PARLIAMENTARY DEBATES.

SESSION 1954-55.

Legislative Council and Legislative Assembly.

VOL. CCXLIII.

(Comprising the period from February 25 to October 6, 1954.)

MELBOURNE: W. M. HOUSTON, GOVERNMENT PRINTER.

1955.

4575/55.
The Governor.


The Lieutenant-Governor.

Lieutenant-General the Honorable Sir EDMUND FRANCIS HERRING, K.C.M.G., K.B.E., D.S.O., M.C., E.D.

The Ministry.

[Until July 7, 1954.]

Premier and Treasurer .......... The Hon. John Cain, M.L.A.
Chief Secretary ............... L. W. Galvin, M.L.A.
Minister of Transport, and a Vice-President of the Board of Land and Works..... P. L. Coleman, M.L.C.
Attorney-General, Minister in Charge of Prices, and Minister in Charge of Immigration.............. William Slater, M.L.C.
Minister of Health ............... W. P. Barry, M.L.A.
Minister of Agriculture, Minister of State Development and Decentralization, Minister of Water Supply, and a Vice-President of the Board of Land and Works...... C. P. Stoneham, M.L.A.
Minister in Charge of Housing, and Minister in Charge of Materials...... Thomas Hayes, M.L.A.
Minister of Labour, and Minister of Mines .......... A. M. Fraser, M.L.C.*
Minister of Education .............. A. E. Shepherd, M.L.A.
Commissioner of Crown Lands and Survey, Minister of Soldier Settlement, Minister for Conservation, and President of the Board of Land and Works......... J. H. Smith, M.L.A.
Commissioner of Public Works, and a Vice-President of the Board of Land and Works........... Samuel Merrifield, M.L.A.
Minister in Charge of Public Works, and a Vice-President of the Board of Land and Works...... J. W. Galbally, M.L.C.
Minister in Charge of Electrical Undertakings, and Minister of Forests........ F. R. Scully, M.L.A.
Ministers without Portfolio .......... M. J. Gladman, M.L.A.


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Board of Land and Works .......... J. H. Smith, M.L.A.  
Minister of Health .......... D. P. J. Ferguson, M.L.C.  
Minister in Charge of Housing .......... V. J. Doube, M.L.A.  
Minister of Forests and Minister of Mines .......... J. J. Sheehan, M.L.A.  
Ministers without Portfolio .......... G. L. Tilley, M.L.C.  
 .......... M. J. Gladman, M.L.A.  
 .......... R. J. Gray, M.L.A.
## List of Members of Parliament.

**THIRTY-NINTH PARLIAMENT—SECOND SESSION.**

### LEGISLATIVE COUNCIL.

<table>
<thead>
<tr>
<th>NAME</th>
<th>PROVINCE</th>
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<td>Arnott, D. L.</td>
<td>W. Prov.</td>
<td>Jones, Paul</td>
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<td>Bailey, A. J.</td>
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<td>K.B.E., Q.C.</td>
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<td>Jones, J. J.</td>
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† Death announced, November 23, 1954.
‡ Election announced, September 14, 1954.
§ Death announced, April 19, 1955.
|| Election announced, April 19, 1955.

**PRESIDENT:** THE HON. SIR CLIFDEN EAGER, K.B.E., Q.C.

**CHAIRMAN OF COMMITTEES:** THE HON. D. J. WALTERS.

**TEMPORARY CHAIRMEN OF COMMITTEES:** THE HONS. G. L. CHANDLER, PAUL JONES, H. C. LUDBROOK, AND WILLIAM MACAULAY.
**LEGISLATIVE ASSEMBLY.**

<table>
<thead>
<tr>
<th>NAME</th>
<th>DISTRICT</th>
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<tr>
<td>Barry, W. P.</td>
<td>Carlton</td>
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**SPEAKER:** THE HON. P. K. SUTTON.

**CHAIRMAN OF COMMITTEES:** MR. EARNEST MORTON.

**TEMPORARY CHAIRMEN OF COMMITTEES:** MR. COCHRANE, MR. COOK, MR. CORRIGAN, MR. FEWSTER, COLONEL LEGGATT, MR. O'CARROLL, MR. PETTY, AND MR. RYLAN.

**LEADER OF THE PARLIAMENTARY LABOUR PARTY:** THE HON. JOHN OAIN

**LEADER OF THE LIBERAL AND COUNTRY PARTY, AND LEADER OF THE OPPOSITION:**

**THE HON. H. E. BOLTE.**


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**HEADS OF PARLIAMENTARY DEPARTMENTS.**

*Assembly—Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr. H. K. McLachlan, J.P.*

*Council—Clerk of the Legislative Council: Mr. R. S. Sarah.*

*Hansard—Chief Reporter: Mr. G. J. Dowald.*

*Library—Librarian: Mr. E. L. Frazer.*
LEGISLATIVE COUNCIL.

Thursday, February 25, 1954.

OPENING OF THE SESSION BY HER MAJESTY QUEEN ELIZABETH THE SECOND.

The Second Session of the Thirty-ninth Victorian Parliament was opened this day.

The President (Sir Clifden Eager) took the chair at 2.26 p.m.

The Clerk read the following:

PROCLAMATION

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

Whereas the Parliament of Victoria stands prorogued until Tuesday, the ninth day of February, 1954: Now I, the Governor of the State of Victoria, in the Commonwealth of Australia, do by this my Proclamation further prorogue the said Parliament of Victoria until Thursday, the twenty-fifth day of February, 1954, and I do hereby fix Session 1954.—[1]

Thursday, the twenty-fifth day of February, 1954 aforesaid, at the hour of half-past Two o'clock in the afternoon, as the time for the commencement and holding of the next Session of the said Parliament of Victoria, for the despatch of business, in the Parliament Houses, situate in Spring-street, in the City of Melbourne: And the Honorable the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this fifth day of February, in the year of our Lord One thousand nine hundred and fifty-four, and in the second year of the reign of Her Majesty Queen Elizabeth II.

(L.S.) DALLAS BROOKS.

By His Excellency’s Command,

JOHN CAIN,

Premier.

GOD SAVE THE QUEEN!
THE QUEEN'S SPEECH.

The Usher of the Black Rod announced the approach of Her Majesty the Queen.

Her Majesty, accompanied by His Royal Highness the Duke of Edinburgh, entered the Chamber, attended by members of the Royal Household.

Her Majesty, having taken her seat in the Royal Chair on the Dais, said:

Mr. President, I desire the immediate attendance of Mr. Speaker and members of the Legislative Assembly in the Legislative Council Chamber.

The Legislative Assembly, with their Speaker, appeared at the Bar.

Her Majesty addressed the following Speech to both Houses of Parliament:—

MR. PRESIDENT AND HONORABLE MEMBERS OF THE LEGISLATIVE COUNCIL:

MR. SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY:

It is but seldom that the Sovereign is able to open Parliament outside the United Kingdom, and I welcome the opportunity to exercise this historic privilege in Victoria.

When I first opened Parliament at Westminster late in 1952, I said that I looked forward with deep pleasure to fulfilling my long-cherished hopes of visiting with my husband my peoples in Australia, New Zealand and Ceylon.

Those hopes are now being fulfilled.

After the warmth and cordiality of the welcome accorded to us on our arrival in Victoria we anticipate with pleasure our sojourn in this State.

MR. SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY:

A review of revenue and expenditure for the first half of the current financial year indicates that a satisfactory Budget is assured.

Supplementary estimates of expenditure for the year 1953-54 will be laid before you in due course.

MR. PRESIDENT AND HONORABLE MEMBERS OF THE LEGISLATIVE COUNCIL:

For eight successive years Victoria has been blessed with bountiful seasons. During the year just ended the Spring growth of pastures was good and the production of all kinds of livestock was high. It is estimated that the wheat crop will yield more than 50 million bushels.

A programme of important legislation will be brought forward later in the Session.

This will include a Bill relating to child welfare. The existing legislation is, in many ways, not adaptable to progressive social standards. The new measure will deal comprehensively with the care, maintenance and welfare of those children who come under the supervision of the Children's Welfare Department.

A Bill designed to improve and consolidate the law controlling the transfer of land will be laid before you.

The regulation of building is being attentively examined with a view to legislation.

A comprehensive amending measure dealing with public health will be introduced.

Other measures will be laid before you in due course.

I now leave you to the discharge of your important duties.

I pray that the blessing of Almighty God will rest upon your deliberations.
Copies of the Speech were handed by Her Majesty's Private Secretary to the President and the Speaker.

Her Majesty, His Royal Highness and members of the Royal Household withdrew.

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

The sitting was suspended at 2.43 p.m. until 5.30 p.m.

The President (Sir Clifden Eager) took the chair, and read the prayer.

JOINT ADDRESS OF WELCOME.

PRESENTATION: HER MAJESTY'S REPLY.

The President (Sir Clifden Eager).

—I have to report that, in accordance with the resolution adopted by both Houses on the 12th day of December last, I, yesterday, together with the Honorable the Speaker of the Legislative Assembly and honorable members of both Houses, presented the Joint Address of Welcome to Her Majesty the Queen, in Queen's Hall, Parliament House, and Her Majesty was pleased to make the following reply:—

Mr. President and Mr. Speaker,

I sincerely thank you for the cordial welcome which you have extended to me and to my husband on behalf of the Legislative Council and the Legislative Assembly of Victoria.

Your expressions of loyalty and devotion are greatly valued by us both.

I look forward to meeting you all to-morrow when I shall have the pleasure of opening the second session of your Parliament and I can assure you that we shall both enjoy to the full our visit to your State.

Elizabeth R.

24th February, 1954.

STATUTE LAW REVISION BILL.

The Hon. P. L. Coleman (Minister of Transport).—In order to preserve the privileges of this House and in accordance with the Standing Orders, I move for leave to bring in a Bill to revise the statute law and for other purposes.

The motion was agreed to.

The Bill was brought in, and read a first time.

ELECTIONS AND QUALIFICATIONS COMMITTEE.

The President (Sir Clifden Eager) laid on the table his warrant appointing the Honorable P. T. Byrnes, G. L. Chandler, A. M. Fraser, Sir James Kennedy, G. S. McArthur, William Slater, and I. A. Swinburne, as the Committee of Elections and Qualifications.

TEMPORARY CHAIRMEN OF COMMITTEES.

The President (Sir Clifden Eager) laid on the table his warrant nominating the Honorable G. L. Chandler, Paul Jones, H. C. Ludbrook, and William MacAulay to act as Temporary Chairmen of Committees.

STATUTE LAW REVISION COMMITTEE.

The Hon. P. L. Coleman (Minister of Transport).—By leave, I move—

That the Honorable T. W. Brennan, P. T. Byrnes, H. C. Ludbrook, G. S. McArthur, I. A. Swinburne, and F. M. Thomas be members of the Statute Law Revision Committee.

The motion was agreed to.

LEAVE OF ABSENCE.

The Hon. F. M. Thomas (Melbourne Province).—By leave, I move—

That leave of absence be granted to the Honorable Maurice Patrick Sheehy for four months, on account of ill-health.

The President (Sir Clifden Eager).

—I am sure that all members sympathize sincerely with Mrs. Sheehy because of the illness of her husband. We trust that Mr. Sheehy, who is seriously ill, will be back with us at the expiration of the period of four months mentioned by Mr. Thomas. I am certain that every member would like to express his sympathy to Mr. Sheehy for his having to absent himself from the House on such a notable occasion as the Opening to-day, because of circumstances that are entirely beyond his control.

The motion was agreed to.

ADDRESS-IN-REPLY TO THE QUEEN'S SPEECH.

The President (Sir Clifden Eager).

—I have to report that Her Majesty the Queen attended the House this day and
was pleased to make a Speech, of which, for greater accuracy, I have obtained a copy. As the Speech is printed, I take it that honorable members do not desire that I should read it to them.

The Speech, which is an historical document, signed in the Queen's own handwriting, will be laid on the table so that members may view it if they desire to do so.

The Hon. P. L. COLEMAN (Minister of Transport).—I move—

That the Council agree to the following Address to Her Majesty the Queen, in reply to Her Majesty's opening Speech:—

TO HER MOST GRACIOUS MAJESTY
ELIZABETH THE SECOND, BY THE GRACE OF
GOD, OF THE UNITED KINGDOM, AUSTRALIA,
AND HER OTHER REALMS AND TERRITORIES,
QUEEN, HEAD OF THE COMMONWEALTH,
DEFENDER OF THE FAITH.

MAY IT PLEASE YOUR MOST GRACIOUS MAJESTY:

We, the Legislative Council of Victoria in Parliament assembled, beg to express our humble thanks for the gracious Speech Your Majesty has been pleased to address to Parliament and to reaffirm our deep and abiding loyalty to the Throne and our affection for Your Majesty's person.

We are deeply conscious of the privilege granted to us and the honour bestowed upon us by Your Majesty in opening this session of the Thirty-ninth Parliament.

We assure Your Majesty that our most earnest consideration will be given to the measures to be submitted to us, and join with Your Majesty in praying for Divine guidance in all our deliberations.

I am greatly honoured to have the privilege of moving the adoption of the Address-in-Reply to the Speech delivered to-day in this Chamber by Her Majesty the Queen. It was an event of historic importance and, for those who were present, an unforgettable experience. Her Majesty the Queen—our Queen—in the presence of her very distinguished husband, His Royal Highness the Duke of Edinburgh, opened a session of Victoria's Thirty-ninth Parliament. We should dwell here for a moment, I think, and try fully to appreciate the significance of this great occasion.

The Address-in-Reply expresses our humble thanks to Her Majesty for her Speech to Parliament. It reaffirms our deep and abiding loyalty to the Throne and our affection for the person of Her Majesty, and I think we should also express our gratitude for the visit to our country of Her Majesty and His Royal Highness. The people of this city of Melbourne expressed their gratitude and displayed their loyalty and affection yesterday, and again to-day, and we can assure Her Majesty and His Royal Highness that the same affectionate welcome awaits them from the people who are privileged to meet and greet them in other parts of this State. I would add that this visit will further strengthen the already strong bonds of friendship and loyalty which exist between the members of the British Commonwealth of Nations.

The Speech delivered by Her Majesty indicated a number of matters to which the Government will give attention during the forthcoming session. These and other matters affecting the development of the State and the welfare of its people will be implemented more vigorously and more courageously because of the interest displayed and the inspiration provided by the presence in this State of our lovely and gracious young Queen.

We are proud of the leadership provided by members of the Royal Family and of the courage displayed by them in times of our nation's adversity, and we gratefully acknowledge the personal interest they continue to exhibit in the welfare of all sections of the community.

We express the hope that the stay among us of Her Majesty and His Royal Highness will be a peaceful one, and that when they leave our State they will carry away with them memories of the affection we have for them and the members of their family, and of the strong desire we have to greet them again in the not too distant future.

We pray that Her Majesty and His Royal Highness may be blessed with continued good health. May the reign of Her Majesty Queen Elizabeth The Second be a peaceful one, and may she, through grace, maintain the strength and courage to direct the destiny of the British Commonwealth of Nations for many years to come. I submit the motion for the favourable consideration of honorable members.
Sir JAMES KENNEDY (Higinbotham Province).—I look upon it as a great honour to be asked on behalf of the Liberal and Country party to second the motion for the adoption of the Address-in-Reply to Her Gracious Majesty Queen Elizabeth The Second on the occasion of her opening this Parliament of Victoria. I join with the Leader of the Government in this House in his expressions of loyalty and devotion to our beloved Queen. Ever since she ascended the Throne, by her Christian character, by her devotion to duty, and by her example in her home and public life, Her Majesty has more and more endeared herself to her people, and now that she has come among us, and we have had the privilege of meeting her and of hearing her, our hearts go out to her in increased love and devotion.

We trust that her stay in Victoria will be a most happy one and that she will be long spared to reign over us. I cannot do better than conclude with the words of that well-known prayer—

The Lord bless thee, and keep thee:
The Lord make his face shine upon thee, and be gracious unto thee:
The Lord lift up his countenance upon thee, and give thee peace.

I second the motion.

The Hon. P. T. BYRNES (North-Western Province).—On behalf of members of the Country party, I concur in the sentiments of loyalty and goodwill expressed by the Leader of the House and by Sir James Kennedy. This is an historic occasion of very great significance, because we people of Victoria are part of the Commonwealth of Australia, which is, in turn, part of the British Commonwealth of Nations—an entirely new conception of government, at any rate, internationally. We are no longer officially part of an Empire, but are a confederation of States united by common bonds. This development opens up an entirely new era in the history of Great Britain and the old colonies, as we knew them, and of the British Commonwealth of Nations.

It is indeed fitting that this new arrangement, or new period in our national existence, if not in its absolute inauguration, should have its infancy during the reign of a young and lovely Queen, a young woman who is, herself, a symbol of all that we hold dear in life. Although trained in the traditions of her very high office—the highest in the British Commonwealth of Nations—she is also a young wife and a young mother. Thus she unites in her person all that we hold dearest and best in life. It is an honour to serve her and to express to Her Majesty in this Chamber the homage that is due to the Crown.

I join, therefore, with the Leader of the House and Sir James Kennedy, on behalf of all the members present, in expressing the sentiments of loyalty and goodwill. We trust that Her Majesty will be long spared to reign, that her reign will be a proud and peaceful one, and that during her occupancy of the Throne we shall rise to greater heights historically than ever before. The visit of Her Majesty and His Royal Highness the Duke of Edinburgh has done more to bind the ties that unite the members of the British Commonwealth of Nations than anything else could possibly have done. It will strengthen the Commonwealth of Nations to face whatever fate has in store for us, and enable us to accomplish greater achievements than ever.

The motion for the adoption of an Address-in-Reply to Her Majesty’s Speech was agreed to unanimously.

PRESENTATION OF ADDRESS-IN-REPLY.

The Hon. P. L. COLEMAN (Minister of Transport).—I wish to inform the House that I have ascertained it to be the pleasure of the Queen that the Address-in-Reply to Her Majesty’s Speech be presented to the Governor, and that His Excellency will be pleased to receive the Address on Her Majesty’s behalf at a quarter to Twelve o’clock on Tuesday, 30th March next, at Government House. I move—

That the Address be presented to His Excellency the Governor by the President and such members of the Council as may wish to accompany him on Tuesday, 30th March next, at a quarter to Twelve o’clock.

The motion was agreed to.
Joint Address [ASSEMBLY.]

ADJOURNMENT.
The Hon. P. L. COLEMAN (Minister of Transport).—I move—

That the Council, at its rising, adjourn until a day and hour to be fixed by the President, or, if the President is unable to act on account of illness or other cause, by the Chairman of Committees, which time of meeting shall be notified to each honorable member by telegram or letter.

The motion was agreed to.
The House adjourned at 5.53 p.m.

LEGISLATIVE ASSEMBLY.
Thursday, February 25, 1954.

OPENING OF THE SESSION BY HER MAJESTY QUEEN ELIZABETH THE SECOND.
The Speaker (the Hon. P. K. Sutton) took the chair at 2.26 p.m., and read the prayer.

The Clerk read the proclamation by His Excellency the Governor convoking Parliament.

The Usher of the Black Rod of the Legislative Council brought a message from Her Majesty Queen Elizabeth The Second desiring the attendance of honorable members in the Chamber of the Legislative Council.

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

The sitting was suspended at 3.45 p.m. until 5.16 p.m.

JOINT ADDRESS OF WELCOME.
PRESENTATION: HER MAJESTY'S REPLY.
The Speaker (the Hon. P. K. Sutton).—I have to report that in accordance with a resolution adopted by both Houses on the 12th day of December last, I, yesterday, together with the Honorable the President of the Legislative Council and honorable members of both Houses, presented the Joint Address of Welcome to Her Majesty the Queen in Queen's Hall, Parliament House, and Her Majesty was pleased to make the following reply:—

Mr. President and Mr. Speaker,

I sincerely thank you for the cordial welcome which you have extended to me and to my husband on behalf of the Legislative Council and Legislative Assembly of Victoria.

Your expressions of loyalty and devotion are greatly valued by us both.

I look forward to meeting you all to-morrow when I shall have the pleasure of opening the second session of your Parliament and I can assure you that we shall both enjoy to the full our visit to your State.

ELIZABETH R.
24th February, 1954.

TRUSTEE (AMENDMENT) BILL.
Mr. CAIN (Premier and Treasurer).—In accordance with the usual practice, and in order to preserve the privileges of this House, I move for leave to bring in a Bill to amend sections 4 and 33 of and the First Schedule to the Trustee Act 1953.

The motion was agreed to.
The Bill was brought in, and read a first time.

STATUTE LAW REVISION COMMITTEE.
Mr. CAIN (Premier and Treasurer) (By leave).—I move—

That the following members be appointed members of the Statute Law Revision Committee:—Mr. Hollway, Mr. Mitchell, Mr. Pettonia, Mr. Randles, Mr. Rylah, and Mr. White (Allendale).

The motion was agreed to.

ADDRESS-IN-REPLY TO THE QUEEN'S SPEECH.
The Speaker (the Hon. P. K. Sutton).—I have to report that the House this day attended Her Majesty the Queen in the Legislative Council Chamber, when Her Majesty was pleased to make a Speech to both Houses of Parliament, of which, for greater accuracy, I have obtained a copy. As the Speech is printed, and copies are in the hands of honorable members, it will not be necessary for me to read it.

Mr. CAIN (Premier and Treasurer).—I move—

That the following Address, in reply to the Speech which Her Majesty was graciously pleased to address to both

Houses of Parliament on opening this session of the Parliament of Victoria, be agreed to by this House:—

TO HER MOST GRACIOUS MAJESTY
ELIZABETH THE SECOND, BY THE GRACE OF
GOD, OF THE UNITED KINGDOM, AUSTRALIA,
AND HER OTHER REALMS AND TERRITORIES,
QUEEN, HEAD OF THE COMMONWEALTH,
DEFENDER OF THE FAITH.

MAY IT PLEASE YOUR MOST GRACIOUS
MAJESTY:

We, the Legislative Assembly of Victoria, in Parliament assembled, beg to express our humble thanks for the gracious Speech Your Majesty has been pleased to address to Parliament, and to reaffirm our deep and abiding loyalty to the Throne and our affection for Your Majesty’s person.

We are deeply conscious of the privilege granted to us and the honour bestowed upon us by Your Majesty in opening this session of the Thirty-ninth Parliament.

We assure Your Majesty that our most earnest consideration will be given to the measures to be submitted to us, and join with Your Majesty in praying for Divine guidance in all our deliberations.

Mr. Speaker, I am deeply conscious of the great privilege of submitting this motion—a privilege which falls to few—for this is the most unique and historic occasion in the history of this Parliament. I am sure I am expressing the will and the deep sense of gratitude of the members of this House, irrespective of where they sit, to Her Majesty. The presence of the Queen has added splendour and dignity to the proceedings of this House. She has shown herself to be not only a Queen but a versatile lady.

What we appreciate more than anything else is that Her Majesty is the very embodiment of our great democracy and our Parliamentary institution, which is the bastion of that democracy. Looking back over the years, and the tragic happenings of war, we appreciate and realize more than ever what our Parliament means to us and to the people. This institution has always been proud of its efforts to conserve the freedom of the people, to guard their rights and their privileges. It has been and always will be, the inherent right of the people to make and unmake Governments. While this right remains there need be no fear for the future of democracy. It is always safe in their keeping. Where the people rule—and they are the unmistakable rulers in this free country—there must be justice and equality, peace and prosperity. These blessings are in full measure in this State.

We are delighted to meet Her Majesty and His Royal Highness so early in the reign of our young Queen. They have brought to this Parliament their grace and charm; they have bestowed on us a great honour, which we appreciate to the full. The wonderful demonstrations of loyalty and affection which we witnessed yesterday will ever remain a happy memory with us, for that great day of rejoicing was the people’s tribute to their Queen—the Queen of Australia. It was a tangible expression of their loyalty to a young and smiling Queen.

We must all have been impressed with the enthusiasm and warmth of the young people in the vast crowd that greeted Her Majesty and His Royal Highness. The children of this State sincerely acclaimed them, without restraint, and with a freshness that manifested their love and goodwill for their Sovereign and her husband. Her Majesty and His Royal Highness have indeed won the hearts of the people. They have done so with simplicity and sincerity.

We greet our Queen as we would a close and dear friend. She has brought joy and happiness to our citizens; she has won their full affection. We wish her well. We wish her a long, happy and peaceful reign—a reign marked by the growth and influence of our great nation, a reign that will be beneficial to all nations and to all peoples. Most of all, we pray that her happiness will be complete—with her family, with her counsellors, and her people.

Her Majesty and His Royal Highness will spend with us but a few short days, but into that period will be crowded festivities and functions that I trust will remain in their memories for many years to come. We shall ever remember this triumphant visit of our Queen. May God bless and prosper her reign.
Mr. BOLTE (Leader of the Opposition).—It is an honour for me to support the remarks of the Honorable the Premier on the motion that he has submitted to the House. To-day has been a red-letter day in the life of government in this sovereign State of Victoria. We shall always look back on to-day as the occasion on which we received inspiration and an example of leadership that must inspire us to even greater efforts than those we have exerted in the past.

To-day I have learnt a lesson from what I consider to be the generous action of the Premier in that he departed from all precedent by moving, as Leader of the Government, the adoption of an Address-in-Reply to the Speech delivered by Her Majesty the Queen. He asked me, the Leader of the Opposition, to second his motion. I readily avail myself of the privilege. As I said before, the Premier's action is, to me, the outstanding lesson of the Royal visit, as I am sure it will be not only to the other elected representatives of the people but also to the public generally.

In this Chamber to-day we have witnessed what I believe to be something that is above politics, above creed, and above sect; we have learnt to be united in the good things of life. I suggest that Her Majesty and members of the Royal Household stand for the big things, the good things of life. We, members of this Assembly, have our differences politically and otherwise, and sometimes we become violent in disagreement, but when we analyse closely those disagreements it will be frequently noticed that they are the mean things, the small things. Often we attach far too much importance to the smaller things of life and overlook that most precious gift which we all possess—our freedom—which is typified by Her Majesty and members of the Royal Household. That, I believe, is one of the significant lessons of the Royal visit.

Our thanks must be expressed to Her Most Gracious Majesty for, first of all, undertaking this tour of Australia, and for giving us all the opportunity of conveying, even in a poor and insignificant manner, what we really feel and think. Even the crowds in the streets with all their exuberance, even the best orators in the land, fail, in my opinion, in really expressing to Her Majesty and His Royal Highness the Duke of Edinburgh what we actually feel and what we know to be the democratic nature of the laws under which we are living.

I suggest that in His Royal Highness we are signally fortunate in having a man who has won honour and distinction in his own right. On the day of the Royal marriage we were doubly blessed. Naturally, at a time such as the present our thoughts turn to the other members of the Royal Family—Prince Charles, Princess Anne, the Queen Mother, and Princess Margaret. It is very pleasing to realize that the young Prince and the young Princess will be able to rejoin their mother and father sooner than they had expected. We shall look forward to the day when any members of the Royal Family visit or revisit this country, so that we may express the loyalty that we shall always give them, humbly but proudly, and show our appreciation of the Royal Family that means so much to us.

I shall be brief in my remarks concerning Her Majesty's Speech to members of both Houses of Parliament. Suffice it to say that I assure Her Majesty that her Opposition in this House will approach the subject of child welfare purely from a humanitarian point of view, reserving, of course, the right to criticize and to amend proposed legislation constructively but only with a view to improving and making it more workable. Doubtless, other Bills will be brought forward in due course, and I assure Her Majesty that, in relation to those measures, her Opposition will maintain its attitude in approaching consideration of all legislative matters with dignity and constructive criticism. It will do so because Opposition members are in a position to realize, even more than does the Government, the value of all those principles for
which our system of government stands, including the rights and privileges of minorities, which principle, I believe, constitutes the backbone of our democratic and British system of government. Of course, minorities must at times bow to the wishes of the majority, but under our system of government all Ministries try to apply sympathetically the principle of protecting minorities, making sure that no section of the people is really hurt, but that if suffering is caused in any way those affected are adequately compensated.

I believe that Her Majesty's visit will inspire us all to greater public service. Our reward comes automatically, but the reward that Her Majesty is receiving each day and each hour is our acknowledgment that she is giving great leadership and inspiration to her people. I conclude with the same sentiment as was expressed by the Premier by wishing Her Majesty and her husband and family long life. We trust that these Royal visitors may be our leaders and our inspiration for many years to come and that we may rise to greater efforts because of their leadership.

Mr. McDonal (Leader of the Country Party).—I deem it a very great honour and privilege as a member of this House, and as a member of the Country party, to be afforded the privilege of supporting the resolution submitted by the Premier and seconded by the Leader of the Opposition. The events of to-day and yesterday have been memorable to us all. I doubt whether any of the older members of the House ever dreamt that we would enjoy this very great honour of having the Victorian Parliament opened by Her Majesty. Many of us hoped that one day the Sovereign would be able to come to Victoria and open Parliament, and at last our hopes have been realized. To-day, history is being made because we have the Monarch of the British Commonwealth of Nations in our midst, helping us to realize the real significance of the great traditions of the Throne that is now occupied by our lovely and charming Queen, and of the story of the British people embodied in herself as the head of all the Parliaments of the British Commonwealth.

To-day I was profoundly impressed by the brilliance and significance of the ceremonial, and perhaps I should also say the solemnity of the Queen reading her Speech in the other House of Parliament. Having been born in Scotland I can only say, Mr. Speaker, that I shall cherish the memory of the ceremony I have been privileged to see to-day. I regard it as a great honour to be a member of this Parliament, of which our Queen is the head.

I join with the Premier and the Leader of the Opposition in wishing the Royal Family God's blessing, health and strength. May Her Majesty be given guidance long to reign over us and all the people who have demonstrated in no uncertain manner their sincere loyalty and warm affection. I would not be human if I had not been very deeply moved by the scenes which I witnessed in Melbourne to-day. I saw men, who I know are strong characters, with tears in their eyes when Her Majesty stood on the steps of Parliament House while the enormous crowd assembled sang "God Save the Queen." I was proud to think that at last we in this country were being afforded the privilege of completing, shall I say, the constitutional system under which we live and work.

The motion for the adoption of an Address-in-Reply to Her Majesty's Speech was agreed to unanimously.

PRESENTATION OF ADDRESS-IN-REPLY.

Mr. Cain (Premier and Treasurer).—I desire to inform the House that I have ascertained it to be the pleasure of the Queen that the Address-in-Reply to Her Majesty's Speech be presented to the Governor, and that His Excellency will be pleased to receive the Address on Her Majesty's behalf at a quarter to Twelve o'clock on Tuesday, 30th March Session 1954.—[2]
next, at Government House. Honorable members are invited to be present on that occasion.

The SPEAKER (the Hon. P. K. Sutton).—The question is—
That the said Address be presented to His Excellency the Governor by Mr. Speaker and members of the House on Tuesday, 30th March next, at a quarter to Twelve o'clock.

The motion was agreed to.

ADJOURNMENT.

Mr. CAIN (Premier and Treasurer).—I move—
That the House, at its rising, adjourn until a day and hour to be fixed by Mr. Speaker or, if Mr. Speaker is unable to act on account of illness or other cause, by the Chairman of Committees, which time of meeting shall be notified to each member of the House by telegram or letter.

The motion was agreed to.

The House adjourned at 5.40 p.m.

LEGISLATIVE ASSEMBLY.

Tuesday, April 6, 1954.

The Speaker (the Hon. P. K. Sutton) took the chair at 4.5 p.m., and read the prayer.

THE QUEEN'S SPEECH.

PRESENTATION OF ADDRESS-IN-REPLY.

The SPEAKER (the Hon. P. K. Sutton).—As directed by this honorable House, I waited upon His Excellency the Governor on Tuesday last, and presented to him the Address of the Legislative Assembly, agreed to on 25th February last, in reply to the Speech of Her Most Gracious Majesty Queen Elizabeth the Second on the opening of Parliament. His Excellency was pleased to make the following reply:—

Mr. Speaker and Members of the Legislative Assembly:

In accordance with the wishes and on behalf of Her Majesty the Queen, I thank you for your expressions of loyalty to our Most Gracious Sovereign contained in the Address you have just presented to me, which I shall be pleased to transmit to Her Majesty.

I fully rely on your wisdom in deliberating upon the important measures to be brought under your consideration, and I earnestly hope that the results of your labours will be conducive to the advancement and prosperity of this State.

TEMPORARY CHAIRMEN OF COMMITTEES.

The SPEAKER (the Hon. P. K. Sutton) laid on the table his warrant nominating Mr. Cochrane, Mr. Cook, Mr. Corrigan, Mr. Fewster, Colonel Leggett, Mr. O'Carroll, Mr. Petty and Mr. Rylah, as temporary Chairmen of Committees.

POLICE OFFENCES (UNLAWFUL GAMES) BILL.

Mr. CAIN (Premier and Treasurer), by leave, moved for leave to bring in a Bill to amend sections 72 and 93 of the Police Offences Act 1928.

The motion was agreed to.

The Bill was brought in and read a first time.

STATE SAVINGS BANK (DEPOSITS) BILL.

Mr. CAIN (Premier and Treasurer), by leave, moved for leave to bring in a Bill to re-enact section 33 of the State Savings Bank Act 1928.

The motion was agreed to.

The Bill was brought in and read a first time.

TOWN AND COUNTRY PLANNING BILL.

Mr. MERRIFIELD (Minister of Public Works), by leave, moved for leave to bring in a Bill to amend the Town and Country Planning Acts, and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

POLICE OFFENCES (OBSCENE PUBLICATIONS) BILL.

Mr. GALVIN (Chief Secretary), by leave, moved for leave to bring in a Bill to amend Part V. of the Police Offences Act 1928, and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.
CHANDLER HIGHWAY AND BRIDGE BILL.

Mr. MERRIFIELD (Minister of Public Works), by leave, moved for leave to bring in a Bill to vest in Her Majesty the Chandler Highway and Bridge in the Cities of Heidelberg and Kew.

The motion was agreed to.

The Bill was brought in and read a first time.

LOCAL GOVERNMENT (ELECTIONS AND POLLS) BILL.

Mr. MERRIFIELD (Minister of Public Works).—By leave, I move—

That I have leave to bring in a Bill relating to entitlement to vote at municipal elections and polls, and for other purposes.

Colonel LEGGATT (Mornington).—Could the Minister give some idea of the subject matter of this Bill?

Mr. MERRIFIELD (Minister of Public Works).—This measure relates, inter alia, to the abolition of plural voting at municipal elections. A further provision abolishes the necessity for municipal councils to show the Legislative Council province on the rate notice. That information is now unnecessary as a result of adult franchise applying to elections of the Legislative Council.

The motion was agreed to.

The Bill was brought in and read a first time.

LOCAL GOVERNMENT (CITY OF SUNSHINE) BILL.

Mr. MERRIFIELD (Minister of Public Works), by leave, moved for leave to bring in a Bill to amend section 3 of the Local Government (Shire of Braybrook) Act 1950.

The motion was agreed to.

The Bill was brought in and read a first time.

MELBOURNE AND METROPOLITAN TRAMWAYS (BOARD) BILL.

Mr. SHEPHERD (Minister of Education), by leave, moved for leave to bring in a Bill relating to the constitution and powers of the Melbourne and Metropolitan Tramways Board.

The motion was agreed to.

The Bill was brought in and read a first time.

POLICE OFFENCES (UNLAWFUL GAMES) BILL.

Mr. CAIN (Premier and Treasurer).—I move—

That this Bill be now read a second time.

I take this opportunity of thanking both sections of the Opposition for their cooperation with the Government in permitting this and other Bills to reach the second-reading stage to-day. The co-operation of the Opposition will expedite legislation that is coming on to the Notice Paper.

Mr. BOLTE.—The Opposition can guarantee nothing else.

Mr. CAIN.—I expect no guarantee. I believe that the Opposition, in agreeing that the business of the House should be expedited, has acted wisely because, after the second-reading speeches have been made, the debate on the various measures can be adjourned for a week or a fortnight. I might mention that the present sessional period will be a short one; the Government wants to finish it in not more than five weeks.

This Bill relates to the conduct of housey-housey. I do not propose to discuss the merits and demerits of what has become known concerning the playing of that game in Victoria. Various Governments have reviewed the question of whether the game should be permitted to continue or whether it should be banned. Our Government has decided, in the light of the facts as it sees them, to introduce legislation in the terms stated in the Bill. It has been ascertained that the total sum of money invested in housey-housey in Victoria has risen by, roughly speaking, £500,000 in a little over twelve months, and the Government is of the opinion that the time has arrived when the problem must be tackled. The suggestion was made in some quarters that the game should merely be banned or that no more permits should be issued, but the Government felt that such action would not put an end to the playing of housey-housey in Victoria; it could have been carried on in certain circumstances without permits, and the Government
decided that the right thing to do was to place housey-housey in the same category as baccarat, skill-ball, and other illegal games. This Bill proposes to do that. I trust that the measure will have the blessing of all members of this House. When it becomes law it will be unlawful for any person to play housey-housey in the State of Victoria. The game will be prohibited completely, in exactly the same way as skill-ball and baccarat have been banned for the last few years.

The effect of making the game an unlawful one will be two-fold. First, the keeper of the house or place at which the unlawful game is played will be liable to a penalty of not more than £500 or to imprisonment for not more than twelve months, and, secondly, every person playing or betting at the unlawful game will be deemed to be a rogue and vagabond and will be liable to imprisonment for a term of not more than two years, but the court convicting may substitute a fine of not more than £25 in lieu of a term of imprisonment.

Over the years, there has been much talk about certain people making considerable sums of money out of housey-housey. I think it can be stated truthfully that several charities have received large amounts from the proceeds of this game. Various hospitals have benefited. I understand that Prince Henry's hospital received in excess of £100,000 during a period of years. Other institutions derived benefits also. Disregarding those games that were conducted for a few weeks only during the summer season, and considering only those that ran continually, of which there were perhaps ten or twelve in the metropolitan area, they returned to one promoter, for the rent of tents, management fees and so on, in the region of £450 to £500 a week. In the absence of an intimate knowledge of the facts, I cannot state specifically what service was provided, but I am satisfied that there was no justification for such a heavy charge being imposed. Certain organizations that conducted games had to pay out to the promoter from £50 to £70 a week for the rent of a tent or something of the kind. At Footscray, however, the game was conducted by the local municipal council. This was probably the most cleanly run show of the lot, and it was managed very efficiently. Taking turnover into consideration, it provided more money for charity, probably, than any other venture.

Those are the facts, shortly stated. I have heard representations by certain members on this question. Housey-housey offers great attractions, and those who participate always seek the big prize, or the jackpot, as it is called. I understand that the promoters start with a 6d. or 1s. game, follow with a 2s. game, and later conduct the big game, or the jackpot. People have been induced to stay until late at night, waiting for the jackpot. I do not know whether the prize in that game has always been received by the legitimate winner, but some doubts have been expressed on that question. I do not wish to criticize anybody. Apparently the procedure adopted very largely by the promoters in various suburbs of Melbourne is as I have outlined. Some of these games have been held in halls and in other buildings, where the surroundings have been congenial; others have been conducted under all sorts of conditions, and tents have been used.

The Government considered that, in view of the feeling in the community, it was undesirable to allow this game to be conducted, and decided to ban it. That is the intention of the Bill. I could unravel many figures, which have been mentioned in this House before but really prove nothing. Although a large sum of money has been provided for charitable purposes, there seems to be one great objection, namely, that the promoters receive too much.

Mr. Bolte (Leader of the Opposition).—I move—

That the debate be now adjourned.

Mr. Cain.—And be resumed on Tuesday next.

Colonel Leggatt (Mornington).—I do not oppose the adjournment of the debate for a week, but I ask the Premier
whether he will supply to the Opposition the figures to which he referred but which he did not state to the House, as well as other material that would be of use. The Premier stated that the Government had merely decided to declare housey-housey an illegal game and that the Bill, when passed, would enable a person who played it to be declared a rogue and vagabond. The honorable gentleman gave no other explanation.

Mr. CAIN.—What other explanation does the honorable member require?

Colonel LEGGATT.—I should like stated the reasons why the Government has decided to ban housey-housey.

Mr. GALVIN.—The figures sought have been published in Hansard.

Colonel LEGGATT.—I ask the Premier to make available to the Opposition the information to which I have referred.

Mr. CAIN.—I will consider the question of supplying any figures that I have; I will make no promises.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until Tuesday, April 13.

STATE SAVINGS BANK (DEPOSITS) BILL.

Mr. CAIN (Premier and Treasurer).—I move—

That this Bill be now read a second time.

The purpose of the Bill is to re-enact section 33 of the State Savings Bank Act 1928, and it has been introduced following the receipt by me within the last three or four weeks of a request from the Commissioners and management of the bank. I had not previously been approached on the matter. At present the Act provides that the Commissioners may pay interest on deposits of up to £1,000. On higher individual deposits no interest whatever is paid.

The Commissioners advised that certain other banks propose to increase from £1,000 to £1,500 the amount upon which interest may be paid, and they asked the Government to submit to Parliament an amendment to the Act so that the State Savings Bank would be placed in the same position as other banks. I agreed. The Leader of the Country party has already asked why a limit of £1,500 should be fixed. I have no personal feelings in the matter; I am merely implementing a request made to me on behalf of the bank. If the House considers that there should be no limit, I do not know that anybody will offer objection; I will not do so.

Probably not a large number of accounts will be affected, but some will be. It has been properly pointed out by the Commissioners that circumstances have changed since the State Savings Bank Act was passed 26 years ago. Inflation has taken place. There may be some persons who have larger amounts to deposit in the bank, and I do not see any reason why it should not be possible to accommodate those who desire to place bigger sums in their accounts.

Sir HERBERT HYLAND.—If the Bill is passed, how will the financial position of the bank be affected?

Mr. CAIN.—I should say it would be influenced favourably. Unless the proposed amendment is made to the Act, it is possible that persons who wish to deposit more than the sum of £1,000 will place the excess in a Commonwealth Bank account. It has been stated on behalf of the Victorian bank that the institution should be placed in a not less favourable position than its competitor, the Commonwealth Bank, which proposes to lift, on the 1st July, the maximum sum upon which interest shall be payable on savings accounts. Therefore, the Commissioners of the State Savings Bank desire this amendment to be passed before the end of the current financial year. If that is done, it will be possible for the bank to raise its limit simultaneously with the Commonwealth Bank.

The State Savings Bank has accepted deposits of larger amounts from friendly societies, trade unions, and other organizations. If the House wishes to raise the limit upon which interest shall be payable to the sum of £2,000, or some higher amount, I have no objection, but if there is any suggestion that the
limit should be increased beyond that proposed in the Bill, I should like to be advised so that I can inform the Commissioners accordingly.

On the motion of Mr. McDONALD (Shepparton), the debate was adjourned until Tuesday, April 13.

TOWN AND COUNTRY PLANNING BILL.

Mr. MERRIFIELD (Minister of Public Works).—I move—

That this Bill be now read a second time.

This Bill is similar in most respects to one which was introduced in the last session. It is the latest of a number of measures which have been introduced in order to streamline procedure relating to town and country planning. The original Act was passed in 1944. Amending legislation was passed in 1945, 1946, and 1948, and in 1949 certain powers were granted to the Melbourne and Metropolitan Board of Works by the Town and Country Planning (Metropolitan Area) Act. The present Bill is mainly of a machinery character and, as honorable members are familiar with most of the causes, I shall deal with them in a fairly quick manner.

Planning is not a new principle. It has been applied to urban areas since almost prehistoric times. Modern cities are becoming increasingly aware of its unquestionable benefit to future communities, and of its usefulness in remedying mistakes of the past so that their results will not be perpetuated. In some cases, the task of correcting past mistakes and of avoiding similar errors in the future is neither easy nor cheap. Often such corrections cost the community concerned large sums of money, but are more economical in the long run because they prevent future problems from arising. There are two phases in respect of planning schemes—the interim development order and the plan itself in the final draft stage accompanied by plans and descriptive matter, approved by the Governor in Council, and available to private undertakings and citizens in general. Such a scheme stands as the accepted plan unless and until it is amended. On the other hand, the interim development order is designed to maintain the status quo in respect of the use of land until the planning scheme has been evolved by the authorities deputed to produce it and has been approved by the Governor in Council. Thus persons seeking to make a profit by transactions based on anticipating the plan itself are prevented from doing so. The interim order also precludes land from being put to some purpose which may ultimately be contrary to the plan itself. Under such an order, an individual application must be made to the authorities concerned before land can be used in any way. The idea is not to restrain development, but to ensure that land is used in a manner that is consistent with the plan being evolved. It is only when the proposed use of land is inconsistent with the plan that an application in regard to it is refused.

Mr. BOLTE.—Perhaps the Minister will indicate how the present Bill differs from that which was submitted during the last session?

Mr. MERRIFIELD.—Most of the differences are in clause 8. Later, I shall hand to the Leader of the Opposition a copy of the Bill in which the alterations now proposed are underlined. Clause 8 deals with the vexed issue of compensation. Only two small aspects of compensation in connexion with planning schemes are dealt with. The first is that where it is considered, in the public interest, that vehicles should not be parked, loaded, unloaded or fuelled—operations which obstruct traffic in public streets—and provision is made accordingly in the plan, no compensation shall be payable. The second aspect concerns the amending Act of 1948, which was passed by a non-Labour Government. That amendment had the effect of providing no compensation where zoning of any sort took place. The Government considers that in certain circumstances that may be unfair, and it has decided that where a reservation is made for a public purpose compensation should be payable under the planning scheme to those concerned.

Mr. BOLTE.—At what stage?

Mr. MERRIFIELD.—When the planning authority wishes to proceed.
Mr. BOLTE.—Not at the interim development order stage?

Mr. MERRIFIELD.—No. At present I am speaking of the planning scheme itself. The compensation provisions related to planning schemes are being altered in two respects only. The major alteration is that affecting interim orders. Generally speaking, there was no protection against claims in connexion with an interim order as the law stood. Under the existing law, local government authorities can do certain things without having to pay compensation. For example, there is no compensation payable to an individual for the zoning of an area under the Local Government Act, and a similar position applies under the Town and Country Planning Act. If an authority intended to force the same position upon an individual under an interim order, compensation liability would arise. Owners of land could submit claims for compensation under an interim development order whereas the town planning legislation did not provide for their payment. To date, 61 interim orders have operated in Victoria and although 59 are still in existence, there has not been a claim for compensation. Rather than run the risk inherent in the existing law, the Government felt that the liability to pay compensation should be limited; under the Bill it will be limited in line with the principles that apply to the town and country planning scheme.

Clause 8 of the Bill substitutes a new section 22 for the present section 22 of the principal Act, paragraph (c) of the second proviso to which was most drastic. The amendment will liberalize the proviso in cases where the land is to be used for public purposes. Under a planning scheme, there may be certain zoning, and someone may operate in the area in a way that is contrary to the scheme. As the law stood previously, such people could have been stopped from using their land without the payment of compensation. The Government felt that that was too drastic, and the amendment will overcome that difficulty. Sub-sections (4), (5) and (6) of proposed new section 22 refer only to claims for compensation under interim development orders and provide limits that did not appear previously. Clause 9 will include in the schedule reference to land to be reserved for public purposes and the location of buildings or works to be used for public purposes.

Clause 10 includes a planning scheme as the medium for the fixing of street alignments under the Local Government (Streets) Act of 1948 which provided that certain plans had to describe street alignments. The Melbourne and Metropolitan Board of Works has detailed drawings that show precisely what will be required for future arterial roads and so on, and the amendment will allow those drawings to become the approved plans for the fixing of street alignments. Most of the plans in question have been prepared by surveyors who have fixed the street alignments to a high degree of accuracy.

Clause 11 provides for the issuing of certificates by responsible authorities as to whether land is affected by interim development orders or planning schemes. Clause 12 provides for a map or plan issued in connexion with an interim development order certified by the secretary of the responsible authority to be prima facie evidence as to the use allowable by any purchaser of land. Clause 13 extends the obligations of the Melbourne and Metropolitan Board of Works after the presentation of the plan to the Governor in Council, as provided in the Town and Country Planning (Metropolitan Area) Act of 1949. The responsibility of the Board as the planning authority was to cease when it had presented the plan. The Minister must determine appeals against the plan; objections may be made to the Board and the Minister has the right to consider them before the plan is approved by the Governor in Council. If the responsibility of the Board had ceased at the stage when it handed the plan over, there would have been no one to advise the Minister in connexion with the proposed alterations. The amendment will permit the Board to carry on for six months after the approval of the plan by the Governor in Council. I have informed members as briefly as possible
of the contents of the Bill, which, I repeat, is purely a machinery measure. Any aspects raised by the Opposition can be discussed during the Committee stage.

On the motion of Mr. BOLTE (Leader of the Opposition), the debate was adjourned until Tuesday, April 20.

CHANDLER HIGHWAY AND BRIDGE BILL.

Mr. MERRIFIELD (Minister of Public Works).—I move—

That this Bill be now read a second time.

This is a simple Bill. Its purpose is to transfer to the Crown a public highway, a bridge, and a piece of land, commonly known as the Chandler Highway, which is vested in the Railways Commissioners. Most members are familiar with the problem that has existed at this location for some time. The land in question is part of the old outer circle railway which was constructed in 1891, and operated for about two years. In April 1893, railway traffic over the 3½ miles of line between Fairfield Park and Deepdene was discontinued, and the track remained dormant for a number of years. With the advent of motor vehicles, traffic grew, from what was primarily short-range horse-drawn traffic to traffic with a wider incidence and length of journey. The need for additional cross links in the metropolitan area became obvious. Twenty years later, the Kew and Heidelberg municipalities petitioned for the use of the bridge, and after a long discussion the right was granted for a term of five years, but the Railway Department retained the right of re-entry at any time it was felt that the line should be reopened for railway purposes. This stage continued until 1920, when the municipality of Kew objected to paying the sum of £300 a year, and it withdrew from the agreement. In 1929, fresh negotiations were opened and the bridge was leased to a group of municipalities. That arrangement operated for a further period of twenty years, the Railway Department retaining its right of re-entry.

The cost of maintaining the bridge and the roadway was shared by five municipalities under the agreement which expired in 1949. In that year the question of the future control of the bridge and the roadway was referred to the Public Works Committee which made an investigation and submitted a report. Copies of the report may be obtained by members from the Clerk of the Papers. During the twenty-year period over which the agreement operated the Railways Commissioners, in accordance with the terms of the 1937 Act, wiped off the capital liability in respect of the bridge and the area involved between the Fairfield side of the bridge and Princess-street, Kew; so there is no longer any such liability attaching to the Railway Department. There is, however, a dormant piece of land in respect of which the State is bearing whatever liability remains in relation to the capital expenditure previously incurred.

This Bill merely specifies future procedure and machinery in relation to the bridge and the road. The land is still the property of the Railways Commissioners, but to enable it to be converted to a proper road link it is necessary that the area be transferred to the Crown so that it may become a public highway. At present some maintenance work is required to be done on this highway, although it is not in as bad a condition as it was some time ago. The Kew City Council, backed by the last Government, made some funds available to enable the roadway to be put into reasonably good order. It is uncertain whether the present condition of the road will remain or whether it will deteriorate during the winter, but the Government will deal with whatever problem arises in future.

The bridge itself has deteriorated and some of the steel in the truss girders has corroded to such extent that a few of the girders have broken loose from their rivets. It has therefore become necessary to weld new pieces of metal into the trusses and also to construct a concrete decking over the roadway. The Government will render assistance to
enable that work to be done, and therefore the municipalities will not be involved in any great difficulty. The Government will be liberal in its attitude towards this problem. The main purpose of the Bill is to effect the transfer of the bridge from control by the Railway Department to the Crown to enable it to be used as a public highway. All other incidental matters arising in connexion with the proposal will be dealt with in due course.

On the motion of Mr. BOLTE (Leader of the Opposition), the debate was adjourned until Tuesday, April 20.

LOCAL GOVERNMENT (CITY OF SUNSHINE) BILL.

Mr. MERRIFIELD (Minister of Public Works).—I move—

That this Bill be now read a second time.

This is a simple Bill, although in some respects it may be contentious. It will be recalled that legislation was passed by Parliament in 1950 empowering the Governor in Council to declare the then Shire of Braybrook to be a city, notwithstanding anything in section 16 of the Local Government Act. The legislation was necessary firstly because the Act provided for a borough to be declared a city in certain circumstances, but did not make any provision for the declaration of a shire as a city. Secondly, the area of the shire was much too large for it first to be declared a borough under the Act.

The Act also included a provision that, for a period of three years after the municipality had been declared a city, the provisions of Part IV. of the Police Offences Act relating particularly to betting on sports grounds should apply as if the new city had remained a shire. It was recognized that there were a number of grounds in the municipality used for coursing and professional running, and it was not desired that the proprietors and parties concerned should suffer hardships through the immediate closing of the grounds without compensation. It was thought that a period of three years should be fixed before Part IV. of the Police Offences Act prohibiting wagering and betting took effect.

The municipality was declared a city as from 16th May, 1951, so that, under the Act, in May of this year Part IV. of the Police Offences Act would apply. The Government has not had an opportunity of finalizing its policy in regard to this question and it has decided, therefore, to extend the present arrangement for a period of six months. The purpose of this Bill is to give effect to the Government's decision by providing that Part IV. of the Police Offences Act shall apply as if the municipality had remained a shire for three years and six months after its declaration as a city, that is, until 16th November, 1954.

On the motion of Mr. BOLTE (Leader of the Opposition), the debate was adjourned until Tuesday, April 13.

COAL MINE WORKERS PENSIONS (AMENDMENT) BILL.

Mr. SHEPHERD (Minister of Education) presented a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Revenue for the purposes of a Bill "to amend the Coal Mine Workers Pensions Act 1942."

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

On the motion of Mr. SHEPHERD (Minister of Education), the Bill was brought in and read a first time.

Mr. SHEPHERD (Minister of Education).—I move—

That this Bill be now read a second time.

The purpose of this small measure is to provide for the payment of increased pensions to retired and permanently disabled coal mine workers and their dependants. The Coal Mine Workers Pensions Act provides for the compulsory retirement of coal mine workers at 60 years of age, for the payment of pensions on retirement and for the payment of pensions in certain cases of permanent disablement.

For a miner the present weekly pension rate is £4 10s.; for a miner's wife, £3 15s.; for a widow, £4; and for each child, 8s. 6d. These pension rates are, however, subject to deduction on account of Commonwealth pensions, as and when
a pensioner or his wife becomes eligible for such Commonwealth benefits. The State Government, the mine owners and the coal mine workers all contribute towards the cost of the scheme. The present basis of contribution provided in the Act is as under—

State Government .. 3/7ths of total cost
Coal mine owners .. 3/7ths of total cost
Coal mine workers .. 1/7th of total cost

Of course, in the case of the State Coal mine, the State Government contributes six-sevenths of the total cost.

Coal mine workers at present pay 6s. 8d. per week each into the Coal Mine Workers Pensions Fund. This fund is administered by a tribunal consisting of two nominees of the miners, two nominees of the owners, and a chairman nominated by the Government. Commonwealth invalid and age pensions were increased by 2s. 6d. a week as from 30th October last, and as Commonwealth pensions are deducted from miners' pensions, those who are also receiving Commonwealth pensions will not receive the advantage of the increased Commonwealth pensions unless their rates are increased by a like amount. In the past when there has been an increase in Commonwealth pensions, it has been the practice of this Parliament to pass the necessary legislation to maintain the miners' pensions at a margin above the rates payable in respect of Commonwealth age and invalid pensions.

Sir THOMAS MALTBY.—Are the pensions subject to tax?

Mr. SHEPHERD.—That depends upon whether the pensioner has any other income. In such a case, the amount of tax levied would be governed by legislation pertaining to income tax and not to pensions. This Bill provides for pensions under the Coal Mine Workers Pensions Act to be increased by 2s. 6d. a week in the following manner: The weekly pension for a retired mine worker will be increased from £4 10s. to £4 12s. 6d.; the allowance for a pensioner's wife will be increased from £3 15s. to £3 17s. 6d., and the pension payable to a widow will be increased from £4 to £4 2s. 6d.

Sir HERBERT HYLAND.—The payment to children remains the same.

Mr. SHEPHERD.—Yes, the pension rate for children remains at 8s. 6d. a week. Provision has been made for the increases to be paid retrospectively to 30th October last, which was the commencement of the first pay period after the date on which the Commonwealth pension increases were granted. In New South Wales, where a similar pension scheme is in operation, the Government has approved of the increases retrospective to October last, and it is understood that the Queensland, Tasmanian, and Western Australian Governments will submit similar legislation to their respective Parliaments. I think it will be agreed that this measure is worthy of the support of all members, and in view of the fact that coal mine pensioners have been waiting nearly six months for the benefits provided in this legislation, I feel that the House should give the Bill a speedy passage so that the increased pensions can be paid at the earliest possible date. Most members are familiar with this type of legislation, which is submitted at the first available opportunity following an increase in Commonwealth pension rates. Since the formation of the Coal Mine Workers Pension Fund I think all Governments have supported similar proposals. I trust that the Bill will be passed as speedily as possible so that those pensioners who have been deprived of the increase since last October can at last gain the advantage of it.

Mr. TURNBULL.—Will the State Government bear the whole increase of 2s. 6d. or only three-sevenths?

Mr. SHEPHERD.—In this case the Government will carry the contributions of the Government and the mine owners.

Mr. TURNBULL.—Do I understand that the contribution of the miners will not be increased?

Mr. SHEPHERD.—On this occasion no increase in the miners' contribution is proposed. In 1952, an increase was assessed by the tribunal and agreed to by the miners.

On the motion of Sir HERBERT HYLAND (Gippsland South), the debate was adjourned until Tuesday, April 13.
MR. SHEPHERD.—Possibly. The Board is expanding its activities at the moment; right in front of Parliament House track work is proceeding. Additional extensions are being carried out and others are contemplated in outer suburban areas. From time to time, members of this House suggest that the electorates which they represent are not as well served by transport facilities as they might be.

MR. RYLAH.—Will bigger, brighter and better trams be provided?

MR. SHEPHERD.—That will depend upon the personnel of the Board. At present there is only one full-time member; the other six are part-time members. Although I have no doubt that the part-time members are fully conversant with the Board's activities, they are, nevertheless, unable to devote the whole of their time to the work of the Board. In fact that would not be expected of them, in view of the allowance that they now receive. The intention of the Government, under this Bill, is to have a permanent chairman, a permanent deputy chairman, and a third member of the Board who will be a representative of the employees of the tramway service.

MR. RYLAH.—Will he be a non-union member?

MR. SHEPHERD.—I think it would be unwise to discuss the proposed personnel of the Board just now. I know that the honorable member for Barwon likes to approach these matters without prejudice, but there is no need to disturb the
House at this stage or to upset what might be a good second-reading debate, when it is resumed next week, by introducing personalities now. I know that that is not the intention of the honorable member. The desire of the Government is to give the Board greater scope for its planning. It is illogical to expect that an organization that is capitalized at about £12,000,000 should be carried on by part-time members of its Board. The view of the Government is that the constitution of the Board should provide for three permanent members, who will concentrate their efforts on extending and improving tramway services. Only last year the Board was given an indication of what was expected of it in the future. If I remember correctly, its borrowing powers were extended from £5,000,000 to £10,000,000.

Mr. RYLAH.—The Government of which you are a member safely entrusted that borrowing power to the present Board.

Mr. SHEPHERD.—The additional borrowing power has not yet been availed of. The Government is of the opinion that projected expansion of the Board's activities will result in the utilization of the Board's borrowing power to the full extent. However, the reconstituted Board will probably seek from the Government further borrowing powers, with greater confidence. There are no other contentious provisions—if that question is contentious—in the Bill. The rest of the measure is complementary to the appointment of a Board of three members, consisting of the chairman, the deputy chairman and another, and it governs the operations of the Board.

Mr. RYLAH.—No qualifications are prescribed for the chairman and for one member of the Board; the other member must be a representative of the employees?

Mr. SHEPHERD.—That is so. All of them are to be appointed by the Governor in Council. I know that the Deputy Leader of the Opposition does not intend to cast any reflection on the present permanent member of the Board. It is the desire of the Government to have appointed a Board of three competent persons who shall occupy office permanently and shall devote all their time to the activities of the tramways. Clause 2 provides for the appointment of the members and for the payment of their salaries. The proposed new section 15 embraces all details necessary for the establishment of a Board and for its operation. Paragraph (h) of sub-clause (1) of clause 2 states that the quorum of the Board shall consist of not less than two members. It is also provided that if the chairman is absent or incapacitated, the deputy chairman shall act in his place. The clause prescribes conditions which are generally consistent with those provided in other Acts of Parliament relating to the operation of similar Boards.

Mr. RYLAH.—Clause 2 does not prescribe salaries, but provides that they shall be determined by the Governor in Council.

Mr. SHEPHERD.—That is so. It will be competent for the Government to fix the salaries of the members as from the date of commencement of the activities of the new Board.

Mr. RYLAH.—The Government will be enabled to prescribe any salaries it thinks fit?

Mr. SHEPHERD.—Salaries consistent with the ability of the persons appointed will be fixed. From time to time the work involved may change and the Governor in Council may wish to vary the salaries. The tramways system is continually expanding, and the work of the Board will probably become even more important than when that body is first appointed. There is great scope to be covered in providing surface transport in the State, particularly in the metropolitan area. Although many persons consider that fixed rail transport is outmoded, it is obvious to most people that, for big occasions in the metropolitan area, the best and quickest way of shifting people is by this method.

There is a total of approximately 132 miles of tram track route, and in various parts of the metropolitan area the Board
also operates motor omnibus services, which are not entirely satisfactory. Only last year a measure was passed by the House to enable a small extension line to be constructed in the electorate that I represent. It joins two tramway systems, and is for the purpose of eliminating a bus service which has been operating since the year 1936. That is in a locality where munitions works are situated, and during the war period thousands of workers were transported to and from those establishments daily. The bus service was generally unsuccessful and was operated at great loss to the Board. Tramways can be conducted much more cheaply than motor omnibus services. Doubtless, the Bill will provoke a good deal of comment, but the Government submits it with every confidence, because it believes that the work of the Board is so important that it cannot be relegated to men who can devote only a small amount of time weekly to its affairs.

COLONEL LEGGATT.—Do you wish to place the Board under the control of the Trades Hall?

Mr. SHEPHERD.—There is no need to do that, although some very good jobs have been carried out at the Trades Hall.

COLONEL LEGGATT.—Some poor jobs, too.

Mr. SHEPHERD.—That has happened in the Army as well; it occurs everywhere. It is only by drawing distinctions between good and bad that it is possible to ascertain which is best. I do not propose to be critical of the Board; I never have been, and I appreciate what it has done. Those responsible for the management of the tramways should hold office permanently, with a security of tenure of seven years, as provided for in the Bill, to allow them to plan and to carry out the work required. I trust that the Bill will have a speedy passage.

Mr. RYLAH.—There is a curious reference, in the side note to clause 3, to a comparable section of Act No. 5768. This clause deals with Ministerial control, whereas section 32 of Act No. 5768 relates to securities for advances. Presumably, there is no connexion between the two.

Mr. SHEPHERD.—That is obvious.

Mr. RYLAH.—It appears that there has been a mishap in the printing of the Bill.

Mr. SHEPHERD.—It may be that the reference is not printed in its right place. I undertake to investigate the matter and, when the debate is resumed, to furnish an explanation. If there has been an error, it will be corrected.

On the motion of Mr. RYLAH (Kew), the debate was adjourned until Tuesday, April 20.

The sitting was suspended at 5.38 p.m. until 7.19 p.m.

POLICE OFFENCES (OBSCENE PUBLICATIONS) BILL.

Mr. GALVIN (Chief Secretary).—I move—

That this Bill be now read a second time.

This is a Bill to amend those sections of the Police Offences Act relating to obscene and indecent matter. Honourable members will be aware that for a number of years, and particularly since the end of the last war, there has been an ever-increasing demand for governmental action to prohibit the sale and distribution among impressionable people—especially adolescents—of cheap books, magazines, periodicals and so-called "comics" which have nothing comic about them but which portray brutality, crime and unbridled passion. From time to time, samples of these cheap and vulgar publications, which should not be dignified by the term "literature," have been sent to the Chief Secretary's office by every organization having the welfare of young Australians at heart, accompanied by requests that their sale and distribution be suppressed.

Frequent representations have been made in this House by members of all parties as to the need for strengthening the law to prevent the further development of this noxious growth. Such views have also been expressed by leaders of all church organizations, welfare organizations, school teachers, and
political organizations. In fact, every section of the community has complained of the sale and circulation of these cheap and nasty books and papers, which have not one single virtue to commend them. One of the worst features of their existence is that, although perhaps only a limited number are sold, they circulate among many young men and women, and while I believe that the normal healthy youth regards them at their proper worth, there are undoubtedly some who are immeasurably harmed and influenced for the worse by their perusal.

I have no official figures to show the development of this branch of the publishing and printing industry, but honorable members have, I believe, recently received a report on the subject prepared by the executive of the Young Christian Workers' Movement. The following are paragraphs of that report:

Prevalence of Objectionable Literature:

No observant person could fail to notice the number and variety of magazines and comics on display at any bookstall or newsagency.

By way of emphasis, the following facts are submitted—No less than 27 different magazines emphasizing matters of sex, and at least 5 magazines devoted solely to advocating the cult of nudism, are displayed for sale, while crime, war, and romance magazines and comics, are being published in literally hundreds of editions. In addition to the enormous commercial distribution which these figures imply, it should be remembered that these publications have an inestimable subsequent circulation around lunch rooms, secondhand bookstalls, waiting rooms, and hairdressers' shops particularly.

When these numbers quoted above are compared with the number of such magazines distributed in 1946—namely, nine—it can be seen that they are increasing at a frightening rate.

Who can say that they will not continue to increase unless immediate action is taken?

Source of Indecent Literature:

There appear to be four sources from which literature arises:

(a) Imports from England.
(b) Imports from New Zealand.
(c) Publishing houses in Australia using Australian matter.

(d) Publishing houses in Australia using syndicated American matter.

(a) and (b): Direct importations from England and New Zealand account for about 43 per cent. of the sex magazines distributed in Australia. These seem to clearly contravene section 52 (c) of the Customs Act and while the Commonwealth Customs Department is deserving of praise for the good work which it is already doing to prevent the importation of such magazines, it is obvious that many are being either undetected or allowed.

