed for some time until the Railways Commissioners decided, with the Government's approval, that they could no longer justify maintaining the line.

If it is in the best interests of the State and the system in general to remove the lines, dismantle the buildings and dispose of the property, there is a proper and orderly way for that to be done. An appropriate Bill should be introduced into Parliament before the line is dismantled so that Parliament can pass judgment on the proposal. But because of the way in which these things have been done under the present Government, Parliament is being used as a rubber stamp.

If honorable members did some homework on the railways under the Government's administration, they would realize that from 1955 to 1968 the Government starved the railways of finance which would have enabled the system to be updated to one that people expect to find in modern society.

The clause was agreed to.

Clause 3 (Former Crown Lands to be unalienated lands of the Crown).

Mr. CURNOW (Kara Kara): I seek an assurance that the Tramways Museum Society of Victoria will be able to continue to use a section of the land on which this railway is now situated. The line which runs from Heathcote Junction to Heathcote has a little stop on it called Bylands, which the Tramways Museum Society uses. I am not acquainted with the terms of its usage —the society may have a lease— but I should like an assurance from the Minister that the society can continue to use the land at Bylands.

Mr. MEAGHER (Minister of Transport): I readily give that assurance. The Tramways Museum Society of Victoria uses the line under a lease, and there is no intention of interfering with it.

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

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

VETERINARY SURGEONS (AMENDMENT) BILL.

The debate (adjourned from March 19) on the motion of Mr. I. W. Smith (Minister of Agriculture) for the second reading of this Bill was resumed.

Mr. WILTON (Broadmeadows): The Bill amends the Veterinary Surgeons Act in relation to the registration of premises used as veterinary hospitals. The Minister explained that there were some problems with these premises and a doubt had arisen whether the authorities had the desired power to control their operation.

There was also a doubt whether the Victorian board could deregister a veterinary surgeon who was registered in more than one State and who had been deregistered in another State because of some action in his professional capacity. The Bill provides the necessary authority for this. I shall deal with other

matters during the Committee stage. The Labor Party does not oppose the Bill.

Mr. BAXTER (Murray Valley): The Country Party supports this measure which amends the Veterinary Surgeons Act. As the honorable member for Broadmeadows pointed out, the primary purpose of the Bill is to enable the board to exercise control over the establishment and operation of so-called hospitals for animals. The board has control over other premises used by veterinarians and it is desirable that these premises should also be controlled.

The Bill also tightens up the principal Act in ways with which I agree. I refer particularly to the authority to cancel the registration of a veterinarian when his registration in another State has been cancelled as a result of his committing a misdemeanour. But the provision states that the board may cancel his registration, not that it shall cancel it. The board is given power to conduct an inquiry at which the veterinarian can be heard, if he so desires, before the board makes a decision.

I ask the Minister to ensure that when this measure is passed, the Act is reprinted. This is the third substantial amendment of the principal Act and it is becoming difficult to understand its provisions.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 and 2 were agreed to.

Clause 3 (Board may refuse to register applicants convicted of serious offences).

Mr. WILTON (Broadmeadows): Clause 3 provides—

> After section 13 of the principal Act there shall be inserted the following section :—
>
> " 13A. (1) The board may refuse to register the name of any person who is otherwise entitled to be registered but—
>
> (*a*) who has in Victoria been convicted of an offence which is punishable by a term of imprisonment of twelve months or more or convicted elsewhere of an offence which, if it had been committed in Victoria, would have been punishable by a term of imprisonment of twelve months or more ;
>
> (*b*) is not of good character ;
>
> (*c*) whose name has been removed from any other register or roll of veterinary surgeons for any reason affecting the conduct of such person in a professional respect ; or
>
> (*d*) whose registration as a veterinary surgeon under any other Act or law is suspended for the time being for any reason affecting the conduct of such person in a professional respect.
>
> (2) The Board shall not refuse to register the name of any person—
>
> (*a*) under paragraph (c) or paragraph (*d*) in sub-section (1) unless the reason for such removal or suspension was an act or omission of a nature affecting his conduct in a professional respect for which, if done or omitted to be done in Victoria, the board would be authorized under section 22 to remove the name of such person from the register if registered therein or to suspend his registration ; or
>
> (*b*) on account of a conviction for a political offence or on account of any views on politics or religion held or expressed by him ".

Obviously, all honorable members would support the principle, but I am at a loss to understand why proposed sub-section (2) (*a*) has been included. Double standards are being set in that if a person has been convicted of an offence which carries a penalty of twelve months' or more imprisonment, the board may refuse to register him although his conduct may not be related to his capacity as a veterinary surgeon. Then it is provided that the board shall not refuse to register a person on account of a conviction for a political offence or on account of any views on politics or religion held or expressed by him.

In one case it is provided that the board shall deal only with a person's registration in regard to his professional capacity and conduct as a veterinary surgeon and, if he fulfils the professional requirements laid

down by the board, he must be registered. In another, if he has been caught by an officer of the Chief Secretary and sentenced to twelve months' imprisonment by one of the Attorney-General's justices, although his conduct may be in no way related to his profession, the board may refuse to register him. I ask the Minister to explain why the clause has been drafted in this way.

Mr. ROPER (Brunswick West): The Committee should be concerned about the matter raised by the honorable member for Broadmeadows regarding a conviction for a political offence. I have examined the Crimes Act and other Acts relating to offences and I can find no definition of " political offence ". The definitions contained in the Bill and in the principal Act do not include a definition of the offence. I should like to know what is meant by the term. Is it a recognition that certain persons took a strong stand on the Vietnam war but that they may become and remain veterinary surgeons? If this is the sort of offence to which reference is made, it should be spelt out more clearly.

Proposed section 13A (1) (*a*) empowers the board to refuse to register a person who has committed an offence which is punishable by a term of imprisonment of twelve months or more. Many offences carry such penalties although persons convicted often receive a much lesser penalty. Leaving aside happenings in this place earlier today, the penalty for possession of marijuana would come within this category but there are other offences for which the penalty inflicted is minor and may even be a good behaviour bond for a short period.

The provision refers to an offence punishable by imprisonment of twelve months or more. I have recently heard of a case in which a person was convicted of carnal knowledge in 1963 when he was fairly young. He had changed somewhat by the time he came to me, but he was still being substantially disadvantaged because of the conviction. I checked the circumstances of the case and found that he received a good behaviour bond. Clearly, the court which tried the matter did not regard the way in which the offence was committed as serious.

Because of the way in which the clause is worded, that person would have to go before the board for special consideration. If the intention of the provision is to keep undesirable and criminal elements away from racing and trotting, these persons are well covered by paragraphs (*b*), (*c*) and (*d*). I shall be grateful for the Minister's re-analysis of what is meant.

Mr. I. W. SMITH (Minister of Agriculture) : I have sought to examine the original Act to find the provisions that are being substituted, but I have been unable to do so. The point is well taken and if honorable members will be content with my discussing the principle with the board between now and when the Bill is considered in another place, I shall advocate the points that they have raised and, if valid, will have an amendment proposed in another place.

Mr. WILTON (Broadmeadows): I accept the Minister's undertaking.

The clause was agreed to, as was clause 4.

Clause 5 (New section inserted).

Mr. WILTON (Broadmeadows): I have given some thought to the provision concerning the notice which may be given by the board where the board intends to conduct a hearing. Proposed section 22B (4) provides—

> Where notice has been given under subsection (3) the Board shall hold full inquiry into the matter and every such person shall be entitled to be present at such inquiry and to have legal representation but if he does not appear at the time specified in the notice the Board may proceed with the inquiry in his absence.

I ask the Minister to give an undertaking that he will examine the advisability of inserting the period of

time which may elapse between the serving of the notice and the hearing to ensure that the person concerned will have ample notice of the hearing. Using a hypothetical situation, the board in all sincerity could send out a notice but the person concerned could be absent from the State. On returning to his place of business he could find that the hearing had been held or was about to be held, and he would then be deprived of the opportunity of arranging for legal counsel, himself or some other competent person to appear at the hearing.

I believe 28 days' notice is usually accepted in matters of this nature. I do not wish to tie the Minister down to an undertaking of 28 days but I put that forward as a suggestion because from memory this has been accepted on other occasions in situations where hearings are to be held and it is necessary to advise the person concerned of the actual hearing date.

Mr. I. W. SMITH (Minister of Agriculture) : The suggestion of the honorable member for Broadmeadows commends itself to me. Whether it is 28 days or one month does not matter to him or to anyone. However in the limited time available here it is difficult to redraft that clause. I undertake that I will have drafted an amendment specifying a time for the notice to be served on a person in respect of proposed section 22B (4), as contained in clause 5. That amendment will be presented in the other House for acceptance. I trust that that will be acceptable to the honorable member for Broadmeadows.

Mr. WILTON (Broadmeadows) : I am happy to accept that undertaking and I thank the Minister.

The clause was verbally amended, and, as amended, was adopted.

The Bill was reported to the House with an amendment, and passed through its remaining stages.

ENVIRONMENT PROTECTION (NOISE CONTROL) BILL.

Mr. BORTHWICK (Minister for Conservation) : I move—

That this Bill be now read a second time.

Its purpose is to amend the noise provisions of the Environment Protection Act 1970 to enable an effective programme of environmental noise control to be established in Victoria. It is emphasized that it is not intended that this Bill should be all-inclusive and cover every type of noise problem.

The Environment Protection Authority has established three priority areas, namely, motor vehicle noise, industrial noise and domestic noise. Considerable study has been made of these problems and the provisions in this Bill have been drawn up as a result of these studies. However, in some respects the proposed legislation is experimental and amendments may be necessary in the light of future experience in the administration of the Act.

Other problem areas such as construction and demolition site noise, and entertainment noise, will be studied in depth and further amendments will be proposed in due course if this is found to be necessary. I should point out that industrial noise in relation to this Bill refers only to noise from industrial premises which affects the community at large. The control of noise which creates problems inside factories is already administered by the Industrial Hygiene Division of the Department of Health and this arrangement will continue.

It has been found around the world that noise control is a most difficult subject on which to frame legislation. Many overseas countries have already proclaimed noise control legislation but major difficulties have arisen in the administration of this legislation. It is therefore impossible to point to any country as having an effective over-all programme of noise control which may be used as a model by

other countries wishing to initiate such a programme. In Australia, some other States have introduced noise control legislation, but the administration of these provisions is still in the development stage in each case.

One of the greatest difficulties to overcome is the subjective nature of noise. Noise has been defined in a variety of ways but the definition which seems to be most appropriate is that noise is sound which is not wanted by the recipient. A subtle distinction is made here between sound and noise and it is clear that what may be a pleasant and enjoyable sound to one person may easily be an annoying noise to another.

The circumstances of the noise present a further complicating factor. In the middle of the night when the background noise level is very low, even the ticking of a clock may be an intolerable noise to a person trying to get to sleep. During the day, however, when the background noise from traffic and other sources has increased, the noise from the clock would go completely unnoticed.

The transient nature of noise provides another considerable difficulty. In most other areas of pollution, traces of the emitted waste, whether it be solid, liquid or gaseous, may still be found in the environment sometimes long after the emission has ceased. Noise on the other hand generally ceases to exist only seconds after the source is silenced.

Another problem associated with the establishment of precise mandatory requirements related to noise emissions is that several factors may influence the noise between its source and the receiver. Firstly, the noise level will vary according to the distance between the source and the receiver. Secondly, any obstacles in the direct line between the source and the receiver or any reflecting surfaces, such as the walls of nearby buildings, will affect the noise received. Thirdly, the character of the noise, such as its frequency distribution, its duration or its impulsiveness—that is, hammering or riveting noises—influences the annoying effect it may have on the recipient. In addition, it is often impossible to discriminate purely from a sound level meter reading the contribution to the measured level due to the source under consideration and the contribution due to extraneous sources nearby.

Because of these factors any legislation specifying mandatory noise levels must provide for the prescription of very detailed measurement procedures and very precise specifications for measurement equipment.

When attempting to resolve these and other difficulties in a legislative framework, major problems related to the differences between political, legal and scientific requirements are encountered.

In the past, noise control provisions have been scattered through a variety of different Acts which with few exceptions have attempted to deal with noise on a subjective basis. These Acts include the Motor Car Act, the Health Act, the Local Government Act, the Motor Boating Act and the Recreation Vehicles Act. These Acts refer to such things as " any nuisance or other condition liable to be dangerous to health or offensive "; " controlling and regulating the use of premises with a view to preventing objectionable noises at unreasonable times "; the emission from a motor car of " any offensive noise of such quantity or extent as to be an annoyance or danger to the public ". Legislation using such terminology is extremely difficult to administer effectively.

It must be mentioned, however, that the police are currently doing excellent work in the area of motor vehicle noise control, mainly under the provisions of the Motor Car Act, relating to the roadworthiness of a vehicle. It is certainly not intended that the proposed new legislation should supersede existing provisions

but rather that it should supplement them. Indeed, the police and the public have given invaluable assistance to the Environment Protection Authority during the investigatory studies undertaken prior to the drafting of this proposed legislation.

Some local authorities are also doing excellent work in controlling noise within their municipalities, either by the use of by-laws made under the Local Government Act or by use of the Health Act. Once again, it is intended that any new legislative provisions should supplement this work and, where necessary, the authority will give advice and provide a centre for co-ordination of the efforts of the municipalities.

It was to overcome the problems I have outlined that the decision was made to establish a central co-ordinating administration for a noise control programme in Victoria, under the Environment Protection Act, in 1970. However, that Act was drafted at a time when only limited expertise in the field of acoustics and noise control was available to legislators in Victoria. For this reason the philosophy of noise control was viewed in almost the same light as that of water or air quality control at the time that the Act was drafted. As was discussed earlier, noise is clearly different in many aspects from air and water pollution, particularly due to its subjective and transient nature, and the Act is therefore deficient in the scope and effectiveness of the noise control provisions.

In an attempt to rectify the existing deficiencies in the Act in the short term and to enable the authority to become operational in noise control as soon as possible, amendments to the noise control provisions of the Act are set out in this new Bill. No attempt has been made to effect a major revision of the noise control sections at this stage. However, it is proposed that consideration will be given to a major revision after perhaps two or three years' operational experience with both regulations and policies promulgated under the currently proposed noise control provisions.

Provisions in the existing Act relating to noise control are contained in section 46, which enables the making of noise control policy; section 47, which requires emitters of noise greater than prescribed tolerable levels to apply for a licence; and section 48, which makes it an offence to emit objectionable noise within the meaning of the regulations. Section 71 (1) (*k*) gives power to make regulations defining objectionable noise and prescribing standards for tolerable noise. The only penalty which is provided for contravention of any of these provisions is a maximum of $5,000 or $2,000 a day for a continuing offence. These provisions are clearly limited in their scope and possibilities of application.

However, to date work has been commenced under these existing provisions. A draft noise policy for the municipality of Richmond made under section 46 was issued in October, 1973. Section 47 is currently being studied to investigate the suitability of a licensing system to control certain aspects of industrial noise. For example, it may be appropriate that new industries should apply for noise emission licences in order to regulate more closely future land usage from the noise control point of view. Regulations are being prepared under section 48 (1) to control noise from existing industrial premises by setting specified levels for objectionable noise.

Nevertheless, it was clear that the scope of the existing provisions needed broadening considerably, and the preparation of an amending Bill was commenced.

During the investigatory and study period leading up to the formulation of the provisions in the proposed Bill it became apparent from experience both overseas and in Australia that motor vehicle noise, industrial noise and domestic noise are the areas

which affect the greatest number of people. Therefore, these have been treated as priority areas by the Environment Protection Authority, and this Bill is designed to provide more specific provisions to control the emission of noise from motor vehicles, motor boats, domestic premises and individual items of industrial equipment. As I stated previously, it is proposed that regulations covering noise emissions from industrial premises will be made under the existing provisions of section 48.

It is recognized that individual members of the community will have specific noise problems which are of great priority to themselves, but which are not covered by this Bill. However, owing to the considerable amount of study required before provisions covering any area of the noise problem may be drawn up, it is not possible for the authority to cover every area immediately. Therefore, it is intended that the scope of the Act will be broadened by further amendment as the necessary studies are completed.

In an attempt to effectively control noise from the sources covered in the Bill, general provisions have been included which allow a court to determine from the evidence brought before it whether a noise should be deemed to be unreasonable by nature of the time, place or circumstances of the emission.

In addition, power has been given to make regulations which will set maximum permissible noise levels from various sources, when measured under specified measurement conditions. Initially the number of sources covered under these regulations will be limited. However, as further studies and surveys are carried out by the Environment Protection Authority to gather the necessary data, the scope of the regulations will be increased. A considerable amount of study has been undertaken and further study is still required in order to determine mandatory noise levels which are both practicable and desirable from the over-all community point of view.

To ensure that the House is able to participate in the process of setting suitable noise criteria, a requirement has been ncluded in the Bill that any regulations made under the noise provisions of the Act must be laid on the table of the Legislative Council and the Legislative Assembly for fourteen sitting days. It is intended that a regulation shall come into effect only if no resolution is passed by either House disapproving of that regulation.

I turn now to the details of the Bill. The amendments proposed may be considered under two categories. The first category of amendments, introducing major additions to the provisions of the principal Act, is contained in clauses 3, 5, 13 and 14 of the Bill. The second category covers amendments which are intended to make only minor changes to the principal Act in order to give powers to enforce and administer the noise provisions consistent with the powers now available to control other forms of pollution. These are contained in clauses 2, 4, 6, 7, 8, 9, 10, 11 and 12.

I shall deal first with the clauses which introduce major new provisions to the principal Act. Clause 3 of the Bill introduces four new sections to the Act, sections 48A to 48D. The general intention of these new sections is to introduce provisions considerably more specific than those currently contained in the principal Act under section 48 (1).

As these provisions relate to noise from motor vehicles, motor boats and individual items of industrial or domestic equipment, it was considered that a maximum penalty of $400 would be more appropriate than the $5,000 penalty currently specified in section 48 of the Act.

It is intended that section 48 (1) should be retained with the maximum penalty of $5,000 and that regulations

to control noise from industrial premises should be made under these provisions.

Proposed section 48A creates an offence for any person to cause unreasonable noise by the use of any vehicle, ship, or commercial or industrial machinery or equipment and provides for a maximum penalty of $400, plus $100 a day for a continuing offence. It is intended that the test of "unreasonableness" related to this section shall be made by the court on an objective basis having regard to all the circumstances of the noise emission, but without necessarily requiring evidence of measured noise levels.

Proposed section 48B, in sub-sections (1) and (2), creates an offence for any person on residential premises to cause unreasonable noise by the use of any vehicle, appliance, equipment or electrically amplified musical instrument. The test of "unreasonableness" is to be made on the same basis as that for section 48A (1).

Sub-section (3), together with the schedule in clause 14 of the Bill, without affecting the generality of sub-section (1), defines unreasonable noise specifically as noise emitted by certain types of equipment, which is audible in any adjoining urban residential premises outside specified hours.

The criterion of audibility is used in this proposed sub-section to allow the effective administration of this provision by officers who may not be experts in the field of noise control. If specified noise emission levels had been set for the use of the items of equipment listed in the schedule, every investigating officer or member of the public wishing to take action under this provision would require access to a complex and costly sound level meter.

Problems of the type that this provision is intended to cover generally occur only in areas of fairly high density living and a provision of this type is not applicable to large rural establishments. The application of this proposed sub-section has therefore been limited to urban residential premises. This is difficult to define, and the idea of the definition has been taken from a section in the Motor Car Act dealing with built-up areas.

"Urban residential premises" means residential premises fronting on adjoining or abutting on a portion of a street or road on which there is provision for lighting by means of street lamps.

Sub-section (5) provides for a maximum penalty of $400, plus $100 a day for a continuing offence. Sub-section (6) determines the persons who may initiate proceedings under this section, namely a person claiming to be directly affected by the alleged offence, a member of the Police Force, or an officer of a municipality.

Sub-section (7) provides that any fines resulting from action taken by an officer of a municipality shall be paid into the funds of the municipality.

Proposed sections 48C and 48D provide for an offence in cases where motor vehicles or motor boats are found upon measurement or test to be capable of emitting noise above the prescribed maximum permissible levels. As the measurement procedures and specifications of measurement equipment which must accompany the maximum permissible noise levels are lengthy and complex, the schedules of levels and procedures will be contained in regulations. These regulations will be limited initially, covering probably only passenger cars and trucks. However, as further studies and surveys are carried out by the Environment Protection Authority and the necessary data is obtained, the scope of the schedules will be increased. A maximum penalty of $400 is provided for these sections.

Clause 5 introduces into the Act a new section 55A. The new section defines the procedures by which the

Environment Protection Authority may, by notice in writing, require the owner of a vehicle or ship to make it available for inspection, measurement or test by authorized officers. As it was considered undesirable that inspectors of the Environment Protection Authority should be empowered to stop vehicles on the highway, this section enables the authority to require the owner of a vehicle suspected of being noisy to make his vehicle available for testing to determine whether or not the vehicle complies with the relevant regulations.

Sub-sections (2) and (3) relate to the time, place and duration of the test, namely, not less than fourteen days after the time at which the notice is sent, not more than 50 kilometres from the place at which the vehicle or ship is ordinarily kept and a duration of not more than one hour for vehicles and three hours for ships.

Sub-section (4) creates an offence for non-compliance with the above provisions and sets a maximum penalty of $200, plus $50 a day for a continuing offence.

Clause 13 amends section 71 (1) of the principal Act both by introducing new provisions and by amending existing provisions for pollution in order to extend them to cover noise control.

New paragraphs (*fa*) and (*ga*) extend the provisions of the existing paragraphs (*f*) and (*g*) in relation to prescribing emission standards for, prohibiting the use of, and regulating the construction of, any equipment, facility, instrument, device, vehicle or ship.

New paragraph (*ma*) provides for the making of regulations prescribing measurement and test procedures. New paragraph (*mb*) provides for the making of regulations prescribing proof and evidentiary procedures.

A new sub-section (3) is introduced to section 71 of the principal Act to allow for the incorporation of cross-referral to recognized standards for the specification of measurement instrumentation of procedures. These standards are set by organizations such as the International Standards Organization and the Standards Association of Australia. Similar powers exist in many Acts, including the Local Government Act 1958, paragraph 926 (1) (*f*) and the Scaffolding Act 1971, paragraph 17 (2) (*a*).

New sub-sections (4) and (5) are introduced to section 71 of the principal Act, which provides that any regulations drafted under the noise control provisions of the Act shall not become effective until they have lain on the table of the Legislative Council and the Legislative Assembly for fourteen sitting days. It is intended that a regulation shall come into effect only if no resolution is passed by either House disapproving of that regulation.

Clause 14 of the Bill lays down the schedule of types of equipment and hours of use in relation to the provisions of the proposed new sub-section 48B (3).

Clauses 2, 4, 6, 7, 8, 9, 10, 11 and 12 contain consequential amendments which give powers to enforce and administer the noise provisions consistent with the powers now available to control other forms of pollution.

In summary, the Bill will amend the Environment Protection Act to enable the establishment and administration of an effective programme covering the priority areas in the highly complex field of noise control. I commend this Bill to the House.

On the motion of Mr. DOUBE (Albert Park), the debate was adjourned.

Mr. BORTHWICK (Minister for Conservation) : I move—

That the debate be adjourned until Wednesday, May 7.

Mr. WILKES (Northcote): This is new legislation, introduced in the last fortnight of the autumn sessional period. It is ridiculous of the Government and the Minister to expect the Opposition and the Country Party to analyse the measure in two weeks.

The Government has had a committee and other resources available to it over the past couple of months. It is unreal to expect honorable members in the short space of two weeks to examine the Bill properly and adequately discuss it with the people who will be affected by it. In fact, it is an insult to expect the Opposition and Country Party to do so.

Members of the Opposition and of the Country Party have not had the opportunity of reviewing the draft legislation. The first time they had that opportunity was when it was presented to the House. If the Government wants to operate under that system, that is its prerogative, but we want ample time to examine the proposed legislation, make a proper assessment of it and determine our attitude to it. That cannot be done in two weeks. I strongly suggest that the Minister should agree to a minimum adjournment of the debate of three weeks, with the provision that he will grant a further adjournment of a week if honorable members are not then ready to proceed with the debate.

Mr. WHITING (Mildura): This is a completely new type of legislation for this country. Many overseas countries, and I refer particularly to the United Kingdom, have attempted to introduce legislation to control noise but they have experienced immense difficulties and even now satisfactory legislation to control noise has not been enacted.

It is obvious that those honorable members who take part in the debate will need to carry out much research, and an adjournment of the debate for two weeks will not be sufficient to allow honorable members to do justice to the measure. The Government should remember that Friday is a public holiday and therefore officers of the Environment Protection Authority will not be available to discuss the Bill.

As municipalities are involved, there should be consultation with municipal councils, and this is not easy in country areas. This is an ideal Bill to hold over until the next session as this would allow full discussion to take place during the recess.

Mr. ROPER (Brunswick West): I strongly support the views put forward by the Deputy Leader of the Opposition. If honorable members listened carefully to the second-reading speech of the Minister for Conservation, they would have heard used time and again words such as " complex ", " difficult ", " difficult to define ", " most complex field ". The honorable gentleman also referred to the position in overseas countries, and stated that some had been successful and some had not in introducing legislation to control noise. The Minister also referred to the experience of other States. During his second-reading speech he stated that this was a very difficult area, in terms of both measurement of noise and legislation.

Having done that, and I admit having done it very well because it is indeed a very complex area, the Minister for Conservation suggested that honorable members should agree to an adjournment of the debate for two weeks; in other words, he proposed to allow honorable members and members of the community only two weeks to discuss the matter.

The Opposition is not always unreasonable, and I put to the Minister for Conservation that it is not unreasonable to ask for a longer period of adjournment, considering the difficulty of conferring with and obtaining the benefit of the experience of those States which the Minister mentioned, and of consulting officers of the Environment Protection Authority and the relevant people in university departments and municipalities. Much consultation must take place if a proper evaluation of this Bill is to be made, and that consultation will take longer than two weeks.

One hopes the Government will accede to the request of the Deputy Leader of the Opposition and agree to a longer period of adjournment.

The Government has been studying this problem for the past five years since the original Act was introduced. It has had five years to discuss and work out some the problems, and it should be prepared to give members of Parliament an additional week so that they can produce constructive suggestions.

I direct attention to the fact that the Minister for Conservation has introduced complex Bills during this sessional period and in the previous sessional period, and on each occasion the honorable gentleman has allowed detailed discussion to take place. As a result, numerous amendments have been suggested by members of the Government party, of the Opposition and of the Country Party and many of them have been accepted by the Minister on behalf of the Government. When the other new and complex Bills were introduced by the Minister for Conservation the honorable gentleman allowed time for discussion to take place, and as a result the Bills which were finally sent to another place were much more appropriate and useful measures than they were when introduced. This was because copies had been circulated widely and much comment on them had taken place. For those reasons it is extremely important that the Government should allow sufficient time for honorable members to discuss this Bill.

Mr. BORTHWICK (Minister for Conservation) (*By leave*): If the House passes this Bill there are some clauses of it which will give a lot of relief to many people. I should like the Bill to be passed during this sessional period. I give an undertaking to the Opposition and to the Country Party that if those honorable members handling the Bill are not ready to proceed in two weeks' time, I shall allow additional time. I believe they are as genuine as I am in doing something for those people affected by this complex area.

The motion was agreed to, and the debate was adjourned until Wednesday, May 7.

ADJOURNMENT.

TALLY HO SCHOOL — SUNBURY HIGH SCHOOL — AERIAL SPRAYING OF DIELDRIN — THE WHY NOT THEATRE — ANTHRAX OUTBREAK.

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

That the House do now adjourn.

Mr. FORDHAM (Footscray): I bring an urgent matter to the attention of the Minister of Education. It concerns the condition of the school known as the Tally Ho school in Highbury Road, East Burwood. This school is situated in the middle of the Tally Ho Boys Village, which is conducted by the Central Methodist Mission in Victoria to meet the particular needs of a group of boys who, because of difficult and different social backgrounds, need specialist attention. This school has been serving those needs for a long time.

For quite some period the Education Department has been providing staff for the school. Some years ago the Central Methodist Mission made it clear to the Government that it could not continue much longer in meeting the upkeep on the buildings. Following discussions between the Education Department and the Central Methodist Mission a general agreement in principle was reached that these buildings would be taken over by the Education Department.

For the past two years there has been shilly-shallying by the Central Methodist Mission, but I should think the main responsibility lies with the Education Department because its teachers are involved in the formal takeover of these buildings. Because of the delays the condition of the school has deteriorated. There are gaping holes in the roof of the toilet block and when rain falls water runs through the ceiling and into the toilets.

I visited the school this morning and found that most of the ceilings had gaping holes in them, and when rain falls, water will go through the

ceilings into most of the rooms in the school block. The school grounds are not drained, and whenever rain falls the grounds become a quagmire. In every room paint is peeling off the walls and ceilings. The plumbing is entirely inadequate and most of the spouting has fallen off. There is no heating and no cleaner has been appointed to look after the cleaning of the school.

Mr. DIXON: But what about the heated swimming pool?

Mr. FORDHAM: There is a swimming pool adjacent to the area. It is open for use by all schools in the district and the boys of the Tally Ho school do have limited access. One could go on and on about the deplorable condition of the school. These boys need to be taught regard for themselves and for personal property, but because of the conditions under which this should be conducted that obviously cannot be done.

I have a tremendous regard for the teachers who have had to put up with these conditions year after year, despite promises by the Minister of Education and the Assistant Minister of Education on what was to be done to overcome the deficiencies. Up to date nothing has been done, and I hope the Minister of Education will give a firm and unequivocal undertaking that the needs will be met immediately.

The needs were assessed by the Education Department only last year. They were costed and work was ready to proceed, but once again, month after month, the needs have not been met. I hope the delay will not continue and that the Minister of Education will give an undertaking that something will be done. Furthermore, I hope the long-term future of this school is considered because within a period of years it will certainly require complete rebuilding.

Mr. GUY (Gisborne): I should like to confirm with the Minister of Education my concern over the current extensions at Sunbury High School. At the moment a 2-story block is being constructed. It is the first stage of a proposed 3-story extension to the school in a separate building. It is not proposed that the third story will be built for some twelve months or more, but even with the 2-story building there will still be need for five or six portables at the school. It would appear that scaffolding and other supporting material in the 2-story block will be removed in the next couple of weeks.

I should like to propose to the Minister that he investigate the need for building the third story of the wing as part of the current contract. It has been estimated that from $50,000 to $60,000 could be saved if the work were to continue immediately. That sort of saving indicates that my suggestion ought to be seriously considered. I ask the Minister to give it serious consideration. Also at that same school—an extension of the scaffolding problem—the Bulla Shire Council is still undecided whether to apply to the Minister for Youth, Sport and Recreation for a grant for an all-purpose building for community and school use. In view of that I ask the Minister of Education to give special consideration to having a special——

The SPEAKER (the Hon. K. H. Wheeler): Order! The honorable member is asking questions of two separate Ministers. I do not know if I understood the member correctly, but one question was addressed to the Minister of Education and the other to the Minister for Youth, Sport and Recreation. In other words, the honorable member is raising two matters on the motion for the adjournment of the sitting.

Mr. GUY: With respect, my reference to the Minister for Youth, Sport and Recreation related to a possible grant that may not now be sought through the local council. That being the case, I request the Minister of Education, to whom I addressed my

earlier question, to give consideration to a special grant for a physical education complex instead of the other building.

Mr. LIND (Dandenong): I refer an urgent matter to the Minister of Health. I shall be brief. Recently I twice brought to the notice of the Minister for Conservation the problem that was said to exist in his area regarding the aerial spraying of crops and the use of dieldrin. Since then there has been much in the newspapers about the Minister of Health, who is reported to have made a most flippant reply on this problem. I have been approached by reputable citizens who are on the board of the water trust that serves the area south of the Dandenongs and who are perturbed at the stories that have been reported.

I ask the Minister of Health to arrange for an officer to make a statement indicating the percentages of pesticides and so forth that have been found to exist in the domestic water supplies anywhere in the area. If the Minister cannot make a statement personally, will he have a statement made from the highest level in the Department of Health?

Mr. JONES (Melbourne): I want to bring a matter to the attention of the Minister of the Arts. It concerns an organization called the " Why Not? Theatre ". This is a young people's theatre which began, I believe, in 1970 in Oakleigh. The central figures of the theatre were all teachers of drama within the Education Department. Their work has been to encourage young people without professional training, and even without much deeply involved amateur experience, to be involved in the theatre. What they want is professional support to assist the growing number of people who have become involved in drama work.

In 1974 the Ministry for the Arts allocated $5,000 towards the group's support. This was mostly for the rental of premises. They were able to move into Carlton, and I believe they are doing valuable work. They are in an unfortunate position in that they have been shuffled between the Ministry for the Arts and the Department of Youth, Sport and Recreation. The Ministry for the Arts tends to say that their work is youth work and is involved in the terms of departmental work within youth organizations, whereas the Department of Youth, Sport and Recreation sees it essentially as a drama group and within the Ministry for the Arts.

Mr. ROSS-EDWARDS: Who gave them the money?