It is in this respect that the Department has scope for improvement in its efficiency.

(c) Australian publications using local matter account for about 25 per cent. of the magazines which emphasize sex in particular. The obvious remedy for these is the enactment of more stringent and tangible legislation in each State. This subject is elaborated upon later in this report.

(d) Probably 95 per cent. of all comics distributed in Australia, together with 30 per cent. of the sex magazines available are printed and published in Australia from matter supplied by American syndicates. The Customs regulations on the importation of this matter are being evaded, apparently, by the transmission through first class mail of master copies which the publishing houses simply reprint and distribute.

This fact has been openly admitted by the present Prime Minister and the present Minister for Trade and Customs and his deputies, yet it is surprising that no attempt has been made to detect and to take action against those publishers who are thus contravening the Act.

Further to this line of thought, the question is asked, How is payment to the American syndicate being effected, in view of the restriction on dollar payments to America, and presuming that payment is necessary?

Particular attention should be given to the totally objectionable nudist magazines, of which half are imported from England—the balance being printed in Australia. The unhindered distribution of these insidious books is causing incalculable harm to the minds of those young people who read them.

Reading Habits of Young People:

A searching enquiry into the reading habits of over 2,000 young boys and girls between the ages of fourteen and 25 was conducted throughout Australia. The facts quoted below give cause for great concern.

It was found that 20 per cent. of those approached were regular readers of the literature which has been described as objectionable.

A further 70 per cent. admitted that although they did not buy such magazines and comics regularly, they read them whenever the opportunity presents itself.
Such then is the position—almost 90 per cent. of our youth read objectionable literature.

Their attitudes to them vary, as can be expected.

Nevertheless, a great majority admitted that the matter contained was certainly far from unobjectionable and that it was not read with a clear conscience.

To the question of other reading, 40 per cent. stated that they regularly read novels such as Westerns, detective, sport, &c. Only 12 per cent. read literature of a cultural or educational value such as historical, scientific, mechanical books, &c.

It will be noted that in the report reference is made to the power possessed by the Commonwealth Customs Department to deal with so much of the matter as is imported into Australia, and that is a function of the Commonwealth Government with which Victoria as a State cannot interfere. Whether the Customs Department exercises a sufficiently adequate control is a question I do not propose to touch upon. The State has, however, the task of dealing with reproductions of imported matter sent through the post—so escaping the eye of the Customs officers—and of all Australian publications. The latter task is one solely for the State.

It is interesting to know that the question of the sale of obscene and indecent articles is one that is common to all countries, and the subject was under the notice of the League of Nations in 1937-38. In Canada, a Parliamentary inquiry sat for some months and submitted recommendations to adopt what is in effect the Victorian law. I have read the report of the Select Committee set up by the Canadian Senate. The report contained valuable information as the Committee was given evidence on this subject by world authorities. If it is possible, members should read the report, which was issued in 1952. It mentions defects connected with censorship. After making extensive investigations and being given the advice of outstanding authorities, the Committee decided to recommend that the Canadian Parliament should adopt the law at present obtaining in Victoria in relation to the control of obscenity.

The question of introducing a uniform censorship of books and plays was before the Premiers' Conference in 1949, but no action was taken. The question was again raised at a Premiers' Conference in 1952, when it was decided that a conference of State officers would be convened to examine the possibility of the States taking uniform action to control literature of this kind. This conference was held in Sydney in July, 1952, when all States, except Western Australia, were represented. The Victorian representatives consisted of the Under Secretary of the Chief Secretary's Department; the Assistant Chief Inspector of Primary Schools of the Education Department; and the Assistant Parliamentary Draftsman, Mr. Andrew Garran.

There was general unanimity as to the low and vulgar standard of the publications under the consideration of the conference. The possibility of the introduction of some form of censorship was thoroughly canvassed, but, in view of the extensive use of comic strips by the daily press and weekly and monthly publications, it was felt that the introduction of censorship would have to cover so wide a field that it would be impracticable of application. The question of giving prohibitory powers to a Minister was also explored, but was not favoured.

It was finally decided by the conference that the States should adopt a definition of "obscene publications" based on the Victorian Act and extend the definition. The following resolution was ultimately adopted:—

That all States should enact legislation to provide for the extension of the definition of obscenity to include any matter tending to deprave or corrupt persons whose minds are open to immoral influences or unduly emphasizing matters of sex, crimes of violence, horror, or gross cruelty; and that provision being made for the exception of works of recognized literary merit or bona fide medical, pharmaceutical or political works, there should be adequate powers to deal with the publications the subject of this conference.

The officers of the States undertook to suggest that any amending legislation on the subject initiated within each State should be forwarded to the other States with a view to achieving uniformity of action. Following that conference, legislation was enacted by the South
Australian Government, and an examination of that measure indicates that the law as amended there is not as wide in its application as is the existing Victorian law, nor did it adopt the extension of the definition of obscene or indecent publications recommended by the Sydney conference.

In Queensland, a Bill has recently been introduced to impose a form of literary censorship. A Board is to be appointed to examine and review literature, and one of its functions will be to prohibit the distribution of any literature it deems objectionable. An appeal to a court is provided. Up to the present, no action has been taken in New South Wales to alter the laws of that State which are akin to but not as wide as those of Victoria. The Government does not consider that the provision of a censorship of printed matter is either practical or desirable. It believes that the law should define what constitutes obscenity or indecency, and that if a publication infringes the law then those responsible should be dealt with by a properly constituted court.

Under common law, there is the offence of obscene libel, and this law has been supplemented by the provisions of Part V. of the Police Offences Act 1928 relating particularly to obscene and indecent publications. This Act was further amended in 1938, and the definition of the term "obscene" was extended to include anything tending to deprave and corrupt persons whose minds are open to immoral influences; and unduly emphasizing matters of sex or crime. It is thus a matter for a court to determine whether any particular publication or article forming the basis of a charge comes within the meaning of "obscene," either in the general sense of the word or as extended by the 1938 amending Act. To meet difficulties which have confronted the police in obtaining convictions and also to meet the situation as it exists to-day, the Bill amends the interpretation of "obscene" by providing that the word shall include not only anything unduly emphasizing matters of sex and crimes of violence—this being part of the present definition—but also anything emphasizing gross cruelty or horror. Thus those publications which specialize in any of these four matters can be challenged before a court.

Certain exemptions are already in section 184 of the Police Offences Act 1928, including any work of recognized literary merit, or a bona fide medical, political or pharmaceutical book. To this exemption has been added artistic works of recognized merit.

These amendments are in keeping with the views of the Sydney conference which considered the problem and which comprised mature and experienced senior officers who, incidentally, agreed by a large majority that literary censorship was not a practical or satisfactory solution. Further amendments are, however, proposed by clauses 4 to 11 of the Bill. Among the keenest critics of the publications which it is desired to restrict are the newsagents who retail them. While I am of opinion that this association could effectively act in concert to ban their sale, I am informed that the wholesale publishers and distributors require the individual agents to take these publications as part of their order, whether they wish to do so or not, and that their rejection would lead to a loss of supply of other reputable literature.

I am also advised that most of these vulgar publications are printed outside Victoria and distributed by one or two firms here. At this stage it is opportune that I should pay a tribute to the standard of ethics observed by publishers in this State, as fewer than 10 per cent. of those publications about which protests have been made are produced in Victoria.

Sir GEORGE KNOX.—"Ben Bowyang" will be all right?

Mr. GALVIN.—Yes, and so will "Bluey and Curley." They could come within the category of artistic productions. Strips of that kind do not hurt any of us. Many people derive a great deal of pleasure out of those strips, which cause a good laugh and good clean fun.
Mr. BROSÉ.—What would you say about Armstrong and the crows?

Mr. GALVIN.—I do not know what the honorable member thought of Armstrong’s cartoon depicting “Jack McDonald on a bike”—and on the wrong end of it. I feel sure that the honorable member would not accept Armstrong as an authority on the policy of his party.

Colonel LEGGATT.—What will happen if the daily newspapers publish strips to which exception is taken? They do not contain such features at the present time.

Mr. GALVIN.—I point out to the honorable member that there is ample provision in the Printers and Newspapers Act to deal with any matter in relation to newspapers. I cannot understand why the honorable member should raise the point at this juncture.

Colonel LEGGATT.—The control of newspapers under the Printers and Newspapers Act is not as wide as will be the control of other publications under the Bill.

Mr. GALVIN.—The honorable member should study the legislation.

Mr. RYLÁH.—The Chief Secretary should not become political. The honorable member for Mornington asked a reasonable question.

Mr. GALVIN.—I deny that I am being political. The question was quite unreasonable. If Opposition members desire that there should be any form of censorship of newspapers I assure them that this Government will not subscribe to any such policy.

Mr. McDoNALD.—The Labour party in New South Wales tried to impose control of newspapers, but it learnt a lesson.

Mr. GALVIN.—I am speaking as Chief Secretary of Victoria, not of New South Wales. I remind the honorable member that there are sufficient problems on this side of the Murray to keep us fully occupied; there is no need to cross the border into New South Wales. I am surprised that the Opposition should suggest some sort of censorship of the press.

Mr. RYLÁH.—No member of the Opposition suggested anything of the sort.

Mr. GALVIN.—The honorable member for Mornington put up the “Aunt Sally.” He wanted to know what would be done in regard to comic strips published by daily newspapers. I think there has been some misunderstanding.

Mr. RYLÁH.—Misrepresentation!

The SPEAKER (the Hon. P. K. Sutton).—I suggest that the Chief Secretary return to the direct subject matter of the Bill.

Mr. GALVIN.—In what manner would the Deputy Leader of the Opposition propose that the Government should control comic strips in the newspapers, such as “Blukey and Curley,” unless some form of press censorship were imposed?

Mr. RYLÁH.—You said that provision already existed in the Printers and Newspapers Act for the necessary control of newspapers.

Mr. GALVIN.—That is so. The Act contains all requisite provisions in relation to daily newspapers.

Mr. RYLÁH.—Then why worry about them?

Mr. GALVIN.—Apparently members of the Opposition, not of the Government, are worrying. They suggest that the newspapers Act is not wide enough in its scope. The plan proposed under the clauses I have outlined provides that the publishers, if in this State, or the distributors of interstate publications, shall have to accept their share of the responsibility for the sale of this trash. It is only fair and reasonable that if such matter is printed and published in another State.
those who distribute it in Victoria must be liable to be called to account. Because there is no uniformity throughout the Commonwealth, all we can do is to control the distribution in this State.

Mr. DON.—Does the proposal create any difficulty under section 92 of the Commonwealth Constitution?

Mr. GALVIN.—My advisers inform me that if the Commonwealth and State Governments are prepared to introduce complementary legislation, section 92 will create no problem. There is no way of exercising control over what is done in another State, but I am informed that the only possible method of controlling the distribution of obscene literature in this State is that propounded in this measure. Further, it will afford some protection to those who are forced into the position of retailing it. The distributors of printed matter will be required to register and either to print or to stamp on the material their names as being responsible for the publication or distribution. We can take no action against the publisher or printer of a magazine published in, say, New South Wales even though it bears the printer's name. When this Bill is passed, however, it will be necessary for the Victorian distributor of a magazine also to place his name on the publication. If that information is not given in the magazine and any retailer sells the publication, he will commit an offence and be liable to a penalty.

Mr. MCDONALD.—That will apply to the distributor as well as to the retailer?

Mr. GALVIN.—Yes. Under the Bill, the retailer will obtain protection. He will be in a position to refuse to accept any magazine not bearing the name of the distributor. In the definition of "printed matter" provision has been made to exempt newspapers, and material of a purely official, professional, scholastic, commercial, business, advertising or trading character, so that books and print of such kinds will not be affected, but, in the main, only material put forward for its entertainment value. Provision is also made to enable exemption to be sought from the Chief Secretary for other material. From time to time the position may arise where the Act covers a publication that is not at present visualized, and in such a case the Chief Secretary will have power to exempt the distributor from registration.

The value of the plan, apart from making the wholesaler realize his responsibility to the community, is that it should prove a deterrent of such strength that it will discourage publishers and wholesalers from interesting themselves in this low class of publication. I doubt whether they will risk interference with their legitimate trade for the sake of the profits from what must be a minor part of their business. This is an entirely new approach to the problem of banning this objectionable filth, but it seems to the Government to be a direct and effective one. There is no injustice in the plan, in that it will still remain with a court to determine whether a publication is obscene or indecent, but if a person is convicted, part of his punishment may be that he will not be permitted to continue a business which he has used for an illegal purpose.

If, as a result of this legislation, these publications disappear from the counters of newsagents, then the Bill will have proved worth while. If, notwithstanding the wide interpretation now placed upon the meaning of the expression "obscene and indecent matter," experience proves that convictions are still difficult to obtain, then whatever Government is in power will have to further examine the law as it stands to meet the legal weaknesses disclosed.

I commend the Bill to the House as I feel sure it will receive the support of all parties, all of whom have at one time or another expressed themselves in favour of the necessity of ridding this State, and particularly the younger generation of the community, of this obnoxious growth in their midst. This measure represents an honest and sincere attempt by the Government to deal with a problem that has caused considerable concern. I hope that the procedure proposed in the Bill will prove effective; that it will give to retailers that protection which they claim they do not have at present,
and that it will penalize those who peddle this rubbish and "stand over" newsagents who have no desire to sell this type of literature. Because some distributors control popular magazines which are in great demand they refuse to supply such publications to newsgeners unless they are prepared to display the type of literature with which this measure is designed to deal. We believe that that literature is not in keeping with our way of life; it places before the community a false idea of the value of sex.

The Government considers that the time has arrived—despite the fact that there may be some interference with the liberty of distributors—when appropriate steps should be taken. In fact, the problem is long overdue for attention. It is essential that any action that is to be taken should if necessary, be subject to the full ambit of our courts of law. Over the years our British system of justice and administration, particularly when matters are taken through the courts, has not been found wanting and has proved a fair and proper way in which various subjects should be approached.

Mr. PETTY (Toorak).—I move—
That the debate be now adjourned.

The motion was agreed to.

Mr. GALVIN (Chief Secretary).—I move—
That the debate be adjourned until Wednesday, April 14.

Mr. RYLAH (Kew).—If the Opposition is not ready to proceed on Wednesday of next week, I assume that the Chief Secretary will not force the completion of the second-reading debate on this important Bill.

Mr. GALVIN (Chief Secretary).—I can assure the honorable member for Kew that the Government has no desire to use any weight of numbers to force such a measure through the House. The Opposition will be afforded every opportunity to give reasonable and mature consideration to the Bill.

The motion was agreed to, and the debate was adjourned until Wednesday, April 14.

HANSARD STAFF: RETIREMENT OF CHIEF REPORTER.

Mr. GALVIN (Chief Secretary).—I move—
That the House, at its rising, adjourn until Tuesday next, at half-past three o'clock.

The motion was agreed to.

Mr. GALVIN (Chief Secretary).—I move—
That the House do now adjourn.

The SPEAKER (the Hon. P. K. Sutton).—I desire to inform the House that, on 18th March, Mr. William Kennedy retired from the leadership of the Hansard staff. When he joined that staff in 1925, Mr. Kennedy had the distinct advantage of accumulated experience as a journalist employed by a daily newspaper. Before his promotion to the highest position in the Hansard Department in 1949, he had been Assistant Chief for eleven years.

I am glad to learn that at the last meeting of the Library Committee references were made to the valuable work done by Mr. Kennedy and to the admirable personal qualities observed by members of this Parliament whenever they required advice or assistance from him as Chief Reporter and editor. It will be recalled that Mr. Kennedy compiled that fine illustrated booklet entitled The Parliament of Victoria and Parliament House, which, while commendably succinct, is most informative and interesting. It has the same mark of excellence that has characterized the performance of all the duties he discharged during his long career with Hansard.

Now that Mr. Kennedy has relinquished his official association with Parliament after a praiseworthy record extending over 28 years I am sure that all members of this House sincerely hope that health, happiness and contentment will attend him in his retirement. I have no doubt that he will find ways of giving further service to the community.

Mr. Kennedy has been succeeded as Chief of the Hansard staff by Mr. George Doward, who was appointed in 1926 and has been Assistant Chief for the last four years.
Mr. GALVIN (Chief Secretary).—Certainly the time is opportune for me, on behalf of the Government, to pay a tribute to Mr. Kennedy. It is particularly pleasing to know that he has retired in the bloom of health and I feel certain that members on both sides of the House will join with you, Sir, in wishing him a long and happy retirement. I, with other members of this House, owe a great debt of gratitude to Mr. Kennedy, who has presented in Hansard a record of the speeches of honorable members in such a manner that they have sometimes been astounded at their own powers of oratory. It is pleasing to know that the House recognizes the worth of an officer such as Mr. Kennedy, but it is also regrettable that the time has come when we have to lose his services. I know that he retires with the good wishes and kindest regards of all members on both sides of the Chamber, and he will feel a considerable degree of satisfaction when he learns that his work has been greatly appreciated by the House. In the most bitter of debates in this Chamber, members may indulge in a welter of recriminations and perhaps lose a little of their personal dignity, but the dignity of Hansard remains. We are indeed grateful to Mr. Kennedy and we trust that he will long be spared, in the best of health, to “enjoy the fruit of his labour.”

Mr. RYLAH (Kew).—On behalf of the party of which I am Deputy Leader I take this opportunity of joining with the Deputy Premier in his expressions of commendation of the services of Mr. Kennedy. It is perhaps a tribute to Mr. Kennedy that during his last session as Chief of Hansard, when, according to ordinary standards one would be looking forward to retirement with pleasant anticipation, Mr. Kennedy had to face a period in which there was a considerable amount of hard work to be done and in which extraordinary difficulties were encountered at all hours of the day and night. On behalf of the Liberal and Country party members of this House, I can say that we have always received the greatest courtesy and assistance from Mr. Kennedy and the members of his staff.

I am certain that all honorable members will agree that, with a staff of that description, it is the Leader who sets the standard for those who work with him. The booklet The Parliament of Victoria and Parliament House produced by Mr. Kennedy and which you, Mr. Speaker, referred to, is an extremely interesting and valuable publication; it is appreciated by a vast number of persons in the community—especially school-children. I am sure that we all owe Mr. Kennedy a particular debt of gratitude for his work on that booklet, apart altogether from that which he did as Chief of the Hansard staff.

I am sure, too, that members of my party wish his successor the greatest of happiness and joy in his new position. We trust that he will not have to work such long hours and will perhaps not be confronted with as many difficulties as was Mr. Kennedy during the last session of Parliament. Nevertheless, if he is called upon to face problems of similar magnitude, I am sure that he and his staff will surmount them and will continue to extend the same courtesy to honorable members as was our experience during Mr. Kennedy’s term of office.

Mr. McDONALD (Leader of the Country party).—I have much pleasure in supporting the remarks of previous speakers and desire to say how deeply members of the Country party appreciate the work of Mr. Kennedy and the other members of the Hansard staff, of which he was the Leader. When we read our speeches in Hansard we sometimes marvel at their excellence. Occasionally unkind words are uttered by members in the heat of the moment, but fortunately the Chief of Hansard has always been a wise man. Mr. Kennedy has maintained the high standard that has been set by the Hansard reports of the debates in this Parliament over the years. Mr. Kennedy is a man of many abilities, and I join with others who have spoken in expressing the hope that he will long be spared to enjoy a healthy and happy retirement.

The motion was agreed to.

The House adjourned at 8.3 p.m. until Tuesday, April 13.
LEGISLATIVE ASSEMBLY.

Tuesday, April 13, 1954.

The Speaker (the Hon. P. K. Sutton) took the chair at 4.7 p.m., and read the prayer.

FISHERIES AND GAME DEPARTMENT.

SNOB'S CREEK HATCHERY: ANNUAL COST.

Mr. BOLTE (Leader of the Opposition) asked the Chief Secretary—

What has been the cost to the Government of the Snob's Creek Hatchery each year since its establishment?

YEARLY COSTS: SNOB'S CREEK HATCHERY.

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<td>Operational.</td>
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<td>Salaries and Wages</td>
<td>143</td>
<td>582</td>
<td>1,386</td>
<td>1,389</td>
<td>2,134</td>
<td>3,334</td>
<td>4,106</td>
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<td>Purchase Ova</td>
<td>188</td>
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<td>91</td>
<td>110</td>
<td>142</td>
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<td>Fish Food</td>
<td>5</td>
<td>49</td>
<td>81</td>
<td>104</td>
<td>158</td>
<td>177</td>
<td>282</td>
<td>565</td>
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<td>Equipment and General Gear</td>
<td>4</td>
<td>44</td>
<td>512</td>
<td>360</td>
<td>232</td>
<td>331</td>
<td>346</td>
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<td>Contingent Expenses</td>
<td>8</td>
<td>174</td>
<td>165</td>
<td>242</td>
<td>524</td>
<td>327</td>
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<td>Transport (including purchase and running costs of vehicles)</td>
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<td>6</td>
<td>943</td>
<td>928</td>
<td>324</td>
<td>1,438</td>
<td>633</td>
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<td>Travelling Expenses</td>
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<td>16</td>
<td>14</td>
<td>12</td>
<td>27</td>
<td>138</td>
<td>37</td>
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<td>Total Operational</td>
<td>..</td>
<td>348</td>
<td>1,021</td>
<td>3,232</td>
<td>3,128</td>
<td>3,494</td>
<td>5,776</td>
<td>6,111</td>
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| Construction. | 1,860 | 9,268 | 15,170 | 9,833 | 14,578 | 19,631 | 20,238 | 12,579 | 8,522 |

EDUCATION DEPARTMENT.

TRANSFER OF BARWON HEADS SCHOOL: ACCOMMODATION OF SCHOLARS AT BREAMELEA.

Sir THOMAS MALTBY (Barwon) asked the Minister of Education—

1. How long the former Barwon Heads State School has been unoccupied awaiting transfer to Breamlea, 2 miles away?

2. Why, after more than two years spent in negotiations, the Lands and Education Departments have failed to agree upon a school site on Crown lands at Breamlea?

3. Whether a former army hut constructed of galvanized iron is in use as a school at Breamlea; if so, whether it is the intention of the Government to require scholars to spend a third winter in this hut?
Mr. SHEPHERD (Minister of Education).—The answers are—

1. The old Barwon Heads school building ceased to be used for school purposes when a new school building erected on a new site at that centre was occupied on 31st August, 1951.

2. The first site selected was found to be a permanent reservation for public purposes and could not be made available for school purposes without the passing of special legislation by Parliament. An alternative site was then chosen but on inspection it was found to be unsuitable. The Lands Department recently offered a satisfactory site and action is being taken to have it temporarily reserved for school purposes. Although the site will have to be surveyed, that Department has stated that it has no objection to the land being occupied.

3. The Breamlea school is being conducted in the Breamlea Public Hall, which is a weatherboard building with a galvanized iron roof and is reasonably well lighted and ventilated. The Public Works Department has been asked to furnish an estimate of the cost of removing the old Barwon Heads school building to the new site at Breamlea. It is not possible at this stage to give any definite indication as to when the removal will be effected. The Public Hall will be used for school purposes until such time as a State school building is ready for occupation.

PRICE CONTROL.

BREACHES OF REGULATIONS.

Mr. CORRIGAN (Port Melbourne) asked Mr. Scully (Honorary Minister) for the Minister in Charge of Prices—

1. How many breaches of price control regulations were detected by the Prices Branch during the years 1952 and 1953?

2. What was the nature of each breach and what action was taken by the Prices Branch in respect thereof?

Mr. SCULLY (Honorary Minister).—The answers supplied by the Minister in Charge of Prices are—

1. Number of breaches—1952 .... 1,954
   1953 .... 2,172

2. Nature of breaches—
   Overcharges ... 1,550 ... 1,416
   Failure to display Price Lists, Tickets or Notices ... 341 ... 743
   Failure to keep or supply records ... 57 ... 8
   Failure to issue receipts ... 3 ... 4
   Unlawful eviction ... 2 ... 0
   Hindering or obstructing an Officer ... 1 ... 1

3. Action taken by Prices Branch—
   Prosecution ... 1952 1953
   Warning issued ... 428 ... 288
   Total sum ... 1,526 ... 1,884

SLUM RECLAMATION.

FINANCIAL PROVISION: ESTIMATED EXPENDITURE.

Mr. RYLAH (Kew) asked the Minister of Housing—

1. What amount has been allocated by the Government this financial year for the purpose of slum reclamation?

2. What amount of such allocation has been spent, giving details of the works carried out?

3. What amount the Government anticipates spending on slum reclamation this financial year?

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

1. £500,000 placed on the estimates of which £83,000 has been allocated as a subsidy toward the cost of the Fitzroy reclamation area. £40,000 of this latter sum has been provided for expenditure in this financial year.


In addition, £155,896 has been expended from funds provided under the Commonwealth-State Housing Agreement on new building construction directly associated with slum reclamation.

3. In addition to the sums mentioned in (2) above, it is expected that approximately £50,000 will be expended, making a total of approximately £225,000 for the year.

MENTAL HYGIENE BRANCH.

KEW MENTAL HOSPITAL: ADDITIONS AND IMPROVEMENTS.

Mr. RYLAH (Kew) asked the Minister of Public Works—

1. What are the details of the additions, alterations, or improvements, at present being carried out at Kew Mental Hospital by and/or under the supervision of the Public Works Department?

2. When it is anticipated that each item of these works will be completed?

For Mr. MERRIFIELD (Minister of Public Works), Mr. Scully (Honorary Minister).—The information is set out in the form of a return, and, with the consent of the House, I suggest that it be included in Hansard.
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<tr>
<td>Grading Airing Yards, Wards F4 and F6, Children’s Cottages</td>
<td>June, 1954</td>
<td>Electrical work, Senior Medical Officer’s Residence</td>
<td>April, 1954</td>
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<tr>
<td>Regrading and sealing entrance, Children’s Cottages</td>
<td>April, 1954</td>
<td>Electrical installation, Matron’s Residence</td>
<td>April, 1954</td>
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<tr>
<td>Access road from Redmond-street</td>
<td>August, 1954</td>
<td>Hot-water service, Matron’s Residence</td>
<td>April, 1954</td>
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<tr>
<td>Closing drains between Wards F2 and F4, Children’s Cottages</td>
<td>June, 1954</td>
<td>Additional temporary accommodation for patients, Children’s Cottages</td>
<td>June, 1954</td>
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<tr>
<td>Alterations and additions Wards F6 and F7, Children’s Cottages</td>
<td>June, 1954</td>
<td>Electrical equipment, Ward F1, Children’s Cottages</td>
<td>April, 1954</td>
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<td>Hot-water services, Wards F6 and F7, Children’s Cottages</td>
<td>June, 1954</td>
<td>Electrical installation, new boiler house, Main Building Area</td>
<td>May, 1954</td>
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<tr>
<td>Electric light and power installations, Wards F6 and F7, Children’s Cottages</td>
<td>June, 1954</td>
<td>Supply of No. 1 boiler, new boiler house, Main Building</td>
<td>June, 1954</td>
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<tr>
<td>Provision of stainless-steel benches and equipment, Wards F6 and F7, Children’s Cottages</td>
<td>June, 1954</td>
<td>Supply of boiler-house auxiliaries, Main Building</td>
<td>June, 1954</td>
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<td>Bed partitions, Ward M3, Children’s Cottages</td>
<td>25 per cent. complete in shop</td>
<td>Supply and erection of No. 2 steam boiler, Main Building</td>
<td>May, 1954</td>
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<td>Remodelling, Wards D1 and F1, Main Building</td>
<td>August, 1954</td>
<td>Electrical reticulation</td>
<td>April, 1954</td>
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<td>Hot-water services, Wards D1 and F1, Main Building</td>
<td>August, 1954</td>
<td>Provision of cooking facilities</td>
<td>May, 1954</td>
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<tr>
<td>Benching and Kitchen equipment, Wards D1 and F1, Main Building</td>
<td>August, 1954</td>
<td>Head Nurse’s Quarters</td>
<td>May, 1954</td>
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<td>Plenum heating, Wards D1 and F1, Main Building</td>
<td>August, 1954</td>
<td>Spouting renewals, Main Building</td>
<td>May, 1954</td>
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<td>Meal-service units, Wards D1 and F1, Main Building</td>
<td>August, 1954</td>
<td>Wiring and conduit installation to laundry equipment</td>
<td>May, 1954</td>
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<td>Renewal of electrical installations, Wards D1, F1, Main Building and F6 Children’s Cottages</td>
<td>May, 1954</td>
<td>Renewal of waste pipes from washing machines, Laundry</td>
<td>May, 1954</td>
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<td>Repairs to electric wiring, Wards M2 and F2, Children’s Cottages</td>
<td>May, 1954</td>
<td>Ventilation and re-arrangement of equipment, &amp;, Laundry</td>
<td>April, 1954</td>
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<td>Provision of power points, fans, &amp;c., Ward F1, Children’s Cottages</td>
<td>May, 1954</td>
<td>Installation of electric light and power in rebuilt section of laundry</td>
<td>May, 1954</td>
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<td>Alterations, Staff Mess Rooms, Children’s Cottages</td>
<td>June, 1954</td>
<td>Supply of laundry equipment</td>
<td>May, 1954</td>
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<td>Electrical installation, Staff Mess Rooms, Children’s Cottages</td>
<td>June, 1954</td>
<td>Re-positioning of laundry machinery</td>
<td>May, 1954</td>
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<tr>
<td>Additions electrical installations, Ward F4, Children’s Cottages</td>
<td>April, 1954</td>
<td>Electrical installation, Main Kitchen</td>
<td>May, 1954</td>
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<tr>
<td>Internal painting, Boys’ Dining Room and Scullery, Children’s Cottages</td>
<td>April, 1954</td>
<td>Supply of soup and tea cans</td>
<td>June, 1954</td>
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<tr>
<td>Alterations to bathroom, Ward M6, Children’s Cottages</td>
<td>April, 1954</td>
<td>Supply of refrigerator cabinet, Main Kitchen</td>
<td>June, 1954</td>
</tr>
<tr>
<td>Flywire screens, Ward M6, Children’s Cottages</td>
<td>April, 1954</td>
<td>Reorganization of hot-water services, Male Wards</td>
<td>April, 1964</td>
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<tr>
<td>Roof repairs, Ward F4, Children’s Cottages</td>
<td>April, 1954</td>
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**HOUSING COMMISSION**

**SALE OF HOMES TO TENANTS.**

Mr. PETTY (Toorak) asked the Minister of Housing—

1. How many Housing Commission homes have been sold to tenants since 1st July, 1953?

2. How many applications by tenants to purchase Commission homes are held up pending determination of selling price?
3. Whether he has any plans to facilitate the selling of Commission homes to tenants who desire to purchase; if so, what?

Mr. HAYES (Minister of Housing).—The answers are—
1. Four.
2. Twelve.
3. The Government has made strong representations to the Federal Government for the introduction of a system of selling these houses on deposit and extended terms. The Federal Government has not yet agreed to this proposal, which is favoured by all of the States at present participating in the Commonwealth-State Housing Agreement.

EVICTION OF TENANTS: PROTECTIVE LEGISLATION.

Mr. PETTY (Toorak) asked the Minister of Housing—
Whether the Government proposes introducing amending legislation to provide some protection to tenants of Housing Commission properties from eviction in the event of breaches of their tenancy agreements; if so, when?

Mr. HAYES (Minister of Housing).—The answer is—No.

POLICE DEPARTMENT.

INCREASE OF PERSONNEL.

Colonel LEGGATT (Mornington) asked the Chief Secretary—
Whether consideration has been given to increasing the personnel of the Police Force to enable it to curb the present toll of the road and the crime wave?

Mr. GALVIN (Chief Secretary).—The answer is—
Yes. The matter is constantly under attention. The actual strength of the Force, which on the 1st July, 1951, was 2,816, has been progressively increased until on the 9th instant, there were 3,067 men, whilst, in addition, certain duties previously undertaken by the police are now performed by public servants, so making more men available for active police duties.

Authority to increase the strength of the Force has been given and recruiting is proceeding.

Apart from this numerical increase, additional cars and cycles have been provided together with greatly improved communications. The expenditure of the Police Department, excluding the cost of public works, has increased from £1,415,304, in 1947-48, to an estimated expenditure of over £4,000,000 for the current financial year.

ROYAL VISIT.

COST TO GOVERNMENT.

Mr. MUTTON (Coburg) asked the Treasurer—
What was the total cost to the Government of the Royal Visit to Victoria?

Mr. CAIN (Premier and Treasurer).—I wish to advise the honorable member that all accounts for expenses incurred in connexion with the Royal Visit have not come to hand. When they are received, I shall be pleased to give the honorable member the information he seeks.

BRIDGES ACROSS YARRA RIVER.

NEW JOHNSTON-STREET BRIDGE: TOWN PLANNING PROJECT.

Mr. RYLAH (Kew) asked the Minister of Public Works—
1. What is the estimated date of completion of the bridge in course of erection across the Yarra river connecting Johnston-street and Studley Park-road, Kew?
2. Whether he has given consideration to the erection of a bridge across the Yarra river connecting Cowper-street and Johnson-street, in accordance with the proposed plan of the Town Planning Branch of the Melbourne and Metropolitan Board of Works?

For Mr. MERRIFIELD (Minister of Public Works), Mr. Scully (Honorary Minister).—The answers supplied on behalf of the Minister of Public Works are—
1. The Country Roads Board has advised that the estimated date of completion of this bridge is March, 1956.
2. The Governor in Council, on the 23rd March last, referred to the Public Works Committee, for inquiry and report, the question of the provision of another crossing of the Yarra river at or in the vicinity of Cowper-street, also the question as to whether the provision of other outlets from the city on its south fringes is desirable.

The Government has, therefore, deferred further consideration of the matter until the committee's report is received.

LAW DEPARTMENT.

HOUSKY-HOUSEY PERMITS: PROMOTERS' RECEIPTS AND DISBURSEMENTS.

Mr. RYLAH (Kew) asked Mr. Scully (Honorary Minister), for the Attorney-General—
1. How many housey-housey permits have been granted since 1st July, 1953?
2. In respect of housey-housey games conducted under such permits, what has been—(a) the total amount taken; (b) the amount expended in prizes; (c) the amount received by the promoters by way of fees, profit, or otherwise; (d) the amount received by charity; and (e) the amount expended on wages and for operating expenses other than promoters' fees or profits?

Mr. SCULLY (Honorary Minister).—The Attorney-General has furnished the following answers—

1. The number of housey-housey permits granted since 1st July, 1953, were as follows:—

   323 permits in respect to 58 charities, and 22 permits in respect to eleven registered patriotic funds.

2. There have been 267 returns made to date in respect to the 345 permits issued and the figures for these returns are—

   (a) The total amount taken was £1,213,560;

   (b) the amount expended in prizes was £953,211 or 78.5 per cent. of total takings;

   (c) the amount received by organizers by way of fees, equipment hire, profit or otherwise according to information received was £21,942. This amount must have been paid by the charities direct as it was not paid out of housey-housey proceeds and it does not include fees paid to carnival proprietors for general hire of carnival equipment such as swing boats, merry-go-rounds, &c.;

   (d) the amount received by charity or registered patriotic funds was £216,971 or 17.9 per cent. of total takings; and

   (e) the amount expended on wages and for operating expenses other than promoters' fees or profits was £43,388 or 3.6 per cent. of total takings.

PUBLIC TRANSPORT.

TRAM AND BUS STOPPAGES.

Mr. RYLAH (Kew).—I wish to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, "the failure of the Government to take the necessary steps to obviate the serious inconvenience caused to the public by stoppages of public transport."

Approval of the proposed discussion was indicated by the required number of members rising in their places, as specified in the Standing Order.

Mr. RYLAH (Kew).—I am surprised that this adjournment motion should have been greeted with laughter from the Government side of the House. I should have thought that to-day every member of this House would be as concerned as I am with the tram and bus stoppage which has occurred, and which appears to have spread and become general. It is one of a series of stoppages of such services during recent months. The stoppages have become far more serious from the point of view of the public in that in most cases they have taken place without any warning. Yesterday morning, the people of Brunswick were perhaps fortunate; they were told in advance that no buses or trams would run between, I think, the hours of 10 in the morning and 12 noon, or that a meeting was to take place between those hours and that no buses or trams would operate from 9 until 11 o'clock. In the afternoon, residents of Malvern and persons served by other depots were deprived of transport without any warning. As a result, many people, including housewives, mothers of sick children, and persons proceeding to and from work outside the regular hours, were left without transport. Moreover, quite a number of young children had to travel home from school by any means available to them, with consequent danger not only to themselves but to the public generally.

This morning, with practically no warning, almost the entire transport system serving the eastern suburbs, went out of action either before or during the movement of peak crowds. The outcome was that many people travelling to work, and many others who were on their way to hospitals, were left without any means of conveyance. As I was using my car, I was able to assist two elderly ladies and a child to reach a hospital. That such inconvenience should be caused to the public is of very serious concern to every member of this House. I remind honorable members that this is not the first occasion. It may be that the lightning-strike technique has been improved and that in these latest examples the public were more greatly inconvenienced than they
have been previously, but I think it is safe to say that at every Christmas or Easter period during the last few years there has been either a partial stoppage, a general stoppage or the threat of a stoppage. Indeed in the last few months, one bus service ceased running altogether. I think it is important, in considering the causes and results of these stoppages, to review the history of that particular dispute. Honorable members know that the Point Ormond-Clifton Hill bus route is one of the most important in the Melbourne suburban area. Over it a large number of people are transported to and from work, as well as to and from hospitals and schools.

I believe that the history of the handling of the Point Ormond bus dispute is the key to the present situation. A threat of a strike occurred just after Christmas, and the Minister of Transport announced that as the tramways Board possessed sufficient authority to deal with the question he did not propose to have anything to do with it. Shortly afterwards, he appealed to the men concerned to "play the game." His remarks are reported in the Age of the 20th January last, under the headline "Uncer Union to Reject 'Kremlin Instruction,'" as follows:

"I appeal to the union members to reject what appears to be an instruction from the Kremlin—and not be misled by those leaders who have done little to improve working conditions in the industry."

The Minister for Transport (Mr. Coleman) said this yesterday, commenting on the one-man bus dispute. The Government, he said, could not allow the present state of affairs to continue.

Tram and bus services must be continued on conditions laid down by the Tramways Board, and not dictated by the union.

"The Government will give full support to the board in its endeavour to establish this principle," Mr. Coleman declared.

Following this apparently strong action by the Minister of Transport, the dispute dragged on, and in February the tramways Board abandoned the route. Again, the Minister made a very forceful statement, indicating that he was behind the Board in the action it had taken. This statement was reported in the Argus of the 28th January, curiously enough under the heading "Labour M.L.A. Supports Men's Stand." The Assembly member concerned was the honorable member for Clifton Hill who, together with some other Ministerial backbenchers, has been embarrassing the Government over the handling of this and other disputes.

Mr. Doube.—You do not know what you are talking about.

Mr. RYLAH.—I could almost say that it is fortunate for the Government that the honorable member for Oakleigh has not leapt to its assistance before this. I thank him for his comment, which is the best praise I could have at this stage. The Minister of Transport was reported to have said:

It is regrettable that a public transport authority has had to abandon the service, but unfortunately there seems no alternative.

The Government has a responsibility in this matter. That is to provide efficient and economical transport for the public.

In view of the decision of the tramways Board I will confer with the Transport Regulation Board immediately with a view to ascertaining whether a service conducted by private enterprise can be substituted for that previously conducted by the Board.

Honorable members will remember the trend of events which followed. The Transport Regulation Board called for tenders from operators desirous of taking over the bus route. Then the bus owners' association referred to the difficulty of a private bus owner tendering unless he were guaranteed some security of tenure. The Minister went to press again, stating that any operator who was prepared to tender would be guaranteed a tenure of four years. At this stage there was published, presumably from a Communist source, a most scurrilous attack on the Minister. It was in roneoed form and probably a copy was received by every member of this House. First, the message suggested that the Minister was taking this action because he had been promised a very substantial reward by a private company in Melbourne.

Mr. Bourke.—Do you think you ought to make that public?

Mr. RYLAH.—I do, and I am surprised that the Minister did not release it to the press. At that time there were
references to the abandoning of the principles for which the Government stood, the offer to private operators having been made. Curiously enough, following the publication of that most objectionable screed the proposal regarding a bus service conducted by private enterprise appeared to have been abandoned. I submit that there was cause for and effect from the intervention which was made at that stage by the honorable member for St. Kilda and the honorable member for Clifton Hill, both of whom were prominent in their press criticism of the stand taken by the Minister of Transport.

Mr. BOURKE.—That statement is not correct.

Mr. RYLAH.—Of course, the Government has chosen not to make any reference to those phases. Members of the Opposition do not believe that the Minister of Transport or any other member of the Government would be associated with any proposal of the sort to which I have referred. My point is that pressure appears to have been brought to bear upon the Minister to depart from the firm stand he took, as although he had been intervening with a view to having the buses reintroduced the public were finally left without any transport on the Point Ormond route. The proposal to allow private enterprise to operate this bus route for the convenience of the public was abandoned, and that development was followed by a statement by the Minister of Transport that he was withdrawing from the dispute. For some time after that stage no buses were operated, either privately or by the tramways Board.

The next development was the intervention by the Trades Hall Council which virtually gave a direction to the Government that it should revive the matter and put an end to the dispute. For some time after that stage no buses were operated, either privately or by the tramways Board.

The Board had given way to the unions on several conditions which the unions desired should be observed in relation to the trials. Finally, a compromise was reached, and it was decided that the 32-seater buses should be again operated and that a month hence the trials with the bigger buses should be restarted. That arrangement might have been intended as a form of face saving, but to me it appears to have been just stupid meddling. Originally, the Government said, in effect, that it stood by the policy of the Board and that the Board had authority to handle the dispute. The Government adopted the attitude that the Board's policy must be implemented and that the trials must be undertaken. That was a reasonable outlook, but then the Government altered its stand. It announced that it was prepared to give ground and that it would be agreeable to a compromise. In agreeing to the trials being deferred for a month, it indicated a weakness in its policy which led to the existing trouble.

Mr. CAIN.—Did it ever occur to you that it would have been difficult to get people back on that route to enable the trials to be held?

Mr. RYLAH.—There would have been no difficulty in getting passengers to patronize the service again, since they wanted to travel by it. I have been reliably informed by certain bus drivers that the dispute did not arise in connexion with the running of buses on the Point Ormond route. The trouble is much wider; it is an Australia-wide question whether one-man buses should be operated. The attitude of the tramways Board is that certain services cannot be run profitably except by one-man buses. The attitude of the tramways employees union is that it will not allow one-man buses to be operated on routes
on which such buses are not running at the present time. A vote has never been taken to ascertain whether the men desire that the trials should be completed. The policy was decided by the union executive.

Mr. GALVIN.—Which side are you on?

Mr. RYLAH.—I am on the side of the travelling public who at present are being deprived of transport services. Let me now revert to the present trouble. It is perfectly obvious from the public statements issued by the chairman of the tramways Board and by the secretary of the tramway employees union that the question of rostering is provided for in the relevant Arbitration Court award. It is also clear that the proper place for the determination of any dispute in relation to rosters is the Arbitration Court, because that tribunal has already made a decision upon the subject. I consider that the future of the metropolitan tram and bus services is at the cross-roads. If the Government intervenes in the existing dispute and arranges or authorizes any form of compromise, it will be completely letting down the tramways Board.

I reiterate that the public are entitled to normal transport services. There can be no question that any arguments arising in connexion with such services should be resolved by the tribunal appointed for the purpose. In other words, the issue to which I have been directing my remarks should be determined in the Arbitration Court, not by the Trades Hall Council, or the Government, or the Minister of Transport. A question that is concerning members of the Opposition is whether the Government and its supporters have a policy the purpose of which would appear to be to support the tramways Board but which, in effect, is intended to sabotage the administration of the chairman of that body. When Mr. Risson appeared to-day at a meeting of tramway employees and said that he was the chairman of the tramways Board, there was an interjection, “We will soon get rid of you.” Unfortunately, that expression is very similar to other remarks made on various occasions by Government supporters.

Mr. BARRY.—I have often heard similar interjections by Opposition members.

Mr. RYLAH.—If it is the intention of the Government to take advantage of the present occasion to dispense with the services of the chairman of the tramways Board, nothing but tragedy, I suggest, can result from such a policy. I should like to ask what will be the over-all effect of these stoppages in relation to the transport services of Victoria, as it is obvious that the travelling public will be inconvenienced and many people will be unable to reach their places of employment. Furthermore, the O’Shea policy of interfering with production will be assisted. It is quite clear that the tramways Board will be unable to run its services economically if it is to be dictated to by the union as to how it shall work its rosters, whether one-man or two-men buses are to be operated, and what methods of administration affecting revenue are to be adopted.

Mr. DODGSHUN.—You do not think all the employees want the strike?

Mr. RYLAH.—I am perfectly certain that all the employees do not want it and that the great majority of tramwaymen are fed up with action of this type. It is clear that O’Shea is getting his way again. The last disastrous strike in the transport industry cost the tramways Board literally hundreds of its best employees, and if this sort of thing continues decent men will leave the industry and seek employment elsewhere. Further, if constant stoppages are to occur, particularly at times when the Board can expect peak loading, it is inevitable that higher fares must be charged; or, alternatively, the Government will have to subsidize the tramway services out of revenue. Obviously, the Board, in an endeavour to make ends meet will operate restricted services. It is reasonably clear to the public that the promised service to Heidelberg—it was to commence in February or March of this year—is not likely to operate until the dispute over the one-man buses has been solved. The Board will not be in a position to operate developmental
routes in areas where private enterprise has abandoned bus services or where no bus services have been established.

It is the duty of the Opposition to ask the Government what it proposes to do about this question and whether it has any plans for using emergency transport. I realize that it would have been very difficult to provide an emergency service this morning. Presumably, trams will not run to-morrow. If they do, the public will be delighted, but if they do not, the Opposition wishes to know what plans the Government has prepared to assist persons to travel to work and whether arrangements have been made to enable people to go away for the Easter holidays. Many working people consider the Easter period as their holiday for the year. It must be remembered that some industrial areas are not served by trains and are without any form of transport during this upset.

I have been informed by members who tried to get home after party meetings this morning that it is impossible to obtain a taxi in Melbourne at present. The Opposition also wants to know what the policy of the Government is concerning the present stoppage. We should like to know whether the Government intends to uphold the arbitration system and support the Board, or whether it regards this upheaval as part of a policy to get rid of Risson. I am certain that no member of this House will support action that will facilitate the destructive policy of the section of the union that is led by O'Shea.

Mr. CAIN (Premier and Treasurer).—Recently the Opposition made certain statements in the press as to what it proposed to do when Parliament met. It was reported that the Government would be attacked on a number of questions, but no mention was made of the difficulties facing the tramways Board. To-day, however, a motion for the adjournment of the House was submitted to discuss the tramway stoppage which occurred this morning. After listening to the honorable member for Kew I am at a loss to know what I have to answer. Anyone who heard the honorable member could place no other construction on his remarks than that he was advising the Government to do what it has been doing all through. I could not advance a better case than did the honorable member for Kew, who first mentioned the present dispute and then discussed the trouble that ended a few weeks ago. I should like to deal first with the Point Ormond dispute, because the honorable member stated that that was the basis of the present upset. There is no connexion whatever between the two. I do not think any member of the Opposition, or anyone outside of this Parliament, will contend that the Minister of Transport has not done an admirable job since he has occupied that position.

Sir Thomas Maltby.—He has not been supported.

Mr. CAIN.—The Minister of Transport has received complete support. No one can complain of the job done by the Minister. He has received not only the commendation and support of the Government but also of the public. He has done more to place the railways in their present position than any other Minister for 25 years. For that reason, I start off on the basis that there can be no justified criticism of the Minister of Transport, who is painstaking and efficient. Secondly, both in the present dispute—which, of course, started only to-day and which we discussed this morning—and in the former dispute over the Point Ormond buses, the Minister of Transport has had the complete and undivided support of the Government. The Point Ormond dispute arose as a result of a decision by the tramways Board to operate one-man 41-passerger buses on a route over which 32-seater buses had run for a number of years. The union has taken no objection to the use of the 32-seater buses, but does object to 41-seater buses being operated by one man. Probably there is a great deal of justification for the opposition to one man handling a vehicle that will carry 60 or 70 passengers on that particular route, but the Board decided that the 41-seater buses should be given a trial, and the Minister backed the Board. The Government supported the Minister of Transport, and the trial proceeded for four or five days.
Sir Thomas Maltby.—You backed the Minister over a cliff!

Mr. CAIN.—I did not interject when the honorable member for Kew was advancing his case; therefore the Opposition should be reasonable. I am entitled to put the view of the Government, which is unanswerable. When the dispute took place, the Government and the Minister of Transport backed the Board in its proposal to conduct a trial of one-man operated 41-seater buses. Some of the men were reasonable about the trial but others attempted to sabotage it, and ultimately they refused to continue it. The conditions of the trial provided that the Minister was to have the opportunity within a reasonable period to determine whether it was right for the 41-seater buses to be operated by one man. When the men refused to continue the trial, the Point Ormond service stopped, as the tramways Board took the view that it did not have a sufficient number of 32-seater buses to carry on the service effectively.

The honorable member for Kew then gave his version of how the service restarted, and that is where he parts company with the Government. He said that the Government decided, as a result of intervention by the Trades Hall Council, that the service should recommence. Quite frankly, we believe every dispute should be placed in the hands of the Trades Hall Council. We prefer to deal with that official body, and I would point out that both the Country party and the Liberal party have dealt with it. The Trades Hall Council negotiated for the restarting of the buses. The tramways Board decided to recommence the service with 32-seater buses and to operate those vehicles for one month, and then to complete the trial with the 41-seater buses. That was done because it was felt that the public should be given an opportunity to get used to travelling on the buses again. After the completion of the trial, a decision was to be made whether or not the 41-seater one-man buses should continue to operate.

Mr. R. T. White.—They soon found enough 32-seater buses.

Mr. CAIN.—I understand that there is a limit to the number of buses of that type. At that stage, I say with great respect, the matter was settled. After all, surely the Board was entitled to negotiate. Consequently, I make no apology either to Opposition members or to citizens of this State in relation to the Board decision to restart the Point Ormond route.

I come now to the present issue. Frankly, I am surprised that the Opposition attacked the Government on this occasion. When our Government attained office, the tramway employees' union was outside the scope of the Arbitration Court because it had been deregistered. The present dispute is one that has been in evidence for years in tramway systems in all States of Australia. It arose in Victoria when the old tramways Board was in office and the cable trams were operating. The trouble stems from the fact that men are laid off on certain days when the Board considers that their services will not be needed. For instance, on Good Friday relatively few passengers will be travelling and the Board wants certain of the men to take that day off and to work on Tuesday, Wednesday, or Thursday instead, which is part of the award.

Mr. Bolte.—What is wrong with that?

Mr. CAIN.—The only thing wrong is that the Board will require many more men on Tuesday, Wednesday, and Thursday of this week than on Good Friday.

Mr. Rylah.—That is what is right with the position; not what is wrong with it.

Mr. CAIN.—The award is not easy to understand. When our Government came to office, it assisted the tramway employees' union to become registered again. The matter of rostering was submitted to a Conciliation Commissioner for consideration, and he decided that the award must stand as it is at present. The attitude of the Government is that it supports the fixing of wages by the court.
Sir THOMAS MALTBY.—How?

Mr. CAIN.—The Government will do nothing to support the men while they refuse to adhere to the terms of the award. It has decided to support the tramways Board in carrying out the award. If, in the meantime, the tramway employees' union wants the provisions of the award altered, the Government will facilitate that organization in its efforts to have its claims heard by the Arbitration Court. The Government does not desire to prevent the union from approaching the court. After all, this Government does not intend to be an authority for fixing wages and conditions in industry, because that is a judicial function.

Mr. BOLTE.—You did last year.

Mr. CAIN.—Neither this year nor last year did the Government interfere with any awards.

Mr. TURNBULL.—What about the Milk Board?

Mr. CAIN.—What about any other Board for that matter? The Government has not been a wage-fixing authority and it has no intention of assuming that role.

Mr. BLOOMFIELD.—What about the legislation relating to factories and shops?

Mr. CAIN.—That legislation has been placed on the statute-book and it will be supported by the Government. Tribunals fix award rates, and the Government has no intention of interfering in that regard. The Government proposes to say, in effect, to the tramwaymen, "There is the award; you can go back to work to-morrow on the award conditions." Beyond that the Government will not go. I really think the Deputy Leader of the Opposition, in submitting the motion that is now before the Chair, intended to congratulate the Government on its action. In any case, that is what he should have done, if he meant what he said. The honorable member is not as considerate of the public interest as he would lead the House to believe. The fact of notice having been given at Brunswick yesterday of the proposal to hold a stop-work meeting and similar notice not having been given at Malvern to-day provides him with a heaven-sent opportunity to attack the Government in a manner that he would not have thought of yesterday. If there had been no stoppage of work to-day, the Deputy Leader of the Opposition would not have criticized the Government concerning the Point Ormond route.

Mr. GALVIN.—We would not have seen the Opposition's "secret weapon."

Mr. CAIN.—That is so. With great respect, I contend that the Opposition has no valid case. The Government intends to support to the hilt the Minister of Transport, who has carried out his duties in a particularly efficient and effective manner. No one can criticize him successfully for the way in which he has acted during the last twelve months.

Sir THOMAS MALTBY.—He has not been supported.

Mr. CAIN.—That is untrue. The honorable member for Barwon, by his flippant remarks, reveals himself as the most irresponsible member of this House. He knows that the Government has supported the Minister of Transport. The Government continues to do so. Newspapers have reported that I made certain statements concerning the dispute, but I did not use the words attributed to me.

Sir THOMAS MALTBY.—Why did the Minister of Transport withdraw from the dispute?

Mr. CAIN.—The honorable member for Barwon knows as well as I do that the Government has done a really good job. He knows also that the same comment applies, in particular, to the Minister of Transport. Furthermore, the honorable member is aware that the Government supports the attitude of the Board, which has control of this dispute. The Government has told representatives of the tramway employees' union that that organization cannot possibly dictate the terms of settlement.
The SPEAKER (the Hon. P. K. Sutton).—The Premier's time is about to expire.

Mr. CAIN.—I shall conclude by saying that the Government has been consistent in its attitude throughout the negotiations. It intends to support the court. If the tramway employees can have their award improved as a result of their approaching the court, the Government has no objection to that course being taken. However, the Government will not go beyond the provisions of the award; if it were to do so, it would find itself in all sorts of difficulties.

Sir HERBERT HYLAND (Gippsland South).—I support the motion submitted by the Deputy Leader of the Opposition. The debate so far has revealed the fact that the Government is definitely backing the tramways Board and not the union. The Premier has stated that clearly and without qualification. I, for one, sincerely hope that the honorable gentleman will continue to adopt that principle. He stated also that the Government refuses to be a wage-fixing authority and that it will not alter the wages of employees of Government instrumentality except with the authority of the appropriate court. I do not know all the ramifications of this matter, but I have a vivid recollection of the position concerning cost-of-living adjustments. In that regard, the Government overruled the court's decision.

Mr. CAIN.—No, we continued the cost-of-living adjustments.

Sir HERBERT HYLAND.—The court ruled otherwise. I have not the slightest doubt that "Commo" Mr. O'Shea has that matter in mind and impresses upon the members of the union he controls that, because the Government continued the cost-of-living adjustments despite a court decision to the contrary, the Government will weaken on this occasion if the men inconvenience it sufficiently. I hope sincerely that the Government will not weaken. I, personally, should like to contribute to a fund for the purchase of a single ticket to Russia for Mr. O'Shea, so that he could stay among his "Commo" friends. Conversely, I am 100 per cent. behind the present chairman of the tramways Board, Mr. Risson. From personal experience, I can say that he is an excellent administrator and I trust that when an alteration is made to the constitution of the Board, his services will be retained. After all, he has provided Melbourne with decent tram and bus services, so far as the tramway employees have allowed him to do so. Melbourne has clean trams and buses and a service that compares more than favourably with that conducted in any other State of Australia. When we compare our trams with those in Sydney, we are proud that a man of the calibre of Mr. Risson is chairman of the Board; he is doing a good job in all the circumstances.

I should like to make my attitude clear, particularly concerning the Point Ormond buses. I know them well, as I live in an area served by them. It is highly dangerous for one man to operate a 41-seater bus which will carry, as the Premier rightly stated, up to 70 passengers. In making that statement I am not backing O'Shea, as I would "shoot him on sight," as the saying is. The buses which travel along Punt-road are driven over the bridge crossing the Yarra river, and there is a stop on the south side, at the bottom of an extremely steep hill. The traffic at St. Kilda Junction is usually dense. One man should not be asked to collect fares from and look after 70 persons, as well as acting in such a manner as to safeguard the lives of other road users. The opinion I have just expressed is in accordance with that held by many members on the Government side of the House; they have stated that the drivers concerned have an excellent case in their favour.

Mr. R. T. WHITE.—The honorable member for St. Kilda thinks along those lines.

Sir HERBERT HYLAND.—He should be the first man to support the Government.

Mr. BOURKE.—I do support it.

Sir HERBERT HYLAND.—It has been stated that the 32-seater buses will operate again for a month. On the
other hand, the Premier has said that the Board has not sufficient buses of this type to continue the services, and has had to use 41-seater buses. I should like to know where the 32-seater buses are being obtained. A fairly good transport service is provided by trams, buses and trains in the metropolitan area, but they are all packed with passengers at peak periods.

The Premier referred to the Minister of Transport, who has carried out a reasonably good job. Those who preceded me in office as Minister of Transport also did a fairly good job, irrespective of party affiliation, whether Labour, Liberal, or Country party. But we cannot close our eyes to the fact that it was a tremendous blunder on the part of the Government in landing—I use the word "landing" advisedly—the present Minister of Transport with this task. It is a big disability for people to have to walk half the time, to cadge rides from drivers of passing vehicles, and so forth. It was a blunder to hand to one man the responsibility of transport administration. I make that statement in view of my experience as a previous Minister of Transport.

During the régime of the Government of which I was a member, on all occasions when matters of this sort arose, I had the benefit of the wisdom of members of the Cabinet, so that a concerted effort was made to solve the problems. The action taken by the present Government has not been fair to the Minister of Transport now in office; I realize that he approved of the step taken, but it was fair neither to him nor to the travelling public. The Government should have assumed control and kept transport going.

Mr. CAIN.—What do you mean by that statement?

Sir HERBERT HYLAND.—In dealing with this matter, Cabinet should not have allowed one Minister to do what he did. At the request of the Minister, the task was delegated to him, and he was left to handle it. Judging from the extent of his experience as a Minister, I say that it was wrong—and it was a bigger mistake on the part of the Government—to allow him to carry on alone. Full Cabinet should have tackled the problem.

Mr. CAIN.—The Minister of Transport takes this in his stride.

Sir HERBERT HYLAND.—It is a mighty poor stride. Pity help the public if it is to be without a bus service for a month or six weeks. There is a stoppage to-day. Mr. O'Shea knows very well that the Government will back down, and that there will be no trial of 41-seater buses on, 1st May.

Mr. CAIN.—Do you contend that there will be no trial?

Sir HERBERT HYLAND.—I do. At any rate, I shall be surprised if there is a proper trial. There has been what I describe as a "shuffle off." The Government will allow O'Shea to have a win and will claim credit for providing a "breathing space."

Mr. CAIN.—Will you apologize if there is a trial?

Sir HERBERT HYLAND.—I shall apologize willingly if that is the case, but I guarantee that there will be no real trial. One bus may be operated, but that will not be a proper trial; it will not be the trial that the Board demanded in the first instance. In the long run, the union will win.

Mr. SHEPHERD.—You are backing it.

Sir HERBERT HYLAND.—I am not. At the beginning of my speech, I indicated what I would do to O'Shea, if I had the chance, and I will not retract that statement. In the tramways union there are many decent men and women who are not followers of O'Shea but wish to carry on with the job and do the right thing by the public. They would support the holding of a trial, but O'Shea and his militants will not allow them to do it. The Herald of this evening reports the present situation with perfect clarity. Referring to a mass meeting of tramwaymen, addressed by the chairman of the tramways Board, Mr. R. J. H. Risson, it states—

They counted him out, stamped their feet, booed and shouted amid a barrage of almost non-stop interjections.

Those are real "Commo" tactics.
Mr. STODDART.—You stated that not all members of the tramways union were "Commos."

Sir HERBERT HYLAND.—That is so, and I assert that it was the "Commo" element in the union which behaved in the manner reported. It is well known that Communist supporters attend union meetings. The majority of the other members do not turn up; if they attended, and did their job properly, O'Shea would not be secretary of the union, and none of these troubles would occur. However, they stay away from meetings for the sake of peace and quietness. In another article relating to the strike of trams and tramway buses, the Herald of to-day reported the chairman of the Railways Commissioners as stating that all available trains were used for every evening peak and that, if the tram and bus strike continued, it would place a heavy load on the railways. I do not consider that the railways would be able to carry all the passengers successfully. Moreover, if the trial of the 41-seater buses takes place, and by any mishance an accident occurs, who will be responsible?

Mr. CAIN.—You do not wish us to proceed with the trial?

Sir HERBERT HYLAND.—I favour the holding of a trial. I do not wish the Government to back down to O'Shea. I contend that it will not be possible to hold a trial, but, if it does take place, and an accident occurs, whom will the Government blame? The men will state that the fault lies with the Government for forcing them to operate 41-seater buses. They are really 70-passenger buses; at the peak period, the fact that the bus was designed to carry 41 passengers does not enter into the question. I commend the Herald for the attitude it has adopted. Its editorial on this subject in to-day’s issue states—

Melbourne people are again the victims of an irrational and unnecessary tram stoppage which threatens to grow worse.

It has already caused serious inconvenience. It has thrown public transport—inadequate at the best of times—into increasing confusion. It means a foot-sore Easter week for many people, and still more over-crowding on the services that keep running.

The same trouble threatens, or occurs, repeatedly, over public holidays. And all because a militant section of the tramway employees union, led by its Communist secretary, Mr. C. O’Shea, challenges the right of the tramways Board to make the most economical use of its staff in the public interest.

The leading article expresses these views—

The chairman of the tramways Board is right in asserting that the management of the service is the duty of the Board, and not of the union. If it allowed Mr. O'Shea to take charge, and to roster a larger staff than public holidays required, the taxpayer would face a larger deficit on tramways Board operations.

As the Premier stated, the award has been tested in the courts, and the Board has won on every occasion. I am glad that the Premier has pledged his word to the long-suffering travelling public concerning the Point Ormond bus route and the tramway services; he has stated that the Government will definitely support the tramways Board, that it will ensure that court awards are adhered to, and that the Administration will not act as a wage-fixing authority. The Premier also said that the trial of the 41-seater passenger buses will commence on the 1st May. I sincerely hope it does.

Mr. GALVIN (Chief Secretary).—During recent weeks, many people looked forward with great expectations to the House reassembling so that they would learn of the secret moves to be adopted by the Opposition to upset the Government. It was said that there would be censure and adjournment motions, and that irritation tactics generally would be employed. Nothing of the kind eventuated last week while the Premier was absent in New Zealand, but to-day the bomb has gone off! The motion is directed against the failure of the Government to take the necessary steps to obviate the serious inconvenience caused to the public by stoppages of public transport."

It is evident that the Opposition must have been better informed on this question than was the Government, because
the Government did not know that the stoppage was to take place. It is plain that the Opposition knew of this matter last week otherwise it could not have given notice to the press of its intention to move an adjournment motion to-day in connexion with matters that would surprise the Government. I know that members of the Country party are not very happy about the motion. It was difficult to follow the Deputy Leader of the Opposition. I have not heard him speak more illogically than he did to-day. It was hard to say on which side of the fence he would tumble down—whether on the side of Mr. O'Shea or of the Government. Eventually he came down in favour of the Government.

Time is being wasted debating an adjournment motion on grounds which the Government intends to follow. I wish to submit the view of the Minister of Transport, who differs from the honorable member who has just resumed his seat. When the honorable member for Gippsland South was Minister of Transport, he dived into a hollow log as soon as trouble arose, and could not be found for three or four days. The present Minister of Transport is always on tap, endeavouring to overcome problems.

Mr. Bolte.—Why do you not support him?

Mr. Galvin.—I support the Minister of Transport 100 per cent. As the history of this Parliament becomes known, very few of his predecessors will receive anywhere near the honour to which the present Minister of Transport is entitled. He found that one undertaking was on the verge of bankruptcy; he has placed it upon a reasonable financial basis. It is to be hoped that he will do the same with the tramway system.

Mr. Dodgshun.—He has irritated country people.

Mr. Galvin.—The honorable member for Rainbow would prefer the railways to be in the position in which they were left by the Country party Government—showing a deficit of £4,000,000. On the present trouble, the viewpoint of the Minister of Transport is expressed in the Herald to-night as follows:—

"The Minister for Transport, Mr. Coleman, said to-day the Government would insist on the observance in their entirety of awards made by the Arbitration Court. "Discussions are at present taking place between the Board and the union on a new log of claims. I suggest the proper way to approach the problem is for the union to try in this new log to have the contentious clause altered. "Nothing can be achieved by following the policy of direct action. In its attempt to have the terms of the award observed the Board will have the full support of the Government."

There is no equivocation in that statement, and it is the way the Minister has approached these problems all along. Let us review the position as to the disagreement over the 32-seater buses, about which not only the passengers but also the men complained. An honorable member interjected asking from where the buses now being used on the route came. I understand that five of those vehicles are totally unfit for the road, and the men appreciate that fact. It was said that the Minister of Transport stepped out of the dispute, leaving the matter to the Board. The Minister came into the picture only when he was accepted as a mediator in the dispute. The Board, the men and the Government were prepared to accept his decision. The Government said that it had every confidence in the Minister, who stepped out of the dispute when the representatives of the union would not honour the undertaking given to the Minister. To-day, my sanctimonious friend from Kew said that he was not in any way smearing the Minister but the honorable member referred to a filthy and anonymous document circulated by people who promised that they would disown it. Seeing that they would not, the Minister refused to have anything further to do with them.

Mr. Rylah.—Why did not the Government make that fact public?