Mr. JONES: The Premier gave them $5,000 last year. The result is that they are in no man's land. They have not the $5,000 for this year and they are unable to pay the rent. I believe they are all highly dedicated.

I sent a long letter to the Ministry for the Arts on 13th February of this year setting out all the details. I regret to say that I have not had a reply to the letter. It would be a minor tragedy if this organization had to fold up. I should like the Minister to view this with serious consideration. I should like to talk to the Minister, if I could, and to bring in these young people, all of whom are employees of the Deputy Premier, to meet the Premier. He would then be convinced of their bona fide intentions. The group is doing work of a high artistic standard.

Glenda Jackson visited this group and agreed that what they were doing was not youth work but drama work of a very high standard. I ask the Minister whether he will discuss the matter with me, and even more hopefully, whether he will reply to my letter and give serious consideration to granting this group $5,000 to enable them to continue their work.

Mr. BILLING (Heatherton): I wish to draw a matter to the attention of the Minister of Health. Some

time ago an unfortunate outbreak of anthrax occurred in the Berwick–Hallam district. This affected meat supplies in butcher shops and meat under the control of butchers within the City of Springvale. I understand that the city councils, particularly at Springvale, were advised that they were liable for considerable expense as compensation for confiscating meat. Will the Minister of Health make an urgent inquiry into this matter to see whether there is some means of relieving the ratepayers of the City of Springvale and adjacent cities from the expense of their councils having to pay compensation which concerns the Commission of Public Health and the whole of the State?

Mr. THOMPSON (Minister of Education): The honorable member for Footscray raised the question of conditions at Tally Ho boys' school. Some time ago I visited this school with the honorable member for Syndal. Yesterday Mr. Peter Block, M.L.C., drew my attention to the fact that some maintenance work which was scheduled to be carried out had not been effected. I issued an urgent instruction this morning for the work to be done.

The honorable member for Gisborne seeks a third floor for the new building at Sunbury High School. I am impressed by the nature of his argument and will ask for a report on the possibility of erecting a third floor.

Mr. SCANLAN (Minister of Health): Two matters have been directed to my attention. The honorable member for Heatherton raised the question of compensation for meat destroyed as a result of a recent outbreak of anthrax in the Hallam area. The position is curious. The Minister of Health is responsible for human health and the Minister of Agriculture for animal health. I am not certain on what grounds the carcasses were destroyed or on what grounds an application for compensation should be considered. I will consider the matter with the Minister of Agriculture. We would be pleased to receive a submission from the honorable member in due course so that proper action may be taken.

The honorable member for Dandenong raised the other matter. My attention has been directed to statements in a newspaper circulating in the Gembrook–Emerald area. I deny the accuracy of the press reports and comments in that paper. During the Easter vacation allegations were made that vomiting by people in the area was a result of the use of pesticides. Immediately the complaints were lodged, the Deputy Chief Health Officer, Dr. Sloan, sent a departmental health inspector to the area. The inspector considered the allegations at first hand and instigated research into the cause of the vomiting.

Later, the district health inspector, Dr. Stretton, was sent to consider the allegations. The public health section of the Department of Health made extensive examinations and conducted research into the water supplies of the district to determine whether pesticides and their residues were the cause of the vomiting which was said to have occurred. It was found that there was no relationship between pesticides and the symptoms. The results of the water tests were largely negative; they indicated no correlation whatsoever between pesticides and the vomiting.

Aerial spraying has occurred in the area. The department is not in a position to determine whether dieldrin used in fertilizer caused the symptoms. The department is concerned that aerial spraying may have resulted in some chemical residuals appearing in tanks of individual farm houses. But I reiterate that no correlation between pesticides or their residuals and the symptoms referred to has been found.

Research after discussions with the local general practitioner included blood tests and examination

of patients who said they had vomited, but so far no correlation between pesticides and the symptoms has been found.

Mr. HAMER (Premier and Treasurer): The honorable member for Melbourne spoke of the "Why Not? Theatre". I shall be glad to look into this matter to see whether the organization can be rescued from its present state of limbo and given a grant. That would depend on how well it has operated and its record. Perhaps the honorable member might consider whether the Australia Council should also come to the party.

The motion was agreed to.

The House adjourned at 12.15 *a.m.* (*Thursday*).

QUESTIONS ON NOTICE.

The following answers to questions on notice were circulated—

CENTRAL HIGHLANDS AND LODDON—CAMPASPE REGIONS.

(Question No. 1129)

Mr. A. T. EVANS (Ballaarat North) asked the Minister for Fuel and Power, for the Minister for State Development and Decentralization—

1. Whether negotiations are being conducted with the Minister for Urban and Regional Development to carry out an investigation of the Central Highlands and Campaspe regions or any part of these regions?

2. Whether the Cities Commission has directly or indirectly been involved in, or plans an investigation of these regions or any part thereof; if so, who will meet the cost of the investigation?

3. Whether, together with the Minister for Urban and Regional Development, the Minister is considering the appointment of consultants to carry out such a study or studies?

Mr. BALFOUR (Minister for Fuel and Power): The answer supplied by the Minister for State Development and Decentralization is—

1. Agreement was reached between the Minister for Urban and Regional Development and the Minister for State Development and Decentralization during 10th and 11th October, 1974, to conduct an appraisal of economic, social and physical factors in the Central Highlands and the Loddon-Campaspe regions. The objectives of the study, the full details of which were announced on Thursday, 10th April, 1975, in each region, are—

(*a*) to determine the role to be played by the regions in the State;

(*b*) to provide a base for the preparation or regional plans and policies;

(*c*) to provide a basis for advising governments and authorities on appropriate policies to be applied in the regions.

2. The study is being undertaken jointly by the Department of State Development and Decentralization, the Town and Country Planning Board and the Cities Commission. Apart from the costs each of the three participating government authorities will incur associated with in-house work, which comprises some two-thirds of the total study activity, $50,000 has been allocated by the Cities Commission for the study in the current financial year.

3. Agreement has been reached to the appointment of consultants to supplement in-house activity in the following areas;

(*a*) Study co-ordination;

(*b*) Economic factors analysis;

(*c*) Social factors analysis;

(*d*) Non-urban conservation and recreation analysis.

DOMESTIC GARBAGE.

(Question No. 1174)

Mr. HOLDING (Richmond) asked the Minister of Public Works, for the Minister for Local Government—

1. How much domestic garbage Victoria produces?

2. How much of this total is estimated to be discarded packaging?

3. What is the cost of garbage disposal?

4. Whether the Government agrees with the call made by the Municipal Association for legislative curbs on the manufacturers of throw-away packaging, so as to reduce the burden which councils and ratepayers have to bear in cleaning up discarded articles manufactured by the packaging industry?

5. Whether the Government agrees that many municipalities are running out of tipping space and that garbage disposal costs are likely to rise very sharply in the future?

6. Whether the Government agrees that ratepayers are currently subsidizing the packaging industry by paying rates to clear away litter and garbage?

Mr. DUNSTAN (Minister of Public Works): The answer supplied by the Minister for Local Government is—

1. The Environment Protection Authority is making an annual survey of the position and has found in the year ended 30th June, 1974 Victoria produced 2·6 million cubic metres or about 820,000 tonnes of domestic garbage of which 530,000 tonnes was produced in the greater Melbourne area.

2. From its garbage analysis programme the Environment Protection Authority estimates that about 30 per cent of domestic garbage is discarded packaging but about 50 per cent of this is glass in the form of bottles, most of which is salvaged.

3. The total cost of disposal of wastes by municipal councils in the greater Melbourne area is about $2·7 million, domestic garbage accounts for about 40 per cent of this waste, so that the average cost of disposal is just under $2 per tonne. On an individual basis some municipalities are disposing of wastes for about 80 cents per tonne.

4. The Government does not agree with the call made by the Municipal Association for legislative curbs on the manufacturers of throw away packaging as a change in the style of packaging would not substantially affect the cost of collection and disposal.

5. Some municipalities have no tipping space and others are running out of tipping space but overall there is ample space in the greater Melbourne area. If the municipalities co-operate in the regional schemes which are being developed for disposal of garbage, disposal costs are unlikely to rise substantially in the future.

6. Ratepayers are generators of garbage and litter, the composition of which depends upon selection of purchases by the ratepayers.

EASTER TRAFFIC BLITZ.

(Question No. 1199)

Mr. WILKES (Northcote) asked the Chief Secretary—

1. How many motorists were booked during the Easter blitz?

2. What offences were detected and how many motorists were charged for each offence?

3. How many motorists were booked for offences on the Hume, Calder, Princes and Western highways, respectively, during the blitz and what offences were detected?

Mr. ROSSITER (Chief Secretary): The answer is—

1. The information requested is not available as a record was not kept of the actual number of motorists who were booked during the Easter special traffic effort.

2.

Nature of offence	Number of offences detected
.05 offences	285
Driving under influence of liquor or drug	25
In charge under influence of liquor or drug	2
Exceed 60 Kilometers per hour	3051
Exceed 75 Kilometers per hour	274
Exceed 80 Kilometers per hour (Probationers)	171
Exceed 100 Kilometers per hour	1066
Exceed 50 Kilometers per hour (over 3 ton R.T.R.)	13
Speeding trucks—Motor Car Act	40
Accidents—	
(*a*) Fail to stop after	11
(*b*) Fail to give name, etc.	10
(*c*) Fail to report to police	2
Driving offences—	
(*a*) In a manner dangerous	31
(*b*) Reckless driving	2
(*c*) Speed dangerous	15
(*d*) Careless driving	112
Driving whilst licence cancelled or suspended	22
Double lines—Fail to keep left of	310
Fail to give way at intersection	135
Fail to keep to left of carriageway	71
Fail to give—	
(*a*) Stop signal	38
(*b*) Turn or diverge signal	289
Incorrect right hand turn	51
Lighting offences (motor vehicles)	455
Level crossings—Fail to stop, etc.	4
Number plates—	
(*a*) Damaged	11
(*b*) Obscured	150
Pedestrian crossings—Fail to give way	5
Parking offences (various)	451
Motor cycle riders—No safety helmet	10
Pillion passengers—	
(*a*) Speed with	19
(*b*) No safety helmet	8
Stationary tram—Passing, etc.	8
Stop sign—Fail to observe	379
School crossings—Fail to stop at, etc.	1
Traffic lights—Fail to observe	369
Unregistered motor vehicles detected	119
Unlicenced drivers detected	220
Bicycles—without lights	2
Log books—Rest periods	19
Seat belts offences	482
Litter offences	16
Other traffic offences—not specified above	1117
Total	9871

3. This information is not available as a separate record was not kept of the offences which were detected on either the Hume, Calder, Princes, Western or any other highway during the special traffic effort.

SCHOOLS IN NORTHCOTE MUNICIPALITY.

(Question No. 1201)

Mr. WILKES (Northcote) asked the Minister of Education—

What is the school population of each primary and secondary school, respectively, in the municipality of Northcote?

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

		Pupils	Teachers (April count)
3599	Alphington	197	8
4679	Croxton Special	116	23
2711	Fairfield	670	27·5
4329	Fairfield North	314	16
	Northcote T.S.	883	57
	Northcote H.S.	771	43·6
1401	Northcote	592	30
3139	Northcote	805	39·5
3806	Penders Grove	407	19·5
	Thornbury H.S.	1006	55·3
3889	Thornbury	826	37
4177	Westgarth	980	43

RABBIT POPULATION.

(Question No. 1229)

Mr. CURNOW (Kara Kara) asked the Minister of Lands—

Whether he is aware that the rabbit population has increased rapidly in Victoria in the past twelve months; if so, what action is being taken to again bring this vermin under control?

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

I am aware that, following an excellent season in rural areas, the normal increase in rabbit numbers has occurred.

These favourable seasonal conditions which resulted in heavy vegetation growth also meant that drives against the rabbit commenced a little later than usual. However, the Vermin and Noxious Weeds Destruction Board commenced a major poisoning campaign in February and in the last three months over 300 tons of carrots have been used throughout Victoria with good results. Follow-up poisoning campaigns are continuing. A good response has been evident from farmers.

Widespread release of virulent myxoma virus also took place in recent months, and valuable outbreaks of myxomatosis have occurred, and continue to occur, in many districts.

The board has also vigorously pursued the production, and field release of, the rabbit flea in selected districts as an additional carrier of myxomatosis. This flea release programme is continuing at a maximum rate.

To keep maximum pressure on the rabbit, the board also has proposed a State-wide fumigation drive for early winter. I can assure all those concerned with the rabbit problem that maximum pressure will be kept on rabbit populations throughout the State.

EMPLOYMENT OF DOMESTIC STAFF.

(Question No. 1230)

Mr. FOGARTY (Sunshine) asked the Minister of Labour and Industry—

Whether officers of the Department of Labour and Industry have had occasion to investigate allegations that diplomats and other persons are employing housemaids and servants at a wage less than the prescribed minimum; if so—(*a*) what are the results of those investigations; and (*b*) whether an employee organization has made application to him to constitute a State wages board to cover the occupations of servant and housemaid and, in that event—(i) what is the name of the employee organization; and (ii) whether he agreed to constitute the wages board?

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

(*a*) There is no wages board determination which applies to domestic workers employed in private homes and consequently there is no prescribed minimum wage.

(*b*) Yes.

(*c*) The Federated Miscellaneous Workers Union.

(*d*) No decision has yet been made as the matter is still under investigation.

NOBLE PARK HIGH SCHOOL.

(Question No. 1242)

Mr. LIND (Dandenong) asked the Minister of Education—

1. Whether there is a delay in completing work on the metalcraft room at the Noble Park High School?

2. What items covered in the contract price have yet to be installed?

3. What apparatus in this room is considered to be—(*a*) unsatisfactory; (*b*) unsafe; or (*c*) dangerous?

4. What recent accidents in this room are attributed to unsuitable equipment?

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

1 and 2. Although the metalcraft room at the Noble Park High School is in use for classes an exhaust hood, liquid petroleum gas bottles and oxy-acetylene equipment have yet to be installed.

3. Because there was no correspondence on the relevant file in the department the principal was consulted by telephone in regard to defective equipment. Various matters causing concern including wiring of an exhaust fan, repositioning of equipment, overhaul and supply of guards for machines

and checking of fittings to gas equipment are being referred to the Public Works Department for urgent attention.

4. Two recent accidents in the metalcraft room have been attributed to the condition of gas operated torches.

HOUSING (STANDARD OF HABITATION) REGULATIONS.

(Question No. 1263)

Mr. JONES (Melbourne) asked the Minister of Transport, for the Minister of Housing—

Whether he is aware that the Subordinate Legislation Committee recommended in 1971 that regulations 31, 32 and 33 of the Housing (Standard of Habitation) Regulations 1971 be rejected at the earliest opportunity; if so—(*a*) whether the Minister will recommend the recission of these regulations; and (*b*) when new regulations will be made and whether any new regulations will be subject to public discussion and examination?

Mr. MEAGHER (Minister of Transport): The answer supplied by the Minister of Housing is—

Yes.

(*a*) and (*b*). The amendment of the 1971 regulations, including the deletion of clauses 31 to 33 is under consideration. However, since the presentation of the report of the Subordinate Legislation Committee the commission has not applied the provisions of those clauses in the administration of the regulations.

As the amendments to the Housing (Standard of Habitation) Regulations 1971 under consideration would provide minimum requirements in relation to an habitable house, by present day standards, it is not considered that they would require public discussion and examination.

IRRIGATORS' WATER RATES.

(Question No. 1292)

Mr. WOOD (Swan Hill) asked the Minister of Public Works, for the Minister of Water Supply—

Whether the Minister will advise irrigators of intended annual water rates and charges payable in all irrigation districts at least one month before such recommended water rates and charges are submitted to Cabinet for approval; if so, whether an annual meeting will be arranged between the Minister, senior officers of the State Rivers and Water Supply Commission and members of the Victorian Irrigators Central Council at which the proposed annual charges can be discussed and submissions made by the council before Cabinet approval is given to such charges?

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

I will arrange for the Water Commission to confer with the Victorian Irrigators Central Council each year prior to the commission making a formal submission to the Government as to the level of charges to be made in the individual irrigation districts.

The commission will also continue its present practice of discussing the financial situation at each annual meeting of irrigators prior to making the rates and charges.

Legislative Council.

Thursday, April 24, 1975.

The PRESIDENT **(Sir Raymond Garrett)** took the chair at 11.28 a.m. and read the prayer.

VETERINARY SURGEONS (AMENDMENT) BILL.

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

PAPERS.

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

Motor Accidents Board—Report for the period ended 30th June, 1974. Statutory Rules under the following Acts of Parliament—

Abattoir and Meat Inspection Act 1973—No. 128.

Fisheries Act 1968—No. 129.

Portland Harbor Trust Act 1958—No. 130.

PROTECTION OF ANIMALS (AMENDMENT) BILL.

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

That this Bill be now read a second time.

Last night the Victorian Parliament abolished the death penalty for human beings. I wish I was able to say that this Bill did the same thing for the thousands of domestic pets that

are sentenced to death every year for no other crime than that they are no longer wanted, they are lost, or they are sick.

This Bill proposes to eliminate a form fo killing that puts fear into the hearts of animals and in some cases causes great pain. The method used to destroy many of these animals is the decompression chamber, better known as the Lethenair, is a fearful and sometimes painful way to put to sleep our domestic pets. Informed studies made overseas by people skilled in the veterinary sciences have shown that animals can, and very often do, suffer a painful death when placed in one of these chambers. This particularly applies if the animal is young or has a bronchial infection. It tends to block the bronchial or eustachian tubes. It has happened that animals that are suffering this way, or that are very young, survive the fifteen minutes during which they are placed in the decompression chamber, and although the distortion caused in many parts of their bodies as a result of the lowering of the outside pressure of air is not always painful, this certainly does not apply where the tubes are blocked for one reason or another. This can be severely painful and can frustrate the attempt to kill the animals.

I shall quote some recent world authorities who have considered the use of the decompression chamber. I do this because in a previous debate on this subject in this Chamber one member of the House told of his euphoric experiences under decompression when in the Air Force and suggested that animals likewise would enjoy the experience.

Dr. Phyllis Croft, M.R.C.V.S., a U.F.A.W. Fellow, presents the case that the decompression chamber causes severe pain in the inner ear and upper respiratory tracts. She states—

> Virus infections in dogs frequently produce catarrhal inflammation of the respiratory system: this symptom may occur in the very early stages of the infection, or as a persistent complication months after the acute symptoms have subsided. It is not always possible to determine whether or not catarrh is present by examination of the living animal. Dogs are often destroyed on account of virus infections such as distemper, and it is therefore likely that many dogs presented for destruction will have catarrh, and that this condition will not be obvious. The eustachian tubes of such dogs will probably be obstructed and the decompression method of destruction would then cause considerable pain. Hence, I do not think it is a humane method of destruction of dogs.

Dr. P. J. Wuigles, M.R.C.V.S., veterinary surgeon in charge of the Animals Hospital in London, also emphasizes the differences between man and animals, among different species of animals and within a given species, with respect to the possible painful effects of rapid decompression. I draw this to Mr. Long's attention because it relates to the comparison he tried to make. Dr. Wuigles states—

> In cats, particularly those presented for destruction, there is a fair incidence of upper respiratory tract infection, as a result of the prevalence of cat flu. In this species, therefore, there will always be an element of doubt as to whether the animal died painlessly. In dogs catarrhal infections are not as common except during virus infections, which is when a good many dogs are in fact destroyed. On the whole the absolute certainty of the absence of any obstruction of the eustachian tubes can never be definite, and on these grounds I do not think decompression would be an acceptable method of destruction.

Professor Bryan H. C. Matthews, F.R.S., of the Physiological Laboratory, Cambridge University, England, was quoted as follows in a statement by the Universities Federation for Animal Welfare—

> The change of pressure has to reach the middle ear, otherwise the eardrum is forced out and may produce severe pain. In man this equalization of pressure is effected by opening the eustachian tube at the back of the throat either by voluntary effort (with practice) or unconsciously in swallowing, and during reduction in pressure this must be done many times to avoid pain developing. Laboratory animals do not seem to "clear their ears" easily during reduction of pressure, and this seems to me to raise a major difficulty in applying this proposal (i.e., rapid decompression). Laboratory animals, even with very slow reduction of pressure, often show signs (scratching the ears, etc.) that they are

distressed by this effect, and anaesthetized cats decompressed at rates tolerable to human beings suffer severe injury to the ears which might be expected to be painful; moreover any infective condition of nose and throat is often accompanied by blocking of the eustachian tube by mucus, etc., making decompression impossible without severe pain or injury to the eardrum.

I would imagine many animals to be destroyed might be in such condition. This, I think, makes it most improbable that decompression could be successfully employed for painless animal destruction.

We should ask what proportion of the dogs, cats, puppies and kittens destroyed in the rapid decompression chambers experience complete or partial failure to equalize pressures, particularly in the ear cavities, and hence experience anything from mild to very severe pain during the up to two minutes of consciousness while they are being decompressed? Nobody knows the precise answer to this question, but we do know enough to form useful and probably quite reliable conclusions on the subject.

Dogs are said to be man's best friend. They have on many occasions saved lives of human beings. Dogs are used by the Police Force for various forms of crime detection, for the protection of the police and for the apprehension of law-breakers.

The Hon. S. R. McDONALD: What difference does that make? Dogs are man's best friend.

The Hon. J. M. WALTON: They are used by people as personal guards and as companions. It is said that it is most unlikely that a burglar or an intruder will enter a home where there is known to be a dog. I remind my friend, Mr. McDonald, that dogs are used in the country extensively for the management and control of other animals and on those occasions take the place of two or three men, and they are quite happy to do that work for a bone a day.

Yet, notwithstanding all of these things that I have mentioned, many people see fit to take their dogs to the Lost Dogs Home or worse still, to abandon them when they no longer have any use for them. I hope in the years to come it may be possible through an educational programme and through more stringent local by-laws to ensure that the care and breeding of animals and the care taken of them by their owners will be such that it will not be necessary to have a large number of unwanted strays, which finally finish up at the Lost Dogs Home for destruction.

I mentioned the Lost Dogs Home at North Melbourne because that is the place where a decompression chamber is used in Victoria. I am fearful that because of legislation passed recently to amend the Dog Act giving local councils the power to set up their own pounds this method of destruction may spread, and that municipal pounds may put in their own decompression chambers. I want to remind honorable members of the kind of thing that happens when a decompression chamber is used.

I now quote from a statement by Mrs. Joan Walker and Mrs. Noreen Herbert, who made a visit to the Lost Dogs Home on 10th February, 1975.

The statement reads—

Noreen Herbert and I arrived at the Lost Dogs' Home at 12.45 p.m. and walked through the "sick bay" to the walk-way which leads to pen 13.

I suppose that is an appropriate number of dogs to line up to go into the death chamber. The statement continues—

Adjacent to pen 13 (the pen where animals wait before going into the Lethenair death chamber) are two metal gates and beyond a room containing the decompression chamber. We saw a cylinder-shaped wire cage containing a number of dead dogs. Only half of the cage was in view and the door was open.

A Lost Dogs Home staff member then entered with a live muzzled greyhound and allowed the dog to smell the dead dogs. The men then became aware we were observing them and propped a door over the opening. We then heard the decompression chamber switched on.

Because we were disturbed about the condition of a sick bitch with very young puppies, which were all exposed to extreme heat, we went to see the manager of the Lost Dogs Home to express our concern.

Noreen Herbert asked the manager, Mr. H. McKenzie, the size of the Lethanair. He then invited us to see it. However as we approached the room containing the machine he seemed reluctant for us to enter, explaining the men were still busy.

On entering the room we found two wire cages (identical to the one we had seen through the gates) measuring forty-eight inches by thirty-four inches. These contained about fifteen dead dogs in each cage.

The bodies were tangled together like a load of washing—bodies twisted, faces contorted, eyes open as though they had died in extreme fear, anguish and pain.

In this room were other dead dogs lying on the floor and a cardboard box full of dead puppies.

Less than fifteen feet away the still live dogs waited in pen 13. What could their feelings have been?

It seems unlikely that the directors of the Lost Dogs Home have witnessed what we saw and those who come to the annual meeting from time to time—if they have and still think it is satisfactory they are incredibly insensitive to the feelings of animals.

I have seen this decompression chamber at North Melbourne. It is exactly as described by Mrs. Walker and Mrs. Herbert. I can well imagine those last few moments of anxiety and fear of dogs that are packed into these wire cages, fighting, howling, cowering, awaiting their turn to die.

There are alternatives to this—they may cost a little more but I am sure the community would prefer to believe their pets have died as painlessly as possible and would willingly pay the price. Why should not this be our objective?

I am convinced that rapid decompression does cause pain for some animals. It is not euthanasia, which according to the dictionary means " painless death ", but a death which is convenient, inexpensive and out of sight of the employees who must handle this disagreeable task.

The Bill amends section 14 of the Protection of Animals Act to add a new sub-section (3) which reads—

No animal shall be destroyed pursuant to the provisions of this Act or any other Act or law in a decompression chamber.

I ask the House to support the Bill.

On the motion of the Hon. W. V. HOUGHTON (Minister for Social Welfare), the debate was adjourned.

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

ABOLITION OF CAPITAL PUNISHMENT BILL.

The Hon. J. W. GALBALLY (Melbourne North Province): I know for once the House is smiling when I stand up to debate this Bill. It is with some relief to the House, as well as to myself, that I move—

That the following Order of the Day, General Business, be read and discharged—

Abolition of Capital Punishment Bill—Second reading—Resumption of debate.

and that the Bill be withdrawn.

I thank the Council for its forbearance over the many years.

The motion was agreed to, and the Bill was withdrawn.

PERSONAL EXPLANATION.

The Hon. G. J. NICOL (Monash Province) (*By leave*): Mr. President, I wish to make a personal explanation. I notice that in the *Age* newspaper this morning I was listed among those members of this House who supported the Bill to abolish capital punishment. I do not know how the mistake occurred but *Hansard* will clearly show that during the second-reading debate, which is the vital stage of the Bill, I spoke against the measure and voted against the second-reading motion.

I did vote for the third reading of the Bill because, at that stage, it was my view that the House had clearly expressed its intention and I could see no purpose whatever in delaying the Bill any further.

NATIONAL PARKS BILL.

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

That this Bill be now read a second time.

The purpose of the Bill is to consolidate, amend and make further provision in the law relating to national

parks, to make provision for certain other parks, to make consequential amendments to certain Acts and for other purposes.

The passing of the National Parks Act in 1956 provided, for the first time in the history of the State, a means of achieving unified control of development of national parks. The Act established the National Parks Authority and provided for the development of the administrative machinery and the recruitment of the necessary personnel to give effect to the objects of the Act.

The principal objects of the Act were to protect and preserve the various features which collectively comprise the environment and ecological associations of the areas which had been designated national parks and, at the same time, to "provide for the education and enjoyment of visitors to national parks and to encourage and control such visitors".

Over the years, as funds became available, the authority developed a scientific-administrative nucleus of highly-qualified officers who, with the encouragement of the authority, began to develop the particular expertise required to deal with the many aspects of national parks management.

The improved service provided by the former National Parks Authority and continued by the National Parks Service has attracted increasing numbers of visitors to our national parks. The statistics for visitor attendance in our parks are both interesting and challenging. In 1958–59 the total number of visitors to Wilson's Promontory National Park was approximately 28,000. In 1968–69 the number of visitors had risen to 84,000 and for the year 1973–74 was 150,000.

Visitor figures at other national parks have increased at a similar rate. Overall, the annual visitor intake to our national parks is increasing at a compound rate slightly in excess of 10 per cent.

The desire of the people to escape from the pressures of urban living is manifest. Some of them go to the national parks to study the intrinsic features of the national park—the bird life, the animal life, the wildflowers, the trees, and so on.

Some like the peace and quiet of the atmosphere which prevails there; others like the spectacular scenery or the beaches. But many others desire merely to escape from the city, to have a quiet picnic or to ramble through the bush with their families. As citizens of the State, they are just as entitled to enjoy the outdoor environment as those who thrive on the atmosphere of the traditional national park.

In the past many urban dwellers had direct association with relatives living on farms or in country areas. This situation no longer exists to the same extent and many of the urban population have less contact with and understanding of the countryside. Consequently these people look to the natural bushland areas set aside by the Government in the form of national parks, forest parks and other reserves to provide that countryside experience.

Investigations carried out by the service's Resources and Planning Branch and other private bodies also indicate that there is a growing need for a type of park which can provide outdoor recreation in an attractive bush setting which need not possess all the features of a traditional national park.

The Government has decided that the responsibilities of the National Parks Service shall be widened. Not only will it be responsible for the traditional national parks where preservation of the natural environment is of prime importance, but also for many other types of parks where outdoor recreation is often the principal objective for management.

Members are no doubt familiar with many of these parks, the surf beaches between Cape Schanck and Portsea,

the present parklands around Warrandyte including Pound Bend, and many others already in existence and to be created in the future as the result of investigations by the Land Conservation Council.

The National Parks Service is already managing parks of this nature. Perhaps the most interesting example is Haining, the dairy farm near Yarra Junction, given to the State by Sir John Reid, which is being developed as a place where city children can have contact with the country environment.

The existing legislation does not provide the National Parks Service with sufficient flexibility to carry out its enlarged management responsibilities and also the naming of parks becomes a problem.

The Bill retains the concept of the traditional type of national park but, in addition, makes provision for the management of the other types of parks according to the purposes for which each park is being established. I shall now deal with the provisions in the Bill.

PART I.—PRELIMINARY: Clauses 1 and 2 of the Bill cite the short title and contain the machinery provisions providing for the commencement of the legislation and the continuation of all persons, things, and circumstances created or existing under previous legislation. It should be noted that the interpretation of "park" in clause 3 includes all types of parks.

The objects of the Bill in relation to national parks are stated in clause 4 (*a*). At the Fourth Minister's Conference on National Parks held in Melbourne in August, 1970, the characteristics of a national park were defined as follows—

> A national park is a relatively large area set aside for its features of predominantly unspoiled natural landscape, flora and fauna, permanently dedicated for public enjoyment, education and inspiration, and protected from all interference other than essential management practices, so that its natural attributes are preserved.

The term "national park" has gradually, throughout the world, come to have a specific meaning and not all the parks currently designated "national" in Victoria would fit either the international or the current Australian classification. We cannot indefinitely just lump them all into the national park category, which has been done in the past, irrespective of their merits.

What is required is the ability for parks to be given appropriate names, for example, the Warrandyte State Park, or the Cape Schanck Coastal Park, as opposed to Wilson's Promontory National Park. There are a number of ways of handling this in legislation and the one chosen is the simplest and gives the most flexibility, and is the most appropriate in view of the rapidly changing number of parks.

Parks have been classified in the Bill as "national" or "other". The "other" category will contain all the parks I have mentioned earlier. At the appropriate time the Minister for Conservation will ask the National Parks Advisory Council to examine the parks in the schedules to the Bill and the new parks recommended, but not yet submitted to Parliament for approval as parks.

The council will be asked to recommend appropriate categories and names, that is, which ones will be retained as national parks and designated as such and which will be changed to some other type of park—State, coastal, and so on. The object will be to end up with an appropriate classification of all parks which indicates their status and function where possible.

Obviously the multitude of park types will require specialized plans of management and also appropriate regulations, as activities in one park will not be appropriate in another. The objects of all other types of parks are described in clause 4 (*b*).

Clause 4 (*c*) provides for parks to be used by the people for enjoyment, recreation or education and for the encouragement and control of each use.

PART II.—ADMINISTRATION: Clauses 5 to 9 relate to the appointment of the Director of National Parks and, subject to the Public Service Act, such other officers and employees as are necessary for the purposes of the Act. Provision is also made for the appointment by the Director of National Parks of authorized officers who, apart from their normal duties, will be responsible for enforcing the regulations in each park.

Clause 10 provides for the appointment of a National Parks Advisory Council consisting of the Director of National Parks and six other members appointed by the Governor in Council. Those members will be—a representative of the Conservation Council of Victoria; a representative of the Victorian National Parks Association; a professor or teacher of ecology, biology or earth science at a Victorian university; a representative of the Municipal Association of Victoria; and two persons with experience in matters affecting the interests of the community.

One of these persons will need to be conversant with the requirements of recreational activities which would be permitted in some parks, and the other will be a person who has been involved in community activities and may have a particular skill, which is not present in the other members, management or a professional discipline such as sociology. At least one of these persons will be a resident from outside the metropolitan area.

The functions of the council, which are stated in clauses 11 and 12, will be—

(*a*) to advise the Minister generally on the administration of the Act and on any particular matter on which the council's advice is sought by the Minister;

(*b*) to act as a committee of management of any land acquired for the purposes of a park for a maximum period of two years or until an Act of Parliament has reserved that land as a park during that period.

The council will be required to submit an annual report on the performance of its functions to the Minister, which will be laid before both Houses of Parliament.

Already, at the request of the new director, a member from outside the National Parks Service has been appointed as Chairman of the present National Parks Advisory Committee. I believe this procedure should continue and clause 13 (5) provides that the chairman of the council cannot be the Director of National Parks.

Under existing legislation, provision is made for the appointment of committees of management of national parks and a number of existing parks have been managed by committees of management for a number of years.