Mr. Galvin.—It did. No one can point the finger of scorn at the Minister but the honorable member referred to a filthy and anonymous document circulated by people who promised that they would disown it. Seeing that they would not, the Minister refused to have anything further to do with them.
that the tramways union had been deregistered by the Commonwealth Arbitration Court from the time when the honorable member for Glen Iris was Premier. When the organization submitted a log of claims to the court prior to deregistration, peculiarly enough the roster problem which has now arisen was not one of the items of the award that the court was asked to amend. The organization did take the roster dispute to the court later, and the court rejected the claim. Now it is prepared to make it an issue with the Government. All that the Government and the Minister have said to the union is, “Go to the court and ask for this particular item in the award to be excluded.” That is the reasonable thing to do. If an organization has a grievance against a clause in its award, it is logical for it to approach the court to have the clause excised from the award. That is all that the Government has said, and it is all that it proposes to say to the union.

Mr. RYLAH.—Are you going to stick to that?

Mr. GALVIN.—Since it has been in office, this Government has honoured every promise it has made and it will continue to do so, although it may disconcert the Opposition.

Colonel LEGGATT.—It might disconcert the Opposition if it honoured its promises.

Mr. GALVIN.—The honorable member for Mornington is not able to point to one administrative act in which a Government promise has not been honoured.

Colonel LEGGATT.—What about the last appointment to the Statute Law Revision Committee?

Mr. GALVIN.—The Government appointed the honorable member it thought was most fitted to be a member of that committee.

Mr. BLOOMFIELD.—Surely, that is not your opinion?

Mr. GALVIN.—It is my opinion.

Mr. BLOOMFIELD.—I did not think you could be so dumb.

Mr. GALVIN.—I will not speak about the dumb outlook of my Tory friend. Government supporters hold different views from his, and I trust that we shall continue to do so. The question has been asked: What has the Minister of Transport done in the way of providing transport? I have been informed that the Transport Regulation Board has arranged for private buses, which normally feed tram routes, to run to railway stations. In addition, on some routes private buses will run into the city, and private firms will be permitted to transport their employees to and from their places of employment. What else would honorable members opposite suggest—that the Government should supply helicopters? It is remarkable that an adjournment motion on this particular subject should be moved in the House to-day in an attempt to castigate the Government in a surprise move. The Minister of Transport and his colleagues in the Government are being attacked for taking a stand and saying to tramway employees, “You observe the award and the Government will at least make it possible for you to go before the appropriate industrial tribunal. If the tribunal finds that the roster provision is iniquitous, or that it should be amended or deleted from the award, the Government will be very happy to observe its decision.” Perhaps I might be corrected on this, but I believe that the award provides that only two days’ notice need be given of a change of shift or roster. I have been informed that now the men receive four days’ notice.

Mr. BOLTE.—That only gives them longer in which to make their strike arrangements.

Mr. GALVIN.—Taking the remark of the Leader of the Opposition to its logical conclusion, now the Opposition suggests that the men should not be given any notice of a roster change. What is happening now in the tramway service happened to me and many other railwaymen over a long period. In fact, in the Railway Department shifts are still changed at holiday periods with some men being booked off on public holidays. That is, and has been for some time, part of the running agreement
between the Department and all trade unions whose members work in the Railways Service. After fully examining the position the Government believes that no unnecessary hardship is being imposed on tramway employees in suggesting that the Arbitration Court is the appropriate authority to settle the question, and the Government says that at least the men should approach the appropriate industrial tribunal and state their case. The Minister of Transport will facilitate that approach in order that a solution to the dispute can be hammered out. This Government is prepared to improve the working conditions of its officers and employees, and will do so. Its policy in that regard has been implemented to an immeasurable degree in the Railway Department. The Minister of Transport would be quite happy to act similarly in relation to tramway employees, with the view of overcoming many anomalies in respect of long-service leave and other matters, but surely the men and their union should co-operate with him, as has been the case in the Railway Department.

As I have already said, I have worked in the railways, and I know that the Minister has granted to railway employees many amenities which I helped to fight for 25 or 30 years ago. Those benefits were achieved by co-operation. I say to the tramwaymen’s union and those associated with it that the Government and the Minister of Transport are prepared to do the same for them as they did for railway employees, but that they cannot expect to receive such benefits unless they co-operate. Co-operation is not one-way traffic. Co-operation is required between both sides to provide an efficient service for transport patrons as well as the best possible working conditions for employees in such service.

Mr. McDONALD (Shepparton).—I am surprised at the way in which the Premier and the Deputy Premier have contradicted each other in submitting their respective answers to the very serious charge of Government incompetency in maintaining transport services for the city of Melbourne. The Premier stated clearly that the Government unions whose members work in the Rail-award, and that it would continue to do so, yet honorable members know that the cost-of-living adjustment, discontinued by the Arbitration Court, was given to all Government employees. As an Opposition, we feel that the public expect certain standards from responsible members of the Government and particularly the Premier and Deputy Premier. The Premier stated, as have previous Premiers, that the Government would not go beyond the tramwaymen’s award. He declared that the roster question was of long standing. The Chief Secretary told the House that it was not part of any recent claim to the court.

Mr. GALVIN.—While the award was suspended. When an award is suspended it virtually does not exist.

Mr. McDONALD.—The Chief Secretary stated clearly that this matter was not submitted to the appropriate industrial tribunal at all.

Mr. GALVIN.—I said the opposite to that.

Mr. CAIN.—The Chief Secretary said that it was one of the questions recently submitted to arbitration.

Mr. McDONALD.—The Chief Secretary said that it was not submitted, and I shall stand by the Hansard report of his remarks. I have reached the stage of not knowing which member of the Government is aware of the ins and outs of this particular problem. It is obvious that the Government has been “caught short” because it has been leaving these problems entirely to the Minister of Transport.

Mr. GALVIN.—Whose job they are.

Mr. McDONALD.—I have always taken the view that a Government is a Government. If a Minister acts on behalf of the Government, the Government itself cannot evade the issue, saying, “We left it to the Minister. It is up to him.” What are the facts? The public has been denied a bus service for a substantial period on the Point Ormond route. Let us set aside the reason. The
issue is still in dispute, despite what the Premier stated about a trial taking place on the 1st May.

Mr. CAIN.—The Government takes full responsibility for the position.

Mr. MCDONALD.—The Government must also take full responsibility for the Minister of Transport pulling out of the dispute, saying, "I shall have nothing more to do with it." Is that the way to conduct the business of the State, particularly in respect of transport? In effect, the Government is washing its hands of this particular problem of the Point Ormond bus service. I agree with the forecast of the honorable member for Gippsland South that no trials of the running of the buses will be held. I concur also in his conclusion that the Government has washed its hands of the problem and that it is satisfied to allow the dispute to be settled in any haphazard way, irrespective of whether or not the public are provided with reasonable transport. The Government has indicated that it will stand its ground on the terms of the Arbitration Court award. I respect it for adopting that attitude which, I think, is the proper one, but the Government has also the obligation of ensuring that in the meantime the people of the metropolis are provided with adequate transport services. It is not sufficient for the Government to say that it will abide by the provisions of the award.

When I was Premier a railway strike occurred, and I experienced difficulties similar to those with which the Premier is now confronted. I should say, in fairness to members of the Government, that the Labour party supported the attitude of my Government on that occasion, which was that the relevant Arbitration Court award should be observed and that any dispute arising in relation to the provisions of the decision should be submitted to the court for settlement. However, my Government did much more than observe the terms of the award.

Mr. GALVIN.—Does your party support the Government?

Mr. MCDONALD.—Members of my party are prepared to support the Government if it stands by the terms of the award and, in addition, provides transport for the public. The public have the right to reasonable transport services, but the Government is not providing them at the moment.

Mr. GALVIN.—I stated what the Government was prepared to do, but apparently you were not listening.

Mr. MCDONALD.—I heard what the Chief Secretary said. My point is that the public of the metropolis expects the Government not merely to support the policy of full observance of the relevant Arbitration Court award but also to provide the necessary means of travel. The Government's attitude is that, while it is prepared to observe the decision of the court, the other party will not do likewise, and therefore the Government cannot be blamed for not catering for the transport needs of the people.

Mr. BOURKE.—Tell us what you would do if you were handling the situation?

Mr. MCDONALD.—I shall tell the House what my Government did when it was faced with a similar difficulty. The arrangements which it made did not work as efficiently as desired, but at least people had some means of transport during the period of the railway strike. I shall be honest and say that, in my opinion, the Government now in office is helpless and powerless, because it has appealed to private enterprise to take over the conduct of a metropolitan transport service, namely, that between Clifton Hill and Point Ormond. After the Minister of Transport had failed to bring the dispute to a satisfactory settlement, the Government advertised the fact that it was powerless and helpless and that it was willing to allow private enterprise to operate that section, under a four-year franchise. It might be as well if the Government had the courage to say that it should transfer the management of the whole of the metropolitan tramways to private enterprise in the hope that the private bus operators would be able to provide a more efficient service for the people.
I repeat that it is not fair and reasonable that the Government should merely declare that it will observe the terms of the award but do nothing further. Many firms and business establishments have trucks or vans which they use for the transport of their employees to and from their work during tram or railway strikes, but there are thousands of other workers who have no means of reaching their places of employment in the metropolis. In the absence of their normal means of transport they will have to walk many miles or stay at home, and the reason for that state of affairs is that the Government is incapable of solving the existing transport problem.

It appears that a group of men who for a long time have advocated the policy of job control are now running the tramways union. When it was stated at the meeting of tramway employees which the chairman of the tramways Board, Mr. Risson, attended that all concerned were in the industry together, someone interjected—referring to Mr. Risson—"You will not be in it much longer." It is clear that an effort is being made to sabotage the administration of the chairman.

Mr. GALVIN.—I do not think you will be here much longer.

Mr. McDONALD.—I am not surprised to hear that remark from the Chief Secretary. Supporters of the Government have made similar remarks over a long period in reference to members of my party, but they have been poor judges. It is not sufficient for the Government to treat this matter purely from an academic point of view and say that it stands by the award. The people require transport and it must be provided. The Government should deal with Mr. O'Shea and his supporters who advocate job control. If Parliament, during this short sessional period, resolved to enact legislation for the holding of secret ballots before employees decided to strike to ensure that a minority of employees would not be dominated by the communistic element, I and other members of my party would support it.

Mr. DODGSHUN (Rainbow).—My outstanding impression from this debate is that the Government is more disturbed at the Opposition's attack than it pretends to be, because the first member to speak on behalf of the Government was the Premier himself, who later called for support from his deputy. Each tried to belittle the attack launched by the Opposition, but neither answered the charges. I direct attention to the fact that in regard to the Point Ormond bus trouble neither the honorable member for Brighton, the honorable member for Elsternwick, nor the honorable member for St. Kilda, whose districts are affected, have risen during this debate to express their views. In the early stages of the Point Ormond bus dispute some members of this House received a filthy, anonymous letter which impugned the integrity of the Minister of Transport.

Mr. BOURKE.—Why do you bring that up?

Mr. DODGSHUN.—I mention the matter for a specific purpose.

**Honorable members interjecting.**

The SPEAKER (the Hon. P. K. Sutton).—Order! Interjections must cease. I am addressing myself as much to the Deputy Leader of the Country party as to other members. It is becoming impossible for me to hear what is being said by the member addressing the Chair. The House will agree that it is necessary that I follow the course of the debate in order that I may ensure a reasonable standard of order. I suggest that the honorable member for Rainbow be permitted to proceed without further interruption. I suggest also to the honorable member that he would be wise to disregard interjections.

Mr. DODGSHUN.—My voice is not the loudest, and it is difficult to make myself heard above interjections. I was speaking of the receipt of an anonymous letter. I received my copy in the post office box at my home town. It was addressed to me in handwriting and at the top of the letter there were written in ink the letters "O.H.M.S." No stamp had been placed on the letter, other than a stamp indicating that the letter had been taxed to the sum of five pence. It is time that the Government took action to prevent people from...
Majesty’s letters indicating that it is correspondence in envelopes headed with the letters was definitely of a communistic type. I did not keep it; I burned the envelope and also the letter as soon as I had read it. The letter was an appeal to members to support O’Shea and his crew in their opposition to the proposals that had been made for the settlement of the dispute. That was in spite of the merits or demerits of the case.

At the time, I felt that I would take action, through the Criminal Investigation Branch, to see if something could be done to prevent that sort of thing. I do not contend that it was done in ignorance. I think the postal authorities should know that when the letters “O.H.M.S.” are written in ink on an ordinary envelope the communication is not on Her Majesty’s service, therefore it should be disregarded, particularly if there is no stamp on the envelope. Personally, I feel—I think it is the opinion of the Opposition—that the Government’s handling of the Point Ormond bus dispute is the cause of the present trouble. After the dispute had existed for some time the Government announced that it would permit private enterprise to operate the service. Then there was an outcry from certain people that this socialistic Government was turning to private enterprise to help it out of its difficulty. There was an announcement in the press that the matter was in the hands of the Minister of Transport. Time passed, and further criticism appeared in the press because people served by the Point Ormond bus route had to walk to alternative forms of transport or make other arrangements to travel. Further, a considerable area of the district was not receiving any service. After that criticism, and following a Cabinet meeting, it was again said, “The dispute is in the hands of the Minister.”

So far, the Minister of Transport has done nothing in regard to that service except apparently, to authorize the running of the 32-passenger buses until the end of this month, and then there is to be some unspecified trial period for the 41-seater buses. I should say that on the 1st May those buses will not operate. It is my belief that this lightning strike has been brought about because of the vacillations of the Government, which does not know its own mind. Although it protests all the time that it intends to abide by the awards of the court, certain persons think that if they put enough pressure on the Government it will give way.

The Opposition wants to know whether the tramways Board is to be wiped out. A tramwayman is alleged to have said to the chairman of the Board at a meeting to-day, “You won’t be there long.” I should like to know who told that employee that the chairman of the Melbourne and Metropolitan Tramways Board will not occupy that position much longer. People who are not in authority are being informed of what is going to happen to certain instrumentalities in this State. Having no mind of its own, the Government, apparently, has a technique by which it tests public opinion through devious means, trying to gauge the reaction before acting itself. The Opposition is disturbed as to whether the members of the tramways Board are to be sacked overnight and persons of the same political flavour as the Government appointed in their stead. That is the reason for the submission of the motion now before the Chair. I think the Chief Secretary must have some Irish forebears, because although last week he said that the Opposition had stated that it intended to initiate some surprise move, to-day he said that he knew nothing about it until the motion was moved.

Mr. GALVIN.—Where is your secret weapon?

Mr. DODGSHUN.—I wish to know whether the Chief Secretary is supporting O’Shea or Brigadier Risson. The honorable gentleman has made no statement so far that will disable the minds of the public in the metropolis as to whom he is supporting. If the Government does not stand firm on this occasion I am fearful of what will happen later with some of our big instrumentalities. This adjournment motion has been submitted so that the Government might
make a clear statement of its intentions. Some time ago the Government interfered with awards and gave extra wages to members of the Australian Workers Union that it employed; it also decided to grant cost-of-living adjustments. Those "chickens" will come home to roost.

Mr. GALVIN.—That action was taken by agreement.

Mr. DODGSHUN.—The Government went outside the decision of the court, but to-day it protests that it will stand by the award. My Leader has already stated that if the Government does stand by the award it will receive the backing of the Country party. If it does not do so the repercussions will have such an effect upon other instrumentalities that they will bring this State down. The Chief Secretary has stated that the Minister of Transport has brought the railways from bankruptcy to solvency, but that is utter nonsense. The railways have been brought to solvency as a result of country people being overtaxed. The repercussions of that action will rebound on the head of the Government very shortly, because it is impossible for many industries in country districts to survive. Those industries are now searching for new pastures, which are near the metropolitan area. This Government speaks of its decentralization policy and claims that it has established many industries in the country, but it has not told this Parliament or the people how many industries have been transferred from the country as the result of its policy. The Government speaks about cost of living and cost of production, but every move it has made so far has increased the cost of production to country people and country industries. I emphasize the fact that if the Government stands by the awards and determinations of the Arbitration Court and wages Boards it will receive the full support of the Country party.

Mr. BARRY (Minister of Health).—I have listened with considerable interest to this debate, and particularly to the remarks of the last two speakers. We have been waiting for four months for this "great attack" on the Government.

Mr. DODGSHUN.—You have been in the "bush" for four months.

Mr. BARRY.—The honorable member for Rainbow is still in the bush. He thinks the Elwood bus runs from Clifton Hill to the Elster canal. He wants to know what the honorable member for Elsternwick proposes to do, but he is considerably behind the times. He would not wake up if the roof of this Chamber were to fall on him. The Government has waited for a period of four months for the Opposition to launch its attack. So far members of the Country party have spoken in support of the adjournment motion, but nothing has been heard from other than junior members of the Liberal party. Perhaps the real contributions on behalf of the Liberal party will be heard later—if the debate lasts long enough. The purport of the remarks of members of the Country party is, "If the Government sticks by the award, we will support it." I ask: Is that not what the Government and the Minister of Transport are doing?

Colonel LEGGATT.—No.

Mr. BARRY.—The attitude of the Minister of Transport is that there is an award in existence and he says, in effect, to the tramwaymen, "Go ahead; there is a tribunal to which you can appeal; you have that privilege, and you will get nothing else." Opposition members stated that if the Government acted along those lines they would support it, but they have since run away. I remind the Leader of the Country party, who is now interjecting, that he assisted the passage of legislation relating to the control of essential services, under which four unfortunate fellows were arraigned before the court. However, the charges against those men were withdrawn before the court hearing took place. At that time a great fight was in progress between the Government of the day and the tramway employees' union. The essential services legislation was put through the House by force of numbers in about three-quarters of an hour.

Mr. HOLLWAY.—You had previously spoken for as long as that.
Mr. BARRY.—I spoke only in protest against the measure. I recall that the honorable member for Glen Iris was Premier of this State at the time and he played a major part in having that legislation placed on the statute-book. The remarks of the Leader of the Country party might lead an ill-informed person to conclude that never before has there been a strike in Victoria. I remind the honorable member of the trouble that surrounded the unloading of coal from the Haligonian Duke and of the big tramway stoppage some years ago when the Premier of the day stated that grass would grow in Collins-street before he would give in to the tramwaymen.

The honorable member for Rainbow has criticized the Government because some one wrote the letters "O.H.M.S." on an envelope. I ask: What has that to do with Government administration? Apparently, the honorable member was so disgusted when he received the letter that he burned it. He does not know what was in it; yet he had the temerity to protest about the matter in the House to-day.

I might say that I expected the Opposition to launch a stronger attack on the Government than it did, particularly in view of all the urgent telegrams that were dispatched and all the motor-cars that were used to bring everyone possible to a joint meeting of the Liberal and Country parties with the object of attacking the Government, with venom, on a united front. The Opposition's attack, however, reminded me of a little snowball; it was of no account. Before the attack was launched, the telephone wires between Melbourne and Canberra were "running hot." Bob Menzies said to representatives of the Liberal party in Melbourne, "Do not move a motion of want of confidence in the Government; do not protest about anything real, because the Labour party has too much on us." In the circumstances, the Opposition decided to attack the tramwaymen and not the Government. The Leader of the Country party smiles; he has not smiled so broadly since he vacated the position of Premier of this State. I remind the honorable member that he was displaced from office because he refused to honour a promise he made that he would give four seats to the Labour party. I venture to say that now he would willingly give the Labour party fourteen seats if only he could regain office.

The SPEAKER (the Hon. P. K. Sutton).—Order! I ask the Minister of Health to return to the subject-matter of the motion before the Chair.

Mr. BARRY.—I maintain that the Minister of Transport and the Government have handled the present dispute with determination. I do not like to see a dispute in progress in relation to tram and bus services. Moreover, I do not like to see workers of this State in trouble. I do not favour one-man buses but I contend that in this instance the Minister gave the parties concerned every opportunity to play the game, but they would not play it. Both the tramways Board and the Government said to the tramwaymen, in effect, "There is your award and there is your tribunal; go to it." No Government could have done more than that. What the Opposition wants the Government to do, God alone knows. Certainly the Opposition has not given the Government a very good example for it to copy. All I desire to say is that the Government acted in the way that it did because it considered that the workers of this State had been treated unfairly. Tramwaymen were among those who benefited from those cost-of-living adjustments, but unfortunately some of them...
have not shown much respect for the Government. They are acting similarly to Opposition members who inform the Government that it acted wrongly. I say that the Government did what it thought was just. Workers accepted the cost-of-living adjustments in the same way as did members of Parliament. All have enjoyed the increases. Nevertheless, Opposition members to-day seek to tell the Government what it ought to do.

Mr. TURNBULL.—We are not publicity seekers.

Mr. BARRY.—Opposition members are not averse to taking their "chop" in the same way as the workers have done. I cannot understand why Opposition members are "kicking up a row." The Leader of the Opposition apparently is the 19th man in his side. The rear is a remarkable position from which to lead.

Mr. HOLLWAY.—It is a safe position.

Mr. BARRY.—Yes, because no one can follow.

Mr. DODGSHUN.—You do not like anything original.

Mr. BARRY.—I ask: Is there anything original in the Leader of the Opposition failing to lead? Is his failure in that regard due to his incapacity? After all, he has been hailed as the great fighting Leader of the Opposition.

Mr. DODGSHUN.—You may learn a lot if you remain a member of the House for a little longer.

The SPEAKER (the Hon. P. K. Sutton).—Order! The time of the honorable member will expire in one minute.

Mr. BARRY.—I will conclude by saying that I have succeeded in learning a great deal since I have been a member of this House and I do not think it will be very long before the honorable member for Rainbow ceases to be a member.

The sitting was suspended at 6 p.m. until 7.23 p.m.

Mr. HOLLWAY (Glen Iris).—As an interested and impartial spectator in the debate, I have been somewhat intrigued with the tactics of the Opposition, because to-day it has launched what has been described in the last few months as the mystery attack to be made on the Government. Since I have been in politics, which is a period of more than twenty years, I have seen many strange things happen in Parliament, both inside this Chamber and outside it, and I doubt very much whether I have ever witnessed anything more mysterious than the submission of the motion before the Chair. Judging by reports published in the press, the original intention of the Opposition was to do all it could between now and the 29th May to embarrass the Government. I think one of the first riddles to be solved is which Government the Opposition is endeavouring to embarrass. If I were a member of the Federal Government, I should be inclined to say, "Just leave us alone. Do not try to help us in any way. Let us stand on our own record. Then we shall have a reasonable chance at the forthcoming general election." But if the Opposition parties—particularly members of the Liberal party, who are the sponsors of the debate—insist on submitting silly motions of this sort, I think they can do no possible good to the Liberal party in the Federal sphere; they may quite seriously embarrass the Commonwealth Government by reason of the fact that they will distract the attention of the people from Federal issues to State issues.

Some little time ago the Liberal party distributed a circular to all speakers in the Federal election campaign. Copies were circulated in so widespread a manner that even I received one. It began by stating—I paraphrase the wording—"Whatever you do, for Heaven's sake do not mention State politics." It proceeded to advise that when the speaker was metaphorically pushed into a corner and State politics were mentioned, or if a questioner asked what was happening at the top end of Bourke-street, the speaker was to reply that he did not know what was taking place there and that it was a Federal election that was to be held. Members of the Liberal party would be well advised to follow the advice of their own organization.
Another matter that is a little mysterious is that the subject for debate is an issue—in so far as it is an issue at all—which is purely metropolitan, yet the extraordinary feature of the discussion is that three members of the Country party have spoken but only one member of the Liberal branch of the Country party. That is astonishing, because this new-found unity between the Country party and the Liberal branch of the Country party was approved only on the casting vote of the Leader of the Country party.

Mr. DODGSHUN.—You must have been present when the question was discussed!

Mr. HOLLWAY.—I have my sources of information. This new-found unity between members of the Country party and those of the Liberal branch of the Country party is not particularly unanimous. If, after the lack of unanimity which I have demonstrated, three Country party speakers have addressed the Chair, and only one member of the official Opposition, what a result there would have been if there had been complete unanimity in the Country party room! It would have meant that no member of the official Opposition at all would have spoken.

Mr. BARRY.—Its Leader has not spoken.

Mr. HOLLWAY.—The Deputy Leader of the party addressed the House, and I understand that he accused the Government of not having taken suitable action to ensure that trams were kept running. Unfortunately, I was called away from the Chamber and did not have the benefit of the advice of the Deputy Leader of the Opposition concerning appropriate measures to be taken.

Mr. BROSE.—He did not let the grass grow in Collins-street!

Mr. HOLLWAY.—He may not have done so, but he did not start any trams running. He stated that the Government had not taken proper steps; in other words, all members of the community had taken the proper steps, but not the Government! Having had some experience of industrial disputes, I should like to ask, even at this late stage, what the Opposition suggests the Government should do? In my opinion, the Government has adopted the only course that it can possibly take with honour, and that is to stand by the award.

The Government has not taken, and should not take sides, either in support of the tramways Board or in favour of the union. It is the Government of the people, and as such it should support, as it is doing, the maintenance of law and order as prescribed by the industrial courts. The Government which I led claimed, as part of its good record, that it stood for the observance of law and order. When there was a tram strike during the life of that Administration—I admit the soft impeachment—I did say that I would sooner see grass growing in Collins-street than give in to lawlessness on the part of any union. I would repeat that statement in similar circumstances, and if the Premier uttered a pronouncement to that effect, I would say, "Hear! hear!" The country cannot exist if there is industrial anarchy.

I hold no brief for the present strike, which I think is wrong. The Government can settle this trouble only by acting in the same way as my Government acted—by standing firm for law and order and so allowing the common sense of the average unionist to come to the fore to solve the problem. The only way one can force people to work against their will is by standing over them with a machine gun. When we reach that stage, we will have so wrecked our democracy that it will not be worth having. For as long as we live in a land governed by law and order, the Government must stand by the award. Having done so, it will find that the good sense of the men will come to its rescue.

During the period that the legislation relating to the reconstruction of the tramways Board is before Parliament, I hope there will be greater liaison between the unions and the Board, or whatever name the Government proposes to give the tribunal. The Government has been attacked under two heads.
The first is the dispute as to the 41-seater buses. At peak periods, "41-seater" is a misnomer because about 70 passengers are carried. The Board should not embark upon a programme of that description without consulting the union. If it can introduce a system involving the use of 41-seater buses, it can equally well ask one man to drive a bus and collect the fares of 100 passengers. There should be greater cooperation between the Board and members of the union. The second point is the roster trouble. It was always a source of irritation to me and to other Premiers that whenever the Board introduced a new roster—it takes months to prepare a roster—one could bet that there would be so much dissatisfaction among members of the union that there would be a stoppage or some such trouble. It does not appear to be beyond the bounds of possibility that the tramways Board and the union could come to a working arrangement as to rosters, putting to one side the question that the award provides that this or that shall be done. If a working arrangement existed, there would be less of what has been described as "pin pricking by the Board." I do not say that pin pricking has occurred, but that is how it has been described by the Communists, who are able to so rouse the men on these matters that they are prepared to strike, despite the fact that they lose their livelihood for a period.

Whatever may be the constitution of the new authority, I trust that the Minister of Transport will be responsible for the conduct of the tramway service, and that there will be greater cooperation between the management and the men. That is the trend of modern industrialism. In the old days, whatever the boss said was right. No matter what any employee said, he was always wrong. The outcome was that the irresistible force met the irresistible object, and there was chaos. Now the enlightened trend all over the world is for capital and labour, for the management and the men, to get together to iron out problems. While I do not for a moment say that the Board or the Minister should allow unions to run our tramway or railway systems, greater cooperation should be permitted than has been the case in the past.

I do not want anything I have said to be taken to indicate that I have any time for the present unlawful strike. All strikes are unlawful when they are directed against the law of the land. If the law is foolish, democracy should alter it, but until it is altered, it is the law, and anyone striking against it is committing an offence against the public order. The Government has an opportunity to say once and for all that it is not going to be dragooned by the O'Sheas of this community, and that it will stand by the legal award. The object of the strike is obvious. It has been engineered because of the forthcoming Federal election. The Communists realize that the worst advertisement that the Federal Labour party could have is a strike of this nature, which does not affect the capitalist. The people who are harmed by a dispute of this character are the ordinary workers. A person who owns his own motor-car is not affected; he finds it easy to park his car in Melbourne when there is a tram strike. I repeat that the object of the strike is to discredit the Labour movement, and the average Communist, I believe, would rather discredit than assist the Labour movement. That is the object, or else it is an attempt to force the Labour party into the position where the Communists feel that it must give in. I will support this Government's industrial policy through thick and thin provided that it sticks to the award and supports the law. Some of my friends in the Liberal and Country party looked with disfavour upon members of the corner group because we did not stand up when this mystery motion was moved.

Mr. GALVIN.—They did not stand up for you when you were appointed to the Statute Law Revision Committee.

Mr. HOLLWAY.—No, they tried to stand me down. I want to tell those members that we are not going blindly to support anything that is moved by the Government, the Liberal branch of the Country party, or the Country party. If we are not to be consulted as to what is
to be done, we shall reserve to ourselves the right to vote as we like, depending upon whether we consider a motion as good, bad, or indifferent.

Mr. Barry.—Were you not invited to the united Opposition conference?

Mr. Hollarway.—No. For that reason, I am not in a position to know what the mystery tactics will be from now on. So long as they remain as mysterious as this one did, I shall consider them as they arise.

Mr. Bourke (St. Kilda).—Mr. Speaker—

Mr. Bolte (Leader of the Opposition).—I rise to a point of order. Prior to the dinner interval, I rose in my place.

Mr. Hollarway.—I object to this. The Leader of the Opposition had his back to me and could not tell whether I rose or not.

Mr. Bolte.—Apparently there was some arrangement that the honorable member for Glen Iris should speak on the motion. When you called for members to support the motion, Mr. Speaker, he failed to do so.

Mr. Hollarway.—I have explained my reasons.

Mr. Bolte.—I always understood that a debate was composed of speeches for and against the proposition under consideration. We have just heard a wonderful speech on behalf of the Government. Therefore, I take it we should now have a speech against the Government.

The Speaker (the Hon. P. K. Sutton).—Order! The Leader of the Opposition has taken a wrong view of his final point. The call, as has been established long before I had the honour of elevation to the Chair, is from one side of the House to the other. The reasons for that are so obvious as to relieve me of the necessity of stressing them. This afternoon, I assumed that the leadership in respect of the motion for adjournment of the House was in the hands of the Deputy Leader of the Opposition, but, leaving that aspect entirely aside, when the honorable member for Glen Iris approached me and asked me if I had a call, I said, "No." Then he asked me if I would call him next, provided that the call came to his side of the House. As far as I know, the call was to that side, whereupon I called the honorable member, who intimated his desire to join in the debate by half rising to his feet.

I meant to do no injustice and sincerely trust that I did no injustice to the Leader of the Opposition. Had I wished to take a very strict view of the proceedings this afternoon, I might have required more time to deliberate on whether this motion was really an urgent one or not. I think I did the Leader of the Opposition the courtesy of agreeing, in the short time at my disposal, that it was an urgent matter, and decided accordingly. The honorable member is noted as being fair in all his dealings, and I ask him to concede that I was fair and that no precedent has been established or taken away. I very much regret if the Leader of the Opposition feels concerned about the loss of an opportunity to speak, but I honestly considered that it was not his intention to do so. Moreover, the honorable member for Glen Iris first asked me if I would give him the call. He intimated in some fashion or another that he was about to accept it, and I acted accordingly.

Mr. Bolte (Leader of the Opposition).—I rise to a further point of order. Is it competent for twelve members to support a motion for the adjournment of the House?

The Speaker.—Yes, any twelve members.

Mr. Bolte.—If you had a list, Mr. Speaker, and called from it, it would be possible for only one member of the twelve supporting the motion to receive a call.

Mr. Bourke (St. Kilda).—I am not sure how long I have to speak.

The Speaker.—The honorable member for St. Kilda has two minutes.

Mr. Bourke.—I wish to make two points. The first is that I am astonished to find that the Deputy Leader of the
Liberal and Country party would so demean himself as to start a slander about the Minister of Transport, as has happened to-day. I was not surprised to hear the Deputy Leader of the Country party descend to such tactics, but the honorable member for Kew knows that one can publish a slander, give it half an hour's start, and then try to catch it while it travels around the world without being able to do so. Secondly, I assert that the Leader of the Liberal and Country party has made a valiant effort to come in as last man and, if I may change the metaphor, like the Duke of Plaza Toro he is trying to lead his bedraggled forces from the rear. The Leader of a party and of the Opposition in trying to put a case of this nature in the last seven minutes available simply is attempting the impossible. The case put by the Deputy Leader of the Liberal and Country party is obviously from an ill-considered and ill-prepared brief, which has been badly digested and badly presented. It leaves the impression that honorable members on the Opposition side of the House have been seeking a means of attacking the Government but have not been successful in finding those means. I regard this lightning strike as being typical Communist-inspired tactics on the eve of a Federal election.

The SPEAKER (the Hon. P. K. Sutton).—The time available to the honorable member has expired.

The House divided on the motion for the adjournment of the House (the Hon. P. K. Sutton in the chair)—

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Majority against the motion 14

AYES.

Mr. Bloomfield  Mr. MacDonald
Mr. Bolte  Mr. Mibus
Mr. Brose  Mr. Petty
Mr. Buckingham  Mr. Rylah
Mr. Cochrane  Mr. Stirling
Mr. Cook  Mr. Turnbull
Mr. Dodgshun  Mr. Whately.
Mr. Guye
Sir Herbert Hyland
Colonel Leggatt
Sir Thomas Maltby

NOES.

Mr. Lind  Mr. Lucy
Mr. McClure  Mr. Morrissey
Mr. Murphy  Mr. Mutton
Mr. Randles  Mr. Scully
Mr. Sheehan  Mr. Shepherd
Mr. Smith  Mr. Stoddart
Mr. Stoneham  Brigadier Tovell

Tellers:
Mr. Pettitona  Mr. White

(Mentone).

PAIRS.

Sir George Knox  Mr. Lemmon
Sir Albert Lind  Mr. Towers
Mr. Mitchell  Mr. Ruthven.

HOUSE COMMITTEE.

Mr. CAIN (Premier and Treasurer).—I move—

That Mr. Cook, Mr. Dunn, Mr. Fewster, Sir Herbert Hyland, and Sir Thomas Maltby be appointed members of the House Committee.

The motion was agreed to.

PRINTING COMMITTEE.

Mr. CAIN (Premier and Treasurer).—I move—

That the following members form the Printing Committee during the present session:—Mr. Speaker, Mr. Bourke, Mr. Cochrane, Mr. Cook, Mr. Guye, Mr. Mibus, Mr. Randles, and Mr. Stirling, and that the committee have leave to sit on days on which the House does not meet; three to be the quorum.

The motion was agreed to.

STANDING ORDERS COMMITTEE.

Mr. CAIN (Premier and Treasurer).—I move—

The the following members form the Standing Orders Committee during the present session:—Mr. Speaker, Mr. Cain, Mr. Holt, Sir George Knox, Sir Albert Lind, Sir Thomas Maltby, Mr. Mibus, and Mr. Mitchell, and that the committee have leave to sit on days on which the House does not meet; five to be the quorum.

The motion was agreed to.
Mr. CAIN (Premier and Treasurer).—

I move—

That the following members form the Library Committee of the Legislative Assembly during the present session, with power to confer with the committee of the Legislative Council:—Mr. Speaker, Mr. Buckingham, Mr. Murphy, Mr. Sheehan, and Mr. Whately, and that the Committee have power to sit on days on which the House does not meet.

The motion was agreed to.

Mr. HAYES (Minister of Housing).—

I move—

That this Bill be now read a second time.

This measure was to have been introduced by the Minister of Public Works, but unfortunately he is unable to be present. The Government felt that members should have the opportunity of hearing the explanation of the Bill at as early a date as possible, and therefore I now submit it to the House.

The measure has for its purpose what the Government considers to be an overdue reform in connexion with elections under the Local Government Act, namely, the abolition of plural voting.

The Local Government Act at present provides for the enrolment of persons liable to be rated in respect of property, and for plural voting according to the valuation of that rateable property. In a borough—which for this purpose includes a city and a town—if the property, whether consisting of one or more tenements, is rated upon a value of less than £50, the voter is entitled to one vote; if the valuation is £50 and less than £100, two votes; and if the valuation is £100 or more, three votes. In a shire, if the property, whether consisting of one or more tenements, is rated upon a value of less than £25, the voter has one vote; upon a value of £25 and less than £75, two votes; and upon a value of £75 or more, three votes.

Where a corporation is liable to be rated, it is entitled to appoint any person to be enrolled, and such person would be eligible to exercise one, two or three votes according to the valuation of the property. Where more persons than one are jointly liable to be rated in respect of any property, each of such persons, not exceeding three in all, is entitled to be enrolled and to exercise either one, two or three votes according to the rateable value of the property divided by the number of persons. If a municipality is subdivided, this principle of enrolment applies to each subdivisional roll.

In polls relating to severances, or for the constitution of new municipalities, which are held only in the area to be severed or constituted, enrolled persons are entitled to vote in respect of property in the area affected. If only one municipal subdivision is affected, they are entitled to one, two or three votes according to the value of rateable property in the area concerned. If more than one subdivision is affected, they are entitled to vote in each subdivision in respect of their property in that subdivision.

In rating polls, which are held over the whole municipality, voters are entitled to one, two or three votes in each subdivision in respect of rateable property in that subdivision. In polls to forbid a loan, held over the whole municipality, ordinary voters are entitled to one, two or three votes in each subdivision, according to rateable property in that subdivision. In addition, a special roll is prepared for the whole municipality for owners of property in respect of which some other person is enrolled on the ordinary roll as occupier, and these owners may exercise one, two or three votes. A person may be enrolled on both the ordinary rolls and the owners' roll in respect of different property.

Then, in the City of Melbourne, special provision is made for the inclusion on the roll of owners of property in respect of which some other person is enrolled on the ordinary roll as occupier, and these owners may exercise one, two or three votes. A property rated on a value not exceeding £100 carries one vote, and more than £100 two votes. It will be noted that, in this case, two votes is the maximum. However, the one person may be enrolled as both owner and occupier in respect of
different properties, but cannot get an aggregate of more than three votes in the one subdivision. That is the present position under the Local Government Act and the Melbourne and Geelong Corporations Act.

I shall now outline the position operating in other States. In Queensland, there is full adult suffrage, persons whose names are enrolled on the State parliamentary roll being entitled to one vote. In New South Wales, an owner or ratepaying lessee of rateable land, or an occupier of land as defined in the Local Government Act, is entitled to enrolment in any ward or riding. It is provided that no person shall be enrolled more than once in respect of the same ward or riding, but may be enrolled in respect of each ward or riding in which he is qualified as owner or ratepaying lessee. A person qualified for enrolment as owner or ratepaying lessee in any ward or riding, and qualified also for enrolment as occupier in another ward or riding cannot be enrolled in each capacity, but may elect to be enrolled in only one ward or riding. Similarly, a person qualified as occupier in more than one ward or riding can be enrolled in only one. Wherever a person votes, he is entitled to only one vote; there is no such thing as two or three votes at the one election.

In South Australia, each person whose name is on the voters' roll is entitled to one vote in an unsubdivided municipality. In a subdivided municipality, he is entitled to one vote in each subdivision for which he is enrolled. In Western Australia, electors get one or two votes in each subdivision according to the valuation of the rateable property in respect of which they are enrolled. In Tasmania, persons enrolled on the municipal roll are entitled to one, two, three or four votes according to valuations, except those enrolled as spouses or as discharged servicemen, who have only one vote each. No elector in any case has more than four votes, whether spread over more than one ward or not.

In most local elections in New Zealand, the principle of "one man—one vote" operates. Plural voting, however, is allowed in counties and road districts, where ratepayers get one, two or three votes according to the valuation of the property. No name must appear more than once on any ward or district roll, and in a subdivided borough a name can appear on only one of the ward rolls, to be selected by the elector.

In England, voters exercise only one vote at any election. Further, a person is not, in any one local government area, entitled to be registered more than once as an elector for the local council of that area, though he may, if he holds the requisite qualification, be registered in more than one local government area so as to vote for the separate councils of those areas. It is apparent that there is ample precedent for the principle incorporated in this Bill.

The basis of the measure, as set out in clause 2, is that at any election a voter shall not exercise more than one vote. Therefore, where a municipality is unsubdivided and the election is conducted for the municipality as a whole, a voter will have only one vote, but where the area is subdivided, he may exercise one vote in every subdivision for which his name appears on the municipal roll. The City of Melbourne is being placed on the same basis as other municipalities in that voters enrolled by reason of occupation of property, or of ownership of vacant property, will be entitled to only one vote in each ward for which they are enrolled. The provision for enrolment of owners of property for which other persons are enrolled as occupiers is repealed by subclause (3) of clause 2 of the Bill.

In rating polls and in polls relating to severance from and resubdivision of municipalities, a person will be entitled to exercise one vote in respect of each subdivision for which his name is enrolled. In polls to forbid loans by councils, a voter on the ordinary roll will be entitled to one vote in each subdivision for which he is qualified. A voter on the special owners' roll prepared for a poll of this type will be entitled to only one vote over the whole municipality.
Clause 3 removes a lot of dead wood which remained in the principal Act after the enactment of legislation providing for adult franchise at Legislative Council elections. A large amount of information relating to electoral provinces and divisions had to be included in municipal records, namely voters' lists and rolls, rate books, valuation returns and so on, because it was necessary for the purpose of preparing Legislative Council rolls. This no longer serves any useful purpose, yet it involves a great deal of work on the part of municipal staffs. It had been intended to include this in a general local Government Bill, but the recent gazettal of new Legislative Assembly electorates and subdivisions will involve much unnecessary work this year in correction of municipal rolls in regard to subdivisions, and so on, unless the amendment is made prior to the preparation of the rolls. The opportunity has, therefore, been taken in clause 3 to make these machinery amendments to the principal Act.

Sir THOMAS MALTBY (Barwon).—I move—
That the debate be now adjourned.

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

Sir THOMAS MALTBY (Barwon).—I ask the Minister of Housing to agree to an adjournment of the debate for at least one month. This Bill alters the whole principle of municipal elections and should be submitted to municipal councils for their consideration. As councils meet only once a month—some met recently and others meet to-night and to-morrow night—it will not be possible for them to consider the measure if the debate is adjourned for a period of less than one month.

Mr. HAYES (Minister of Housing).—I appreciate the attitude of the honorable member for Barwon, but the Government desires this measure to be placed on the statute-book before the municipal elections in August. If the debate were postponed for one month to suit the wishes of some members of the Opposition, the Bill might not be passed this session, which would place the Government in a difficult position because it has promised to have this proposal carried into effect.

Sir THOMAS MALTBY.—Whom did you promise?

Mr. HAYES.—We promised the electors. We feel quite sure that the Opposition will experience no difficulty in preparing submissions why the Bill should be opposed. I move—
That the debate be adjourned until Tuesday, April 27.

Mr. McDONALD (Shepparton).—I ask the Minister of Housing to reconsider his attitude because this Bill deals with one of the fundamental principles of municipal government. It is important that municipal councils should consider the measure, which strikes at the very root of council representation.

Mr. BARRY.—We want it passed before the next municipal elections.

Mr. McDONALD.—I do not think it would make a tremendous difference if it were not passed prior to the next municipal elections. The point I make is that the measure is one of major importance, which affects vitally the whole of the system of municipal government in Victoria. For that reason, municipalities should be given every opportunity to consider the proposal. The Bill should not be treated in the same way as were other measures that were rushed through at the end of the last sessional period without proper research being made. I appeal to the Government to grant an adjournment of the debate for at least a month.

Sir THOMAS MALTBY (Barwon).—I move—
That the expression "April 27" be omitted with the view of inserting the expression "May 11."

It is strange to hear the Minister pleading urgency for this Bill, when it is considered that the House has remained in recess for some months.

Mr. HAYES.—That was only at your request.

Sir THOMAS MALTBY.—The Government claims that every measure that it has brought down so far is urgent. I
maintain that although they may be important, they are not urgent. If they were as urgent as the Government would have members believe, the House should have been asked to consider them in February. The Government is now adopting the tactics of forcing measures through the House on the plea of urgency when, in fact, there is no real urgency. I return to my first observation that municipal councils, which will be vitally affected by this Bill, should be afforded the opportunity to consider its scope adequately. I should like to hear the honorable member for Geelong express his views on the matter. I know that the Geelong City Council is exceedingly hostile toward the proposals contained in the Bill, and I am confident that the honorable member would like that council to be granted ample time in which to consider the implications of the Bill.

Mr. BOLTE (Leader of the Opposition).—Surely, the Minister of Housing and the Government will accede to the request of the Opposition. As was explained by the honorable member for Barwon and the Leader of the Country party, this measure is one that concerns municipal councils vitally. It should be obvious to every member of the Government that councils meet but once a month. Some of them met yesterday, some will be meeting to-day, and others will meet within the next 28 or 30 days. I claim that it will take at least that period for every municipal council in Victoria to hold a meeting. We know that the Government disregards the wishes of local governmental authorities. The Government is out to sabotage them. At least, the Government should afford municipal councils adequate time in which to consider the proposals contained in the measure.

Mr. G. E. WHITE.—Will the councils support the Bill?

Mr. BOLTE.—The interjection of the honorable member for Mentone strengthens my argument. The municipal councils will not support the Bill. For that reason, the Government is attempting to dodge the issue. It will not listen to the protests of municipalities. This Bill is typical of the measures that were passed during the last sessional period. What happened then is happening again at the beginning of this sessional period.

Mr. BARRY.—The Melbourne City Council wants the Bill passed without delay.

Mr. BOLTE.—If the Government did the correct thing it would allow the measure to remain on the Notice Paper until the spring session of the House, when it could be debated at leisure. I believe the Government intends to force the Bill through the House, despite the fact that it knows that the proposals are unpopular.

Mr. BLOOMFIELD (Malvern).—I should like to add my voice to the appeals that have been made to the Minister to grant a reasonable period of adjournment of the debate. The Minister of Housing stated that the electors were promised that the measure would be brought forward. He also stated that the Bill was regarded by the Government as being of an urgent character. The electors of Victoria, apart from those in the Malvern constituency, were not promised anything at all, at any relevant time. The last occasion when they were consulted was about sixteen months ago. It is rather inconsistent with the Minister's statement—that the matter is urgent and that a promise was made to the electors that it would be regarded as such—that this length of time has been allowed to elapse before the introduction of the Bill. A person of a cynical turn of mind might deduce that it was not the electors to whom a promise was made but rather some other body that controls the activities of the Ministry.

Mr. BARRY.—That is a sinister suggestion.

Mr. BLOOMFIELD.—This is a state of affairs that has persisted for many years. Since the last election campaign, when the promise was allegedly made to the electors, the Government has had sixteen months in which to bring the measure forward.

Mr. HAYES.—You still want to put it off.
Mr. BLOOMFIELD.—I claim that I am justified in asking: What is the tremendous urgency of this measure, when such a period of time has been allowed to elapse before its introduction? This Bill will have the effect of disturbing a principle that dates back practically to the beginning of local government, and I appeal once again to the Minister to allow ample time for proper consideration to be given to it by all concerned.

Mr. PETTY (Toorak).—I regard the Bill as one of vital importance and, in my view, the period of adjournment suggested by the Minister of Housing, namely, two weeks, is much too short to permit of proper time for consideration of it by councils in both the metropolitan and country areas. On matters which concern them vitally municipal councils express their views through the Municipal Association of Victoria. That body would have to take its instructions from its component members, namely, the municipal councils, after meetings of the respective councils had been held. There should be an adjournment of the debate for at least 28 days so as to give municipal councils an opportunity to consider the measure and to instruct their delegates to the Municipal Association. A meeting of the association will have to be convened and the component members advised how to face up to the proposed legislation. The Government should treat with some degree of respect the views of the municipalities that will be affected.

Mr. DODGSHUN (Rainbow).—I desire to add my plea to those that have been expressed by other members of the Opposition that the Minister should agree to the reasonable proposal of the honorable member for Barwon for an adjournment of the debate for four weeks. Two municipal councils in my electorate met to-day, and I would point out that they meet regularly on the second Tuesday of each month. One council at least met last week, and another will meet on Thursday of this week.

Strangely, a combined meeting of representatives of municipalities was held at Warracknabeal last Wednesday. The north-western shires and boroughs then held their annual meeting, which was attended by the Minister of Public Works, and on no occasion did he mention that this Bill was before the House. I wonder whether the Minister, or the Government as a whole, is afraid of opposition from the combined municipalities in the State. On the agenda paper at the conference was a motion protesting against the proposal of the Government to introduce adult franchise. Notwithstanding this fact, the Minister of Public Works did not refer to the Bill, which does not relate to adult franchise in the true sense. He conveniently overlooked the matter, realizing the perturbation of the municipalities at their lack of funds.

If the Bill is passed, much of interest will be removed from public life. I gleaned from the speech of the Minister of Housing that when a municipality is divided into ridings or wards, and an owner has property in more than one division, he or she shall have the right of voting in either division or in both; but if the municipality is not subdivided, he or she will have only one vote.

The SPEAKER (the Hon. P. K. Sutton).—Order! The question before the Chair relates to the period of adjournment of the debate, not the merits or demerits of the Bill.

Mr. BARRY.—The honorable member for Rainbow knows all about it.

The SPEAKER.—Perhaps he does, but he is not to pursue that line of thought, nor is he to be distracted from his argument by interjections from the Government side of the House.

Mr. DODGSHUN.—I thank you, Mr. Speaker, for your advice. I am adhering to the ordinary ruling of the Chair concerning motions of the sort now being debated. Because of the divisions enunciated by the Minister of Housing, it will be necessary for members to scrutinize rolls and to consult municipal councillors in order to ascertain how many of the people will have a plural vote under the terms of the Bill. If the measure is enacted, one member of my own family will have at least two votes.
Other members of the family will have only one, yet probably their interests are higher in the scale of voting rights than those of the first-mentioned member.

The SPEAKER.—Order! That statement of the honorable member for Rainbow may be correct, but it is hardly directed to the question of the period of adjournment of the debate. A motion has been submitted seeking an adjournment of the debate for a fortnight. An amendment proposes to extend the period to one month. In expressing his views, each honorable member should state the reasons why he favours a longer time than a fortnight, or why he considers that a period of two weeks is adequate. The Deputy Leader of the Country party may intend to do as I have suggested; he is usually very punctilious in observing the rules, and I trust that he will not transgress them on this occasion.

Mr. DODGSHUN.—I consider that I was logically advancing arguments why there should be an adjournment for a month, because it is necessary to scrutinize the possible repercussions of the principles enunciated in the Bill. I am merely referring to one facet. Certain honorable members represent only parts of municipalities. Country members represent five, six or seven municipalities which are spread over a wide area. One of the smaller municipalities in my electorate covers 1,400 square miles. One riding alone embraces 600 square miles. It is essential for country members to contact all persons interested in these municipalities and to obtain a concerted view. Even if I visited them all, I could not hope to get replies and co-ordinate the information within a month.

Generally, the Minister of Housing is extremely reasonable. I trust that he has not been directed in this instance; I do not think he would be, as I consider that he stands on his own feet, so to speak. The honorable gentleman was responsible for the introduction of "owner-onus" in Melbourne. The matters contained in the Bill affect municipalities, and country people desire to know how the measure will affect them. I appeal to the Minister to grant a reasonable adjournment of the debate. In my view, a fortnight is not reasonable, since it will be necessary for country members to travel over a large area to obtain the information they need.

Mr. TURNBULL (Korong).—The subject-matter of the Bill is tremendously important to country members. Most of us represent seven or eight shire councils, each of which meets once monthly. One of the seven councils in my electorate met to-day, and it will not hold another meeting for 28 days. The councils affected are entitled to know the terms of the Bill, and the people to whom they are responsible—the ratepayers—should be given some information about it. It is unreasonable to adjourn the debate for only fourteen days. I am disappointed that country members on the Government side of the House have not supported the Opposition in its very sensible request.

Sir HERBERT HYLAND (Gippsland South).—From the inception of this sessional period, the Opposition has cooperated with the Government. When the second-reading motions of several Bills were moved last week, the debates were adjourned for one week or two weeks, as the case may be. The Opposition allowed the Government to explain those measures although one objection to that procedure would have been fatal. This Bill is absolutely vital to country interests. The Minister of Health may laugh if he wishes to do so; but it is the duty of country members to safeguard the interests of the people they represent.

The SPEAKER (the Hon. P. K. Sutton).—Order! I am commencing to take a very serious view of the noise that is persistently coming from the Government side of the House. A much better example will have to be shown.

Sir HERBERT HYLAND.—This is a vital measure. The attitude of the Opposition concerning the length of adjournment of the debate has not been adopted with the object of obstructing the Government. It is realized that the Government has sufficient numbers to
ensure that the debate shall be adjourned for only seven days, if it so desires. The Opposition is merely appealing to the Government to be fair to country interests by adjourning the debate for 28 days. It is not fitting for a Minister to jeer at country interests. We seriously resent such behaviour. If the matter is left for decision by the Premier, who has just entered this Chamber, I am sure that he will do the right thing and see that the debate is adjourned for 28 days.

Country members are preparing to send copies of the Bill to municipal councils with the view of obtaining their comments. It will be a reflection on the Government if we have to state that a reply must be forwarded within fourteen days, as the measure will then be discussed again. I ask the Premier through you, Mr. Speaker, if he will grant an adjournment of the debate for 28 days.

**Mr. CAIN (Premier and Treasurer).—**
I am always very anxious to help members opposite, as I am willing to assist members on the Government side of the House, but I point out that when the Bill was read a first time the Leader of the Country party last week objected to the second-reading motion being proceeded with, consequently the explanation of the measure had to be deferred until to-day. I have already declared publicly that these sittings of Parliament will last for five weeks only, and therefore I cannot agree to an adjournment of the debate for a month. The Minister in charge of the Bill has offered an adjournment of fourteen days; that should permit members to ascertain the views of local councils on this measure. It must be remembered that that Bill will refer to all municipalities. The issue is clear. The intention is merely to provide for single voting at municipal elections. No one in these days believes that an individual should be able to exercise three votes or more at a municipal election.

**Mr. BLOOMFIELD.—** You would be surprised to learn how many do believe in that principle.

Mr. CAIN.—No one who accepts the decision of the people on this subject would contend that a company should be given from three to six votes at a municipal election. An adjournment of the debate for fourteen days is reasonable and will give councils an opportunity to submit their views which, I feel sure, are already known to honorable members.

**Sir HERBERT HYLAND.—** Is it right for members to send a copy of the Bill to local councils?

Mr. CAIN.—Yes, and it is also right that members should learn the views of the councils. They should be able to do so within the next fourteen days.

**Mr. McDONALD (Shepparton).—** I am disappointed at the remarks of the Premier because he realizes the important principle involved in the Bill. The honorable gentleman referred to my objecting to the second-reading stage being proceeded with last week when the Bill was introduced. Under similar circumstances, I would have objected again to-day. The measure provides for a complete change in a form of government that is different from Parliament. I have heard much said about the distinctions existing between Parliament and local governing bodies. Parliament deals with the affairs of all people of the State, and so it is right that every person reaching adult age should have the right to vote for members of this institution. I support that principle in the election of members to this House and the other place. It has occurred only recently in some States that municipal government has been placed upon the adult franchise basis.

Mr. CAIN.—The Bill does not provide for that.

**Mr. McDONALD.—** It may lead to adult suffrage in municipal elections. Local councils cannot raise finance in the same way as Parliament can do so. Under the present system, local governing bodies obtain their revenue from rates based on an unimproved or an improved valuation of properties. In this State, we have not accepted the principle of adult franchise for municipal
elections, thereby allowing thoughtless and apathetic people to have an equal say to those who have worked hard and have developed industries which provide thousands of pounds in the form of rates.

Mr. McDONALD.—Municipalities are widespread over the State. Some local councils have just met, and they will not meet again for at least one month. They will not be able to express their views on this matter. They should be given an opportunity to consider the Bill and to advise members of their views. That could not be done by those bodies within a fortnight. If I have to search the electoral roll of my municipality to ascertain how many electors have plural voting powers and if I have to seek further information in the metropolis, it will take me more than a fortnight to prepare what I may desire to submit when the House is again debating the Bill. One must be sure that the principle involved in this legislation has been given due consideration because it vitally alters the system of local government representation, and removes a privilege which some persons now enjoy. I strongly urge the Premier to reconsider the period for which the Government is prepared to grant an adjournment of this debate. It would not matter very much if this Bill were not passed before the next municipal elections.

Mr. RYLAH (Kew).—I support the amendment. I wish to refer to two remarks made by the Premier. The first is that this is a very simple piece of legislation, which everyone understands, and therefore there should not be any reason why it should not be fully considered in the proposed time. Surely the people should be given the opportunity of ascertaining the Government's intentions. Secondly, the Premier stated that this is a matter which concerns city as well as country municipalities. I entirely agree, but let us examine the time factor in relation to city municipalities. In the first place, Good Friday occurs this week. There will not be any meetings of councils on Monday and Tuesday of next week, and in most cases Hansard will not be available until next Wednesday. For example, the Kew council is meeting to-night. It will not have another meeting until Tuesday week, the night on which, according to the timetable set by the Premier, this Bill must be debated. There appears to me to be
an overwhelming case for the city municipalities to have an opportunity to consider the measure, and they cannot do so in the time proposed by the Minister. The position is far worse in regard to country municipalities. I do not say this in an unkind way, but I should have thought that the Government had had its fill of hasty legislation. It is unfair to suggest that the Landlord and Tenant Act passed last session will be a feast for lawyers; it was put through both Houses in a hurry, and is full of anomalies. I know from my own experience that there is a headache in practically every section. The Licensing (Amendment) Act and the Land Settlement Act were passed hurriedly in December and have not yet been proclaimed.

Mr. GALVIN.—This Bill will be proclaimed.

Mr. RYLAH.—There may be very good reasons for that, but surely it is reasonable to say that this Parliament should not be asked to hurry through measures which will go on the statute-book as hastily conceived and full of anomalies, or lie in the drawer of the responsible Minister's desk because something has been overlooked or some difficulty has arisen. The Chief Secretary, on behalf of the Minister of Public Works who is not present, and on behalf of the Minister of Housing, who is acting for the Minister of Public Works, says that this legislation, when passed, will be proclaimed, but if there is a defect in the Bill, as apparently there is in the measures relating to licensing, land settlement, and landlords and tenants, the Government will have to bring it back for amendment. It is commonly accepted that local government in its sphere is just as important as government in the State or Federal spheres. Municipal councils will be affected by this legislation, as will be the franchise of the ratepayers who elect them, so surely it is natural justice that they are entitled to know the implications of the legislation. As the honorable member for Malvern stated, there have been sixteen months in which the Government could have introduced this legislation. Probably, no great harm will be done if it is not enacted this session. If the Premier wishes to prolong this sessional period, members of the Opposition will not raise any objection. On the other hand, if the honorable gentleman wishes to start the next sessional period earlier than has been forecast, the Opposition will meet his desires. There is an overwhelming case for a month's adjournment of the debate of this particular Bill.

Colonel LEGGATT (Mornington).—I cannot understand the argument advanced by the Government for the early passage of this Bill. It is designed to alter the law relating to local government which has existed in this State for about 100 years, yet the Government wishes to limit the adjournment of the debate to a fortnight. That period of time does not give honorable members on this (the Opposition) side of the House an opportunity of consulting ratepayers or municipal councils. I shall not discuss the merits of the Bill, but merely observe that this is the Government's policy, which will be implemented because the Government has the numbers. The Government does not recognize the rights of the minority but says, "We have decided to do this and it will be done." Apparently, the Trades Hall has requested that this legislation be passed during this sessional period so that the municipal elections in August can be conducted on the voting basis set out in the Bill. The Minister of Housing acknowledged that by saying, "We have been told to bring it down."

Mr. HAYES.—I added "by the electors."

Colonel LEGGATT.—It was not only by the electors, but by the Trades Hall. Ratepayers and municipal councils are not being given an opportunity to discuss the merits of the Bill. The Government is adopting its usual tactics of saying, "This is our policy. Take it or leave it." In the case of practically every Bill introduced so far this session, no reasons have been given for the necessity of passing it. In the present instance, a major Bill is to be debated without any opportunity being afforded honorable members to consult those persons who are vitally interested in its provisions. I am not surprised at the
attitude of the Government, but I am disappointed that it is persisting in its commissar tactics.

Mr. R. T. White (Allendale).—The Government’s motion concerning the period of the adjournment of the debate is a clear indication that it is not aware of or interested in the views of country municipalities. I am surprised to note that not one of the members on the Government side who represent country areas has expressed his opinion on this matter. They know as well as honorable members in Opposition that country people have not been given an opportunity of discussing the Bill. It appears to me that the measure has been brought in by the Government for the express purpose of gaining control of the Melbourne City Council and other municipalities within the metropolitan area. Doubtless, there is a hidden motive behind the introduction of this Bill. I should not be surprised to learn that the honorable member for Carlton is anxious to obtain an elevated office in the Melbourne City Council in the near future. I desire to express the views of country people in relation to the subject of this measure. All members who represent country electorates know that usually municipal councils hold their regular meetings within the first fortnight of each month. Therefore, the councils of practically all country municipalities will have already met this month. Unless members have the opportunity of discussing the Bill with municipal councillors in the rural areas, or unless special meetings are called for that purpose, the views of country residents will not be made known in this House, except through individual members. I therefore ask the Minister to agree to the amendment. If it is accepted, the Government will have agreed, for once in its life, to take notice of country interests.

The House divided on the question that the expression proposed by Sir Thomas Maltby to be omitted stand part of the motion (the Hon. P. K. Sutton in the chair)—

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Mr. Hayes’s motion was agreed to, and the debate was adjourned until Tuesday, April 27.

POLICE OFFENCES (UNLAWFUL GAMES) BILL.

The debate (adjourned from April 6) on the motion of Mr. Cain (Premier and Treasurer) for the second reading of this Bill was resumed.

Colonel Leggatt (Mornington).—This is a short but drastic measure designed to ban the game of housey-housey, which at one time was thought to be quite innocuous and was played mainly on board ship to while away the time. In no sense was it considered to be a gambling game. This Bill proposes that housey-housey shall be placed in the same category as two-up and other unlawful games, and that any person convicted of playing housey-housey or any similar game shall be liable to a
term of two years' imprisonment as a rogue and vagabond. When explaining the Bill, the Premier said, inter alia—

This Bill relates to the conduct of housey-housey. I do not propose to discuss the merits and demerits of what has become known concerning the playing of that game in Victoria.

The honorable gentleman did not give any reasons for introducing this drastic Bill; he stated that there had been certain discussions about whether the issue of permits would be restricted or would cease, but finally the Government had decided to place a ban on the playing of housey-housey. One would have thought that the reasons for contemplating such a drastic step would have been adduced in the Premier's second-reading speech, in which he stated that approximately £500,000 more had been invested in housey-housey in Victoria during the last twelve months than the previous year. As a result of questions asked to-day, it has been revealed that the promoters have taken over £1,000,000 in a period of twelve months.

The only reason that I can find in the Premier's second-reading speech for the banning of housey-housey is that people have been induced to stay out late at night to crack the jackpot game. The honorable gentleman said nothing about housey-housey being injurious to health or to the morals of the people. Finally, he said—

Although a large sum of money has been provided for charitable purposes, there seems to be one great objection, namely, that the promoters receive too much.

Mr. CAIN.—Did I not say how much the promoters received?

Colonel LEGGATT.—The Premier did give that information, but, as far as I can ascertain, the only reason advanced by the honorable gentleman why housey-housey should be banned, apart from people staying up late at night to crack the jackpot, was that the promoters received too much.

Mr. BOURKE.—Is it not a social evil?

Colonel LEGGATT.—There is nothing in the second-reading speech made by the Premier about housey-housey being a social evil. The honorable gentleman submitted no reasons for the presentation of such a drastic Bill, although I may be able to do so. Housesy-housey, of course, is a gambling game in the same way as a lottery is. The Government is in a contradictory position concerning housey-housey and Tattersall's, as the latter will not give several promoters money but one promoter a monopoly to receive money from gambling.

Mr. CAIN.—The Government will get most of the money from Tattersall's.

Colonel LEGGATT.—The Government will receive 31 per cent. When the debate took place on the transfer of Tattersall's to Victoria the patriotic argument was advanced that we should support a Government-sponsored lottery so that assistance might be given to our hospitals. In a similar way, housey-housey has been a help to hospitals. I should like to know the difference between housey-housey and a lottery, which are both raffles. On the one hand, it is said that Tattersall's should be given a monopoly so that money can be raised for the promoters, but, on the other hand, the Premier says that because the promoters of housey-housey receive too much the game must be stopped. I consider that the necessity to ban housey-housey has been brought about by inefficiency in administration and laxity on the part of the Government. From being quite an innocuous game, which was not frowned upon in the old days even by church people, housey-housey is now looked upon right throughout the State as a gambling game with a deleterious effect on the moral welfare of the community.

In my opinion gambling should be stopped when it leads to a deterioration of the morals of the people and to their impoverishment. The Government has had ample power to ban housey-housey under section 88 of the Police Offences Act and under the Patriotic Funds Act. The trouble has been that permits have been handed out without proper supervision being exercised; no one knew how much the promoters or the charities received. It was quite within the province of the
Attorney-General and of the Government, through the Patriotic Funds Council, to stop the issue of permits and therefore the growth of the social menace of housey-housey. The Opposition agrees that as housey-housey has developed it has become a social menace and should be stopped. The Government, however, was able to take administrative action, through the Attorney-General, to ensure that permits were not issued in large numbers, and to exercise control over the games allowed. Further, there should have been control over the period for which the permits were issued.

If the Government had laid down that permits were to be issued only in accordance with section 88 of the Police Offences Act—the proceeds being applied exclusively to charity—and had exercised proper supervision over those permits, we would not have seen the development of housey-housey to the stage of its being played in tents, where people remained until late at night to try to crack the jackpot.