The members of these committees have carried out a valuable and onerous task and I pay tribute to their devotion in sticking to their honorary tasks in, at times, somewhat difficult circumstances owing to lack of financial and staff resources.

There is no doubt that the State of Victoria owes a debt of gratitude to these men who in the early years of the history of the National Parks Service supplied the management skills which the State did not have the financial resources to provide.

However, that day has passed and it is now time for the National Parks Service to assume control over all parks established under this legislation. But the Government recognizes that it should continue to avail itself of the experience resting in the members of the present committees of management. Therefore provision is made later in the Bill for these committees to become advisory committees as provided in clause 14.

The function of an advisory committee will be to make recommendations to the Director of National Parks about the care and control of the park for which it is appointed. It is expected that these committees will continue to maintain

the contact between the parks staff and the community surrounding the park.

Clause 16 continues existing provisions which permit a member of Parliament and so on to be a member of the National Parks Advisory Council or an advisory committee and to receive a fee or a travelling or other allowance therefor.

PART III.—NATIONAL PARKS AND OTHER PARKS: Clause 17 establishes national parks as those areas described in Schedule Two to this Bill. It also describes the duties of the director in relation to his stewardship of national parks. Likewise, clause 18 establishes other parks as those areas described in Schedule Three and again states the duties of the director in relation to these parks.

Provision is made in both clauses for plans of management to be prepared for both national parks and other parks. At present most of the more recent parks have management plans but the older parks generally do not have such formal plans. Those without formal plans are being managed in accordance with criteria applying in the other parks.

Clause 19 provides for the Minister to accept gifts devises bequests of real or personal property or land and to act as an administrator of an estate or trustee of moneys or other property when necessary. In national parks and other parks it is necessary to provide certain services and sell commodities to the public. Clause 19 also provides for the Minister to grant long-term tenancies for these purposes.

Clause 20 states the responsibilities of the Director of National Parks in relation to proposals for land acquisition, research projects and payments of moneys from the National Parks Fund. As the payments are subject to the approval of the Minister he will still have control over any land acquisition programmes, and land cannot be added to a park or a park established except by Act of Parliament.

Management of a park will often involve providing for a number of uses which are mutually incompatible. With this in mind, it is proposed to zone the parks for various types of use as part of the master plan for each park. For example, a small section of a national park may be zoned for recreation and accommodation whereas a large area may be zoned for preservation of a part of the environment. The name of the zone and its location may be declared by the Governor in Council as provided in clause 22.

Clauses 23 and 24 provide for permanent works to be carried out to provide facilities for visitors and for the maintenance of those works and the park generally.

In accordance with clause 25 the National Parks Service, with the consent of its Minister, the Minister of Lands and the Minister of Public Works, may construct a building, jetty, launching or landing place or other structure on a foreshore or in any Victorian waters adjacent to a park. Provision is made for the costs of the works and of tracks and roads to be paid out of the National Parks Fund.

In a park of the type similar to Haining farm it is important for the manager of that park to have the flexibility to operate in the same way as a farm manager. Clause 26 gives the service that flexibility.

Clause 27 defines the rights of public authorities in respect of works which they may wish to carry out in a park and ensures that the significant values of any park will be adequately protected. Clauses 28, 29, 31 and 32 continue existing special provisions relating to various parks.

Clause 30 contains special provisions concerning the Lower Glenelg National Park and in addition authorizes the Forests Commission to manage the Princess Margaret Rose Caves for a period of five years.

PART IV.—GENERAL: The National Parks Fund is established by clause 33 which defines its sources of revenue and the types of expenditure which may be charged to the fund.

In addition clause 34 provides that moneys may be expended for the costs of purchase or acquisition of land which is bought for the purpose of a park or for other costs in the administration of that land by a committee of management appointed under the Land Act. This clause also provides for the Minister to enter into agreements for occupation of the land or grant a tenancy or permit to manage and occupy a building or facility on such land.

Clause 35 requires the Director of National Parks to submit an annual report each year.

The provisions of clause 36 are the same in principle as the provisions in section 28B of the Firearms Act 1958 and permit an authorized officer or a member of the Police Force to seize a gun or other weapon carried by a person in a park when the use of such gun or weapon is not authorized. This clause will not prevent the use of guns or other weapons for hunting or shooting when the owner is using them lawfully in a zone of a park in which their use is permitted.

Clause 37 allows the Director of National Parks to authorize the use of a gun or other weapon in a park where such use is not normally permitted.

Clause 38 gives power to an authorized officer appointed under clause 9 to request a person's name and address, request him to leave the park or to produce for inspection a licence permit or authority if the officer believes on reasonable grounds that such person is contravening the Act or regulations.

Pursuant to clause 39 the provisions of section 188A of the Land Act are applied to parks to enable the removal of any unauthorized building structure, standing crop or improvement found in a park.

The provisions of clause 40 are designed to prevent the issue of mining leases and licences for operations in a park without the consent of the Minister. In such cases the Minister must first obtain the advice of the National Parks Advisory Council.

Provision is also made for an appeal to the Governor in Council by any person who is aggrieved by the refusal of the Minister to grant consent. Where consent is granted by the Minister, either House of Parliament may revoke Ministerial consent by the passing of a resolution to that effect.

Clause 41 continues the provisions of sections 9 and 10 in the present National Parks Act in a simpler form. However, trespass rates will now be prescribed by regulation subject to the maximum rates stated in this clause.

PART V.—OFFENCES AND PROCEEDINGS: It is unfortunate that, in a Bill designed for education and recreation purposes of the community, there must be penalties for breaches of certain rules.

However, it must be recognized that in every community there is a small element which takes advantage of any neglect to provide penalties for non-observance of those codes of conduct which are cheerfully obeyed by the majority of people. In these cases, the National Parks Service will continue its policy of attempting to educate this element, but where sterner measures are required this Part provides the power to take them.

Clauses 42 and 43 are designed to prevent the use of national parks for commercial gain without proper authority.

Clause 44 provides the penalty for unauthorized use of a gun or other weapon in a park.

Clause 45 relates to the penalties in cases where a person fails to comply with a request of an authorized officer as stated in clause 38.

Clauses 46 and 47 relate to offences against the Act or regulations and enable authorized officers to appear on behalf of the director or to produce charts or maps which shall be accepted as prima facie evidence if a certification is signed by the director to the matters so certified.

PART VI.—REGULATIONS: Power is sought under clause 48 of the Bill to make regulations in respect of the usual formal and machinery matters, the management of parks and the control of persons and vehicles in parks.

PART VII.—CONSEQUENTIAL AMENDMENTS TO TRANSITIONAL PROVISIONS: Clause 49 provides for the continuation of the appointment of the present Director of National Parks.

For a number of years rangers have been employed as employees exempt from the provisions of the Public Service Act and some have been subject to the direction of the National Parks Service whilst others have been subject to the direction of committees of management. Clause 50 will enable rangers to be appointed to the Public Service and for the Public Service Board to take account of their previous exempt service in determining their emoluments and other conditions of service. This proposal has the support of the Victorian Public Service Association.

Clauses 51 and 52 revoke the appointments of members of the present committees of management and appoint them as members of advisory committees in respect of the parks for which they were previously responsible.

Clause 53 revokes all orders and proclamations under the Land Act which apply to lands that are now included in the parks named in Schedule Two or Schedule Three. Some lands which are proposed to be included in the Lower Glenelg National Park and Mount Richmond National Park have the status of reserved forest. Clause 54 revokes that status.

Clause 55 contains a number of consequential amendments to various Acts to provide for the commencement of this Bill, the two categories of parks or the altered status of committees of management. I commend the Bill to honorable members.

The Hon. J. M. WALTON (Melbourne North Province): On behalf of Mr. Thomas, I move—

That the debate be now adjourned.

The Bill is rather lengthy and important, and a good deal of time will be needed for consideration of it. I propose that the debate be adjourned until Tuesday week.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until Tuesday, May 6.

HAIRDRESSERS REGISTRATION (AMENDMENT) BILL.

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

That this Bill be now read a second time.

The practice of hairdressing in Victoria is supervised generally by the Hairdressers Registration Board set up under the provisions of the Hairdressers Registration Act 1958 (No. 6267).

The Bill now introduced is designed to update this legislation, extend its application to the whole of the State of Victoria and overcome certain difficulties which have been experienced by the board in administering the legislation.

The Bill provides for deletion of all reference to " improver " in the hairdressing industry. The industry is now fully adapted to the concept of registration, and an employer, by engaging improvers, can deliberately flout the Act and prejudice the protection to which apprentices are entitled under the Act.

It is proposed that the constitution of the Hairdressers Registration Board be increased by the appointment of two additional members, one being a person appointed by the Governor in Council upon the nomination of the Minister of Labour and Industry after consultation between the Minister and the Apprenticeship Commission of Victoria, the other to provide for an increase in the number of persons appointed by the Governor in Council so as to give equal representation to men's and ladies' hairdressing groups.

Clause 5 of the Bill provides for the removal of the present provisions of the Act relating to the registration of hairdressers at the time the original legislation to control hairdressers was introduced in 1936. The provisions to be deleted apply to persons who were practising hairdressing 30 to 40 years ago and are now redundant.

The clause also provides for additional controls in relation to the acceptance of persons who have trained as hairdressers outside Victoria so as to provide protection to Victorian apprentices by ensuring that interstate persons must be trained to a level comparable to Victorian teaching standards.

To overcome objections raised in a recent court action that the " practice of hairdressing " means a continuing undertaking and proof of one action is sufficient to demonstrate such practice, the Bill substitutes the words " engage in hairdressing " for the words " practise hairdressing ". Such an amendment would make observation of an offence necessary on one occasion only and would not involve repeated reports and investigation by inspectors.

The Bill provides for control of hairdressing advertising and prohibits any person who is not registered as a hairdresser from advertising his willingness to undertake hairdressing work. The Hairdressers Registration Board has reported difficulty in policing the Act in regard to the activities of itinerant hairdressers, many of whom are not registered and advertise for business through the press.

The regulation-making powers of the board are to be extended to provide that, with Governor in Council approval, regulations can be introduced in respect of age for admission to prescribed courses of training for hairdressing and also in respect of post-graduate training in hairdressing. Many of the teaching schools now engage in post-graduate training and it is appropriate that this activity be also subject to standards fixed by the Hairdressers Registration Board.

The Bill further provides for a restriction on the activities of schools of hairdressing to hours which ensure that the schools are not available for hairdressing services at times when hairdressers' shops are normally closed. Recent changes in awards and hours of training have rendered the present provisions of the Act unrealistic and permit hairdressing services at hairdressing schools to take place at hours when hairdressers' shops are normally closed.

However, the Bill provides for an exemption in respect of post-graduate courses and hours of operation for practical instruction in hairdressing arranged under the auspices of the recognized associations of hairdressers and any other person or body approved by the board.

Fees paid to members of the board other than the chairman are prescribed by regulation. The Act at present prescribes that the fees paid to members shall not exceed $210 a year, and the fee payable to any member for attendance at any meeting shall not exceed $8.40. These fees were fixed in 1959 and are now considered to be unrealistic in the light of present-day costs. The Bill provides that the fees paid to members shall not exceed $500 a year and the fee for attendance at any meeting by a mem-

ber of the board shall not exceed $20. I commend the Bill to the House.

On the motion of the Hon. D. G. ELLIOT (Melbourne Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, April 29.

VETERINARY SURGEONS (AMENDMENT) BILL.

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

That the Bill be now read a second time.

Over recent years, there has been a considerable development in 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 the registration of a veterinary surgeon who was registered in Victoria and in another State was 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 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 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 in the Bill provides the necessary power to the board to make regulations in relation to veterinary hospitals. Clause 3 defines the powers of the Veterinary Board to refuse to register veterinary 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 is 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 the Hon. J. M. Tripovich, for the Hon. D. G. ELLIOT (Melbourne Province), the debate was adjourned

It was ordered that the debate be adjourned until Tuesday, April 29.

HOME FINANCE (AMENDMENT) BILL.

The debate (adjourned from March 25) on the motion of the Hon. V. O. Dickie (Minister of Housing) for the second reading of this Bill was resumed.

The Hon. J. M. TRIPOVICH (Doutta Galla Province): This small amending Bill is similar to Bills introduced over the years on account of the economy raising the land valuation limits in respect of which the Home Finance Trust may grant first or second mortgage loans. The Bill amends section 8 of the principal Act which deals with first mortgage loans and section 11 which relates to second mortgage loans. The limit is to be increased from $20,000 to $30,000. Section 11 refers to a person who has a number of loans and in future the total of those loans may not exceed $30,000 without approval if that person is to remain within the provisions of the Act. That provision was included when the limit was raised to $20,000 and is continued in this Bill.

That is the sole purpose of the measure and the Labor Party offers no objection to it. Members of the Labor Party recognize that in our economy, as prices and services increase so must wages, followed by further increases in prices and services. This is a matter of controversy between economists, and in a brilliant dissertation by a visiting economist recently it was stated that our economic system has been wrong and must be rectified. As it is a matter of controversy I shall not refer to it any further.

The Minister of Housing, when introducing the Bill, pointed out that the Home Finance Trust was constituted on 2nd August, 1956, as a result of Liberal Party policy announced at the 1955 election on home ownership. The trust was initially established to assist people who were unable to obtain assistance from the Housing Commission or from co-operative housing societies because they lived in country areas and did not have access to those funds.

Of course, that is true and the introduction of the principal Act followed a great controversy over the housing shortage that existed after the last war. The Cain Labor Government was in office and the Leader of the Opposition, then Mr. Bolte—later Sir Henry—argued that more money should be made available to finance the construction and purchase of homes. After winning the election the Liberal Party introduced legislation in line with its policy. In turn that legislation was ridiculed by the Labor Party on the ground that not a great amount of money could be made available under its provisions.

When the Home Finance Trust was set up, a committee consisting of the Registrar of Co-operative Housing Societies, an officer of the Treasury and one person appointed by the Governor in Council was established. The committee was to act as trustees to receive money for investment and to make moneys available under the terms of the recently enacted legislation. It could find at that stage only $1 million that was made available by the State Savings Bank of Victoria. It was expected that that amount would service approximately 180 borrowers. It was further expected that the maximum lending capacity of the Home Finance Trust would accommodate about 200 to 300 borrowers—an insignificant proportion of the borrowers who would submit applications. This number would include home builders and persons who wished to purchase a home less than two years old.

I pay tribute to the original committee which administered the Home Finance Trust, and to the great service it performed in 1962 in helping people to bridge the deposit gap. The then Registrar of Co-operative Housing Societies was Mr. Ted Ebbels whom I have often praised in this House as one of the most dedicated men in the housing field to have held a public position. He was responsible

for the Home Finance Trust assisting many people who could not obtain finance from the co-operative housing societies or other avenues.

Money was hard to obtain in those days and many people were in a most difficult position. Builders constructed houses on a speculative basis and when selling the houses guaranteed that co-operative housing funds would be available. Further, some builders offered to fund the total purchase price for twelve months. After twelve months, when co-operative housing money was not forthcoming, the borrower had to refinance his loan. As the money was not available, many people were threatened with the loss of their homes. The threat was so real that the Government was forced to provide financial assistance through the Home Finance Trust by providing bridging finance. On behalf of a number of my constituents, I am grateful for the activities of the Home Finance Trust at that time because it was able to arrange assistance for them.

Coming to the present time, in his second-reading speech the Minister of Housing enumerated the present members of the Home Finance Trust. It comprises Mr. G. C. Hill, a former Chief Manager of the National Bank of Australasia Ltd.—he is the independent chairman appointed by the Governor in Council. The other members are Mr. J. W. Jungwirth, the Registrar of Co-operative Housing Societies; Mr. P. A. Macpherson, Assistant Director of Finance, Treasury Department; and Mr. J. C. Macvean, a former Assistant General Manager of the A.N.Z. Banking Group Ltd.

I pay tribute to those men for their activities over the past four years when it has been difficult to obtain money, especially with rising interest rates in the short-term money market. As the Minister of Housing pointed out, the Home Finance Trust is lending at the low interest rate of 7·5 per cent. One cannot get money today to lend at 7·5 per cent. However, through the efforts of the trust, and particularly Mr. Hill with his contacts in banking, to whom I pay a special tribute, many people have been assisted.

From inquiries I discovered that the Home Finance Trust has obtained money from the State Savings Bank of Victoria, the Commonwealth Savings Bank of Australia, the Australia and New Zealand Savings Bank Limited, the Bank of New South Wales Savings Bank, the C.B.C. Savings Bank Limited, the Commercial Savings Bank of Australia Limited, the Commercial Union Insurance Co. of Australia Limited, the National and General Insurance Co. Ltd., the Western Australian Insurance Co. (Canberra) Ltd., the National Nominees Limited and the National Insurance Co. of New Zealand Ltd. Those are the only sources from which the trust has been able to obtain finance during the past two years and it has been at the instigation and pleading of Mr. Hill that those companies have offered finance.

The Home Finance Trust was able to arrange 82 first mortgage loans in 1971, 123 in 1972, 219 in 1973, 151 in 1974, and up to 31st March, 1975, only 3. The demand for housing is so great that if money were available the trust would be swamped with applications.

The Home Finance Trust was able to arrange 103 second mortgages in 1971, 134 in 1972, and, despite an increase in demand, in 1973 it arranged only 61 and the number dropped further to 29 in 1974. Up till 31st March 1975, it arranged only 11. There is definitely no money available to the Home Finance Trust to enable it to lend funds at an interest rate of 7·5 per cent.

The Hon. I. A. SWINBURNE: Where could the trust get funds to lend at that rate?

The Hon. J. M. TRIPOVICH: In the past the trust has obtained funds as a result of the pleading of Mr. Hill but it cannot obtain funds now because it is possible for

lenders to obtain 10 per cent elsewhere quite easily. That has been the trend in the short-term money market among the permanent building societies, the general commercial houses, and the banking institutions. Therefore, housing has really "packed up".

That is the history of the Home Finance Trust, which grew out of a political battle. If additional finance could be provided, it could render greater assistance to more people. This Bill will increase the maximum amount that can be lent to $30,000 and I hope it is not necessary to introduce further Bills to increase that amount further to $40,000, $50,000, $60,000 or $70,000. I sincerely hope our economy will level out, although I do not believe it will stand still. Our economic system will have to be arranged in some way to control wages and to peg costs. If that is not done, the economy will expand by a greater extent than it has to date.

The Hon. W. V. HOUGHTON: I hope Mr. Tripovich has conveyed that to "Dr. Jim".

The Hon. J. M. TRIPOVICH: I do not see that it is a matter of conveying it to "Dr. Jim" because every Australian Treasurer has faced difficulties with the economy in relation to pegging prices and controlling wages. There are many ways of approaching the problem. However, we do not want to see the growth of a bureaucratic society in which people are provided with the bare necessaries of life.

I have appeared in many cases seeking increased wages and improved conditions. I recognize that working people today are receiving a greater percentage of the productive wealth of this nation than they ever received in the past. If the efforts of twelve months' submissions and twelve months' argument in the courts can be nullified by a decision to increase prices by X per cent to cover wage rises, and that decision can be made in ten minutes, another look should be taken at the economic system.

I sincerely hope it is not a matter of convincing the Treasurer. All Treasurers are faced with the same problem. The Victorian Treasurer does not know the answer—and neither do I. But, collectively, we must seek it. I hope we can overcome this problem of wages chasing prices chasing wages over the years. I offer those comments for what they are worth.

The Labor Party does not oppose the Bill but I wanted to say something about the history of the Home Finance Trust. It was not a Liberal Party gift to society; it arose from the state of politics at the time. It has helped some people and they are grateful for its existence. But it has made no major contribution in the provision of housing.

The Hon. I. A. SWINBURNE (North-Eastern Province): I shall not add to the history of the Home Finance Trust which was ably outlined by Mr. Tripovich. As honorable members know, it was set up in 1956 to help people who could not obtain Housing Commission homes or finance from co-operative housing societies. Since then, co-operative housing finance has become more readily available in both the city and the country. People who earlier would have sought finance from the trust now obtain it through co-operative housing societies and this has relieved the situation for the trust.

When the measure was enacted in 1956 provision was made for a maximum amount of $9,000 to be lent to any one applicant. In 1961, the maximum was raised to $10,000. That was thought to be a jump. After four years, in 1965, the maximum was increased to $11,600. That was another comparatively moderate rise. In 1970, five years later, the sum was raised to $14,000. In the next three years, to 1973, the maximum was increased by $2,500. The rate of

inflation was then increasing and in two years, 1973 and 1974, the maximum rate was raised from $16,500 to $20,000. Now, this Bill will increase the maximum amount which can be lent to an applicant by 50 per cent, to $30,000. This is an indication of the state of the economy.

The figures set out in the Minister's second-reading notes give an indication of the effect of inflation from 1956 to 1975. The amount of money needed to build a house has increased enormously. No doubt the House will pass the Bill, but where will the Home Finance Trust obtain money to lend to prospective home buyers? The rate at which it lends money makes it almost impossible for it to borrow in today's market.

Most of the homes erected with money from the Home Finance Trust have been built in the metropolitan area but, over the years, when a country person has approached a member of my party for help to obtain money from the trust, the trust has always been able to assist. But this type of finance is coming to an end.

People are finding it much more difficult to accumulate the amount of money necessary to put a deposit on a house, whether it is financed by the trust or any other institution. More and more people are looking for rental homes. This is one of the results of inflation. If it were not for the favourable terms of purchase offered by the Housing Commission, in some country towns there would be few people buying homes.

It is tragic that young people starting married life cannot buy their own homes. I realize that some of them set their standards too high.

The Hon. J. M. TRIPOVICH: They work on the basis of two incomes.

The Hon. I. A. SWINBURNE: That is so. Both husband and wife are employed and they arrange their commitments on the basis of their total income. Even allowing for that, under present financial conditions, it is almost impossible for young people to finance the purchase of a house. They cannot find sufficient money to bridge the gap between what they can borrow and the cost of a house. Because they want the same type of home as a person who has spent 30 or 40 years acquiring it, and want all the modern equipment available, to buy a block of land, build a home, and furnish it, they need something between $40,000 and $50,000. That may be all right as long as both husband and wife continue to work, but if one has to stop working or illness occurs, the couple find it extremely difficult to meet the instalments.

I hope the Minister will be able to find the money. But there are not many people who would be prepared to lend the Home Finance Trust money at a rate of interest which would allow the trust to continue to re-lend it at 7·5 per cent interest. I am not suggesting that the interest charge should be increased. I fear that because of the difficulty of obtaining money, this system of home finance cannot continue.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of principal Act).

The Hon. V. O. DICKIE (Minister of Housing): I appreciate the comments of Mr. Tripovich and Mr. Swinburne. Everything that they said is correct. If there is a barometer of the economy, it is housing; there is no need to consider anything else. People want homes and they buy at the cheapest price according to their ability to pay. If the price is too high, the builder may as well not have built the house in the first place.

The Home Finance Trust has done a magnificent job, but this year it will borrow only $500,000. With the

increase in the maximum amount which can be lent to one applicant to $30,000, only about seventeen homes can be financed from that sum. A little money comes in from regenerating payments on loans made since 1956, but the trust finds it extremely difficult to borrow money. As Mr. Tripovich pointed out, the second-reading notes state that until March of this year only three loans had been made. However, about twenty applications are in the pipeline and the total number of loans for the year will be about 25.

No greater amount will be available to the trust next year and it is possible that I will have to introduce another Bill of this type. Like Mr. Tripovich, all honorable members hope that it will not be necessary to raise the maximum amount of a loan. However, if the trust has only $500,000 to lend next year and it is necessary to raise the maximum loan to $40,000, it will be possible to finance only about ten homes next year. Unless the economy stabilizes, this trend will continue.

Over a period of, say, 50 years, there are dips and peaks in the economy. I hope our present position is at the bottom of a dip and that any movement will be the other way. If that is so, money will become available.

Mr. Tripovich referred to the good work done by Mr. Hill. He has tried to obtain money as far west as Western Australia and as far north as Thursday Island, but has been able to obtain only $500,000. The trust has not increased the interest it charges. If it did, it would not be able to service the particular section of the community which it is meant to help.

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

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

The Hon. V. O. Dickie.

BUILDING SOCIETIES (SPECIAL ADVANCES) BILL.

The debate (adjourned from April 4) on the motion of the Hon. V. O. Dickie (Minister of Housing) for the second reading of this Bill was resumed.

The Hon. J. M. TRIPOVICH (Doutta Galla Province) : This Bill has become necessary because of the effect of increased costs on permanent building societies. The last time the House considered this matter, the maximum amount which could be advanced was increased to the present figure of $30,000. At that time I pointed out that Victoria lagged behind New South Wales in the amount of money provided by permanent building socities for housing and suggested that those societies had a major part to play in the provision of finance for building.

Since then, with the assistance of the Housing Loan Insurance Corporation which was set up by the Australian Government to cover the risk associated with lending money for housing, the permanent building societies have come into their own. They have been able directly to challenge the banking system by offering a better lending reward to the ordinary investor than could the State Savings Bank. Advertisements appeared in the newspapers and on television that investors in permanent building societies could receive interest rates of 9 per cent, then 9·5 per cent and finally 10 per cent at call. Passbooks similar to State Savings Bank passbooks were issued, and any amount could be deposited or withdrawn. Interest was paid half-yearly. Money flowed in. There was no end to it. In defence, the banks offered investment accounts and similar rates of interest.

The Opposition has no criticism of this Bill. It is a matter of economics that there should be a limit to the amount advanced. The Bill will raise the limit from $30,000 to $50,000.

With the competition amongst permanent building societies and the present trends in building greater emphasis than has existed in the last two to two and a half years will be placed on the societies to increase their efficiency and there may be a tendency for amalgamation to take place.

The Hon. O. G. JENKINS: That is continuing now.

The Hon. J. M. TRIPOVICH: It is continuing now and it must. I belong to a permanent building society which some years ago was set up by a terminating building society. I refer to the Phoenix Permanent Building Society. The society's loans at present amount to approximately $980,000 and that is a mere bagatelle. The society was established for the purpose of servicing loans to the terminating society members to make alterations to their houses at a reasonable rate of interest and it has always functioned on that basis. A society of that size will not survive as a payable proposition in a public way in the present economic world. A number of societies will have to amalgamate and prune their costs if they wish to continue to be viable economic units in the housing sphere. That will not be a bad thing. It will add to efficiency and bring about some stabilization in what has been an unrivalled chase for the available money for short-term lending.

The Opposition supports the Bill which does no more than increase the limit that can be advanced from $30,000 to $50,000, as it affects certain sections in section 4C and 4D of the current Act. I hope the permanent building societies will remain, and will retain and strengthen their position because they have much to add to the building of houses in Victoria. The Opposition supports the policy of home ownership on equal terms with the Government. It believes it is the right of every person to own his own home and if this Bill assists in that direction, as I believe it will, having always supported co-operative housing and permanent building societies, I wish it well.

The Hon. I. A. SWINBURNE (North - Eastern Province): The Country Party supports the Bill. The increase in the limit amount is necessary to enable building societies to carry on. Mr. Tripovich has pointed to the need for some amalgamations and restructuring of the existing societies in Victoria. I believe he is right. Those societies need greater security in the manner in which they are implemented. The State's building programme is affected by inflation and the funds available for the construction of homes. It is important that a member of a building society should be able at the appropriate time to meet the cost involved in view of the rate of inflation and the present cost of living.

The motion was agreed to.

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

The sitting was suspended at 12.55 *p.m. until* 2.3 *p.m.*

TEACHING SERVICE (ASSISTANT PROFESSIONAL APPOINTEES) BILL.

The debate (adjourned from March 25) on the motion of the Hon. W. V. Houghton (Minister for Social Welfare) for the second reading of this Bill was resumed.

The Hon. I. B. TRAYLING (Melbourne Province): This Bill amends the Teaching Service Act 1958. It tends specifically to correct inadequacies existing in the Teaching Service (Professional Appointees) Act 1973 regarding the appointment of professional and assistant professional appointees. In 1973, when the legislation was introduced, the Opposition warned the Government that the measure was too restrictive in its attempt to nominate categories of teaching services and that it was bound to run into difficulties. This is precisely what has happened. It is

now necessary to add categories to the teachers who are in the Special Services Division of the Education Department. The Bill increases the professional categories by adding sociology and linguistic interpretation, and has defined a new category of professional appointees, interpreters and welfare officers.

Members of the Opposition suggest that it would be preferable to leave the categories wide open so that when it is found necessary in the future to add categories to assist in the Special Services Division it will not be necessary to introduce another Bill. However, we support the Bill and its objectives. There is not much more I can say, except to refer to comments by the Assistant Minister of Education as reported in the *Age* last Monday in which he criticized the Teachers Tribunal for taking so long over co-operating to allow the implementation of the 1973 legislation to enable teachers to move from their present standard teacher roles to the Special Services Division of the department. This justifiable criticism by the Minister was supported the following day by the President of the Victorian Teachers Union, Mr. Don Bull. Surely the Teachers Tribunal must accept responsibility for the delays which have occurred in implementing the legislation and for frustrating the spirit of the legislation.

It has been pointed out that teachers who would have been happily employed in the Special Services Division of the department have, through frustration and delays attributed to the Teachers Tribunal, found themselves in careers in regular schools. This is not the design of the legislation, nor is it the intention of the Government. It is certainly not the wish of the Opposition, because to give impetus to this type of legislation it is necessary to find suitable teachers who will become professional appointees and fill the necessary role of assisting the children and parents for whom the Special Services Division of the department has been created. This is an admirable division, ably led, whose object is to get on with the job of fulfilling its role.

I appeal to the Teachers Tribunal to assist in the implementation of the 1973 legislation and to accept the responsibility of moving quickly to assist the children and parents who are so dependent on that assistance.

The Hon. M. A. CLARKE (Northern Province): This Bill amends section 55B of the Teaching Service Act 1958 which passed through Parliament in 1973. As the Minister pointed out, in that amendment to the Act the Government intended "welfare" to be interpreted as an embracing term to include interpreters, linguists, social workers, sociologists and welfare officers. The Teachers Tribunal interprets "welfare" as being restricted to the employment of social workers. The Government has pointed out that its intentions were made clear during the debate on the legislation in Parliament in 1973. I find it astonishing that the Government representative on the Teachers Tribunal was unable to bring the intentions of the Government to the notice of the tribunal. Consequently the tribunal has placed a narrow interpretation on the Act which was passed in 1973, and the Government has had to return with further amendments to section 55A to bring in the expression "sociology and linguistic interpretation".

The affairs of the Education Department and the Teachers Tribunal are in a crisis. In another place the Minister has introduced a Bill which will cause some radical changes in teacher promotion. This was referred to in the *Herald* tonight. For many years, the Victorian Secondary Teachers Association, the Victorian Teachers Union and the Technical Teachers Association of Victoria have sought an undertaking or a change of policy from the Government to use its Government representative on this tribunal to represent its views. The Minister of Education has consistently said that the Government does not instruct the Government representative. This is absurd. For many years

it has been the policy of the Country Party that the Government representative on the tribunal should be instructed by the Government. I can only infer from the Leader of the House that the Government has again failed to instruct its representative on the tribunal and as a result its intentions are not being carried out by the tribunal.

I am not alone in my criticism of the Government or the tribunal. Sir Henry Bland at page 10, para 1.23 of his third report as a board of inquiry into the Public Service referred directly to the new section 55A that was introduced in the Teaching Service Act by the Teaching Service (Professional Appointees) Act. He recapitulated what the Act set out to do. In the next paragraph he commented—

> This legislation was a considerable further switch to the Teachers Tribunal of powers that had been left with the Public Service Board under the 1946 legislation (cf. para. 1.13), and could not but further exacerbate the problem created by the dichotomy introduced by the legislation.

I might have put that in simpler terms, but obviously Sir Henry Bland thought there was a tremendous conflict of interest and powers between the tribunal and the Public Service Board. The Government has come down half way between the two; it has sat on the edge of the stool and fallen off. Members of the Country Party have made many criticisms of Government legislation and unfortunately the Government has paid little attention to them. We are going to support the Bill with one exception. I suggest to the Minister that he should consider an amendment in the light of the Bland report. The amendment flows from criticisms in other paragraphs by Sir Henry Bland of the appointments that have been made.

Clause 3 of the Bill states, *inter alia*—

> The tribunal may appoint in a permanent capacity such persons as it considers necessary—

I suggest to the Minister that the expression " or temporary " should be inserted after the word " permanent ". The Bill allows the tribunal to appoint these people only on a permanent basis. In several places in his report Sir Henry Bland points out that the appointments should be either permanent or temporary.

The PRESIDENT (Sir Raymond Garrett): Is Mr. Clarke foreshadowing an amendment that he intends to bring forward at the Committee stage?

The Hon. M. A. CLARKE: I am foreshadowing an amendment which I shall bring forward in Committee, and I am giving notice to the Minister in charge of the Bill now to enable him to consider it. I hope he will confer with the Minister of Education and the Assistant Minister of Education on this problem. In the light of the criticism made by the Government's own board of inquiry, I hope the Government will give my proposal due consideration. I envisage that appointments will not be permanent, and this will cause further trouble with the Teachers Tribunal. I do not wish to go into this at length, but desire only to direct the Minister's attention to the problem and to foreshadow an amendment. I ask the Minister for Social Welfare to confer with the Minister of Education and the Assistant Minister of Education before the Government proceeds to finality with this Bill.