I claim that the insanitary state of the tents and the conditions under which the game was played were due to laxity on the part of the Government. Because the Government has allowed housey-housey to become a social menace, it has now taken the drastic step of declaring it an unlawful game which cannot be played anywhere without the persons concerned being subject to the penalties applicable to a rogue and vagabond. One effect of the Bill will be that people who desire to while away an hour or two by playing a harmless game, without any thought of excessive prizes, will be regarded as social menaces. Housey-housey is to be considered as being among the worst types of gambling games, irrespective of where it is played.

Colonel DENNETT.—Will the measure have any force with respect to persons who play housey-housey on ships?

Colonel LEGGATT.—It will not affect a person who is shipborne provided that he is outside Victorian waters. However, if he plays housey-housey aboard a ship in Port Phillip Bay, for instance, he will be liable to be arraigned before the court, declared to be a rogue and vagabond, and have inflicted upon him a penalty of two years' imprisonment. I fear that the Opposition will be compelled to support the measure. Now that the Government has reached the stage of saying, in effect, "The game is a menace and the only way we can deal with it is by introducing a measure of this character," the Opposition cannot say, "No, we will not have that" because it agrees that the game has become a menace. The Opposition contends, however, that the Government has failed in its duty, because it has allowed the game to become a menace. The bringing down of this Bill is the action of a weak Government, which found that it could not deal with a situation that it had allowed to get beyond control.

Mr. CAIN.—The Opposition had many opportunities to control the game in the past.

Colonel LEGGATT.—In those times it was not played to anything like the extent to which it has been played recently.

Mr. CAIN.—I disagree.

Colonel LEGGATT.—The Premier claims that past Governments had the opportunity to control housey-housey. Frequently, the Government makes a similar claim in respect of other matters. The advancement of that argument, however, is not a proper answer to the Opposition's charge of bad administration on the part of the present Government. If a thing is bad at the commencement it will become worse unless proper steps are taken to control it.

Mr. CAIN.—Do you believe that the Government should control the game but not ban it?

Colonel LEGGATT.—The Government stated in effect, "We cannot control it," despite the fact it had ample power to do so, "therefore, we will ban it." When the Opposition regains the Treasury bench it may review the matter.

Mr. CAIN.—Amend the Act?

Colonel LEGGATT.—I do not say we will do that. I make no promise at all. I merely state that the Government...
has adopted the attitude that it cannot administer the powers that it has and for that reason it will ban the game of housey-housey. Obviously, the Opposition cannot perform the task of administration unless the present Government is defeated. I claim that, if the Opposition were the Government, it could control the game.

Mr. Cain.—If you did so, it would be the only thing you had administered successfully.

Colonel Leggatt.—So far as administration is concerned, the Opposition will wait and see how the Government gets on with respect to Tattersall's. I must say that I am astonished at the differing views of the Government with respect to various forms of gambling. Because the Tattersall consultations will yield a sum of money for charity, the Government will support a private enterprise which will receive huge profits—far greater than any that have been received in the past by promoters of housey-housey. Yet, a considerable sum of money has been paid to charity from the proceeds of housey-housey. Hundreds of thousands of tickets in Tattersall consultations will be sold daily and, to my way of thinking, the lottery is a menace far greater than housey-housey would be if it were properly controlled. I emphasize that the only valid reasons advanced by the Premier, in his second-reading speech, for bringing down this Bill were, first, that people stayed out late at night with the view of cracking the jackpot, and, secondly, that promoters got too much out of the game. Although it will support the Bill, the Opposition claims that its introduction has been rendered necessary only because of the ineptitude of the present Government.

Mr. Corrigan (Port Melbourne).—The honorable member for Mornington indicated that this Bill was a short one. That is true, but I desire to state that it is one of considerable importance, and one with which I am certain citizens of this State will be deeply concerned. I listened with great interest to the speech of the honorable member for Mornington. It was one of the worst expressions of hypocrisy and effrontery that I have heard during the short time that I have been a member of this House.

Colonel Leggatt.—I object.

The Speaker (the Hon. P. K. Sutton).—The expression used by the honorable member is improper.

Mr. Corrigan.—I withdraw. The remarks of the honorable member for Mornington seemed very strange to me, and I am sure that it was the impression they made on other members of the House. In the course of his remarks, the honorable member criticized the Government for bringing down this measure. He then proceeded to say that the Opposition desired to support the proposed amendments to the Police Offences Act. I point out that, not many weeks ago, the Leader of the Opposition and the Leader of the Country party, through the medium of the newspapers, intimated to Victorian citizens that they would support the Government in its proposal to introduce legislation to ban housey-housey in Victoria. To-night the honorable member for Mornington had nothing to offer but criticism of the Government. I claim that the Government should have acted previously. I claim that he and other members of the party of which he is a member had the same opportunities as I had. I directed questions to the Minister in this House and I received answers which were published in Hansard, to which every member has access. Because of the fact that this matter concerned the electorate that I represent, I felt that I had a public duty to perform. When I ascertained that in a period of two years, in the electorate which I am proud to represent, the sum of £280,000 had been poured into the game that was played at Clarendon-street, South Melbourne, I made investigations. I attended the game in Clarendon-street and others conducted in the State.

According to figures obtained from the Law Department, in ten permanent games held in the year 1952, the gross
proceeds totalled the sum of £1,103,067. In the year 1953, the comparable figure was £1,698,341. All honorable members have a duty to investigate this matter. I have no hesitation in making the statement which I shall now utter, as I have made a similar assertion outside Parliament, without claiming privilege. The game of housey-housey has been controlled in many instances by promoters who are the greatest racketeers in the history of the State. Some are plausible scoundrels and should be dealt with at the earliest opportunity.

These persons have endeavoured to gain support for their argument that as a result of the playing of housey-housey certain institutions and essential services benefit by large sums of money. Actually, the promoters have been hiding behind the cloak of charity. The honorable member for Mornington referred to other forms of gambling, including the lottery to be established in Victoria, but he did not indicate that certain racketeers have been operating under the guise of charity. Only a few weeks ago I had the privilege of meeting the Prime Minister, who said to me, “I hope that you clean up the racketeers who are carrying on the game of housey-housey.” The honorable member for Mornington should discuss this matter with his Leader in the Federal Parliament.

Colonel LEGGATT.—I stated that the Opposition supported the Bill.

Mr. CORRIGAN.—That is so, but the honorable member very cunningly attacked the Government. Had he been sincere in his remarks, he would have congratulated the Government on its initiative.

Colonel LEGGATT.—Such a statement would not be sincere.

Mr. CORRIGAN.—I suggest that the honorable member has little sincerity. Housey-housey is the worst form of entertainment ever inflicted on the people. I have visited several of these games and observed those taking part. In the main, the players have been those persons who could least afford to gamble. It may be asked why persons play housey-housey. I have learnt that people of small means and low earnings participate in an attempt to obtain a better standard of living.

Colonel LEGGATT.—Do they not purchase tickets in Tattersall’s?

Mr. CORRIGAN.—No, I suggest that does not occur to the same degree. Only last week I was approached by a woman who agreed with my statement that the game was a drug, and she informed me that she was one of its victims. She stated that in one hour and twenty minutes at a game in Clarendon-street, South Melbourne, she lost the sum of £8 12s. Does the honorable member for Mornington suggest that she would invest an equal sum of money in the same time in Tattersall’s lotteries? In my view, that would be impossible.

Colonel LEGGATT.—She could lose it at the races more quickly.

Mr. CORRIGAN.—I do not agree. It may be said that institutions and social services in particular areas have benefited from the conduct of housey-housey. However, children, instead of receiving something, have been deprived of the essential commodities of life, because some parents have unfortunately fallen into this trap. The game is a racket and a fraud. I would be neglecting my public duty if I did not refer to those so-called champions of charities who claim that they work at particular games in the interests of charity. In my opinion, those persons are hypocrites.

In the year 1952, an amount of £54,297 was paid to employees in the ten permanent games concerning which figures have been published. In the year 1953, an amount of £69,373 was said to have been paid in wages. The latter figure works out at an average of £363 an employee. Whenever any one of us does something for charity, we ask nothing in return, but the employees who work in the tents to which I refer do so for only one purpose—to try to receive something for themselves. Observations that I have made on the conduct of games of housey-housey lead me to believe that
the figures submitted to the Attorney-General's Department are not true and correct. Some promoters have been guilty of "fleeing"; I venture to say that they have robbed charities of the sum of £200,000. Certain of the games have been played under supervision, with advantageous results to charity.

Colonel DENNETT.—Have you any figures disclosing the percentage of the money devoted to charity?

Mr. CORRIGAN.—Yes. In the year 1952, the sum of £178,229 or 16.2 per cent. of the gross proceeds, was paid to charity. In the year 1953, the amount so paid was £272,793, or 16 per cent. Promoters claim that they are paid by the charitable organizations, but I contend that these persons have already received their "cut" before the charities receive theirs. I repeat that the figures presented in the House relating to prizes are not correct, and that the statistics submitted to the Attorney-General's Department are fraudulent. The promoters of some of the games are the greatest racketeers and perpetrators of frauds that have ever operated in the State.

Colonel DENNETT.—Did you state that the figures to which you referred relate to ten games?

Mr. CORRIGAN.—That is so.

Colonel DENNETT.—Surely there have been more than ten games played.

Mr. CORRIGAN.—The figures refer to ten permanent games or "schools" known to be conducted.

Colonel DENNETT.—The highest percentage of the gross proceeds paid to charity among the ten "schools" was 16.2 per cent.?

Mr. CORRIGAN.—Yes. The Government is to be commended for introducing the Bill in order to ban this pernicious game. The legislation will safeguard the interests of many people. I shall not weary honorable members by relating at length the circumstances of cases that have been submitted to me. If I were to quote some of them, members would be placed under an emotional strain because, in many instances, victims have virtually poured hundreds of pounds into the pockets of the promoters of this game.

I am conscious of the great responsibility resting upon honorable members to assist to finance social services and the organizations giving those services in the electorates. In my area, I suppose there are as many of those organizations as there are in any other district, and I shall have to face up to the task of helping those people to raise the money they need to continue to render service to all deserving cases. Money that has been paid to those organizations from the game of housey-housey, however, has been taken from people who can least afford to spare it. I say that after witnessing what has happened in my own electorate. The game of housey-housey has a bad effect on the social conditions of many people.

I have inspected the conditions under which the game has been played; they are a disgrace to this State. I invite members to go down to Sturt-street, South Melbourne, to inspect the conveniences in Wirth's Park for the use of men and women playing the game of housey-housey there. I suggest that they are the worst that could be found in the State.

Mention has been made of the prize known as the "jackpot." I have knowledge of what has taken place in some schools in connexion with jackpots. When some persons receive money for nothing, they realize that they have been wrong and are prepared to admit it. People have told me frankly—I am prepared to make this statement outside of Parliament—that jackpots have been "cooked." In some instances, it has been found that one person has gone to a school at approximately 10.30 or 10.45 p.m., and has produced a card. After playing one game, that person has won the "jackpot." On other occasions, when the "jackpot" has not been won on a certain night, there is evidence to show that the promoters have included the amount in the returns submitted to the Attorney-General's Department. These people have got away with that sort of thing for too long, and they have done so under the cloak of charity. In the main, I believe people have gone to these schools in the belief that charity will benefit. I repeat that, in providing
for charity, we have taken from those least able to spare the money. I congratulate the Government on bringing down this measure, which will win the praise and admiration of all decent people in the community. They will not forget what the Government has done to stamp out this evil in our midst.

Mr. McDONALD (Shepparton).—When the Bill was first mentioned in Parliament, I stated on behalf of my party that we would be prepared to support legislation to ban housey-housey, without much comment. I do not propose to make a long speech tonight. Although I commend the honorable member for Port Melbourne on his attitude towards the game of housey-housey, I shall direct my attention to certain facts. I have no doubt that what the honorable member said about the game is true but his Government's attitude towards gambling is that although it is banning housey-housey—which took about £1,000,000 a year out of the pockets of the people—it has passed legislation to legalize Tattersall consultations, which will derive between £5,000,000 and £6,000,000 from people similar to those who play housey-housey. I am asked to commend the Government for its action to ban housey-housey—I agree that the game ought to be banned—but I cannot find it in my heart sincerely to commend a Government that is prepared to claim credit for denying people one form of gambling but is encouraging them to invest in Tattersall consultations, by which means it expects to collect at least five times as much from the same people. We should not be hypocrites when discussing these questions. I oppose Tattersall consultations and housey-housey on the grounds that people cannot afford to gamble by those means. Gambling becomes a social menace—we see evidence of that in our electorates. We should do all we can to safeguard people who think that if “Lady Luck” is fair to them, everything will be all right. They are induced to gamble by the hope that something will turn in their favour. In my opinion, the Government is not playing the game with the people about whom the honorable member for Port Melbourne spoke so feelingly.

I am not going to ask the honorable member for Port Melbourne how he voted in his party room in connexion with the Tattersall consultation legislation; it would be unfair for me to do so. I cannot say that it was not right for the Government to ban housey-housey but I should not be asked to commend it for doing so. I repeat that housey-housey took about £1,000,000 from people who could ill afford the money but by legal enactment the Government is going to encourage another form of gambling that will give its promoters a franchise worth millions of pounds. That money will be paid by the people of this State.

Sir THOMAS MALTBY.—The Labour party does not believe in monopolies.

Mr. McDONALD.—I am not discussing monopolies. The honorable member for Port Melbourne asks me to commend the Government for banning a game by which about £1,000,000 a year was extracted from the pockets of the people. If it were a question of the Government not receiving its proper “cut” from housey-housey, I do not think I should commend it for banning the game. In my opinion, housey-housey is wrong and should be banned, but if the honorable member desires me to respect his Government, he should not ask me to support the legalizing of Tattersall consultations in this State.

Mr. BLOOMFIELD (Malvern).—I warmly congratulate the honorable member for Port Melbourne on the successful outcome of his public spirited crusade on behalf of the people he represents. Members will support the sentiments of the honorable member wholeheartedly after listening to his emotional and highly commendable speech. What a dreadful state of affairs was represented by the honorable member for Port Melbourne, and what a crushing criticism of his own party was revealed by his narrative of what he had discovered during the past year in his efforts to have this blot on the community abolished. The honorable
member informed the House that, for the year 1952, more than £1,000,000 was extracted from the poor people of this State by means of this game. It is public knowledge, highly to the credit of the honorable member for Port Melbourne, that throughout this year he has been striving publicly to have housey-housey abolished. As was pointed out by the honorable member for Mornington, the remedy was in the hands of the responsible Minister throughout the year. We know that none of these games, so-called, could exist without a licence granted by the Attorney-General.

The story of housey-housey is a scandal, an outrage and a blot on our community that has become worse during the year. I do not think it will be denied that there were responsible members of the honorable member's party who had the effrontery to defend publicly this criminal state of affairs which the honorable member for Port Melbourne has just described. What honorable members on the Opposition side of the House complain about, and why we refrain from commending the Government, is its administration of the existing law and the necessity, apparently, to abolish what might under proper control be a perfectly harmless pastime. There are soldiers in hospital beds, small hospital wards, and small gatherings of friends in private homes, who, by no stretch of imagination, could be deemed to be doing anything vicious when they indulge in this simple pastime for their entertainment. One would presume that the Government would not wish to interfere with the humble pleasures of the people by completely abolishing something which is as innocuous as that, but, owing to the complete failure of the Government to administer the law as it was, despite public outcry, press criticism, and the exertions of the honorable member for Port Melbourne and other people of a similar way of thinking, the Government has had to take this steamroller to crack what should be, under proper administration, the smallest and most miserable and pathetic of a peanut of an affair which one could imagine. Not only does the administration of this Police Offences Act provision fall down in so far as the licensing authorities are concerned, but apparently the Attorney-General, during the last year, has been hoodwinked by the acceptance of false figures. Face to face with that state of affairs, I suggest that the honorable member for Port Melbourne would be very willing indeed to withdraw in all sincerity the accusation of hypocrisy which he levelled against the honorable member for Mornington for failing to commend the Government.

The SPEAKER.—The accusation was withdrawn.

Mr. BLOOMFIELD.—I know, Mr. Speaker. I say that, on reflection, the honorable member for Port Melbourne would withdraw it very gladly indeed. Over the past twelve months, the whole question of housey-housey has been an abiding disgrace to the administration of the Government in this State.

The motion was agreed to.

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

COAL MINE WORKERS PENSIONS (AMENDMENT) BILL.

The debate (adjourned from April 6) on the motion of Mr. Shepherd (Minister of Education) for the second reading of this Bill was resumed.

Mr. COCHRANE (Gippsland West).—This is a Bill with which I feel all honorable members will be in accord. Its purpose is to provide for the payment of increased pensions to retired and permanently disabled coal mine workers and their dependants. The present weekly pension rates are £4 10s. for a miner, £3 15s. for a miner's wife, £4 for a widow, and 8s. 6d. for each child. These pension rates are subject to deduction on account of Commonwealth pensions, when the recipient is eligible for such Commonwealth benefits. With the increase of Commonwealth invalid and old-age pensions by 2s. 6d. a week as from the 30th October last, those persons who receive Commonwealth pensions will not obtain the advantage of the higher Commonwealth rates unless their pensions are increased by a like amount. This Bill

Mr. Bloomfield.
has been introduced to bring the pensions of coal mine workers into line with Commonwealth age and invalid pensions. Over past years, especially during the war period of 1939-45, the workers in the State Coal Mine at Wonthaggi did a wonderful job, and they have continued their good work right up to the present time. There have been no major stoppages of work in the Wonthaggi area for many years, and that is a tribute to those miners who, during a long period of years, have maintained full production. It would appear from the annual reports relating to the State Coal Mine that the enterprise each year incurs a very serious loss.

Mr. SHEPHERD.—The loss is not as bad as it would appear to be.

Mr. COCHRANE.—It is perhaps a loss on paper only. In view of the fact that the cost of imported coal landed at Victorian ports is £12 per ton, and that Wonthaggi coal is produced at approximately half that cost, it must be conceded that the State Coal Mine has made a great contribution to industry and is a wonderful asset to Victoria. The passing of this Bill will enable the pensions of coal miners to be adjusted in accordance with the increase in Commonwealth invalid and age pensions, and the proposed increases will be made retrospective to the 30th October last. Members of the Opposition parties are in accord with the measure, as it will be the means of giving justice to men who are rendering a valuable service to the State.

The motion was agreed to.

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

ADJOURNMENT.

Mr. GALVIN (Chief Secretary).—I move—

That the House, at its rising, adjourn until to-morrow, at half-past Three o'clock.

The motion was agreed to.

The House adjourned at 9.53 p.m.
2. (a) The number of buses to be released on completion of the construction of the Bourke-street–Northcote electric tramway:

59 A.E.C.
2 Ford.

(b) The number of buses to be released on completion of the construction of the Nicholson-street electric tramway from Gertrude-street to Blyth-street, East Brunswick:

17 A.E.C.
5 Leyland Tiger.

3. In replacement of 58 Leyland Tiger buses (as mentioned in the answer to 1 above) and on new services to be commenced on routes which have not yet been decided.

HOSPITALS.

PREFabricated BUILDing FOR HEALESVILLE.

Mr. WHATELY (Camberwell) asked the Minister of Health—

1. What was the original estimated cost of the supply and delivery to site of the prefabricated aluminium hospital for Healesville, and what was the actual cost?
2. What was the estimated cost of the erection of the hospital?
3. Whether it has been decided not to proceed with the erection of the hospital; if so, why?
4. Why portions of the building have been removed; and to what locations they have been removed?
5. What is the cost of transporting the materials from Healesville, and who is responsible for the payment of such cost?

Mr. BARRY (Minister of Health).—The answers are—

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<td>Construction</td>
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These estimates did not include cost of furnishings, site works, &c.

In its place the Commission has authorized the construction of a better-designed smaller hospital (twelve beds instead of 22 beds) of orthodox materials. The Healesville Hospital committee is quite satisfied with this solution of its former difficulties.

4. Several cases of aluminium components have already been shifted and soon the whole together with all similar components from Yea, Tawonga and Alexandra, will be placed on various sites in mental institutions in this State.

5. It is not possible at present to dissect the cost of the removal to sites in mental hospitals of the Healesville components. This removal is part of a contract entered into for a transfer of all components. The cost of this removal will be paid by the Public Works Department from loan funds allocated for the purposes of the Mental Hygiene Authority.

HOUSING COMMISSION.

RICHMOND RACEcourse ESTATE: SALE OF HOMES TO TENANTS.

Mr. WHATELY (Camberwell) asked the Minister of Housing—

1. Whether the Housing Commission has offered to sell houses on the Richmond racecourse estate to the tenants; if so—(a) how many have been offered and at what prices; and (b) how many have been sold and at what prices?
2. Whether certain tenants have not accepted the offer; if so, what reasons (if any) were given?
3. What was the actual cost of building each type of house offered for sale?

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

No homes have been offered for sale on this estate.

POLICE OFFENCES (OBSCENE PUBLICATIONS) BILL.

The debate (adjourned from April 6) on the motion of Mr. Galvin (Chief Secretary) for the second reading of this Bill was resumed.

Mr. PETTY (Toorak).—The purpose of the Bill is to amend the Police Offences Act to deal with the printing, publishing, and distribution of obscene literature in Victoria. The measure must be considered most disappointing to those who really have at heart the interests of persons whom Parliament is trying to protect from the ill effects of
Police Offences (Obscene Publications) Bill. [14 April, 1954.]

indecent publications. Its enactment will not enable the problem to be tackled realistically. In my opinion, the Bill will achieve no good purpose, but after making a very close examination of the measure I concede that it cannot do any harm; probably that is something in its favour.

I am certain that other members of the House, and those of the community who are interested in this subject, expected the Government to submit a Bill enabling the problem to be tackled in a positive manner. There is irrefutable evidence of a flow of filth, published in letterpress and pictures, by presses throughout Australia and overseas; it finds a ready market. Obscene publications may be purchased at bookstalls, shops, and from newsgencies anywhere in the State. Although much of this matter is offensive, the Government has not taken practical steps to have the definition of the term "obscene" amended so that the evil can be dealt with effectively. Undoubtedly, the problem is difficult. For years the Police Offences Act has included a definition of "obscene" but in many prosecutions launched it has not been easy to obtain a conviction. Consequently, in recent years very few charges have been laid.

I intend to quote from the annual reports of the Chief Commissioner of Police for the years 1950, 1951, and 1952. Under the heading of "Offences Against Good Order," there is a sub-heading, "Indecent and Obscene Publications." An examination of the reports discloses that the total number of charges laid in the last few years has been thirteen.

Colonel DENNETT.—Were those prosecutions successful?

Mr. PETTY.—Unfortunately, a number of them were unsuccessful. In the year 1950, no charges under the relevant section were laid; in 1951, action was taken in six cases; and in 1952, there was only one prosecution. The report for 1953 has not yet been printed, but I have been informed that six charges were laid in that year, making a total of thirteen charges in four years.

Mr. GALVIN.—We were vigilant last year, were we not?

Mr. PETTY.—Yes. Six charges were then laid in a State which has a population exceeding 2,000,000 people.

Mr. GALVIN.—In the previous three years, when an anti-Labour Government was in office, seven charges were laid.

Mr. PETTY.—In 1951 six prosecutions were instituted, equalling the number launched in 1953 under a Labour Administration. Last year this subject was aired in Parliament week after week, and the press supported in no uncertain manner the protests made. At that time there was considerable feeling in the community on this subject. This was reflected in the number of letters received by members of Parliament, and the number of reports sent by different bodies actively campaigning to end this scourge. If the Government had taken some notice of public opinion in 1953 and had really been conscious of its duty in this matter, there would have been more than six prosecutions. I do not know how many of those charges led to convictions. However, their effect on the distribution of this literature must have been negligible.

The Government should regard the banning of obscene literature as an essential part of its child welfare work. It is the younger members of the community who are affected by publications of the type in question. The Government should pass a measure that will prevent filthy and obscene literature and pictures from being placed in the hands of children of an impressionable age. The increased distribution of literature of this nature is not accidental, and it has been developed not only because of the profit motive. Investigations have proved that this detrimental growth in Australia and in other countries is linked with a movement that is much more subversive than most people realize. A definite attempt is being made to undermine the morale of young people, their ideas of decency, and the principles on which the whole moral fabric of our home and family life is built; unfortunately, it is being very successful. That is the idea underlying the distribution of this muck. A particular publication will enjoy temporary popularity,
and when that begins to wane, another will take its place. I can speak on this matter as a newsagent.

Mr. CAIN.—You are selling these publications.

Mr. PETTY.—I do not sell this rubbish and I have not done so for years. As soon as I get any of it, I put it in my "returns" room.

Mr. GALVIN.—Previously, you said that you were forced to sell it. You are a humbug.

Mr. PETTY.—The Chief Secretary is a humbug.

The SPEAKER (the Hon. P. K. Sutton).—Order! The expression "humbug" as used by the Chief Secretary and the honorable member for Toorak must be withdrawn.

Mr. GALVIN.—I withdraw.

Mr. PETTY.—I withdraw. To-day I was asked to supply some of this literature to demonstrate how dreadful it is. I telephoned to three adjoining newsagents but could not obtain a copy. We have stopped selling it. I admit that I said that these publications are sent to us, but we return them.

Mr. CAIN.—You are now telling a different story from what you said previously.

Mr. PETTY.—I am not. Doubtless, the Chief Secretary will tell his story later and will quote extracts from the official files. The Government would do much to prevent the publication and distribution of literature of this type if it exposed the names of the people concerned with the printing companies.

Colonel DENNETT.—Is a high proportion of this literature printed and published in Australia?

Mr. PETTY.—Yes. The honorable member for Caulfield will see that that is the case if he reads the report prepared by the Young Christian Workers' Movement. I have taken the figures that discloses as being correct. It is shown that much of the literature of this type is printed in Australia. The Government should compel the printing companies to disclose the names of the executive members of their staffs. In "Time" the "Readers Digest" and publications of that character, one finds a list of the managing directors, editors, circulation managers, and so on. If the law provided that a similar system must be followed with these obscene publications, the public would know who was responsible for publishing such filth. It will not be sufficient merely to demand that the name of the printing company is disclosed. My proposal may appear to be difficult, but the system applies in other countries. If it were adopted in this State, it would have a deterrent effect.

Mr. GALVIN.—Under the Bill, the public will know the names of the firms distributing this literature.

Mr. PETTY.—The interjection leads me to the next point I wish to raise. As members know, the method of distribution is through printers, wholesalers, and newsagents. The name of one wholesaler has been bandied about in this House—I refer to the firm of Gordon and Gotch (Australasia) Limited. It is responsible for the distribution of a great number of these publications. People looking at this matter in a fair-minded way will realize that these comics, magazines, and so on, bear the imprimatur of the Government of the country in which they have been produced because they have not been declared to be obscene. In the Police Offences Act there is provision for the printer, publisher, and distributor of these booklets to be taken to court if any publication is found to be obscene, and the people concerned are punished accordingly. Practically every Government throughout Australia has dodged the issue, and has attempted to force the distributor to decide whether any matter is obscene or not. Distributors are not qualified to make that decision.

Mr. GALVIN.—Do you not mean the wholesale distributors?

Mr. PETTY.—I refer both to wholesalers and retailers. If the Government does not determine the way in which it is to be decided whether a publication is obscene or not, it should not try to
evade the issue by placing the responsibility upon the shoulders of the printers, publishers, or distributors.

Mr. GALVIN.—The responsibility will rest upon the court.

Mr. PETTY.—That appeals to me to be a case of locking the stable door after the horse has bolted.

Mr. GALVIN.—Upon whom should the responsibility rest?

Mr. PETTY.—It should be the task of the Government.

Mr. CAIN.—Why not submit an amendment.

Mr. PETTY.—I am pointing out that this Bill is merely a face-saving measure for the Government.

Mr. GALVIN.—Why not try to improve it?

Mr. PETTY.—At a later stage, amendments will be submitted with the intention of improving the Bill. The Opposition will suggest means to make the legislation work effectively. These publications come into the hands of the wholesalers and then are sent to retailers, of whom there are about 3,000 in this State. In the past, proceedings have been taken against newsagents. I contend that it would be impossible for any newsagent to scan all the publications he handles. It would also be impossible for a wholesaler to undertake that task. More than 250 separate Australian publications come out each week, and a wholesaler or a newsagent could not read them all to determine which were obscene. In one district, a newsagent might consider that a certain publication was obscene whereas in an adjoining district another newsagent would not. A method must be evolved to solve this vexed question. To date, the court has not given full support to inspectors or other persons reporting cases of this type.

I am not criticizing the courts or their procedure, but it is unfortunate that the results of cases brought before them from time to time have not encouraged inspectors or the police to take action against the distributors of obscene publications. I stress, as will other Opposition members, later, that what is required is a definite method of defining the expression “obscene” so that effective action can be taken against persons responsible for objectionable publications coming on to the market, whether they be printers, publishers or distributors. Thus, inspectors initiating proceedings to ensure that the ideals and the will of this Parliament relating to such literature are carried out, will be supported by the best legal advice and have a reasonable chance of successfully prosecuting offenders. Many of these comics and publications are sold by news vendors. Would any Government consider that youths should be held responsible for their distribution, although they no doubt avidly read such matter themselves? The figures quoted in the report prepared by the Young Christian Workers’ Movement on the subject show that at least 20 per cent. of young people have purchased these magazines whenever possible, and that another 70 per cent. are eager readers of them.

I shall now deal with the clauses of the Bill in detail. It has been reported in the press that the definition of “obscene” would be greatly widened to enable the police to take effective action against the distributors of the type of literature under discussion. Clause 2 of the Bill merely adds four words to the existing definition, namely, “gross cruelty or horror.” If convictions cannot be obtained under the old definition of “obscene,” how does the Government expect to obtain convictions by merely adding those four words? The words do not widen the interpretation sufficiently to ensure that offenders will be convicted. Later, Opposition members will submit to the House an amendment designed to extend the definition of “obscene” in an effective manner. Clause 3 adds after the word “literary” in section 184 of the principal Act, the words “or artistic,” as relating to the exemption of works of recognized artistic merit. Again, the definition is not specific enough to enable successful action to be taken against the distributors of obscene publications. In fact,
the effect of clause 3 is more to restrict than to extend. Clause 4 defines "printed matter" in these terms—

"Printed matter" means any book paper pamphlet magazine periodical letterpress writing print picture photograph lithograph or other reproduction, but does not include—

Thus, postcards, including the scenic variety commonly sold at tourist resorts, are included. I direct the attention of the Chief Secretary to the necessity for the exemption of such cards.

Among the items excluded from the definition of printed matter are—

(b) any printed matter of a purely official, religious, social, professional, scholastic, commercial, business, advertising or trading character; or

In my opinion, that exemption is too wide. Much pornographic matter is distributed in connexion with advertising and trade publications in the form of calendars, and the like. Customs officers closely examine advertising propaganda from overseas to ensure that there is nothing pornographic or indecent included in it. I suggest that the Chief Secretary should closely examine the exemptions I have just quoted with the view of narrowing them. I come now to the Young Christian Workers’ Movement report, for which the organization concerned should be highly commended. Practically every aspect of the subject from the classification of objectionable literature down to proposals for corrective legislation has been dealt with in the report. While the Opposition does not agree with all the suggestions made, it considers many of the points made and figures quoted should be examined by the Government. The report classifies magazines under a number of headings, and directs attention to the prevalence of those which deal almost solely with sex matters. In some cases it is very difficult to define the dividing line where obscenity commences. The report specifies the number of such magazines circulating in the community to-day.

Mr. GALVIN.—I quoted from the report last week and the excerpts appear in Hansard.

Mr. PETTY.—I also have the privilege of quoting from its contents and of directing the attention of members to some sections of it which the Chief Secretary did not mention. A number of crime magazines and books, which are filthy publications, are circulated in this State. The sex and nudist magazines are bad enough but, in my opinion, the worst publication in circulation is the so-called mystery or detective type of book, examples of which are given in this report. Usually, these books are exact copies of American publications which are reprinted in this country and given a wide circulation. Some time ago I received a letter from publishers in America congratulating me, as a newsagent, on the great expansion of the sale of this particular magazine in Victoria. Other newsagents received similar communications. It was mentioned in the letter that in the United States of America 7,000,000 copies of these publications were being sold monthly. I was assured that the books were uncensored and unabridged. Everything possible should be done to terminate the publication and circulation of this undesirable literature.

Books of the class about which complaints are made include the love comics and magazines, which are extremely nauseating. I do not propose to deal with all sections of the report, because it was quoted extensively by the Chief Secretary, and probably members who are interested in the subject have read it. I should like, however, to refer to what is stated in the report concerning the immoral effects of this indecent literature. I do not think any citizen will deny the bad effect on a receptive mind of the continual reading of such publications and of the perusal of pornographic pictures. No decent person would allow magazines of this sort to be brought into his home. Last week the Chief Secretary had a copy of one of these magazines, which was absolutely sickening. Its contents were such that it was necessary only to look at it once to be completely disgusted. It is hard to understand why any firm or person would produce such publications, the effect of which must be most detrimental to the people who print and distribute them. There certainly is a very bad effect on the minds of the people
who buy and read such rubbish. Unfortunately, many readers practically devour literature of that kind. Every step should be taken to ensure that a complete ban is placed on these productions.

The immoral effect of these books and magazines on all those who read them has been commented upon frequently in reports by various persons and organizations. The report to which I have already referred directs attention to the fact that—

It has been found almost impossible to secure a conviction under the pertinent section of the Police Offences Act because of the inability and/or reluctance of the presiding magistrate to decide what is obscene and what is not.

I stress that point because it is difficult under the existing law to obtain convictions of those responsible for the production and distribution of these indecent books but I do not think the procedure for obtaining convictions will be facilitated by the terms of the Bill, nor will it enable sufficient penalties to be imposed to deter the production of such trash.

I am sure that all members of this House are anxious to do something helpful for the younger people of the State by assisting the organizations who have the interests of the young people at heart. Many such organizations have been working tirelessly trying to find a way in which the production and distribution of this literature can be controlled. We now have an opportunity to amend the Bill to make it more effective. The main feature of the measure is the registration of distributors of printed matter, but I do not think the relevant provisions will solve the problem. Some of the terms of the Bill have been included in an attempt—probably an honest one—to pinpoint those responsible for the circulation of this objectionable literature within the State.

In the Bill there are several features concerning distributors and these, I suggest, have probably escaped the notice of the Chief Secretary. I refer particularly to clause 8 which provides that a court may in its discretion by order direct that the registration of a distributor of printed matter be cancelled. If such action is taken, the distributor concerned will not be permitted to circulate literature of any kind irrespective of the number of books which he handles. He will suffer the penalty of deregistration merely because—perhaps accidentally—one undesirable publication has got through his hands. In consequence the distribution of many worthy publications may have to be discontinued.

Consider the position in which a distributor such as Gordon and Gotch (Australasia) Limited would be placed in the event of those circumstances arising. That firm handles 250 publications a week. If it distributed one copy of a publication which was the subject of a charge and the prosecution were successful, the company would lose its registration as a distributor, and the result would be that all the other publications handled by that House could not be circulated. This establishment distributes weekly approximately 1,500,000 copies of various publications to 3,000 newsagents throughout the State. If the firm's registration were withdrawn, the whole of the paper trade in Victoria would be thrown into chaos. Therefore, I suggest that clause 8 of the Bill needs to be amended to provide that the revocation of a licence should be ineffective until after an appeal had been made by the distributor concerned. I submit that the revocation of the licence—not the penalty—should be subject to appeal so that in the meantime a continuance of normal business would be possible.

Mr. GALVIN.—An appeal to whom?

Mr. PETTY.—An appeal can always be made from a lower court to a higher court. If a firm were not allowed to continue the distribution of publications pending an appeal, its normal business would have to be discontinued until the appeal had been heard.

Mr. GALVIN.—You are endeavouring to whitewash the distributors.

Mr. PETTY. — That is not so. Apparently, the Chief Secretary has not followed my point. I stated that it was not proposed to interfere with the...
penalty, but that even if a distributor's registration were cancelled the revocation should not take effect pending an appeal by the distributor. In those circumstances it would be possible to continue normal business.

Mr. GALVIN.—That is nothing new.

Mr. PETTY.—There is no such provision in the Bill.

Mr. GALVIN.—There is a similar provision in the Theatres Act.

Mr. PETTY.—That may be so, but the Theatres Act would not be applicable in the circumstances I have stated.

Mr. GALVIN.—Do you say that I cannot withdraw registration from a theatre?

Mr. PETTY.—I did not say that. I said that provisions of the Theatres Act cannot be applied to the question of obscene literature.

Mr. GALVIN.—You said that an appeal provision was not in any Act.

Mr. PETTY.—It is not contained in any legislation dealing with obscene literature.

Mr. GALVIN.—We are putting it into this one.

Mr. PETTY.—I thank the Chief Secretary for his assurance that he is prepared to accept an amendment.

Mr. GALVIN.—I said nothing of the kind.

The SPEAKER (the Hon. P. K. Sutton).—Order! The honorable member should address the House and not the Chief Secretary.

Mr. PETTY.—I propose to present an amendment that will make the proposed legislation effective without destroying an important industry. Further, if a distributor considers a magazine or publication to be obscene he should have the opportunity to say, "I will not handle that publication," irrespective of whether he has contracted to distribute all the publications of one firm, as is the common business practice in the industry. Wholesalers, such as Gordon and Gotch, make contracts with publishing houses in Sydney to distribute all their publications.

Mr. GALVIN.—We hope to stop the distribution of some of those publications.

Mr. PETTY.—Every one agrees with that idea, provided that some person will say that the publications are obscene. At present, no protection is given to a wholesaler who refuses to handle a publication that he considers to be in that category. A wholesaler who has a contract to distribute all the magazines published by a particular firm and refuses to handle a certain publication becomes liable to damages for not carrying out his contract. I invite the Chief Secretary to include in this Bill a provision along the lines of section 21 of the Queensland Act relating to objectionable literature. Under that provision, if a wholesaler or distributor considers a publication to be obscene and refuses to handle it, he cannot be held to his contract.

Mr. GALVIN.—Previously you said that newsagents should not act as censors.

Mr. PETTY.—I am not suggesting that the newsagents should be censors. The question relates to the primary distributor. If the Government intends to proceed with this Bill, it must be made workable so that the primary distributor may continue in business. If he considers a publication to be obscene and refuses to distribute it he must be given the protection that will not be afforded by this measure in its present form. During the Committee stage, I propose to submit an amendment containing such a safeguard.

I reiterate that, in my opinion, this is not a good Bill. I do not think the Government has grasped the opportunity to make a real contribution to solve the problem of obscene literature. Although the measure will do no harm, it will do no good; it is just a smoke screen. I invite the Government to re-examine the Bill to determine whether it can be strengthened so that it may do the job that the Opposition understood was intended—that of making the printing,
publication and distribution of obscene literature in Victoria an absolute impossibility.

Mr. DODGSHUN (Rainbow).—This Bill proposes an amendment to Part V. of the Police Offences Act, which has given many Governments—and Chief Secretaries in particular—much thought and worry, because it applies not only to publications but to entertainments and so on. It has always been difficult to obtain a conviction under Part V. of the Act. In his second-reading speech, the Chief Secretary informed the House that in 1952 the then Premier, the Leader of the Country party, brought the matter of the dissemination throughout the Commonwealth of pornographic, crime, and horror publications to the notice of the Premiers' conference. It was then decided—I think at the suggestion of the Prime Minister—that the Premier of New South Wales should take action to convene a conference of the States to ascertain if something could be done to stop the publication of objectionable publications. Later a conference of senior departmental officers was called. As the then Chief Secretary, I approved of the attendance at that conference of the Under-Secretary, a representative of the Education Department and the assistant Parliamentary Draftsman. It was considered that the representative of the Education Department could advise on the effect of such literature upon children and their education. It was thought also that the draftsman, after hearing what was said and agreed to, could draft a suitable amendment. It was pleasing to know that most of the discussion at that conference revolved around the Victorian law, as it implied that Victoria had taken greater steps than any other State to stop the trade in obscene publications.

I think that all honorable members, as well as all other right-thinking citizens, have felt for some time that action should be taken to curb the distribution of objectionable magazines, papers and comics. I stress the fact that over the years there have been difficulties in obtaining convictions for the distribution of that type of publication. The addition of a few words to the present legislation will be of no assistance. The provision relating to sex will remain as it was originally. The words "gross cruelty or horror" are to be added to the definition of "obscene" in an endeavour to strengthen it to some degree. I concede that there is a form of censorship with respect to films, but the State must take action under the Police Offences Act if a stage show is deemed to be obscene. The problem, of course, is an administrative one. The usual procedure is for the Chief Secretary or the Under-Secretary to ask the Chief Commissioner of Police to investigate the matter. Normally he assigns two men to that task. I do not know whether they are picked men or whether they are merely deemed to be representative of a general cross-section of the community.

When I held the portfolio of Chief Secretary, complaints were lodged about one particular show, and two men were deputed to make an investigation. They reported to the effect that the show was all right and that the State had no chance of securing a conviction under the relevant section of the Police Offences Act. At a later date, I received complaints from certain members of Parliament who had seen the show and who would not be regarded as prudes. Further investigations were made and ultimately it was decided that there was no chance of having a conviction recorded against the producers. It was only after a direct approach had been made by the Department to the manager of the production that the obnoxious sections were deleted. I stress that point because, in my view, the Chief Secretary, whoever he may be, will be placed in a very invidious position if this Bill becomes law.

Clauses 2 and 3 will have the effect of altering to some degree definitions under the Police Offences Act. Clause 3, for example, proposes to add the words "or artistic" after the word "literary" in section 184 of the principal Act. I ask: Who is to determine whether a publication is lewd or artistic? There have been considerable differences of opinion among members of the public as to whether a particular production is obnoxious or
artistic. I make that point strongly because I believe that neither the present Chief Secretary nor any member who may occupy that position in the future should be placed in the position of having to judge these matters.

Mr. GALVIN.—The court will judge.

Mr. DODGSHUN.—The Chief Secretary interjected similarly when the honorable member for Toorak was addressing the House. I emphasize that it is impossible to bring these cases to the court.

Mr. GALVIN.—You watch us!

Mr. DODGSHUN.—Reports furnished by the Police Department have frequently been to the effect that there is no chance of gaining a conviction, despite the fact that any broadminded member of this House or the father of a family would be prepared to say, "I would not have that publication in my home." The Chief Secretary will have the right to grant exemptions from registration, and eventually he will become the judge. When I was Chief Secretary I refused to assume the role of censor because I did not believe that such important decisions should be left to the whim of one man. A conference of representatives of the Federal and State Governments was held in Sydney in 1952, and I have been expecting a member of the Government to ask of me, "Why did you not act?"

Mr. GALVIN.—The conference was held only in July, 1952.

Mr. DODGSHUN.—We were out of office as a Government in December of that year and in the interim there were three Governments in this State.

Mr. GALVIN.—You are drawing a red herring across the trail.

Mr. DODGSHUN.—When I was Chief Secretary, my officers and I devoted much time to the consideration of the matter, in an effort to find some practicable way of surmounting the difficulty. As was stated by the Chief Secretary, approximately 45 per cent. of sex magazines and publications to which objection is taken are imported from overseas. The honorable gentleman pointed out that the Trade and Customs Department has power to stop this practice. Contact with the Federal authorities has been made time and time again by successive Governments in an effort to close the gap, but, for one reason or another it has been impossible to do so. Explanations have been advanced to the effect that samples of filthy papers are brought into Australia from overseas and that later they are published here. It is within the province of the Commonwealth Government to curtail that activity. If only 45 per cent. of the objectionable publications could be kept out of circulation, the responsibility of the States would be lessened considerably. Although the States have agreed to introduce something approaching uniform legislation, there is a distinct responsibility on the Commonwealth Government to cooperate. There can be no shadow of doubt about that contention.

The Chief Secretary mentioned that two States already have brought in legislation as a result of the conference that was held in Sydney. He informed the House that South Australia had not altered the definition of obscenity to the same degree as is proposed in this Bill.

Colonel LEGGATT.—Did the Chief Secretary say that?

Mr. DODGSHUN.—It is stated in the honorable gentleman's notes that ours is a wider interpretation of obscenity; that in Queensland there has been set up what is more or less a censorship Board. I do not suggest that a censorship Board should be established in Victoria but I do hold that much consideration should be given to the argument. I have expressed the view that the Chief Secretary should not be placed in the position of having to act as censor. Conversely, an advisory committee consisting of selected persons should be established. Surely, there are members of the community who are well qualified to serve in that capacity. There are some women—particularly those who have dealings with the Children's Court—who would be admirably suited to the task. In my view, there should be
one woman member of the advisory committee. Moreover, there should be on it some one who is sufficiently broad-minded and well trained to be able to differentiate between art and some of the other stuff that is offered to the public to-day under the guise of art. Then, the Chief Secretary could select some one in a judicial position, if he so desired, whose duty it would be to advise him whether this or that should be allowed to go through.

Mr. GALVIN.—Is not that censorship?

Mr. DODGSHUN.—No, it is not, because the Chief Secretary would have the right to review the decisions or to call for other advice. In the terms of the Bill, there will be reliance on the court and, before an approach can be made, the damage will be done.

Mr. GALVIN.—Down the years, British courts have not been too bad; they have stood the test of time.

Mr. DODGSHUN.—I maintain that the Government of which I was a member investigated every avenue, in an effort to reach a satisfactory solution to the problem. I forecast that, if this measure is placed upon the statute-book, the Government will have many headaches. Much of the stuff that is now complained about will still be distributed.

Mr. GALVIN.—More of it would be distributed if a Board were established.

Mr. DODGSHUN.—I claim that the Government will have no chance of stopping the distribution of obscene publications, because it will be unable to secure a conviction under the relevant section of the Police Offences Act.

Mr. SHEEHAN.—Do you suggest the establishment of a censorship Board?

Mr. DODGSHUN.—No. I know that if I were to make any such suggestion I would be accused of advocating censorship. That is why I have tried to elaborate my own feelings and those of my colleagues.

Mr. GALVIN.—You will not support the establishment of a court, or the principle of censorship. What do you favour?

Mr. DODGSHUN.—The Chief Secretary desires to make political capital out of this matter. When this subject has been raised from time to time, I have informed the honorable gentleman that I will give him all the help I can to eradicate these filthy publications. The Bill is really divided into two parts. The Government proposes to widen the definition of the word "obscene" as it appears in the Police Offences Act, and to include in the exemption section the word "artistic" with the object of freeing from the terms of the Act literary and artistic works. The Chief Secretary will be required to determine whether a work is artistic; in spite of his statements, he will be the censor.

The second part of the Bill provides that all distributors—I emphasize the word "all"—of pamphlets, magazines, and newspapers shall be required to register. Political pamphlets were exempted from the provisions of the Act only in the year 1938; I had intended to direct attention to the fact that the Chief Secretary could, in certain circumstances, be the censor of political pamphlets. The honorable gentleman has a great responsibility regarding political matters.

It is not only the publisher who will be required to register, but also the printer and the newsagents. The measure could almost include boys who sell these publications in the streets. The proprietor of every newspaper in the State, whether in the metropolitan area or in country districts, will have to apply for an exemption.

Mr. BOURKE.—You do not understand the Bill.

Mr. DODGSHUN.—I do understand it. Printers and publishers produce all sorts of work. In a small country district, the local printer does all the job printing required. In my opinion, the Chief Secretary will have a lively time when the Bill is passed. Evidence has been brought forward that at least one publishing firm in Victoria has tried to force newsagents throughout the State to sell obnoxious literature, and it has threatened that if the distributors refuse to handle the publications they
will not be supplied with other periodicals. Much of the remedy for this state of affairs rests with the newsagents themselves. Many news vendors have returned objectionable literature and thus called the bluff of this firm; friends of mine have done so repeatedly.

Concerning comics, I should like to say that the Free Library Service Board is conducting an active campaign, particularly with children's libraries, to induce young persons to read wholesome literature. In the year 1952 I attended at Box Hill the annual meeting of the Library Association of Victoria, and was accompanied by the honorable member representing that electorate. During the afternoon there was a debate between high school students on the subject of comics. A number of these papers were displayed and classified on a table, and one or two of them were very harmful. The others were just trash; they contained nothing dangerous, but consisted of material that the ordinary child whose concentration had developed somewhat would not pick up. In my opinion, the parents are mainly responsible for what their children read. Home life has a big influence in this matter. In cases where there are irresponsible parents, or no parents, perhaps the responsibility devolves upon the State.

I do not consider that the Bill will have the desired effect. It has been reported by the press that this year the Free Library Service Board is asking the Government for the sum of £131,000. I trust that the Government will not stint that Board, because the quicker its activities can spread throughout the State—particularly in the field of juvenile libraries, so that children shall become interested in reading and absorbing good material—the better it will be. If the attention of children is thus captured at an early age, it will be held for life. They will gravitate through the children's library to the adult library.

There is a need not only to have effective legislation, which may be punitive, but also to act through social services and schools. Mothers' clubs will support any move to have the blot of objectionable publications removed from the escutcheon of the State. The Government should work through the various Departments.

Mr. CAIN.—You want the State to do a job that the newsagents are not doing now.

Mr. DODGSHUN.—That is not so; that remark does not become the Premier, who is descending to a low level. The Chief Secretary realizes the ramifications of some publishing firms and distributors of literature. The Government should try to suppress iniquity in the community, but it should not endeavour to harness every individual, and I do not suggest that it could do so. In my view, the remedy lies in a proper school curriculum, so that the children will develop the right frame of mind to read and study good literature. The Free Library Service Board is carrying out an excellent job with its trained librarians. I do not advocate that the Government should allocate money to libraries wastefully. An advisory committee of the type I have suggested would be of assistance to the Chief Secretary.

Mr. WHATELY.—What could it do?

Mr. DODGSHUN.—It could determine what was pornographic and what was artistic. Sometimes I wonder whether I am a generation behind in my thoughts, because some examples of so-called art appeal to me as being merely the phantasies of disordered minds. If I visit the picture gallery in Adelaide, in Perth, or in Melbourne I see nude figures. They may be artistic but to me, being a country man, a good landscape picture has greater appeal. During the centenary year, I saw the history of Victoria displayed by means of pictures in the gallery and they were worth while viewing. Nude figures may have an artistic appeal to persons with knowledge of art, but if I were Chief Secretary I would hate to have to determine whether a nude figure was or was not a work of art.

On the motion of Mr. SHEEHAN (Ballarat), the debate was adjourned until later this day.
THE SPEAKER.

TEMPORARY RELIEF.

Mr. GALVIN (Chief Secretary).—

By leave, I move—

That, during the absence of the Chairman of Committees, Mr. Speaker be authorized to call upon any of the Temporary Chairmen of Committees to temporarily relieve him in the Chair.

The motion was agreed to.

POLICE OFFENCES (OBSCENE PUBLICATIONS) BILL.

The debate (adjourned from earlier this day) on the motion of Mr. Galvin (Chief Secretary) for the second reading of this Bill was resumed.

Mr. SHEEHAN (Ballarat).—The Bill represents a sincere attempt to deal with those people who have engaged in the distribution of indecent literature within this State. When the Chief Secretary was explaining the Bill, I think the honorable gentleman made it abundantly clear that the only method by which we can hope to exercise supervision over publications of an unsavoury type is by passing legislation to deal with the persons responsible for the distribution of such literature. When one considers the insistent demands made by a very representative and responsible section of the community to endeavour in some way to ban publications of the type all members have seen, I have been rather dismayed to read in the press, and in circulars sent to me and to other members, of opposition to this move. I suppose all members expected that people with a stake in the profits derived from indecent literature would have organized a campaign to thwart any plan to ban such literature. In the press and in circulars that I and other members have received, it has been argued with great sophistry that while obscene literature is undoubtedly a menace, it is not nearly as dangerous as any method that may infringe the freedom of the press, the liberty of publishers or, as the honorable member for Toorak suggested, the liberty and rights of distributors.

Although there are people who are prepared to say, "We desire to get rid of indecent literature," at the same time they do not want restraint placed upon those who are distributing it. I contend that such an attitude is untenable. I do not suggest that the honorable member for Toorak is in this category as yet, but I know that these people are hoping that the attempt to rid this State of unwholesome literature can be turned into an unpopular cause. In the past, I have observed that when the horrified cry that freedom is in danger has been raised, it has proved to be a most successful weapon of propaganda. An Elizabethan poet wrote—

Books should to one of these four ends induce

For Wisdom, Piety, Delight or Use.

I think most people will agree that that is a reasonable quartet and could be accepted generally to-day. We come to the question: Should there be any restraint? In a British community, we have a high conception of liberty which, in fact, is essential in a democracy. But there are those who cannot distinguish between liberty and lack of restraint of any kind; they believe that liberty means the right to do as they please instead of the liberty to do as they ought. As Milton says—

Licence they mean when they cry liberty;
For who loves that, must first be wise and good.

It is precisely because most of us are not wise and good that when we transgress the laws that are laid down for our guidance we must be punished. On any consideration of literature, a man can as readily transgress against the laws of common decency by putting pen to paper as those who transgress against the ordinary decencies of society. No one, I believe, would suggest that there is in a democracy absolute freedom in every respect because all liberty is circumscribed by responsibilities. In other words, every citizen in a democracy has the right to do as he pleases, provided that, in so doing, he does not infringe the rights of others. No one but an anarchist would deny that principle, yet apparently, according to press reports and circulars which I and other honorable members have received, the publishers of magazines and comics are
above this rule. My colleague, the honorable member for Hawthorn, stated that a glance at any bookstall in this State would convince one that something must be done about the type of literature which is being sold. When we find magazines such as those displayed by the Chief Secretary last week on sale in bookstalls throughout the State, it is the moral right and duty of the State to intervene and take appropriate action.

A former British Home Secretary once said that there were many morbid people in our midst who liked the type of morbid literature produced by equally morbid authors. He asserted that if a person chooses to have a wash in the sewer every morning, it is the duty of the State to try to inculcate in his mind the idea that it is better to have a hot bath, even if he has it only once a week. No one would suggest that any freedom should be conceded to those individuals whose activities endanger public health in any way, nor would any one suggest that the State was tyrannous when it imposed essential sanitary discipline on the people. The Government is to be commended for introducing this measure, because if it is right that the State should intervene in matters affecting public health, it is equally right that it should take action against those persons who purvey cheap moral poison for profit in a way which is particularly damaging to the young people of the community.

It is true, as the honorable member for Toorak stated, that under the existing legislation it is possible to launch prosecutions aimed at suppressing the circulation or distribution of objectionable literature, but it is equally true that the law does not give this Government, or any Government, effective power to cope with the evil. All honorable members know—as pointed out by the honorable member for Rainbow—that in the past, and especially in post-war years when the supply of obscene literature has greatly increased, it has been virtually impossible to secure a conviction under the law prevailing. In order to prosecute it has been necessary for a police constable to assert that a certain publication is obscene. In the courts, such witnesses have been the subject of ridicule when cross-examined as to whether they have read Boccaccio or Shelley or Voltaire, and inevitably the prosecution has failed. Consequently, over the last few years, as mentioned by the honorable member for Hawthorn, only one or two prosecutions have been laid each year, and since 1947 only one conviction has been recorded. It is clear that the Police Force, recognizing the impossibility of securing a conviction under the existing legislation, has simply refused to prosecute. I assert, in all seriousness, that it is not necessary to be familiar with Shelley or the Decameron to be capable of judging whether or not a work is pornographic.

In my opinion, if and when this Bill becomes law, many publications will be declared "obscene," under the interpretation of that term as unduly emphasizing matters of sex, crimes of violence, and gross cruelty or horror. Once those periodicals are cleared from the bookstalls, other publications, more difficult to classify, will remain to be dealt with by stipendiary magistrates. Then, as the Chief Secretary stated in his second-reading speech, the Government will have to further examine the law in order to correct any legal weaknesses which have been disclosed. The honorable member for Toorak criticized one particular aspect of the Bill, asserting that while a charge was being heard, the distributor concerned would be deprived of his livelihood. Sub-clause (2) of clause 8 of the Bill states—

(2) Any person aggrieved by any order of a court of petty sessions directing cancellation or suspension of a registration as aforesaid shall, irrespective of the amount of any fine or penalty imposed, be entitled to appeal pursuant to Division 1 of Part V. of the Justices Act 1928 against the conviction in respect of which the order was made against the fine or penalty imposed and against the order directing cancellation or suspension.

Paragraph (b) of sub-section (5) of section 137 of the Justices Act 1928, as amended, provides—

No appeal shall in any case operate as a stay of execution until the appellant enters into such recognizance with such sureties (if any).
In other words, the appellant has only to lodge his recognizance to show that his is a bona fide appeal. Therefore, he is not deprived of the right of livelihood in his occupation pending hearing of the appeal.

It will be claimed that, because they possess artistic merit, many publications do not come within the scope of the definition in the proposed legislation. The Leader of the Opposition, by interjection, suggested that it would be most difficult to secure convictions in certain cases. I believe that there are those people who refuse to see that much of the matter produced in these objectionable publications is indeed a perversion in the field of art. I recall—not personally, but from history—that Lady Godiva rode down a street to save children from a wicked earl and that there was only one man sufficiently curious to gaze upon her. To-day, there are many publications circulating in Victoria which are said to be devoted to the cult of the body beautiful. They depict women, not with long hair but simply wrapped in thought. They are not shown riding down a street to save any one; their portrayal is intended to make a crude appeal to animality, and the people who produce these publications have for years sheltered under the argument that "to the pure all things are pure."

We know that in our society not everybody reacts in the same way to a poster, to books, to films or to publications of various kinds. That is why in this debate to-night I desire to stress the aspect of youth, because the young people are open to grave danger through reading publications which are devoted to promiscuous sexuality and animal ferocity. As a teacher, I have realized that fact to the full. The honorable member for Rainbow suggested that, perhaps, the remedy against the increasing influence of this literature upon young people was to be found in our schools and in an extension of library services. I agree with his view that there is a great field for constructive work by the school library services. I suggest to the honorable member that before he can hope to achieve that objective, there are certain basic factors which must be realized.

I desire at this juncture to refer particularly to an aspect which, during this debate and on previous occasions when the subject has been raised, has not been canvassed. I urge those who oppose the principle of controlling literature as defined in this Bill, to disregard any moral objections, to disregard any consideration which affects the freedom of publishers, to disregard the consequences of the cancellation of a distributor's registration—as mentioned by the honorable member for Toorak—and to examine this question from one aspect only, that of the effect which this flood of objectionable literature will have upon the efforts of our schools to foster the reading habits of children.

I challenge anyone to prove that even in the wide range of magazines and comics which has been discussed during this debate there is any literary value whatever. I ask members to bear in mind that education does not take place in a vacuum. The school is but one of many agencies of education. In my opinion, the teaching of the appreciation of literature is probably the most important task undertaken in our schools. The love which literature may generate or deepen in the child is not simply a love of literary culture itself, but includes a true understanding of life. One of the foremost authorities in the field of education, Pestalozzi, once said that "we create life through ideals; it is to bring the child under the sway of noble ideals of manhood and womanhood that literature must be employed."

Any practising teacher can bear witness to the fact that the life in which we participate through books is very important. It is of particular importance to children because it sets up imitative tendencies. A study of literature influences our concepts of living and our ideals. These are educational precepts. Will anyone claim that the type of literature which we have been discussing adds to the value of the community and improves our way of life and our concept of living?
As the Chief Secretary said in his second-reading speech, 20 per cent. of the young people of the community are readers of these objectionable publications. A further 70 per cent. of young folk admitted that they read these books when the occasion presents itself. In other words, 90 per cent. of young Australians read literature of a type which is a competitive agency opposed to the fostering of good reading, such as teachers are trying to inculcate into the minds of students in the schools. It should be remembered that the number of magazines dealing with or unduly emphasizing sex, crime, horror, and violence has increased four times within the last nine years.

I put it to members that the schools of Victoria are fighting a losing battle in their efforts to foster good reading taste against the forces of the obscene trash to which so many references have been made. The teacher of literature who, in my opinion, has the most important place in any school, has the opportunity to place before students those ideals, the realization of which will exercise a unifying and binding force in the community. It is obvious that the concept of the child, the concept of the common values, involves an appreciation of ethical standards of conduct.

Some years ago, the English Board of Education made a comprehensive survey and report in which it referred in particular to the place of literature in schools.

The sitting was suspended at 6 p.m. until 7.23 p.m.

Mr. SHEEHAN.—Mr. Speaker, before the suspension of the sitting, I referred to the effect upon children of school age of the literature which this Bill proposes to ban. I had just mentioned a report by the English Board of Education, which had made a survey of the study of literature in schools. That report, *inter alia*, contained this statement—

The succession of texts should correspond to the growth of the pupil's ability, and the text should stimulate him to acquire the habit of systematic reading.

A teacher of literature in schools has a special obligation to the child, to the parent and to the community, and he has failed in his duty if the child does not develop a love of literature and a desire to read after he leaves school. How difficult is the task of a teacher when his pupils are confronted with a selection of literature so flashily covered and lavishly illustrated as are the comics that I have exhibited to-night! Such publications demand no concentration at all, and they appeal solely to the senses.

I stated earlier that the purpose of studying literature was not purely to create or to understand the aesthetic element; it must be conceived as a means of developing the character of the individual. Literature may exercise a great moralizing force; hence it is an important factor in the ethical training of children. Yet, as the Chief Secretary mentioned in his second-reading speech, 90 per cent. of the children of this State are to-day being subjected to the ethical training contained in magazines unduly emphasizing sex, horror, and crimes of violence. In particular, I am developing the theme of the effect upon the child at school. In the early school years, much of the reading is done in class and under direction, but as the child progresses through school an increasing amount of free or, shall we say, independent reading is encouraged. The main aim of this is to ensure that the reading habits which the child cultivates during school will be carried with him into his post-school years. A study of literature, says one of Australia's greatest exponents of the teaching of English in our schools, should afford preparation to meet the actual demands of life and prepare the individual to live in harmony with his fellow citizens. Again, I challenge anyone who realizes just what interpretation of "life" is gleaned from the trash which forms part of the literary meal served up to our children to-day, to disagree that, whatever the cost and despite restrictions on liberty, the offending publications should be banned and removed from the bookstalls of this State.

I have stressed at some length the importance of literature in our school curriculum. I hope I have shown that, wisely guided, the influence of good
literature can develop the young mind and help to produce a worth-while citizen. I emphasize that the school is only one agency in education. There are competing agencies, such as the radio, the home, the film, and the book. The competing agencies, in fact, are manifold and we must not believe that the school is the sole one. Consequently, the work of our teachers lies to a great extent in the direction of fostering an appreciation of literature and of bringing the child by planned stages into close contact with good publications, which has a formative effect upon young minds—minds that are still plastic, growing, active and imitative. Therefore, the House should commend this Bill.

If—as was suggested by the honorable member for Toorak—it is found after the passage of this measure that because of legal weaknesses in it, convictions are difficult to obtain, I shall support the view expressed by the honorable member for Rainbow that legislation to block those loopholes must be placed upon the statute-book. We must ensure that the work of our teachers will not be nullified by allowing the receptive minds of the children of citizens of this State to be subjected to the influence of bad literature. Objectionable publications must not be permitted to exercise a deterrent effect on their education.

If this measure fails to achieve what is hoped for it, I for one am prepared to say here and now that further measures must be considered because no graver moral duty devolves upon any Government than to ensure that the children of the community will be safeguarded from influences that will materially affect their status as citizens. For that reason, I say: Let us consider this legislation, and let us trust that it will prove to be effective. I believe that in the initial stages of its operation there will be swept from the bookstalls of this State many publications which obviously offend against the wider definition of obscenity contained in the Bill. After that, there will be many publications that will be the subject of somewhat doubtful decisions as to their obscenity. If this measure fails to cover them, I trust that this Government and the Parliament will insist that additional safeguards must be introduced into the legislation.

I hope I have proved to-night that obscene publications have an adverse effect upon the minds of children who are of school age. The danger is so real that, no matter what the cost may be, the Government of the day should be prepared to ensure that the best of literature will be available to children and that the worst types of publication will not be procurable.

Mr. BLOOMFIELD (Malvern).—If there were any members of this House who were not previously of the opinion that the flow of obscene literature should be curbed, they must have been convinced of the necessity by the eloquent plea of the honorable member for Ballarat. I agree with him that objectionable literature is distinctly objectionable. As a general denunciation of a danger which is commonly recognized, the honorable member for Ballarat provided a most moving and eloquent case. The fact that, so far as I can recollect, he did not touch upon the provisions contained in the Bill that is now before the House, is to be attributed largely to another happy episode on which I should like to be the first to congratulate him publicly. I propose to detain the House for some time with an examination of the existing law on this extremely difficult subject and of the measures that have been introduced in an attempt to combat what I think is, by general agreement, a most pressing and difficult social problem. I have some little claim to the indulgence and attention of honorable members, for the reason that, although it has been stated previously by substantially every speaker that it is practically impossible to obtain a conviction in these matters, I have the unique distinction of having appeared for the defence of the only man who, as far as I know, has been condemned to three months' imprisonment for an offence against the law relating to indecent publications.

I may whitewash that record slightly by informing the House that I have also appeared successfully for a defendant.
We have heard rather glib statements by laymen, if I may say so with every respect, on the desirability of tightening up definitions, and so on, but in my humble and considered judgment it is not really possible to do much in that regard. My view is that this matter is one of administration, and I shall attempt to assist the Government later by expressing a professional opinion, for what it is worth, as to how convictions may be secured. I think it will be admitted that the proposals contained in the Bill do not alter substantially the legal situation. Another category is merely being added to the definition of "obscene" matter but, when all is said and done, the Bill will not achieve a great deal, and I do not think it is possible to do much.

Mr. GALVIN.—Brian Fitzpatrick said that.

Mr. BLOOMFIELD.—He could occasionally have said some things that were correct, and I suggest that on this occasion he did say something that is right, because it is practically beyond the ingenuity of man to define with any degree of precision what is obscene. I propose to address the House rather fully concerning the existing law which the Government is attempting to amend with a view to coping with what we all realize is a very difficult and pressing problem.

First, the law on this subject and the legal principles involved fall into two classes. There is the common law, which is the ancient law of England, established by custom, by decided cases, and by what the Judges have held to be the law down the ages. That is something quite apart from what appears in the Police Offences Act, which we are at this moment engaged in amending. The common law was first crystallized, if I may use that term, in the case of The Queen v. Hicklin, which was decided in the year 1868. This question of obscenity, and what it was that constituted an obscene publication, was then deliberated upon and a decision was laid down by the Court of Queen's Bench, headed by Lord Chief Justice Cockburn. Substantially all definitions of the offence of publishing obscene matter spring from that case.

I have with me a quotation which I trust will interest members and will be taken into account in the consideration of the Bill. The case to which I have referred was one in which there was published a work entitled The Confessional Unmasked. Part of it was described as of a sophistical nature, and the rest of it was said to be an extremely disgusting and obscene narration. When the case came before the court of first instance, it was held that as the person Hicklin, who published this matter, had apparently done so with genuine although misguided efforts to enlighten the public, he had not committed any offence because, as members realize, it is usually an essential constituent of a criminal offence that there must be a guilty mind.

The case was taken on review to the Queen's Bench Division, and came before three justices, including the Lord Chief Justice of England. Lord Cockburn, in his judgment, stated that the work contained matter so obscene as to inspire thoughts of a most impure and libidinous character. I wish to emphasize, in discussing this branch of the question, the fact that the learned Lord Chief Justice referred to the indiscriminate mode of circulation. That aspect was also stressed by another of the Judges. The main point is that at the common law, which is quite apart from the statutes, there was in England—and still is in this State—an insistence upon taking into account in a consideration of these matters the mode of circulation and publication of matter alleged to be obscene. That attitude still applies in Victoria, when we consider a man who is indicted and tried before a jury.

If "X" is suspected of publishing obscene matter, the Crown Law authorities may have proceedings by way of indictment, which would be followed by a trial by jury, instituted against the defendant. If that course is adopted the court—as it did in the case of my unfortunate client—will take into account the question of publication. It will consider: Was the thing widely circulated?
Was it advertised? Was it available to persons of both sexes and all ages? Was it disposed of in numbers? It will weigh generally the circumstances under which the publication was made available to the public. That will happen at common law. In my view, in that of other members of the Opposition, and I have no doubt—when they have considered the matter—in the opinion of members of the Government, that is a question of supreme importance.

I shall pause in the development of my argument to cite an example. There are books which deal, either in a scientific or a pseudo-scientific way, with sexual matters, and profess to be directed to and for the guidance and assistance of people in their matrimonial relations, and so forth. If those books are sold for 6d. each, and are distributed outside the entrance of primary schools, they are obviously capable of causing the greatest moral damage possible to the community; I think that argument would be conceded by everybody. On the other hand, if such books are sold to doctors, or to adults only, they are not advertised, and are sold under conditions which would normally discourage immature persons from reading them, they will be of no danger, and they may fulfil a useful function.

One of the complaints that I have against this Bill—and I have not many—is that so far as I am aware it contains no reference to the question of publication. A work is to be judged entirely on what appears within it. I think the Chief Secretary, and the Government generally, will realize that that is a matter of considerable importance. Later the Opposition will submit an amendment which we feel will be dealt with, and which I am confident the Chief Secretary will consider, on its merits.

Reverting to the case of The Queen v. Hicklin, the Lord Chief Justice, in his judgment, stated—

I think the test of obscenity is this, whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences, and into whose hands a publication of this sort may fall.

With slight variations, those words have been repeated in our legislation on this subject, and I think in all other similar legislation of the English-speaking world. The question of definition is extremely difficult, and I do not think those words can be improved upon. The Government has not tried to do so and I do not blame it.

Mr. Galvin.—The Select Committee appointed by the Canadian Senate said that it could not improve upon them.

Mr. Bloomfield.—The sentence I read ends with the words “and into whose hands a publication of this sort may fall.” In Part V. of the Police Offences Act, we find a reference to “deprave or corrupt” but the extent of the distribution of a publication is not dealt with. I think there is room for considerable improvement in that regard. Magistrates would be more willing to convict if the circumstances of publication were directed to be taken into account. In other words, instead of their looking at a book and saying, “We do not think there is anything very much the matter with this,” they would adopt a different point of view if they were able to take into account the fact that the book was on sale at every street corner for sixpence, and that children and mentally immature adults could buy it and excite their lascivious thoughts by perusing the book. The defendant may be publishing something that falls technically within the purview of indecency and obscenity, but is published to be read only by grown-up people and is on sale at a price that prohibits its extensive circulation. I suggest from the point of view of that person, the bench would also take into account the amount and the nature of the publication of the work.

Mr. Hollway.—Do you mean that if a book cost sixpence, it would be indecent, but if it cost £2 2s. 0d. it would not be indecent?

Mr. Bloomfield.—The interjection suggests that my proposition is ill-founded, and I will answer the honorable member candidly by saying “yes.”
Down the ages, the works of Boccaccio have been regarded as classics, but if they were sold at every street corner so that any child could read them, that would be a highly undesirable state of affairs.

Mr. McDonald.—They are obscene.

Mr. Hollway (to Mr. McDonald).—They are not obscene if they cost £2 2s. 0d. each.

Mr. Bloomfield.—There is more to the question than that, and I do not know whether the honorable member for Glen Iris is with me or against me. There are many factors that must be taken into account. All persons interested in this proposition will agree, as the Judges of England have laid it down, that the matter of the extent and nature of the publication is of extreme importance. That principle was laid down in the case that I cited, and it has been repeated and emphasized by our own Judges. Whenever there has been an indictment under the common law, the Judges of England have laid it down, into account. It seemed to them to be fundamental; it has been repeated in case after case.

If members are sufficiently interested to trace at length the history of judicial pronouncements on this subject they can obtain from the Parliamentary Library Volume 20 of the Australian Law Journal in which the judicial decisions have been collected.

The same principle applies to all sorts of things, and it is rather quaint that one should hear my proposition objected to. If a publication of the most intricate details of sexual behaviour was available to psychiatrists, university professors and persons of that character, no one would dream of saying that it was obscene or indecent. I am aware that there are provisions in the law as it now stands having reference to the last matter that I mentioned, but I do not know whether the honorable member for Glen Iris would encourage publication among school children of the works of Boccaccio, Rabelais and other authors of that particular turn of mind. I would regard it as criminal to distribute some of that literature among children, and that should be coped with in this legislation.

The common law on this subject was referred to in the case I mentioned earlier, The King v. Close, generally known as the “Love Me, Sailor” case, which drew some attention to itself in 1948. It is reported in the Victorian Law Reports of that year, and any member who wishes to do so can read what the Judges had to say in that instance. The nature and degree of publication was regarded as being of the highest importance on that occasion by the Judges of the Full Court of this State.

Members will recall that it is the common law that applies if a suspected person is dealt with in this State by a jury, and the next aspect under the common law is that literary merit is no defence. Later I shall discuss the question of literary merit in the Act that the Bill seeks to amend. If one is tried by a jury as opposed to a stipendiary magistrate, it is no defence to say, “This is a sincere work by a qualified and genuine literary artist, depicting life as he thinks it exists with a degree of skill and ability that entitles him to be called an artist.” I repeat that that is no defence at common law. The Bill will not interfere with that in any way.

Brigadier Tovell.—Does the statute law overrule the common law?

Mr. Bloomfield.—It does not. The common law is the ancient and traditional law of England; it does not appear in any books. I tried to convince the Supreme Court otherwise in Close's case, but the court maintained that the common law prevailed. Associated with me in that unsuccessful attempt to vindicate artistry was Mr. Reynolds, Q.C., the former member for Toorak. If proceedings are instituted before a stipendiary magistrate, the offence comes within the ambit of the Police Offences Act, which this Bill seeks to amend. Let me make it quite clear to optimistic members of the same frame of mind as the honorable member for Ballarat that the proposed legislation will not make it easier to obtain convictions in cases concerning erotic literature. If the Bill is passed it will make no difference to the existing position relating to licentious, lubricious,
sexual, sensual, and erotic literature. It does extend the fruits forbidden to diseased mentalities from literature unduly emphasizing matters of sex or crimes of violence to that unduly emphasizing matters of sex, crimes of violence, gross cruelty, and horror. To obtain a conviction, it will still be necessary to prove that the book concerned is obscene, and that it unduly emphasizes those matters.

Mr. GALVIN.—Is there any objection to that?

Mr. BLOOMFIELD.—No, but I am sufficiently realistic to believe that it is at the very least extremely difficult to improve on the definition of "obscene." I do not blame the Government for having failed to do so in what I am prepared to concede is a very earnest effort to improve the definition.

Sir GEORGE KNOX.—Do you go far as to suggest that the statute law can never be amended so as to overcome past rulings of the courts?

Mr. BLOOMFIELD.—Perhaps I have not made the position clear, and I shall endeavour, briefly, to do so. If the Chief Secretary in the administration of his Department considers that a certain publication is indecent and that a person who has been selling it should be prosecuted, he has two alternatives. The honorable gentleman can launch a prosecution under the Police Offences Act, in which case the charge will be dealt with by a stipendiary magistrate in the terms of the Act.

Colonel LEGGATT.—An appeal would be decided in accordance with the terms of the same Act.

Mr. BLOOMFIELD.—That is so. On the other hand, the Chief Secretary might say, "This is an obscene work, but the guilt and gravity of the offence depends largely, in my view, on the way in which it was published. It was handed out to children or sold at every bookstall, and I think the question should be decided by a jury." In the case of a prosecution under the Police Offences Act, the magistrate decides whether the book is obscene according to the definition and, if he reaches an affirmative decision, evidence that the book was sold is the end of the matter.

Mr. RANDBES.—Do you advocate the repeal of the appropriate section of the Police Offences Act, leaving action to be taken under the common law?

Mr. BLOOMFIELD.—No, and I shall explain my reasons. I would add something to the Police Offences Act, namely, the element of publication. That is the amendment which the Opposition has in mind. Close's case was heard by a jury and, as far as I know, it was the first case to be so dealt with in this State. If a case is heard by a jury the common law provisions apply.

Brigadier TOVELL.—I understood you to say that the statute law cannot overrule the common law?

Mr. BLOOMFIELD.—The statute law can supersede the common law, if it specifically sets out to do so. At present there are two methods of prosecution, one under common law before a jury, and the other under statute law before a stipendiary magistrate. In my opinion—and I believe the Chief Secretary and his advisers will agree—sections 169 to 184 of the principal Act provide, just about as well as can be provided, for practically every sort of transaction in respect of all types of printed, written, sculptured, photographed, and filmed material involving the sale and distribution of obscene matter. That being so, no member who reads the Act will complain of the weakness of the law. It will not be said that certain powers have not been provided, but the question will be asked: Why has it not been possible to obtain convictions? In my view, the answer is that the full weight and ability of the legal resources available to the State have not been pressed into service in an attempt to solve the difficulty.

Having had experience in cases of this kind, I say without the slightest disrespect to the judiciary in any grade, including the magistracy, that in the ordinary course of events a policeman
will obtain a publication which he considers to be obscene. He will either personally, or through his sergeant, or perhaps through a junior officer of the Law Department have legal proceedings instituted. The magistrate will duly meet the parties and the defendant will be represented by a senior counsel of ability considerably disproportionate to that of the prosecutor. The tendency is for the magistrate to be human in his outlook, and he will be appealed to as a man of the world. The question as to whether the publication is on sale at street corners or not is not a point for his consideration. All he has to do is to look at the document to decide whether it is obscene—and that is a weakness in the Act. He may be overwhelmed by very senior counsel for the defence, and the prosecutor could also be sincerely overwhelmed. As an honorable member said earlier in the debate, the witness is made to look an ass by questions as to whether he has read Boccaccio. In those circumstances the case fails.

Mr. GALVIN.—How did you lose the “Love Me Sailor” case?

Mr. BLOOMFIELD.—Because it was heard before a jury and because a senior and very experienced Crown prosecutor appeared for the prosecution. The question of publication, about which I have spoken, was available to the prosecution and was one of the determining factors in that case.

Colonel LEGGATT.—There was no defence on the grounds of artistic merit.

Mr. BLOOMFIELD.—There was not, under the Act. The Crown decided to conduct the case under the common law and not under the Act, and in that way the weakness of the Act was disclosed. I said earlier that I would tell the House why I suggested that the hearing of cases of this kind before magistrates should be retained. The reason is that during the hearing of the “Love Me Sailor” case, the whole of the book had to be read to the jury. There was a miscarriage in the trial and there was another hearing. Several days were spent in the re-reading of the book to the new jury. The practice has been established that the books in question must be read to the jury, but it is obvious that for reasonably expeditious administration of justice that procedure is hopelessly out of date. I think that, as a general rule, is a bar to the adoption of proceedings along those lines in future cases. There is only one weakness on which I criticize the Government, but I do so in all sincerity, because the matter is one which should be discussed on a non-party basis.

During the sixteen months that the Government has been in office this question of objectionable literature has been a mounting scandal in the community. The matter has been brought to the attention of this House on many occasions. My submission is that it would have been right for the Government, and particularly for the Minister administering the Act, to instruct the Crown Solicitor—an experienced officer of the highest capacity—to take the matter in hand with a view to obtaining convictions. That is my only criticism of the Government.

I shall now try to be constructive. My first suggestion to the Chief Secretary is that he ask the Attorney-General to instruct the Law Department to take up the matter and treat it as one of prime importance. The Department should exert its fullest efforts to ensure that the publishers of what are undoubtedly obscene articles of literature in every sense of the word are brought to justice.

Mr. GALVIN.—If these publications are produced outside Victoria, what is the position?

Colonel LEGGATT.—It does not matter where they are published if they are distributed in Victoria.

Mr. BLOOMFIELD.—The word “published” is a legal term which, as was implied by the honorable member for Mornington, includes “distribution.” I do not wish to argue that point but if, in fact, a publication is held to be obscene, convictions will follow irrespective of whether the book is printed locally or overseas. Provided the publication is sold in Victoria and a magistrate can be convinced that it is obscene, a conviction
will be automatically recorded. The provisions of the existing legislation are wide enough for that purpose.

I reiterate my suggestion that it is necessary to employ the full legal forces available to the State in an effort to persuade magistrates that obnoxious publications are, in fact, obscene. Nothing has been done to facilitate a decision on the question of obscenity by the changed definition in the Bill, and I do not think anything can be done in that respect because, in my view, the existing definition is wide enough. I indicate the first of the Opposition's foreshadowed amendments when I suggest that it is highly desirable that the extent and the nature of the publication of this obscene matter should be taken into account by the tribunal which hears a case. That is the opinion of Judges who have dealt with cases of this type at common law. That point, I submit, should be taken into consideration by the legislature, and that is necessary for the completion of the legislation on this subject. It would be in the interests of the State, which are paramount, and in the interests of defendants.

The SPEAKER (the Hon. P. K. Sutton).—The time allowed the honorable member has expired.

On the motion of Mr. GALVIN (Chief Secretary), an extension of ten minutes was granted.

Mr. BLOOMFIELD (Malvern).—I have indicated the first amendment that will be moved by the Opposition, and I earnestly submit it for the consideration of the Chief Secretary. Further, there may be cases where a distributor receives from his supplier literature which he feels will offend these provisions. If he says, “I shall not distribute this publication because I feel it is too risky and not the right thing to do,” he should be entitled to have implied in his contract a provision that if he bona fide and on reasonable grounds believes that such a publication offends against the law of obscenity he should be entitled to reject it without exposing himself to an action for damages.

Mr. BLOOMFIELD. — No. The Opposition would also like to see incorporated in the Bill, for the sake of making the position explicit, a provision that once notice had been given of an appeal the registration should not lapse.

Mr. GALVIN. — That position already obtains.

Mr. BLOOMFIELD. — I realize such a provision is contained in the Justices Act and that probably it is applicable in this case, but for greater security the Opposition would like to see it specifically mentioned.

Mr. GALVIN. — Of course, it only postpones the evil day for about a month.

Mr. BLOOMFIELD. — That may be so, but sometimes appeals succeed. Finally, the Opposition believes that the exemptions under section 184 of the Police Offences Act are excessively wide. It must be remembered that this Bill is an amendment of and is to be read with Part V. of the Police Offences Act; therefore section 184 will apply. That section provides, inter alia—

Nothing in this Part shall relate to any work of recognized literary merit or to the printing or publishing or delivery or distribution or the posting or the causing to be posted for transmission by post ... any bona fide medical, political or pharmaceutical book, pamphlet, magazine or periodical;

Because the Opposition places a great deal of importance on the way such publications are distributed, we feel that the scope of section 184 should be reduced and should be qualified accordingly. Of course, the amendments I have foreshadowed will be referred to in detail when the Bill is being discussed in Committee.

My only criticism of the measure is that it cannot do the impossible. It proposes to enlarge—I think wisely so—the penalty that will fall upon those who infringe the law. If greater diligence is exerted by the Chief Secretary in the future in the direction of getting “heavy tonnage” legal representation, and the Police Offences Act is administered as we consider it should be, the Opposition feels that this House
Mr. O'CARROLL (Clifton Hill).—Members on this, the Government, side of the House were pleased to hear the compliments the honorable member for Malvern paid the honorable member for Ballarat. In turn we can congratulate the honorable member for Malvern on the very constructive, able and reasoned speech he delivered. After hearing such a learned contribution, we are amazed that he and his fellows left “Moses in the bulrushes.” My main reason for speaking on this Bill is to pay a tribute to the memory of one of the greatest statesmen who ever graced this House—I refer to the late H. M. Cremean. On the 10th August, 1938, Mr. Cremean moved the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely—

The necessity for the Government taking further and immediate action for the purpose of protecting the community against the harmful effects of the publication and sales of grossly indecent literature.

The honorable member spoke at some length and covered a vast amount of ground. Sir Stanley Argyle, the then honorable member for Toorak, when speaking to the motion, made these remarks—

The House and the community generally owe a very definite debt to the honorable member for Clifton Hill for having submitted his case relating to the literature in question. More than ordinary courage is demanded of an honorable member when he makes such a speech as that to which we have just listened.... I join with the honorable member in urging the Government to take immediate and drastic action to deal with the matter. I feel sure that if the Government complies with that request its action will be generally acclaimed and supported by all the decent people in the community.

Mrs. Weber, the member for Nunawading, said, inter alia—

I should like to support the honorable member for Clifton Hill in his desire that immediate action be taken in the matter with which he has dealt. For some considerable time women’s organizations in this State have been active in an endeavour to cope with the position, but it has been very difficult for them to make any headway.

Mr. Holland, the present member for Footscray, who then represented Flemington, made this statement—

I was reading to-day an old volume of Hansard, from which it appears that the subject was discussed in this House as long ago as in 1871. Amendments of the Police Offences Act were introduced in that year with the object of tightening the law dealing with impure literature.

The then Chief Secretary, Mr. Bailey, concluded his remarks by saying—

The Government appreciates the action of the honorable member for Clifton Hill in bringing the matter forward, and, as I said, it will be investigated by the Law Department. If the Department can suggest means of tightening the law so as to prevent, not only the sale, but the publication of indecent literature, and the necessary amendments are made in the Police Offences Act, the Police Department will be instructed to administer the law with the utmost rigour.

Mr. Barry, the member for Carlton, the present Minister of Health stated, inter alia—

I am pleased with the reply given by the Chief Secretary to the representations made during the debate and I feel that much good will emerge from the discussions. The representations of the honorable member for Clifton Hill have been impressed on the mind of the Chief Secretary.

Other members spoke on that occasion also, including the honorable member who now represents Scoresby. He said—

Something more should be done than the holding of a consultation with the Crown law authorities. If I were the Chief Secretary I should take a little risk. I should place a policeman at every shop where indecent literature is sold, and instruct him to prevent any business from being carried on. If the Chief Secretary did that he would have the House solidly behind him.

It must be admitted that the Government of Victoria has not advanced far since 1938.

Mr. RYLAH.—The Police Offences Act was amended in that year.

Mr. O'CARROLL.—I do not know about that. Nevertheless, the subject still raises its ugly head in the community, and the Government is now attempting to amend the law in a way which it is hoped will cope with the
problem successfully. The mover of the motion for the adjournment of the House in 1938, namely, the late Mr. H. M. Cremean, was allowed an extension of time for 30 minutes to conclude his speech. So well did he present his arguments that I should have thought something would have been done before now to grapple with the problem. The success or failure of the proposals contained in the Bill will rest with the Chief Secretary. If he is unrelenting, progress will be made, but if he is casually indifferent, the position will deteriorate.

 Citizens of Clifton Hill were proud of their representative in the Legislative Assembly in 1938, but they are not so proud to-day of the fact that next to a boys' school in Queen's-parade, Clifton Hill, there exists a "cesspit," from which foul structure efforts are being made weekly to outstrip even the lowest imported slime that reaches these shores. If for that reason alone, the introduction of this measure is a move in the right direction. It is ridiculous to suggest that children and teenagers will buy good class literature in preference to trash. It is only necessary to read the newspaper reports to realize that they highlight murder and crime but not news items of an intellectual character. Newsboys can be heard in the streets calling out, "Read all about the outrage," "Read all about the tragedy" or the murder, as the case may be, but nothing is said about a brilliant address delivered at the university; it might not even be reported. I ask: How are we to teach our children to read decent literature when the newspapers highlight murder and crime?

 The honorable member for Toorak raised many petty-fogging quibbles, but his speech was not constructive. I desire to congratulate the Victorian Authorized Newsagents Association, the Honorary Justices Association, and the Young Christian Workers Movement for their attitude towards the dissemination of obscene literature. The newsagents will lose approximately 25 per cent. of their turnover if obscene publications are banned, and they have assumed a most unselfish attitude in the matter. To-day, all members received a circular from the Australian Council of Civil Liberties, an organization which apparently believes that the muck masters should have the right to pour their muck all over Victoria because of the fear that one of them might be unduly perturbed in his nefarious work. That body would lock up a wild beast because it would endanger human life, but there is no more harmful animal at large than the purveyor of filth calculated to scandalize and then to destroy the minds of children and adolescents.

 The Bill, instead of being of a bogus character, will put this obnoxious industry out of action. I am astounded that women, who are noted for their vulnerability, have been silent on this vital issue. I expected that, when their sex was dragged into the mire, they would raise their voices in no uncertain manner. But this task has been left to the mere males who have had to exert the necessary pressure on this and preceding Governments.

 Mr. PETTY.—The National Council of Women of Victoria and the Victorian Federation of Mothers' Clubs have protested vigorously.

 Mr. O'CARROLL.—From time immemorial women have been dragged in the mire, so to speak, and this practice could be stopped immediately if women were to combine and express their views. I have heard complaints that succeeding Governments have not progressed far since the year 1938. This Bill, however, will have the effect of bouncing the ball, as it were, so that the inhuman ghouls who commercialize lust and licentiousness will be dealt with. I hope the Government will have the courage to take every case to court, because it is of no use assuming an attitude similar to that of the honorable member for Malvern, namely, that it is impossible to convict persons who offend. Defects in the law must be remedied, and if the Chief Secretary pursues that aspect to its logical conclusion, the technique of obtaining convictions will be improved.

 Mr. WHATELY (Camberwell).—The subject-matter of this Bill is one which should be approached from one of two
angles, or, better still, from both. There is the theoretical aspect of liberty and self expression and there is also the practical aspect of damage that is being done in the community. It is primarily with the practical aspect that we are concerned, but in solving any practical problem no one should run the risk of infringing unnecessarily the rights of the people. The persons who are scared of any alteration of the law are those who demand what the musician can demand safely, namely, the right to strike discordant notes if he feels inclined to do so. There is nothing to prevent a musician from being as horrible in his compositions as he pleases. If a listener hears his work once and leaves the concert hall immediately afterwards, it is improbable that he will be able to reproduce the shock and displeasure that was felt originally.

Much the same thing goes for works of art. A person may visit an art gallery and see some nudes. One member referred to that aspect of the matter. The visitor may look at them once or more and then pass on. He gains the impression that those statues or pictures must be seen at that particular place and it is problematical whether he will ever go there to see them again. Conversely, the obscene writings of one man may not be private to him and his friends; they may not be read once only; they may be printed and distributed widely. That is the very point that I was so pleased to hear emphasized by the honorable member for Malvern. There is a difference between the drawings of a famous Australian artist being published in a volume that has a limited circulation of a thousand or two and—as my colleague has pointed out—the reproduction of the work of one man's hands in a cheap edition which will ultimately be broadcast to the community. In the second instance there can be a far greater influence on the minds of the people. That is the main point for consideration.

When learned gentlemen of the university and other places talk about censorship and the right of self expression, and speak in terms of praise concerning the artistic merits of certain writers—not only those who have departed centuries ago, but some who are living at the present time—they are at liberty to do so. When it is a question of the exploitation of matters that will offend many others, there emerges a practical problem. They can have their liberty but they should not enjoy a licence to interfere with the welfare of others.

Consider persons walking through an art gallery. Some ignore statues and paintings of nude figures, or they may glance at them or pass on apparently uninterested. Their thoughts may be on other or better things, but not necessarily; some who are quite prudish in their attitude may have greater internal temperamental problems than the public suspect.

Similarly, a visitor may enter a camp where men are assembled and see in a hut photographs depicting "pin-up" girls in all sorts of situations. He may consider that the occupant of the hut has a filthy mind, but on close acquaintance he proves to be a very decent fellow. Surprisingly, another man who would not think of decorating a hut in that fashion may actually be a thoroughly undesirable character.

It makes no difference how many brains a person possesses, or even his age, or the type of environment in which he has been brought up. Some individuals who suffer from nervous disorders and have mental kinks have enjoyed the greatest advantages to be derived in this world, and in many instances are very brilliant personalities. It is this sort of contradiction that makes the discussion of this matter from the standpoint of education extremely difficult.

In a family of children brought up by desirable parents, one member is capable of the greatest obscenity and may exercise a tremendous influence for evil. The others may be normal persons, with the same father to guide them and the same mother to love them. Chance, shocks, companionship, and impressions
of life have caused the "misfit" to develop a kink that makes him an object of pity and a subject of the law.

In addition to influences of culture, of tradition, of character or education, we need to take much more interest in the diagnosis of peculiarities of individuals, and to help persons when they are at an impressionable age. This is a modern development. Unquestionably, no child is born bad. To assert to the contrary is to be guilty of the greatest of all heresies. There never was a criminal that was a born criminal. No one is born with a character; everyone is born only with characteristics. What he does with his characteristics, and with his opportunities, creates his character.

Largely by accident, a person may develop a twist in his make-up, and there will arise in his life passions that run amok, despite all the restraints of his education, and the ideals of character which he has adopted. Thus, he will do things that he really detests doing.

There have been many excesses of sex in recent years, and a number of cases have come before the courts. Excesses in sexual behaviour are not primarily a question of sexuality, but are expressions of disordered personalities. Actually they may have nothing whatever to do with sex, as such. A person with a deep sense of inferiority will try to assert his power. He hates to be thwarted and will even commit murder, not because his sexual passions are greater than those of other people, but because he is not sure of himself; he is a "weak sister" pretending that he is a "tough guy." That is a simple illustration of a fundamental principle.

One of the important ways of dealing with the problem of obscenity and licentiousness in the community is to understand the emotional problems of small children. Those emotional difficulties cannot be dealt with merely by talking. The stupidest action a father can take is to thrash a child severely, merely because the child, more or less in his innocence has done something contrary to tradition. That is enough to make a criminal. It is impossible to cure unless the disorder is understood. I am not optimistic about improving the situation through the schools, by talking, or even through the churches. In my view, it is a problem requiring the attention of highly skilled persons.

Either for the sake of money or because they do not approve of various features of modern civilization, certain people are tending to undermine that civilization. There is an increasing flood of this abominable so-called literature. One honorable member suggested that there was an attempt to sabotage the British way of life, and the best traditions of Europe; I do not know whether that is true, but I am certain that there are persons who will exploit any weakness of human nature for the sake of cash. Again I return to the question of publication referred to by the honorable member for Malvern. If it were not for the fact that a great deal of money could be made by selling hundreds of thousands of copies fewer crimes would have occurred. But the publishers pander to immature and twisted minds, some of them adult; they realize it is profitable and the process goes on apace.

I turn to the practical application of this theory. Is the fault with the distributor or with the publisher—the person responsible for ordering the printing to be done? Where does the fault lie? Is it with the person who prints the work and who employs a staff for that purpose? Is it not the author who writes the book with the deliberate intention of having it published and collecting the profits? He is the person responsible for the obscenity in the first place. The weakness of this legislation lies in the fact that the Government was in doubt as to whether it could do any more than had been attempted before. It heard gossip as to what was happening among newsagents and it said, "We will tackle the people who serve the newsagents."

Literature that may be obscene falls into two groups. Individual novels present a problem that it should be fairly easy to tackle, because any firm responsible for the distribution of such works circularizes everyone in the trade, giving the names of authors, saying what a
novel is about, and sometimes distribut-
ing sample copies. It is an entirely
different question when one is dealing
with literature that is distributed among
newsagents. Instead of there being one
volume that can be scrutinized, every
week magazines are published under
certain titles. This week, a magazine
may be all right but next week or during
next month, it may contain stories or
photographs that are obscene in their
general effect. A court would not be
able to deal with the flood of material
that passes through the hands of news-
agents. It would merely be able to take
the January issue of a magazine and say,
"This particular number contains
something of an obscene character." It
seems to me that the Government has
found that that is the problem affecting
boys and girls. It is not so much novels
about which the Council for Civil Libe-
ties may be concerned, but it is this flood
of trash that is intended for distribution
week by week; but why pick on the dis-
tributor?

The honorable member for Toorak
said that agents receive some 250
different publications each week. The
distributor will say, "I deal with certain
suppliers and they send me so many
of this or that item which I distribute in
the ordinary way to newsagents. I can-
not scrutinize them. I have entered into
a contract with these people to distribute
their material, in good faith. I am able
to do so because newsagents have entered
into a contract with me to take the
material that I distribute." It is wrong
to pick on the distributors unless they
force people to take all the material that
is sent to them week by week. If they
do so, the legislation can say that any
such action shall be taken into account
and shall be punishable.

Assume that a magazine is published
in New South Wales and is sent to Vic-
torian distributors week by week. If the
issue of 7th March is taken before a
court of petty sessions and is found to be
obscene in parts, surely the distributor
should not be held responsible and fined.
The publisher should be dealt with, be-
cause he was the person originally
responsible for compiling the publica-
tion. The honorable member for Toorak said
that the Government should force
publishers of these books to show week
by week the names of those who actually
do the editing and producing. They can
be held up as being the people respon-
sible for a certain type of filth. In
future, people could watch their publica-
tions, whatever they were called. The
names of these publications may be
altered month by month. If it is known
that certain people specialize in filth,
one could watch their publications
closely. That is an important sugges-
tion.

If an undesirable issue of a magazine
is found, instead of punishing the distri-
butor and possibly putting him out of
business, he could be fined a nominal
amount. Then the world would know
that a particular series of magazines
was suspect. Newsagents having copies
of that publication would surrender
their supplies to the distributor, who, in
turn, would obtain redress from the
publishers. If the magazines come from
New South Wales, no Victorian distri-
butor should be penalized because one
issue was found to be undesirable. I
think that is the proper approach to
this problem. I repeat that the fine
should be nominal, and as soon as the
court decided the matter, the original
producer of the magazine should be held
responsible. If he resides in another
State, he should be required to recom-
pense the Victorian people financially.
Why we should place all the respon-
sibility upon distributors passes my
comprehension. Of course, if distribu-
tors order filthy stuff, they will be
blameworthy, but, in the matter of
weekly magazines, they cannot be
expected to shoulder the responsibility.
I am inclined to vote against the legis-
lation although I am in favour of its
objective.

I repeat that it is our duty to get at
the people originally responsible for
publishing matter of this kind. Suppose
the author of a serious work takes his
manuscript to a publisher and he says
"It looks to me as if we may be up for
an obscene libel," an advisory commit-
ttee on the lines mentioned by the honorable
member for Rainbow could review the
manuscript. If the publisher went
ahead and published the book without seeking the advice of the committee, that fact could be ventilated in court. A committee of that character could derive from the appointment of an ahead and published the book without seeking the advice of the committee, that fact could be ventilated in court. A committee of that character could say, "The book is undesirable for general publication but we think it is a splendid literary work. We suggest that if you publish it in a limited way you will probably get away with it." I think that would be the main benefit to be derived from the appointment of an advisory committee.

The Government is to be congratulated on having made no attempt to introduce censorship except in so far as it is inevitably involved in the duties of the Chief Secretary. A consultative committee might serve a good purpose, particularly if a firm desires to refer doubtful works to that body before spending money on publishing such works. My main point is that the publisher rather than the distributor is the one who should be watched. It is stupid to impose a heavy penalty on the distributor; a light penalty would suffice. The whole thing should be regarded not so much as a threat to liberty as a practical problem which can be tackled along financial and moral lines, with a clear indication being given by the legislature of what is objectionable to the public generally. The Government should say, "We know that there are dirty-minded publishing houses. We will keep our eyes on them." No firm like Gordon and Gotch nor any newsagency should be punished because now and then in the course of business it handles a rotten apple. It may be fined for obscenity but enjoy the benefit of an amendment of the law of contract so that the original publishers would not be able to enforce a claim for debt against Victorian warehouses when some issues of series ordered blindly prove to be obscene.

Mr. MURPHY (Hawthorn).—I am sorry that there are not more members present to take part in a debate which is of paramount importance to this Parliament.

Mr. PETTY.—I direct your attention, Mr. Acting Speaker, to the state of the House.

A quorum was formed.

Mr. MURPHY.—The subject of this Bill merits the serious consideration of all members. If it is passed and proves to be effective, it will have a very beneficial effect upon the social life of the community—an effect which has been unsuccessfully sought for many years. The honorable member for Malvern rendered great service to the House in relating his comments particularly to Part V of the Police Offences Act, which the Bill seeks to amend. In the course of the debate, there has been a tendency to overlook the actual scope of the measure. Primarily, it deals with traffic in indecent and obscene publications, which it is sought to prevent. When listening to the learned dissertation of the honorable member for Malvern on problems of law, I was surprised to learn that the honorable member was unsuccessful in a case which was decided by a jury, but I appreciate that probably he would have been more successful if his argument had been decided on a point of law by a Judge. It is difficult for members who are laymen to appreciate the niceties of the law relating to the points the honorable member discussed, but it strikes me that it might be a good thing if cases of this type were dealt with by juries rather than by stipendiary magistrates. I appreciate the fact that a jury considers a case before it more from the common-sense point of view than would a Judge dealing with an issue purely on legal merits. The honorable member for Malvern informed the House that the common law definition is more or less the prevailing law in this matter in cases dealt with by juries. For that reason, I direct the attention of honorable members to what I consider to be an important point, namely, the amendments made in 1938 in circumstances outlined earlier by the honorable member for Clifton Hill.

In 1938, the then honorable member for Clifton Hill, Mr. Cremean, raised the question of traffic in indecent and obscene literature, particularly comics, and received a very sympathetic response from all sections of the House. I am sure that on this occasion all honorable members will wholeheartedly
support any effort to ensure that these particular provisions of the Police Offences Act become an effective instrument against traffic in obscene literature. I look forward to hearing concrete amendments, as foreshadowed by the honorable member for Malvern, submitted at the Committee stage. Any proposal to strengthen the provisions of the Act should be adopted. In 1938, following the speech of the former honorable member for Clifton Hill, it was decided to broaden the definition of obscenity by making the Act apply specifically to comics and cheap magazines. Publications specializing mainly in sex matters, and crimes of violence and horror, are flooding our bookstalls and doing undeniable damage to the morals of the younger people of the community, who have not the experience or the discipline of mind to protect themselves against the bad effects of this literature.

Under Part V. of the Police Offences Act of 1938 the definition of obscenity was broadened to include books that placed undue emphasis on sex. Speaking as a layman, and leaving aside the problems of pure law as to what obscenity is or is not, I should say that the existing legislation may be regarded as an expression of the will of Parliament at the time it was enacted. "Obscenity" as defined in the Act was meant specifically to refer to publications that unduly emphasized sex, crime, violence or, horror. There can be no doubt in the minds of the ordinary person or of members of Parliament as to what was the intention of Parliament at the time the current legislation was passed. It was directed towards the banning of those types of book with which we are confronted and insulted every time we walk down a city street. One may see them strewn over the footpaths and around the stands of paper sellers. There can be no doubt that the Parliament of the day intended that these publications should be outlawed, yet, notwithstanding the amendments made in the 1938 legislation, the desired result has not been achieved.

Apparently there are differences of opinion about the merits of the law and whether prosecutions are likely to be successful or otherwise under the existing legislation. I was pleased to hear the honorable member for Malvern say that in his view—which I think is shared by other members—the definition of obscenity as it is stated 'in the Act should be sufficient to enable convictions to be secured. It is my opinion that the broadening of the definition at this stage will not achieve any great purpose if so little success has been attained in the past.

I thought the Chief Secretary made a significant point when he said in his second-reading speech that after the Canadian Government investigated the same subject a few years ago, it finally adopted the Victorian law for the control of indecent literature. If the Victorian legislation is so good, why is it not possible to launch successful prosecutions? The test whether any amended Act is effective will be the degree of success obtained in prosecutions—in the present instance prosecutions that may be launched against publishers and distributors of objectionable literature. If convictions cannot be obtained then the Act will be a failure irrespective of the worthiness of the motive behind it. If the provisions placed on the statute-book remain dead letters, we shall have merely wasted our time. If in the light of experience it is found that the desired objective cannot be attained, I trust that Parliament will further amend the law to make it effective.

Mr. GALVIN.—I have already given that undertaking.

Mr. MURPHY.—We may say that the laws enacted by Parliament express the wishes of the people who desire that certain things shall be done in the interests of the community. It was the wish of members of Parliament in 1938 that definite action should be taken for the control of objectionable literature, and amending legislation was passed with that object in view. Yet it is apparent that many people are able with impunity to flout the implied intention...
of Parliament which represented the express wishes of a large section of the community. If that is so there must be a radical weakness in the laws of the State. I cannot put my finger on that weakness, but it is obvious that there is a fault somewhere.

It has been mentioned that because of the disinclination of magistrates to convict, the police are reluctant to take legal action against those who contravene the law. Whether the magistrates are at fault or not I do not know. Some members of the magistracy are of the opinion that they should be immune from criticism and that they are entitled to make their own decisions which should be accepted without question. I shall go further and say that if Parliament expresses a wish that certain things should or should not be done, then, provided that the intentions of the legislature are clearly expressed, the public have a right to expect that the wishes shall be fulfilled.

There is no doubt that hundreds of books that may be seen on the bookstalls throughout this and other States are of a type which defies the existing law, and I think that if cases were to be decided by juries who, under the direction of a judge, had the opportunity of saying whether in their opinion books of the type exhibited in this Chamber to-night and on previous occasions placed undue emphasis on sex, violence, cruelty and horror, there would be no doubt as to the answer they would give.

The value of any amending legislation enacted by Parliament will be assessed according to its effect on the volume of future traffic in this objectionable literature. If we are unsuccessful in controlling that traffic, then the legislation must be further examined and, if necessary, amended. I think that our full system of British law should be implemented to ensure that the express wishes of Parliament shall be given effect. Apparently, one of the weaknesses of the existing legislation has been the lack of co-operation between the different States and the Commonwealth. It has been emphasized that no legislation which seeks to eliminate traffic in indecent literature can be successful unless there is the fullest co-operation between the Governments of the States and the Commonwealth. Apparently that desirable state of affairs has not yet been reached. In his second-reading speech, the Chief Secretary referred to the resolution carried at a conference of representatives of the various States concerning this particular question, yet when those delegates returned to their respective States the undertaking they gave was not carried into effect. In New South Wales and in Queensland a particular type of legislation is envisaged. I understand that in South Australia new legislation was passed in December of last year but, so far as I can ascertain, no prosecution has yet been launched under that Act. If that is correct, time was wasted in placing the measure on the statute-book. We want to ensure that the same position does not arise in Victoria.

I am not satisfied that the Commonwealth Government has played its part in coping with this important problem. I consider that it could have done, and can do, a lot more to eliminate this particular traffic than it has accomplished up to the present. The claim is made that the Commonwealth Government is not able to deal effectively with much of this objectionable literature because it comes to Australia as first-class mail; therefore it is free from any interference. Personally, I doubt the wisdom of that statement. As I have mentioned on a previous occasion, a particular section of the Customs Department is responsible for preventing trafficking in drugs in Australia. That section would go to any lengths to ensure that there was no indiscriminate traffic in drugs, and I am certain that, if there was a desire to do so, much more could be achieved in preventing illicit trafficking in indecent literature. Apparently, the Commonwealth Government is prepared to take the easy way out and will not use the stringent measures it might easily adopt to make certain that legislation designed to deal with indecent literature is effective.
Perhaps the most distinguishing feature of the Bill is the proposal to register the distributors of printed matter and issue licences to all people who are engaged in the distribution of magazines and publications coming within the ambit of the measure. It has been asked why the distributors should be charged with an offence, and be liable to conviction, when the publishers, against whom some evil intent might be proved, should be penalized if they are found guilty of an alleged contravention. I agree that the primary publisher bears the greater degree of guilt, but those people who accept these publications for distribution throughout the community in order to make a profit must shoulder the responsibility and be penalized if they are found guilty.

It has been mentioned by other members during the debate that the newsagents' association could have carried on a much stronger fight on this particular issue than it has waged. I am sympathetic towards the association as I have heard its case and I understand the difficulties with which it is faced. I believe, however, that the newsagents' association, particularly in Victoria, is a well-organized and powerful body and is extremely anxious to protect the interests of its members. I presume that one of the prime reasons for its existence, apart from the general promotion of trade and so on, is to protect the interests of its members in any possible way. If members of the newsagents' association were threatened with penalties by the distributors because they refused to handle certain publications, I should think that the association would take up the cudgels and would be prepared to submit the matter to court to establish the rights of those members. I understand that legal points are involved. The honorable member for Malvern suggested that a newsagent might be mulct in damages if he refused to handle certain publications on the ground that they were obscene, but I think the newsagents' association should have put up a much more vigorous fight in the interests of its members than it appears to have done in the past.

Mr. Murphy.

The Chief Secretary has been congratulated by members of the Opposition because he avoided the introduction of any form of censorship Board to ban the publication of certain books. Although that might have been a wise move by the Chief Secretary, we should not altogether neglect the possibility of establishing some such Board, which could voice an opinion on the merits or demerits of certain books and magazines. When the question of censorship is raised, some sections of the community immediately visualize it as being a threat to freedom, but we must admit that even in this Bill censorship is implied. Section 184 of the Police Offences Act refers to some of the exemptions from the provisions dealing with obscene publications and mentions works of recognized literary or artistic merit and so on. The question must immediately occur to members as to what is a work of recognized literary or artistic merit. By what standard is it recognized, and who recognizes it? It is obvious that someone must set the standard, and that some person or body must exempt a book from being subject to the provisions of the Police Offences Act. I can visualize no reason whatever why there should not be an advisory or statutory body to inform the Government whether a certain type of book is fit or unfit for distribution throughout the community.

Mr. GALVIN.—Who do you suggest would be suitable for appointment to such a body?

Mr. MURPHY.—I do not suggest any one at this stage. I merely state that the principle of censorship should not be eliminated and regarded as wholly undesirable. I consider that under section 184 of the Police Offences Act it is implied that some person or body should have authority to say, "Such and such is or is not a work of literary or artistic merit."

Colonel LEGGATT.—The court will act as censor.

Mr. MURPHY.—I have covered the points which I desired to mention, and, in conclusion, I should like to say that sight should not be lost of the fact that the prime purpose of this Bill is not to
deal specifically with those works of art and literature that might be regarded as controversial, but rather to deal principally with those magazines and books which lay undue emphasis on sex, crime, violence, horror, and so on. As I see it, the purpose of this measure is to amend the Police Offences Act in such a manner as to ensure that there will be swept from the shelves of booksellers all objectionable publications that circulate among adolescents and other persons who, due to lack of experience, are unable to protect themselves against the insidious effects of such literature. This Bill ought to be supported wholeheartedly by all members; we know it will receive the commendation of all sections of the community. I trust that when the measure becomes law, it will prove to be an effective instrument for the elimination of a most objectionable type of traffic, in the interests of the community at large and of our young people in particular.

 Colonel LEGGATT (Mornington).—Judging by the remarks of previous speakers, it is obvious that all members of the House are united in their desire to banish obscene literature from the market. The Chief Secretary stated that he had done his best to stop the flow of objectionable publications, and he threw out a challenge to the Opposition to improve the measure if it thought it could do so. The Opposition accepts the challenge, and it will assist the Government in that regard as far as possible. It hopes that the suggestions it has to offer will have the effect of making more workable the law relating to obscene literature. The honorable member for Malvern delivered a masterly speech, which impressed all members of the House, although, perhaps, there were some who could not understand it completely.

 Mr. GALVIN.—Those members must have been on the Opposition side of the Chamber.

 Colonel LEGGATT.—I disagree. The honorable member for Hawthorn commented upon the speech of the honorable member for Malvern but, from the tenor of his remarks, I deduced that he had not properly understood the import of the speech upon which he was commenting. At the risk of boring honorable members I desire to recapitulate what was stated by the honorable member for Malvern. I shall not discuss the matter in as much detail as did the honorable member, but I believe that repetition and emphasis of certain of the points he made—perhaps in a different manner, but not with the same ability as he displayed—may assist members of the House to understand the position more completely and to appreciate the amendments that will be submitted at the Committee stage.

 The existing law is stated in Part V of the Police Offences Act, which this Bill proposes to amend. As was stated by the honorable member for Malvern, Part V of the principal Act is tremendously powerful and covers all aspects of the problems concerning obscene literature. It relates to publishing, distributing, placing on walls, displaying on cinematograph screens, and so on. When, during the Chief Secretary's second-reading speech, I interjected, in effect, “How are newspapers dealt with?” I merely desired to elicit from the honorable gentleman information which would be the means of enabling me to assist him. Incidentally, the Chief Secretary gave me the wrong answer. He said that newspapers are dealt with under the provisions of the newspapers and printers Act.

 Mr. GALVIN.—So they are, in relation to the question which you raised.

 Colonel LEGGATT.—I asked the Chief Secretary how he would deal with strips in a newspaper and he said, in effect, “Look at the newspapers Act,” which, actually, is the Printers and Newspapers Act. It is not the Act that deals with the matter I raised.

 Mr. GALVIN.—At the Committee stage, I shall deal with the disorderly interjection which you made during my second-reading speech.

 Colonel LEGGATT.—I merely tried to get from the honorable gentleman an explanation for the information of members generally, and I emphasize once again that newspapers are dealt with in the provisions of Part V of the Police Offences Act.
Mr. GALVIN.—They are dealt with also under the Printers and Newspapers Act.

Colonel LEGGATT.—That legislation relates only to the registration of newspapers.

Mr. GALVIN.—The Act to which I referred provides for the lodgment of a bond.

Colonel LEGGATT.—I maintain that the offence of publishing an obscene article or strip is dealt with under Part V of the Police Offences Act. However, I have no desire to quarrel with the Chief Secretary. The law on the subject has been stated succinctly by the honorable member for Malvern, who impressed all members with a description of the methods he proposed for the prosecution of those associated with the publication and distribution of obscene literature. The honorable member for Hawthorn expressed the idea that perhaps such cases should be referred to juries, and that those who are deemed to be culpable should be indicted under the common law.

Mr. GALVIN.—How many persons did you indict when you were Chief Secretary?

Colonel LEGGATT.—I desire to ascertain whether the Government proposes to resort to the expensive and tedious process of indictment for an offence which, in the ordinary course of events, would be dealt with under the Police Offences Act.

Mr. GALVIN.—You are at cross purposes with the honorable member for Malvern.

Colonel LEGGATT.—Not at all. The honorable member for Malvern explained that the necessity to read the articles concerned renders the process both tedious and expensive. That course has been adopted only once in the history of law in Victoria. Unfortunately, the honorable member for Malvern was on the losing side on that occasion; nevertheless, he knows something about the matter.

Mr. GALVIN.—He said that he still prefers trial by jury.

Colonel LEGGATT.—I consider that it is necessary for me to repeat some of the statements made by the honorable member for Malvern, since it is obvious that even the Chief Secretary does not understand the position properly. Trial by jury is an expensive and elaborate method of administering justice, and offences set out in the Police Offences Act should be dealt with by stipendiary magistrates. The cases should not go to a jury or before a superior court except on appeal, when they will be dealt with by a Judge, not a jury. It may be argued that all petty cases of this nature should be tried before a jury, as are offences under the Crimes Act. I distinguish between offences under the Police Offences Act and breaches of the Crimes Act. The latter are first dealt with by a lower court, and if the case against the accused is proved, he is tried by jury before a superior court. Under Part V. of the Police Offences Act, all offences are tried before a stipendiary magistrate. That section of the legislation also provides for an appeal to a superior Judge, sitting either in a court of general sessions or in the Supreme Court, as provided for in the Justices Act.

The honorable member for Malvern pointed out that, in an indictment under the common law, no defence of artistic merit can be made. Furthermore, the court considers the methods of publication and of distribution. It is here that the Opposition suggests an improvement to the Bill, to place it on the same footing as the common law. Instead of adopting the suggestion of the honorable member for Hawthorn and dealing with all cases by indictment and trial by jury, we submit that the relevant part of the common law should be included in Part V. of the Police Offences Act, and that charges under it should be heard by a stipendiary magistrate. Certain safeguards, which will be set out, will be proposed. There will be provision for some defence on the grounds of artistic merit or literary merit, as well as other defences. The main questions should be: How is this so-called literature distributed? Into whose hands does it fall?
Everybody has agreed that the Bill in its present form will not materially alter the law, and that more convictions than those recorded in the past will not be obtained. The honorable member for Hawthorn indicated concurrence with this contention. He said he hoped more offenders would be convicted, but he feared that the amendment to the Act would not have that result. If the Government adopts the view of the Opposition, and incorporates in Part V. the section of the common law to which I have referred, with adequate safeguards, there will be more convictions. Moreover, the amendment suggested by the Opposition is in line with the South Australian law on this subject.

Mr. GALVIN.—In other words, you have taken it from the South Australian Act?

Colonel LEGGATT.—Yes. The Chief Secretary poured scorn on that Act and alleged that nothing was done about the matter in the neighbouring State; he claimed that everybody regarded the Victorian Act as the wonder of the age. In fact, if the Bill is passed in its present form, the Victorian law will not be altered, and no beneficial results will accrue.

Mr. GALVIN.—Why did you not bring in suitable legislation when you were Chief Secretary?

Colonel LEGGATT.—I am endeavouring to assist in making the Bill workable, and I repeat the proposals submitted by the honorable member for Malvern. If adopted, they will make the Act workable. The honorable member for Glen Iris suggested that if an objectionable publication was offered for sale for the price of 6d., it would be deemed, under the Act, to be obscene; but if the price was 2 guineas, it would not come within that category. That is only a factor in the distribution of this class of literature. When cases of this type come before magistrates, they examine the definition in the Act and ask, “Is the publication complained of obscene to all members of the community or to the general community?” They may say, “It seems to be obscene, but we may not have the same knowledge of publications of literary or artistic merit as have authorities. Perhaps it is not obscene in their minds; therefore, it is not obscene for the purposes of the Act.”

As pointed out by the honorable member for Malvern, there cannot be any better definition than that laid down in the year 1868. When a charge under the Police Offences Act comes before a magistrate, he must determine whether the publication is obscene to the general public. The question of distribution is important. If the material is in the form of a comic strip which gets into the hands of children, it will be read by them. Under the proposed amendment, the court will be enabled to decide whether a publication is obscene. It will do so if the printed matter is offered for sale at a low price and distributed in such a form that a certain class of the community will be affected by it. If, however, it is in the form of a medical treatise, which costs the sum of 5 guineas, is kept at the back of a bookstall and inquired for only by persons who know about it, and if it is really informative—although in the hands of persons not of adult age it would be considered obscene—under the amendment suggested, the court may well have regard to the method of distribution and consider into whose hands the work may fall.

Mr. GALVIN.—The publications you have mentioned can affect adults and the Government is concerned with that aspect. Apparently, you are concerned only with children.

Colonel LEGGATT.—That is not so. A book entitled “Advice to Married Couples” bearing a lurid front page, prominently displayed on the bookstalls, might be instructive and useful to young married couples, but obscene to other people. I am following the interpretation of the common law as enunciated by the late Lord Chief Justice Cockburn; it is still current in courts of law, in respect of the methods of distribution and into whose hands the matter falls. My suggestion is that the common law definition, with adequate safeguards—because it contains some aspects which might be misconstrued or misunderstood or too
Early—should be transferred into the Police Offences Act. I fully endorse the point of the honorable member for Malvern concerning administration.

In my opinion, a number of prosecutions fail because they are not properly placed before the court, and the accused are defended by men of very high legal standing. I suggest that the Chief Secretary should refer these matters to the Attorney-General, who could get the Solicitor-General to deal with them. If the Solicitor-General requires advice, it will be readily forthcoming from a number of organizations. I do not consider it necessary to set up an advisory panel under statutory provisions, but I believe that a senior officer should have the responsibility of sorting out and arranging for the proper presentation of cases before the court. Then perhaps this stream of objectionable literature would be stopped. In my opinion, unless the Bill is amended, the same difficulties as were encountered in the past will arise in the future.

Mr. DOUBE (Oakleigh).—I propose to discuss generally some aspects of the problem confronting the House. Perhaps the printing press is the most important and useful invention which has come the way of mankind. It meant a great deal to our ancestors and is necessary to our way of life. In fact, it is not an exaggeration to say that our culture and our society are largely based on the written word. The discovery of the printing press meant that the laborious task of handing down traditions, knowledge, and religious beliefs by word of mouth from generation to generation could be carried out by means of books and documents. I imagine that we, in turn, hope to hand the best things of our way of life down to those who inherit this country. It is quite obvious to all honorable members that the power for good in the printed word is immense indeed. It is tragic to realize that there are people who will use the printed word for purposes which are far from good, actuated by a motive which is not high. It is one which the Opposition usually supports—the profit motive.

The objectionable publications which are flooding the bookstalls and which are sold on street corners come to us solely because there are people in our community who realize that they can make money out of them. It is regrettable to reflect that people possessing capital and other resources are prepared, in order to increase their profits, to pander to the lowest tastes in the community. It is true that if our community were fully educated and intelligent, this material would be by-passed, but, unfortunately, the great mediums of propaganda and public education—newspapers, magazines, and radio stations—have fallen down on their job of lifting the standards of our community. They, too—because they are motivated by profit—are prepared to seek out the sensational and the lurid, and present it in various forms to the people. Apparently, very few of the people controlling those mediums recognize that they have a responsibility to society; that education does not begin and end in the schools but goes on throughout our adult life; and that their organizations are the main instruments whereby people will be further educated.

We must face the facts that appear before us. The people whom we have been discussing realize that there is a weakness in human nature and they are prepared to play upon it for the dishonorable purpose of monetary gain. The publishers of objectionable literature are prepared to produce it simply because it sells well and returns them a profit. Possibly, the motive of some is to debase humanity, but I think the main incentive in printing and distributing low-grade publications is the making of profits. If there arose as strong a demand for good books as there is now for comics, then it is quite likely that the purveyors of this indecent literature would no longer produce and distribute it. If that be so, there can be no doubt that the motive underlying their action is the base one of profit.

Mr. BLOOMFIELD.—You have spoken about the base motive of profit. What is your attitude on the question of increased salaries for members of Parliament?

Mr. DOUBE.—I listened carefully to the speech of the honorable member and I thought his remarks were highly intelligent. Therefore, I am disappointed
at the nature of his interjection. I am happy to learn that the Government has shown quite clearly that it does not intend to depart from the established judicial procedure in any action which might be taken against the distributors of indecent literature. There are many safeguards which ensure the preservation of our established way of life, not the least of which is the rule of law. We must be careful that this feature of the British system of law is maintained because, if it is lost, society as we know it will disappear.

It would appear that the great outpouring of trashy magazines has arisen since the last war, and I suppose it is safe to say that the contents of the comics and magazines complained of is largely symptomatic. While I am in agreement with the proposed legislation, I think the Government must go a little further in its positive approach to the solution of the problem. We were told by the honorable member for Ballarat what is being done to cultivate the reading habits of children attending the schools. It also appears that, per medium of objectionable literature, shallow thinking is presented to children as something that is worth while, that a limited vocabulary of a slangy and saucy nature is all that is needed, and that phantasy and escape are continually presented to the young people. Doubtless, these influences on the young folk do a great deal of damage, as the tendency is to lure them away from everything that is worth while.

The objectionable comics and magazines about which so much complaint has been made highlight crime, violence and sex, and they must have a very baneful effect on the community. They also have the effect of making many people believe that the reading of good solid matter counts for very little. There are three interested parties who are directly concerned in this problem. I refer to the State, the schools, and last but not least, the home. Possibly, we could name a fourth category, which would include the press, and the radio. It is essential that all concerned adopt a positive approach to the problem to be solved. If the existing plane of society is to be maintained, it is necessary that there shall be inculcated into our community sound reading habits and tastes. I regret to say that at the present time the libraries provided for children are of an appallingly low standard.

In many suburbs there are only commercial libraries which provide reading matter of a type not much above the level of that which we are now discussing. Of course, in some suburbs there are good libraries but, generally speaking, the municipal libraries offer no attraction to children. For that reason, many young people take the easy path and turn their attention to the low-grade comics and magazines. We, as adults, must take some share of the blame for the fact that the maximum of help is not being given to young people. After all, it is not the children who print this literature. It is produced by people of our own generation and they are doing it mainly for the purpose of profit.

We must be fair and admit that the children of to-day are really standing up very well against the spate of rubbish that is being poured upon them. A study of the relevant statistics reveals that an expected increase in child delinquency has not taken place. For that reason we must pay a tribute to the children and also to their parents who obviously are giving them good guidance at home. It is undoubted that the home influence is a major factor in the welfare of the child and, therefore, we must adopt a positive approach to the solution of the problem by ensuring that the right domestic atmosphere is provided. It cannot be denied that in many cases the housing conditions under which children have to live are deplorable; that and many other factors affect home life very directly. Despite those deficiencies, we must pay a tribute to the parents who are giving their children a good upbringing and who in various ways are combating the spate of literary rubbish that is placed in the path of the young folk.

On the other hand, one cannot be congratulating parents all the time, because in many cases it is the parents who very foolishly bring the trashy magazines
into the home. I do not know what the honorable member for Toorak, who is a newsagent, will say when I state that in my opinion a great deal of the undesirable reading matter is bought by adults, not by children; the adults take it into the homes and place it where the children have access to it. We know that in every barber’s shop and similar places where children must go at times these objectionable books and publications are presented to them. Therefore, we must not be too hard in our condemnation of the young people of to-day. We should very often examine our own consciences in the matter.

In the Bill now before members it is proposed that the definition of “obscene” shall be amended by the addition of words such as “violence,” “gross cruelty” or “horror,” and literature which portrays gross cruelty and horror is to be brought within the category of obscenity. Therefore, it should be much easier for courts to decide whether a publication transgresses the terms of the legislation. One wonders to what extent the mind of the child is affected by phantasy, horror and crime. It may be that it has some effect on the juvenile mind. I am concerned to see in the newspapers and in other publications, not horror and crime phantasy, but horror and crime in fact, portrayed in pictures and in words.

I have found it easy enough to explain to my own children what is meant by horror or crime which appears in the form of phantasy. If occasionally they do read some of these comics about which we have been speaking, I endeavour to explain to them that the crime or horror therein displayed is the working of the imagination of a person who himself may be half-crazed. Just as they are able to discern the difference between fairy tale and fact, so are they able to understand the difference between phantom horror and real horror. Unfortunately, I am not able adequately to explain to them the real horror which is depicted in newspapers and which exists all around us. All people with young children have had the experience of being asked what the atom bomb means. My own child has pointed out that if a hydrogen bomb was dropped in Deniliquin the house in which he lives and his parents would be atomized. I believe that those facts strike at the foundation of a child’s character, because they disturb his security. When a child is developing, he leans on his home and his family, particularly on his mother. What is happening in Indo-China does not worry him, but anything that threatens his security and his home disturbs the future stability of his character.

No parent can adequately explain to a child the horror in a picture in a newspaper of Mau Mau terrorists being carried on a pole like animals, and guarded by a half a dozen persons armed with tommy guns; the horror of such a picture is apparent to any child. We should face up to the situation and decide whether the horror that appears in fantasy is as dangerous to children as that which appears in fact. If it is true that the lurid portrayal of crime in pictures is damaging to the morals of children, we should appeal to those who have the sole right of printing newspapers to remember their obligations to children. In my opinion, certain pictures that appear in newspapers serve no useful purpose but have a damaging effect.

The State has an obligation to safeguard its culture and to protect its way of life. I believe that the Government is achieving that object by presenting this Bill. At the same time we have an obligation to take more positive action. Not sufficient money is being spent on adult education. The bringing up of a child does not come naturally. I do not contend that parents can learn everything out of books; they must weigh up what they have learned in the past, what they gain from current reading, and the knowledge they acquire from their own experiences. We must give every person an opportunity to find out what is known concerning the education and welfare of children. It would assist to prevent the reading of objectionable literature if the State established libraries where young people could be catered for, and if it extended adult education.

Mr. Doube.
Further, we must not overlook the importance of housing. We must give to everyone the right to own his own home, and to have in that home a family secure against the many dangers that can beset it. That is the duty of the State, and until it is discharged we shall never adequately overcome the problem with which we are dealing. This type of literature is sold because there is a market for it; the mere banning of it will not destroy that market. Until we adopt positive methods by educating children and adults I believe there is not very much hope of success.

Mr. HOLLWAY (Glen Iris).—This Bill, which is typically a Committee measure, has been discussed exhaustively by members on both sides of the House. I gather that generally all members are opposed to obscene literature, but no one seems to know what should be done about it. It has been said that this Bill does not go very far, and I agree with that contention; I do not think it goes any way at all. The Bill proposes only two things. First, it provides an extension of the definition of "obscene." In my opinion, it would be as difficult to convince a court that a publication came within the proposed definition as it would be to establish that it came within the existing definition. I think there is a good deal to be said for the submission of the honorable member for Toorak that it would be far better to ascertain if there can be successful prosecutions under the existing law.

It may be that the Chief Secretary is adopting the correct attitude by proposing an extension of the definition of "obscene" in clause 2, which, in my opinion, is the most valuable provision of the Bill. It seems to me that clause 4 has nothing whatever to do with obscene literature. It provides for the registration of certain people, but the only reason why they are to be registered is so that in certain circumstances they may be deregistered.

Mr. GALVIN.—Doctors, chemists, and dentists are required to be registered.

Mr. HOLLWAY.—That is no reason why a registration provision should be included in a Bill designed to apply to obscene literature. If a large wholesaler distributing all sorts of publications, some of which were completely innocuous and indeed quite good, was convicted of selling a lewd publication, that person or firm would be debarred from distributing some quite pure matter.

Mr. GALVIN.—A film distributor can have his licence cancelled without being convicted.

Mr. HOLLWAY.—The fact that there are already wrongs in the community provides no justification for their perpetuation and, possibly, their multiplication. If this Bill related only to the matter to which it is intended to relate, namely, the distribution of obscene publications, I would be all in favour of it. I do not think, however, that it will do any good. If the Chief Secretary were to get me into a corner, I would probably admit that the proposed provision concerning the registration of distributors will do no harm, either. Still, I cannot see why the Government should include a registration provision in a measure relating to obscene literature.

When the Bill was first mooted, I understood that the whole object of it was to protect young children who buy so-called comics. Why, in the name of Heaven, they are called "comics," I do not know. I have never seen more miserable faces than those of children who read those publications. I should think that no member of this House and very few people outside have seen the slightest glimmer of a smile on the faces of young children who read these "comics." Whether the children that I know have more conservative tastes than the children known to some members on the Government side of the Chamber, I cannot say. I have seen some of the "comics" complained of, and I claim that they would not bring the slightest blush even to your cheeks, Mr. Speaker.

In my view, the comics are completely incomprehensible to an adult. When I try to read about the exploits
of Space Man, I am not “in the race;” I do not understand them, but the children do. In those publications, I see nothing that is obscene. I concede that members on the Government benches may have children who are more progressively minded than those of Opposition members.

Mr. GALVIN.—They are surrealists.

Mr. HOLLWAY.—That may be true. I do not dispute the contention that some lewd publications exist and that they are sold to children. The obvious need is for the Government to tackle the problem of punishing the people who sell that type of literature, irrespective of whether they are printers or distributors. I think it was the honorable member for Mornington who stated that the offence of publication is not, as laymen regard it, the actual printing of a document. The offence of publication is the passing of it from one hand to another. If, for example, the Bill which I hold in my hand were a pornographic document and I handed it to the Chief Secretary, I should be deemed to have published that document.

I believe that, in this matter, the Government has found itself in much the same position as that in which my Government found itself when it tried to deal with a similar problem. The party of which I was Leader had many enthusiastic young supporters in the good old days. We really got down to problems, and about three party meetings were held each week. Many of those meetings were devoted to a discussion of ways in which the law relating to obscene publications might be amended. Eventually, the conclusion was reached that the best thing was to do nothing at all in that regard, but to ascertain what could be achieved under the provisions of the existing legislation. Although I do not give that advice to the present Government, I think that perhaps it might be desirable first to ascertain what the problem really is. As I understand it, the difficulty is to prevent literature of this type from being read by young children. If that goal cannot be attained, the people who sell the publications should be punished.

Mr. GALVIN.—The main problem is to secure the co-operation of the Commonwealth authorities. If they were prepared to assist, there would be no need for the inclusion in this Bill of a provision relating to the registration of distributors. In the present circumstances, the inclusion of that provision is the only way to overcome section 92 of the Commonwealth Constitution.

Mr. HOLLWAY.—That may very well be; nevertheless, I believe the Government is using a sledge-hammer to crack a nut, as it were. My view is that if a person sells in Victoria any publication which is obscene, that offence stands by itself. Every shopkeeper who publishes obscene literature should be punished. The honorable member for Camberwell said that because a person sells a variety of literature, all of which is good except one portion, he should not be punished for having sold one “rotten apple.” That is the very thing that happens to a greengrocer; he may sell many cases of good fruit, but he is punished if he sells one article that is bad. I can see no reason whatever why the same principle should not be applied to booksellers.