The Hon. J. M. TRIPOVICH (Doutta Galla Province): I wish to speak on two aspects associated with this Bill. I compliment the Government on appointing persons with linguistic abilities to the Teaching Service. Some schools in my province have up to 70 per cent of children who were born outside Australia. This applies to the Fitzroy High School and a number of primary schools. Many children in high schools aged 12, 13, 14 or 15 have their first contact with the Australian language, or the English language as it is better known, at school and they need

assistance from a person with linguistic ability to interpret for them. These children speak their own language at home, and their only avenue of learning English is at school. Therefore, this action of the Government, in my opinion, deserves the greatest commendation.

I would like to speak also on an aspect which Mr. Clarke mentioned concerning the Government's representative on the tribunal. I am already on record, I think on five or six occasions, for trying to convince the Government that on a tribunal composed of an independent chairman, a representative of the teaching profession, and a Government representative, it is essential that the chairman should know the attitude of the Government on the matter under discussion. The basis of the operation of such a tribunal should be for both sides to meet, with the independent chairman acting as the arbitrator. I place emphasis on the word " independent ". The chairman has the capacity to arbitrate on the claims of both sides.

If the Government representative on the tribunal can only remain mute when asked the Government's attitude to a matter, how can the independent chairman know the Government's viewpoint? The chairman then has to consult possibly some member of the Government or a Minister before he can arbitrate. Again I emphasize how stupid this is. There is nothing wrong with having a Government representative, and I support the tribunal. The Government's representative should be allowed to present an attitude in opposition to that of the representative of the teaching union, and at least advise the independent chairman what the Government's attitude is to the subject under discussion. If that cannot apply, I say to the Government it is stupid to have a so-called independent chairman, and the work of the tribunal is completely destroyed. This matter should be worthy of examination by the Government. There is nothing wrong with the Government's representative upholding his point of view, but he should convey this to the tribunal.

If I happened to be the independent chairman, after listening to the representatives of the Teaching Service, I would want to know the Government's attitude, and what the matter under consideration would involve in Government administration and revenue. It would be vital for me to receive this information.

I again emphasize that if the Government is going to appoint a tribunal with an independent chairman, and with representatives of the bodies concerned, the tribunal must have some knowledge of the Government's attitude. The tribunal then might make better decisions.

The Hon. W. G. FRY (Higinbotham Province): In speaking briefly to this Bill I emphasize that one would have expected the previous legislation of December, 1973, to have covered most of the positions talked about in section 55A. This section has been amended and allows the appointment of professional appointees in psychology, speech therapy, audio-visual training and the like. All this Bill does is to insert after the word " psychology " in that long list of professional appointees, " sociology, linguistic interpretation ". This is fine, but I should have thought that was covered under welfare. However, the tribunal thought differently.

Under the new section 55C people with lesser training can be employed in the service; those who have been trained for twelve months, for instance, in some courses of interpreting or communications. There are courses being conducted at the moment at the Royal Melbourne Institute of Technology in certain languages, including Croatian and Greek. Also at the Prahran College of Advanced Education there are courses in welfare work to allow people to qualify and to become assistant professional appointees. These people will work under the direction of Mr. Les Emmerson, Director of

Special Services. I could not pay too high a tribute to Mr. Emmerson for the work he has done in the schools in Victoria. He is one of the best people in this field, and may have received a higher classification in the department had he not decided to devote almost the whole of his life to this work. I was very pleased to learn not so long ago that he had been made a director. This is some reward for his absolutely outstanding services in the special fields with which he is dealing.

The schools do not have psychologist welfare officers but they are required not only for social problems connected with the family but also for the disadvantaged children in the community, whether they be deaf or blind or have some other deformity. These children need special care from a trained reservoir of specialist teachers. The Bill widens the scope of categories of persons from whom Mr. Emmerson will be able to draw for his needs.

I point out that there is a great deal of inter-action in the community between migrant children, teachers, social welfare workers and psychologists. These people are working in some way towards the betterment of the children. It is not likely that there will be experts in language in each of these fields ; thus interpreters will be necessary. I can draw on my own experiences in these matters and affirm how important interpreters are. One morning I was faced with a family of five or six Greeks. The mother and father both showed willingness to communicate with me and to be friendly, but a deplorable lack of communication existed which we could not breach. Someone is needed to come to your aid at moments like this. I have been faced with this difficulty many times with people from the Greek and Italian communities.

One of the most difficult situations was when I was confronted with a couple of Russian children who could not speak any English, but could say only " Yes " or " No ". By the greatest fluke in the world I had a Russian on my staff in the primary school. Had this man not been available I would have had no means of breaching this language gap and finding out whether this family had a flat or a home and what were their welfare arrangements outside the school. Interpreting is part of the job. It will be overcome, although it has been delayed by the tribunal messing about for so long.

I can illustrate again the need for welfare work by an example which is possibly interesting. A mother came to see me with two children. She was looking for a job at the school. I was able to give her a job. I asked where her husband was and she said that he had left them. She worked at the school in a temporary capacity for a fortnight. One morning she did not come to work and I went to see where she lived. This poor family were living in a broken down wooden shed at the back of a house. There was water dripping through the roof, and the whole family were in dire need of social aid including counselling. When the woman came back to work she was blackened around the eyes and so forth because after she had received her first pay she had been beaten up by her husband, who had returned temporarily. He desisted only after getting his hands on all the money. Then he promptly deserted the family again. There is great need for specialists in the schools to do important welfare work, especially when cruelty is involved.

There are agencies to deal with these people and to iron out their problems. In this lesser field of assistant professional officers we should not under-estimate the number of well trained migrants who are available. In my district there is a directress in a pre-school centre who has been in Australia for about five years. She is one of the best directresses the pre-school centre has had. Such people exist in a migrant community.

This Bill allows for trained welfare officers and trained linguists. It is not unusual for a European to speak three or four languages. Why should

not such people be trained and be put into the schools in some suitable capacity? This would help in the assimilation of migrants.

I take up what Mr. Tripovich said concerning the number of migrants in schools. I went to a school in Brunswick—I was on an electioneering stunt, although I did not tell them anything about it. Of the school's population 87 per cent were migrant children. I saw there a number of mothers with their children, and all they could do was look at me. They seemed friendly, and wanted to be part of the community, and indicated that they wanted to pass the time of day, but all we could do was smile at each other. We want these people and must ensure that migrants are properly assimilated into the community.

Above all, I refer again to the deaf, the disadvantaged and the handicapped because migrant families also include persons in these categories. The salient point to keep in mind in these cases is to take the teachers to the kiddies and not to herd the children into a building where they are at a disadvantage. I support the Bill. It is a step forward.

I shall not argue with Mr. Clarke who criticized the Teachers Tribunal. I am thinking along similar lines. Perhaps something will be done.

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).

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization): I thank honorable members for their support of the Bill and for some of their pertinent remarks. As I understand it, the objection is that the Teachers Tribunal does not appear to have carried out the intentions of the legislation. That situation is not confined to this Government, to the Federal Government or, in recent times, to other Governments in Australia. Government has to keep up with the tremendous changes that are taking place within the community. It is all very well for Parliaments to legislate and even for Governments to initiate new policies, but that does not amount to much unless that legislation or those policies are put into effect. They can be implemented only by the public servants who allegedly serve the State, the nation and the community.

In my view, the Victorian Government has more problems than any other Government, and I hope the new legislation dealing with the Public Service Board will eradicate some of them. Most honorable members agree that the Government should not have the absolute and sole power of appointing, employing and promoting people and that the Public Service must be independent. Terms of employment and even the administration of departments are laid down by so-called independent boards.

If I recall correctly, there are five members of the Teachers Tribunal. Mention has been made of the failure of the Government to instruct one member. With all the goodwill in the world, the Government nominee would not necessarily dominate and change the thinking of such an independent tribunal.

There is no doubt that modern government is failing. I have some sympathy with the Federal Labor Government which wanted to initiate considerable changes and flooded the department with outside people. One of the first things that Government did was to appoint young people and Mr. Whitlam's private secretary, at 35 years of age, heads the Commonwealth Public Service Board. I have some sympathy with the Federal Government because it wants to get something done. That is one of the curses that the Victorian Government is facing.

I invite members who complain about the Teachers Tribunal to examine every other similar body. I

do not know whether the members of those tribunals read the debates in this House, but I hope they do. It is frustrating for a Minister who is charged with the responsibility of a department, to know what Parliament wants and to find that he cannot achieve it because of Public Service restrictions and problems associated with the independent bodies that are largely responsible for the administration of departments and instrumentalities.

I hate to give him credit, but I hope the legislation that was passed as a result of Sir Henry Bland's report will provide part of the answer. I envy Mr. Clarke in being able to criticize the Government on an inquiry that was instigated by the Government. I hope some of the problems will be overcome through legislation passed by Parliament to reconstruct Government departments and the Public Service Board, and also through the Royal Commission into the Commonwealth Public Service.

It is interesting that an open inquiry into government is taking place throughout the community. People are being invited to give evidence, even persons employed in Government departments. This is refreshing, and I shall be interested to examine the reports. What is really needed is a cultural revolution in government, certainly at State level, if we are to achieve the sorts of things that a Government should achieve.

I thank honorable members for their remarks about the Teachers Tribunal. I hope members of the body read *Hansard* and that they will endeavour to implement the legislation that is passed by this Parliament.

There may be some valid reasons why the tribunal tends to apply restrictive interpretations. At this stage, all I can do is to thank honorable members for their pertinent remarks.

The clause was agreed to.

Clause 3 (Assistant professional appointees).

The Hon. M. A. CLARKE (Northern Province): I foreshadowed an amendment, and therefore, I move—

Line 3, page 2, insert the words "or temporary" after the word "permanent".

The existence of section 55B of the principal Act has created such a stupid situation that it is beyond my comprehension how the Government could have got itself into this position. In that section the director-general may make temporary appointments subject to certain conditions laid down by the Teachers Tribunal. In proposed section 55C the Teachers Tribunal is to be given power to appoint assistant professional appointees.

In case my words are not sufficient, I refer again to the comments of Sir Henry Bland. I regret that the Minister did not appreciate my comments on the Bland report. I give the Government credit for having appointed Sir Henry Bland as a board of inquiry, but I ask the Government to pay attention to the criticism that Sir Henry Bland has made. Sir Henry said—

There seems to be no power to appoint professional officers in a temporary capacity.

He finds that there is a good deal of confusion between professional appointees, assistant professional appointees and professional officers. I believe we will get into a heck of a mess over the use of the word "professional".

I do not like the clause as it is phrased. I do not like the division of powers between the director-general and the Teachers Tribunal. I ask the Government to pay attention to my comments. I had a good deal to say when the principal legislation was debated in 1973, when the Minister and I were on the same side. I think we both feel frustrated and defeated by what has happened since then.

On this occasion I ask the Government to concede that I might be right for once and to agree to my amendment to insert the words "or temporary" after the word "permanent". I should prefer the whole

situation to be recast and for power to be given to either the director-general or the Teachers Tribunal, not to be divided between the two.

I do not wish to delay the passage of the Bill because I desire to see the appointment of specialists who are so badly needed in the schools at present, but I want it to be done in a way that will work.

The Hon. I. B. TRAYLING (Melbourne Province): I am disappointed that Mr. Clarke did not see fit to give notice of this amendment. He showed no courtesy to other honorable members. Certainly it is a minor amendment but it has a particular significance. I do not know how Mr. Clarke expects me, representing the Opposition, to reply in a responsible manner without the advantage of consulting representatives of the unions involved who are concerned about this legislation and from whom I would seek advice, and also from other bodies and people interested.

This Bill has been lying on the Notice Paper in this House for weeks. There is no technical advantage to be gained by being secretive about a proposed amendment. I wonder why Mr. Clarke chose not to give notice of it, unless he thought it up over lunch. I should like time to consider it. If we are forced to a vote, the Labor Party will support his amendment, but that will be without the benefit of advice from people whom we should like to consult about its significance.

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization): I dislike agreeing with the Labor Party all the time, but Mr. Clarke is a senior and respected member of this House and I am amazed that he has not shown honorable members the courtesy of giving notice of his amendment. By agreement with his Leader, the House proposes to rise fairly early today. Mr. Clarke realizes that I am not the Minister directly responsible for this Bill and that at this stage it is physically impossible for me to consult with the Minister in another place. Mr. Clarke was aware of that situation before he moved his amendment.

All I can say is that I am disappointed. Mr. Clarke would also have known that any amendment that he raised in this House would receive more consideration than it would be given in another place. Furthermore, he knows that the next couple of weeks will be quite arduous. I shall not have the opportunity of conferring with my Cabinet colleagues in the midst of a heavy session by rushing backwards and forwards to obtain advice from the responsible Minister. If Mr. Clarke is going to use similar tactics—I will not use the expression "smart tactics", because I am sure he is highly motivated—in the next couple of weeks, at least he should give the Government the sort of notice that he would require in order that the matter may receive serious and sensible consideration.

I am surprised to hear that the Teachers Tribunal cannot appoint temporary employees, but I am informed that the director-general can. Probably, this would be sufficient to allow consideration of the Bill to proceed. However, with a heavy heart, I suggest that progress be reported.

Progress was reported.

MELBOURNE (SNOWDEN GARDENS) LAND BILL.

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

The Hon. D. G. ELLIOT (Melbourne Province): The Bill is most welcome. I have always felt that the Victorian Arts Centre would never be complete without a general purpose

theatre or concert hall. The availability of parking facilities for 1,500 cars under the present Arts Centre ensures the success of night performances at the theatre.

The Los Angeles Performing Arts Centre is a magnificent undertaking with a theatre in the round, a theatre for plays and a theatre for concerts, musical comedy or opera performances. Honorable members will recall that the recent televising of the Academy Awards came from the Ahmundsen Theatre, which is part of that centre, although in the past the Academy Award presentations have been held in the Santa Monica centre.

Honorable members must give credit where credit is due, and Victoria has created without great cost something of which Victorians can be proud. The Victorian Arts Centre will not be complete until something is done about the performing arts. The proposed theatre will be built on the site of the Snowden Gardens but at least the rights of the people to walk from St. Kilda Road down to Riverside Avenue will be protected. The gardens will be a delightful location for the theatre and will enhance the whole appearance of the area. I hope that a fountain will be retained in the area. Those people who commute to Flinders Street railway station will have a pleasant view across the Yarra River.

More importantly, the theatre will be utilized for concerts, opera and musical comedy, and the availability of adequate parking space under the Arts Centre will ensure the success of the undertaking. There is no sense in building undertakings to cater for thousands of people if parking space is not provided. At the Moorabbin football ground the parking facilities are inadequate for the crowds who attend the football matches and it takes a long time for people to leave the ground after matches which have been well attended. From the new theatre, the patrons will remain under cover to reach their cars and then drive home. This is a move in the right direction and illustrates thinking in terms of 1975. It is not an improvization but the creation of a facility that is long overdue in this city.

The Melbourne Town Hall was the centre of our concert world.

The Hon. H. M. HAMILTON: With creaking seats and all.

The Hon. D. G. ELLIOT: That is so, one had to move with the rhythm of the music and the squeaking of one's chair. Acoustically, the Melbourne Town Hall is fine but there is nowhere else. The Exhibition Buildings cannot be considered as it is suitable only for home exhibitions, motor shows and so on. The Dallas Brooks Hall is a fine concert hall but the parking facilities in the area are thoroughly inadequate. One of the problems with the Sydney Opera House is the lack of parking space around it. For some reason or other, their obstinacy in not providing adequate parking space will prove a major stumbling block to the patronizing of the theatres in that building.

The Hon. H. M. HAMILTON: The unions stopped that.

The Hon. D. G. ELLIOT: I do not care who stopped it. The fact that the unions took this action and they may be affiliated with the Labor Party does not preclude me from criticizing them. A stupid thing has happened but fortunately this will not occur with the Victorian Arts Centre.

I trust that the types of performances that will take place in the concert hall will be varied so that all forms of artistic endeavour will be catered for. If I remember correctly, when the theatre was first foreshadowed, no mention was made of the presentation of the more popular type of music. When many people think of an arts centre they think of long-haired persons who throng concerts by the Melbourne Symphony Orchestra. In such a centre there

should be room for all types of music to be performed. Personally, I prefer lighter music, including operettas. The Labor Party supports the measure.

The Hon. B. P. DUNN (North-Western Province): It is difficult to follow the performance by Mr. Elliot and makes one wonder whether Melbourne really needs a concert hall. Mr. Elliot is an art lover of old.

The Bill provides for the construction of a concert hall complex, as has been well explained by Mr. Elliot, as part of the Victorian Arts Centre complex on an area known as the Snowden Gardens. I doubt whether a better site could be found for the complex. Often, when I drive past the area, I appreciate the siting of the centre opposite such beautiful gardens and close to the Yarra River. The centre is close to the city, public transport, and adequate parking facilities are provided. It has everything in its favour.

Although members of the Country Party represent country people, they agree that the city and its people are entitled to an arts centre of high standard. It is sensible that a concert hall should be added as part of the complex. It is important that the arts should be brought within the reach of all people. The siting of the Arts Centre and the concert hall in Melbourne is fair enough and members of the Country Party do not complain about it because it is a good move.

However, it is necessary to take various forms of the arts into country Victoria instead of isolating them in the city. I doubt whether any honorable member would disagree with my contention. Admittedly, it is not possible to transport a complete symphony orchestra to a country centre but other art forms can tour the State quite successfully.

The Bill does not provide when the theatre complex will be built because it merely relates to the land on which the complex will be erected. On the other hand, the second-reading notes describe the actual concert hall complex. I do not know when it will be built, but perhaps some honorable members may.

The hall will seat 2,500 people and will contain facilities for orchestras and performers. As Mr. Elliot pointed out, a car park for 1,500 vehicles under the National Gallery will be available for use by patrons of the centre. This will be used at night when the complex is completed.

The Country Party has no opposition to the Bill and looks forward to the establishment of a concert complex and a good arts centre in Melbourne. Let us not isolate the arts, as has been done in the past. The proposed complex will be a tremendous improvement. Not many honorable members would disagree with that proposal. The Country Party is happy that it can be carried out, and hopes that the Victorian Arts Centre and the concert hall complex will be a huge success.

The Hon. H. M. HAMILTON (Higinbotham Province): I should like to add a few brief comments to the remarks which have been made about this Bill, and particularly to endorse Mr. Elliot's comments. The scheme to build an arts centre in the location that was chosen is to the credit of Victoria. The Victorian Arts Centre will be unique in the world because it will provide for both visual and performing arts. One of my deep interests is in music, particularly opera, and Victoria has been sadly lacking in a good centre suitable for the performance of opera. I look forward to the early completion of the building.

Mr. Elliot commented on some of the advantages of the location, particularly in regard to parking, which has been an enormous problem in other cities of Australia and throughout the world. It is hoped that this difficulty will be overcome in Victoria. I have not had the pleasure of seeing the arts centre which has now been completed in South Australia,

but I understand that it is magnificent. I hope the Victorian centre will at least equal it, if not surpass it.

I compliment the Government on introducing the measure, and express the wish that the completion of this much needed facility will be speeded up as much as possible. I have great pleasure in supporting the Bill.

The motion was agreed to.

The Bill was read a second time.

Clause I was agreed to.

Clause 2 (Revocation of Orders in Council).

The Hon. F. J. GRANTER (Minister of Water Supply): I enjoyed the tone of the debate which has taken place; it was enlightening to hear all honorable members agreeing with what is proposed. It is a credit to the Parliament that a measure like this should be introduced to enable a magnificent complex to be completed in a year or two. As honorable members know, the Premier enthusiastically promotes the arts in Victoria, and enjoys the performing arts as well as the visual arts.

It is always interesting to listen to what Mr. Elliot says on any measure before the House concerning entertainment, because he is well versed in the subject and always makes an excellent contribution. Entertainment in the City of Melbourne and in country Victoria was referred to, and I am sure every member of the House is aware of the need to bring the arts to the country areas as well as the city. Mr. Dunn made special reference to this matter. He has probably received the circular distributed by the Ministry for the Arts describing the tour of Victoria which will be undertaken by the council over several months. The Ministry for the Arts is to be commended on this proposal.

Mr. Elliot also mentioned the fountain. I looked in the second-reading notes which were provided, but I cannot tell the honorable member what will happen to the fountain. However, I understand that it is planned to retain it, and I hope this is so. I shall ask the Premier to endeavour to retain the fountain in a position which will do it credit.

I do not know the date by which the building of the complex will be commenced, but I hope provision will be made in the next Budget for this purpose. I thank honorable members who have contributed to the debate. We all hope that this will be an entertainment centre of value to the State of Victoria.

The Hon. D. G. ELLIOT (Melbourne Province): I wish to make a brief comment on the measure. My colleague, Mr. Tripovich, mentioned that the original Act for the negotiation of the purchase of this land—the old Wirth's Circus land—was introduced as far back as 1952, so that proves that sometimes one must be patient and wait for these things to happen.

I urge the Minister to consider seriously that art exhibitions could be presented in a theatre such as the one in the proposed arts complex. Melbourne has an arts centre, but I have in mind exhibitions of works by up-and-coming young artists. There is currently an explosion in art exhibtions. This week, I attended a wonderful exhibition presented by the Rotary Club of Camberwell, where more than 2,000 paintings were hung and nearly $100,000 worth of work had been sold. Such an exhibition as this could easily travel around the country; it would need only organization and cartage. A similar project could be undertaken regularly from such a wonderful hall as I hope this one will be.

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

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

The House adjourned at 3.11 *p.m. until Tuesday, April* 29.

Legislative Assembly.

Thursday, April 24, 1975.

The SPEAKER **(the Hon. K. H. Wheeler)** took the chair at 11.4 a.m., and read the prayer.

ABSENCE OF PREMIER AND TREASURER.

The SPEAKER (the Hon. K. H. Wheeler): I have been advised that the Premier will be absent during question time.

QUESTIONS WITHOUT NOTICE.

POLICE INQUIRY.

Mr. HOLDING (Leader of the Opposition): I refer the Chief Secretary to private representations that I made concerning the provision of legal counsel and assistance to persons who elect to give evidence before the current inquiry into allegations of police corruption. Is the Chief Secretary in a position to inform the House whether he is prepared to make available the services of counsel or solicitors to persons who come before the inquiry as witnesses?

Mr. ROSSITER (Chief Secretary): I am ready and prepared to announce that the Government will not make any assistance available to witnesses.

LAND FOR HOUSING DEVELOPMENT.

Mr. ROSS-EDWARDS (Leader of the Country Party): I refer to reports that the State Government has nominated 42 areas in Victoria for rapid housing development, 33 of which are on the outskirts of Melbourne. Can the Deputy Premier advise the House whether a statement will be made at the earliest possible date on the location of these areas, particularly the 33 on the outskirts of Melbourne, which is rather frightening, under what conditions the land will be sold to people, and who will be eligible to buy it, because at the moment the Government has put a dead-hand on land development in Victoria?

Mr. THOMPSON (Minister of Education): I appreciate the need for an early statement clarifying the position and to avoid the possibility of any dead-hand reaction and stifling of development. After consultation with the Minister for State Development and Decentralization, the Minister of Housing and the Minister for Local Government, the Premier will be making an early statement elaborating further on the statement that he made last week.

Mr. ROSS-EDWARDS: Has the Premier taken over from the Minister of Housing?

Mr. THOMPSON: No, it is a matter of co-ordination.

REMOVAL OF MILEPOSTS.

Mr. DOUBE (Albert Park): As it is clear that most people are not yet completely familiar with the changeover to the metric system, can the Minister of Transport inform honorable members why the Country Roads Board is removing mileposts along some country roads and in other cases is masking out the numerals?

Mr. ROSS-EDWARDS: They should be left there because it is the only hope that we have.

Mr. DOUBE: I ask the Minister why this is being done and to examine whether it might not be better to leave the mileposts in position for some time.

Mr. MEAGHER (Minister of Transport): I share the honorable member's bewilderment on why we are changing over to metrics. I was not aware that the Country Roads Board was in fact masking out old mileposts, but I will certainly make inquiries and ascertain what can be done.

EASTERN FREEWAY.

Mr. WILLIAMS (Box Hill): I direct my question to the Minister of Transport. I understand that on 18th March last year the Doncaster

and Templestowe City Council passed a resolution that when the Eastern Freeway was opened it would close off Thompsons Road which leads to the freeway. Have officers of the Country Roads Board informed the Minister of this and what does the board intend to do about it?

Mr. MEAGHER (Minister of Transport): I discussed this problem with the Doncaster and Templestowe City Council at a deputation last Friday and offered the council the full co-operation of the Country Roads Board in solving the problems of Thompsons Road. I received from the council a full-scale submission on what it thought should happen. Whilst I was having the submission examined, the council announced that it proposed to close Thompsons Road. I suggest that the council's action is somewhat precipitate and I hope common sense will prevail.

FREEWAY F19.

Mr. JONES (Melbourne): I ask the Minister of Transport whether the Country Roads Board has prepared a report which indicates that two sections of the F19 Freeway between Collingwood and Bulleen are likely to be subject to flooding? If so, will the Minister make a copy of the report available to honorable members and more specifically will the honorable gentleman provide a copy of the report to the council of the City of Doncaster and Templestowe?

Mr. MEAGHER (Minister of Transport): I know of no such report, and to the best of my knowledge none exists. The Country Roads Board has told me orally that there may be in the long term a possibility of flooding under extreme conditions in one or two sections of the road. The board is examining that problem at present. However, there is no secret report as reported in the press.

AERIAL CROP SPRAYING.

Mr. BAXTER (Murray Valley): I ask the Minister of Health: Has the Department of Health caused any inquiry to be made since the recent allegations that aerial spraying of agricultural crops had contaminated the water supply in the Gembrook area on the outskirts of Melbourne? Is it a fact that the indications are that the spraying has not contaminated the water supply?

Mr. SCANLAN (Minister of Health): This matter was raised last night on the motion for the adjournment of the sitting, and I indicated then that I was still awaiting certain reports from officers of the Commission of Public Health and from district health inspectors. A report has now become available. The Department of Health is unable to find any residuals in tank water, in the reticulated water supply or in the environment that are compatible with water which was stated to contain pesticides causing symptoms of poisoning caused by pesticides. Further, the blood tests carried out on people who are still complaining of illness are not compatible with any sickness as a result of pesticides being found as a residual in their body. The tests on water in the area are being conducted under World Health Organization standards and have also included tests relating to heavy metal content, pesticide residuals and certain hydrocarbons.

MARIJUANA.

Mr. CHAMBERLAIN (Dundas): Does the Minister of Health share the view that is apparently held by the Commonwealth Government that the use of marijuana is relatively harmless and has no long term adverse effect?

Mr. SCANLAN (Minister of Health): Dr. Stoller, the Chairman of the Mental Health Authority, and Dr. Milner, the head of the Alcoholics and Drug Dependent Persons Services branch, have discussed the general question of marijuana with me. They believe that marijuana in certain persons is hallucinogenic and can constitute a

personal hazard. However, the general attitude of the Government of Victoria to drugs of addiction is determined in accordance with discussions that occur at the Standing Committee on Drugs of Dependence. This committee will meet in a fortnight and will consist of officers of all States and the Commonwealth departments of health, police and customs and excise. It is generally chaired by the Federal Attorney-General who is responsible, I understand, under the new arrangements in Canberra, for customs and excise. The deliberations of that committee will guide the Government of Victoria in its attitude to marijuana and any other drugs of addiction.

BAIL.

Mr. EDMUNDS (Moonee Ponds): Is the Attorney-General aware of reports that the Government intends to tighten up the provisions of bail in respect to certain types of persons accused of crimes? If so, will the Government take into consideration the report of the Statute Law Revision Committee in respect of law revision procedures before any action is taken by the Government regarding bail?

Mr. WILCOX (Attorney-General): Recently I stated that there was great concern in the community in relation to crimes of violence generally and particularly relating to crimes of violence where the accused persons were sometimes granted bail when many people in the community thought they should not be granted bail. Bail, of course, is a matter that is particularly in the hands of the courts. The report of the Statute Law Revision Committee will most certainly be taken into consideration in any changes that might be made in relation to the bail law. My consideration of the matter arose from a preliminary study of the report of the Statute Law Revision Committee. That report will be further examined and no doubt many of its recommendations will be adopted.

SCHOOL DENTAL SERVICES.

Mr. ROPER (Brunswick West): I ask the Minister of Health whether he is aware of recent reports about the serious problems of tooth decay that exist amongst Victorian children. Is the honorable gentleman aware that the Schools Dental Division has available the services of only 26 of its 45 gazetted positions, leaving 19 positions unmanned at the moment? In view of that figure, has the Government any proposals to ensure that a sufficient number of dental officers—leaving aside dental therapists—is available to attend to the dental needs of the Victorian school children?

Mr. SCANLAN (Minister of Health): The division referred to is a comparatively new one in the structure of the Department of Health, and it was established following a number of policy determinations made by the Government to expand its activities in the field of dental health. This includes an increase to 100 in the dental student intake of the Royal Dental Hospital. The Government is ready to do that. Arrangements have been made by the State Government to fund the scheme, but the slowness of its commencement is occasioned by the Australian Universities Commission and the Commonwealth Government. It is hoped that this delay will soon be overcome.

The School of Dental Therapy is advancing towards completion of the $5 million building in St. Kilda Road, and the training of dental therapists will commence there. The Government is aware of shortages in the number of administrative staff of the division, and is advertising as widely as possible to attract skilled and suitable people to fill those vacancies, but once again, the key to ensuring adequate dental health care and standards in Victorian children and adults of the future lies in the fluoridation of water supplies.

TRAVEL CONCESSIONS FOR BLIND PERSONS.

Mr. FOGARTY (Sunshine): I direct a question to the Minister of Transport. I have corresponded with the honorable gentleman on two occasions regarding rail concessions for blind persons and seeing eye dogs. Is it the intention of the Minister of Transport to grant rail concessions to blind persons and seeing eye dogs in country areas, possibly to the extent of allowing them free rail travel?

Mr. MEAGHER (Minister of Transport): In Victoria, a blind person travelling by rail in the metropolitan area is granted free travel for himself and his dog. Any person accompanying him has to pay his fare. In country areas, the blind person receives a concession of half fare, which includes himself and his dog or a person accompanying him. Accordingly, either the blind person and his dog or the blind person and a helper travel for one half fare anywhere in country areas.

These concessions balance one another out when one considers that a blind person and his dog receive free travel in the metropolitan area, which covers a relatively small distance, and that he pays only one half fare for himself and a dog or helper in the country. The present arrangements are not unreasonable.

NURSES' SALARIES.

Mr. HOLDING (Leader of the Opposition): I direct a question to the Minister of Labour and Industry. In view of the public expression of sympathy about the low wage rates paid to members of the nursing profession, and as the organization dealing with that group has now lodged an appeal to the Industrial Appeals Court, which action gives the Minister power under the Labour and Industry Act to intervene in the dispute, can the honorable gentleman inform the House whether it is the intention of the Government to intervene in these proceedings to support the claims for wage increases on the basis sought by members of the nursing profession?

Mr. RAFFERTY (Minister of Labour and Industry): The Government has not yet made a decision in this matter.

FAT CONTENT OF BEEF.

Mr. AUSTIN (Hampden): I ask the Minister of Agriculture: In view of the publicity being given to the fat content of beef can the Minister inform the House of the percentage of cattle which are feed lot fattened compared with cattle which are fattened on natural pasture?

Mr. I. W. SMITH (Minister of Agriculture): This is an interesting question because a lot of controversy is occurring in the community about saturated animal and vegetable fats and their relationship to heart disease. It has always fascinated me that the French people are the highest consumers of saturated fat in the Western World, and have the lowest incidence of heart disease. I do not know whether that is a result of their metabolism or their capacity to break down saturated fats. It has also fascinated me that Eskimos—I do not know whether one would be kind to put them in the developed world—would have the highest intake of saturated fat, and their longevity is far greater than that of most other races in the world.

I suggest that the people who are constantly examining intakes of saturated fats and relating them to heart disease should cast their vision a little farther. Obviously, other very important factors are being neglected in the incidence of heart disease. Recent publicity has been given to animals which have been fed proteins and then have produced less saturated fat in meat. That may be quite commendable, particularly for people who have heart disease, but publicity has also been given to the fact that high saturated fats are contained in animals which are lot fed. Anyone

with an ounce of knowledge of rural Australia will realize that a negligible number of cattle are fed in feed lot conditions. Therefore, the Australian community is singularly privileged in the developed world not to have available to it the animals about which this article complained, particularly in the *Age* by the *Insight* team. In Australia high quality meats containing a very low proportion of saturated fats are available, unlike countries such as America, where most of the beef is lot fed and the proportion of saturated fats is high.

So the honorable member is perfectly correct in asking a question of this nature. I suggest that reporters who are concerned about the incidence of heart disease should cast their vision a little farther and discover precisely what the sources of saturated fats are, particularly in meats. They may be surprised to discover that saturated fats in meats in Australia are a lot lower in percentage in people's diets than in most other countries.

EXCESSIVE NOISE.

Mr. WHITING (Mildura): Has the Minister for Conservation or the Environment Protection Authority received complaints from people concerning the excessive noise created by amplified music, particularly after 11 p.m.? If so, has the authority or the Minister had discussions with Actors Equity or representatives of any pop groups on the subject, and what has been the result?

Mr. BORTHWICK (Minister for Conservation): I understand that the Environment Protection Authority has received numbers of complaints of the use of electrically amplified musical instruments on domestic premises. I have not had discussions with pop groups on the matter.

CASTLEMAINE CITY COUNCIL.

Mr. CURNOW (Kara Kara): As the Chief Secretary is aware, the Castlemaine City Council had a fire blazing at the Castlemaine tip on 30th January, a day of total fire ban. Is the council to be prosecuted for this offence, or does it have some greater immunity than the ordinary person in the community?

Mr. ROSSITER (Chief Secretary): The session is moving inevitably to a close, and I hesitate to ask the honorable member to place the question on notice.

Mr. CURNOW: I have put the question on notice twice.

Mr. ROSSITER: I am not aware that the Country Fire Authority is not prosecuting the Castlemaine City Council. I will find out for the honorable member.

FIRE PROTECTION IN SCHOOLS.

Mr. MUTTON (Coburg): I ask the Minister of Education: What action has the Government taken to ensure that every school in Victoria is fitted with a fire sprinkler system?

Mr. THOMPSON (Minister of Education): This year the Education Department appointed a security officer who has been having discussions with officers of the Metropolitan Fire Brigades Board and the Public Works Department to work out the best means of preventing fires in schools. The installation of fire sprinklers has been one of the areas for discussion and there have been experiments in this and other fields to establish the best means of preventing school fires. I hope to have an early report from the security officer on this subject.

ACCOMMODATION FOR COUNTRY STUDENTS.

Mr. McINNES (Gippsland South): What action has the Minister of Education taken towards providing hostel accommodation for school groups which are visiting Melbourne in increasing numbers on excursions and find themselves in difficulty arranging normal accommodation?

Mr. THOMPSON (Minister of Education): Over recent years the Government has been developing a number of country camps from which

metropolitan students would benefit the most, although there are some camps, particularly located in Gippsland, which are patronized almost entirely by country children. The Government appreciates that there is also a need for a place in the metropolitan area at which country children can stay when visiting Melbourne. The Government is investigating a number of places at present, one of which is a property currently being purchased by the Government. I hope to be able to be in a position soon to announce a decision along the lines that the Government has acquired a property which could be used for hostel purposes for country children visiting the city.

MEAT AND FISH.

Mr. MACLELLAN (Gippsland West): Since the national and State authorities wish to deter people from eating meat and fish, can the Minister of Health inform the House what primary industry protein products his department recommends?

Mr. SCANLAN (Minister of Health): At this stage the department recommends all those protein foods which are regarded as wholesome, and the department will maintain standards in this area.

BELOW-STANDARD BUTTER.

Mr. HOLDING (Leader of the Opposition): Has the attention of the Minister of Health been drawn to the statement made recently by Mr. Budge, General Secretary of the Victorian Dairyfarmers Association, expressing the concern of members of that association that below-standard butter was being sold to the Victorian public? Can the Minister explain to the House why there are no regulations establishing bacteriological standards for dairy products produced in Victoria? Can the Minister further explain to the House whether the matter is being examined by his department and what action it intends to take?

Mr. SCANLAN (Minister of Health): I consider that the question has been incorrectly raised with me, as it should be directed to the Minister of Agriculture.

Mr. HOLDING (Leader of the Opposition): I am asking the Minister of Health whether his attention has been drawn to the fact that below-standard butter, according to my authority, can be sold to the Victorian public. I should have thought it is a question of who is responsible for ensuring that there are proper health regulations and that that aspect would be within the province of the Minister of Health.

The SPEAKER (the Hon. K. H. Wheeler): Order! I ask the Leader of the Opposition to direct his question to the Minister of Agriculture and perhaps he will receive an answer from that honorable gentleman.

Mr. HOLDING: Does the Minister of Health not have responsibility for health standards for primary products?

The SPEAKER: Possibly if the Leader of the Opposition heard the answer of the Minister of Agriculture, his question would be answered.

Mr. I. W. SMITH (Minister of Agriculture): Perhaps if I could help, the Leader of the Opposition may be satisfied, or he may wish to ask another question. Under the Milk and Dairy Supervision Act, I am responsible for the bacteriological supervision throughout dairy factories and there is no secret about the source of this allegation; it comes from margarine manufacturers who obviously are wanting to discredit the dairy industry for their own ends.

The Leader of the Opposition will probably know enough about bacteria and its ways to realize that bacteria is all about us and is contained in every foodstuff to one degree or another. My responsibility rests in ensuring that bacteriological levels are within safe levels in agricultural commodities which are produced for the consumer. There are different grades

of butter and bacteriological content is a criterion for grading butter. When there is a higher bacteria content, what would otherwise be first-grade butter becomes second-grade butter, but that does not mean it is in any way unwholesome and should not be consumed. Perhaps that throws some light on the problem.

However, I would concede that there is a need for more study and research into bacteriological levels in a lot of foodstuffs. To this end departmental officers in the scientific and research area have been examining proposals for better standards, and better control of standards. I would hasten to add that butter produced in Victoria undergoes the most rigid tests for standards conducted anywhere in Australia and it is very rarely that any butter which is produced in Victoria will not satisfy the most stringent importing requirements of overseas markets.

FINGERPRINTING OF SUSPECTS.

Mr. JONES (Melbourne): Could the Chief Secretary advise the House the circumstances under which suspects are fingerprinted by police? Are they fingerprinted prior to their being charged or subsequent to their being charged, and in particular will the Minister give consideration to the case of a fifteen-year-old boy who was fingerprinted in North Melbourne at the week-end but released without being charged.

Mr. ROSSITER (Chief Secretary): Yes, I will investigate that charge and that matter and report back to the honorable member.

RAILWAY BOOM GATES.

Mr. ROPER (Brunswick West): I ask the Minister of Transport whether he is aware of the difficulties that some councils have in the metropolitan area of financing railway boom gates on main roads where most of the traffic using the road is not that of ratepayers but traffic passing through. Further, has he caused a report to be made to him on whether a new subsidy scheme for boom gates could be provided and whether the Government intends to take any action?

Mr. MEAGHER (Minister of Transport): For some time it has been Government policy that boom gates will be financed two-thirds from Government funds and one-third by the local municipality. This is on the basis that the local municipality is responsible for movement of local traffic in its area. Boom gates are a greater boon to road transport than to the railways. They provide protection for road users. At this stage I see little possibility of the policy being changed.

PRIVATE BUS OPERATORS.

Mr. SKEGGS (Ivanhoe): I ask the Minister of Transport whether there is any conflict between the inquiry into private bus operators ordered by the Commonwealth Government, and the one which has already been undertaken by consultants of the Victorian Government?

Mr. MEAGHER (Minister of Transport): I do not know whether there is conflict. There is certainly duplication. When the Victorian Government announced its subsidy scheme for private bus operation and a loan scheme to enable these operations to be upgraded, it asked the Commonwealth to contribute by reducing fuel and sales tax for private bus operators. That request was refused. Victoria then stated that it would set up an inquiry with the view of rationalizing and improving private bus operations. Subsequent to that and subsequent to its refusal to assist in the taxation field, the Commonwealth announced an Australia-wide inquiry into private bus operations. The Commonwealth could have made a more practical contribution to solving the problem by giving short-term assistance immediately instead of cutting across the Victorian Government inquiry. I see little advantage of simultaneous inquiries into the same matter in any sphere.

After the original Commonwealth inquiry into bus services was announced by Mr. Jones, the Federal Minister for Transport, I received information from a firm of consultants that it had been engaged by Mr. Uren, the Minister for Urban and Regional Development, to conduct yet another inquiry into bus services in Geelong.

PAPERS.

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

Statutory Rules under the following Acts:—
Abattoir and Meat Inspection Act 1973—No. 128.
Fisheries Act 1968—No. 129.
Portland Harbor Trust Act 1958—No. 130.

Third Party Insurance—Report of the Premiums Committee for the period 1st July, 1973, to 16th April, 1975.

GRIEVANCES.

The SPEAKER (the Hon. K. H. Wheeler): Order! The question is—

That grievances be noted.

Mr. CURNOW (Kara Kara): I raise two matters. The first concerns the Housing Commission. In September, 1973, the commission wrote to all occupiers of elderly-person units. The letter stated that, as had been publicly announced, from 16th September, 1973, adjustments were being made to rentals charged by the commission for family dwellings. The letter also stated that for special dwellings provided for elderly persons rentals to be charged for the next three years would be maintained at the level determined three years before. That was exclusive of charges made for hot water, cooking, and so on. In the country, which is what concerns me, the rentals were $5 . 90 a week for single accommodation and $8 . 20 for double accommodation.

There can be no twisting of that statement; there can be no argument about its interpretation. The Housing Commission clearly stated that the rental of elderly person units would be maintained at the level of 16th September, 1973. Since then rentals have increased twice. At present the rental for single accommodation is $13 . 90 a week, an increase of $8 a week, and I am unaware of the present rental for double accommodation in the country, but certainly it will have risen by at least a similar amount.

I asked the Minister of Housing a question on notice, the answer to which appears on page 4058 of *Hansard*, No. 14. I was informed that there are 4,583 lone person units and 1,427 Darby and Joan units, a total of 6,010 elderly person units in Victoria. The persons who rent these units have been deliberately tricked or misled, or fraudulently charged additional rental by the Housing Commission. The commission should closely examine how it has extracted additional rental from these people. The Housing Commission should stand by its letter of September, 1973, in which it stated that it would not increase these rentals. I do not accept any explanation why the rentals should have risen since then.

In September, 1973, the Minister and the Housing Commission should have known that in all probability inflation would increase in the following three years. To use inflation as an excuse for increasing rentals cannot be condoned. The commission said that it would maintain rentals at a certain level for three years, and it should have done so.

I now raise a serious matter on which I have not full information at present although I have sufficient to raise a complaint. It concerns the carrying of pistols by fisheries and wildlife inspectors. I am not aware whether all fisheries and wildlife inspectors are permitted to do so, but certainly some of them are.

Mr. EDMUNDS: Why would they want to carry pistols?

Mr. CURNOW: That is what I want to know. It is bad enough allowing the police to do so, but the carrying of pistols by fisheries and

wildlife inspectors cannot be condoned. For officers of the Fisheries and Wildlife Division to carry pistols and to use them to intimidate people seems to be a grave injustice and a grave threat to the civil rights and liberties of the people.

Fisheries and wildlife inspectors are appointed to care for the fauna and flora of the State and not to intimidate people with guns. It is not as though they were carrying rifles which they may have had to use to destroy an injured or sick animal. A pistol was used in this case. It was not held in the hand and pointed at someone, but it was prominently displayed when a demand was made for the production of a shooter's licence with a duck stamp on it.

Fisheries and wildlife inspectors are authorized to demand the production of shooters' licences but they do not have to produce guns to do that. This occurred in more than one case; if the Minister wishes I can produce three affidavits which allege that this occurred. In this case not only did the fisheries and wildlife inspectors concerned use bad language towards the persons whom they asked to produce their licences but they also called an Italian a "bloody wog".

Fisheries and wildlife inspectors are public servants. They used devious means to detect offences at the opening of the duck season when it was not necessary to do so. They have authority to prosecute persons who shoot more than the legal bag or who shoot without the appropriate stamp on the licence. To my mind this whole incident appeared as though the officers were conducting an inquiry into a murder. All that had been shot was a duck. In no way can the wearing of pistols in prominent positions and the intimidating of people, by searching their camps or bags for ducks or for the purpose of producing current licences, by inspectors of the Fisheries and Wildlife Division be justified. Those methods of protection are curiously unorthodox, and it is difficult to understand why they occur. Public servants other than police officers are now beginning to wear guns, and by doing so are intimidating people.

Mr. BORTHWICK (Minister for Conservation): I do not wish to take up the time of honorable members on Grievance Day but a wide-ranging attack has been made by the honorable member for Kara Kara on officers of the Fisheries and Wildlife Division, and I must say something on the subject now.

On the recommendation of the director, inspectors of the Fisheries and Wildlife Division who so desire may be issued with a licence to carry a pistol by the Chief Commissioner of Police. When a question on this matter was placed on the Notice Paper, I called for reports from all officers concerned and the latest figures indicate—although about three reports are still to come in—that on opening day about eight officers carried pistols. Until the honorable member for Kara Kara put the question on notice I was not aware of that fact, and many senior officers in my Ministry also were not aware of it.

The practice goes back at least 50 years. Very few officers carry pistols. Those who do are under instructions that the pistols are to be carried in a holster out of sight on the person, and the officers are required to give a written statement that the pistols will be produced only if their lives are in jeopardy. Frequently these officers work at night in extremely isolated areas, and on occasion their lives could be in jeopardy. The disturbing feature about the statement by the honorable member for Kara Kara is that there was no substantiation of the claim. The fact that the question was placed on notice a couple of weeks ago did not in any way suggest that a serious matter involving pistols had occurred, and I should have thought that the proper course of action for an

honorable member to take—unless he was seeking some form of publicity—on a matter that he considered to be important would be immediately to provide me with a statement from one of his constituents that could be properly investigated. I undertake, in the House, that if the honorable member can substantiate his claims firm action will be taken.

After the question was placed on the Notice Paper I called for a complete inquiry into the history of why officers are permitted to carry guns. However, I cannot allow a wide-ranging allegation to be made against these officers, who frequently act in dangerous situations, without making a reply. I believe the honorable member for Kara Kara would have done himself and his constituents greater justice if he had talked with me about this problem so that I could have initiated some action at the beginning, rather than by raising it in the House in a manner which seems to denigrate some extremely capable and competent members of the Fisheries and Wildlife Division.

Mr. WILTON (Broadmeadows): I raise a matter which comes within the province of the Minister of Health. I am sorry that the honorable gentleman is not in the Chamber at present because what I have to say may be considered to be critical of him and I want it to be clearly understood that I am not taking an unfair advantage of the fact that he is not here.

I have received several inquiries from constituents who have expressed grave concern that the proposed medical scheme which will be introduced by the Australian Government on 1st July and which will be known as Medibank will not embrace hospital services in Victoria. The people in my electorate have expressed concern over the stance taken by the Victorian Minister of Health.

I have also received a petition from members of the Amalgamated Metal Workers Union who are employed by an industry in Broadmeadows known as Cooldrive Consolidated Industries Pty. Ltd. These people collectively signed a petition which they presented to me through the good offices of the honorable member for Reservoir. The heading of their petition states that they require the Victorian Government to introduce into Victoria on 1st July, the hospital services section of the Medibank scheme. The Broadmeadows area has no medical service facilities except those supplied by private practitioners who operate individually or collectively through private clinic systems. That type of service has proved to be beyond the financial resources of most residents of the area and has produced several incidents where families have experienced hardship. Some families have been denied medical service simply because they have not had the financial resources to meet the demands that the private service places upon them.

The signatories to the petition have included their addresses, and they reside in Broadmeadows, Glenroy, Fawkner, Dallas, Coolaroo, Campbellfield and even Niddrie. Those people asked that the Victorian Minister of Health should cease his vaccilation on the hospital services section of Medibank and co-operate with the Australian Government to ensure that the people of Victoria obtain the full benefit from the hospital services section of this health scheme.

Mr. STEPHEN: And the disadvantages.

Mr. WILTON: If the honorable member for Ballaarat South wishes to oppose the Australian Government's scheme that is his privilege, but I put to the Minister of Health that medical services in the area which I represent have been non-existent for twenty years. The Government has been repeatedly pressed to establish a public hospital in this area but this service has been constantly denied.

The Australian Government, through its Medibank proposals, will make available to the States medical

service which, for those who elect to use the public section of it, will be provided free of charge. I completely support that proposal, as do the people on whose behalf I speak today.

The Australian Government proposes not only to offer to the States the means whereby the public ward system can be offered to the community free, regardless of their means, but also to increase substantially the daily allowance that will be paid for those persons who choose to use the semi-private or private sections of the hospital ward system. The $2 that is currently being paid in this area of hospital service has remained unchanged since the Chifley Government was in office. In all the years that the Federal colleagues of the honorable member for Ballaarat South controlled the Australian Government's financial resources not once was the Victorian Premier able to convince them of the need for a substantial increase to be made by the Australian Government towards meeting the costs of providing a public hospital service in Victoria. The previous Premier, Sir Henry Bolte, repeatedly in this Parliament made no bones about what he thought of the attitude of the then Australian Government in refusing to hear his pleas. Now, for the first time, the Australian Government is saying to the Victorian Minister of Health, "If you are prepared to co-operate and to use the resources available to you within your own department, we can, through co-operation on both State and Federal levels of Government, provide the citizens of your State with a complete free medical service".

Mr. SUGGETT: Nothing is free.

Mr. WILTON: It is free in the sense that the people will not have to continue to carry the burden of private health insurance. It is free in the sense that the education service is supplied free in this State.

Mr. STEPHEN: Mr. Hayden has said that there will be higher taxes.

Mr. WILTON: That is a matter for Governments to decide, and of course higher taxes are involved in the overall financing of the States.

Mr. SUGGETT: That is what I meant.

Mr. WILTON: Nobody walks away from that. If taxes must be increased —I emphasize the word "if"—I am sure the Government of the day which is responsible for deciding that question will face up to the issue and make a decision in the light of what is needed to maintain this service and the other services that are being provided for the community at large.

The point I want to concentrate on is that the people for whom I am speaking today have expressed concern at the uncompromising attitude of the Minister of Health on this subject. People in Victoria will be denied a medical service that could and would have been available to them if the Minister had been prepared to co-operate.

The petition to which I refer has been signed by 141 people, who have included their addresses so that the genuineness of the petition can be easily checked. I assure the House that it is genuine. These people ask the Minister to cease the hostile attitude which he has adopted, to use all the resources of the State that are available to him and to co-operate completely, so that Victorians can ensure that the hospital section of the Medibank service is put into full operation.

The Premier must also accept some responsibility for any delay. As the Leader of the Government, he cannot walk away from the fact that one of his Ministers, for reasons best known to himself, has taken this extraordinary attitude. One would have expected the Victorian Government to place the highest priority on obtaining a complete and free hospital service for the citizens of Victoria. Surely that would be an ideal that any Government would aspire to. However, in Victoria the situation is the direct opposite. The Premier has

supported the Minister of Health in his dogmatic and uncompromising attitude. As a result, the citizens of Victoria will suffer.

I make this plea on behalf of the people in Broadmeadows who, over the years, have consistently tried to convince the Government of the glaring need in the area for a public hospital. These people have been denied that, and now they will be denied access to free treatment in whatever public hospital system there is in the State.

Mr. SUGGETT (Bentleigh): I wish to raise a matter which concerns the Minister of Education. Unfortunately, the honorable gentleman is not at present in the Chamber but he is fully aware of this case. I refer to the intransigent, rigid and inflexible attitude of the Primary Teachers Registration Board in refusing in many cases to take into consideration the long experience of teachers. Many cases could be cited but I intend to refer to one in particular. It relates to a teacher known as Mrs. Joyce Lynam, of Gwendoline Avenue, Bentleigh. In many schools she is known under her maiden name of Miss Joyce Gardiner. Many successful people in the State today would vouch for the wonderful teaching ability of Miss Gardiner. She matriculated in 1939, and from 1940 to 1941 she successfully undertook the two-year course of training with the Associated Teachers Training Institute, later known as Mercer House. She was granted an associated teacher training certificate and taught at Caulfield Grammar School and Brighton Grammar School.

During the last session of Parliament legislation was passed to cover cases of this nature. I refer to clause 8 (*b*) of the Education (Teacher Registration) Bill, which provides—

> After sub-section (2) there shall be inserted the following sub-section:—
>
> "(2A) The Board may, if it considers it appropriate, take into consideration the teaching or industrial experience of an applicant when determining whether he is suitably qualified to teach";

That was fairly clear, but apparently the Primary Teachers Registration Board considers it is sacrosant and impervious to the wishes of Parliament. It appears unreal that a teacher who has taught so successfully for so many years should be denied a livelihood.

I quote from some of the references given to Mrs. Joyce Lynam. This reference from the Brighton Grammar School states—

> Mrs. Joyce Lynam (Miss Joyce Gardiner) joined the staff of this school in 1952. During that period she has been in charge of a Grade three and a Grade four. In addition she has been in charge of music in the junior school and produced a number of very fine school functions including the annual prizegiving entertainments.
>
> She is a teacher of outstanding ability with the capacity of bringing the very best efforts from each boy in her care. Her loyalty, dependability and enthusiasm will be very much missed. She leaves with the good wishes of the school community.

Another reference states—

> Mrs. J. E. Lynam has asked me to write on her behalf because I was head master of Brighton Grammar School during her sixteen years of service there.
>
> During that period she won the gratitude of parents and the respect of boys for her work as a form mistress. She gets the very best out of boys. They work hard and make excellent progress under her. She is devoted and conscientious to a high degree. She puts the welfare of the school before all else, and is quite unsparing of herself.
>
> Very gifted musically as she is, she has been a tower of strength on that side, and has regularly produced concerts of a very high standard.
>
> Mrs. Lynam has the respect of the members of the mistresses' common room and of the masters also.
>
> I write this with the approval of the master of the junior school, the Reverend C. E. Sligo.

That reference is signed by the Canon of St. Paul's Cathedral, Canon Wilson. It is typical. Yesterday I rang the principal of the school at which she is at present teaching. He spoke in glowing terms of her ability. He said that she had motivation and the ability to get the best out of pupils. I am citing only one case in which the registration board has refused to register a teacher.

I quote from the second paragraph of a letter from the Primary Teachers Registration Board—

> The board has indicated that it is prepared to annually renew provisional registration until 30th June, 1977. Therefore, your provisional registration as an emergency teacher will expire on 30th June, 1978. As from 1st July, 1978, you will need to have obtained the qualifications required for general registration to enable you to teach as an emergency teacher.

Apparently it is safe enough for an unqualified teacher to teach children until 1978, yet the board will not give her registration until she undergoes a certain course of training. It is unreal that a person who has taught for at least 30 years has to go back to school and study certain subjects. Of course, she cannot go without the approval of the registration board.

Mrs. Lynam received a letter from the Primary Teachers Registration Board stating that the board was unable to grant registration, and that—

> In order to gain general registration, it will be necessary for you to undertake at least one year of an approved degree or diploma course. Before undertaking such studies you should gain the approval of the board for those studies.

In other words, the board must give permission for her to undertake these studies.

I strongly urge the Minister to introduce further legislation which will make it abundantly clear that Parliament considers that in some cases long and successful experience is superior to other qualifications. I have been in touch with the Minister, and he is sympathetic in this case. There are many other cases. I understand that the board is concerned that there may be an influx of teachers from other countries whose experience may not be recognized, or which it does not wish to recognize, but the board has the right to consider each case on its merits. It appears unreal that a person with wide and successful experience should be denied a livelihood. For some years Mrs. Lynam could not teach because of illness, but since then she has been much sought after as an emergency teacher in Victorian State schools. I understand that had she been teaching at a certain date she would have been granted automatic recognition, but because she was three days out of time this was not granted. If the Primary Teachers Registration Board continues in this extraordinary attitude, I hope the Minister will introduce further legislation to make Parliament's intentions abundantly clear.

Mr. HOLDING (Leader of the Opposition): I take the opportunity on Grievance Day of expressing my concern and disappointment at the answer given by the Chief Secretary to a question which I put to him today on the provision by the State of legal assistance for persons giving evidence before the current inquiry into the Victoria Police. Some time ago I raised this matter with the Chief Secretary for his consideration and pointed out that the State had given legal assistance to members of the Police Force who were required to appear before this tribunal. That is perfectly appropriate, but many other people in the community may desire to avail themselves of their right to give evidence at the inquiry. Although the Chief Secretary and the Government have indicated that certain protection will be given in respect of subsequent charges that may be made, in practice often a person may have second thoughts about giving evidence at an inquiry if he believes he may spend some days being vigorously cross-examined and will not have available to him in the court someone to advise him on his legal rights.

Honorable members have been told over the past week about the benefits of the Victorian legal aid scheme. I should have thought it would be appropriate, and would establish within the public mind the credibility of the Government in its approach to this tribunal, if both the persons who were making accusations against members of the Police Force, as well as members of the force, had the benefit of legal assistance if they required it.

The Government has discharged its proper obligations to members of the Police Force but it has not provided equal treatment to citizens who may be able to give information to the inquiry. The Government, in taking this shortsighted attitude has, in the public mind, lowered its own integrity and possibly the integrity of the board of inquiry, and that is unfortunate.

I urge the Chief Secretary to review this matter and, in conjunction with the Attorney-General, to provide legal assistance for persons who seek to give evidence before the tribunal. Only if these steps are taken can the Government be seen to be treating with equality all persons involved in this inquiry, whether they be members of the Police Force or witnesses, and to be properly protecting the rights of all parties.

Mr. ROPER (Brunswick West): I have a number of grievances, and they affect the Chief Secretary and the Minister of Transport. I am particularly concerned about the incredible slowness with which the Road Safety and Traffic Authority moves in the area of traffic control and protection of pedestrians. I have brought three matters to the attention of the authority and of the Minister on different occasions, but speedy action by the authority has not resulted. The first concerns the intersection of Union Street and Grantham Street in Brunswick. A child had a sporting chance of getting across this intersection before the introduction of the rocket signs in 1973, but since they have been introduced a child has less chance of crossing because the traffic moving along that road has speeded up. Children now face grave danger in crossing that road before 9 a.m. and at approximately 3.30 p.m.

I first wrote to the Road Safety and Traffic Authority in August, 1973, drawing attention to this intersection, and to the increased movement and speed of traffic. Since then correspondence has passed backwards and forwards between the Brunswick City Council, the Road Safety and Traffic Authority, the Minister and myself, but there has been no evidence that either a pedestrian crossing without lights, or a pedestrian crossing with lights, will be installed. One might wonder why it takes so long to undertake such minor work, because the council strongly supports the provision of lights in the area. Eventually the Road Safety and Traffic Authority may also support this.

The second intersection about which I am concerned is approximately 1 mile from the Grantham Street–Union Street intersection. I refer to the intersection of Melville Road and Victoria Street, which has been dangerous for years, particularly on Saturdays when races are held at Moonee Valley, because the main route to the racecourse is across this intersection. Traffic jams occur there frequently, and conditions are not so dangerous at those times because of the slow movement of vehicles. The chief problem is the shape of the intersection, and the volume of traffic that moves across both streets. Accidents often occur at this intersection, and the possibility of fatal accidents is real.

At one corner of the intersection there is a newsagency with an ordinary glass front. On a number of occasions vehicles have crashed into this shop and finished among the "girlie" magazines. Pedestrians have had very narrow misses when cars, because of a collision or a near collision, have gone on to the footpath outside that shop. It is nearly a year and a half since this matter was very forcibly drawn to the attention of the Minister and the Road Safety and Traffic Authority by both the Brunswick City Council and myself. All the relevant traffic counts have been taken, but protective measures have not been taken.

One hopes that the Minister for Youth, Sport and Recreation will honour the undertaking which he gave in a debate in the House two weeks ago that he would add his words to those of the people who had already made submissions and

try to ensure that race traffic is able to get through this insection without endangering the people of Brunswick.

The third intersection to which I refer is in the City of Coburg, and it is well known to you, Mr. Speaker. It is the intersection of Coonans Road, Reynolds Parade and Reynard Street, Pascoe Vale South. The traffic through this intersection is not unduly heavy, but again the Road Safety and Traffic Authority has been sent a great deal of documentation by the Coburg City Council showing its greatly increased danger. This intersection is not far from the Pascoe Vale South Primary School, and children must cross it. I wrote to the Road Safety and Traffic Authority in November, 1973, and also to the council. The council contacted the authority, and early last year presented to the authority all the information that was required by it. Again nothing has been done.

The position has become extremely serious because the Coburg West Primary School, which is farther along Reynard Street is overcrowded. Some of the pupils would go to the Pascoe Vale South Primary School, which has far less pressure on its space, if there were a guarantee that they could cross the road with safety. This applies particularly to children 5, 6 and 7 years of age.

I have raised these matters on numerous occasions in letters to the Minister. On 16th October last year I sent him an extremely lengthy letter which he acknowledged promptly and in which he said that inquiries were being made and that in due course I would be informed. One is informed that inquiries are proceeding, but one is never told what action is to be taken.

Early in March I received a letter from the Pascoe Vale South Primary School pointing out that the new Metcon system of give way and stop signs had made the intersection more dangerous to children. On 17th March I wrote to Mr. Westland, Chairman of the Road Safety and Traffic Authority, but I have received no acknowledgment, nor has the school received a reply concerning pedestrian crossings.

I realize that my electorate is not a "Robinson Crusoe" in regard to the slowness and delays of the Road Safety and Traffic Authority. I urge the Chief Secretary to take the firmest action possible to speed up action on the three intersections I have mentioned, and also to speed up the general way in which the Road Safety and Traffic Authority handles these problems. At present it seems to move at the speed of a drugged snail.

The final matter I wish to raise relates to level crossings in Brunswick and Coburg. Because of the early development of Brunswick and to a lesser extent Coburg, there are various level crossings in Brunswick and fewer still in Coburg. Under the operations of the Ministry of Transport, automatic boom gates require very heavy council expenditure. In the City of Brunswick alone there are eleven railway crossings, most of which have hand-operated gates. If the road is not a main road, the hand-operated gates are a useful method. Some of the others are manned from a nearby signal box, but a number of thoroughfares with these gates in Brunswick and Coburg are main roads and are used far more by cars and trucks from other parts of Melbourne than by local residents.

At a deputation I led on behalf of the City of Coburg and the Coburg West Progress Association, I pointed out at some length to the Minister the difficulty councils have in bearing the cost of boom gates in main roads, and he said that his department was looking at the matter. That was twelve months ago. When I asked him a question today, he said that no such report was being prepared. I hope the Minister of Transport misunderstood my question. My grievance is that the City of Brunswick in particular, and Coburg to a lesser extent,

are faced with the problem of moving traffic more quickly along Grantham Street, Dawson Street, and Gaffney Street, North Coburg, and will need special assistance. I imagine that other municipalities are in the same difficulty when expected to meet a substantial part of the total cost of boom gates and receive no special consideration because the roads are main roads.

I hope that my grievances on the movement of traffic and the protection of pedestrians in the Brunswick and Coburg municipalities will be considered by the Minister.

Mr. KIRKWOOD (Preston); I wish to bring a matter to the notice of the Chief Secretary and the Minister of Public Works. At present in the City of Preston a 2-story building which is nearing completion will become the local court. It seems to me that the Chief Secretary should be very interested, on behalf of the police, in using this building to its full extent. I know of no reason why the Chief Secretary cannot move to have the building used after 5 p.m., on week days, on Saturdays and on Sundays, by the police in Preston. The present derelict building used by the police is not sufficient for a police station the size of Preston to use as its main centre. I appeal to the Minister to consider using this State building to the extent of 100 per cent.

There is no reason why furniture and filing systems for the two staffs cannot be installed now that the new building is nearing completion. Members of the Police Force operate on the basis of 24 hours a day but the courts are in session for only a limited period on a limited number of days. Therefore, I know of no reason why my suggestion should not be adopted because it is along the same lines as action being taken by the Government in regard to playing areas throughout the metropolitan area.

The infant section of Tyler Street, Preston, Primary School is in the unfortunate position that it cannot have a telephone because one is provided in the main Tyler Street school building. The infant school is a considerable distance from the other buildings. The school committee has expressed its concern to the Minister and has pointed out that a telephone call may be required urgently in case of sickness, fire or accident. It would be a humane and reasonable action if the Minister of Education provided two telephones because the schools are separate identities although they are both under the one principal.

A rather serious situation has developed at the elderly citizens' flats in Preston. Last week-end a lout deliberately lit a fire in the door to a woman's flat. The residents of these flats are apprehensive about this situation. The woman concerned was terrified because she had nowhere to escape to; there is no other exit from the flats. From my investigations it is evident that the doors are not as protective as they should be; in other words, the standards laid down in the Uniform Building Regulations for the type of door provided in these flats have not been complied with. The Minister or the Housing Commission should investigate the possibility of providing some type of fire escape in elderly citizens' units, which are usually constructed close to centres of high density population. In this case, where some persons who are obviously sick are deliberately terrorizing elderly people, if the commission took action to overcome this problem it would make the commission appear to be a much more accommodating landlord.

Finally, about eighteen months ago I was assured that the Education Department would not compulsorily acquire properties for the purpose of extending the playing area at Preston Girls High School. I have addressed meetings of residents and have passed on that assurance. A hearing was conducted by the Board of Works on 20th March, 1975, and persons who objected to the plan for additional recreation area for the girls' high school put their point of view. The

Education Department should send a circular to interested persons stating that there will be no compulsory acquisition of properties. Many of the residents concerned probably have a life expectancy of little more than one decade, so I do not think the department will have any difficulty in obtaining the properties. Only seventeen homes are involved, and life would be made more bearable for the people concerned if they received a circular informing them explicity that no compulsory acquisition is proposed or will be undertaken by the department but that properties will be acquired by negotiation as they are offered for sale. I ask the Minister to take this logical and reasonable step.