At the Committee stage, I intend to move an amendment which will be on similar lines to that which was proposed in the Parliament of South Australia towards the end of last year, when legislation similar to that now under discussion was being considered. Mr. Dunstan, the Labour member for Norwood in the House of Assembly, who, incidentally, is a solicitor, submitted the amendment, which I consider possesses considerable merit. I should like the Chief Secretary to ask the Crown law authorities to consider it. If any alteration is thought desirable I shall concur in it. Every member knows the character of the problem that must be tackled, and all are united in the belief that something must be done to remedy the position that now obtains, but no member possesses a clue as to the proper method. I include myself in that category. My suggestion is that clause 2 should be
amended or, preferably, that a new clause should be added to the Bill somewhat on the following lines—

Any person who prints, publishes, sells, exhibits, offers for sale or has in his possession for sale, or delivers or causes to be delivered or given to any person for the purpose of sale or delivery, any printing, drawing, picture, representation intended to be or which will probably be published, distributed, sold, given or delivered to, or circulated among children under the age of sixteen years, which is of such a nature as to deprave or corrupt such children shall be guilty of an offence. Penalty: One hundred pounds or imprisonment for six months.

The term of imprisonment could be amended to any period that the Chief Secretary might suggest, but my own view is that imprisonment for a period of six months would have a salutary effect. I believe that, if the problem of preventing these lurid publications from being sold to children could be tackled effectively, something worth while would be accomplished. Little can be achieved, however, on the basis of the speech of the honorable member for Rainbow, who is Deputy Leader of the Country party. He almost implied that if he had his way he would banish all nudes from art galleries and that he would substitute views of ploughed paddocks.

It is impossible to over-simplify matters of this kind. Art galleries and literary treasures cannot be brought down to the level of a kindergarten, and no attempt should be made to do so. It is desirable, however, to prevent persons from making money from the hard-earned pennies of school children who buy literature, the character of which may not be known to them. They may be induced to purchase certain publications because of their highly coloured covers.

Let us tackle that one problem specifically. In my opinion, it can be overcome by amending the Bill to prohibit the sale of objectionable literature to children or to any one else who may cause it to pass into the hands of children.

Mr. Randles.—Would you increase the age limit?

Mr. Hollway.—I would be prepared to increase it to the age of eighteen or thereabouts. One feature that horrifies me is the assertion that most lewd publications and so-called comics are sold to adults.

Mr. Galvin.—That is so.

Mr. Hollway.—I fear not very much can be done about that problem.

Mr. Galvin.—Why make it an offence to sell obscene literature only to children up to the age of sixteen?

Mr. Hollway.—If an adult is so stupid as to purchase this material, not much can be done about him; he will have to look after himself. The real object of the Chief Secretary, as I understand it, is to prevent objectionable publications from being read by children. If that end is achieved, at least something will have been done. Although I will not respect the intelligence of an elderly gentleman who purchases this type of literature, I do not know what the Chief Secretary can do to help him.

Mr. Randles.—Publication of the filth can be prohibited.

Mr. Hollway.—That is so, but sooner or later, if legislation of this nature is placed on the statute-book, there will be a censorship covering all literature, including newspapers. I am concerned not with elderly people but with children. I consider that, in trying to do too much, the Government has not done enough. If a clause specifically referring to the sales of objectionable publications to children, or to other people who will cause them to be circulated among children, is inserted in the measure, and if offenders are severely punished, the Government will have accomplished what everybody desires.

An adult who purchases this sort of material cannot be regarded as normal. If he does not buy such publications he may do something worse. I again inform the Chief Secretary that if he will agree to the proposed amendment, I will be prepared to overlook what I consider to be the unnecessary provisions relating to the registration of
distributors. I realize what the Chief Secretary has in mind. It is his opinion that unless these provisions are enacted, it will not be practicable to prosecute persons who engage in interstate trade because of section 92 of the Commonwealth Constitution. The honorable gentleman's contention may be sound but it seems to me that the evil he is trying to cure is not as bad as the remedy he propounds.

Mr. GALVIN.—Ninety per cent. of objectionable literature is received from outside Australia. If your suggestion is adopted, I shall be impotent, as will any other person who carries the portfolio of Chief Secretary, to take action against the remaining 10 per cent.

Mr. HOLLWAY.—If the Chief Secretary adopts my suggestion about concentrating on children's literature, I shall be prepared to concede the provisions for registration on this consideration, namely, that the Bill should provide that, instead of a police magistrate having the power to deregister a distributor who has been convicted, he should possess that authority only when a second or third or subsequent conviction has been recorded, because deregistration would be a very serious punishment. A big firm of distributors might handle 40, 50 or 100 publications. One obscene magazine may slip through, and the firm may be prosecuted before a stipendiary magistrate who holds very strong ideas on this subject. He could easily punish the firm by deregistering it. As a result, it may lose thousands of pounds, and may even become bankrupt. In my view, the power of deregistration should be exercised only by the Chief Secretary himself or by a superior court after the distributor has been convicted on more than one occasion.

I make the suggestion in the greatest spirit of friendliness to the Chief Secretary. I emphasize again that if the existing law were properly administered, it would result in the conviction of a host of persons who sell objectionable literature. I should like to refer to a suggestion made by the honorable member for Toorak. Instead of going through the farce of putting in the witness box a policeman who will say that a publication is obscene, the obvious course to take is to have the case conducted by some person possessing literary qualifications.

Mr. CAIN.—Who is to be the judge of that?

Mr. GALVIN.—Everybody has posed that question, but nobody has answered it.

Mr. HOLLWAY.—I sympathize with the Chief Secretary. I was Premier for nearly three years, and no one supplied me with the solution. Therefore, the honorable gentleman is not alone in that respect. Prosecutions should be properly conducted, perhaps by the Solicitor-General, in the same way as a serious criminal case would be handled. The prosecution would then have a reasonable chance of succeeding.

As the honorable member for Toorak pointed out, in some cases of this nature the prosecutor is a police sergeant who does not possess adequate legal knowledge; it is not part of his routine. The defence is conducted by an up-and-coming young lawyer who runs rings around the prosecutor, so to speak. The magistrate probably feels that he must display some pretensions to culture, and consequently he dismisses the charge. In this type of case, the odds should be at least equal between the prosecution and the defence.

In my opinion, the launching of a few prosecutions, with the Solicitor-General in charge of them, would have a very salutary effect on the book-selling community, especially if they resulted in convictions and fines. They would be far more important, even if conducted under the existing legislation, than the passing of a new Bill such as that now being debated.

This is a typical Committee Bill. I make my contribution for what it is worth. We should concentrate on trying to safeguard the children and not endeavour to protect elderly pervers
Mr. RYLAH (Kew).—I am surprised that the honorable member for Glen Iris has submitted a proposition to the House which has already been more than adequately covered by the amendment foreshadowed by the Opposition. The honorable member has suggested to the Chief Secretary that consideration should be given to an amendment which was moved during debate on the South Australian Bill. The tenor of the amendment was that protection should be limited to persons under the age of sixteen years. I should have thought that in a matter of this sort it would be very difficult for anyone to draw the proper age line where protection should begin or end. As suggested by the previous speaker, there are many people between the ages of sixteen and the age at which they become old perverts who may be affected by some of the literature which is being promulgated. The Opposition’s suggestion follows the lines of the South Australian legislation, particularly sub-section (3) of section 33 of the Police Offences Act 1953 of South Australia, which provides—

In determining whether any matter is indecent, immoral, or obscene the Court shall have regard to—

(a) the nature of the matter; and
(b) the persons, classes of persons and age groups to or amongst whom it was or was intended or was likely to be published, distributed, sold, exhibited, given or delivered; and
(c) the tendency of the matter to deprave or corrupt any such persons, class of persons or age group.

Honorable members will note that the sub-section deals with children, including teenagers, persons in their early twenties and, in fact, any range of persons at all. It embraces all classes of people, and contains a provision which already exists in the common law relating to criminal libel, namely, that the court shall have regard to the persons for whom the literature is published and whom it is intended to deprave. I suggest that earnest consideration should be given to this aspect, not on the basis of dealing with a particular class of literature, or a particular class of persons, but from the point of view of giving a direction to the court that, in any case of prosecution for obscene libel, it shall take into account the type of persons who are receiving the material and the type of persons whom the material is intended to deprave, irrespective of whether they are children or grown-ups.

I think all honorable members have had a headache over this problem, which is not easy to solve. It is interesting to examine the various approaches made in the other States and by the Commonwealth. The report of the Young Christian Workers’ Movement suggested that the problem had been dodged by the Commonwealth. While I thought that a lot of the material in that report was very good, on this aspect it has either intentionally or accidentally confused the position of the Commonwealth Government, whose powers are limited to Customs control over matter which comes into Australia as imported material. The Chief Secretary, very fairly, explained that the Commonwealth was helpless at this stage because a
A considerable amount of syndicated matter was entering Australia from America and other countries as first-class mail.

Mr. Randles.—A large amount of it is published in Australia.

Mr. Rylah.—The Chief Secretary does not agree. He has examined the matter, and stated that the Government was attempting to tackle the problem from a State point of view. It is obvious that if the honorable member for Hawthorn is to be pleased, censorship of first-class mail matter will have to be instituted. I suggest that no other honorable member will support such action. There have been suggestions that uniform State legislation should be enacted. They have failed because it is quite obvious that the States have different ideas as to how the problem should be tackled. New South Wales is doing nothing. Queensland has just brought in legislation imposing censorship by a literary Board which will scrutinize publications, with the right of appeal to the court.

Mr. Randles.—Will the Board examine all literature or act on specific complaints?

Mr. Rylah.—I have not examined the legislation, but I can make a copy available to the honorable member for Brunswick if he wishes to see it. The approach in South Australia has been more direct. When the existing Police Offences Act of that State was being generally amended, the Government retained very largely the old traditional definition of indecent matter, at the same time endeavouring in two ways to assist magistrates hearing these cases. First, it directs magistrates that in considering indecent matter they shall take into account the type of persons for whom the literature is intended. Secondly, in sub-section (5) of section 33, this provision was made—

Notwithstanding anything in sub-section (1) of this section, the court shall not hold that books or other matter do not fall within the definition of indecent matter because of their literary or artistic merit, if such books or matter describe with undue detail, or emphasize, coition, unnatural vice, or other sexual, immoral, or lascivious behaviour, or the organs of generation or excretion.

I think there is some merit in the South Australian Act, which I have already discussed with the Chief Secretary. The position under this Bill, as it stands, is that artistic works, as well as literary works, will be exempt from the provisions relating to obscenity. That may be a dangerous exclusion without proper safeguards. The South Australian authorities have felt that the labelling of something as being of an artistic or a literary nature is providing a loophole for the producer of indecent matter, and that loophole should be closed. It seems to me sound that if a publication is artistic or literary it should be exempt, unless in the words of the South Australian legislation its main purpose is not literary or artistic but is intended to emphasize unnatural vice or either sexual, immoral or lascivious behaviour, or the organs of generation or excretion. I have no firm ideas on the question and the matter can be considered before the Committee stage is reached; but there seems to be some merit in that provision.

The Opposition commends the Government for not having fallen for the somewhat attractive proposal that a censorship should be established in some form or another. We feel that the Government is adopting the right attitude in retaining the traditional definition of "obscene," and adding a few words which may assist to cope with some books and pamphlets that unduly emphasize horror and violence. That has become necessary because of the type of publication recently appearing on the market. It seems to Opposition members that the Government approach to the question is midway between that of South Australia and Queensland. It is unfortunate that, at the moment, no action is being taken in New South Wales because many of these publications originate in that State, being received there in the form of first-class mail matter. In Queensland, a censorship has been imposed. It seems to me that the Victorian Government has adopted the right attitude.

I am perturbed about the provisions dealing with the distribution of printed matter. I appreciate the problem facing
the Chief Secretary. Experience has shown that it is difficult to sheet home a prosecution when matter is printed outside the State. As there are no powers in the Commonwealth to deal with such matter, the Chief Secretary says, "We must provide means of proving who is the person originating this stuff in this State." He has provided complicated and elaborate machinery for the registration of distributors and their prosecution in the event of obscene material being placed upon the market. I would remind members that this distribution registration scheme does not relieve retailers or anyone else of liability if they distribute obscene publications.

I repeat that Opposition members have doubts about such an elaborate scheme being instituted to catch the person who first handles obscene publications in this State, but we say to the Government, "Give it a trial, but include reasonable safeguards." One safeguard has been provided under the Justices Act, which allows the right of appeal from the decision of a magistrate to a higher court where the fine imposed is more than £5, or where a licence is suspended or cancelled. We have directed attention to the fact that an application for an appeal should stay the suspension or cancellation of the licence.

During the Committee stage, we propose to submit an amendment based on clause 21 of the Queensland Bill. It will provide that if any distributor gets into difficulty because of his refusal to handle obscene publications, such refusal shall not be a breach of contract, provided that the distributor acts in a bona fide manner and gives notice as soon as practicable to the supplier that he will not deal with particular publications. That seems to be a reasonable protection to the distributor.

Mr. Randles.—That is the present law.

Mr. Ryalah.—It is not. At the moment, if a distributor has a contract with a New South Wales supplier and is asked to distribute a publication that he believes to be obscene, he is faced with the risk of prosecution.

The Speaker (the Hon. P. K. Sutton).—Order! I do not wish to stop the honorable member, but I think a great deal of what he is now saying could better be said in Committee.

Mr. Ryalah.—I shall finish on a note similar to that adopted by the honorable member for Malvern. Energy in prosecutions is probably the best weapon to ensure that obscene publications are taken off the bookstalls of Victoria. I have been troubled for a long time by the fact that the Police Department is handicapped in the launching of technical prosecutions. It has a small legal staff, which consists, I believe, of one qualified officer and his assistant. That staff is inadequate to deal with prosecutions involving company frauds, obscene publications and other technical matters of law which should be handled by someone skilled in the art. I will not labour the point that has already been raised that usually one finds a police officer up against a qualified Queen’s Counsel who does not find it difficult to blind the magistrate and everyone else with science. In addition to what the Chief Secretary has already said he is prepared to do, I suggest that he should ensure that the services of the officers of the Law Department are made available so that prosecutions will be undertaken with the greatest energy possible, and that additional assistance is given the Police Department to institute prosecutions of this type. I think the main fault is that the Law Department is inclined to do things on the cheap. It may have been bitten by certain people in the past, but it does not pay in the long run to do things on the cheap. Unless the Department adopts the attitude of saying, "The law has been broken; it is our duty to prosecute and to ensure a conviction being recorded," we will find ourselves faced with much more obscene literature.

Members who have studied the procedure of the Director of Public Prosecutions in England realize that no matter how small is the sum of money involved or how small is the nature of the offence, when the law authorities of England take up a prosecution they do so with all their resources. They act
fairly and justly, but the accused is prosecuted with all the energy available. It is obvious that the services of the Solicitor-General and other senior counsel should be used to launch prosecution either before or after the Bill is passed so that this pernicious practice will be stopped. I trust that the Chief Secretary will approach the problem realistically and will seek the assistance of the Attorney-General to ensure that there will be adequate legal aid in the lower courts and also in the higher jurisdictions of the State. The Opposition feels that the Bill is a contribution towards the solution of this problem and we are prepared to assist the Government to improve the measure.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Progress was reported.

ADJOURNMENT.

PERSONAL EXPLANATION: PAIR IN DIVISION.

Mr. GALVIN (Chief Secretary).—I move—

That the House, at its rising, adjourn until Wednesday next, at half-past Three o'clock.

The motion was agreed to.

Mr. GALVIN (Chief Secretary).—I move—

That the House do now adjourn.

Mr. TOWERS (Collingwood).—Mr. Speaker, I desire to make a personal explanation. Last night I voted in a division which took place on the question of the adjournment of the debate on the Local Government (Elections and Polls) Bill, but owing to an inadvertence I was paired with the honorable member for Gippsland East, and an entry of the pair was made in the Pairs Book. I wish to say that I regret the misunderstanding.

The SPEAKER (the Hon. P. K. Sutton).—I thank the honorable member for bringing the matter to the notice of the House.

The motion was agreed to.

The House adjourned at 11.2 p.m. until Wednesday, April 21.
1. What revenue was received by the State Electricity Commission during the period of nine months ended the 31st March, 1954, from—(a) electricity supply; (b) the sale of briquettes; (c) the sale of brown coal; (d) tramway services; and (e) other sources?

2. What was the Commission's operating cost, including amounts written off &c., during the same period?

Mr. SCULLY (Honorary Minister).—
The answers supplied by the Minister in Charge of Electrical Undertakings are—

1. Revenue for nine months ended the 31st March, 1954—

- Electricity Supply: £16,173,000
- Briquetting: £596,000
- Brown Coal: £361,000
- Tramways: £136,000
- Miscellaneous: £7,000

Total: £17,273,000

2. Operating cost for nine months ended the 31st March, 1954—

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Government to provide adequate funds to alleviate the moral and physical degradation of the 7,000 or more families and persons now living in slum dwellings declared unfit for human habitation."

Approval of the proposed discussion was indicated by the required number of members rising in their places, as specified in the Standing Order.

Sir THOMAS MALTBY (Barwon).—I regret that the forms of the House oblige me to word the motion in such a manner as to make it more controversial in its presentation than I would desire. In what I have to say, I do not propose to enter into any name-calling or to go back into ancient files and history with the object of proving that other Governments did better or worse than has the present Administration. The Opposition presents its case in the spirit of urgency and in the interests, as the motion suggests, of redeeming from physical and moral degradation thousands of persons in Victoria. Those people are condemned to live under conditions which, if properly seen and known, would so arouse public opinion that no Government could survive an election if it had not demonstrated its readiness to cure a situation that is a reproach to a State such as ours.

Mr. HOLLAND.—You were particularly silent for many years concerning housing.

Mr. MCCLURE.—Shearers lived in slums for a long time on the properties of squatters.

Sir THOMAS MALTBY.—I had hoped that the discussion might be continued in the spirit in which I initiated it.

Mr. SHEPHERD.—You could have raised this matter when Supply was under consideration.

Sir THOMAS MALTBY.—I desire to approach this serious subject with an earnest demeanour such as the occasion demands of every member of the House. The subject is not one of Liberal versus Labour.

Mr. G. E. WHITE.—It is a question of money.

Sir THOMAS MALTBY.—I claim that it is a matter of necessity. As far as I am concerned, the honorable member for Mentone may not shelter behind the screen of the availability of money. The definition of a slum that I accept is contained in a pamphlet issued by the Brotherhood of St. Laurence, and it is in the following terms:

A slum is housing so inadequate or so deteriorated as to endanger the health, safety and morals of its inhabitants.

Those of us who were members of this House in 1938 will recall the passing of the Slum Reclamation and Housing Bill, by means of which it was hoped and really believed the problem of slum reclamation would be solved. That measure related primarily to the abolition of slums; the matter of housing other people was a secondary consideration. The debate on that measure, as recorded in Hansard, was on a particularly high plane, and members of all parties voiced a genuine hope that the passage of the legislation would mark the beginning of the elimination of slums from Victoria. The main argument centred around the question of whether the project should be completely a State enterprise or whether the responsibility should be borne partly by the municipalities and partly by the State. There was no question of anything else than ways and means of abolishing slums.

Mr. G. E. WHITE.—There is no other question to-day, either.

Mr. TOWERS.—There is no money.

Sir THOMAS MALTBY.—I hear a "still, small voice" echo the words "No money."

Mr. G. E. WHITE.—That is what Bob Menzies said.

Sir THOMAS MALTBY.—At the moment, he is busy with Petrov. One is not greatly helped by the annual reports of the Housing Commission of Victoria, which are notable for several important points, including the fact that the latest report presented to Parliament is for the year 1950-51. One is inclined
to lose some faith in what might be termed a Board of directors administering an important instrumentality of this character, having a singleness of purpose to perform, but presenting to Parliament late in the year 1953 a report dealing with its functions in the year 1950. In business, a Board of directors which could not present at the end of its financial year a balance sheet relating to a lesser enterprise than the Housing Commission would be removed from office. A period of three years is much too long for any statutory body to be in arrears in reporting to its masters in Parliament.

There can be no argument about the existence of slums. That they constitute a great social problem is accepted on all sides. In my view, this is a non-party question, which should be attacked by the constituent members of Parliament and the elected Government. We, on this side of the House, consider that it is our duty as an Opposition not to frustrate the efforts of a Government or of the Housing Commission in tackling slum abolition, but to co-operate, and I trust that that will be the spirit of the debate as it proceeds. In the year before the outbreak of the war, the Housing Commission was making real progress. Its first year of life resulted in the erection of 44 houses. Soon afterwards the war intervened, and no reasonable person can object to the great diminution in the operations of the Commission during the period of hostilities, nor deny the reality of the difficulties and delays occasioned immediately after the war as a result of shortage of man power, money, and materials.

But in the last year or two there has come over the scene a great change regarding those important factors, and it is chiefly concerning those changed conditions that I desire to speak. It has been disclosed—and not denied—that in the year 1938, when the Slum Reclamation and Housing Act was passed, there were officially classed as slum dwellings, within 5 miles of the General Post Office in Melbourne, 6,100 buildings. It is now officially reported that the number has increased to 7,500, a rise of 23 per cent. That growth is due not to a raising of the standard of judgment of the quality of a house, but to continued deterioration in occupied places. Since its establishment, the Housing Commission has built some thousands of houses and, I understand, is constructing them at the rate of about 3,000 or more a year. Despite the fact that it is erecting them at the great speed of 80 or so a week, the proportion of condemned slum dwellings is rising and has increased by 23 per cent. since the Slum Reclamation and Housing Act was passed.

Can it be said by the most imaginative person that the slum abolition functions of the Housing Commission since 1938 have in the slightest degree been fulfilled? If, despite the Commission's operations, there has been an increase of 23 per cent. in the number of dwellings declared as slums? Let there be no doubt in anybody's mind about the accuracy of the figures quoted, because they are official. I verily believe that the actual number is very much greater than that stated, because until a house is reported as allegedly unfit it is not declared to be unfit. To the figure of 7,500 houses, there must be added many hundreds in a similar state that have not been reported. There is every evidence to support that contention. The actual position is revealed in figures supplied in the House by the Minister of Housing on the 6th October, 1953. Summed up, they reveal that houses are being condemned at a rate faster than that at which they are being demolished or even repaired.

During the nine years excluding the six war years, the Housing Commission has demolished or caused to be demolished 644 slum houses, or only 71 a year, and of 5,013 owners who have been ordered to repair their properties, only 839 have complied with the orders. The excuse has been offered that landlords should not be forced to comply with the orders because of shortages of labour and materials. At one time that objection was valid, but it can be sustained no longer. No landlord can properly plead a shortage of materials, or of labour, as an excuse for not doing his
duty. From the administrative viewpoint, I submit that in view of the availability of labour and materials, there has been a great fault on the part of the Housing Commission, in not insisting upon the repair of the 5,013 houses in respect of which orders were served. If the owners of these properties are forced to make them habitable, the houses now declared unfit for occupation will be made suitable to live in without drawing upon the resources of the Housing Commission.

Last week I saw houses yielding rents which, in my view, justified the owners in spending money on them to put them in proper order. It does not follow that because a house is small, damp, dank, and decaying that the rents are in proportion; they are by no means in proportion. Therefore, I suggest to the Minister of Housing that he might endeavour to have the Housing Commission clean up the houses referred to. As soon as they are repaired, an inspector should go through every suburb, street by street, and order that more and more houses should be so treated. Before further criticizing the Housing Commission, I direct the attention of the Minister of Housing to a personal complaint. A week ago, for the purposes of this debate, I addressed certain questions to the Housing Commission, but I have not received a reply.

Mr. BARRY.—Did you inform the Minister of Housing?

Sir THOMAS MALTBY.—I am informing the Minister now. Members of the Opposition do not always signal their punches in advance.

Mr. BARRY.—In that case, you should not expect to receive a reply so soon.

Sir THOMAS MALTBY.—The Minister of Health admonishes me for not seeking the information I required from the Minister of Housing. That is what I am doing now. I am complaining to the Minister that a week ago I asked a departmental officer in due and proper form for information relevant to this debate. That officer has denied me the courtesy of a reply. There was a time when Departments had some respect for this institution and immediately provided replies to questions. Were it not for the fact that I am endeavouring to keep this debate on a decent and proper level, I might look for a motive. If the annual reports of the Commission are to be three years' old when we receive them, members are obliged to ask for information. Now we suffer the discourtesy of not having a series of direct questions answered.

Mr. BARRY.—Your party as been out of office for only eighteen months.

Sir THOMAS MALTBY.—I am sorry if the Minister of Health, by interjection, will justify that sort of conduct towards members. Parliament is paramount. I did not require the information eighteen months ago, but last Wednesday.

Mr. BARRY.—You did not want it eighteen months ago.

Sir THOMAS MALTBY.—The former Minister of Housing charges me with not wanting eighteen months ago information concerning things done in the last eighteen months. It would be foolish of me to ask for a report in advance.

The SPEAKER (the Hon. P. K. Sutton).—Order! It is not necessary to gratify the curiosity of honorable members on the Government side of the House. The honorable member for Barwon should proceed.

Sir THOMAS MALTBY.—The Minister of Housing is taking copious notes, so I presume that he will give attention to the point I have raised. Last week, desiring to ascertain the present position and to be fair, I inspected some slum areas. Naturally, I went to Camp Pell. I am aware that, at its inception, Camp Pell fulfilled a great need, but neither then nor later did anyone expect that it would be occupied for so long, and that it would deteriorate so quickly as it has. I happened to visit the area on a rainy day and, therefore, probably saw it at its worst, but that is not an excuse in its favour. It must be morally and physically degrading for decent people to have to live in such surroundings. They lack privacy, comfort and
every other element which should surround family life. The fact that 550 separate families or groups occupy the area is very distressing. Members of all parties were prepared to tolerate for a time such conditions in our midst, but they tend to become permanent.

From Camp Pell I went to an area in Fitzroy, two or three blocks north of the Exhibition building. There I visited a house which may be an extremely bad example of a slum dwelling. I make no apology for quoting this particular case. Even if it is the worst slum in Melbourne it is a reproach to this community in which I humbly and apologetically share. This small, very ancient house of brick stands right on the street alignment, with buildings on either side. The only natural lighting available is through the front window and back kitchen window. The front window is largely boarded up with cardboard in place of glass. While I was there water was welling up from the floor of the house on to the verandah. An invalid man of about 30 years of age, his young wife, and seven children are living in that two-room slum. The whole nine of them sleep in the front room.

Mr. Towers.—What is the address?

Sir Thomas Maltby.—I think it is better to preserve their privacy. We should not like to see sightseers around such places.

Mr. Towers.—It took you a long time to get there!

Sir Thomas Maltby.—Perhaps I have done what the honorable member for Collingwood has not done. I have taken a family of a similar description to one whose picture I saw in a newspaper, and I have given them occupancy of a furnished house at the seaside for ten months. I did not run to tell the newspapers.

Mr. G. E. White.—The story will be in the press to-morrow.

Sir Thomas Maltby.—The honorable member for Collingwood drew the information from me. I do not propose to make publicity for these persons. I have a file relating to the matter and the honorable member for Collingwood may inspect it later.

Mr. Barry.—Tell us the name of the street.

Sir Thomas Maltby.—It is named after one of the apostles. If honorable members on the Government side know their Bible, they can guess which street I am referring to. It might help them if I reveal that it is John-street. As I have stated, I visited the house on a rainy day. The yard was several inches higher than the floor of the house and rain was running under the kitchen door, disappearing into holes in the floor, and flowing out into the street from under the floor. There were places where the flooring had so deteriorated that there was no wood between the earth and the room. Water was running down the internal walls. At midday, the only light was from a kerosene lamp hanging from the ceiling.

Mr. Gladman.—How old was the house?

Sir Thomas Maltby.—I do not know.

Mr. Gladman.—Who owns the house?

Sir Thomas Maltby.—I do not know, but I say that the owner should in some manner be called to account, unless the building has been condemned. If that is the case, the Housing Commission should provide the family with one of its homes so that this house can be demolished. If a man put seven animals into a building of this description and forced them to live under the conditions I saw, he would be punished by the court for being cruel to the animals. So far as the conditions would permit, the family was as clean as it was possible for it to be. These are not problem people because they have tried to get out of these conditions. The Housing Commission has considered the case of this family and it was asked to give the reasons why it would not make a home available. I direct attention to this letter from the Commission—

Referring to your recent letter I desire to advise you that it is not the practice of the Commission to give detailed reasons for declining an application for a house.
I have, however, to state that after full consideration of all aspects of your case your application was rejected. The Commission is not prepared to vary this decision regarding your case.

It is regretted that, in the circumstances, the Commission is unable to assist you.

That letter was dated the 20th March, 1952.

Mr. BARRY.—Your party was in office at that time.

Sir THOMAS MALTBY.—The next letter I shall read was written after the Minister's party came into office—

I acknowledge receipt of a fresh application from you for the tenancy of a Commission home.

As previously advised in my letter of 20th March, 1952, your previous application was rejected after full consideration of all aspects of your case.

The Commission is not prepared to vary this decision and is therefore unable to assist you.

The date of the letter was 1st October, 1953. On the 1st March last, the Commission wrote—

With reference to previous correspondence I desire to advise you that your application for a house has received full consideration but has not been successful.

It is regretted that the Commission is not in a position to assist you in your housing problem.

This is the crux of what I have to say: It seems to me that the Commission lays too much emphasis upon building houses as such, and pays scant attention to the primary reason for its existence—slum abolition. That is the burden of the Opposition's case.

Mr. GLADMAN.—Do you think that some Geelong homes should not be taken away?

Sir THOMAS MALTBY.—I am prepared to appear on a public platform in Geelong or anywhere else and advocate a bigger percentage of Housing Commission homes being allocated to people who desire to get out of the slum environment.

The SPEAKER (the Hon. P. K. Sutton).—Order! The honorable member's time is about to expire.

On the motion of Mr. BARRY (Minister of Health), the Standing Orders were suspended to enable the honorable member for Barwon to continue his speech for five minutes.

Sir THOMAS MALTBY (Barwon).—I thank the House for its courtesy. I repeat that I am prepared to go anywhere at any time in an effort to convince reasonable people that before the State houses a lot of persons who could very well finance the building of their own homes, we should discharge our social, moral and religious obligations of providing slum dwellers with decent living conditions.

Mr. G. E. WHITE.—How do you know that the people you have in mind can finance their own home-building schemes?

Sir THOMAS MALTBY.—We should not look at this question like a lot of usurers asking, "How is the scheme going to be paid for?" I am prepared to accept this as a social obligation in the same way as I accept hospital maintenance, child welfare and all other social services. In this community there must always be a proportion of people who need decent houses but cannot afford to build them. Surely it is not too much to ask a prosperous community to shoulder its responsibility in this connexion. We have accepted the principle of the economic rent, but do we set a limit to the economic rent? I ask honorable members who raise financial questions whether the economic rent should not have a downward tendency according to needs? If there is only one house in John-street of the type I have mentioned, I am justified in pleading for the seven children involved in this case. I came out of that dwelling emotionally unsettled. It is no answer to this problem to say, "Why did not someone do something in the past?" The Opposition says to the Government, "We invite you to take people who have, unfortunately, the lowest standard of housing comfort, and house them at the expense of those enjoying higher standards. We will help the Government to do that." We will press for the vote on this motion to be taken to a division, so that any
member who is prepared to vote against slum abolition will have his vote recorded.

Honorable members interjecting.

The SPEAKER (the Hon. P. K. Sutton).—Order! The honorable member for Barwon was granted an extension of time to permit him to complete his speech, but persistent interjections are militating against his doing so.

Sir THOMAS MALTBY.—The Minister who is so persistently interjecting is probably doing so to cover an uncomfortable conscience. The Opposition has moved the motion so that members may consider the urgent need to relieve the moral and spiritual degradation of families living in sub-standard homes.

Mr. G. E. WHITE.—Can you give us the solution of the problem?

Sir THOMAS MALTBY.—There is a sum of £500,000 available to be spent on slum abolition, and although the end of the financial year is fast approaching, I understand that little of that sum will be spent in that direction. All the money should be used for slum abolition, and if a similar amount is expended year after year, we will overcome the evil in ten years. Houses should be built to accommodate persons now living in the slum areas. The motion has been moved with the idea of helping to solve the problem of persons who are in dire need.

Mr. McDonald (Shepparton).—I am surprised that the Minister of Housing has not followed the customary procedure of replying to the case submitted by the honorable member for Barwon. The honorable member was fair in his approach to the question, which he did not discuss on the basis of party politics. The Minister of Housing should indicate what the Government proposes to do to solve the problems of the slums. I think the time has come when the circumstances and economy of the State have got back to the stage at which this vexed problem can be tackled seriously so that within a reasonable period it will be eliminated from our national well-being. To-day there is no shortage of materials and man power, and it is a fact that no Government over the last fifteen years has had the financial resources that the present Government fortunately has. Consequently, the Government ought to indicate what it has done in regard to slum abolition and what it hopes to achieve.

I appreciate the fact that in many country towns there are slum conditions and that we have problems in regard to our aborigines in many parts of the State where they congregate—the trouble is found in Shepparton—but we are now getting back to normalcy and the Government should tell us what it intends to do. The Reverend Father Tucker, of the Brotherhood of St. Laurence, has said that I “twisted” or that I repudiated a promise given his organization in regard to slum clearance. I have never “twisted” or repudiated. The Country party Government said it would provide an amount of £500,000 for the Housing Commission to assist in slum abolition. I myself have inspected slum areas; they are not a very pleasant sight.

Mr. Barry.—How much of that amount did your Government spend on slum abolition?

Mr. McDonald.—I have been accused of repudiating a promise. Every member of this House who has had Ministerial experience knows that the system of providing money in regard to matters such as this one is that the Government instructs the Department concerned. After proposals and plans are drawn up, the money is made available in the Treasury and as the Department works towards its objective, the money is handed over. It is not passed on to the Department holus bolus, of course, but is provided in portions as required. If a change of policy comes about, the Government concerned does not spend the money. When the present Government came into office it decided that it would do other things with the £500,000.

I would remind the Premier that after the war years, our Government was facing such difficulties as lack of man power and a serious financial stringency. The present Government has been in office for about eighteen months, and
now is the time for this House to discuss this question. The Opposition will assist the Government to get somewhere. It is of no use shutting our eyes to such conditions as those at Camp Pell or to the position of the Housing Commission today. I know that many people who have been seeking homes are being allotted Commission houses whereas they could have joined a co-operative housing society and obtained a house by that means. Many more people could find homes for themselves if the co-operative housing scheme were further financed by this Government.

Mr. GALVIN.—That is a beauty!

Mr. CAI N.—There is nothing wrong with the scheme, only that those who have money will not make it available to the Government.

Mr. McDONALD.—It has been said that State Savings Bank money ought to be lent to the co-operative housing societies to a far larger amount than has been the case; that proposal has come from members of the Premier's own party. A point has been made by a member of the Ministry that many people would take advantage of their opportunities if the Government gave greater support to the co-operative housing system, and that the Housing Commission would then be very much more able to make homes available for other people.

Mr. CAI N.—Would you apply that in the case of country towns as well as in the city?

Mr. McDONALD.—I would. In my own town we have at present three co-operative societies, which are functioning very successfully and have been the main means of relieving the position there. At the same time, however, there are more than 100 applicants in Shepparton seeking to join co-operative housing societies if the requisite finance can be found. I ask the Premier, therefore, to approach the State Savings Bank Commissioners and ascertain the directions in which they are making money available on loan.

Mr. CAI N.—If they had not made finance available under your régime, it would have meant the State Electricity Commission's becoming bankrupt. The Commission was really bankrupt when you left office, and you know it. It is still bankrupt.

Honorable members interjecting.

The SPEAKER (the Hon. P. K. Sutton).—Order! The Leader of the Country party is regarding with considerable tolerance a number of interjections intended, in some cases evidently, to elicit information. In most instances, however, I think the interjections are designed to obstruct him in the prosecution of his speech. The honorable member has only seven or eight minutes left in which to complete his remarks. I therefore suggest that he proceed and disregard interjections.

Mr. McDONALD (Shepparton).—This Government has declared as its policy—and it has every right to do so, of course—that it intends to use all the money available to it upon public works and none for housing or slum abolition. That is the position and the Premier has just disclosed it by his interjection. He forgets that slum abolition is part and parcel of a problem which we all know to be extremely difficult and serious in handling. We also know that the public works programme is likewise a problem, but if the Premier decides in his wisdom—

Mr. CAI N.—To hold up the Eldon weir and put up houses?

Mr. McDONALD.—The Government will continue to pursue its course, and I for one am not criticizing it for that decision at all. If the Government says that it has no money for expenditure on slum abolition, but at the end of a financial year it shows a surplus, I contend that it has broken its promise to effect this much-needed social improvement.

Mr. CAI N.—Of course, you would argue that because your Government had a deficit, you did not fall down on your promises.

Mr. McDONALD.—The Country party Government was prepared to undertake slum abolition notwithstanding that it ended a financial year with a deficit.
Mr. CAIN.—Your Government did nothing to alleviate the problem of slum conditions.

Mr. McDONALD.—That is not a correct statement.

The SPEAKER (the Hon. P. K. Sutton).—Order! I notice that, because of the frequent interjections, Hansard is experiencing some trouble in recording the speech of the honorable member. There ought to be more solicitude for the staff who are engaged to report the debates.

Mr. McDONALD.—It is for the Treasurer to allocate either from revenue or from loan money whatever sum he elects to spend on the work of slum abolition. The responsibility is entirely his.

Mr. TOWERS.—What happened to the Country party Government's £500,000?

Mr. McDONALD.—The Labour Government failed to spend it. At that time a problem existed in the area with which the Housing Commission decided to deal. The honorable member is aware of that fact. The acquisition of land was necessary and it involved much work in relation to titles to properties. I understand that the implementation of the scheme is now under way, and that the occupants of the sub-standard houses will be transferred to other accommodation. Therefore, the plans which my Government initiated in relation to slum abolition, its action in providing money for the purpose, and my directions to the Housing Commission, are now coming to fruition. I cannot be accused of having failed to advance the scheme which was then propounded, because my Government did not hold office long enough to enable it to do so. The fact is that my Administration originated a very useful move aimed at the alleviation of the housing problem, and I take this opportunity of urging the Government now in office to push that scheme to completion.

In speaking on this subject I am not being political; I am trying to make genuine and sincere observations because my Government exerted an honest effort to improve the awful conditions under which many people were then and are still living. No citizen should be expected to live under the conditions that have to be endured by many who occupy sub-standard houses. I would go to any length to assist the Government in tackling this problem—even to the extent of limiting national developmental works so that a sum of, perhaps, half a million pounds could be spent in improving the living conditions of a large number of citizens. If that were done these people would be better off and more contented, and they would have some reason to be proud of their country. That is the spirit in which I speak.

I do not wish to criticize any decision of the Government on this question, but I think it would have been only fair if the Minister of Housing had informed the House of the Government's proposals before I began my speech. If he had done so my remarks might have been of a different tenor, as I would have known what the Government had done and what it proposes to do in the future in relation to slum abolition. I repeat that the movement started by my Government with a view to a solution of the slum abolition problem is having a good effect today.

Mr. HAYES (Minister of Housing).—The honorable member for Barwon submitted his motion to discuss what he described as the failure of the Government to provide necessary finance for slum reclamation. I fully appreciate the situation as it obtains to-day, and I know it is easy for members to say what, in their opinion, should and should not be done. It has been stated by members who have already spoken that it is not their intention to make the problem of slum abolition a political issue, and they have averred that they are sincere in their desire that the right and proper action should be taken by the Government. I am prepared to accept those statements at their face value. Since I have been Minister in charge of housing I have endeavoured to implement what I consider to be a reasonable programme for the abolition of slum conditions.

Mr. DUNN.—You are doing a good job in Geelong.
Mr. HAYES.—It is not easy to revive a scheme of slum abolition that has been moribund for years. However, when the Government took office it was faced with such a problem. It is incorrect to say that slum reclamation was started by the previous Government. The Leader of the Country party mentioned a sum of £500,000 which had been included on the Estimates to be used for that work.

Mr. CAIN.—And it was not revenue, but loan money.

Mr. HAYES.—The honorable member for Shepparton, who, at that time, was Premier and Treasurer, should have directed that the money was to be expended for a definite purpose. However, nothing was done by his Government with that sum.

Mr. DODGSHUN.—Your Government took office following the régime of the Country party Government, but it has failed to take proper action.

Mr. HAYES.—The Labour Government can stand on its own feet; it does not need the assistance of the Country party in relation to slum abolition. I point out that the Government placed a sum of £500,000 on the Estimates for the current year for the purpose of slum abolition, and it has since done some useful work. To date it has spent approximately £225,000 in slum reclamation in various parts of the metropolitan area. I point out to the honorable member for Barwon, who is interjecting, that programmes of work for the removal of slum conditions cannot be put into effect overnight. It would be foolish for the Government to say that to-morrow it would commence the expenditure of £1,000,000 on such work.

If the Country party Government had really desired to implement a worthwhile programme for the betterment of housing conditions, it had the opportunity to do so when it was in office. Despite remarks by certain honorable members, I desire to keep this debate on a high level. The Government now in office is the only Administration that has granted any direct subsidy to assist the work of slum reclamation. I point out that the Government is providing £850 in respect of each slum dwelling demolished in the Fitzroy area and it is doing so in order to help the people concerned to be provided with proper living accommodation at a reasonable rental.

Works programmes of the magnitude contemplated by the Government must of necessity move slowly. It is not possible to spend £1,000,000 on slum reclamation in a short time, because the programme must be planned in detail and proceed on a sound basis, and therefore the work can be undertaken at only a limited pace.

At present, slum reclamation work is in course in North Melbourne and Fitzroy and for that purpose the Government has contributed £225,000. Proposals for the commencement of similar work in Prahran have also been considered. The subject has been discussed with the Prahran City Council, which has been generous in its attitude towards the problem. Next week there will be held a further conference, at which the basis on which work is to be implemented will be discussed. The Prahran City Council has intimated its willingness to contribute towards the cost to the extent of £10,000 a year. Discussions will be continued with a view to determining ways and means of bringing the proposition to fruition. Consideration is being given to the abolition of slums in two Prahran areas in which the conditions are as bad as those in any other part of the metropolitan area.

The Government also has plans under consideration regarding slum reclamation in parts of Richmond, South Melbourne, and Collingwood. As I said before, works programmes of that nature must be planned efficiently and completely, and therefore the rate of progress may at times be limited. First, a decision must be made as to which areas should be given preference for the purpose of slum reclamation. In the slum parts of industrial districts there are numerous houses which it is not possible to destroy. Many people would have us destroy whole blocks of dwellings, but that is not the policy of the
Government. The Government's view is that it should demolish slum houses and place the occupants in other accommodation, and that when one area has been completed work on another section should be commenced. That is the only manner in which slum reclamation can be tackled effectively.

From what has been said by Opposition members, one would think the Government had taken no action at all to improve conditions in industrial areas. I point out that in 1952 there were between 900 and 1,000 families occupying emergency accommodation. The Government proposes to treat emergency accommodation on the same basis as slum housing. At present there are approximately 660 families still in emergency accommodation, so it will be seen that the Government has made some progress in improving the living conditions of those people. The Government is gradually abolishing the worst sections of slums in the metropolitan area. For instance, in Area 1 extension, Camp Pell, in which 70 families were living, there now remains only one building housing three families, and at Lorimer-street, Port Melbourne, only 40 families are accommodated. One emergency housing area at the Showgrounds has been demolished and the other will be pulled down before June of this year. There is a similar state of affairs at Williamstown and other small emergency areas. I agree that the problem can be overcome, but it will take a long time.

Mr. BOLTE.—Too long!

Mr. HAYES.—I should like to know why the Government of which the Leader of the Opposition was a member did not take steps concerning slum reclamation. When the present Government moves in the matter, the Opposition contends that the movement is too slow. We are endeavouring to speed up the slum reclamation programme as we proceed. Anyone acquainted with the ramifications of the problem will realize that it is impossible to wipe out an area altogether until the occupants of the condemned houses are provided with alternative accommodation. It is all very well to contend that the people concerned can transfer to Housing Commission homes; many of them do not want to do so. Those people have their rights as human beings, and I will not agree to a bulldozer being pushed through an area before the occupants of the dwellings are given some other accommodation.

Sir THOMAS MALTBY.—You did that in Fitzroy.

Mr. HAYES.—That is not so. Every person in that area was given an opportunity of going into other accommodation. Some people, however, refused to accept the decision of the committee although we did everything humanly possible to get them to move. If a stricter policy had not been adopted finally, possibly some of them would still be there. The Government is determined that the people living in slum areas that are subject to reclamation will have an opportunity of finding other accommodation.

I now wish to indicate the position that would obtain if some emergency housing accommodation was not retained. At present one hundred eviction orders are issued by courts every month, and some accommodation has to be provided for the people who are the subject of those orders. The Government is endeavouring to move people from Camp Pell, but some refuse to go. Despite the statements that have been made, they do not want to leave. I have been approached on many occasions by people who, for certain reasons, have been refused Housing Commission homes. I have dealt with those cases fairly; I have tried to treat the people as human beings and to give them an opportunity in life. The fact that persons are living at Camp Pell does not warrant their being classed as bad citizens, and it is my desire to help them in every way. I am not prepared to accept the allegations that have been made to-day. It has been said that the Housing Commission has sent unpleasant replies to inquirers about homes.

Sir THOMAS MALTBY.—The trouble is that the Commission does not send any replies.
Mr. HAYES.—I thought the honorable member was complaining about the tone of the letters. I fully appreciate the Commission's difficulties, but I am unable to say whether the replies furnished are pleasant or otherwise. I have endeavoured to deal with the cases as they have come before me. When the present Government assumed office, about 250 families had been refused Commission homes. All those cases have been investigated, with the result that many of the people concerned will be given an opportunity of qualifying for Housing Commission homes.

Colonel LEGGATT.—Are you referring to the work of the review Board?

Mr. HAYES.—A committee was set up when I attained office. It has investigated cases and is still doing so from time to time.

Sir THOMAS MALTBY.—The committee has reversed many previous decisions.

Mr. HAYES.—That may be so. I do not object to that, because the people are entitled to houses.

Sir THOMAS MALTBY.—That supports my case.

Mr. HAYES.—Despite the criticism that the Government has not spent money or has not provided sufficient finance, it is doing a reasonably good job. Probably £260,000 will be spent on slum reclamation this financial year, and that sum will be doubled next year. The problem of slum reclamation cannot be dealt with overnight; it can be overcome only gradually. It is all very well for the Opposition members to contend that when their party was in office there was a shortage of money, labour and materials. I assure members that those requirements are not as easy to obtain to-day as some people imagine.

Mr. BOLTE.—Is there a shortage of labour?

Mr. HAYES.—There is a great shortage of labour.

Colonel LEGGATT.—What about the cement that the Housing Commission sent to New South Wales?

Mr. HAYES.—The honorable member for Mornington is trying to draw a red herring across the path.

The SPEAKER (the Hon. P. K. Sutton).—Order! The Minister should return to a discussion of the motion before the Chair.

Sir HERBERT HYLAND (to Mr. Hayes).—Tell us something about the slums. In which part of Prahran is it proposed they shall be built?

Mr. HAYES.—In that regard I am dealing not with members of the Country party but with the Prahran City Council. I am certain that slum reclamation will make greater progress during the next financial year than it has up to the present. The sum of £850 that has been provided for every house demolished in Fitzroy will enable the Commission to furnish the people who occupied those houses with homes at reasonable rentals. It is not possible for many of those families, who have been paying rents of 10s. or 15s. a week, to find £3 a week for a Housing Commission home. As the Government must assist in some way, it is using the money to which I referred as a subsidy, so that people in Fitzroy and other places where houses are being demolished may obtain accommodation at a reasonable rent.

Colonel LEGGATT (Mornington).—The subject of slum reclamation has been brought forward in this House on many occasions, the last being the debate on the Budget in 1953. At that time, it was said that the Government should evolve some plan for slum reclamation and push on with the scheme. I am disappointed to find that there is really no plan for slum reclamation. The Minister of Housing is reported to have said that he was satisfied with the efforts of the Housing Commission towards slum reclamation. The honorable gentleman stated that a sum of £225,000 approximately had been spent on projects that had been started and were being continued and that consideration was being given to the question of assisting the Prahran City Council in its local scheme of slum abolition.

The Opposition desires to know what plans the Government has decided upon. I should have thought that the Minister of Housing would indicate what the
Government intended to do to reach the goal of slum abolition. It is common knowledge that, instead of decreasing, slums have increased by 23 per cent. over the last 25 years; that contention is not disputed. If slums continue to increase at that rate, we shall get nowhere. I have some constructive suggestions to offer as to how progress can be made; I do not claim that they are original, because they are included in a pamphlet "What is Wrong with Victoria's Housing Problem?" issued by the Brotherhood of St. Laurence.

My first suggestion is that the Housing Commission should be reorganized so that there will be a Department dealing entirely with slum reclamation. Secondly, welfare workers should be used to assist in explaining slum reclamation schemes to the persons affected. The third suggestion I make is that provision should be made in the Budget each year for the sum of £500,000 for the purpose of slum reclamation. Fourthly, one-sixth of the money received by Victoria under the Commonwealth and State Housing Agreement should be used for buildings in the slum areas. My fifth suggestion is that 40 per cent. of Housing Commission homes should be allotted to persons who now live in slum areas.

As to my first suggestion concerning reorganization of the Housing Commission, I believe there is no necessity to bring down a Bill for that purpose. The policy of the Government may be to effect reorganization by the passage of legislation, but it is within the power of the Minister of Housing to make changes in respect of the Commission in such a way that it will include a section which will deal entirely with slum reclamation. If it is desired that anything should be done towards slum reclamation under the present set-up, it is necessary to go through the centralized channels to the officer-in-charge. The basis of the scheme I advocate is the reorganization of the Housing Commission and the allotment to that instrumentality of sufficient staff to ensure the achievement of the objective of clearing this State of slums.

As was mentioned by the honorable member for Barwon, the clearance of slums was the primary purpose of the Housing Act which was passed in 1937. The building of houses was a secondary consideration. I concede that the Housing Commission has done a good job in providing houses, but its original objective of abolishing slums has been submerged entirely.

Mr. CAIN.—You believe that we should devote all of our efforts to slum clearance.

Colonel LEGGATT.—Not at all. Instead of having regard to the incidental part of the Act, attention should be focused on the basic purpose of it.

Mr. CAIN.—To which Act are you referring?

Colonel LEGGATT.—The Housing Act 1937. The next point I made was that the implementation of the policy of slum reclamation should be explained to the persons who will be affected; that should be done by welfare workers, who would either act in a voluntary capacity or be employees of the Commission. I am certain that if the persons concerned had the scheme explained to them properly they would understand that it was aimed at improving their conditions. There would then be no need for the "bulldozing" methods suggested by the Minister of Housing.

Mr. HAYES.—They were not suggested by me, but by Opposition members.

Colonel LEGGATT.—Not at all. I contend that "bulldozing" methods have been used by the Housing Commission to remove some persons from slum areas.

Mr. HAYES.—That is untrue.

Colonel LEGGATT.—I maintain that there would be no need to resort to those methods if the position were explained properly to the persons concerned. Several organizations are prepared to make available properly qualified social workers of the best type—if the Government does not desire to employ paid workers for that purpose.

Mr. CAIN.—It is not social workers, but buildings that are required.
Colonel LEGGATT.—The Premier refers to the provision of buildings. I claim that it should be possible for the Government to allot the sum of £500,000 from the Budget each year for that purpose.

Sir THOMAS MALTBY.—In 1938, the present Premier suggested that the money should be provided out of taxation.

Colonel LEGGATT.—My suggestion is that the sum of £500,000 should be provided to pay for compensation and incidentals associated with slum clearance. It is possible to obtain money in the form of loans under the Commonwealth and State Housing Agreement for the erection of houses, but it is impossible to obtain it on loan for the payment of compensation. That is the first difficulty. I am certain that many people who now live in the slums treasured the belief that when the present Government—which always claims to look after the interests of under-privileged members of the community—attained office, it would make progress towards the goal of slum abolition. I say that if provision were made in the Budget for £500,000 annually during the next 10 years and if the Housing Commission were reorganized on the lines I have suggested, it would be possible to spend the money effectively.

The next point I made was that there should be allocated for the building of houses in slum areas one-sixth of the total sum of money made available to Victoria under the Commonwealth and State Housing Agreement. If a sum of £500,000 annually were provided for in the Budget, it could be used for compensation and incidentals, and the one-sixth portion of the money derived from the Commonwealth and State Housing Agreement could be devoted to the building of houses. On the 5th February, 1953, the Minister of Housing announced the abolition of emergency housing camps and stated that 40 per cent. of Commission houses would be reserved each month for people living in slums. In December last, in answer to a question asked in the House, it was stated that only 20 per cent. of Commission houses were allotted to slum dwellers. The Minister stated that if a person applied unsuccessfully for a Commission house, the reason why his application was rejected would be supplied if a request were made for this information. I can understand that if the Commission was asked why Mr. Jones had not been allocated a house, it would be reluctant to state the reason, but I do not think the explanation should be withheld from the applicant.

I have been informed that instructions have been given that persons concerned should be advised, but apparently it is still the policy of the Commission not to state reasons for its refusal to allocate a house. Evidently a decision is made, perhaps after a discussion of the problem, but the person concerned is not notified why an application is refused. If the information were given, the applicant might be able to overcome his difficulty, but if he does not know the reason he has little chance of becoming eligible. I ask the Minister of Housing whether he has instructed the Commission to furnish to a person the reason why his application has not been granted.

Mr. HAYES.—As far as possible that is done. Common sense must be exercised.

Colonel LEGGATT.—I gather from the statement of the Minister that the Housing Commission has been instructed to supply the reason why an application has not been approved if the person concerned seeks the information. I hoped that the Government would have a concrete plan to deal with the problem of slums. The suggestions I have made are constructive; they are not original, since they have been put forward among other plans. They provide a simple basis to start getting rid of slums. I approach the question in the same spirit as did the honorable member for Barwon. This problem exists, we are not satisfied with the steps being taken to overcome it, and we desire that a remedy be found. I trust that all members will thoroughly study the pamphlet issued by the Brotherhood of St. Laurence. If they do so, they will probably gain a better
knowledge of how to tackle this social evil. In submitting my suggestions, I hope that something will be done immediately to resolve this difficulty.

Mr. PETTY (Toorak).—Slum abolition is a subject that has been aired frequently in the House, particularly in the last few years. It needs a good deal more airing, because it is one of the big human problems of the day. The honorable member for Barwon adopted the right attitude in asking members to consider the matter on an all-party basis. In stating my views, I intend as far as possible to disregard the political aspect. There are in the metropolitan area more than 7,500 slum or sub-standard houses accommodating more than 35,000 persons. Those of us who realize what slums really are know that it is heartrending to go into some streets and see old homes which have become dilapidated, but in which men, women and children must continue to live.

In the electorate I represent there are a number of old houses, and I am fully aware of the problem. The municipality of Prahran has not some of the more acute difficulties experienced in other parts of the metropolitan area, but there are pockets of slums or of sub-standard dwellings in that district, and responsible citizens are extremely worried about them. The Prahran City Council has attempted to take action in the matter, and I thank the Minister of Housing, the former Minister, and the Commission for the sympathetic consideration they have accorded proposals submitted by that council for slum reclamation. The council is engaged in making investigations to decide which area of slums shall be tackled first, how the work should be undertaken, and what progress can be made over a period of years. Those questions are not easy to determine, but the problem must not be neglected; it is growing more severe daily and it should not be allowed to slide merely because it cannot be resolved in a simple fashion.

Slum houses should be demolished, but there are sub-standard houses having a further life of five, ten or fifteen years. Until the matter is faced realistically, the number of condemned houses will be maintained at the present level. In my view, one important aspect of slum reclamation is being dodged, and I commend the subject to the Minister as one in which he should take action immediately, even before the job of demolition and replacement. I refer to slum prevention. More than 4,000 houses have been condemned, and orders have been issued for the repair of many others. Landlords can be legally forced to repair houses, or the Housing Commission can have the work carried out at the expense of the owners.

The Minister of Housing referred to the difficulty of finding accommodation for the people affected if the Commission did, as he said, "bulldoze the whole lot." We do not ask for that to be done. If the honorable gentleman would immediately take action to have repaired houses that have another ten or fifteen years' life in them, he would arrest the growth of slums. It would be checked temporarily at least, giving the Minister and the Commission a breathing space in which to proceed to eliminate slums already in existence. It is important to stop the drift, otherwise as one condemned house is removed, another will take its place. That can be obviated to some extent by the Government using the power it possesses to enforce the repair of buildings that are worth repairing, making them habitable for a period of ten or fifteen years.

Action along the lines I have suggested would materially assist towards solving the problem of eliminating slums. In 1937 the Housing Commission was given the task of slum reclamation. Soon after there was a war period as the result of which there were shortages of materials and labour. Consequently, only in the last few years has it been possible to tackle seriously the problem of slum clearance. Surely the Government is aware that it will win public approval by doing something about slums. Conversely, if the Government does not tackle the problem it will lose the confidence of the public. Moreover, the clearance of slum pockets throughout the metropolitan area will be delayed...
for many years. The Minister of Housing mentioned difficulties in acquiring properties in order to clear land on which to build new dwellings for former occupants of slums. I think those difficulties can be overcome. In Prahran it is proposed to start off with a small area on which, say, six or eight flats or houses can be built. People from slum houses can be moved into those dwellings; others can go into Housing Commission homes. Thus gradually slum pockets can be cleared. It is not necessary to bulldoze whole districts and erect many blocks of flats at once.

Mr. Hayes.—The Commission is gradually removing slum pockets.

Mr. Petty.—I know that is one of the proposals of the Minister and the Housing Commission; I say to the Government, "You have the green light to go ahead and do this job. Everyone in the community will support your action." I submit another suggestion to the Minister of Housing concerning owner-occupied dwellings. There are in slum areas many old houses which are in poor condition but have not quite reached the stage of being condemned. The owners receive full old-age pensions, but if they sell their houses, the few hundred pounds they will then have in the bank will debar them from the full pension, which they need for their maintenance. If they own a house, an old couple are entitled to remain there for the rest of their lives, provided that they do not wish to sell. I propose that the Government should provide the owners of such houses with a Housing Commission home rent free for life. If the old house is worth £800 or £1,000, the owner could be credited with that amount but not actually paid. Surely if such houses are holding up a large scheme it is feasible for the Government to take over the properties, providing the occupiers with alternative accommodation rent free. On the death of an owner his estate would receive from the Government payment of the amount credited to him at the time of the transfer. Thus land on which such old homes stood could be used for purposes of the Housing Commission. The suggested arrangement is not impossible. It has been well considered and, on information given to me, it would be quite workable.

Another suggestion I wish to make has already been discussed at Prahran with the Minister of Housing, who appreciates our local position and our desire to prevent the district from becoming more blighted with slums than it is already. Slum reclamation is a task for the whole community, which should pay for it. Unless something drastic is done, blighted areas will gradually spread until they reach the better class of homes, the value of which will decrease. Municipal councils and other bodies should consider the question of imposing on ratepayers a special rate for slum reclamation.

Mr. Shepherd.—A betterment tax?

Mr. Petty.—Yes, or whatever one likes to call it. At present, that proposal is being considered by the Prahran City Council, with the object of financing work which the Housing Commission will carry out on behalf of the municipality. A sum of £9,000 or £10,000 a year could be raised by such means and be used to acquire land or old houses for demolition. It should be impressed on property owners that such a levy will pay the community in the long run by increasing the value of properties. Over the years the municipalities concerned will recoup their financial outlay.

In conclusion, I ask the Minister of Housing to give earnest consideration to the question of establishing within the Housing Commission a special section to deal with slum reclamation, particularly along the lines outlined in the pamphlet issued by the Brotherhood of St. Laurence, which stresses the importance of welfare workers outlining the Government's proposals to the people. In that way any possible opposition to the proposed acquisition of properties for slum reclamation will be countered.

The sitting was suspended at 6 p.m. until 7.19 p.m.
Mr. CAIN (Premier and Treasurer).—During the time that I have been a member of this Assembly, I have read many motions moved for the purpose of the House discussing matters of public importance, but never has such a motion been worded as was the present one before it was interfered with by you, Mr. Speaker.

The SPEAKER (the Hon. P. K. Sutton).—Order! That remark must be withdrawn, without reservation.

Mr. CAIN.—I withdraw the remark, without reservation. The honorable member for Barwon told the House that he had not intended to move the motion in the form in which he did until you gave your ruling, Sir.

Mr. BOLTE.—We had to comply with the forms of the House.

Mr. CAIN.—The forms of the House provide for the inclusion of the words "failure of the Government to provide adequate funds" and so on. A motion of this type is for the purpose about which you, Mr. Speaker, rightly advised the Opposition; it must be critical of the Government's administration. The Opposition discussed the question, but it was so ashamed of its record in this regard that it was not game to criticize the Government. In fact, the honorable member for Barwon said that he did not intend to become critical of the Government, and he pointed out that he was willing to take his share of responsibility for the present state of affairs. He desired to discuss the question of slum abolition. The premises of the honorable member were wrong, because he did not recall what he had said on this subject in years gone by. I propose to cover the situation more fully than he did. In 1937, Parliament passed the Housing Act. The Opposition forgot to tell the House to-day that in 1943—the present honorable member for Glen Iris was a member of the then Government led by the late Sir Albert Dunstan—a Bill was introduced to amend the 1937 Act. It was for the specific purpose of discouraging the Housing Commission from proceeding with its slum-clearance programme. When Sir Albert Dunstan was explaining the Bill, he said—

If left to the post-war period, I fear that the problem will be too big to be effectively and expeditiously dealt with. That is why I wish to have the more urgent phases of the housing shortage, which are now causing so much hardship and economic loss, taken in hand as speedily as possible.

Dealing with the housing shortage, I desire to point out that at no period in the history of Victoria has the shortage of houses throughout the State been so acute as it is now. There is an urgent demand—almost a clamour—for adequate housing conditions for the people. This has assumed greater proportions since Service personnel began to return from active service overseas.

Reliable estimates of the housing position in Victoria have placed the present shortage at not less than 60,000.

That was the position in 1943, and since then the Government has not built houses to take up even half of that shortage.

Sir THOMAS MALTBY.—What about private enterprise?

Mr. CAIN.—The interjection reminds me that the honorable member for Barwon spoke during the debate to which I have referred, and he then made a better speech than the one he delivered to-night, because in 1943 he believed what he was saying. In the course of his speech, he said—

Private enterprise is not keen now to provide workers' homes because of the unattractive nature of the investment. When the shortage becomes acute, the responsibility will fall on the Government to provide houses for the workers. This measure is evidence of the fulfilment of that forecast made ten years ago.

I agree with those comments. In 1943, the honorable member was a supporter of the Government. Over the years, he has always been on the fringe. It is true that he was a member of the Government of the day, but he was not a member of the Government in 1943, and at that time he spoke as he felt. It is true that he was a member of the Macfarlan "caretaker" Ministry. Since 1931 or 1932, private enterprise has not built houses for letting purposes in this State. Private enterprise has built only
blocks of flats or other large buildings in the metropolis. So far as country areas are concerned, private enterprise has not built houses to rent. Co-operative housing societies have built many homes for members.

Colonel Leggatt.—How many houses has private enterprise built?

Mr. Cain.—What the honorable member does not know about this subject would fill a large volume. Private enterprise has not built sufficient homes to make up the leeway between the 26,000 houses built by the State and the known shortage of 60,000 dwellings in 1943. That was not an under-estimate. Of the 26,000 houses erected under the Government’s supervision, 10,000 have been built outside the metropolitan area. Judging from the statement of the Minister of Housing in connexion with land recently acquired by the Housing Commission, it is clear that our Government intends to build houses in country districts, in small as well as in large towns. Land is being purchased and homes will be built in country districts with the view of encouraging workers to live in the country. For this financial year, 51 per cent. of the 3,000 dwellings that the Commission will build will be located outside the metropolitan area.

Sir Thomas Maltby.—In places where there are no slums.

Mr. Cain.—Many places in Geelong West are sub-standard.

Sir Thomas Maltby.—Only six of those places have been condemned.

Mr. Cain.—Speaking of the Housing Commission, the honorable member for Barwon also said in 1943—

First, it has to see that the country receives its share of attention, because its need is as great as the city’s, and above all, the Commission must not let the barracks type of regimented house predominate. In 1943, the Dunstan Government realized the acuteness of the housing shortage, and it has remained acute ever since. I do not condemn the Opposition for not tackling the question of slum clearance when it was in office. The last Government placed £500,000 on the Estimates for the purpose of slum reclamation, but it did not intend to spend the money. Our Government is spending it. The housing problem is so difficult that the previous Government was ashamed to tackle it in the way it should have been tackled.

Sir Thomas Maltby.—How are you tackling it?

Mr. Cain.—I advise the honorable member not to get excited. He was not in the Ministry of 1943, but he was in a subsequent Ministry—that of the honorable member for Glen Iris—and as a Minister he made more statements than any other member of a Ministry before or since. He has great qualifications for making statements, but he has no capacity to formulate a plan on anything known or unknown. I challenge Opposition members to suggest that we should cease building houses in country districts.

Sir Thomas Maltby.—No one does suggest that.

Mr. Cain.—Of a sum of £12,000,000 there has been a proposal to spend £6,000,000 in the country. We have to take out of the remaining £6,000,000 for the metropolitan area sufficient to tackle the problem of abolishing the slums, and we are doing that. I am not enamoured of the barracks type of buildings such as those that are to be seen in Europe. I do not want to see buildings of ten and twelve stories here to house people taken out of slum areas. Buildings of that type will never attract family people. If we believe in the principle of home ownership—this Government does and I shall deal with that aspect in due course—we must agree that the only place in which to bring about home ownership is in the individual house. It cannot be brought about in the barracks type of structure. When we look at this great metropolitan area and note the rings of houses, beginning at Werribee on the west and going across to Chelsea and Dandenong on the other side, we see the nucleus of real home ownership. As for the situation in Geelong, more houses have been built there by the Housing Commission than in any other centre outside the metropolitan area.
Sir Thomas Maltby.—How many of them have been sold to home owners?

Mr. Cain.—Not many. Geelong has been well attended to by the Commission, which has provided accommodation for thousands of people, and is continuing to do so.