Mr. SIMMONDS (Reservoir): I wish to raise with the Minister of Labour and Industry and the Premier the question of nurses' salaries. In answer to a question today the Minister said that no decision had been made about intervening in the appeal against the decision which gave nurses a miserable 12 per cent increase in salaries. I point out that nurses in Western Australia received an increase of 23 per cent. Pious promises have been made by the Government, which has stated its concern for nurses. The Premier has some responsibility either to intervene or to ask the Minister of Labour and Industry to intervene, or alternatively to ensure that the 23,000 nurses in Victoria are paid adequate wages.

The position will be aggravated because nursing aides, cleaning staff and other workers in the hospital field are claiming a 50 per cent increase in wages which will most likely be met to a substantial extent. This will reflect even further on the position of nurses because in many cases they will be carrying out cleaning and other duties at rates far below those of persons employed by the Hospitals and Charities Commission under the Minister of Health.

The problem is directly attributable to the position adopted by the Minister of Health to Medibank because resistance to those proposals puts the Victorian hospital system at a disadvantage compared with other States. The Australian Government's offer of 50 per cent of the finance required by the Victorian hospital system is dependent upon the Victorian Government's acceptance of Medibank. The Minister has adopted an obstructive position, and I wish to place on record the decision of 400 people from various ethnic groups who met at Preston Town Hall on 16th April. They called upon the Minister of Health to cease obstructing Medibank and to co-operate with the Australian Government to ensure that the full Medibank scheme is made available to the people of Victoria.

I am concerned about the attitude of the Australian Medical Association to Medibank, and it seems that the Minister of Health has been in close consultation with the association. I was contacted by a medical practitioner who received a notice dated 15th April, 1975, from Mr. Keith Jones, President of the Australian Medical Association. The circular virtually calls on Victorian medical practitioners to throw pensioners to the wolves and to say that they will not treat pensioners as they have over a period of 23 years.

Honorable members might be interested to hear what the Australian Medical Association is saying to pensioners and about the capacity of citizens to be involved in the Medibank proposal. The notice is headed " Advice on Medibank " and states—

> Dear colleague,
>
> The Australian Medical Association has battled hard against the Government's health insurance proposals for two and a half years—even to the point of contributing substantially to a double dissolution of Parliament.

I suppose that refers to the enormous sums that have been used in advertising and in other ways to defeat the Australian Labor Government in another place. It continues—

> Despite this, the medical side of Medibank will commence on July 1.

There is still room to manoeuvre on the hospital side of the plan, but it must be assumed that all States will reach some form of agreement with the Commonwealth soon.

Even the Australian Medical Association acknowledges that other States are prepared to come to an agreement. Yet in Victoria the Minister of Health is opposed to the full implementation of the scheme. Therefore, every worker in the State will be robbed of $3 or $4 a week so long as this situation continues. If somebody came to the door and held up a person for this amount he would be treated as a criminal.

The citizens of Victoria understand clearly what is involved. It means that Victoria is denied resources for hospitals, is denied the 50 per cent financing of hospitals, and hospital employees are denied adequate wages. Nurses have been offered a 12 per cent increase and are asked to work in depressed conditions which are worse than those in other States. This is a direct result of the obstructive attitude adopted by the Minister of Health.

The final paragraph in the circular from the Australian Medical Association gives a clear indication of that body's attitude—

Though Medibank is a Federal scheme, States will continue to run their own hospitals. Thus, when it comes down to the details of hospital arrangements, these must be dealt with by A.M.A. branches at a State level. Branches will keep you informed and give you appropriate advice.

If this is the sort of proposition to which the Minister of Health has been listening and in which he is prepared actively to co-operate to the detriment of the people of Victoria, it is time action was taken to remove him from his position. The irresponsible actions of the Minister have placed Victorians at the bottom of the barrel in respect of health schemes. Victoria is far behind other States such as Queensland in this field.

I take this opportunity of commending the members of ethnic groups who saw fit to attend the Preston Town Hall on 16th April and to indicate that, like the members of the Amalgamated Metal Workers Union, they are determined to fight and struggle for the implementation of the Medibank scheme. They are determined to take up the matter with the doctors who intend to deprive patients of the benefits of bulk billing and the 15 per cent rebate. I also point out that doctors have again sought to increase their fees and have indicated that they will not charge the recommended fee. They are putting an additional burden on every Victorian citizen by their attitude. The doctors are saying that they will not participate in the bulk billing of pensioners, which they have undertaken for the past 23 years, and that they will not undertake bulk billing for the rest of the citizens of Victoria. They are inclined to introduce a new scale of fees without regard to the tribunal and simply on their own advice.

The people of Victoria will have to face up to this situation and weed out the most reactionary sections of the medical profession to ensure that the Medibank scheme is operated in such a manner that it will produce the greatest benefit for the citizens of Victoria.

Mr. EDMUNDS (Moonee Ponds): I raise a matter on behalf of pedestrians in connection with the introduction of the new intersection control scheme known as Metcon. The system is similar to the one in operation a few years ago with major and minor roads, but confusion still exists in the minds of motorists about the scheme. The system works well overseas and finally will probably work well in the Melbourne metropolitan area. It may take a little time for motorists to be educated to the different facets of it.

A dangerous situation for pedestrians has been brought to my attention. I have observed the way in which the lines are painted on the roads designating what motorists shall do when approaching a priority road. The new lines are in line with

the carriageway and in some instances even encroach by up to 1 metre onto the carriageway of the priority road. This means that the vehicle approaching the priority road is stopped at the line.

The pedestrian is placed in an extremely hazardous situation particularly if there is heavy traffic on the priority road. The pedestrian must decide whether to go behind the vehicle waiting to enter the priority road or in front of it. If the pedestrian crosses in front of the waiting vehicle, he is endangered by vehicles travelling along the priority road.

I do not know what instructions have been issued by the Road Traffic and Safety Authority as to where the lines shall be painted, but the pedestrians are endangered because of the situation of the lines. I ask the Government to examine the instructions that have been issued in this respect because, in the interests of pedestrian safety, the lines ought to be farther back in the side street.

When I first obtained a licence to drive a motor vehicle, a system of major and minor roads operated, which worked quite successfully when motorists observed it, and there was no hazard to the pedestrian. Under the new system, the placement of the lines is all important, and a new instruction ought to be issued in the interests of the safety of pedestrians.

Because of my official position as spokesman on housing matters for the Opposition, many people have raised with me the Government's decision concerning eligibility for dependant-relative units or, as they are commonly called, granny flats, which may be placed on private property in certain circumstances. The Government decided that only married couples were eligible to hire these units.

At the time it was pointed out that the greatest problem did not involve elderly married couples because they were usually self-sufficient in their ability to provide accommodation, but that the lone person was more affected. At the time, the Government undertook to examine the matter at a later time. I believe the time is ripe to alter the requirements because, in the past week, I have had four inquiries on the matter, probably because the cost of rental accommodation is increasing and because there is a growing concern regarding eligible people who would accept and who could be successfully housed in such accommodation.

I ask the Government to examine urgently the two matters that I have raised in the interests of persons who are being disadvantaged.

Mr. A. T. EVANS (Ballaarat North): Within Ballarat and adjoining districts concern is felt that the Government will eventually forbid the swill feeding of pigs. Herd owners are now accepting these unconfirmed reports and cutting back the size of their herds. So far as I can ascertain, there is no definite policy to ban swill feeding totally in the near future.

The situation has two side effects. One concerns the future position of the owners of herds and the other the disposal of swill from hospitals, institutions, hotels and canteens of large industries. One question that is raised is where to dispose of the swill because it cannot be fed into the sewerage system and municipal authorities refuse to accept it at their tips. Moreover, it seems to be a wanton waste of stock fodder when it could be used in a recycling process to produce fertilizer and animal food.

If the Government is contemplating a decision in this matter, I ask it to give careful consideration to those two aspects. All honorable members know that there is a strong and well-founded fear, particularly amongst beef producers, that foot and mouth disease could break out which would cost beef producers millions of dollars and cost the nation a similar sum in export earnings. I ask that the Department of Agriculture give serious consideration to arranging for a continuation of the re-cycling of these

wastes from hospitals, institutions and so on. Until a plan is worked out or some clarification given regarding future disposal of swill, some undertaking should be given to relieve the present uncertainity.

In the Ballarat area, at least one herd owner is going out of business and others are cutting back the size of their herds. Consequently, there is no place for the managements of these institutions and hospitals to dispose of the waste. Suitable arrangements ought to be made for disposal and further consideration should be given to the re-use of the waste as at present under strong supervision in order to utilize the re-cycling systems.

Mr. DOUBE (Albert Park): I congratulate the Minister of Transport and the Road Safety and Traffic Authority on the production of booklets on road safety in different languages.

Mr. MEAGHER: This matter really comes under the Chief Secretary.

Mr. DOUBE: The production has been excellent because there has been no more hazardous place for anyone in Australia than on the roads. It has been difficult for migrants to understand the road laws because they change regularly. The idea of making the information available in different languages is excellent.

The only matter that concerns me is how the booklets are distributed. I have spoken to many migrant groups and they are not aware that the publications are available. I ask the Minister of Transport to convey to the Chief Secretary my fears and apprehensions about the system by which the booklets are distributed.

Another matter I wish to raise is one that I mentioned during question time, the removal of mileposts. One area in which I saw these posts disappearing was in East Gippsland, east of Orbost. I was in the area and actually saw workmen masking out the numerals. The new metric system causes confusion for people in rapidly working out how far they have to go in terms of miles. Most people still tend to calculate in miles although perhaps they should forget about that system. Unless one has a ready-reckoner available, it is difficult to work out how far one has to travel to reach one's destination. It is a friendly sign for me to come across a milepost because at least I know where I am, whereas I am in difficulties when dealing with kilometres.

A further matter concerns answers to correspondence addressed to the Minister of Education. Some Ministers are particularly good at answering correspondence but I consider that in this respect the Minister of Education has insufficient secretarial assistance. The honorable gentleman has an enormous task in that his department spends more than half of the State Budget, although the honorable gentleman is supplied with only the same number of personal assistants as are other Ministers. Perhaps that is why there is considerable delay in obtaining replies to letters.

Recently, I was looking through my correspondence and it was surprising to find how long the delay has been. I appreciate that the Minister of Education is keen but perhaps the Cabinet has left him with far too little personal assistance. The position should be rectified. I do not know whether other honorable members have experienced the same difficulty, but I suspect that they have.

Earlier in my remarks, I started off by praising the Minister of Transport whereas I should have been praising another Minister. At least I can say that the Minister of Transport seems to be able to answer correspondence rapidly. I said this about the honorable gentleman when he was Minister of Housing and I can also say it of him in his present portfolio.

In the past, it was the custom that, when honorable members raised matters in the House, someone studied *Hansard* and brought the matters to the attention of the appropriate Ministers.

Mr. MEAGHER: That is still done.

Mr. DOUBE: It might be done in the Minister's department but I am doubtful whether it occurs in other departments. There is nothing worse for a member than to raise a matter in this House and find that nothing is done about it.

The question was agreed to.

The sitting was suspended at 1 *p.m. until* 2.3 *p.m.*

PARLIAMENTARY OFFICERS BILL.

The Order of the Day for the resumption of the debate on the motion for the second reading of this Bill was read.

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

That the proposals contained in this Bill be referred to the Privileges Committee for examination and report.

The reason I have moved this motion —I hope it commends itself to the Premier—is that it is important when dealing with the institution of Parliament or any legislation which relates to the nature and structure of the way in which this place will operate, to ensure that decisions should be made after agreement has been reached between all principal parties. Honorable members should endeavour to reach a consensus on these matters rather than using the traditional method by which the Government introduces a Bill, adjourns the debate on it for seven days and then the Bill is either opposed or supported as if it were any other Government measure.

This Bill cannot be treated as any other Government measure. It has been the tradition that the Westminster system of Parliament as an institution, jealous of its hard-won rights, should exist separately, as far as practicable, from the operations of the Executive and of the Cabinet. Many of the clauses of the Bill are re-enactments of earlier provisions of The Constitution Act Amendment Act. One significant alteration is the proposal to create a Parliamentary Offices Committee whose members will be Mr. President, as chairman, Mr. Speaker and the Treasurer. The only reason that has been advanced for that proposal is that a similar committee has functioned in the United Kingdom House of Commons since 1812.

That would be a fair enough argument if the operations and structure of the Victorian Parliament also followed the proceedings and structure of the House of Commons. One significant difference in that respect is the election of the important position of Speaker. It has been the practice and tradition of the House of Commons that the Government party decides upon a nominee, the matter is referred to the other parties, and when agreement is reached the person who goes forward to the important position of Speaker does so as a consensus candidate. At that stage, his election is not opposed. This procedure ought to be examined.

I had discussions with your predecessor, Mr. Speaker, because in principle, if a constitution is to be adopted, it should not be done by halves. Equally, it would be realized that by tradition and usage the Speaker in the House of Commons immediately severs his political ties with the party that elected him to office. He does not attend party meetings; he becomes the Speaker of the House and custodian of its rights and privileges. If the structure of the Victorian Parliament is to be based on that of the House of Commons—and that is what is about to be done—is that not a concept that ought to be seriously considered?

It is not just a matter of saying that the officers who serve this Parliament well are going to be permanent heads. The most important officer in the Legislative Assembly is the Speaker—there is no question about that—and when honorable members are deciding whether to follow the model of the House of Commons this

ought to be considered. It ought not to be looked at across the hurly-burly of debate, but examined rationally and calmly by a committee set up by Parliament to protect its privileges. This would not only protect the privileges of the Parliament but also ensure that when important constitutional changes are being made, the traditional concepts of Parliament will be maintained in a way about which all sections of the Parliament can feel happy.

If the Opposition had had the benefit of discussing the matter with the Premier before he introduced the Bill, I am certain the honorable gentleman would have agreed that when dealing with the institution of Parliament, its role in the community and writing into the Constitution the techniques by which it will operate, it should be done by consensus before the legislation is introduced to Parliament.

The issue which I have raised should be seriously examined, because that one difference between the practice of the House of Commons and that of the Victorian Parliament is most important. Given the traditions and usages of the House as they stand at the moment, the Bill proposes to create a committee of the governing party. That may not have been the intention of the Government —it probably was not—but that is what has been produced; the committee will be a sub-committee of the Government party. I can understand some of the arguments which may be advanced for having the Treasurer on this committee, but they were not advanced in the second-reading speech. They are obviously related to questions of finance and the like.

The measure must be examined, and just because the Treasurer controls the purse strings of Parliament, he does not need to have deliberations on the wide range of matters that come before the Parliament, most of which are more appropriate to be dealt with by the Speaker or the President. Why should the Treasurer, because he holds the purse strings, have to involve himself in the detailed day-to-day decisions of the running of the Parliament? The Government has argued for years that simply because the Commonwealth of Australia controls the purse strings, that is no reason why it should be involved in the day-to-day running of the State of Victoria. The committee proposed to be established by the Bill will involve itself in the detailed decisions about the way in which Parliament will be run.

With great respect, Mr. Speaker, in my view it is undesirable to create a committee of this kind. I do not have a final view on the matter; I should like to know what other alternatives are available. I do not say that this is the only view or the best view, and simply because the Clerk has been to the United Kingdom to see how the House of Commons operates and says, "We will adopt that section and make it appropriate to the Victorian Parliament", that is not good enough. There might be all sorts of procedures and systems overseas which are better than those of the Victorian Parliament.

I do not wish to develop the argument further because it is not in the best interests of Parliament that this proposed legislation should be the subject of what might be described as the cut and thrust of debate when one is dealing with the way in which the institution of Parliament ought to operate. The proper method of dealing with it is by referring the proposals in the Bill to an all-party Parliamentary committee, which can look at the full range of alternatives and work out the best possible recommendations. It may well be that the committee will make these same recommendations; if that occurs, so be it. I chose the Privileges Committee for the purpose of my motion because it was established to deal with matters pertaining to the privileges of this Parliament.

Mr. DUNSTAN: Apparently the Leader of the Opposition has not discussed this aspect with his Deputy Leader.

Mr. HOLDING: So long as it is an all-party Parliamentary committee comprising senior members of this Parliament, I do not care whether it is the Privileges Committee or the Standing Orders Committee. It could even be the Statute Law Revision Committee, provided that the committee can deal with the matter expeditiously as I understand it is desirable that the Bill should be passed this sessional period. That is fair enough. I suggested the Privileges Committee because I believed that committee could deal with the matter expeditiously. Equally it could be argued that the Standing Orders Committee, or any other committee for that matter, could deal with the matter expeditiously.

It is important for the Bill to be referred to an all-party Parliamentary committee which can sit down with the Clerks, you, Mr. Speaker, and the President, and use the Bill as a working basis to determine whether it can be improved. The committee could examine whether amendments are necessary, and when the Bill is brought back to the House I should hope it would return from the relevant committee in a manner which would allow the Bill to pass through the House on the basis that all parties had been deeply involved in its preparation.

The Opposition believes that is the best method of proceeding with this measure, and I urge the Premier to support my motion. If the Premier is unhappy about having the Bill considered by the Privileges Committee, it could be referred to the Standing Orders Committee and I will not take issue with that. It is important for action to take place as soon as possible and for the Bill to be considered as far as practicable because it covers the way in which this institution operates and refers to its future. Even then it is legislation encompassing change. Those changes could be explained and argued by an all-party Parliamentary committee rather than dealing with the Bill in the normal way and having it initiated in the House coming from the Government party and the House then debating the measure in the ordinary way.

This is not an ordinary Bill and therefore it should not be treated in the ordinary manner. It is an important piece of legislation and should be conceived out of the consensus of an all-party Parliamentary committee and proceed through this Parliament on the basis that all parties are genuinely concerned to make Parliament strong and a good example of all the best traditions of Westminster.

Mr. ROSS-EDWARDS (Leader of the Country Party): The purpose of the measure is to cover part of the functions presently covered by The Constitution Act Amendment Act. It relates to the officers of Parliament and, in particular, to their appointments. I have some sympathy for and understanding of the views expressed by the Leader of the Opposition. I agree with him that the legislation which affects Parliament should be discussed between representatives of the three parties before the relevant Bill is introduced. I do not necessarily suggest that it should be referred to the Privileges Committee or the Standing Orders Committee as the Government would have to wait unnecessarily for the Bill to come back to the House.

Mr. WILKES: There is no urgency because the Bill was introduced more than twelve months ago and was not proceeded with.

Mr. ROSS-EDWARDS: With due respect to the Deputy Leader of the Opposition, there is some urgency because, for reasons I do not wish to discuss, the Government wants to have enacted a Constitution for the State of Victoria and this Bill goes hand in hand with that. I understand that the Constitution Bill and this measure will be proclaimed at the same time. Recent events in Australia have impressed upon me and other members of the Country Party the urgency for Victoria to have its own Constitution.

Mr. WILKES: How will the Constitution of Victoria be dependent upon the passage of this Bill?

Mr. ROSS-EDWARDS: With due respect to the Deputy Leader of the Opposition, this Bill encompasses some of the provisions contained in The Constitution Act Amendment Act and therefore, as those provisions are to be deleted from The Constitution Act Amendment Act, it is desirable for both the Constitution Bill and this measure to be proclaimed at the same time.

If this Bill is referred to the Standing Orders Committee or the Privileges Committee, it will be the next session of Parliament before any progress is made by the relevant committee. A report will not be received back from either of these committees within seven days, and that will be necessary if the Bill is to be passed in this sessional period. However, I suggest that the Bill could be referred early next week to a meeting of representatives of each party representing both Houses of Parliament. Suggestions made at that meeting could be considered by the Government. I agree with the Leader of the Opposition that it is not desirable to have a full party debate on this measure, and the Country Party shall endeavour to ensure that it will not occur. I also agree with the Leader of the Opposition that the officers of Parliament occupy a unique and important position in the Parliamentary system.

I suggest that the Premier consider adjourning the debate so that the leaders of the parties or other senior members, together with yourself, Mr. Speaker, and the President from another place, could be in attendance at a meeting at which some of the reasons for making the proposed changes in the Bill could be explained. Once the explanations had been given, there would be no need to debate the changes further in this House. I hope the Premier will see his way clear to accede to my suggestion.

Mr. HAMER (Premier and Treasurer): I should make clear the attitude of the Government to the proposal advanced by the Leader of the Opposition. First of all, the provisions in this Bill, in almost every respect, now form part of The Constitution Act Amendment Act. The Government is seeking, by introducing the Constitution Bill, to ensure that this Parliament has its own Constitution because the Government believes Parliament should be able to determine its own destiny.

The Government has elected to remove from The Constitution Act Amendment Act certain provisions and to submit those provisions as a separate Bill. In almost every respect the Bill follows clause by clause and word by word the provisions contained in The Constitution Act Amendment Act.

Mr. HOLDING: But the Government has made changes.

Mr. HAMER: I said "in almost every respect". The Bill differs in one respect and this was the only point mentioned by the Leader of the Opposition. I listened carefully to what the Leader of the Opposition said which would justify the Government's referring the Bill to an all-party Parliamentary committee or, more especially, the Privileges Committee.

The only difference in this Bill is the creation in clause 5 of what is called a Parliamentary Offices Committee, consisting of the President, the Speaker and the Treasurer. The reason for the presence of the Treasurer is perfectly obvious and the other two members of the committee are the two senior responsible officers of this Parliament.

What does the Parliamentary Offices Committee do? It performs two functions which are set out in clauses 6 and 7. Clause 6 relates to the determination of the number of officers of the Parliament. Clause 6 (2) provides that the Governor in Council may determine those officers in various ways. This is where the

argument of the Leader of the Opposition begins to make nonsense because paragraph (*a*) relates to the number of persons to be employed as officers of the Council. On whose recommendation have those appointments to be made? It is on the recommendation of the President. Paragraph (*b*) refers to the number of officers to be employed as officers of the Assembly, and you, Mr. Speaker, are the person to make the recommendations.

As I understood the Leader of the Opposition, he claimed that this Parliament does not work in the same way as the House of Commons. This measure will give to the Speaker and to the President respectively the power and right to nominate their own staff as officers of the Council and officers of the Assembly.

Certain recommendations can be made by the Library Committee covering persons employed in the Parliament Library and in the preparation and publication of the *Victorian Parliamentary Debates;* recommendations from the House Committee, which controls a number of persons employed in the refreshment rooms, in the Parliament gardens and on the engineering staff. Finally, clause 6 (2) (*a*) enables the Parliamentary Offices Committee to make recommendations which will cover the employment of any person in any capacity in relation to the Parliament, other than officers referred to in preceding paragraphs. That is all the Bill does.

Mr. HOLDING: But clause 6 (2) (*e*) provides that the Governor in Council may determine, on the recommendation of the Parliamentary Offices Committee, the number of persons to be employed in any capacity in or in relation to the Parliament.

Mr. HAMER: Yes; that paragraph will cover those persons who are not already covered in the preceding paragraphs.

Mr. THOMPSON: It deals with the odds and sods.

Mr. HAMER: That is one way of putting it. Clause 7 of the Bill refers to the appointment to any office of the Parliament and that appointment follows exactly the same course as officers of the Council are to be appointed on the nomination of the President; officers of the Assembly are to be appointed on the nomination of the Speaker; the Parliamentary Library Committee will make recommendations concerning officers coming under its control; the House Committee will make recommendations in respect to employment in the refreshment rooms, the Parliament gardens and the engineering staff, and if there is anyone left, the Parliamentary Offices Committee comes into it.

It will be seen therefore that the proposed changes are not major and sweeping. The Bill follows the precedent of the House of Commons which has felt the need for a committee of this type to deal with people who are working under its control.

Those were the reasons advanced by the Leader of the Opposition when requesting the Government to have this measure considered by an all-party Parliamentary committee. For the reasons I have advanced the Government is not prepared to allow the officers of the Parliament to remain in limbo after the Constitution Bill goes through Parliament.

Mr. WILKES: They will still be in The Constitution Act Amendment Act.

Mr. HAMER: The Constitution Bill will repeal The Constitution Act Amendment Act and they would be placed in limbo once that Act was repealed. That is why it is important for this Bill to be enacted as a complementary measure to the Constitution Bill.

I recognize that some honorable members are unhappy with this measure. The Government is prepared to adjourn further debate on the Bill to give the leaders and senior members of the parties the opportunity to

discuss it further. Although I feel that the objections raised are not well founded, the Government is prepared to allow some time to elapse to enable the leaders of the parties the chance to discuss the measure. I am prepared to report progress and to have the debate resumed next week, or at least before the end of this sessional period. This will allow representatives of each party a chance to meet and discuss the measure.

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

Ayes	15
Noes	46
Majority against the motion	31

AYES.

Mr. Curnow	Mr. Simmonds
Mr. Doube	Mr. Stirling
Mr. Edmunds	Mr. Trezise
Mr. Fogarty	Mr. Wilkes
Mr. Ginifer	Mr. Wilton
Mr. Holding	*Tellers*:
Mr. Mutton	Mr. Fordham
Mr. Roper	Mr. Kirkwood

NOES.

Mr. Austin	Mr. Plowman
Mr. Balfour	Mr. Rafferty
Mr. Billing	Mr. Ramsay
Mr. Birrell	Mr. Reese
Mr. Borthwick	Mr. Ross-Edwards
Mr. Chamberlain	Mr. Rossiter
Mr. Crellin	Mr. Scanlan
Mr. Dixon	Mr. Skeggs
Mr. Dunstan	Mr. Smith
Mr. Ebery	(*Bellarine*)
Mr. Evans	Mr. Smith
(*Ballaarat North*)	(*Warrnambool*)
Mrs. Goble	Mr. Stephen
Mr. Hamer	Mr. Suggett
Mr. Hann	Sir Edgar Tanner
Mr. Jona	Mr. Thompson
Mr. Lacy	Mr. Trewin
Mr. Loxton	Mr. Vale
Mr. McClure	Mr. Wilcox
Mr. MacDonald	Mr. Williams
Mr. McInnes	Mr. Wiltshire
Mr. McKellar	Mr. Wood
Mr. McLaren	*Tellers*:
Mr. Maclellan	Mr. Baxter
Mr. Meagher	Mr. Burgin

PAIRS.

Mr. Amos	Mr. Templeton
Mr. Jones	Mr. Guy
Mr. Lind	Mr. Evans
Mr. McAlister	(*Gippsland East*)
	Mr. Hayes

The motion of Mr. Hamer (Premier and Treasurer) for the second reading of this Bill was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Repeals).

Mr. HAMER (Premier and Treasurer): In accordance with the undertaking I gave during the second-reading stage, I suggest that progress be reported.

Progress was reported.

LIQUOR CONTROL (AMENDMENT) BILL.

The debate (adjourned from December 4, 1974) on the motion of Mr. Rossiter (Chief Secretary) for the second reading of this Bill was resumed.

Mr. WILKES (Northcote): As the Chief Secretary said in his introductory speech about six months ago —during the spring sessional period —this is basically a Committee Bill. The honorable gentleman referred to the Bill clause by clause, and that is the only way to deal with it. Instead of being named the Liquor Control (Amendment) Bill I wonder whether it should not have been named the pubs versus clubs Bill.

The objections to certain matters raised by the Australian Hotels Association on behalf of its member hotels, and the objections raised by the licensed clubs throughout Victoria, are relevant to the proposed amendments to the Act and must necessarily be dealt with on their merits. Obviously the position is still the same as it was when the Licensing Court operated. When amendments to the Act affect the operations of the Liquor Control Commission, some amendments are acceptable to one section of the industry and not to another. Before hotel trading hours were extended, another section of the community had to be considered, that

section which opposed any extension of trading hours in any circumstances.

I do not know what amendments the Government will move to the clauses of the Bill, but they, too, will be dealt with on their merits.

Member hotels of the Australian Hotels Association have a duty to the public just as licensed clubs have a similar duty. It is the responsibility of the Government and the Parliament to ensure that those obligations under the Act are not abrogated in either case. The objections of the Australian Hotels Association to some of the proposals were widely circularized by the chief executive officer of the association, Mr. Cox. In a letter on the subject Mr. Cox said that the association was aghast at the proposed amendments to be made to section 51 of the Liquor Control Act. Section 51 (1) (*a*) of the Act provides that the commission shall not grant or renew any club licence unless the club is a bona fide association or company of not less than 50 persons, in the case of a club established at any place within a radius of 15 miles from the post office at the corner of Bourke Street and Elizabeth Street, and not less than 30 persons in the case of a club established anywhere else. Section 51 (1) (*b*) provides that the commission shall not grant a licence unless it covers a body, association or company associated together for social, literary, political, sporting, athletic or other lawful purposes.

The Australian Hotels Association objects to the broadening of those provisions. It says that the amendments would prohibit the commission from continuing to exercise its discretion in a way that has significantly helped to achieve orderliness and stability in the licensed trade. Members of the Opposition take the view that the commission will still have the right and responsibility to exercise its powers under the Act. I cannot agree that the amendments to section 51 (1) (*a*) and (*b*) would stop that. Proposed new section 51 (1B), to be inserted in the Act by clause 14 (3), provides—

> Notwithstanding sub-paragraph (vii) of paragraph (*f*) of sub-section (1) the rules of a club may provide that a visitor may be supplied with liquor on the club premises when not in the company of a member at a particular function or a particular occasion in respect of which a permit has been granted under sub-section (8) of section 38.

The Australian Hotels Association states that to qualify for a licence a club should be a voluntary association of persons who have agreed to maintain for their common personal benefit, and not for the profit, an establishment, the expenses of which are defrayed by equal contribution and the arrangement of which is entrusted to a committee chosen by themselves. The association states that it should be a body which is formed for the convenience of members, not for the convenience or comfort of strangers.

Before the Licensing Act was amended to extend hotel trading hours to 10 p.m., licensed clubs probably enjoyed more prosperity than they do now. However, when licensing hours were extended for the better—and that was not opposed by this Parliament—clubs had some difficulty in maintaining their relativity to their members because members did not have any reason to go to the clubs between 6 p.m. and 10 p.m. when hotels were trading. This seriously affected the function of clubs and some of the services they were able to provide, and their revenue was correspondingly affected.

In country areas particularly, a club can be an important adjunct to community life. Sporting clubs, particularly those with liquor licences, have been able to provide good services to their members and it has been suggested that in some instances the Liquor Control Commission has been restrictive in its attitude to clubs which have wanted to extend their membership. I do not know what the Chief Secretary's views are on this subject, nor do I know what amendments will be put during the

Committee stage, but in some cases there can be good reason why a club wants to increase the size of its membership. I can imagine a club in a country town finding that because of the increase in population in the town it is desirable to increase the club membership without having to go through the rigmarole of appearing before the commission. The commission can rely only on the powers vested in it by the Liquor Control Act. Therefore the Opposition does not agree with the proposition put by the Australian Hotels Association regarding the membership of clubs. The association said in respect of the need for limitation of membership—

> The Liquor Control Commission, as did the Licensing Court before it, requires clubs to specify in their rules the maximum number of members of the club.
>
> The commission considers this limitation in the light of the nature and purposes of the club, the size and suitability of the premises and, in some cases, the neighbourhood in which the club is situated.

The commission is, therefore, able to determine whether the extension of membership stems from a desire to expand to promote the sale of liquor by the club. The submission continues—

> The proposed amendment substitutes the club as the judge in its own cause as to this question of limitation of members.

There is nothing seriously wrong with that. The management of clubs are capable of exercising responsibility over the members of the clubs and in many cases the discipline they exercise is much more rigid than that which applies in hotels. A licensee of an hotel does not have the same power over the public who drink there as does the management of a club over the members of the club. The power is written into the articles of association of the clubs and the management can exercise it. The code of ethics and the rules of clubs are usually adhered to, but if there are cases where this is not so, one would expect that complaints made to the Liquor Control Commission would be investigated and action taken against the club that violated the Act in this way. The Act has always contained that provision. It will not be removed from the Act, and the members of a club or anybody who legitimately wishes to complain to the commission will be able to do so.

Approved visitors to clubs must be restricted by necessity by the facilities that the clubs are able to provide. It is inconceivable that a club would allow its members to encourage or invite a number of visitors to the club to the disadvantage of members if the facilities there are not sufficient to cope with those visitors. Therefore, the amendments proposed by the Minister in this regard are reasonable.

The Australian Hotels Association, in its submission, stated—

> Some clubs which have as their predominant motive the making of substantial beer sales and consequent profits, directly oppose the achievement of the objects of section 3 of the Liquor Control Act. These clubs are really acting as a commercial unit in the licensed field which is quite contrary to the Act.