The Speaker (the Hon. P. K. Sutton).—The time available to the Premier has expired. I now understand that it has been moved that the Standing Orders be suspended so far as to permit the honorable gentleman to continue for a further ten minutes.

Mr. Ryall (Kew).—With respect, Mr. Speaker, I object.

The Speaker.—Does the Deputy Leader of the Opposition object to an extension of ten minutes?

Mr. Ryall.—We object to the Premier taking up the whole of the remaining time available.

The Speaker.—Does the honorable member object to an extension at all?

Mr. Ryall.—No, not of five minutes.

The Speaker.—Then the position is that by the suspension of the Standing Order the Premier is permitted to continue his speech for a further five minutes.

Mr. Cain (Premier and Treasurer).—I thank you, Mr. Speaker.

Sir Thomas Maltby.—Will you spend five minutes discussing slums?

Mr. Cain.—I was dealing with the situation at Geelong where, I make bold to say, the Housing Commission has made a magnificent contribution towards overcoming the housing shortage. It has done the same thing at Ballarat, Bendigo, and other provincial centres, in the interests of the people. The Minister of Housing is an honest, conscientious, hard-working man, who wants to do all that is humanly possible to improve the situation. Since he came into office he has brought about the abolition of four slum centres—two at the showgrounds, one in the parklands, and one at Port Melbourne. The Minister brought about the abolition of these undesirable features and said, "I am going to concentrate on the completion of that job, including the camp at Heidelberg." Many of the people who have been living in these undesirable centres have been allotted Housing Commission dwellings and are now living under much better conditions. The Minister is now trying to cope with slum conditions in Fitzroy, Prahran, Collingwood, and other parts of the metropolitan area. He has suggested a three-story type of building which are under construction. For the first time in our history, we have made a contribution of about £800 per house towards the erection of multiple buildings in Prahran, Fitzroy, and elsewhere. In certain parts of Prahran, I understand, the municipal authorities are prepared to make a contribution to overcome the problem.

It would be much more expensive to build 10,000 homes in blocks of flats than to build 10,000 individual houses. We have heard something from the honorable member for Toorak about buying a house from an old-age pensioner but the point has been added—"Don't pay him for it; keep the money and give it to his estate." If that is done what attitude will be adopted by the Commonwealth Department administering the old-age pension legislation? Once such a house has been sold it will have to be paid for, and the pension of the person concerned is immediately affected. We do not want to pull down every house in a particular area. We believe there are a number of well-built, old brick homes that can still be used to accommodate the people who now live in them. We are not going to tear out whole blocks of dwellings but will work progressively, leaving some old houses which can be repaired and reconditioned. That will permit the people now living in them to continue there. Those people much prefer to live in their own homes; they do not wish to go into a flat, which may be on the second or third floor of a building.

In conclusion, this motion of supposed want of confidence in the Government has flopped because this Government is the only Government in the last ten
years that has made any attempt to deal with the question of slums. It will continue its efforts and will make further progress as money and time permit, to the complete satisfaction, I think, of the whole State.

Mr. BLOOMFIELD (Malvern).—The concluding stage of the debate has been disappointing, because the discussion began with an earnest effort by the honorable member for Barwon to conduct it on a constructive basis so that the House, sitting as a deliberative body, might consider what could be done to remove what has by common consent become a blot and a stain on the record of this State regarding slum abolition. The Premier's contribution to the debate—consisting largely of quotations from Hansard, and recriminations against previous Ministries—made, in my submission, small contribution to the solution of the problem. This is a matter that will not be decided by going back to the year 1943 and stating what the Dunstan Government did or did not do.

Mr. CAIN.—The honorable member for Barwon went back as far as 1937.

Mr. BLOOMFIELD.—Still less will the problem of slum abolition be decided by going back to 1937 or 1927. I reiterate that this Assembly is a deliberative body, the members of which are elected and paid to endeavour to do the best for this State, but the interests of the people will not be served by recriminations or by comparisons between the achievements of the present Government and past Governments. The point of the motion is whether the activities of the Housing Commission are being directed primarily to the construction of new houses, or, with at least equal emphasis, to the abolition of slums which, by universal consent, are a disgrace to the State.

Mr. CAIN.—The activities of the Housing Commission are being directed both to housing and to slum abolition.

Mr. BLOOMFIELD.—There was one matter raised by the Premier which I consider requires some response; it was in relation to the contribution of private enterprise towards a solution of the housing problem. Let me say, first, that while landlords are given the sort of deal they are receiving under existing legislation, there will be a very strong disinclination on their part to build houses for rental. It would appear that the difficulty which the Minister of Housing is experiencing in handling this problem is his reluctance—and I think it is a humanitarian reluctance—to compel occupants of houses to leave the slums in which they are dwelling. He has made statements to that effect in this House, also to the press, and in other public places.

May I offer the thought that no progress will be made unless the nettle is grasped firmly? There should not be a mistaken kindliness and humanitarian attitude in place of firmness in fixing dates for the completion of work in various slum areas; the provision of alternative accommodation is the only solution of the problem. I notice that the Minister of Housing is shaking his head, apparently in disagreement with the view I am expressing. Doubtless, he is thinking of the Jones family and the difficulty he is having in persuading them to move from their present substandard accommodation, and how easy it is for the honorable member for Malvern to speak. But the fact is that the course I am suggesting will have to be taken.

Mr. GRAY.—But not in Malvern.

Mr. BLOOMFIELD.—That is so. Fortunately, the problem in Malvern is a small one, yet I do not regard that as a reproach to that suburb but as a matter for congratulation. The Minister has disclosed the attitude to which I have referred, and I earnestly suggest that as the outcome of this debate he will take notice of the recommendations and assistance proffered by members on this (the Opposition) side of the House. I should like to cast this thought into the Assembly—that the problem will have to be faced but that it will not be solved by taking the line of least resistance or by adopting any misplaced policy of humanitarianism.

The SPEAKER (the Hon. P. K. Sutton).—Order! The time provided under the Standing Order for this debate has now expired.
The House divided on the motion for the adjournment of the House (the Hon. P. K. Sutton in the chair)—

Ayes 17
Noes 29

Majority against the motion 12

AYES.
Mr. Bloomfield
Mr. Bolte
Mr. Brose
Mr. Buckingham
Mr. Cochrane
Mr. Cook
Mr. Dodgshun
Sir Herbert Hyland
Colonel Leggatt
Sir Thomas Maltby
Mr. McDonald
Mr. Mibus
Mr. Petty
Mr. Rylah
Mr. Turnbull

Tellers:
Mr. Stirling
Mr. Whately.

NOES.
Mr. Barry
Mr. Bourke
Mr. Cain
Mr. Coates
Mr. Connell
Mr. Corrigan
Mr. D'Arcy
Mr. Doube
Mr. Dunn
Mr. Fewster
Mr. Galvin
Mr. Gladman
Mr. Hayes
Mr. Holland
Mr. Lind
Mr. Merrifield
Mr. Murphy
Mr. Mutton
Mr. O'Carroll
Mr. Pettiona
Mr. Scully
Mr. Sheehan
Mr. Shepherd
Mr. Smith
Mr. Stoddart
Mr. Stoneham
Mr. White

Tellers:
Mr. Lucy
Mr. McClure.

PAIRS.
Colonel Dennett
Mr. Don
Mr. Guye
Sir George Knox
Sir Albert Lind
Mr. Mitchell
Mr. Moss
Mr. White
Mr. Morrissey
Mr. Randles
Mr. Holt
Mr. Lemmon
Mr. Ruthven
Mr. Towers
Mr. Gray
Mr. Morton.

COMMITTEES OF SUPPLY AND WAYS AND MEANS.

Mr. CAIN (Premier and Treasurer) moved the following motions, which were agreed to:

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

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

ESTIMATES.

Mr. CAIN (Premier and Treasurer) presented a message from His Excellency the Governor transmitting an Estimate of Expenditure for the months of July, August and September in the year 1954-55, and recommending an appropriation from the Consolidated Revenue accordingly.

LOCAL GOVERNMENT (CITY OF SUNSHINE) BILL.

The debate (adjourned from April 6) on the motion of Mr. Merrifield (Minister of Public Works) for the second reading of this Bill was resumed.

Mr. BOLTE (Leader of the Opposition).—The Opposition offers no objection to the passage of this measure. I wish to point out, however, that the wording of the Bill conveys no idea of its purpose. The Minister of Public Works is in charge of the measure, which apparently deals with local government, but, in effect, it proposes that betting on dog racing shall continue in the City of Sunshine for a further period of six months. The Opposition has no objection to the extension at this stage, because it is understood that the Chief Secretary will introduce a Bill to deal with the whole scope of dog racing in Victoria.

Mr. GALVIN.—We do not propose to introduce anything controversial!

Mr. BOLTE.—I believe that such a measure might prove controversial, because at that time the whole question will be aired. This subject has been commented upon in the Sporting Globe during the last few months, and the Chief Secretary and the Premier have not been called very nice names. It has been stated that the honorable gentlemen have been dodging the issue for years, although I do not know how that could be so as they have been in office for only eighteen months.

Mr. GALVIN.—Will you support the Bill?

Mr. BOLTE.—We will make up our minds on that question when we see the measure. In view of the fact that the
whole subject will be aired when the proposed Bill is dealt with and honorable members will be given an opportunity to say whether they believe in proprietary or non-proprietary dog racing, tin hare racing or live coursing, betting on dog racing and so on, the Opposition gives this measure its blessing.

The motion was agreed to.

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

STATE SAVINGS BANK (DEPOSITS) BILL.

The debate (adjourned from April 6) on the motion of Mr. Cain (Premier and Treasurer) for the second reading of this Bill was resumed.

Mr. McDonald (Shepparton).—The purpose of the Bill is to increase from £1,000 to £1,500 the maximum deposit upon which interest may be paid by the State Savings Bank. The Opposition does not oppose the measure in any way because it believes that its passage will benefit the community. At one stage, Opposition members thought that it might be wise to increase the maximum sum to £2,000, but I do not intend to proceed further in that regard, and I hope that the Government does not propose to do so either.

The motion was agreed to.

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

POLICE OFFENCES (OBSCENE PUBLICATIONS) BILL.

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

Clause 2 was postponed.

Clause 3 (Exemption of works of recognized artistic merit).

Mr. Bloomfield (Malvern).—I advise honorable members to vote against this clause, and if it is negatived I shall then propose the following new clause to follow clause 2:—

A. For section 184 of the principal Act as amended by any Act there shall be substituted the following section:—

"184. The provisions of this Part shall not apply to the printing publishing delivery distribution posting keeping or possession of any work of recognized literary or artistic merit or of any bona fide medical political or scientific book pamphlet magazine or periodical in any case where the court is satisfied that in all the circumstances, including the persons classes of persons and age groups into whose hands it is intended or likely to come, the printing publishing delivery distribution posting keeping or possession is justified by the literary or artistic merit of the work or (as the case may be) the medical political or scientific character of the book pamphlet magazine or periodical; and in any prosecution for an offence against this Part the burden of proof that he is excused by reason of this section shall be on the defendant."

It is necessary first to consider the relevant provisions in the Police Offences Act. Section 184 excludes completely from the purview of Part V., which relates to obscene and indecent publications, any work that is of recognized literary merit or any work that is a bona fide medical, political or pharmaceutical book, pamphlet, magazine, or periodical. Consequently, there may be books dealing with sexual matters; there may be accepted literary works; there may be all manner of publications justified for pharmaceutical or medical reasons; and as soon as that fact is established they are exempt from the operation of Part V.

The decisions of the courts on these matters at common law are replete with reported cases concerning persons who have published works relating to medical questions of a sexual nature and who have been prosecuted. The courts have uniformly stated, in effect, "This book is all very well. It may be a sincere effort to deal with a question of medical and scientific interest, but the trouble is that you have published it by standing on the street corner and selling it for sixpence; you are making it available to all and sundry; and it comes into the hands of persons who will be harmed by its publication."

On the other hand, the position under the Police Offences Act as it is now framed is that it matters not how a publication is distributed, but once it is established that it is a genuine artistic, literary, or medical work, the accused person is outside the ambit of the Act altogether, and there
is no possibility of convicting him. Honorable members will agree that that is an undesirable state of affairs. A number of works on sexual matters or literary works that deal, not perhaps in great detail, with questions of an erotic nature should not be open to purchase by all sorts of persons and sold on the street corners as general literature. They may have their proper places in libraries, collections, or learned gatherings, but I contend that it is improper for them to be sold indiscriminately.

The Judges have had to work this matter out for themselves, and they have concluded that one of the elements always to be considered is the nature of the publication or distribution of works which may be held to be obscene. If members give this matter fair and earnest consideration I feel sure that they will agree. Section 184 of the Police Offences Act, as it is at present, opens far too wide an area of exemption from the purview of the Act. It should be replaced by a provision that bona fide medical, scientific, literary and artistic works shall not be the subject of prosecution, provided that their publication and their distribution are justified. I commend the foreshadowed new clause to the Committee as a remedy for a defect in the Bill. I repeat that I am not raising a bogey. The law reports are full of cases of people who have published and widely distributed medical works and who have been held by Judges in their wisdom to be guilty of the misdemeanour of publishing an obscene libel. The new clause I have read is designed to prevent such persons from escaping the penalty for a serious offence against the community in proceedings before magistrates.

Colonel DENNETT.—Why put the onus of proof on the defence?

Mr. BLOOMFIELD.—I would be happy if that were removed. Those words were inserted by the Parliamentary Draftsman.

Colonel DENNETT.—Is there any special reason?

Mr. BLOOMFIELD.—Perhaps the idea was to interfere as little as possible with the existing section.
at any price, as long as it is recognized as being of literary or artistic merit or scientific interest.

Mr. Shepherd.—How does the price affect the position?

Colonel Leggatt.—I think it gives the literature more appeal to people who are not of a scientific mind. The works of Havelock Ellis are known to members and to the public generally, particularly persons interested in psychology or the relationships existing between husbands and wives. If those works were brought before a stipendiary magistrate, they would be regarded as possessing literary merit. If they were published in cheap editions with the intention of their falling into the hands even of children, or if they were produced in strip form—I understand that the Kinsey report is available in strip form—they would be read by many people who would not appreciate their true merit.

The suggested new clause will not destroy the defence of artistic, scientific or literary merit, so long as any works of that description are designed to reach the persons to whom they should appeal. The decision will rest with the court, and if it can be shown that a certain work is designed to appeal to the baser instincts of young people, I am certain that all members will agree that publications of that type should be proscribed. I repeat that in the proposal of the honorable member for Malvern is a safeguard of literary, artistic and scientific standards. The publication, the distribution and the way in which such works are sold will indicate whether they are intended to be read indiscriminately, and in that event, the interests of our young people should be safeguarded.

Mr. Petty (Toorak).—The addition of the words "or artistic" to section 184 of the principal Act will raise a problem. It is as difficult to reach agreement as to whether a photograph or an illustration is artistic as it is to decide whether written matter is or is not obscene. There are as many differing opinions on the question as to whether matter is artistic as there are schools of artists, and the inclusion of the word "artistic" will add to the present problems. It is dangerous to allow medical books in pamphlet form to be included under these piecemeal exemptions. There is a feeling among the writers of the trash to which members object and it is summarized on the cover of a magazine I saw yesterday, in these words—

"So Sex is Here to Stay, So What?"

Those words imply that sex is here to stay, that we all know about it and therefore one can deal with it as broadly as one likes, because it is a subject for discussion in many places. That outlook has caused sex and sex perversions to be written about in most objectionable ways. When these questions are dealt with on a semi-medical basis and are issued in pamphlet form, the publications get into the hands of filthy-minded people of all ages. I urge the Chief Secretary to accept the proposal of the honorable member for Malvern.

Mr. Galvin (Chief Secretary).—I had not seen until this evening the suggested new clause in its present form and have not had much opportunity to examine it. Before I proceed to discuss it I shall direct attention to section 184 of the principal Act, which reads—

Nothing in this Part shall relate to any work of recognized literary merit or to the printing or publishing or delivery or distribution or the posting or the causing to be posted for transmission by post or to the having in possession for the purpose of distribution or for transmission by post for any lawful purpose of any bona fide medical political or pharmaceutical book pamphlet magazine or periodical; but in any prosecution for an offence under this Part the burden of proof that he is excused by reason of this section shall be on the defendant.

There is a footnote to that section which places emphasis on the expression "work of recognized literary merit." Some people, in examining the section, overlook that word "recognized," and I do not think it is included in the South Australian Act. It has some bearing on this Bill, however, and also on the Opposition's proposal. If the prosecution is launched in certain circumstances the accused person may claim that he has not committed an offence because the
production in question is a work of recognized literary merit. There must be someone who will be an accepted authority as to that.

Colonel LEGGATT.—There is no such provision in this Bill.

Mr. GALVIN.—That is so, but in the event of a prosecution the defendant might bring along someone claimed to be an authority to say that a book written by someone else—say, by Freud, Havelock Ellis or Boccaccio—is quite a good book of "recognized literary merit." It all depends where such a book is sold. If it is put up in a sixpenny edition and is offered to children at a Sunday school picnic, it becomes an obscene publication.

Mr. BLOOMFIELD.—Not under the Act.

Mr. GALVIN.—The magistrates would use their discretion in such cases, and I have more confidence in them and in those associated with the law generally than in the honorable member or any other of his colleagues on the Opposition side. It is quite fit and proper that the question at issue should be decided in accordance with section 184.

Colonel LEGGATT.—Would you say that a work by Boccaccio is a work of literary merit?

Mr. GALVIN.—I have heard it said that it is, but I do not know about that personally; I have never bothered to read any of his books. If we go into the Institute of Anatomy at Canberra—as we can without charge—we can see everything there is in relation to sex. Would anyone say that nobody should be allowed there because no payment has to be made for entering the building? It is a place one can visit free of cost, but I do not think members of the Opposition will say that that is a reason why the public should be excluded from it.

Colonel LEGGATT.—I do not think children would be attracted to go there.

Mr. GALVIN.—They would not be attracted by the books of writers such as have been mentioned this evening. What members of the Opposition are trying to do now is to throw a smoke-screen around the whole Bill. From the inception of this measure the emphasis has been placed by its critics not so much on works of literary, pharmaceutical, or medical merit, as on the question of the distribution of what have been called "sex comics" and so forth for young people.

I do not believe there are any difficulties in the section now under consideration. Even the honorable member who is sponsoring the new clause has shifted his ground in a week, for his proposal is different from that made by the Deputy Leader of the Opposition last week. The Opposition has changed its ground, and I cannot be expected in the short time that has been available to me to have examined the whole matter thoroughly. However, before the Bill is introduced in another place, I will examine the whole position with my advisers and those who will be dealing with these matters when they come before the courts and, if the Government considers that the suggested provision will do what the Opposition claims for it, it can be inserted in Committee in another place.

Mr. RYLAH (Kew).—I had been prepared to get up and launch a vitriolic attack on the Chief Secretary because of his approach to the case submitted by the honorable member for Malvern and the comments the honorable gentleman made concerning the attitude of the Opposition. As the Minister proceeded, however, he appeared to change his tone, and he ended on a basis that was reasonable. I think the Minister is approaching the Bill from the point of view of ensuring maximum efficiency in its operation, and that is our desire also. In view of the suggestion that members of the Opposition are throwing a smoke-screen around the Bill, and seeing that the Minister entertains doubt regarding the correct form that the Opposition's proposal should take, it is necessary that I should explain what has happened. In the course of the second-reading debate last week the Opposition foreshadowed four amendments on four separate and distinct matters. One of the amendments related to clause 2, consideration of which has been postponed, and another to clause 3. Other proposed amendments were to be
submitted to clauses 7 and 8. Concerning the proposed amendment to clause 3, I indicated in my second-reading speech that there appeared to be some merit in section 33 of the South Australian Act and that it was the intention of the Opposition to move an amendment along the general lines of that provision. In order to assist the Chief Secretary, I conferred with the Parliamentary Draftsman and with the honorable members for Malvern and Toorak. At our suggestion, the Parliamentary Draftsman produced four separate amendments along the lines which we indicated to him. On the proposed new provision now under consideration we had second thoughts.

When I gave the Chief Secretary a copy of that provision last Wednesday, I told him that I was prepared to accept the decision of his senior law adviser as to whether it would facilitate efficient prosecutions. The Chief Secretary informed me of the decision he had reached after consulting the legal adviser, and I said that in those circumstances we would accept the view expressed. The honorable member for Malvern subsequently felt that he would like to discuss the matter further with the Parliamentary Draftsman and he did so this afternoon. Later, he decided to submit the proposition now before the Committee. The Opposition is not engaging in any smoke screen or trying to take away any credit which the Government might deserve for bringing down this Bill, nor is it attempting to be political.

The honorable member for Malvern has explained that members of the Opposition consider there is merit in his proposal, and we accept the assurance of the Chief Secretary that the matter will be fully considered before the Bill is transmitted to the other House. I agree with him that in a complicated matter of this sort he could not be expected, within the short time he has had to consider it, to give a firm view of a proposed new section 184 in the form submitted.

The Chief Secretary pointed out that the exemption provided for in section 184 of the principal Act relating to works of a literary and scientific nature is being extended by the Bill to include artistic publications. At the same time he emphasized that the publications must be recognized literary or artistic works. The word "recognized" provides some protection. The Chief Secretary drew my attention to the footnote which makes it clear that the first publication of a book would probably not escape under this provision, because it would not be a recognized literary work. However, that is not our problem.

Our real fear is that some publications of the type that have been handed around in this House, such as those of Havelock Ellis and Boccaccio, may very well be put into pamphlet form, with possibly a lurid cover, which would make them attractive to a class of persons which now ignores them. If that were done, considerable harm could be caused to many people. I think it will be agreed that in those circumstances section 184 of the Police Offences Act would be no protection, because nobody would argue that those publications are not works of recognized literary merit. Boccaccio is a perfect example of such a work, which in its present form does no harm. However, if it were produced in pamphlet form with a lurid cover and sold at a low price, the result could be entirely different.

Mr. GALVIN.—Do you think it does any good now?

Mr. RYLAH.—I do not. It is the sort of thing I could not be bothered reading, but some people believe that Boccaccio should be read, that his writings could be enjoyed and that they are such as would uplift readers.

Colonel DENNETT.—There are illustrated editions of Boccaccio.

Mr. RYLAH.—Yes, and they are horrible. I think the honorable member for Caulfield will agree that if the illustrated editions were produced in a cheap form and were readily available on the bookstalls, they could result in much harm. I ask the Chief Secretary to discuss that aspect with his legal advisers, with a view to determining
whether section 184 would be any protection in the circumstances I have outlined. On behalf of the Opposition I accept the Chief Secretary's assurance that the matter will be further considered before the Bill is transmitted to the Council.

Mr. BLOOMFIELD (Malvern).—May I repel with indignation the charge that I have changed my mind on the point under discussion. The fact is that there was a discussion between the Deputy Leader of the Opposition, the honorable member for Toorak, the Parliamentary Draftsman and myself. The Parliamentary Draftsman produced an amendment which I felt did not represent my thoughts. Last week I tried to make clear—and the Chief Secretary agreed that my view was correct—that in these matters the method of publication and distribution is perhaps, of more importance than the nature of the alleged obscenity of the article or object. The Chief Secretary agreed with that point when he referred to the Sunday school picnic. I urge the Government to bear that point in mind throughout its consideration of the proposed legislation.

There is only one other matter to which I desire to refer, and that is the Chief Secretary's reference to works of recognized literary merit as excluding works which are published for the first time. I wish to inform the Chief Secretary that his point was based on an expression of opinion by one Judge of the Supreme Court in a case in which that opinion was not necessary to the decision.

Colonel LEGGATT.—It was merely an obiter dictum.

Mr. BLOOMFIELD.—As I said, it was an expression of opinion in a judgment where that opinion was not essential to the decision. It was of very limited authority and it was in conflict with what was said by Mr. Justice Fullagar in Close's case in 1948. It is, I submit, not altogether satisfactory as a matter of logic, for, as Mr. Justice Fullagar pointed out, it can make very little difference whether a work is 300 years old or six months old; there should be some exemption for recognized literary merit, irrespective of whether the author has been dead 300 years or is still alive. I commend that observation to the Government for further consideration, as it appears to me to be rather an illogical exemption and one which may well operate to the detriment of Australian literature. It might be said that the works of Boccaccio, who has been dead for 300 years, are of recognized literary merit and that is the end of it, whereas an earnest work by a living author cannot be recognized. The question of recognized merit affords no comfort to the Government, to Parliament, to the public or to anybody else because of its doubtful validity, and, if it is valid, its doubtful value.

Colonel LEGGATT (Mornington).—I agree that the conciliatory words of the Chief Secretary make a difference to the attitude of the Opposition. It is true that the proposal of the honorable member for Malvern was sprung on the honorable gentleman at the last moment and he had no opportunity of studying it. He has, however, agreed that he will refer it to his advisers to ascertain if it has the merit suggested by the Opposition. In my opinion, it is not in the interests of debate to suggest that members of the Opposition have no sense, and we resent such remarks. I reiterate that it is necessary to have some safeguard from the absolute blanket of exception which is made to artistic and literary works. The Opposition requests the Chief Secretary to ask his advisers to consider our suggestion carefully before the Bill is debated in the other place. In view of the undertaking given by the honorable gentleman, we accept the position.

The clause was agreed to.

Postponed clause 2—

For paragraph (b) of the interpretation of "Obscene" in section one hundred and sixty-nine of the principal Act as amended by any Act there shall be substituted the following paragraph:

"(b) unduly emphasizing matters of sex, crimes of violence, gross cruelty or horror;"
Mr. RYLAH (Kew).—I move—

That the following new sub-clause be added:—

( ) At the end of section one hundred and sixty-nine of the principal Act as amended by any Act there shall be inserted the following sub-section:—

"(2) In determining for the purposes of this Part whether any article is obscene the Court shall have regard to—

(a) the nature of the article; and

(b) the persons classes of persons and age groups to or amongst whom it was or was intended or was likely to be published, distributed, sold, exhibited, given or delivered; and

(c) the tendency of the article to deprave or corrupt any such persons class of persons or age group—

to the intent that an article shall be held to be obscene when it tends or is likely in any manner to deprave or corrupt any such persons class of persons or age group, notwithstanding that persons in other classes or age groups may not be similarly affected."

This amendment was foreshadowed in my second-reading speech. As it has been examined by the Chief Secretary and is, I understand, acceptable to the Government, I do not propose to discuss it further.

Mr. GALVIN (Chief Secretary).—I am not sure whether or not this amendment will be of assistance, but certainly it will do no harm. The Government feels that the intention of the legislation should be indicated clearly. As I stated earlier, when dealing with this question consideration must be given to the type of person to whom the works of such writers as Boccaccio are sold. If they come into the possession of someone with a mature mind they will not be obscene, whereas they could have a detrimental effect on an immature person. The Government does not wish to throw a wide blanket over artistic and literary works. I entertained some doubts as to whether the previous amendment sponsored by the Opposition was too wide in its application, although upon examination it may not prove to be so. The amendment will lay down in an Act of Parliament the actual intention of Parliament. When Bills are discussed, members give their views of what they think should happen and the advantages that will accrue after the passage of such measures, but sometimes it is found that when the legislation is tested in a court Parliament has not expressed its view as clearly as it should have. The amendment will indicate to magistrates the desire of Parliament. Perhaps some people would consider we have made a "hit or miss" approach to the problem of obscenity, thinking that magistrates will view the matter in the same light as we do, although we have not actually laid down anything to guide them. The Government feels that the amendment expresses very clearly the intention of Parliament and the way in which the legislation shall be administered.

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

Clause 4 (Interpretation).

Mr. PETTY (Toorak).—This important clause provides interpretations of "distributor" and "printed matter." The definition of "distributor" is—

(a) in respect of any printed matter published in Victoria, the publisher thereof; and

(b) in respect of any printed matter published outside Victoria, the person primarily responsible for its distribution and sale in Victoria.

That appears to be a clear definition until one studies later clauses and ascertains the work that is to be foisted upon a distributor, who will have to be a censor and decide whether or not a certain publication is obscene. This seems a strange attitude to be assumed by a Government which does not want censorship. The Bill provides that any primary distributor must be a censor, because, if he distributes a pamphlet or a book which is deemed to be obscene, he may lose his licence. That licence is not one which enables him to distribute only the book that is deemed to be obscene; it permits him to distribute every publication that he handles. It could be that the distributor who handles an obscene book also deals in many church and political papers. If he is found guilty of distributing a publication which a stipendiary magistrate or the Bench in a court
of petty sessions decides is of an obscene character his registration may be suspended and he will then be unable to distribute any publication whatever.

I consider that this Bill has been used by the Government as a “smoke screen” to enable it to bring about the registration of primary distributors. In that way, another control will be imposed upon a section of the business community. That principle has been objected to by Opposition members on many occasions. I concede that the Opposition has contended that there should be some form of control over the distribution of obscene literature, but obviously there must be a satisfactory definition of “obscene” and someone must determine what is and what is not obscene. It is not fair or just to place that responsibility on the distributors of publications who, by reason of their training, are not properly qualified to act as censors. The Government is definitely side-tracking its responsibility in that regard. It will not take upon its own shoulders the onus of making the decision; consequently, why should it be provided in a Bill that the responsibility must be taken by an employee of a firm? That proposal is most unfair, and I cannot believe that that was the intention of members of the Government when the Bill was drafted. If the measure is proceeded with, a definition should be included for what will be created by the passage of this measure, namely, a “distributor censor,” because that is what the distributor will, in fact, become.

The second definition contained in clause 4 is that of “printed matter.” It is expressed in the following terms:—

“Printed matter” means any book paper pamphlet magazine periodical letterpress writing print picture photograph lithograph or other production, but does not include—

(a) any newspaper registered pursuant to Part II. of the Printers and Newspapers Act 1928;

(b) any printed matter of a purely official, religious, social, professional, scholastic, commercial, business, advertising or trading character; or

(c) any printed matter or class of printed matter for the time being exempted by the Chief Secretary as herein-after provided.

I regard paragraph (b) as being much too wide. The over-all exemption should not include printed matter of any commercial, business, advertising or trading character. In its present form the exemption leaves too much scope for abuse.

As mentioned in my second-reading speech, I claim that some of the worst types of pornographic pictures are those which appear on commercial calendars and other advertising matter. I suggest that the Chief Secretary should closely review the definition of “printed matter” and determine whether something cannot be done to tighten up the provision effectively.

I should like the honorable gentleman to state also how he intends to deal with imported books, pamphlets, and the like. If they are passed by the Department of Trade and Customs, will he allow them to be sold on bookstalls without their being subjected to any further censorship? Moreover, does he intend that they shall be sold without bearing the imprint of a primary distributor in this State? It may be that a local primary distributor is handling tens of thousands of publications of the type under consideration. How can he be expected to overprint or stamp on them all that he is the primary distributor? As this matter has been raised with me on several occasions, I should like to receive an assurance from the Chief Secretary that it has been duly considered. Furthermore, I should appreciate it if he would indicate how he proposes to deal with it.

Mr. BOURKE (St. Kilda).—I suggest that the comments of the honorable member for Toorak are completely unjustified. Indeed, I should have thought that he, as a vendor of printed matter, would have been glad to find that provision had not been made in the Bill for the registration of newsagents nor a further provision to the effect that if they were guilty of an offence such as may be committed by a primary distributor they might have their registration cancelled. It seems to me that if there is any fault to be found with this Bill it is that the measure does not go far
enough to make culpable those who are guilty of the real distribution of objectionable publications among the children of the community. After all, the vendors concerned are distributing poison and, in that respect, they stand in a category no different from that of pharmaceutical chemists who, at their peril, must ensure that no dangerous drugs are distributed by them except in certain circumstances.

I point out that some difficulties may be found in the administration of this measure because of the use of the expression "primarily responsible for its distribution." I submit that the Government's action has been taken in a logical manner. The real purpose of the measure is to hit at the big business people who are making a handsome living out of the distribution of literature of the character described in the clause. A distributor is defined as a person in Victoria who publishes such literature. He is not a publisher in the legal sense, as in the case of the law with respect to defamation. In my opinion, he is the person responsible for the printing and publishing in that sense. This State has complete jurisdiction over such a person. Difficulties arise concerning the control over the importation of publications from other States and abroad, and there is proposed the limitation contained in paragraph (b) of sub-clause (1).

In the administration of the Act when the Bill is passed, there will be difficulty in deciding who is primarily responsible. Before the measure is enacted, a more accurate definition of the words "primarily responsible" may be included. This amending legislation, however, leaves untouched the effect of section 171 of the Police Offences Act, which provides that a person who prints, photographs, lithographs, draws, makes, sells, publishes, distributes or exhibits any obscene articles or assists therein, shall be guilty of an offence. That section, which is not to be amended by this Bill, could hit at the newsagents, and they cannot shelve their responsibilities. They sell these articles by making them available to the public; they have them on their shelves. It is idle to assert that they shall not be responsible. The honorable member for Toorak stated that the distributors should not be answerable for the dissemination of this type of literature. I should think newsagents and other persons to whom he refers may regard themselves as fortunate that they shall not have to register and have their registration liable to cancellation in the event of their committing an offence.

One would expect that if it could be shown that the distribution was done unwillingly and without any real culpability, no magistrate would cancel a distributor's registration. One must leave it to the magistrates to work out a system of principles and, if they cannot do it, for the superior courts to superimpose their judgment as to whether a registration should be cancelled or otherwise. In my view, the criticism offered by the honorable member for Toorak has no substance and the clause should pass in its present form.

Mr. HOLLWAY (Glen Iris).—I should like to warn the Chief Secretary of an amendment that I proposed to move in clause 7 and which is equally applicable to clause 4. It relates to a matter raised by the honorable member for Toorak, namely, that since we are busily engaged in providing for the registration of persons who sell different literary works and documents, there is the extraordinary position that if they sell—as many people do—books or other publications that have been imported from overseas, there will be a dual form of censorship. There is at present a Commonwealth censorship. Every printed word that comes from overseas has to be approved by the Federal customs authorities, and no publication is permitted inside Australia from abroad unless it has been first vetted by that Department. It seems to be absurd to place on a distributor, who is possibly the agent for a book-selling company in Great Britain, the additional responsibility of having to read a book which has been approved by the Trade and Customs Department, make up his mind whether it is obscene, and so determine whether or not he will distribute it.

Clause 7 should include a provision to the effect that "the foregoing provisions of this section shall not apply

Mr. Bourke.
to books published either inside Victoria"—because they are already covered by clause 4 of the Bill—"or outside Australia which have the name and address of the publisher thereof printed thereon or therein."

All publications printed in another State of Australia would then be covered by the section, but not publications printed in Victoria or overseas and passed through the Trade and Customs Department. The other alternative to the amendment I have foreshadowed would be an amendment to clause 4 where it is provided, inter alia—

"Printed matter" means any book paper pamphlet magazine periodical letterpress writing print picture photograph lithograph or other reproduction, but does not include—

(a) any newspaper registered pursuant Part II. of the Printers and Newspapers Act 1928;
(b) any printed matter of a purely official, religious, social, professional, scholastic, commercial, business, advertising or trading character; or
(c) any printed matter or class of printed matter for the time being exempted by the Chief Secretary as hereinafter provided.

There could be included an amendment in the form of a new paragraph (d), stating—

"Any printed matter" means any book other than a book printed in Victoria or outside Australia, provided that it bears the imprint of the publisher.

In the spirit of good fellowship that he has already displayed to-night—and before he rejects the proposed amendment and thinks about it afterwards—I should like the Chief Secretary to consider my suggestion, because although it may seem a fairly academic amendment it does in fact cover a host of persons who are importing books from Great Britain. Each year books with about 18,000 different titles are imported into Victoria. When one considers that vast number of publications coming from overseas, it is obvious that only a small percentage are banned as obscene by the Federal customs authorities. Very few are rejected by that Department, because most of them are not obscene. If it is good enough for a publication to be permitted entry into Australia, it should be considered by the Chief Secretary's Department to be sufficiently clean to be sold in the book shops without imposing an unnecessary burden on the booksellers.

I trust that the Chief Secretary will endeavour to make the legislation workable. Already even the staunchest upholder of the Bill can foresee many difficulties about it as it is drafted. One difficulty is that although theoretically it is not proposed to impose a censorship, in actual fact there will be one if the measure is passed as it is framed, because henceforth a stipendiary magistrate will be the arbiter of what is and what is not obscene.

Mr. GALVIN.—He always has been.

Mr. HOLLWAY.—If enacted in its present form, the Bill will not only confirm the jurisdiction of a magistrate on the question whether or not he can fine someone who publishes a book considered to be obscene, but will also enable a magistrate to put a convicted person out of business. He can take a concern such as the biggest firm of distributors in Victoria—

Mr. GALVIN.—Who, for instance?

Mr. HOLLWAY.—I shall not give anybody a free advertisement.

Mr. GALVIN.—We will give one in a minute or two.

Mr. HOLLWAY.—The Chief Secretary may name as many firms as he wishes. One stipendiary magistrate could cause the bankruptcy of a business that had been established for possibly 80 or 90 years. I suggest to the Chief Secretary that he should consider exempting books published overseas. One form of censorship should be sufficient. In the case of a book published in Victoria, surely the imprimatur of the local publisher should be sufficient for the publication to be passed without the Chief Secretary's Department in its wisdom putting it through some other prescribed rigmarole. As long as local publishers produce books of a wholesome character, the Chief Secretary should encourage rather than discourage
them. I do not propose to move the amendments I have outlined; I ask the Chief Secretary to consider them with a view to adopting them even after the third-reading stage.

Mr. GALVIN (Chief Secretary).—I note that the course of the debate has tended to turn from what is obscene to what is wholesome. No one wishes to interfere with books of a wholesome nature; it is the obscene ones that the Government wishes to suppress. Reputable distributors have already discussed this point with my Department, and have been given an undertaking that overseas books that have passed the Commonwealth censor will not be interfered with.

Mr. HOLLWAY.—Does that refer to the past or the future?

Mr. GALVIN.—Any time. The Government does not intend to set up a censorship over a censorship, so to speak, but it would be ludicrous to suggest that all publications which come in from overseas should be exempt. Some of them may not have passed the Commonwealth censor.

Mr. PETTY.—All book post is examined by the Commonwealth censor.

Mr. GALVIN.—But not the ordinary mail, through which stereos are forwarded.

Mr. PETTY.—That is a different matter to the importation of books.

Mr. HOLLWAY.—If the stereo comes from overseas, it is printed in Victoria.

Mr. GALVIN.—That is so. I have given an undertaking to the reputable primary distributors, but I do not intend to give a similar undertaking to the disreputable ones.

Mr. PETTY.—Will you name the disreputable distributors?

Mr. GALVIN.—The honorable member for Toorak knows who they are, and presently I shall quote his remarks. The Government has no intention of interfering with the censorship which at present operates under Federal authority.

Mr. HOLLWAY.—Then why not adopt my amendment?

Mr. GALVIN.—The Government will look into the matter before the Bill proceeds to another place. The honorable member for Toorak spoke of the deal that the primary distributor receives and how unfair it is to restrict his activities. One of the reasons why the Government is restricting them is the viewpoint previously expressed by the honorable member for Toorak. When I endeavoured to point out that the responsibility of handling obscene and immoral literature largely rested in the hands of newsagents and retailers, the honorable member for Toorak stated, as reported in Hansard of 25th November, 1953, at page 2357—

It would be difficult to police distribution of literature of this type if the task of controlling its sale were left to the voluntary efforts of newsagents or distributors. I have discontinued the handling of a couple of publications for a particular firm, because I did not like them. The publishers said to me, "If you do not handle the dirty ones, you will not get the good ones," and they threatened to remove their publications to somebody else who would be quite happy to take them.

On that occasion the honorable member for Toorak informed the House how he was "stood over" by a primary distributor, and he was supported by other reputable newsagents. The Government has decided that, rather than have such retailers dragooned or blackmailed into selling obscene literature, it will place the responsibility on the primary distributors. Now let us examine a list of the type of literature being peddled by Gordon and Gotch (Australasia) Limited, in respect of which—according to the honorable member—they say to newsagents, "If you do not take these publications, you cannot have the reputable ones. We will transfer the business to somebody who will handle them."

be an educated community of high moral standard. Such a firm should help to maintain that standard rather than endeavour to dragoon newsagents into selling this type of literature. That is the view the Government adopts.

In this matter we must come down either on the side of those who want to grow fat and rich in purveying obscene trash or of those who demand that the people shall have some protection. That is the choice we are called upon to make in our approach to this legislation. It is not a matter of the honorable member for Toorak talking about the hardships that certain people will suffer by the passing of this Bill. He knows that the hardship has been suffered by people of moral conscience who have had no desire to distribute this stuff, but have been economically blackmailed. This Government will not stand for the blackmailing of people into doing something that is not morally decent.

It is strange that a newspaper such as the Age should have expressed itself as it did in its leading article columns on the 8th of this month and again to-day, the 21st April. The first-mentioned, a "leader," appeared under the heading, "Obscene Publications Bill meets needs." We hear talk about pressure groups being brought to bear on Parliament. They must be brought to bear sometimes on the press, too. The Age said—

In drawing control within the Police Offences Act, the decision as to what is obscene or indecent is rightly left to the courts. There can be no objection to the extension of interpretation of the word "obscene" already in that Act to include emphasis on gross cruelty or horror.

The leading article of to-day states—

Nevertheless, there is some justification for claims that the Bill is loosely drawn in its extension of the interpretation of the word "obscene," and in defining too generally certain types of printed matter. Here we have two leading articles expressing the policy of one and the same newspaper within a matter of thirteen days. The Age article of the 8th April was probably written by the same person, who also said—

Despite the severity of its punitive clauses, the Bill should be welcomed by distributors, many of whom have complained in the past that they have been compelled to accept a certain amount of undesirable "comic paper" type of matter in the normal course of trade. If it succeeds in discouraging publishers of this type of trash it will have served its purpose fully.

The alarming increase in indecent literature has fully justified the Government's simple but strong action. There should be no hesitation in giving the Bill a speedy passage.

The concluding comment was—

All that then remains is to ensure its immediate implementation to remove as soon as possible an evil which has long caused concern.

That was the point of view expressed on the 8th April. To-day's leading article also states—

However clear the intentions of the present Government, the possible misuse by future Governments of control obtained from a registered and licensed book-selling fraternity arouses misgivings.

Thirteen days ago the Age was wishing this Bill a speedy passage. To-day, it "arouses misgivings." What is the purpose of all this talk about this new approach, this matter of registration? Picture theatre exhibitors and distributors have to be registered with the Chief Secretary's Department and are required to be licensed. Their licences in certain circumstances can be withdrawn. In this measure the Government is applying exactly what has been applied to the picture exhibitors and distributors.

Mr. PETTY.—The cases are altogether different because the pictures have been passed by the censor and are stamped accordingly.

Mr. GALVIN.—At present there is an understanding between the distributors and the Chief Secretary's Department that pictures that are not marked as suitable for general exhibition will not be shown at matinees. I had occasion only three or four weeks ago to deal with an exhibitor who had broken that understanding, and he was warned that his registration as an exhibitor could be withdrawn.

Mr. PETTY.—The film he showed had the imprimatur of the censor upon it.
Mr. GALVIN.—So will all these books come within an imprimatur, and if they are obscene publications and conflict with this legislation their distributors will be dealt with even though it may be desired to protect some distributors who claim that they have been “stood over.” The Government intends to use every legitimate means possible to see that the offenders are brought to justice. I should not have any regrets if certain people were put out of business for having purveyed filthy and immoral stuff. The Government will not shift its ground in relation to registrations, and the honorable member for Toorak himself must take some responsibility for the Government using this drastic measure to see that this rotten material is no longer distributed.

Mr. WHATELY (Camberwell).—I should think that no one would object to the registration of distributors. There is, however, a lot in the motive behind the registration and there is even more in respect of subsequent features of this Bill. Newspapers apparently change their minds. So also do politicians, particularly when they speak too soon. It takes a good man to change his mind and say, “I have gone into this question more fully. There are aspects that I did not appreciate in the first place. Therefore, I think as follows.” If any member cannot think in that way he is not entitled to be a member. I am very pleased that the newspapers have changed their minds. Like all members of this House, the newspapers want to see the flood of obscene publications greatly reduced. There will always be borderline publications about which there will be differences of opinion, but we want to weed out quickly and thoroughly those that are obscene.

The Chief Secretary has twitted the honorable member for Toorak with a reference to protecting certain distributors. He talks about desirable and undesirable distributors. There are distributors in business who differ one from the other. For example, one firm will publish reprints of English publications in order to sell a cheaper volume printed in Australia, and it knows precisely what it is publishing. I should like the Chief Secretary to realize the difference between a firm of printers who know precisely what they are printing and publishing, and another firm that receives floods of matter all at the one time.

Mr. GALVIN.—You take the view that the more they distribute the more they should be protected.

Mr. WHATELY.—The point is that it is a different type of business.

Mr. GALVIN.—That is why we want to deal with it.

Mr. WHATELY.—It is working on a different basis. There is the analogy between a delicatessen that sells a few grocery lines and a firm that takes the products of factories all over Australia and distributes them willy-nilly without knowing whether they are good or bad.

Mr. GALVIN.—They would be stamped in accordance with the requirements of the Pure Foods Act.

Mr. WHATELY.—That is so. In this case the products would bear the imprint of the publisher, and the source of the trouble could be pin-pointed. A housewife would not buy groceries that were not up to standard, but unfortunately we cannot trust some members of the public to reject a book that is trashy or filthy or obscene, and therein lies our problem. I am not pleading for any particular firm of publishers or distributors, but I can imagine their difficulties. Many firms would receive hundreds of booklets and magazines monthly or weekly, mainly from New South Wales but also from Victorian publishers, from other States and from overseas. The firms would have previously entered into contracts with the publishers to take such productions weekly or monthly, and a difficulty would exist by reason of the terms of those contracts.

Mr. GALVIN.—Firms that have entered into contracts with publishers will be protected under the provisions of an amendment that will be submitted later.

Mr. WHATELY.—I am pleased to have that assurance. There are provisions in the Police Offences Act for
dealing with obscene publications irrespective of whether the "publisher" is a retailer, a wholesaler or a printer. The protection which the Chief Secretary stated will be afforded to those who have entered into contracts with the publishers will be an important feature of the Bill. I should like the Chief Secretary to consider an amendment to provide that irrespective of whether a book is adjudged by a stipendiary magistrate or by a jury to be obscene, any person or firm engaged at that time in distributing the book shall cease to distribute such publication and shall be absolved from making payments to the publisher for the supply of the book. If that were provided for in the legislation, the responsibility for the publication of obscene literature would be thrown back on the original printer.

Mr. GALVIN.—If the book is deemed to be obscene, it could be sent back to the publisher.

Mr. WHATELY.—If the problem could be dealt with in that way, the method would be satisfactory. In my opinion, the responsibility should be placed on the original printers. The Government should not attempt to wield the big stick by providing in legislation that if a reputable firm happened to circulate one publication that was deemed to be an offence against the law, its registration would be cancelled—at least pending an appeal—which would mean that the firm would have to cease business. I think the Government jumped to that decision much too speedily, and it is an objectionable feature of the Bill. By all means let us enact a law that will have the effect of reducing the flood of obscene literature, but I do not see why, if a book is adjudged by a court to be obscene, the registration of a firm which has handled it should be withdrawn and that all the other publications distributed by such a firm should be frozen on its shelves. That would be far too heavy a penalty to impose on any distributor. If the firm were permitted to return offending books to the publishers and to decline to pay for them, printers would soon be discouraged from producing that type of risque literature, and in that way the evil would be cured at its source.

Mr. GALVIN.—Suppose that the books were printed in New South Wales, how could Victoria legislate against publishers in that State?

Mr. WHATELY.—New South Wales publishers could not in Victorian courts claim against distributors in this State.

Mr. GALVIN.—All we say to the distributors is, "Do not handle this doubtful literature if it is received in this State."

Mr. WHATELY.—I ask the Chief Secretary, how would it be known that publications were of a doubtful nature? A firm might each week receive boxes of books of the cheap paper-covered type which it would distribute immediately. If the nature of these publications had to be checked before they were distributed, it would be necessary to employ a large staff to read them. Such a method would not be practicable in businesses of that kind. I suggest that if it is decided by a court that a particular publication is obscene, it should be "frozen," and that if it is sold or distributed after the decision of the court has been made the person or firm concerned should be subject to a heavy penalty. On the other hand, if the distributor concerned does not sell any further copies, the firm should be permitted to return them to the publishers, and the distributor should not be required to pay for them. As I said before, if a law on those lines were enacted it would cure the trouble at its source.

Mr. MURPHY (Hawthorn).—At this stage I should like to address myself to some of the remarks made by the honorable member for Toorak earlier in the debate when he took exception to the provisions of the Bill which require distributors to be registered. He suggested that the registration of distributing firms envisaged a system of control which he thought was undesirable. I point out that, after all, controls of some sort are a necessary part of our social system. Practically every law enacted by Parliament is a control of one kind or another. One function of Parliament is to curb the activities of
people who act in a way that is detrimental to the public interests. That is a peculiar feature of the work of Parliament and one which I think any honorable member would not deny.

Of course, we do not desire that there should be too many controls. Everybody will admit that in all too many instances controls are made necessary by the lack of self-discipline on the part of certain people and that is precisely what has happened in this case. As has already been pointed out during the debate, it is fifteen or sixteen years since the Victorian Parliament made clear its intentions regarding the dissemination of undesirable literature. During this period certain distributors have flouted with impunity the intention of Parliament and of the law. When one sees how infrequently prosecutions against distributors of indecent literature have been successful, one must come to the conclusion that there is some doubt as to the letter of the law, but there can be no doubt whatever about the spirit of the law. Distributors such as Gordon and Gotch know quite well that certain types of publications they have been distributing are considered to be undesirable, but they have been prepared to handle illicit magazines because they can make money out of them. In my opinion, those firms are responsible for the introduction of this Bill. I repeat that no one desires more controls than are necessary, but if people will not abide by the law there is no alternative other than a curb that will make the law more effective. As the Chief Secretary has pointed out, provision is already made for registration of people engaged in various types of business.

Exception has been taken to the stringent nature of the penalties proposed in this measure. I believe that if the penalty for infringement of the law is severe, distributors will think twice before they take the risk of allowing it to be enforced on themselves. The more severe the penalty the more chance there is of ensuring that distributors will not handle objectionable publications and make themselves liable to the penalty that can be inflicted upon them. It must also be remembered that in the event of conviction provision is made for an appeal to a higher court; therefore we can be satisfied that the law will not operate too harshly, especially if distributors and others look after their own interests and make sure they do not come within the ambit of the legislation. If people are prepared to take risks they must also be prepared to pay the penalty if they are apprehended.

In my opinion, the honorable member for Toorak was a little inconsistent in his claim that distributors should not be called upon to act as censors. He stated that it was not fair to ask a distributor to decide whether or not a certain publication was obscene. In view of that submission, I cannot understand the import of an amendment which has been circulated in the name of the honorable member, the purpose of which is to safeguard distributors from any action for damages in the case of breach of contract if they fail to handle certain publications on the ground that they are obscene. In such a case, surely the distributor must set himself up as a censor and must decide whether or not in his opinion a particular publication is obscene.

Mr. Petty.—He is being made to act as a censor by the provisions of this Bill, but I do not think he should be.

Mr. Murphy.—Paragraph (a) of the new clause to be proposed by the honorable member for Toorak provides that a distributor shall be exempt from any action for damages if—

he bona fide and reasonably believes that his acceptance of delivery of or his possession of or dealing in that printed matter may render him liable for the offence of publishing an obscene libel or for any offence against Part V. of the principal Act.

Obviously the distributor must act as a censor and decide whether or not a certain publication contravenes the provisions of the legislation. Personally, I consider that to be a common-sense point of view, because any dealer in books must be able to decide whether or not a publication comes within the ambit of the legislation.

Our laws apply to all citizens, whether or not they know about them or understand their import. It is the duty of the
citizen to make himself familiar with the provisions of Acts of Parliament, and he is liable to the appropriate penalties if he infringes the law. Any bookseller or distributor should be obliged to make himself familiar with the type of book he handles, and should be in a position to decide whether or not publications are likely to fall within the ambit of the legislation. For that reason, I consider the arguments that have been advanced against the provisions of this Bill are not sound in substance.

Colonel DENNETT (Caulfield).—I should not like to see this clause agreed to in its present form, because it contains bad English. I view with growing concern the fact that “coined” words are creeping into our legislation. In paragraph (c) of sub-clause (1) the word “exempted” appears, but I would point out that there is no such word. Once anything is exempt, that is the end of it; it cannot be “exempted.” I ask the Chief Secretary to ensure that when the clause is agreed to it contains pure English.

Mr. SCULLY (Honorary Minister).—It appears that members are in general agreement on the principles of the Bill and appreciate the necessity to clean up the undesirable literature that is at present saturating the bookstalls and newsagents’ shops of Victoria. That literature is having a very bad effect, particularly on the minds of young people. All responsible people in the community must be in a position to judge what is good and what is bad for younger people to read; therefore, it is surprising that some defence should be raised on behalf of those who are primarily responsible. Since 1945, there has been an enormous growth in the type of rubbish that has from time to time been displayed in this Chamber as exhibits and which undoubtedly has a damaging effect not only on teen-agers and adolescents, but also on many other sections of the community. That enormous growth has been brought about by people whose only purpose has been to make money out of what poisons the minds and ultimately corrupts the bodies of our young people. It should not be overlooked that the younger generation of to-day will be the citizens of to-morrow. We, as members of this House, have a responsibility, as has every publisher, printer and distributor, to protect the minds of those persons who, perhaps, cannot protect themselves. It is regrettable, therefore, that over the years, those who should know better have been responsible largely for an increase in the number of publications of the most objectionable type that are being sold on the bookstalls.

When the responsibility for the distribution of this literature is channelled back to its origin, it is found to be in the hands of relatively few people. I shall deal first with the distributors who, in the main, are the worst offenders. Surprisingly enough, Gordon and Gotch (Australasia) Limited, is the firm which distributes in Victoria 90 per cent. approximately of the publications described in this measure. It is still more surprising that George Sutherland Smith, of Collins-street, Melbourne, is a director, as are also Stanley William Byrne, of 101 William-street, Melbourne, Harry Conway Fahle, 19 Hedgeley-avenue, East Malvern, William Edmund Jackson, 23 Hill-street, Toorak, and Thomas Fairlie McMullen, 593 Toorak-road, Toorak. The general manager is a gentleman who has been recently featured in the newspapers, namely, Mr. F. A. Illingworth, 79 Studley Park-road, Kew. The Victorian manager is Mr. W. A. Hawley.

Mr. BARRY.—None of the directors comes from Carlton.

Mr. SCULLY.—All of the directors whom I have named cover their activities with a veneer of respectability. They come from areas far removed from the constituency mentioned by my honorable colleague. They use their position to peddle this rubbish, which is having such a damaging effect on the community. I have before me a publication which was produced by Gordon and Gotch (Australasia) Limited, last year; it is entitled “One Hundred Years to Remember—The Story of Gordon and Gotch.” I propose to traverse briefly the growth of that organization which has become a vast monopoly in its particular field of business. I do not ask members to accept
my word for the comments I shall make; I quote from the publication issued by that firm—

For some years prior to 1919 strong competition had been experienced in this field from the Australasian News Company, and the New Zealand News Company, trading in Australia and New Zealand respectively.

By agreement dated November 3, 1919, Gordon and Gotch purchased from the American News Company of New York all the share capital of the Australasian and the New Zealand news companies. The warehouses of these two companies throughout Australia and New Zealand were then closed down on December 31 of that year, and all stocks transferred to our respective houses.

Mr. BLOOMFIELD (Malvern.)—I seek your ruling, Mr. Acting Chairman, as to whether the remarks of the Honorary Minister are relevant to the clause that is at present before the Committee.

The ACTING CHAIRMAN (Mr. Fewster).—Clause 4 states, inter alia—

(a) in respect of any printed matter published in Victoria, the publisher thereof.

I think the Honorary Minister is in order in referring to firms who are distributors or publishers of any type of literature referred to in this particular clause.

Mr. SCULLY (Honorary Minister).—The honorable member for Malvern will probably concede that Gordon and Gotch (Australasia) Limited is the main distributing firm in Victoria and that, in effect, it has a monopoly in this field. It is important that the growth of that monopoly should be traced. I intend to repudiate certain statements made in the newspapers by Mr. Illingworth during the last few days. It is significant that the only publishing firm that has complained so far is Gordon and Gotch. I ask: Does that indicate a guilty conscience? Why should that organization complain about a measure that is designed to protect young, tender minds from corruption? It is important to note that, having grown to its present size, that firm must assume an even greater responsibility than a small publisher and distributor. The publication issued by Gordon and Gotch proceeds—

By agreement of September 1, 1920, the company purchased the goodwill and stock of periodicals, books and stationery of William Anderson Atkinson, trading as Atkinson and Company who for many years had acted as the company’s agents at Adelaide. This was followed in the same months by the purchase of the goodwill of the wholesale periodical department of Rigby and Company, Adelaide, and by the opening of a warehouse in Blyth-street, thus completing the chain of Gordon and Gotch houses in all Australian states.

The Adelaide business was further extended in March, 1924, by the purchase of the goodwill of the Rigby and Company’s subscription department, and in 1926, when the present building in Currie-street, Adelaide, was acquired. Events followed a similar pattern in Perth. So it goes on. The firm of Gordon and Gotch has acquired a monopoly. It is interesting to note that Mr. Illingworth, the general manager of that organization has complained about a measure which the Government has been forced to introduce to protect those sections of the community which it is the responsibility of the Government to protect. The following information is contained also in the booklet issued by Gordon and Gotch—

At the present time, the ten main houses of Gordon and Gotch (Australasia) Limited supply 10,556 retail selling points located as under:—

<table>
<thead>
<tr>
<th>State</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victoria</td>
<td>2,471</td>
</tr>
<tr>
<td>New South Wales</td>
<td>2,257</td>
</tr>
<tr>
<td>Queensland</td>
<td>1,177</td>
</tr>
<tr>
<td>South Australia</td>
<td>997</td>
</tr>
<tr>
<td>Western Australia</td>
<td>681</td>
</tr>
<tr>
<td>Tasmania</td>
<td>343</td>
</tr>
<tr>
<td>Total</td>
<td>7,926</td>
</tr>
</tbody>
</table>

The remaining locations are indicated. In the course of the debate, an Opposition member stated that it should not be the responsibility of distributors to check the publications they are distributing. I should have thought that it would be considered good and efficient business practice to check everything which passed through their hands. Distributors have a responsibility to the public. If they are prepared to allow obscene publications to be distributed without checking, it is about time that the Government took action to compel them to register. The publication issued by Gordon and Gotch continues—

The company distributes 946 different magazines to Australasian newsagents, for home delivery and sales over the counter. Many thousands of specialized publications also are handled by the company, on a subscription basis.
This is most important—

Executives of Gordon and Gotch Australasia Limited have a background of extensive experience in magazine distribution which enables them to deal comprehensively with every aspect of this subject.

Publishers appreciate the facilities which are offered for full discussion of matters such as sales potential, radio, and press publicity, and circulation requirements in all States of the Commonwealth and in New Zealand.

In effect, the fact that so much rubbish is offered for sale from the shelves of booksellers and newsagents to-day is due largely to the technique that has been developed by those distributors who are guilty of the racket of corruption that is being practised.

Mr. Bolte.—Why has not the Government launched prosecutions before?

Mr. Scully.—There will be prosecutions, all right.

Mr. Bolte.—The firms concerned could have been prosecuted under the existing law.

Mr. Scully.—I hope that, when prosecutions are launched by the Government, they will meet with the general approval that has been expressed concerning the principles contained in this measure.

Mr. Bolte.—We want the Government to launch prosecutions.

Mr. Scully.—I sincerely trust that, when that action is taken, the Government will have the assistance that it ought to receive from the Opposition. In my view, the firm of Gordon and Gotch is waxing fat on the proceeds from the sale of this rubbish.

Mr. Turnbull.—Do you suggest that 960 magazines should be read every week-end?

Mr. Scully.—At least, they should be checked. It does not take an intelligent person long to ascertain what is good and what is bad. Despite the fact that Mr. Illingworth voiced a protest in the newspapers this morning against the action of the Government in bringing down this Bill, the firm which he represents has not discontinued its practice of distributing magazines and publications that are most objectionable. In fact, the latest publication has displayed proudly inside the cover, “Australian and New Zealand Distributors: Gordon and Gotch (Australasia) Limited.”

Mr. Petty.—A book may be objectionable but not obscene.

Mr. Scully.—A publication is regarded as obscene if it is deemed to be aimed at depraving the minds of persons. Surely, the honorable member for Toorak would not deny that it would be unsafe to place this magazine in the hands of a young person. Entitled Male, it is particularly dirty and most objectionable. Rather than try to make money from exploiting the situation that undoubtedly will result from the publication and distribution of this journal, the persons whose names I mentioned a few minutes ago would be better employed in ensuring that it does not come on to the market. They can and should be a tremendous influence for good in the community by taking steps to ensure that reading matter which gets into the hands of young people is good material and worth-while buying. No one can measure the extent of the circulation of objectionable publications such as Male, because copies are transferred from one person to another and handled by second-hand book shops. It is impossible to gauge the extent to which young minds can be damaged by the rubbish appearing in journals of this class. The persons to whom I refer should be thoroughly ashamed of themselves.

Mr. Bourke.—Have you had a look at the share register?

Mr. Scully.—No. I have been more interested in the directors, who are the guilty men and are mainly responsible for the technique that has been developed in displaying pictures of the unclad female form on almost every type of publication. The ordinary “Deadwood Dick,” which at one time used to have on the cover a picture of a masked man with a gun, now features a photograph of a nude woman. No person in the community can truthfully say that this does not cause untold harm to young and immature minds. The persons to whom I refer realize this fact better than anyone else, but they deliberately continue to exploit these publications. The
following statement appears on the back of the particularly dirty publication, *Male*:

_incidentally, you've read this issue... tell us what you like and want more of. If we've left anything out that's red-blooded, let's know... We'll fix it next time we're loading up with the words and pictures that will bring you—_

And then the editors describe further objectionable features they propose to include in the next edition of the publication entitled *Male No. 2.*

Mr. G. E. WHITE.—Gordon and Gotch (Australasia) Limited are the distributors.

Mr. SCULLY.—That statement is true. The directors of that firm cannot plead ignorance. On a number of occasions representatives of the Victorian Authorized Newsagents Association have protested to them at the distribution of objectionable literature and asked that they should not be expected to take publications of this type. Mr. F. A. Illingworth, general manager of Gordon and Gotch (Australasia) Limited, made a statement to the press about the Government taking action. Previously, he said to the representatives, of the newsagents, in effect, “You should not worry about what is in the publications. All you should be concerned about is the margin of profit that you will receive from the sale of this material.” That is a fine attitude for the general manager of this firm to adopt, when his notice had been drawn to the fact that in parcels that newsagents had received there was material of the most objectionable nature, and the newsagents had asked that its distribution should cease.

Therefore, Gordon and Gotch (Australasia) Limited cannot plead ignorance. The directors of that firm realize what is going on; in fact, they are willing parties to the abuse. The Government is entitled to say, in effect, “You people should not only register but, after having been registered, if you are convicted you run the risk of losing your registration.” Had these persons made any effort, as responsible members of the community, to get rid of this type of rubbish, the introduction of this Bill would not have been necessary. On the contrary, they have tried to exploit the situation.

The Chief Secretary quoted from a returns form, a copy of which is sent by Gordon and Gotch (Australasia) Limited to all newsagents. There has been an attempt by certain interested parties to direct the spotlight not on to publications which unduly emphasize sex, or tend to deprave young minds, but to deflect its focus to comics. Both aspects are important. Gordon and Gotch (Australasia) Limited, in its returns form, under the heading of “Australian Comics,” lists such publications as *Revealing Confessions, Real Love, Real Romances, Romantic Love, Romance Story, Teenage Love,* and *True Love.* These are supposed to be comics. Surely the directors of Gordon and Gotch (Australasia) Limited realize that in the main comics go to youngsters of very tender ages. They have a responsibility and, as intelligent persons—I assume they are intelligent, otherwise they would not occupy the positions they do in business life—they can gauge to some degree the effect that this sort of rubbish, distributed as comics, will have on readers.

Gordon and Gotch (Australasia) Limited sends to the newsagents a parcel of publications. I understand that within 30 days the newsagents must pay for the contents of the parcel, and if there are any returns it takes as long as three months before a refund is made. The activities of these people are, in the main, responsible for the position obtaining at present. In the *Herald* of Monday, the 19th April, Mr. Illingworth stated that his company was committed to abide by the law. I trust that it does so, otherwise it will have no one else to blame if it loses its registration after the Bill has been passed. Mr. Illingworth added that his company would take any steps to see that publishers conformed to the revised definition of obscenity. It is a pity that Mr. Illingworth and his friends did not look at these types of publications and pay more regard to the material included in them before it was necessary for the Government to legislate in the matter. He added—

If our licence were taken away it would seriously affect the business of 2,700 newsagents.
I should like to know where Mr. Illingworth gets a licence to speak on behalf of the newsagents. This is repetition of the old method of force and blackmail whereby Gordon and Gotch (Australasia) Limited uses its influence to compel news vendors to handle rubbish for which that firm is responsible. Mr. Illingworth has no right to speak on behalf of these news vendors. Not long ago, officials of the news agents' organization wrote to the Minister of Labour advising him that they had officials who would speak on their behalf, and that no one else had authority to speak for them. Is there an implied threat in Mr. Illingworth's statement that if the licence of Gordon and Gotch (Australasia) Limited were taken away it would seriously affect the public, who would be deprived of educational, technical, and other literature? That statement is utter nonsense and Mr. Illingworth knows that this will not happen; he realizes that the legislation is directed to getting rid of a great social menace, which can do untold harm.