Again, it is hard to reconcile this view with section 3 of the Liquor Control Act. I shall only quote a small part of the Act. It reads—

> The object of this Act is to ensure in the interest of the public generally—
>
> (*a*) that there is an orderly and continuous improvement in and development of facilities and arrangements for the supply of accommodation meals and liquor to the public;
>
> (*b*) that all persons concerned in the supply of accommodation meals and liquor shall be of good character and have the training skill and capacities necessary to provide an orderly and proper service; and
>
> (*c*) that the provision for the orderly and economic development and improvement of that supply should also promote the interest of the businesses of all persons concerned in that supply and advance the security and stability of the same—

There is no contrary evidence that if these amendments are carried, section 3 of the Act will be violated. There have been occasions—I draw

attention to the larger clubs in Victoria and perhaps the two notable clubs in Mildura—on which clubs have wanted to dispense liquor at a cheaper rate to their members than that charged at hotels. This, of course, was taken up with the suppliers of the liquor, and the clubs concerned were prevented from carrying out their proposed action. There are all sorts of restrictions that are outside the control of this Parliament and of the Minister that can be applied to clubs who dare to offer a service to their members by selling liquor cheaper than it can be purchased in hotels.

Mr. STEPHEN: That would be anti-hotel.

Mr. WILKES: I shall deal with hotels later. I am prepared to put forward their case, just as I am prepared to put forward the case of the clubs. I shall be pleased to state the policy of the Labor Party on clubs. The Parliament and the honorable member for Ballaarat South ought to know it. It revolves around clubs and hotels living side by side in the community and both providing a service.

Mr. ROSS-EDWARDS: They must.

Mr. WILKES: Indeed they must. The job of Parliament and the responsibility of the Minister is to ensure that one is not seriously disadvantaged by the other. The whole ambit of the amendments to the Act attempts to do that. After all, The Australian Hotels Association has its rights. It points out how it believes its members will be affected by a change in the legislation. No doubt it has a more powerful lobby than do the clubs, who say that they only want to extend the services for their members and they accept the proposition put up because it allows just that. However, the clubs also envisage some restrictions in the proposals and would like something done about that. Parliament is, therefore, attempting to find a satisfactory solution down the centre. In fairness I point out that the Australian Hotels Association says—

> The amendments set out in clause 10 and clause 14 (3) (1B) are an open invitation to licensed clubs to enter the restaurant, catering and entertainment business as well as pave the way for clubs should the Government legalize the playing of bingo (housie).

The Government has not legalized bingo, or housie. Therefore that objection may be removed. The Australian Hotels Association in its submission continued—

> There is some ambiguity about section 10 though it seems clearly to contemplate a permit for each particular function or occasion rather than an annual permit. This is because as drafted, and is the case with respect to the Sunday permit, it is the licence and not the permit which authorizes the sale and disposal of liquor and of course the licence is an annual licence.
>
> It is assumed for the purposes of this submission that the permit be required for each special occasion.
>
> This amendment will greatly increase the number of such functions and allow them to take in large numbers of persons who have no association whatever with the club concerned. It will make provision for staging activities quite dissociated from the normal functions of a club. It opens the floodgate for a proliferation of advertising by clubs extolling the virtues of their facilities available to the general public.

There has been no evidence in Victoria of clubs doing anything like that and I have no doubt that if there were any evidence, the Australian Hotels Association would be the first to bring this to the notice of the Liquor Control Commission. The Act is not restrictive towards hotels. It allows hotels in certain areas of Victoria to advertise the pop stars or entertainers that they will be providing in order to attract customers. I do not suggest that that should be restricted. Conversely, however, there is no evidence that the clubs are advertising in any way or providing entertainment at that level.

Mr. BILLING: They could not afford pop stars.

Mr. WILKES: Perhaps they could not. To think that by amending this legislation clubs will be

placed in a situation similar to clubs in New South Wales is extending one's imagination because everybody knows that while this Government is prepared to prevent poker machines from entering Victoria—I hope it continues to do so—Victoria will not have the problems that occur in New South Wales.

It is essential to point out these things because as one goes through them one can see where this proposed legislation is "pubs versus clubs"; it has been made so by both bodies.

Mr. SKEGGS: Are you a pub or a club?

Mr. WILKES: I believe and I know the Chief Secretary believes the most important people in this argument are the public. While it concentrates on what is best for the public, Parliament can attempt to iron out the arguments that have been put forward by the Australian Hotels Association and by the clubs. Honorable members must not overlook one fact which must be paramount in their deliberations; whatever the outcome of the amendments, the Liquor Control Commission must exercise just supervision over hotels and clubs to ensure that the provisions of the Act are carried out in the best interests of the public.

Complaints have been made. I have no doubt that from time to time the Chief Secretary has received complaints about how the Liquor Control Commission has administered the Act in respect of certain clubs and how it has administered it in respect of certain hotels in Victoria. In the interests of the public, an area somewhere in between must be found. My view is that the policing of this Act, and even the policing of the proposals contained in the amending legislation, should not be the responsibility of the Victoria Police Force. It should not be the responsibility of the Licensing Branch of the Police Department. It is not a police matter. The policing of the Liquor Control Act should be the responsibility of inspectors employed by the Liquor Control Commission.

Mr. ROSS-EDWARDS: How could they cover the small towns?

Mr. WILKES: When there is a complaint in a hotel and a breach of the law—not an offence against the Licensing Act—has been committed, it is clearly the responsibility of the police to ensure that a prosecution is launched.

Mr. ROSS-EDWARDS: The police can do day-to-day inspections.

Mr. WILKES: Health officers in municipalities are expected to make inspections and to ensure that health provisions regarding glasses, toilets, and so on, are not violated. The situation in clubs is similar. In Victoria, where there is an acute shortage of police, the Licensing Branch is used to do a job which could very well be done by inspectors employed by the Liquor Control Commission. Police are not used in the Department of Labour and Industry to inspect factories.

Mr. DUNSTAN: Or municipal health inspectors.

Mr. WILKES: Or health inspectors, who are partly doing the job. If a disturbance or other disputation occurs in a hotel, it is the responsibility of the police, but breaches of the licensing laws can be easily handled by licensing inspectors. I ask the Minister to consider that. I am sure the Victoria Police Force would be pleased to be relieved of this responsibility and so be free to concentrate on other matters.

Mr. MACDONALD: There are a large number of licensing inspectors.

Mr. WILKES: That is right, but I am moving out of that area. There is a difference between the responsibility of the licensee of a hotel and that of the administrative body of a club. The Act provides that if a licensee of a hotel, under certain conditions which are laid down,

serves people who are under age or are intoxicated, he may lose his licence and suffer a heavy penalty. This is a responsibility that he accepts; he does not accept it with relish, but he does not shirk it. It is different from the responsibility of the management of a club, which is expected by the rules to exercise control over its members. The licensee of a hotel must exercise control over the public, and this is a higher responsibility.

In its submission, the Australian Hotels Association went on to say—

> Once the provision for limitation of membership is removed, together with the provision enabling non-members to attend functions, clubs will be induced to pursue the already serious practice of being commercial competitors in the sale of liquor.

This can easily be restricted in the case of clubs because, on the submission of the Australian Hotels Association, most of the alcoholic liquor that is sold by clubs is not bulk beer but packaged beer. It would be simple for the Liquor Control Commission to limit the amount of packaged beer dispensed from clubs. Indeed, the Minister did this when he refused licensed grocers the right to sell packaged beer after 6 p.m. on Fridays or on Thursdays when there is late night closing. What the Liquor Control Commission failed to do was to prevent supermarkets, such as Safeways, from buying licensed premises which may not be even situated in the same street as one of their shops, and moving the liquor business into one of their supermarkets. I should like the Australian Hotels Association to have referred to this fact in its submission. One would have thought that if hotels were confronted with any problem of competition in the sale of packaged beer it would be in that direction. Submissions could have been made to the Chief Secretary or to the Liquor Control Commission asking why a licence can be sold to a supermarket or an organization that is not located on the site of the original licence, and what control the commission exercises over the sales of packaged liquor from supermarkets. These points should be investigated and the Australian Hotels Association should be concerned about the matter.

The Australian Hotels Association has expressed concern, though not in its submission, about two organizations that exist not far from this place that sell packaged liquor more cheaply. The Australian Hotels Association says that this seriously affects sales. The hotels are complaining, because they believe the people who are doing this are not obliged to supply a service which the hotels have to provide. They are right, but I do not know how a Government can exercise control over people who want to sell goods more cheaply than others. Oil companies cannot control petrol stations which sell petrol at a rate less than the recommended price. What Government or local authority could be expected to ensure that packaged liquor is sold under the provisions of the Act? Far more important is the fact that licensed premises can be bought and the business moved from one location to another. There is no mention of this in the submission of the Australian Hotels Association. The submission continues—

> It should also be noted that hotels and licensed clubs do not compete on even terms. Apart from their legal obligation to provide accommodation and meals (rarely profitable and often at a loss in the case of smaller hotels) and the heavy burden of high valuations, hotels have to make provision for income tax from which clubs are relieved.
>
> Again it should be noted that many clubs either pay nominal rents to public authorities or when they own valuable land, receive special concessions for rating purposes, whereas the hotel industry suffers the unfair rating system whereby they are assessed on their rentability which in turn is based on total turnover of the entire hotel operation.

Not all rating authorities levy rates on the net annual value system.

> Clubs were not intended to become competitors of other licensees and particularly of hotels. This would be contrary to the history of licensing legislation and also is clearly contrary to the present legislation, particularly section 3 and section 10.

I have already quoted from both those sections and expressed an opinion on the relationship of the claim to those sections. The submission continues—

> There can be no justification for the amendments save for a desire to commercialize clubs at the expense of licensees whose duty it is to provide meals and accommodation to the public.

If the Liquor Control Commission were not functioning as well as it is, it is difficult to say whether all the services provided by hotels would be available to the public. I do not say that they would not be, but the amendments made over the years to the licensing laws and the establishment of a Liquor Control Commission have gone a long way towards improving premises in which bulk beer is dispensed. Hotels in Victoria are far ahead of hotels in some other States. Members of the Opposition would like the present control, supervision and encouragement to continue. In some countries of the world before a hotel can be established, the need for it must be proved, and then an assessment is made of whether the establishment of the hotel can provide a service to the community. On that basis competition can continue in the industry. In Victoria there is a control that is not dissimilar. Before an hotel can be established in an area the Liquor Control Commission must be assured that it can provide a service, and that the mere establishment of that hotel will not affect the industry in general in the area. This control must be extended at all times. That is the only way in which the hotel industry can be protected and can maintain the service it provides.

In its conclusions the Australian Hotels Association submission stated—

> It is interesting to speculate by what means a club would exclude members when the maximum number prescribed for any one occasion is already on the premises.

This may happen on odd occasions if there is a memorable night in a club, such as a sporting club which holds championships. In the clubs with which I have been associated, members are advised that visitors are restricted or even prohibited on certain nights. I know of sporting social clubs where the management will tell members that on certain nights they are not permitted to bring visitors because their resources will be strained to cater for the members. I fail to see any real problem in that direction. The submission continues—

> Will it then eject some members already present or perhaps some guests or visitors to permit other members to enter? Or will it leave the visitors and guests and exclude the members who seek entry? And what are those members likely to do?

The Opposition has explained that that is precisely what it is likely to do—it will restrict the number of visitors. The Australian Hotels Association went on to say—

> Poker machines have been excluded from Victoria and thus so far the predominance of clubs in the licensing structure. It is not suggested that these amendments will have the same immediate effects as did poker machines, but to say the least it is "the thin edge of the wedge".
>
> This submission is not an argument based merely on self interest. It is based on the proposition that there are some fourteen different kinds of licence each designed to meet some particular and special public need. It is necessary in the public interest to maintain a proper economic balance between them. The Liquor Control Commission has skilfully continued to regulate and maintain that balance. They are the Government appointed authority and possess the expertise to adjudicate on such matters.
>
> The proposed amendments to section 51 should be deleted from the Bill.

I do not know whether it is the intention of the Minister to move to do that.

> The association notes the Government is considering whether or not bingo should be legalized and also understands the Government will not make a decision in the immediate future.
>
> The association has made representation to the Chief Secretary and submitted its views. All that it says at this point is that if bingo is introduced and is permitted to be played on licensed and unlicensed premises then hotelkeepers' premises must be included.
>
> Once again the introduction of bingo exclusively into licensed club premises could be said to be introducing a sort of "poor man's poker machine".

The association trusts that the Government will closely study the Acts and regulations legislated in Queensland, South Australia and New Zealand which authorize the playing of bingo (housey) in licensed premises, including hotels.

The Australian Hotels Association prepared that submission in the interests of its members. The Labor Party received a deputation, as did the Chief Secretary, from representatives of the association, and the case was put clearly and precisely. The position of the Labor Party concerning licensed clubs was pointed out to the deputation, just as I intend to point it out to the House. A meeting of the State Parliamentary Labor Party formulated the following policy on this subject—

1. That we support the submission of the Licensed Clubs Association of Victoria that the limitation of the number of members allowed to join a club as freely used by the commission is in our opinion unnecessary, and that the matter should be left to the management of the clubs themselves to determine.

We believe that the clubs know best the number of members who can use their facilities without overcrowding and other difficulties arising, and we also believe that supervision in clubs in respect of behavioural pattern of members is much more rigid and far better controlled than elsewhere.

2. We believe the use of club premises by members to allow them to engage in various community functions, where any number of members act as host and pays the expenses, that the club should not be inhibited in providing these facilities, providing that the rights and privileges of ordinary members are not infringed.

3. We further believe that licensed clubs should be able to dispense liquor and food at prices determined by the management of those clubs.

We have reason to consider the suggestion that in some instances clubs were obliged to charge higher prices for liquor than perhaps the management thought desirable.

The policy statement added that finally the committee would be anxious to review and examine in depth any proposals by the Government to amend the Liquor Control Act during this Parliament.

The Labor Party has made its position abundantly clear. It considers that there are areas where the Government, the Chief Secretary, the Liquor Control Commission and the clubs should be able to agree on some of the propositions put forward by the Australian Hotels Association, and some of the propositions put forward by the licensed clubs. Licensed clubs, by and large, support the provisions contained in the Bill. They do not regard the proposed amendments as inhibitive in any way, and they claim that they will be able to exercise the same control over their members and over the operations of their clubs as the Liquor Control Commission demands now.

A submission was made to me by the Professional Musicians Union of Australia. Honorable members will realize that the musicians club is frequented by members of the musicians union and professional musicians in the State. The submission stated—

In the light of the legislation which is at present before the House, your assistance will be greatly appreciated if you could direct to the notice of the Chief Secretary the fact that their members do not finish work until midnight of a Saturday evening.

In this instance the association is asking that its members, when they finish work, be permitted to use the facilities of the club, although the Act at present prohibits them from doing so. I have prepared an amendment which I will propose in Committee. I mentioned this matter to the Chief Secretary although at that time the amendment was not printed. I now provide the honorable gentleman with a copy of the amendment that I propose to move.

When he explained the Bill, the Chief Secretary, with 45 pages of notes, went through each clause, clearly and succinctly pointing out the differences between this measure and the existing provisions of the Act. I shall not do this because it would be tedious repetition. As I stated earlier this is a Committee Bill. When the Chief Secretary moves his proposed amendments I shall then have an opportunity of making specific reference to the major changes

contained in the submissions of the Australian Hotels Association and the submissions from the Licensed Clubs Association of Victoria.

A tribute should be extended to the Liquor Control Commission because a commission of that kind cannot please everybody. Of course complaints will be received from time to time about somebody not being able to achieve what they want to achieve. The request may be purely to satisfy a commercial interest. The Liquor Control Commission, as I said earlier, has to interest itself in the public—and to do what is in the best interests of the public. Its actions are controlled by the powers set out in the Act. It can exercise control only in accordance with these provisions. If honorable members examined the latest annual report of the Liquor Control Commission they would discover that by and large the commission has performed an excellent job for the public and for the industry in this State.

Mr. TREWIN (Benalla): This Bill was introduced into Parliament some five months ago and members of the Country Party are pleased that it is now being considered. The fact that it is being debated now indicates that the Government has been prepared to listen to the views of persons who might be affected by the measure. I endorse the words of the Deputy Leader of the Opposition and offer congratulations to the Liquor Control Commission for the work performed.

Over the years the commission has had a fairly difficult task. Since it was established some nine years ago, under the guidance of the late Sir Arthur Rylah, a new look has come into our way of life, especially our social life. Honorable members know that the Liquor Control Commission was instrumental in introducing facilities which encourage people to take more interest in hotels and clubs as a source of social life.

In this respect I refer to many country towns because I can remember the time when country hotels were not fit to visit as the facilities were not good and the conditions under which liquor was served were anything but congenial. Today all hotels are required to provide congenial facilities in an atmosphere of comfort for persons who partake of either liquid refreshment or a meal. The traveller on the road today almost looks forward to a counter lunch.

As the Chief Secretary indicated, this is a Committee Bill. The Deputy Leader of the Opposition spoke for some time in presenting the submissions of the Australian Hotels Association and the Licensed Clubs Association of Victoria. Members of the Country Party also received approaches and similar correspondence so I shall not dwell on this aspect, other than to metion that the Australian Hotels Association is a highly-organized group of people. The association presented its submission as one would expect businessmen to present a submission in the interests of their industry.

Unfortunately, members of the Country Party do not have a close association with the Licensed Clubs Association of Victoria. The Country Party recognizes the work performed by licensed clubs, particularly in country areas a little south of the River Murray. I say that because the honorable member for Murray Valley has said that there is not a licensed club in his electorate which has a frontage of 120 miles to the New South Wales border and a depth of about 25 to 30 miles. It includes the towns of Yarrawonga, Rochester and Wodonga and, although there may be football clubs and golf clubs in those towns, I do not believe they constitute a licensed club in the true sense.

Mr. ROSSITER: There is a Returned Services League club in Wodonga.

Mr. TREWIN: That could be so. However, there are few, if any, licensed clubs in that electorate, whereas in Echuca there are three. The point is that on the other side of

the River Murray a licensed club holds a definite place in the community and enjoys advantages over the hotels. That is in New South Wales and this Bill relates to conditions in Victoria. Interstate clubs are so profitable and magnificently appointed because they have means of obtaining funds other than from the sale of liquor and membership fees.

In Victoria, clubs generally have to charge reasonably high membership fees. In Benalla, a city I know well, the clubs work in conjunction with the hotels because it is a community and licensed premises serve the community. One has to be nominated to join a gentlemen's club and one has to pay at least $70 to join a golf club. This is one of the unfortunate features of many golf and bowling clubs in Victoria because they have little opportunity of obtaining revenue other than through membership fees. There is little opportunity for them to obtain assistance and this is something which should be examined in future.

But licensed clubs play an important part in the community. The Bill is loaded a little in their favour. The clubs will be able to seek the approval of the Liquor Control Commission to alterations in their rules to allow for additional members, and the applications "shall not be refused" by the commission. The words "shall not" are important. The Country Party would have preferred that the words "may be refused" were used.

I recently received a list of clubs which have sought approval of increases in membership. Since 1971 sixteen clubs have sought approval from the commission for additional membership. Eleven applications have been approved or party approved. This indicates that, under the present provisions of the Act, clubs can increase the number of their members.

No doubt applications will be assessed on the basis of the ability of a club to properly manage its affairs and to provide facilities for the additional membership. A club in Benalla of which I am a member is probably looking forward to this Bill becoming law. It has a list of people waiting for membership. If a club has a waiting list, it is an indication that it is a good club to which people want to belong.

Most clubs in Victoria can control their members and would be able to control any new members. In this, clubs have a great advantage over hotels. Hotels are available to the man in the street at any time at which they are allowed to be open. This can cause problems to licensees. Sometimes the circumstances surrounding the problem are beyond the control of the person concerned, but that would not be so very often.

Because of the stringent provisions of the Liquor Control Act—which the Country Party readily accept—hotels have developed into an extremely efficient industry. In many ways, they can look after themselves but some conditions over which they have no control are thrust upon them. They are subject to the provisions of the Commonwealth Act dealing with restrictive trade practices and are also subject to prices authorities. I understand that some six or seven State Government instrumentalities have some control over hotels. They include the Department of Health, the Local Government Department and the Liquor Control Commission.

These controls are necessary because the industry serves the public with liquid refreshment and meals, and also provides accommodation and entertainment. However, as a result of investments of millions of dollars in the industry, hotels are able to abide by the conditions set by these authorities and to meet the needs to the public. The spokesman for the Opposition said that he considered that Victorian hotels were second to none in Australia. I believe that, on the average, they are equal to any in the world. We should be proud of this.

I again pay tribute to the late Sir Arthur Rylah, the former Chief Secretary, who was responsible for the establishment of the Liquor Control Commission, which succeeded the Licensing Court. It is the activities of the commission which have brought the good conditions prevailing in our hotels.

Deep consideration should be given to the problems of the people who have promoted this efficient industry. Of course, they have promoted the industry for their own benefit, but it gives the public good service. It is now a substantial industry conducted by men of quality. Today, to obtain a hotelier's licence, a person must be of good character, he must have had experience and, generally, he must be of a calibre which makes him acceptable to the commission.

Fifteen types of liquor licences are available. Over the past few years, the list of licences has grown. One which will become more important in the future is the tourist facilities licence. A tourist facilities licence can be obtained only under certain conditions. The first was issued to an establishment at Warburton but, unfortunately, the building concerned was destroyed by fire and the need for the licence lapsed. A tourist facilities licence is now needed at Echuca.

The Country Party sees added attractions in special tourist areas in the tourist facilities licence. But it will not be everywhere that an old hotel can be renovated to qualify for one of these licences. Members of the Country Party would not like to see new hotels built in places resembling Disneyland. The situation is different in Echuca, for instance, where an old hotel has been renovated to its standard of long ago. The same thing could happen in Ballarat, Bendigo and other places. Unless there is need for accommodation in, say, a hotel-motel—and this will be necessary in some cases because of distance from existing facilities—a tourist facilities licence will be sufficient to make a tourist attraction even more attractive. If the issue of tourist facilities licences is kept within the limits which the community intends, they will be well worth while.

The Country Party would like to know from the Minister what conditions will obtain in the future for the issue of tourist facilities licences. It is hoped the application at Echuca will be successful and will result in improved services without detrimentally affecting the existing hotels. I understand that Echuca has ten hotels although at one time there were 40 at this centre.

There are several matters in relation to individual clauses which the Country Party would like to discuss during the Committee stage. However, at this stage I shall refer to the retail bottled liquor licence and the provisions contained in clause 33. I do not believe that trading hours for retail shops should be extended in order to bring about additional sales of bottled liquor.

Under the clause, a large chain store which holds retail bottled liquor licences will be enabled to supply liquor to a central store and then distribute it to its retail outlets. It is provided that the further fee equal to 8 per cent of the gross amount paid for liquor will not be payable where the licensee also holds a retail bottled liquor licence. The Government must be careful not to make fish of one and fowl of another.

The hotel industry has been under great stress for some time particularly with its association with drinking and driving. Hoteliers have had quite a burden to carry in this respect. No one can deny that, with the other types of licences such as club licences, permits, extension of permits, booth licences and so on, the opportunities for hotels to dispose of liquor are lessened.

The hotel industry has co-operated with the Road Safety and Traffic Authority by displaying signs on their premises about the dangers of drinking and driving. Accordingly,

they have done their bit to ease the situation but still the taint remains. The consumption of liquor is not always at the behest of the hotels.

Mr. ROSSITER: That is only a philosophical point.

Mr. TREWIN: It may be philosophical but it is a fact of life. I have travelled extensively and seen what happens in many communities.

Mr. ROSSITER: The problem is packaged beer rather than bulk liquor.

Mr. TREWIN: Honorable members will be provided with further opportunities to discuss the clauses and the Country Party looks forward to examining the amendments which it understands will be submitted when the Bill is committed. Some provisions in the Bill must be amended in the interests of the industry and of the public.

Although not seeking an extension of hours or further opportunities for the consumption of liquor, the Country Party agrees that there is need for extension in the involvement of society and for some areas to be more controlled.

Mr. MacDONALD (Glen Iris): As it is some time since a Bill to amend the Liquor Control Act 1968 was introduced, it is almost essential that any such measure should be an updating one. Many of the provisions in the Bill have been requested by the Liquor Control Commission because in exercising jurisdiction the commission has found that special circumstances exist in certain areas.

I join the Deputy Leader of the Opposition in complimenting the commission, under the capable chairmanship of His Honour, Judge O'Driscoll, and his fellow commissioners, for doing a magnificent job in a difficult area. I agree with the Deputy Leader of the Opposition that all parties have a continuous battle in keeping up with movements in the liquor industry and there is nothing more difficult than trying to legislate to include provisions which extend from one end of the State to the other.

This is why the Liquor Control Commission is needed. It can use judgment, common sense, and an understanding of human nature in making the legislation work. One of the most successful moves in the hotel industry was the introduction of 10 o'clock closing. This brought about new conditions and the commission was called upon to make all sorts of changes. The hotel industry has spent about $100 million on new buildings and alterations to existing buildings.

Mr. CURNOW: The industry spent more than that.

Mr. MACDONALD: That has been spent only in the past six years. The approach of the commission has changed since the early days of restricted hours.

It was interesting to read an article in the *Financial Review* yesterday concerning the appointment of Mr. Alce as manager of Tooths Brewery in Sydney. He was selected following world-wide advertisements for applications. Mention was made of the hotel industry suffering economic difficulties and Mr. Alce said that he felt he was not a brewer but a manager; he was interested in management because in the future there would be more leisure hours and hotels would play a much more important part in community affairs and introduce activities that have never been known before.

When 10 o'clock closing was introduced, the hotel industry brought in entertainment and music. Naturally, in some ways, it was to attract patronage to a particular hotel and to cover the large sums of money spent on alterations. With these changes, it is important that the legislation should be brought up to date to enable the commission to operate functionally and well. Any Government will aways depend on the commission's judgment because it is impossible to include in legislation in words of one syllable sufficiently wide rules and regulations to cover every condition that may arise in hotels or other licensed premises.

One new feature in the Bill is the introduction in clause II of a canteen licence. This applies particularly to the William Angliss College of Catering and Food Studies of which I have been a council member for many years. That council does a magnificent job in management training in all fields of butchering, baking and so forth. It is responsible for sending out the majority of students who go into the industry.

When, not long ago the college was rebuilt at the bottom of town, $2 million was spent. Included in the foyer is an absolute model hotel entrance and the school has every possible convenience, including a fully set up bar. However, it has been impossible for this college to train students thoroughly when it has not been in possession of a licence to serve liquor. This matter was thoroughly canvassed by the council and the chairman in particular and I am sure all parties agree with the necessity to provide this licence. It will be a red letter day when the college is able to demonstrate not only its ability to prepare and serve food but also its ability to serve liquor efficiently.

About two weeks ago I had lunch at the college. Any member of the public can go there and enjoy an excellent meal. It is a training college and the licence required is for training and not for trading; that is the important difference. This may apply also to another college in Victoria, at Footscray.

Mr. EDMUNDS: That is in the new electorate of Ascot Vale.

Mr. WILKES: The honorable member for Glen Iris has given excellent service as a councillor to the William Angliss College of Catering and Food Studies.

Mr. MACDONALD: When I dined at the college recently I asked who were the waiters. On that day waiting was being carried out by the top level chefs. That gives honorable members an idea of how the people there became involved in the operation. The William Angliss school needs a licence for the training of people who in the not-too-distant future will find themselves in industry.

The Deputy Leader of the Opposition mentioned clubs and the case submitted by the Australian Hotels Association. I repeat that the general economic conditions in clubs and hotels have been extremely difficult over the past two years and this trend will continue for some time. One of the main problems they have been facing, apart from inflation in the cost of goods and services, has been the substantial increase in wages of employees, particularly in the off-peak and broken shift areas and on public holidays. This problem applies equally to clubs as it does to hotels.

Clubs are established basically for the purpose of serving members. If the manager of a club is worth his salt he will watch the balance-sheet carefully. The manager of the Naval and Military Club in Little Collins Street found that the club had lost $40,000 this year. Every possible means was attempted to correct the situation. Services were altered and some were decreased but the more that was done, the worse the situation became. To correct the position a charge of $12 a member was imposed. That can be done by large city clubs but it cannot be done by country clubs or by those in outer city areas.

Some clubs have turned to looking for more members. When I questioned Judge O'Driscoll about this matter, he said that no application by sporting clubs for increased membership had been refused. I refer to bowling clubs and the like. Some Returned Services League clubs have been recruiting large numbers of members—in some cases 2,000 or 3,000—merely from a financial point of view and these numbers have been in no way related to the facilities that can be offered at the clubs. The Deputy Leader of the

Opposition made it quite clear that there should be some relationship between the facilities available such as toilets, fire hazards and so forth and the number of members of the club. The clubs should be given a little leeway, particularly in country areas, where the facilities are often the only ones available. That may sound peculiar. The Government should examine the situation closely to determine how it can best be met.

The hotel industry has done a magnificent job and if I were in an hotel I would carefully consider the situation.

Mr. EDMUNDS: Would you put money in?

Mr. MACDONALD: I would not buy an hotel if it was half-price.

Mr. MUTTON: What about a licensed grocery business?

Mr. MACDONALD: The hey-day is over for them too. Representations have been made by the Australian Hotels Association and they are well taken. I believe some of its affairs must be considered. It is a large and reputable body and I endorse what the honorable member for Benalla has said about its attitude to serving people who are under the influence of liquor and about other conditions in hotels. The Australian Hotels Association is charged with much responsibility. It is asked by the commission to provide all sorts of facilities, including carpets, air-conditioning, indoor toilets and the rest. One cannot on the one hand require that standard from hotels throughout the State and on the other hand directly increase the facilities through other outlets.

It is important that the objections put forward by the Australian Hotels Association should be studied carefully before any conclusions are reached and that a middle-of-the-road path be found so that both hotels and clubs can live together. Similarly, retail bottle licences have had their moments and some of these licences are still being examined carefully, such as those to wholesale outlets. This was mentioned by the Deputy Leader of the Opposition.

The Bill is a Committee Bill because almost every clause relates to a separate subject. The Minister wisely introduced the Bill in the spring session of Parliament, thereby allowing all parties to make their comments and contributions when it was debated in the autumn sessional period. The number of amendments is slightly higher than is usual, the main reason being that several months have elapsed since the Bill was introduced. This Act needs to be kept under close observation.

Not many years ago a liquor amendment Bill or a racing Bill was thought to be political dynamite. I do not believe for a moment this situation pertains today. Bills on those subjects touch the public closely. The public realizes that Parliament is doing its best to legislate honestly to improve facilities and the way of life. Because in the future leisure time in the community will increase, both of these areas become important from the individual point of view. I do not care whether one is a club member or a patron of an hotel; the service that is provided is important. People are looking for service in those areas and I am sure it is the will of the commission that the level should be maintained at a high standard. The commission is fully responsible in that regard and in Victoria has been able to provide a high standard which I believe it will be able to continue when this Bill becomes law.

Mr. EDMUNDS (Moonee Ponds): The record of the Liquor Control Commission in Victoria is outstanding. This can be seen by comparing the facilities for the dispensing of liquor in this State with those existing anywhere else in the world. The Bill before the Parliament contains a series of unrelated amendments, including several which will increase the revenue of the commission.

The answer to a question asked by the Deputy Leader of the Opposition revealed that the amount of additional revenue which the commission will earn in the first twelve months of the operation of the proposed legislation will be approximately $59,000. As the Deputy Leader of the Opposition said on behalf of the Labor Party, the interests of the public are paramount in matters concerning liquor control. I have strong views on the issuing of licences.

The Bill provides me with the opportunity of suggesting to the Government that the hearing of licence applications has become a battleground for wealthy interests. The hearing is an arena for Queen's Counsel to battle it out at the highest level, and consequently the process is tremendously expensive. Recently I appeared as a witness for a club which was seeking a licence, and discovered that one of the most eminent Queen's Counsel in Victoria had been briefed by the opposition to ensure that the club would fail in its application.

The Bill makes various amendments which will provide the commission with certain prerogatives for the issuing of special licences. There are fourteen different types of licences already in existence, but I should like an additional one to be introduced. I refer to a restricted resort club licence for a holiday period. I have in mind an area such as Torquay, which I frequent, where there is one hotel and a licensed club that adequately serve the population of the area during the winter. However, in the summer months when the population of that resort and many others in a similar category is swollen for up to two months, the strain on the facilities of the hotel and the club is tremendous. The policing of that section of the Act dealing with underage drinking is virtually impossible. The licensee, his employees and the licensing police cannot manage the entire area of responsibilty.

If this proposition is considered by the Government and the committee which investigates these matters, I know of no reason why a surf club, for instance, which carries out a humanitarian service in an area like Torquay, should not be granted a restricted licence for the time when there is maximum pressure on the locality. As the Chief Secretary is aware, this is not a novel area. There is precedent for sporting clubs, Returned Services League clubs and other organizations to be issued with licences, but a group such as a surf club is in a special category because it operates for only a few months in the summer. In New South Wales, the responsibility of providing facilities for membership is considered, and restricted licences are issued to some clubs. I suggest to the Government that the proposals could be favourably considered within the ambit of the Liquor Control Act and the various amendments contained in the Bill. I daresay that further amendments will be proposed later.

In my view, the substance of the Liquor Control Act is contained in section 3A. This is a wide section covering responsibility, and it contains paragraphs (*a*), (*b*) and (*c*) which I shall not weary the House by reading. The Act then states—

> and this Act shall accordingly receive such fair large and liberal construction and interpretation as will best ensure the attainment of the object of this Act.

The objectives of the Act are contained in paragraphs (*a*), (*b*) and (*c*), the substance of which is to ensure that liquor is provided to the public in a reasonable manner. As the honorable member for Glen Iris has just said, half the trouble with the hotel industry is the capitalization involved in providing the facilities that the Liquor Control Commission now believes the public must have. That is mainly true, but in many instances there is no need to have carpet all over the place; it is good for the carpet manufacturing industry and better than standing on concrete, but often there is too much insistence

that extra facilities should be provided rather than that service should be given to the public.

I should like the Government to consider my proposition, because the Bill and the Act provide an opportunity for the commission to investigate it and make recommendations accordingly. After investigation, the Government would probably see the merit of the proposition that proper facilities be made available by clubs at holiday resorts in summer, and to ensure that control is maintained, that the terms of the Act are carried out and that nobody is disadvantaged in the provision of liquor.

Mr. BAXTER (Murray Valley): I shall confine my remarks to the part of the Bill that deals with vignerons, with particular reference to the Rutherglen wine festival. This festival has been held on three occasions —in 1970, 1972 and this year. As most honorable members are aware, its fame has spread far and wide. Regrettably, its reputation leaves something to be desired because some untoward incidents have occurred, particularly at the 1972 festival and, to a lesser extent, in the recent festival this year.

The concept of the festival is good; it is a self-help tourist scheme for that region of Victoria. The Government is to be commended for spending large amounts of money on tourism in Victoria. It provides an ideal opportunity for people from this unique part of the State to organize a festival which will attract large crowds of people.

The wine industry in Rutherglen has a long history, going back well before the advent of *phylloxera.* There are significant wineries in the area, including All Saints and Mount Ophir, as well as others which are of interest to the tourist from a National Trust point of view.

When the festival commenced it was intended that it be held biennially but after the troubles that occurred in 1972 the people of the town were not enthusiastic about proceeding with the idea. However, the committee was reconstituted and it was resolved to hold a festival in March of this year.

That was a three-year break from the previous festival. The festival was exceedingly well organized and planned. Its committee had consultation with the Chief Secretary's Department and the Liquor Control Commission, principally with Judge O'Driscoll. Extensive consultations were held with the police. Nevertheless, there was trouble. The difficulties occurred on the Saturday night of 8th March, in the main street of Rutherglen outside one of the hotels. If one were to read the press reports that emanated from the festival, one could easily gain the impression that the festival was one of rowdy behaviour. Nothing is further from the truth. The Albury–Wodonga *Border Mail* of 10th March contained spectacular headlines including "Axe Severs Spectator's Hand In Mishap at Fest." That makes interesting reading. Farther down the page, under the by-line of "Confrontation" the article stated——

The ACTING SPEAKER (Mr. Stephen): Order! I take it that the honorable member is relating his remarks to the Liquor Control (Amendment) Bill.

Mr. BAXTER: I am leading up to the fact that there has been a call for amendments to the Liquor Control Act regarding future festivals. I am attempting to demonstrate that many of these calls for amendments have been made by people who have taken note of what appeared in newspapers without being fully aware of what happened at the Rutherglen wine festival. I want to demonstrate the damage that can be caused by misreporting.

The ACTING SPEAKER: Order! I take it from the remarks of the honorable member that he is anticipating amendments. It might be preferable to wait for those amendments to be introduced. To enter

into a full-scale debate at this stage in anticipation of amendments would be out of order, but if the honorable member can relate his remarks to the Bill, that will be in order.

Mr. BAXTER: I am unable to say what amendments will be moved, but I expect an amendment along the lines that have been referred to by honorable members. I am taking the opportunity in the second-reading debate on the Liquor Control (Amendment) Bill to make these remarks, because it is the only opportunity I have had since the wine festival was held. I shall proceed, and rely on your guidance, Mr. Acting Speaker. The article of 10th March referred to the unfortunate accident in which a young lady had her hand severed. It stated—

> The accident came after police were bombarded with bottles and cans in a tense confrontation in Rutherglen on Saturday night. . . . .
>
> A doctor among woodchop spectators assisted the woman hit by the axe.

That report would convey to any person who was not at Rutherglen at the time that the unfortunate accident happened during a disturbance in the main street of the town on Saturday night. There was no connection between the two incidents. There was a disturbance in the main street on Saturday night and the accident happened at a rodeo on Sunday morning about twelve hours later. That is irresponsible journalism.

It has been alleged by a number of persons, including a police officer to whom I spoke, that the reason why there was trouble in the main street of Rutherglen was that there were insufficient functions to interest the people. I invite honorable members to peruse the programme of the wine festival.

The SPEAKER (the Hon. K. H. Wheeler): Order! I can hardly understand where the programme of the wine festival and the unfortunate accident are within the confines of the Bill. I ask the honorable member to return to the Bill.

Mr. BAXTER: I thank you for your guidance, Mr. Speaker. I shall not proceed along those lines. I shall endeavour to make further remarks on clause 8 in the Committee stage. At this juncture I foreshadow an amendment to clause 8 which will in no way alter the intention of the clause but will simply make it clear.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 (Short title).

Mr. ROSSITER (Chief Secretary): My presenting the Bill to the House last December was an interesting and valuable experience. It was indicated then that because of the complexity and separateness of the various amendments, the Government believed the proper procedure would be to allow the Bill to stay on the Notice Paper during the recess between the spring and the autumn sessional periods, and so allow interested parties to express views on the matter.

As indicated by the Deputy Leader of the Opposition today, there are so many conflicting interests within the community on liquor that it would be proper for Parliament to hear their views and give the populace a chance to voice their opinions on any proposals that may be advanced. That has been done, and as a result I formally indicate to the Opposition that amendments will be proposed by the Government. Mr. Speaker, you will notice, as honorable members have noticed, that these amendments are considerable and that they have considerable effects. I make no apology for that. The Government believes the ultimate legislation, the principal Act and the amending Bill, will be the better for it. I shall be interested to hear the reaction of honorable members to the Government's amendments.

I have not yet had a chance to study the amendments to be proposed by the Deputy Leader of the Opposition, or indeed by the Country Party,

and obviously I will be doing that. I reserve my right to make general comments on clause 2, as is customary in the Committee stage, when the debate is resumed.

Progress was reported.

BROILER CHICKEN INDUSTRY BILL.

The debate (adjourned from April 9) on the motion of Mr. I. W. Smith (Minister of Agriculture) for the second reading of this Bill was resumed.

Mr. WILTON (Broadmeadows): It would be fair to say that the primary industry that has had considerable ups and downs in its fortunes is the broiler chicken industry. There have been long-standing problems with this industry in the relationships between the producers and the processors, and this has made the industry more difficult to control. It has been difficult to reach an agreement under which all sections of the industry are satisfied with the proposals put forward. Some large processing companies are also producers, and this has presented considerable difficulty.

However, the Opposition supports the Bill because, firstly, it is essential for the industry to be controlled so there can be some area where legal enforcement can be applied for the protection of producers who are not processors. The Minister has already indicated to the House that he has been involved in this industry at an Australian Agricultural Council level. He has endeavoured to reach an agreement with other States whereby all the States would enact complementary legislation to control this industry. Apparently the Minister was not successful in that attempt and I assume that he will continue in his efforts to reach agreement. Complementary legislation with other States would further strengthen the stand that has been taken in Victoria.

This Bill is what is usually termed a Committee Bill, and some of the further items I wish to raise with the Minister could best be raised at the Committee stage. At this point in the debate I shall content myself with indicating to the House, as I have already done, that the Opposition is not opposed to the Bill, but there are one or two provisions in the Bill on which I propose to develop further argument at the Committee stage.

Mr. HANN (Rodney): The Country Party also supports the Bill. As has been pointed out by the Minister and by the honorable member for Broadmeadows, the broiler chicken industry has been subjected to severe fluctuations over the years, both financially and by trends within that industry. Originally individual growers were responsible for growing birds and selling them to the processors. Then there was the trend to what is known as vertical integration, whereby the processor became the grower in his own right and integrated the whole business right down to manufacturing, the feed, the growing of the broilers and the processing. I understand that some of the major processors have had difficulties because of high wages, and union and industrial problems, and they are finding it is more realistic and more profitable to again use the individual grower who is largely responsible for his own working conditions and operates more on a contract type of basis. It is an interesting fact of life, and I am advised that the trend has been away from vertical integration back to the grower and the processor.

As has been pointed out, the Minister had discussions at the Australian Agricultural Council level in an attempt to bring about uniformity with all the States, but he has met with no success at this stage. The arbitrated price agreement between processors and growers in Victoria, which was entered into from 1st April, 1974, for

a period of twelve months, was regarded as an interim measure pending negotiations with other States with a view to enacting uniform legislation. Because this legislation has not been introduced in other States, a couple of points are relevant. This agreement concluded on 1st April, 1975.

I understand that the Premier assured the Victorian Farmers Union, which represents about 97 per cent of the growers in the Victorian broiler industry, that legislation would be introduced, as it has been. There are some problems in that the Trade Practices Commission was established on 1st February, and under the Act governing the operations of that commission the present voluntary agreement and negotiations will not become legal until this State legislation is passed and brought into effect.

The Victorian Farmers Union has not applied for authorization from the Trade Practices Commission to continue negotiations. Consequently if this measure is not proclaimed once it is passed, any individual grower or processor could use the Trade Practices Commission to wreck the negotiations and the current agreement to continue the contractual arrangements which expired on 1st April. So, it is absolutely imperative that when this measure is passed it should be proclaimed.

In his second-reading speech, the Minister of Agriculture said, as reported at page 4784 of *Hansard*—

> The Government considers that it is necessary to proceed with legislation in Victoria to improve the stability of the broiler chicken industry in this State, although it may still be desirable to defer its operations until legislation is enacted at least in neighbouring States.

I point out to the Minister the problems with the Trade Practices Commission, that it is most important for the measure to be proclaimed once it has been passed by this Parliament because of the reasons I have already outlined.

I understand that the Victorian Farmers Union approached the Minister of Agriculture on two particular areas of concern in this measure. Under clause 3 a committee is to be set up under the chairmanship of an officer of the Department of Agriculture. The membership of this committee will include six representatives of the processors and six representatives of the growers, all of whom will be appointed by the Minister of Agriculture. It is intended that no processor shall have more than one representative on the committee and similarly each representative of growers will come from a different processor–grower unit. I understand that there are various small associations within the framework of the industry which represent different and smaller groups that supply particular processors. I assume that is what the Minister of Agriculture meant when he made his statement relating to each processor–grower unit.

However, in a letter dated 17th April, the Victorian Farmers Union advanced to the Minister of Agriculture the proposition that an amendment should be made to clause 3 (2) (c) along these lines—

> Six shall be representatives of growers, appointed from a panel of at least eight persons whose names have been selected and supplied by a general meeting of broiler growers, in the manner and, where relevant, in relation to particular interests determined by the Minister as representing the interest of growers.

The reason for the suggested amendment is that the Victorian Farmers Union is not concerned over how the present Act is worded but the way it is proposed to be amended could mean that the Victorian Farmers Union might not directly have the right to nominate a representative. The Victorian Farmers Union has been the major spokesman for the broiler growers up to the present time. In the letter to the Minister, the Victorian Farmers Union stated, *inter alia*—

> Traditionally the broiler growers have been united in Victoria through the Victorian Farmers Union and have always delegated authority to the person or persons

they believe will do the best job for the industry, despite the processor affiliation they might have. Those decisions were made from a committee made up of growers representing all processor groups.

If growers do not have this unity they will be disadvantaged with the management ability of processors on any negotiating committee.

The other matter which the Victorian Farmers Union raised concerned the position where the committee was unable to settle a dispute. The Victorian Farmers Union suggests that it be mandatory for the Minister to refer the matter to a single arbitrator if negotiations broke down. During the Committee stage, I will propose such an amendment. With those few minor criticisms, the Country Party supports the measure.

Mr. FOGARTY (Sunshine): This is one of the very few occasions on which I congratulate the Minister of Agriculture for the initiative that he has shown. When introducing the Bill, the Minister mentioned that the Australian Agricultural Council had discussed this matter at length and that certain recommendations had been made. Obviously those recommendations have not been carried out by all States. On this occasion I am pleased to see the Minister of Agriculture take the initiative and introduce legislation governing the State of Victoria.

The honorable member for Broadmeadows indicated that the Opposition would not oppose the Bill for the simple reason that the provisions in the Bill are progressive. By the same token I hope the Minister will pursue the line of thought that he originally expressed when introducing the measure and continue to push for common legislation to be introduced throughout the Commonwealth. I know the honorable gentleman has no jurisdiction over the affairs of other States but the poultry industry is one in which there should be a certain amount of uniformity. In many areas the wage structure is uniform as the Australian Conciliation and Arbitration Commission determines Federal awards and there is a degree of uniformity between Federal awards and State wages board determinations.

Over the past ten years the poultry industry has been one of the most progressive food industries. That was probably brought about by the introduction by the Tegal and Highline strains into Victoria in the early 1960s, strains which have been progressively improved upon. The time for developing a bird has decreased from thirteen weeks to between nine and ten weeks, although admittedly this has brought some problems for the growers.

Some years ago New South Wales introduced progressive legislation and the industry in that State dumped large numbers of birds into Victoria. As a result Golden Poultry Farms Pty. Ltd. went bankrupt and since then has been taken over by British Tobacco and Inghams. Since those days there has been a tendency to move away from the separate grower and processor and the system now gaining favour is a company embracing the grower and the processor. This is a problem to be discussed further at the Committee stage. The honorable member for Broadmeadows has already indicated aspects of the Bill to be discussed in Committee. This is one aspect on which I have certain views, as does the honorable member for Rodney.

On this occasion I am pleased that Victoria has taken the initiative and I hope, as a result of this measure, other States will follow the Victorian lead because at this stage growers in other States are receiving 16·6 cents as against 13 cents received by the grower in Victoria. That is unfair competition and when there is unfair competition the only person who loses is the grower.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Progress was reported.

ADJOURNMENT.

HOURS OF SITTING—MYER BUDGET ACCOUNTS—HOUSING COMMISSION MEANS TEST.

Mr. THOMPSON (Minister of Education): Before formally moving the motion for the adjournment of the sitting, I inform honorable members that it is the intention of the Government that the House will meet at 11 a.m. next Wednesday and I suggest to honorable members that they keep next Thursday night free. I move—

That the House do now adjourn.

Mr. ROPER (Brunswick West): I direct the attention of the Minister for Consumer Affairs to what I consider to be an improper business practice by Myer Melbourne Ltd. I have had a number of complaints about the conditions applying to that firm's budget accounts. The advertising for these accounts is almost an incitement for people to buy goods on credit. Many people—who may not be as well educated as they might be, or who are so short of money that they must use credit—believe this to be an efficient and cheap way of purchasing goods from Myer's. The brochure on the budget accounts indicates that a person can buy a certain amount of goods and pay a certain amount of money each month and always have an outstanding balance of credit available to him. The form which the applicant is asked to sign states—

I wish to open a Myer permanent budget account for $.... I undertake to pay $.... each month. I agree that the total of my purchases will not at any time exceed $....; any breach of this agreement makes me liable for instant payment, at your request, for the whole of my account. I authorize you to add an accounting charge of 1·85 cents in each dollar (or such other rate as may be determined from time to time by the directors of Myer Melbourne Limited as the nomal accounting charge on permanent budget accounts) each month during the continuance of this account; the accounting charge to be calculated on the balance outstanding in the previous month's statement.

It would be satisfactory if Myer's in fact charged a small amount for accounting. But a careful examination reveals that interest is being charged at the rate of 22·2 per cent per annum. That is certainly more than a small accounting charge.

I ask the Minister for Consumer Affairs to examine this misleading advertising and to take what steps are necessary to ensure that, if Myer's make an accounting charge, it is a true accounting charge and not a rate of interest which makes them more like moneylenders than storekeepers.

Mr. JONES (Melbourne): I direct to the Minister of Transport, who represents the Minister of Housing in this House, the problems of Mr. and Mrs. Des. O'Meara of Flat 97, 510 Lygon Street, Carlton. Both Mr. and Mrs. O'Meara were previously married. They married each other in February of this year and they have eight children ranging from twenty to six years of age. They have applied for a Housing Commission house because the whole family cannot be accommodated in the flat in Lygon Street.

Mr. O'Meara's income has been assessed, over a 26 weeks' period, at $3,698.27. He works for the Metropolitan Fire Brigade Board at its depot in Richmond. Mrs. O'Meara, a former kindergarten assistant, no longer works. For their eight children there is an allowance of $2 a week, but his average gross weekly wages of $142.21 is $6 a week more than what the rules of the Housing Commission allow. I ask the Minister of Transport to take this up with the Minister of Housing.

The rules are sometimes administered inflexibly. I realize that if they were varied many other people would be affected. But, particularly in these times of financial hardship resulting from inflation, I should be grateful if the Government would give consideration to providing a house for

the O'Mearas. It is a pity that the family must be separated; two of the children have to live with Mrs. O'Meara's mother.

Mr. RAFFERTY (Minister of Consumer Affairs): I thank the honorable member for Brunswick West for raising the matter of which he spoke. I shall have it examined to ascertain whether the law on misleading advertising is being broken and shall inform him of the result.

Mr. MEAGHER (Minister of Transport): The honorable member for Melbourne raised the matter of the Housing Commission means test. It is inflexible because inflexibility has been rigidly imposed from Canberra. Prior to the last housing arrangement entered into with the Commonwealth—I do not use the word "agreement" because it was anything but an agreement—the State could administer the rules flexibly and could vary them from time to time. That is no longer the position. I shall direct the case of which the honorable member spoke to the attention of the Minister of Housing for examination, but I assure the honorable member that he is in the same sort of strait-jacket as his constituents.

The motion was agreed to.

The House adjourned at 4.49 p.m. until Tuesday, April, 29.

QUESTIONS ON NOTICE.

The following answers to questions on notice were circulated—

POLICE OVERTIME.

(Question No. 1013)

Mr. WILKES (Northcote) asked the Chief Secretary—

1. What overtime was worked by—(*a*) plainclothed or Criminal Investigation Branch members; and (*b*) uniformed members of the Victoria Police Force in 1974 and to 1st March, 1975, inclusive?

2. What amount of this overtime was paid at—(*a*) penalty rates; and (*b*) ordinary rates; and what overtime was satisfied by time off in lieu during that period?

3. Whether days off in lieu of overtime worked are calculated at penalty rates?

4. What restrictions were placed on the working of overtime in 1974 and to 1st March, 1975, inclusive, in respect of—(*a*) plainclothed members and (*b*) uniformed members?

5. What maximum allowance is paid to plainclothed members of the force in respect of overtime?

6. What total overtime payments or allowances were made to plainclothed and uniformed members, respectively, in 1974 and to 1st March, 1975, inclusive?

7. How many days off in lieu of overtime worked were granted to plainclothed members and uniformed members, respectively, in each of those years?

8. How many plainclothed and uniformed members of the force, respectively, were on establishment as at 1st March, 1975?

Mr. ROSSITER (Chief Secretary): The answer is—

1. (*a*) All detectives not above the rank of senior sergeant are paid a commuted overtime allowance for any duty performed in excess of eight hours on any one shift or on a rest day. A record is not kept of additional hours worked by detectives.

(*b*) Figures are kept in financial year periods. The overtime worked by uniform members from 1st July, 1973, to 1st March, 1975, was as follows—

1st July, 1973, to 30th June, 1974	168,715 hours
1st July, 1974, to 1st March, 1975 ..	121,654 hours

2. All paid overtime is calculated at an hourly rate based on the member's fortnightly salary at a time and one-half rate for all overtime duty performed, except on week-ends and approved public holidays, when overtime is payable at double time. However, these latter payments are not considered "penalty rates" and figures are not available to show what hours were paid at double time. Paid overtime and time taken off in lieu of overtime from 1st July, 1973, to 1st March, 1975, was as follows—

	1973–74	1st July, 1974 to 1st March, 1975
	Hours	Hours
Paid overtime	164,248	118,433
Time off in lieu of overtime ..	4,467	3,221
Total additional hours worked ..	168,715	121,654

3. No. All time off in lieu of overtime represents the equivalent number of overtime hours which the member has actually worked and for which he has elected not to receive payment. Time off in lieu of

overtime must be taken within the two calendar months following the month in which the overtime was worked.

4. During 1973–74, the following financial controls on the incidence of overtime were in operation with respect to members performing uniform duty—

(i) Each district was allocated a specific overtime budget for the year, and the importance of keeping within these allocations was emphasized at several superintendents' conferences.

(ii) Regular district overtime reports were prepared by the pay branch, indicating progressive expenditure compared with the allocations, and forwarded to officers in charge of districts through the metropolitan and country co-ordinators.

(iii) A general oversight upon the type of duty for which overtime was claimed and approved at district level was exercised by requiring the basic overtime documents to be forwarded along with the normal summaries. Any claims which did not appear to be justified were queried. Through sheer volume, these checks have been, of necessity, selective in nature.

Similar controls have been in operation during 1974–75.

5. The commuted overtime allowances payable to detectives, effective from 5th July, 1974, are as follows—

Sub-officers (Senior Sergeants and sergeants)	$967 per annum
Senior constables and constables	$770 per annum

6. The following payments were made to members for overtime worked during the periods stated—

Detectives (by way of commuted allowances)

1st July, 1973, to 30th June, 1974	$387,459
1st July, 1974, to 1st March, 1975	$367,403

Uniform members

1st July, 1973, to 30th June, 1974	$829,999
1st July, 1974, to 1st March, 1975	$706,127

7. During 1973–74, a total of 411 days off in lieu of overtime were granted to uniform members. For the current financial year to 1st March, 1975, the progressive total is 313 days off. No similar provisions apply for detectives.

8. As at 1st March, 1975, the actual strength of the Victoria Police was comprised of the following—

Detectives	705
Uniform members ..	5,183
	5,888

SPEED SIGN IN NORTH GEELONG.

(Question No. 1089)

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

Whether consideration will be given to removing the derestriction speed sign at Ballarat Road, North Geelong, from the point east of the Morongo Presbyterian Girls' College entrance gates to a point west of such school gates; if so, when this matter will be considered and appropriate action taken?

Mr. ROSSITER (Chief Secretary): The answer is—

The Road Safety and Traffic Authority is investigating the proposal in conjunction with the Country Roads Board and the Corio City Council. The investigation has not been completed but it is expected that a decision will be made at the next meeting of the Speed Limits Sub-Committee of the authority on 2nd May, 1975.

URBAN LAND COUNCIL.

(Question No. 1154)

Mr. EDMUNDS (Moonee Ponds) asked the Premier—

Whether he will provide a copy of the Urban Land Council agreement, mentioned in the 1973–74 report of the Town and Country Planning Board, to the member for Moonee Ponds?

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

There is no formal Urban Land Council agreement.

The 1973–74 report of the Town and Country Planning Board is in error in this matter, and the error has been acknowledged by the chairman of that board. A possible structure for an Urban Land Council was set out in an attachment to the Emerald Hill agreement.

SHOOTERS' LICENCES.

(Question No. 1166)

Mr. CURNOW (Kara Kara) asked the Chief Secretary—

1. What regulations prevent a person from carrying two guns at once?

2. Whether shooter's licences with the duck stamp attached have to be carried by the holder at all times; if so, whether he will arrange for waterproof gun licences and stamps to be issued in future to save embarrassment that occurred to many shooters at Boort who had their guns confiscated until they returned to their camp and produced a licence?

3. Whether a licence to hunt duck can be obtained by those persons who wish to hunt duck without a firearm without first obtaining a shooter's licence; if not, why?

Mr. ROSSITER (Chief Secretary): The answer is—

1. There is no regulation which prevents a person from carrying two guns at once, provided that he is the holder of a shooter's licence appropriate to the type of gun being carried.

2. There is no legislative provision making it a requirement for a shooter's licence, either with or without a duck stamp attached, to be carried by the holder at all times. However, under the provisions of section 27 of the Firearms Act, a member of the Police Force may demand the production of the shooter's licence of any person whom is believed to be carrying a gun and, if the person fails to do so, the member may seize and detain the gun until the licence is produced. The cost of producing water-proof licences and administrative difficulties involved make the introduction of this type of licence impracticable. There is, of course, nothing to prevent the holder of a shooter's licence from using a water-proof cover to protect his licence.

3. No. A proclamation under the Game Act prohibits—

(*a*) " the taking or killing of wild ducks of any kind by any means or device, other than the ordinary shot-gun of the calibre now known as 12-bore or gauge or under, or a rifle not exceeding a calibre of ·250 of an inch; and

(*b*) the use of any trap or snare or other contrivance, means or device of any kind whatsoever (other than the gun or rifle specified in paragraph (*a*) of this proclamation) for the purpose of taking or killing wild ducks of any kind ".

Accordingly, a shooters licence is required before a licence may be obtained to hunt duck.

CHILD RESTRAINTS IN CARS.

(Question No. 1176)

Mr. ROPER (Brunswick West) asked the Premier—

Further to the answer to question No. 898 asked on 8th April, 1975, concerning seat belts for young children—

1. Whether he will make available to the member for Brunswick West a copy of his letter to Mr. Campbell?

2. When the authority was asked to examine the matter and when its report is expected?

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

1. Yes.

2. A specific request was not made to the Road Safety and Traffic Authority about restraining devices for children in motor vehicles. This is one of the many road safety matters that the Under Secretary, Chief Secretary's Department, has discussed from time to time with the chairman of the authority. The Chief Secretary's Department has been examining the practicability of introducing a law.

Cabinet recently considered the matter and decided not to proceed with legislation until practical difficulties in making the requirements mandatory were resolved.

The Government has arranged for the Road Safety and Traffic Authority to prepare and initiate an intensive publicity campaign to encourage parents to suitably restrain their children while travelling.

PRINCES HIGHWAY INTERSECTION, MOE.

(Question No. 1181)

Mr. AMOS (Morwell) asked the Chief Secretary—

In respect to the Princes Highway and Watsons Road, intersection at Moe—

1. How many accidents, indicating fatal and other reportable accidents, respectively, have occured at this intersection since the establishment of the Moe by-pass?

2. Whether the intersection is classed as dangerous because Watsons Road crosses the Princes Highway at the end of the Moe by-pass?

3. Whether the overhead lighting at this intersection is adequate; if not, why, and why adequate lighting has not been provided?

4. Whether action will be taken to improve the safety of this crossing; if so, what action; if not, why?

Mr. ROSSITER (Chief Secretary): The answer is—

1. The following reported accidents have occurred at this intersection since the road was opened to traffic in December, 1968—

1969—Two involving personal injury and one involving a fatality

1970—Two personal injury

1971—One fatal

1972—One personal injury

1973—Two personal injjury

1974—One personal injury (for first nine months). The police have no record of any reported accidents within the last six months.

2. Intersections are not classified according to danger levels although reference is made to accident statistics when determining priorities for safety measures. The need for measures to improve safety at this intersection is recognised and steps are being taken as indicated in my answer to part 4 of the question.

3. Yes.

4. Planning is under way for the provision of an overpass at the location and construction will commence as soon as funds are available for the project.

PYRENEES HIGHWAY.

(Question No. 1189)

Mr. CURNOW (Kara Kara) asked the Minister of Transport—

Whether he is aware that the Pyrenees Highway from Elphinstone to Newstead is in an extremely dangerous condition; if so, whether he will give urgent consideration to providing funds to have the highway realigned and re-made and, if not, why?

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

While some sections of the Pyrenees Highway between Elphinstone and Newstead have a lower standard of alignment than adjacent sections which have been reconstructed in recent years, the conditions of the highway is not dangerous. Warning and advisory speed signs have recently been erected and following a further investigation by the Country Roads Board, additional traffic signs will be placed on the section between Castlemaine and Newstead.

The Country Roads Board has approved alignment plans for the Tunnel Hill section between Elphinstone and Chewton and proposes to carry out a survey for the realignment of the section between North Muckleford Road and Newstead during the 1975-76 financial year. However, no firm date can be given on when construction will commence as the funds presently available to the board do not permit these major reconstructions at this stage. In the meantime, the board will continue to maintain the highway pavement and road signs and markings in a satisfactory condition.

SMASH REPAIRS TO GOVERNMENT VEHICLES.

(Question No. 1208)

Mr. EDMUNDS (Moonee Ponds) asked the Premier—

1. What are the sources of the funds applied to smash repairs to Government vehicles and police vehicles in particular?

2. What total amount was expended for this purpose in the financial years 1973-74 and 1974-75 to date?

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

1. Repairs are carried out with funds supplied by the State Motor Car Insurance Office under comprehensive motor vehicle policies held with that instrumentality.

2. In 1973-74 payments made for all departments and instrumentalities totalled $435,307. This figure included $152,302 for the Victoria Police. No figures are available for 1974-75.

MUNICIPAL RATE CONCESSIONS.

(Question No. 1219)

Mr. TREZISE (Geelong North) asked the Premier—

In respect of pensioners qualifying for municipal rate concessions, what special charges such as dog licences, garbage and sewerage charges attract the 25 per cent reduction?

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

The Pensioners' Rates Remission Act 1975, which is now in operation, provides that in addition to a remission of one quarter of any general or extra rate an eligible pensioner must also be excused payment of one quarter of any rate or charge levied under sections 60 or 61 of the *Health Act* 1958. These rates or charges are for the removal of rubbish and/or nightsoil.

OAK INSURANCE LTD.

(Question No. 1268)

Mr. ROPER (Brunswick West) asked the Chief Secretary—

In respect of advertising by Oak Insurance Ltd.—

1. Whether newspaper advertisements which appeared in the *Sun News-Pictorial* and the *Age* on 8th April, 1975, were presented to the Under-Secretary for prior approval; if so, whether the advertisements were agreed to and appeared in the agreed form?

2. Whether television advertisements were shown to officers of the Chief Secretary's Department prior to their screening; if so, when, and whether the advertisements were agreed to as screened?

Mr. ROSSITER (Chief Secretary): The answer is—

1. A draft of proposed newspaper advertisement was forwarded to the Under-Secretary earlier this year. Certain amendments

were suggested to the management of Oak Insurance Ltd. and these amendments were accepted. The recent advertisements generally followed the agreed form.

2. No.

SCHOOLS IN BRUNSWICK WEST ELECTORATE.

(Question No. 1274)

Mr. ROPER (Brunswick West) asked the Minister of Health—

Which schools in the electoral district of Brunswick West received the normal annual inspection of pupils by—(*a*) the school medical service; and (*b*) the school dental service in 1974 and which schools will be visited this year?

Mr. SCANLAN (Minister of Health): The answer is—

(*a*) (i) The following schools in the State electoral district of Brunswick West were visited by the School Medical Service in 1974—

School

Brunswick South West, No. 4304
Brunswick North, No. 3585
Brunswick West, No. 2890
Brunswick North West, No. 4399
St. Ambrose's (Girls) Brunswick
Coburg West, No. 3941
Pascoe Vale South, No. 4704
St. Fidelis, West Coburg
St. Joseph's, West Brunswick
Brunswick Technical
Trinity Boys' College, Brunswick
St. Joseph's Junior College, Pascoe Vale

(ii) The following schools are rostered to be visited by the School Medical Service during 1975—

School

Brunswick North, No. 3585
Brunswick South West, No. 4304
St. Ambrose's (Girls) Brunswick
Brunswick North West, No. 4399
Brunswick West, No. 2890
Pascoe Vale South, No. 4704
Brunswick Technical
Trinity Boys' College, Brunswick
St. Joseph's Junior College, Pascoe Vale

(*b*) (i) The following schools in the State electoral district of Brunswick West were visited by the School Dental Service in 1974:

School

Brunswick South West, No. 4304
Brunswick North West, No. 4399

(ii) The following school is rostered to be visited by the School Dental Service during 1975—

School

Brunswick North, No. 3585

Legislative Council.

Tuesday, April 29, 1975.

The PRESIDENT **(Sir Raymond Garrett)** took the chair at 4.23 p.m., and read the prayer.

PAPERS.

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

Public Service Act 1958—Public Service (Public Service Board) Regulations—Regulations amended (Nos. 379 and 380) (two papers).

HOUSING (MOVABLE UNITS) BILL.

The debate (adjourned from April 23) on the motion of the Hon. J. M. Tripovich (Doutta Galla Province) for the second reading of this Bill was resumed.

The Hon. J. M. TRIPOVICH (Doutta Galla Province): This is a small amending Bill whose object is to ensure the legality of the non-rateability of housing units provided by the Housing Commission on loan or hire to people to accommodate their elderly parents or parents-in-law. As I understand the measure, it is necessary as a result of a decision which was given by the Municipal Officers Association when a question was raised by a council to the effect that these units when hired and placed on site should be rateable.

Opposition members accept the Minister's assurance to the House that the Government never intended that these units should be rateable. Therefore this Bill makes certain that the units are not rated by the municipality and that therefore the valuation of the property is not enhanced so as to affect its rateability by the Board of Works. I should like to submit to the Minister the viewpoint of the councils concerned with these units, but I hasten to assure the