Moral degenerates who sable up to anybody at night or on other occasions and try to dispose of pornographic literature can be brushed aside. There is no wholesale distribution involved here and there is no displaying of the publication. But Gordon and Gotch (Australasia) Limited handle the same class of publication that "fly by nights" try to pass to people on a dark evening. It is time that action was taken and these people brought to book. They have certain control over the newsagents. I understand that they have a decided say in the valuation of newsgencies. The valuation is assessed on a points system and the number of publications sold is taken into consideration. Honorable members who are newsagents have referred to the fact that Gordon and Gotch (Australasia) Limited hold a threat over the heads of the newsagents by saying, in effect—as the Chief Secretary has pointed out—"You will take the dirty with the clean."

I understand that when a Mildura newsagent complained, Gordon and Gotch threatened that they would establish an agency nearby. That illustrates the type of people with whom we are dealing. As the outcome of the bad example set by Gordon and Gotch, the firm of Thomas C. Lothian Proprietary Limited, which was reputable and dealt mainly in text books, sent out a circular advertising a publication entitled Bed for Beginners. One advertising point was—"A gentleman's guide to seduction in eight easy lessons. And illustrated the whole way through with the illustrations of the most sophisticated artist of all time—Guy Nicholls!"

The following are the headings of some of the outstanding chapters:


How low these people sink into the cess-pool of filth in order to obtain a monetary return! Can any thoughtful person defend people who distribute lists such as that I have read or publish books of the description I have mentioned? I repeat that the book was published by Thomas C. Lothian Proprietary Limited, of 359 Little Collins-street, of whom the directors are Thomas Carlyle Lothian, of 33 York-street, Mont Albert; Effie Marion Lothian, of the same address; John Arthur Lothian, of 52 Orrong Crescent, Caulfield; Lewis Arnold Lothian, of 17 Kenmayer-street, Mont Albert North; Stanley Burwood Holder, of Cookson-street, Camberwell; and Kenneth Holder, of 343 High-street, Ashburton. Those individuals are responsible for this type of literature. Undoubtedly, they have observed the rake-off that Gordon and Gotch have obtained from this type of material, and they intended to cash in on it. No regard is paid either by Gordon and Gotch or these other people to the damage they can do to family life and the minds of young people, who are the citizens of tomorrow. I am pleased that a provision has been included in the Bill to compel firms of this nature to be registered. I sincerely trust that the Bill will act as a deterrent and that it will clean up the rubbish for which these people are responsible. Most of the obscene literature can be channelled back to a mere
handful of persons who join the guilty parties to whom I referred earlier. Certain printers are handling most of these publications. For instance, Woodlands Illustrated Annual is printed by the P. and S. Press, 530 Kent-street, Sydney, for the proprietors, Woodlands Health and Sunbathers' Club, Box 2, Post Office, Austral, New South Wales. Health and Sunshine is printed by the same firm for the proprietors, H. and S. Publications, Box 2, Post Office, Austral, New South Wales. The Australian Sunbather is printed in Australia by P. and S. Press, of 530 Kent-street, Sydney, for the proprietor and publisher, Ron Ashworth, 7 Lombard-street, Balgowlah, New South Wales. On one occasion previously, Ashworth was prosecuted, but the case was dismissed. In a publication entitled People, dated the 24th October, 1951, Ashworth was interviewed and in an article he was described as “Australia's No. 1 Nudist.” Getting closer to home, we find that of the publications distributed by Gordon and Gotch which were mentioned earlier in the debate Fun and Frolic, also Figour and Vigour, were first published about July, 1952. The first issues bore the endorsement, “Printed for the Publishers by Rotary Colorprint, 15 Hamilton-street, Sydney.” On later issues the endorsement “Printed for the publishers, Atlas Publications Proprietary Limited, 282 Queen's-parade, Clifton Hill, by Rotary Colorprint, 15 Hamilton-street, Sydney,” appeared.

P. and S. Press print about five of these publications. That firm is conducted by Thomas Edward Percy of 10 Wild-street, Maroubra, printer; and Norman Keith Southcombe, formerly of Flat 6, “Hamilton,” 361 Princes Highway, Banknsia, but now of 49 Harrow-road, Bexley, Printer. The publishers of Fun and Frolic are Atlas Publications of 282 Queen's-parade, Clifton Hill, Victoria. It is a company which was registered in 1947. Its first shareholders were—Lorraine Band of Karre-street, Lane Cove, Sydney; William O. Band of the same address, journalist; Pierre Bellew of 7 Fleet-street, Armidale, New South Wales; and Mary Clare Bellew, of Templestowe-road, Heidelberg. In 1947, the above shareholders transferred their shares to the following persons, who are now the sole directors and shareholders: Jack Weldon Bellew, of Templestowe-road, Heidelberg, who is also secretary at the company's office; Stanley Clive Perry Turnbull, of 18 Yarra-grove, Hawthorn, journalist; and Glen William Warnecke of 56 Falconer-street, West Ryde, Sydney. Turnbull is regarded by some as an eminent writer on certain topics who contributes to the Herald and other papers. Ashworth Publications of 7 Lombard-street, Balgowlah, was registered in 1947 as a magazine publisher. Its sole proprietor has been and still is Ronald Alfred Ashworth of 7 Lombard-street, Balgowlah. Ashworth also runs a “confidential” developing and printing service for photographs at a price of 2s. 6d. per roll to develop, 6d. per contact print, and 1s. 6d. postcard size enlargement. He also sells separate photographs appearing in the Sunbather as separate studies ranging from 10s. 6d. each to £2 2s. each. This gentleman also sells at certain prices reprints of photographs appearing in The Sunbather. Undoubtedly many of these studies in these publications are the work of Mr. Ashworth, who joins the other guilty band responsible for the corruption which exists. It is disgusting that Australians should have seen such publications, and I trust that every member will support this measure which is designed to clear them off the bookstalls of this State for all time. The purpose of the Bill is to direct the minds of young people along the right path. If that object is achieved, Parliament will have made some contribution towards protecting the welfare of the community.

Mr. GALVIN (Chief Secretary).—The honorable member for Caulfield mentioned the use of bad English and pure English, and I think it is only fair to the Parliamentary Draftsman that I should point out that the official dictionary of the House shows the word “exempt” as the past participle of the verb “exempt.”

Mr. BLOOMFIELD (Malvern).—I wish to reply to some of the observations of Mr. Scully, the Honorary Minister. From what the honorable gentleman said
it appears that catalogues of the publications he mentioned have been circulating in this State for some time. They must be obscene, otherwise what the honorable gentleman said could have no relevance to the debate. That prompts this inquiry: If the works appearing in the horrifying list that the Honorary Minister read are obscene within the meaning of the Act, why have there been only six prosecutions during the past year? It is apparent that this subject has been investigated fully by Government supporters. Their wrath has been aroused and they have satisfied themselves that the journals that have been mentioned are, in fact, obscene. Opposition members wish to know whether the Government will look back on its record in this connexion with any degree of satisfaction.

Mr. GALVIN.—You advised us not to live in the past.

Mr. BLOOMFIELD.—The Opposition is prepared to assist the Government to make the legislation workable. The Honorary Minister read a long list of publications which, apparently, he feels satisfied are obscene.

Mr. GALVIN.—Are you defending that type of literature?

Mr. BLOOMFIELD.—No. If these magazines and other publications are obscene in fact, the publishers should have been prosecuted.

Mr. GALVIN.—Assist to pass the Bill and see what happens then.

Mr. BLOOMFIELD.—The Chief Secretary well knows that there is not one syllable in the Bill that will make it easier to secure convictions.

Mr. GALVIN.—The legislation will make it easier to get at Gordon and Gotch. I could not do so before, and that is why you are opposed to the clause.

Mr. BLOOMFIELD.—If the Chief Secretary will read the Act as it now stands, he will find that there is ample scope to prosecute Gordon and Gotch, or any other firm distributing obscene literature. If convictions cannot be obtained, it is our duty to provide a wider definition. I doubt whether the list of these publications is as frightening as we were told. If the publications were examined, many of them might be found to be at the depth of vulgarity, but the fact is that they would not fall within any rational definition of obscenity.

Mr. G. E. WHITE.—They poison the minds of our youth.

Mr. BLOOMFIELD.—That evil will not be cured by the Bill because the definition of "obscenity" is not being amended. The measure will not include anything that was not included before. Members should not think that they have wiped out the flood of pornographic literature because not one syllable in the Bill will add anything to the definition of what is objectionable from that point of view.

Clause 4 refers to the person primarily responsible for the distribution and sale of obscene literature in Victoria. The fact is that there may be no such person amenable to our law. Many of these publications come from other places direct to distributors or newsagents, and no one is primarily responsible for their sale and distribution in Victoria. That is a practical difficulty which the Chief Secretary should consider.

Mr. PETTY (Toorak).—Opposition members are as keen as Government supporters to have placed upon the statute-book legislation that will be effective when a prosecution is launched. We wish to assist to get rid of this filthy literature, of which probably no other member has as wide a knowledge as I have, because I handle it in my business. I wish to illustrate a viewpoint that has been put incorrectly, I think. The honorable member for St. Kilda referred to the selling of poison. His illustration was a perfect example in support of the argument I have already submitted; that is, that whatever we sell should be branded. Chemists sell poisons which, when they purchase them, are branded. When we buy publications we should know they have been "passed by censor."
The Chief Secretary is dodging the issue. He does not want censorship by an individual Board, but he does want to impose a censorship on the distributors. Anybody who buys a newsagency must automatically become a censor. Such people are not qualified to act as censors, yet that is what this Bill sets out to make them. If we newsagents could obtain a publication branded in the same way as poison is branded, we should all be happy in knowing that the goods we were handling were clean.

The reference by the Chief Secretary to the censorship of films was misleading. Films are submitted to censorship and are screened as having been passed either for general exhibition or as suitable only for adults. If a theatre manager breaks the regulations governing this censorship a penalty may be imposed upon him. It is unfair, therefore, for the Chief Secretary to bring forward the argument that what applies to films would apply equally in the matter of publications.

Mr. GALVIN.—Mr. Illingworth must have put the wind up you.

Mr. PETTY.—He has not done so, otherwise I would not have sent his publications back on many occasions. Everything I said in my second-reading speech that was quoted by the Chief Secretary has been proved to be correct, and I stand to it.

There is one matter in relation to the firm of Gordon and Gotch to which I must refer. It was stated by the honorable member for Hawthorn that that firm handled illicit publications. If it does so, why should it not be proceeded against? There is a very great difference between illicit publications and publications we do not like because we think they are dirty or filthy. The honorable member for Hawthorn was altogether out of order in his statement. The firm in question has not handled illicit publications. Any imported publications it has handled have been permitted by the customs authorities to be distributed. While that firm does not handle illicit publications, it does handle publications that many newsagents do not like.

Whether anybody can successfully be prosecuted for handling obscene publications is in the hands of the Chief Secretary and his Department. This Bill, as it has been brought down, will not make it any easier to prosecute successfully than is the case to-day under the Police Offences Act. That is the objection of the Opposition to this Bill. All that is being proposed by it is the addition of four words to the meaning of obscenity—"gross cruelty or horror." But that addition will not assist the authorities in any way. We are trying to impress upon the Government that it must do something more severe.

Mr. GALVIN.—What should we do?

Mr. PETTY.—That is the job of the Government. It has all the advice that it may obtain from other States to help it make up its mind what should be done. All that the Government is doing in this Bill is to provide for the registration of distributors. I agree that valid reasons have been given for this proposal, and I agree with the Government that owing to the provisions of section 92 of the Commonwealth Constitution it is necessary so to frame this legislation as to be able to catch people who are distributing certain types of publications printed in another State. However, that is not the answer to the problem of dealing with obscene literature. We must get down to a definition of "obscene" that will stick. To hand back the matter to a stipendiary magistrate in a court of petty sessions will get the Government nowhere. In these courts the history of cases dealing with obscene literature is a very sorry one for the simple reason that prosecutions cannot be made to stick. The position is always most difficult for the prosecutor, a police sergeant, faced as he is with men whose profession is the law. However, I am very glad to have heard the assurance of the Chief Secretary that the Government will strengthen that aspect of the matter.

As a newsagent, I say that newsagents are and always have been considered to be distributors of papers, and not censors. There are about 3,000 newsagents in Victoria, and if we took upon
ourselves the job of censorship not only would we censor the type of publication chiefly dealt with in this debate, but also a political or a religious censorship might develop. One agent would handle the type of literature, political or religious, that he liked, and another would not. I myself have censored publications, and I might add that I think I have the ability to do so. I do not like certain stuff and do not sell it. I have always taken that stand, and will continue to do so. The business of the newsagent is to distribute newspapers, magazines, and the like, and not to censor. The Government owes the public this duty, namely, to put a stamp on a publication where it is obscene. The type of legislation we now have before us will not get us anywhere.

Mr. GALVIN.—How would you define "obscene?"

Mr. PETTY.—I do not know.

Mr. GALVIN.—But you have been a censor.

Mr. PETTY.—I have thrown out publications I did not like because I did not think they were nice to handle.

Mr. GALVIN.—What would you say was not nice to handle?

Mr. PETTY.—I would not sell the type of stuff that the Minister has referred to to-night.

Mr. GALVIN.—That is obscene.

Mr. PETTY.—It might not be obscene. In connexion with certain printed matter, I have taken fifteen books—the kind of literature mentioned in the course of this discussion—out of my shop and have gone through them in my home. In this particular instance I took a note of three articles or illustrations which I considered were a bit "on the nose." I just did not like them. Then I passed the books to two other readers, both of whom were fairly broadminded. Two of us agreed that one feature was objectionable, but the three of us did not agree on the other sections of the publications to which I had drawn attention. That, I think, illustrates the weakness of any attempt to check the nature of printed matter. I might consider that a particular magazine or a section of it was obscene, but another person might have an entirely different view.

If the Bill is passed in its present form it will devolve entirely upon one stipendiary magistrate to decide whether or not a publication is objectionable. It will depend on only one man's opinion. In other words, power will be vested in one person to say whether the weekly distribution of the 250 publications handled by a primary distributor—Gordon and Gotch (Australasia) Limited—shall be discontinued. It is not for the 2,700 distributors throughout the State to decide whether a publication is obscene or otherwise. Their business is to distribute publications, not to censor them.

Mr. GALVIN (Chief Secretary).—The Government has adequately explained its view. It considers that the publication and distribution of objectionable literature should be eliminated. The cancellation of the registration of distributors may seem abhorrent to some people, but if the distributors are prepared to stoop to the level of profiting by the circulation of filthy literature, it is not considered that they are entitled to the reasonable consideration that would be accorded to firms engaged in legitimate trade, who have some regard for the susceptibilities and morals of the community.

The clause was agreed to, as were clauses 5 to 7.

Clause 8, providing, inter alia—

(2) Any person aggrieved by any order of a court of petty sessions directing cancellation or suspension of a registration as aforesaid shall, irrespective of the amount of any fine or penalty imposed, be entitled to appeal pursuant to Division 1 of Part V. of the Justices Act 1928 against the conviction in respect of which the order was made against the fine or penalty imposed and against the order directing cancellation or suspension.

Mr. PETTY (Toorak).—I move—

That the following words be added to sub-clause (2):—

"and service of a notice of appeal in any such case shall operate as a stay of execution until the appeal is heard and determined."
It is considered desirable by the Opposition to submit this amendment on account of the terms of sub-clause (1) of clause 8 which reads:

(1) Where any distributor of printed matter is convicted—

(a) of the indictable offence of publishing an obscene libel; or

(b) on summary conviction before a court of petty sessions consisting of a stipendiary magistrate sitting with or without other justices—

(i) of an offence against Part V. of the principal Act or of aiding abetting counselling or procuring the commission of any such offence; or

(ii) of an offence against this Act—

the court before which he is so convicted, in addition to and without prejudice to the imposition of any other penalty to which he may be liable, may in its discretion by order direct that his registration as a distributor of printed matter be cancelled or that the said registration be suspended for such period as the court directs.

I cite the case of Gordon and Gotch (Australasia) Limited which handles 250 publications every week. If that company were convicted of handling only one obscene journal and if its registration were cancelled or suspended, it would be unable to distribute any of the remaining 249 publications. That would be an extreme penalty. I therefore submit that the penalty should apply only after the hearing of an appeal. The purpose of the amendment is to provide that the continuity of the primary distributor's business shall be maintained, because the remaining 249 publications might be quite legitimate. They would include weekly political and church magazines and other innocuous publications, and it would be entirely wrong if their distribution were to be completely wrecked because the firm had, perhaps inadvertently, handled one obscene magazine.

The Bill in its present form would place a primary distributor in the position of having to decide whether a publication was obscene or not. If the judgement of the employee responsible went astray, or if his view differed from that of the stipendiary magistrate who heard the case, the firm would suffer the extreme penalty, and its whole business could be closed down for a few days at least. I am aware that an appeal may be lodged and that a firm could continue to trade pending the hearing of the appeal, and it is for that reason that the amendment has been submitted. There could possibly be a delay of three or four days in lodging an appeal, particularly over a holiday week-end, such as Easter. A firm might have been found guilty of having distributed an obscene publication on the Thursday before Easter and would not be able to avail itself of the necessary processes of the law for lodging an appeal until the following Wednesday. It might have to distribute publications late on the Thursday afternoon and again on the Monday and Tuesday. Therefore, I submit that my amendment should be incorporated in the Bill.

Mr. GALVIN (Chief Secretary).—The Government has considered the amendment but will not accept it. It believes that in view of the provisions of the Justices Act, no undue hardship would be inflicted on any publishing or primary distributing firm, which would have the same protection as any other person or firm. Immediately an appeal is lodged against a conviction and the recognizance is provided, the party concerned is entitled to the normal protection provided under the law. The Government considers that firms engaged in the distribution of publications are not entitled to any more protection than any other type of firm or any individual.

The amendment was negatived, and the clause was adopted, as was clause 9.

Mr. PETTY (Toorak).—I propose the following new clause to follow clause 9:—

Notwithstanding anything in any contract or agreement, whether entered into before or after the commencement of this Act, a distributor bookseller, newsagent, or other person shall not be liable for breach of contract by reason only of his rejecting any printed matter delivered to him or of his refusing to accept delivery of or to deal in any printed matter in any case where—

(a) he bona fide and reasonably believes that his acceptance of delivery of or his possession of or dealing in...
that printed matter may render him liable for the offence of publishing an obscene, libel, or for any offence against Part V. of the principal Act; and

(b) he gives to the person from whom he has received or is to receive delivery of such printed matter notice in writing of his rejection or refusal thereof and of the reason therefor as soon as is practicable after he becomes aware of the nature of the printed matter in question.

My reason for submitting this new clause is that in the Bill provision is made for the registration of primary distributors who, in the course of business, would have contracts with publishers to distribute all the publications printed by those firms. Under the Bill, if a primary distributor thought a publication was obscene he would be compelled to reject it. However, if the publisher made other arrangements for distribution of that publication to newsagents, by whom it was sold, and no action was taken against the publisher for distributing an obscene publication, the primary distributor could be held responsible for a breach of contract. The proposed new clause follows clause 21 of the Queensland Bill relating to obscene literature and it is submitted for the consideration of the Chief Secretary. If accepted, it will provide a let-out for the wholesale distributor who wishes to abide by the law.

Mr. GALVIN (Chief Secretary).—The Government is prepared to accept the new clause. The honorable member for Toorak has placed himself in a somewhat invidious position. Previously, when speaking of censorship, he said that newsagents and primary distributors were not competent to act as censors, but paragraph (a) of the proposed new clause provides that if a distributor, bookseller, newsagent or other person bona fide and reasonably rejects a publication which he considers to be obscene he shall not be liable for breach of contract. In such a case, the distributor must act as a censor. Apparently the honorable member for Toorak agrees with me that distributors of literature have a fair idea of what shocks public decency and oversteps our moral standards. I believe that reasonable people know what is decent and what is indecent.

The proposed new clause is taken from the Queensland legislation. The Government believes that every protection should be given to those who are prepared, in the distribution of publications, to adopt a reasonable standard of moral decency and to endeavour to clear from the community this obnoxious scourge which has been foisted upon us over recent years.

The new clause was agreed to.

The Bill was reported to the House with amendments, and the amendments were adopted.

On the motion of Mr. GALVIN (Chief Secretary), the Bill was read a third time.

ADJOURNMENT.

Mr. GALVIN (Chief Secretary).—I move—

That the House, at its rising, adjourn until to-morrow, at half-past Ten o'clock.

The motion was agreed to.

The House adjourned at 11.16 p.m.

LEGISLATIVE ASSEMBLY.

Thursday, April 22, 1954.

The Speaker (the Hon. P. K. Sutton) took the chair at 11.21 a.m., and read the prayer.

CHANDLER HIGHWAY AND BRIDGE BILL.

The debate (adjourned from April 6) on the motion of Mr. Merrifield (Minister of Public Works) for the second reading of this Bill was resumed.

Mr. RYLAH (Kew).—As most honorable members are aware, the question of the Chandler Highway is one which I have been bringing to the notice of successive Governments over a period
of many years. Honorable members probably believe that, a Bill having been introduced in the House dealing with the matter, I should now be able to say that my efforts have succeeded and that I have achieved my objective, but that is far from the true position. The Chandler Highway is a sort of orphan which has been landed in the lap of successive Governments owing to a set of circumstances dating back to 1929. It hardly deserves the title of "highway," being a short piece of road which connects the cities of Heidelberg and Kew across a bridge which was formerly used for railway purposes in the old outer circle link which ran from Fairfield through Deepdene and East Camberwell to Ashburton. The railway was abandoned many years ago, but a small section of the land over which the service operated is still reserved for railway purposes in case, at some later stage, it becomes necessary to run a branch line from Kew to East Kew and Doncaster. The land over which the Chandler Highway runs is not likely to be required.

In his second-reading speech, the Minister of Public Works pointed out that the Railway Department's capital liability in respect of the bridge was written off some years ago. The road has been erected on an embankment near the old railway bridge, which has been decked to carry road traffic. Although it is comparatively short, this road is a very important link between northern and southern suburbs. While I appreciate that when the Greater Melbourne town plan is implemented the Chandler Highway will become a secondary road, I believe that for many years it will still be the principal means of transit from northern to eastern and south-eastern suburbs, and that it is likely to carry a considerable amount of traffic. In 1929 a stop-gap agreement was entered into by various authorities concerned to enable the Chandler Highway to be constructed and maintained for a period of twenty years. No doubt the Government which approved of that agreement expected rapid progress concerning the highway to be made in that time, and did not consider it necessary to provide for a longer period ahead.

Mr. Rylah.

In 1949, when the agreement expired, the road was in a shocking condition and the bridge was rapidly deteriorating. When I was elected to represent the Kew constituency it became my responsibility to approach successive Governments with the object of saving this arterial highway from becoming too dangerous for the use of general traffic. In fact, the road became so bad that on several occasions a bus route operating over the highway had to be discontinued because the proprietor could not keep his vehicles on the road. The McDonald Ministry referred the matter for investigation by the Public Works Committee, of which the present Minister of Public Works was a member. The Committee made the following recommendations, as set out at page 12 of its report dated the 13th December, 1951:—

1. That the Railway Department be relieved of any further responsibility in regard to the bridge and roadway, and that the land on which both are constructed, be vested in the Crown.
2. That the bridge over the Yarra river at Fairfield be placed in a proper state of repair as soon as possible.
3. That the Chandler Highway be reconstructed and widened to make adequate provision for present and future traffic, and that a footway be provided throughout the length of the highway.
4. That these works be undertaken by the Country Roads Board.
5. That the cost of the works to be carried out on the bridge and roadway be allocated in the following proportions:—
   Victorian Government—two-thirds.
   Kew City Council—one-sixth.
   Heidelberg City Council—one-sixth.
6. That, in future, the roadway on either side of the Fairfield Bridge be controlled and maintained by the municipality in which it is situated, i.e., Kew and Heidelberg City Councils respectively, and that the bridge be jointly controlled and maintained by such municipalities.

On their face, the recommendations appear to be simple and sensible, but a considerable sum of money is involved in carrying them out successfully. Neither the former Country party Government nor the present Government has been prepared to face up to the financial responsibility of implementing the recommendations. After an investigation has been carried out by the Public Works Committee, and a report has been
submitted to the Governor in Council, it becomes the duty of the Government to carry out the recommendations, if it is at all possible to do so. If the committee’s recommendations are to be pigeon-holed and ignored, its work will be frustrated.

I appreciate the fact that the previous Government particularly and the present Government for a certain term were faced with a shortage of funds. I was hoping, however, from information that has been disclosed, that the Government would have been in a position to implement the committee’s recommendations. The Bill has been introduced to give effect to part of the recommendations; that is to say, the vesting of the land in the Crown, and the patching of the bridge. That is all to the good, but the vesting of the land in the Crown will immediately place upon the councils of Heidelberg and Kew the responsibility of maintaining the highway. When the Minister was explaining the Bill, he said that the road at present appeared to be in a fairly good condition, but it was doubtful whether it would stand up to traffic throughout the winter. The present condition of the road has been made possible only by Government assistance to the Kew City Council and the excellent work of its engineer, who found it possible to patch a road that experts considered was not worth patching. There are doubts as to whether the patching will be effective after winter sets in.

I have referred the Bill to the Kew City Council, and members of the council have had discussions with the Minister on the subject. They have informed me that they have been assured by the Minister that he will assist them should the condition of the road deteriorate, and that it is the intention of the Minister to ask the Country Roads Board to put the bridge in order immediately. In the circumstances, particularly as the patching work is becoming unsafe for traffic, I am prepared to support the Bill. I emphasize that it goes only half-way towards carrying out the recommendations of the Public Works Committee, and I assure the Minister that by the passage of this measure the Government is not overcoming the problem. At the present time, the road is rough and a speed limit of 20 miles an hour is being enforced. It is a bad advertisement for Melbourne when a main road of this description is placed under such a restrictive speed limit. The decking of the bridge is in a bad state and will have to be restored. In addition, it appears that the temporary patching of the roadway will deteriorate considerably. The Opposition has no objection to the Bill in its present form, but we remind the Government of its responsibility to ensure that this highway is not allowed to deteriorate to such a degree that it will become of no use to the public.

Mr. LUCY (Ivanhoe).—The Chandler Highway and bridge become the responsibility of the honorable member for Kew and the honorable member for Ivanhoe in this House. I congratulate the Government on the action it has taken. The honorable member for Kew suggested that the Bill is only going halfway towards implementing the recommendations of the Public Works Committee, but I regard it merely as a first instalment. Before the Government can do anything further, it must have the bridge and the road under its control. In the immediate future, I hope the Country Roads Board will take over full responsibility for both the road and the bridge. The road from the bridge to Princess-street, Kew, runs through Crown land at the Kew mental institution. The Kew City Council does not collect rates from that area, and so it is most desirable that the Government should control both the bridge and the road.

Last evening, I was assured by the Minister of Public Works that the Country Roads Board would redeck the bridge almost immediately. That will save the Heidelberg City Council a large sum of money. The Government is to be commended because the report of the Public Works Committee is not really old. The Government has gone into this matter within the first sixteen or seventeen months of being in office. I have before me a letter from the Kew City Council expressing pleasure at the action of the Government, and the same opinion has been expressed by the Heidelberg City Council.
Members know that the problem surrounding the road and the bridge has existed for many years. The Minister explained that the road was closed to rail traffic some 60 years ago. Since then, successive Governments and councils have been pushing on to one another the responsibility for maintaining the road. As I have already said, the Bill is the first instalment of the Government's taking over the bridge and the road and I sincerely hope the Country Roads Board will be given control of this arterial highway. The councils concerned have had to spend large sums on maintenance work over the years, and they should be relieved of that liability.

Sir HERBERT HYLAND (Gippsland South).—I am suspicious of this half-baked measure, which is not going to do any great amount of good. As a former Minister of Transport, I know that the Railway Department will be delighted at having got rid of the bridge. It has been endeavouring to do so for many years, and now it has been successful in its efforts to pass the responsibility on to someone else.

Mr. DODSWORTH.—The Department has persuaded this weak Government to take over the responsibility.

Sir HERBERT HYLAND.—The Department has persuaded someone to relieve it of responsibility. The honourable member for Ivanhoe said that the Country Roads Board would be doing the job.

Mr. LUCY.—I said that I hoped it would be doing the work.

Sir HERBERT HYLAND.—We hope the Country Roads Board will not do it. When a Government takes over control of a road, it has the responsibility of maintaining it. Country municipalities are in a parlous financial condition; they have no money for urgent road work. The honourable member for Ivanhoe speaks about the Country Roads Board taking control over a road in the metropolis. That proves that when two municipal councils in the metropolitan area dig their toes in, the Government says, "We will maintain this road for you." In his second-reading speech, the Minister of Public Works said—

The main purpose of the Bill is to effect the transfer of the bridge from control by the Railway Department to the Crown to enable it to be used as a public highway.

There is no objection to that proposal. As I said before, the Railways Commissioners would be glad to be relieved of the responsibility of the control and maintenance of the bridge. The Minister also said—

The land is still the property of the Railways Commissioners, but to enable it to be converted to a proper road-link it is necessary that the area be transferred to the Crown so that it may become a public highway.

The proposed transfer is only a technicality, as the thoroughfare has been used as a public roadway during the last half-century. The Minister continued as follows:—

It is uncertain whether the present condition of the road will remain or whether it will deteriorate during the winter, but the Government will deal with whatever problem arises in future.

Members of the Country party would like to be told exactly what the Minister of Public Works has in mind concerning this road. We suspect that all the facts have not been stated. The transfer of the bridge from the Railways Commissioners to the Crown is the same as tweedledum and tweedledee, because for all practical purposes the Railway Department is the Crown. If the bridge is to be transferred from the control of the Railways Commissioners to the Crown a big expenditure of funds of the Country Roads Board will be incurred in putting the bridge into a state of proper repair. I think all will agree that the bridge and the road should be put in order.

Members of my party feel that the recommendation of the Public Works Committee that one-sixth of the cost should be contributed by each of the two municipalities concerned was a reasonable proposition. They also agree with the proposal that the Government's share of the cost should be derived from Treasury funds and not from the money available for use by the Country Roads Board. In view of the fact that country municipalities are practically "stony broke," we object to funds of the Country Roads Board being expended on the Chandler Highway.

I remind members that many country municipalities have raised their rating to the maximum allowed under the Local Government Act and they have also...
imposed in some cases a special rate of 1s. In many cases valuations have been doubled, yet the revenue obtainable falls far short of requirements. I raise my voice in the strongest protest against the expenditure of moneys allotted to the Country Roads Board on a road which is in the heart of the metropolitan area. As I said before, the Government should provide money from some other source for the repair of the road.

Mr. R. T. WHITE (Allendale).—I support the protest of the honorable member for Gippsland South against the statement by the new spokesman for the Government that funds available to the Country Roads Board are to be spent on this project.

Mr. Lucy.—That is not true.

Mr. R. T. WHITE.—The honorable member made a statement to that effect. Everybody knows that the meagre funds allotted to country municipalities are not nearly sufficient to enable them to undertake necessary works.

Mr. McClure.—The Country municipalities have not spent all the moneys allotted to them.

Mr. R. T. WHITE.—I suggest that the honorable member for Dundas should hang a bell around his neck and travel throughout his electorate, when he would ascertain the sums of money that have been allotted to municipalities for expenditure on roads. This Bill is another instance of the way in which the Government is robbing country municipalities. It is a further indication of the attitude of the Government towards country interests. I challenge the Government to make its proposal to spend Country Roads Board funds on metropolitan roads a plank in its political platform.

There is one feature of the Bill which I do not like, but it has not been mentioned by either the Minister or the members who represent the two municipalities most concerned. Apparently, those municipalities—to use common parlance—have dug their toes in and have forced the Government to make a decision which led to the introduction of the Bill. I do not know what total cost is involved in the proposals. Possibly, it will be necessary to erect a costly new bridge in place of the old one. I contend that all members should be informed clearly as to the source from which the money will be obtained for the building of a new bridge or the repair of the old one and for the maintenance of the highway.

The expression “highway” is used in the Bill, and I interpret it as having the same meaning as “road” in the Local Government Act. Any ordinary road mentioned in the Local Government Act means a highway. I take it that the Government does not intend to supersede the powers of the Country Roads Board and declare the Chandler Highway to be a highway and in the same category as the Henty, the Calder and the Hume, which highways run from the Murray to the sea. It appears that in this instance the Country Roads Board is to take over the responsibility of maintaining this roadway and that seems to be a departure from a principle that has obtained for many years.

My colleagues have stated that apparently the honorable member for Ivanhoe has information which the Minister of Public Works did not submit to the House. The honorable member indicated that the Country Roads Board would supply the money to be expended on the bridge and the highway. We desire to know definitely whether that course will be followed. This year the Country Roads Board made its usual allocations to country municipalities, but after having done so it informed the councils that such allocations were to be reduced by 35 per cent. In explanation of its action the Country Roads Board has stated that the average expenditure by
country municipalities from their annual allocation for road construction and maintenance is in the vicinity of 71 per cent. of the total sums allotted to them, but that statement does not satisfy me. It has also been stated that the balance of the money can be claimed and expended in the next financial year. However, there are many municipalities which formulate their plans early in a financial year with a view to keeping their road-making staffs fully employed during the full twelve months, and the reduction of their allocation by 35 per cent. is totally unfair.

My view is that if the state of affairs which I have mentioned does actually obtain in country areas, the Country Roads Board is wrong in over-allotting funds in the earlier part of a financial year. A preferable course would be for the Board to be conservative in the first part of the year as that policy would have no adverse effect on the operations of the municipalities, provided that they knew that in the latter part of the year more money would be available to carry on their works. Further to those remarks and apropos of this Bill, when the Country party Government was in office it provided, for instance, a sum of £1,000 for expenditure on recreation reserves, but the Government now in office cut the allocation by 50 per cent. Now, it proposes to take money from the Country Roads Board and expend it on a road in the metropolitan area.

Further, the Country party Government, for certain work carried out by country councils, allocated £4 or £5 to every £1 contributed by the municipalities, but this Government is threatening that future allocations will be made on a £1 to £1 basis. Members of my party have already stated how rates and valuations in country areas have increased. If there is any reduction by the Government of allocations to country municipalities further rate increases must take place so that necessary maintenance works may be carried out. Apparently, this is another move by the Government to cripple primary interests and to load country people with extra costs. It is all very well for members representing metropolitan districts to smile, but municipal rates in suburban areas have not been increased to the same extent as have those in the country where, as a result of higher valuations and rates, the over-all increase has been as much as 120 per cent. That state of affairs cannot continue.

The time has arrived when the members of this metropolitan Government must put on their thinking caps. One would think that from the point of view of self preservation in the political sphere they would try to save their own skins, and I believe that unless some assistance is given to country municipalities there will be a reaction against the Government. Although this is a small Bill it contains a big principle. To enable members to vote conscientiously, the Minister of Public Works should inform members of how the maintenance of the Chandler Highway will be financed.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Sir HERBERT HYLAND (Gippsland South).—During the second-reading debate, the Minister of Public Works was requested to inform members whether or not the Country Roads Board will be called upon to carry out work on the Chandler Highway. As the honorable gentleman has made no reply, we can only assume that the Board will be required to finance the work out of its own funds. I propose to move an amendment along the lines of the following recommendation which is contained in the report submitted to the Government by the Public Works Committee—

That the cost of the works to be carried out on the bridge and roadway be allocated in the following proportions:—

Victorian Government, two-thirds.
Kew City Council, one-sixth.
Heidelberg City Council, one-sixth.

I would point out that the Minister of Public Works and the honorable member for Collingwood were members of the committee that made that recommendation. I should like your advice, Mr. Acting Chairman, whether my proposal can be moved as an amendment to a clause or as a new clause.
The ACTING CHAIRMAN (Mr. Fewster).—I must rule that an amendment on the lines suggested cannot be submitted, because, if it were accepted, it would necessitate an appropriation, which would have to be covered by a Governor’s message.

Sir THOMAS MALTBY (Barwon).—I rise to a point of order. Surely this matter could be overcome by some cooperation between the Minister of Public Works and the Opposition. If the Minister would agree to progress being reported at this stage, the Government could consider the reasonable proposition that has been submitted. Doubtless the honorable member for Collingwood is embarrassed by the attitude of the Government, because he signed the report of the Public Works Committee which contains the recommendation referred to by the honorable member for Gippsland South. I am sure that the honorable member for Collingwood is eager to cast a vote in support of that report. In view of the importance of the issue, it is a democratic request to ask the Minister to agree to progress being reported in order that the Government might consider whether a Governor’s message should be introduced to provide funds.

The ACTING CHAIRMAN.—I have ruled the amendment out of order, and the question is that clause 2 stand part of the Bill.

Sir HERBERT HYLAND (Gippsland South).—I rise to submit a point of order. In his second-reading speech, the Minister of Public Works said—

It is uncertain whether the present condition of the road will remain or whether it will deteriorate during the winter, but the Government will deal with whatever problem arises in future.

Surely the Minister of Public Works, who signed the report of the Public Works Committee, intends to support the recommendation of that committee. The Government has not given any indication that the Country Roads Board will not spend money on the Chandler Highway; therefore the Opposition can only come to the conclusion that the policy of the Government is that the funds of the Board should be expended in putting the Chandler Highway and the bridge into proper repair without any contributions from the municipalities of Heidelberg and Kew.

The issue is clear-cut. The Government has not said, in effect, “We will find the money.” The municipal councils have “dug their toes in.” I understand that the City of Kew agreed to provide the equivalent of one-sixth of the cost, but that the City of Heidelberg refused to do likewise. The honorable member for Ivanhoe now wants the Country Roads Board to shoulder the responsibility of carrying out the necessary work. The Opposition desires to register a most emphatic protest at the Government’s decision not to allow something definite to be done to settle the matter. I repeat that this measure is a half-baked one. At all events, it will not be the means of providing money for the work. The Government has made an airy promise to do certain things, but that promise cannot be fulfilled before the forthcoming Federal election and I doubt whether it will be fulfilled before the next Assembly election in this State.

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.

VOTES ON ACCOUNT.
The House went into Committee of Supply.

Mr. CAIN (Premier and Treasurer).—I move—

That a sum not exceeding £21,213,177 be granted to Her Majesty on account for or towards defraying the following services for the year 1954-55:—Legislative Council—contingencies, &c., £2,305; Legislative Assembly—salaries and contingencies, £8,805; Refreshment Rooms—salaries and contingencies, £3,600; Engineers and Gardeners—salaries and contingencies, £1,560; Parliamentary Printing, £7,500; The Library, Parliament House—salaries, contingencies, &c., £2,245; Victorian Parliamentary Debates—salaries and contingencies, £4,600; The Governor’s Office—salaries and contingencies, £4,650; Premier’s Office—salaries, contingencies, and miscellaneous, £32,800; Patriotic Funds Council—salaries and contingencies, £290; Soil Conservation Authority—salaries, contingencies, and miscellaneous, £22,812; Regional Planning and Decentralization Division—salaries
and contingencies, £6,030; Agent-General, £7,120; Public Service Board—salaries and contingencies, £11,085; Audit Office—salaries and contingencies, £28,560; Chief Secretary's Office—salaries and contingencies, £14,700; totalizer administration, £500; miscellaneous, £1,660; pensions, &c., £110; grants, &c.—salaries and contingencies, £6,250; Board for the Protection of the Aborigines—salaries and contingencies, £2,750; Explosives—salaries and contingencies, £13,300; State Accident Insurance Office—salaries and insurance of State employees, £43,275; Motor-car (Third Party) Insurance—salaries, £9,440; Workers' Compensation Board—salaries, £2,070; Fisheries and Game—salaries and contingencies, £20,500; Government Shorthand Writer—salaries and contingencies, £2,350; Government Statist—salaries and contingencies, £32,900; Children's Welfare—salaries, contingencies, and miscellaneous, £126,000; Penal and Gaols—salaries and contingencies, £128,000; Police—salaries, contingencies, and miscellaneous, £1,126,000; Police Classification Board—salaries and contingencies, £495; Public Library, &c.—salaries and miscellaneous, £50,100; Free Library Service Board—salaries and contingencies, £29,000; Department of Labour—salaries and contingencies, £49,950; Education—salaries, £2,775,000; contingencies and miscellaneous, £918,000; works and buildings, £20,000; endowments and grants, £285,000; Teachers Tribunal—salaries and contingencies, £1,000; Attorney-General—salaries and contingencies, £157,950; Prices Control—salaries and contingencies, £45,000; Rent Controller—salaries and contingencies, £13,000; Public Trustee—salaries and contingencies, £26,200; Courts Administration, &c.—salaries and contingencies, £87,475; Treasury—salaries and contingencies, £20,200; payment under the provisions of the Commonwealth Pay-roll Tax Assessment Act, £130,000; miscellaneous, £75,000; transport, &c.—salaries and miscellaneous, £144,000; Revenue—salaries and contingencies, £159,090; Free Libraries—salaries and miscellaneous, £67,120; Horticulture—salaries, contingencies, and miscellaneous, £50,110; Live Stock—salaries, contingencies, and miscellaneous, £63,950; Dairying—salaries, contingencies, and miscellaneous, £58,960; Health—Administrative—salaries, contingencies, and miscellaneous, £1,244,000; General Health—salaries, contingencies, and infectious diseases, £159,090; Tuberculosis—salaries, contingencies, and miscellaneous, £350,950; Maternal and Child Hygiene—salaries, contingencies, and miscellaneous, £367,750; Mental Hygiene—salaries contingencies, and miscellaneous, £397,700; Railways—working expenses, &c., £8,651,800; Railway Construction Branch, £4,170; State Coal Mines—working expenses, £230,120; Ministry of Transport—salaries and contingencies, £1,320. Total £21,213,177.

At the conclusion of the present sittings of Parliament, the House will be adjourned until early in the new financial year, and as the period for which Supply has been granted will expire on the 30th June next, it will be necessary to obtain further Supply. The amount of Supply now asked for—£21,213,177—is sufficient to cover the period July, August and September, 1954.

Before dealing with the various items in the Supply Bill I desire to advise honorable members that the budgetary position for the current financial year is very satisfactory and, although I am not at this stage able to give a detailed statement of the position, I can state that a recent review of the transactions on account of revenue and expenditure indicates that the surplus anticipated in my Budget statement of September last will be more than realized.

The first column of the Supply schedule indicates the amount required under each division of the Estimates to meet expenditure for the months of July, August and September, 1954, and the second column shows the proportionate...
amount of the estimated expenditure under each division of the Estimates for the current financial year. The Supply schedule discloses many variations in the amounts required compared with the estimated expenditure for a proportionate period of the current financial year. There are many reasons for these variations.

Provision has been made for seven fortnightly payments of salaries, and this accounts for the increased Supply required under many divisions. In addition, under some divisions the greater proportion of the expenditure is not charged until the latter half of the year, whereas in other cases the expenditure is heavier in the early part of the financial year. Supply is not required for certain items of expenditure such as interest, sinking fund and exchange payments, for which special appropriations have been authorized by Parliament.

I shall now deal with the main items for which, apart from the additional amount necessary on account of the seven fortnightly salary payments, increased provision is required.

For the State Accident Insurance Office—salaries and insurance of State employees—the increase is £15,695. The insurance is payable during the month of September.

An extra amount of £12,236 is necessary for the Children’s Welfare Department because payments are made to foster mothers every 28 days and four such payments will have to be made during July, August and September.

Under the division “Police—salaries, contingencies and miscellaneous,” additional Supply of £126,075 is wanted to meet the cost of salaries of the Police Force, which were increased by the Police Classification Board during the current financial year. Moreover, provision is made to meet the payment of overtime to the Police Force and higher allowances fixed by a recent determination of the Board.

An amount greater by £6,899 than the proportionate sum indicated is required by the Attorney-General’s Department to meet the increase in the cost of jury fees which became operative in February, 1954.

Payments to the Royal Mint which come within the category of “exceptional expenditure” and have to be made in the early months of the financial year account for the additional provision of £20,057 for the Treasury.

The increase of £10,834 indicated under “Lands and Survey—miscellaneous” relates to seven pay days for employees who are working under the Vermin and Noxious Weeds Act.

An extra amount of £95,159 is required for the State Rivers and Water Supply Commission for salaries, works, and so on. Apart from the additional fortnightly salary payment, it has been necessary to provide for maintenance works that are carried out before the commencement of the watering season. These are undertaken regularly.

The Department of Health vote shows an increase of £19,951 for salaries, contingencies, and infectious diseases. This sum is needed to meet a quarterly payment in advance to the Queen’s Memorial Infectious Diseases Hospital, Fairfield. For the Railway Department, increased provision amounting to the sum of £86,205 is necessary to meet the full year effect of the wages awards made during the current financial year.

In some divisions, decreases are shown, the most important being a reduction of £426,259 in payments to the Railway Department and the State Coal Mine. Provision is made for the payment of a subsidy to the Railway Department on account of debt charges, and as this payment is not made until the end of the financial year a lesser amount is required. All but 1 per cent. of the funds necessary for the payment of debt charges is met by the Treasury.

During the current financial year a considerable sum was expended by the Department of Agriculture in controlling fruit fly and grasshoppers; consequently, the vote for salaries, contingencies, miscellaneous and exceptional expenditure for the period covered by this Supply Bill has been reduced by £37,430. Fortunately, the outbreak of the fruit fly pest was not as severe as it could have been. However, a considerable sum of
money was expended in destroying grasshoppers, most of that work being undertaken in New South Wales, and I think the attempts to fight the plague in the neighbouring State and prevent it from reaching Victoria will be appreciated.

Mr. McDONALD.—The Government was not called upon to spend large sums of money on relief from the effects of floods and droughts, as were other State Governments.

Mr. CAIN.—I do not know whether the Leader of the Country party wishes to see a flood or a drought occur in Victoria. Luckily, this State has been free from tragedies of that nature for a number of years; there has not been a drought for eight or nine years. When the Country party Government was in office there were several seasons of bountiful harvest, and our Government has been similarly fortunate. No one wishes a drought to occur, but when the inevitable happens it must be faced.

Mr. DODOSHUN.—Judging by the number of grasshoppers in northern districts of the State in the last month, the Government should prepare to combat a plague next year.

Mr. CAIN.—That situation will be met if it arises; I do not intend to state what the Government proposes to do. I shall not prophesy what fate has in store concerning grasshoppers, droughts or floods, but, in the interests of all concerned, including members of the Country party, I trust that it will not be necessary for us to face any of those obstacles. Judging by the manner in which members of the Country party have been interjecting, they are apparently looking for a drought or a flood; I am hoping for neither.

I have now explained the major variations in the amount of Supply required for the months of July, August, and September next from the proportionate amount of the estimated expenditure for the current financial year. I propose not to ask the Committee to proceed with the debate now, but that it should be adjourned until next week to enable members to peruse the Supply schedule and discuss particular problems. I shall do my best to furnish answers to any questions that are raised.

Mr. BOLTE.—Have the Estimates taken into account the drop of 1s. which has occurred in the base rate for Victorian State award workers, following the fall in the cost of living reflected in the Commonwealth “C” series index?

Mr. CAIN.—I understand that the figures contained in the Supply schedule were prepared before the fall in the State basic wage was announced.

Mr. McDONALD.—That is “bunce” once again; there will be additional revenue for the Treasury.

Mr. CAIN.—Like a cat, the Leader of the Country party squeals no matter what happens. Complaints were made by the Opposition parties a few months ago because the Government decided to pay cost-of-living variations based on percentage increases in the “C” series index. Two increases, one of 2s. and the other of 1s., were paid to workers employed under State awards. Now there has been a reduction of 1s., but that figure has not been taken into consideration in the preparation of the Supply schedule. It does not amount to a tremendous sum in three months.

Mr. BOLTE.—About £30,000.

Mr. CAIN.—A payment of 3s. involves a sum of approximately £200,000, and one-third would represent between £60,000 and £70,000. Therefore, the figure of £30,000 is not quite accurate. I realize that the Supply measure covers a period of only three months. I shall be pleased to furnish honorable members with any further information they desire.

Progress was reported.

TOWN AND COUNTRY PLANNING BILL.

The debate (adjourned from April 6) on the motion of Mr. Merrifield (Minister of Public Works) for the second reading of this Bill was resumed.

Mr. RYLH (Kew).—From a perusal of the second-reading speech of the Minister of Public Works, one would have thought that this was a simple Bill, but closer examination reveals that there are a number of matters for the House to consider. The measure appears to be the fifth or sixth instalment of the
patchwork legislation dealing with planning that has been introduced. I do not think I am being unfair to the Government when I state that, as in the case of previous Administrations, it is not facing the real issues affecting town and country planning. It is merely passing legislation which is required immediately, in order to facilitate another stage in the somewhat higgledy-piggledy process of planning that the Government has undertaken.

The Bill has two principal effects. First, in clause 8, it deals with the question of compensation, as mentioned by the Minister of Public Works in his second-reading speech. The Minister did not mention the other important aspect. I do not suggest that the honorable gentleman had an ulterior motive for omitting reference to it; I think he was sidetracked by an interjection by my Leader. He overlooked explaining to the House that the effect of clause 3 of the Bill was to change completely the scope of the powers vested in a responsible authority under an interim development order. Clause 3 substitutes a new section for section 12 of the principal Act, which was passed in 1944. Subsection (1) of that section provides—

After the commencement of the preparation of any planning scheme and before the approval thereof the responsible authority may with the approval of the Governor in Council (given after consideration of a report by the Board thereon) make an interim development order regulating restricting the development of any land, or the erection construction or carrying out of any buildings, roads or other works on any land which may be included in such scheme:

The obvious purpose of a provision of that type is to prevent speculators from taking advantage of the fact that it is intended to introduce a planning scheme by buying up land which, it appears, will be favourably placed in the plan and selling areas which are not likely to be so favourably placed. At the same time the provision has the object of preventing haphazard development which would be inconsistent with the scheme. For ten years this House has accepted that principle as being the basis of an interim development order. On several occasions section 12 and other sections of the principal Act have been amended, but I think it is reasonable to say that the interim development order provision, which is a somewhat nasty one because it freezes development as well as prevents speculation in the area concerned, has worked satisfactorily.

The operation of an interim development order is closely related to the question of compensation, and it is interesting to note, as disclosed by the Minister, there have been either none at all or very few applications for compensation under such orders. I suppose that indicates that the scheme adopted in 1944 has worked reasonably satisfactorily, although amendments have been made to it from time to time. Now it is proposed to recast section 12. In this respect the Bill differs substantially from the measure introduced during the last session. The powers which it is now proposed to confer on the responsible authority under an interim development order are very much wider than those which at present apply. The proposed new sub-section (1) of section 12 of the principal Act provides—

After a date determined and notified by the responsible authority in the manner prescribed as being the date of the commencement of the preparation of a planning scheme, and before the approval of such scheme, the responsible authority may with the approval of the Governor in Council (given after consideration of a report by the Board thereon) make an interim development order regulating restricting restraining or prohibiting the use or development of any land, or the erection construction or carrying out of any buildings or works on any land, which may be included in such scheme:

When considering the proposals contained in the Bill, honorable members should have before them the views of the Minister and his advisers as to how interim development orders will operate under the new arrangement. It may well be that a more positive contribution can be made to planning if the interim development order is extended not only to prohibit land speculation but also to include the other aspects that I have mentioned. It may well be that by extending the powers of the responsible authority under an interim order, such an order is being taken out of the category in which it has always been—that is to say, a stop order on development to prevent speculation and so on.
It may be placed in a completely new category, allowing the responsible authority to take two bites at the plan. In other words, instead of the responsible authority deciding that it will make a plan and at that stage being required to apply a stop order on development, Parliament is saying to the authority, "When you have decided to make a plan you may not only impose an interim development order which will prohibit development contrary to the scheme, as formerly, but you will also have power to regulate, restrict, restrain or prohibit the use or development of land."

I have an entirely open mind on the question; in the time available I have not been able to seek expert opinion as to what the effect of the new proposition will be. Because of its importance the Minister of Public Works should state his views. In December last I discussed the general provisions of the Bill before the House, and I do not propose to repeat those remarks. The Opposition has no objection to the machinery provisions of the measure which will permit the planning scheme to be carried into effect up to the interim development order stage, because most of those provisions are designed to reduce the cost of publishing the interim development order. There are many problems concerning the question of compensation. The Opposition believes that placing legislation of this type before the House is merely playing with the question of planning, and that effective and proper planning cannot take place in the city of Melbourne unless adequate provisions are made for compensation. By restricting or regulating compensation payable at the interim development order stage—as clause 8 of the Bill purports to do—and interfering in certain aspects with the compensation payable under the planning scheme, the Government is relieving itself of temporary embarrassment. Apparently it considers that it cannot allow the metropolitan scheme to proceed to the interim development order stage unless the Treasury is safeguarded.

The Government is merely putting off the day when the question of paying compensation must be faced realistically. It is obvious that town-planning economically benefits a majority of the people, if a scheme is carried out in a sensible and practical manner. For example, if a new bridge was erected parallel to the Chandler Highway bridge, but in a position to permit the construction of a wider roadway, that would convenience residents of the eastern suburbs who travel to and from Melbourne. Such a bridge would not only be a convenience but it would also be economically beneficial. Persons using the route would save time; there would be a saving on the wear and tear of vehicles together with the other advantages that accompany faster travelling.

Generally, there will be not only community benefits from town-planning schemes, but also gain to certain individuals. When the metropolitan plan is put into operation, a new shopping centre may be constructed at Moorabbin. Certain local residents owning land in that locality will benefit greatly, by reason of the fact that their present "backyard" land will become valuable through its proximity to the shopping centre. Other persons owning land on the shopping site will have to provide parking areas. The Opposition believes that successful planning will not be carried out until the question of compensation is dealt with. Persons who suffer hardship should be compensated, and persons who benefit should pay for the benefit received. It follows that, generally, the individual taxpayer will benefit; in certain localities, it will be the general ratepayer. In particular localities, individuals will benefit. It seems to the Opposition that no satisfactory planning scheme can be undertaken until such principles are applied to the provision of a compensation fund. The greatest contributor to an over-all scheme of the magnitude of the metropolitan scheme should be the general taxpayer, who will benefit most.

Mr. MERRIFIELD.—Will the Country party be happy about that?

Mr. RYLAH.—I shall discuss that problem. The actual incidence of the burden is a question that must be worked out. If planning proceeded simultaneously throughout Victoria, a charge on the general taxpayer as such
would be reasonable, but if the planning is to proceed only in isolated areas, local ratepayers may have to contribute substantially towards the cost of the benefits they are receiving in order to provide an equitable compensation scheme. It is obvious that country people will benefit from some of the over-all plans.

Mr. R. T. WHITE.—That will be a change.

Mr. RYLAH.—It will not be a change. Country people do not fare too badly. I do not want to fall out with my country friends on the Opposition side or my country opponents on the Government side of the House on this question. I realize that there are considerable problems involved in planning schemes. I know that Liberal party, Country party and Labour party Governments have all had a hand in making the patchwork quilt of planning legislation that has been produced. It is fair to say that all parties have been concerned in the passage of legislation to meet a situation of the moment, but no Government has faced up to the over-all problem. It is obvious that the State will be a great beneficiary if there is a general over-all plan in the metropolitan area.

Mr. MERRIFIELD.—In New South Wales, the cost of the County of Cumberland scheme is shared by the Government and the municipalities concerned.

Mr. RYLAH.—I have a suggestion that I think will distribute the burden more equitably. If a new bridge is constructed over the Yarra river between Cowper-street and Johnson-street; if an underpass is built under Swanston-street; if a new bridge is constructed at the foot of King-street; and arterial roads are built into the city—it is obvious that country people will share in the benefits arising from those improvements. It is also obvious that in certain aspects of planning, local municipalities will benefit considerably, as will individuals or groups of individuals. In this connexion, I refer to landholders in a particular area of the City of Prahran; they will benefit substantially.

Mr. MERRIFIELD.—Planning schemes do not provide for the erection of new buildings.

Mr. RYLAH.—That is true, but if the metropolitan plan is brought into operation, the value of vacant land will appreciate, and the owners, I think, should contribute to the compensation fund. I firmly believe that the scheme of the Board of Works is idealistic. Probably it is sound, but it will not get anywhere until we face up to the compensation question. I said that I would submit a formula for consideration in connexion with the provision of compensation. In my view, three groups must contribute to the fund. The first is the State of Victoria, or its taxpayers generally; the second group consists of the ratepayers in the municipalities where the improvements are being effected; and the third group consists of individuals who will gain appreciably from such improvements as shopping centres, new roads and additional bridges. That is a constructive suggestion in relation to the payment of compensation.

Mr. MERRIFIELD.—It would be very difficult to apply it.

Mr. RYLAH.—That may be so, but the Minister must agree that the whole problem of town and country planning is a difficult one. The plans prepared by the Melbourne and Metropolitan Board of Works would not have been held in abeyance for twelve months if planning was easy to effect. However, planning is a problem which must be tackled sooner or later. I believe that good as our efforts at town and country planning in Australia may be, they are the laughing stock of people from overseas. Time after time most ambitious plans have been prepared and approved, but it has not been possible to implement them on account of lack of funds.

Mr. MERRIFIELD.—To which particular plan are you referring?

Mr. RYLAH.—I refer to town and country planning generally in Australia. In past years, opportunities have been missed for implementing a number of planning schemes. If those projects are to be tackled in the future, they will be much more costly propositions. All members know that traffic bottle-necks exist in a number of suburbs. Those
disabilities could have been eliminated twenty years ago if a proper approach to the question of planning had been made. But the problems have remained, and now their removal will involve heavy compensation payments.

Having dealt generally with the question of compensation, I desire to comment on the provisions of clause 8 of the Bill which relates to this aspect. When a Bill of this type was before the House during last session, the Opposition considered that there should be no interference with the provisions of the old Act which had worked satisfactorily and which, on the information supplied by the Town and Country Planning Board and by the Minister, had not led to any claims for compensation. I think it would serve a useful purpose if at this stage I summarized the provisions of the existing legislation. Compensation is payable under section 22 of the 1944 Act—

... to all persons interested in any lands to be purchased or taken for or used in connexion with or injured or prejudicially affected by the making or carrying out of—

(a) any planning scheme or the variation or revocation thereof; or

(b) any interim development order.

The section also provides that no compensation shall be payable in certain circumstances. The first provision is a very reasonable one. If an interim development order has been imposed and any person does anything contrary to the terms of such order, he should not be compensated. There are three further provisions in section 22 to the effect that no compensation shall be payable in respect of—

(a) any provision in a planning scheme which could have been made and enforced without liability to pay compensation by any municipality or public authority independently of this Act;

(b) any provision in a planning scheme which requires, in the case of the erection of any building intended to be used for the purpose of a business or industry, the provision of accommodation for loading unloading or fuelling vehicles with a view to preventing the obstruction of traffic in public streets; or

(c) any provision in a planning scheme which prescribes areas for residential shopping factory or like purposes.

Mr. Rylah.

That section was amended by Act No. 5273 of 1948, in respect of land to be used for specific purposes. I should have thought that the relevant provisions of the legislation as they now exist would provide sufficient protection for the Government.

Mr. Merrifield.—They are more than sufficient, but in this Bill the Government is being more liberal to the public.

Mr. Rylah.—When the Government introduced a Town and Country Planning Bill last year the Opposition considered it was essential that the question of compensation should be tackled because it feared the incidence of compensation. The measure submitted last year virtually meant that no compensation would be paid under an interim development order, but the Government’s proposal was rejected in another place. Now a Bill has been introduced which the Minister states is more liberal than are the provisions of the 1948 amendment.

Mr. Merrifield.—That amendment affected only the planning scheme. The Bill now before us is more liberal in its effect on a planning scheme, but it will have no bearing on an interim order.

Mr. Rylah.—I find it difficult to appreciate the intentions of the Government. We have great difficulty in understanding the purport of the proposed amendment to section 22 of the principal Act. The new proposal provides for the payment of compensation generally under an interim development order or planning scheme, and at first sight it would appear to be a liberal provision. Then it proceeds to set out a number of provisions under which compensation may not be granted. The clause provides, as did the old Act, that no compensation shall be payable in respect of anything that is done subsequent to the publication of an interim development order, and to that provision the Opposition has no objection. The clause also provides that no compensation shall be payable in respect of—

(b) any provision in a planning scheme which requires, in the case of any land or of the erection of any building where such land or building is used or is intended to be used
for the purposes of a business or industry, the provision of accommodation for—

(i) loading unloading or fuelling vehicles with a view of preventing the obstruction of traffic in public streets; or

(ii) parking vehicles used in connexion with such business or industry;

Mr. MERRIFIELD.—You are in agreement with the proposals up to that stage?

Mr. RYLAH.—Yes. Paragraph (c) of the clause is in these terms—

any provision in an interim development order or planning scheme which specifies or enables to be specified the purposes for which land may be used or which prohibits restricts or regulates the use of land for specified purposes, except in so far as—

(i) such land is land reserved for public purposes; or

(ii) the responsible authority has by notice in writing forbidden the continued use of the land for any purpose specified in the notice which (though not actually prohibited by the planning scheme) is not in conformity with the planning scheme.

If land is included in an interim development order and is intended to be used for public purposes—there are large areas of that type within the proposed scheme—nothing can be done with such land, although ultimately a person may be entitled to the payment of compensation if the planning scheme follows the lines of the interim development order.

The effect of an interim development order is that all concerned are informed that the land is to be reserved for public purposes. If a person has a dairy farm on such land, he may continue to use the land for that purpose. If the land is vacant and the owner desires to sell it, presumably he may do so, but he may not be able to persuade anyone to buy it because the interim development order has much the same effect as an acquisition order issued by the Housing Commission. The owner will not be able to use the land nor get anyone to buy it. Further, he will receive no compensation until such time as it is used for the particular purpose specified in the order.

Mr. MERRIFIELD.—Under the existing legislation there is no obligation on any statutory authority to take the land until a later period, but the Government has liberalized the position.

Mr. RYLAH.—The Bill appears to provide that if an interim development order reserves a particular section of land for a public purpose, the owner is not entitled to compensation until the land is taken for that purpose.

Sir GEORGE KNOX.—What would be the position with the estate of a deceased owner?

Mr. RYLAH.—If land which was the subject of an interim development order was owned by a widow who wanted to sell it in order that she might obtain some resources for herself, she could not dispose of it. However, it is possible that it might not be intended to be used under the plan for 50 years; therefore until the land is taken for the purpose provided in the interim development order it is virtually useless.

Mr. MERRIFIELD.—That is the existing law.

Mr. RYLAH.—That may be so, but these problems did not arise in the past.

Mr. MERRIFIELD.—In 1949, the Government of the day introduced the amendment relating to interim development orders and must be held responsible. This Government has liberalized the provision to assist the private owner. Actually this is a Committee Bill, and at that stage I propose to explain the various clauses in detail.

Mr. RYLAH.—I appreciate the view of the Minister, but if the Opposition is to submit constructive amendments in Committee it must know the intentions underlying the proposed legislation.

Mr. MERRIFIELD.—All I can say is that the amendment contained in this measure liberalizes the existing legislation.

Mr. RYLAH.—I accept the assurance of the Minister in that regard, but I am no happier after hearing his statement. The problem being faced at present is completely different from anything that has arisen in the past. Previous legislation has contemplated planning in a small way by local authorities, but it is now contemplated that the planning
scheme shall embrace the whole of the metropolitan area, and when the stage of issuing the interim development order is reached considerable tracts of land will be frozen within that area. I know that the Minister will say, "As a result of amending legislation passed in 1949 provision was made for the Melbourne and Metropolitan Board of Works to undertake this work." I know, too, that at that time power was given the Board to undertake this planning; probably every one concerned breathed a sigh of relief and said, "The evil day has been put off, and we can consider the matter in a few years' time. Possibly a different Government will be in office to face the problem when it arises."

Mr. MERRIFIELD.—If you agree that the Bill liberalizes the existing legislation, how much further do you feel it should go?

Mr. RYLAH.—I appreciate the assurance that the proposals contained in the Bill are more liberal than the existing legislation, but I am unable to see how that is so. At present I am indicating—after studying the Bill and having the benefit of a seven-page opinion by learned counsel, which confused me more than did the Bill—that the House should examine these proposals to ascertain their effects. I do not suggest that this provision is unreasonable, but it is desirable that when members are asked to make a further contribution to patchwork legislation they should know the difficulties of the problem.

Mr. MERRIFIELD.—You have not attempted to indicate precisely what the problem is so that we can attempt to overcome it.

Mr. RYLAH.—I appreciate that. Frankly, I admit that there are difficulties. Members of the Opposition consider that the legislation has become such a patchwork that it is extremely difficult to sort it out without rewriting all the compensatory provisions. If that were done it would be necessary to face up to the problem of what must be done about compensation in the long run.

Mr. MERRIFIELD.—Clause 8 co-ordinates all the provisions relating to compensation. How much further do you think we should take the position?

Mr. RYLAH.—In Committee, clause 8 can be examined and individual cases of hardship can be referred to so that we may ascertain if any answer can be provided. I do not know whether the advisers of the Minister of Public Works have considered individual cases, or whether they have considered the question of compensation on general principles. I admit that in any provision relating to compensation there will be individual cases of hardship—where the individual has to give way so that the general community may benefit—but the Opposition is concerned to ensure that the number of such cases shall be reduced to the minimum. For that reason, we are entitled to seek clarity concerning the operation of the new provision.

The sitting was suspended at 12.58 p.m. until 2.11 p.m.

Mr. RYLAH.—Before the suspension of the sitting I was discussing the compensation clause and I have something more to say concerning that provision. I do not desire to be unfair to either the Minister or the Government, but I think it is desirable that I should state that it is clear that some town planning can be done by local municipalities, because there are in existence by-laws which enable them to direct that an area may be set aside for industrial purposes. Consequently, there is nothing revolutionary in a provision to the effect that no compensation shall be payable because of a particular area being made available for a specific purpose. It may well be that that will be the basis on which the planning scheme for the metropolis will be criticized most when the interim development order stage is reached. No doubt considerable pressure will be brought to bear on members of Parliament concerning this matter, and it may be in the interests of town and country planning if that aspect is borne in mind when protests are dealt with.
Reverting to the provisions contained in the Bill relating to compensation, I desire to point out, Mr. Speaker, that I have to particularize more than I would normally do in this second-reading debate because the Bill consists of a series of principles, which are not related in any logical manner. Consequently, it is necessary to refer specifically to certain clauses in a way that might be regarded as normal procedure at the Committee stage. I am trying, however, not to refer in detail to specific provisions any more than is necessary. Sub-section (4) of proposed new section 22 of the principal Act is a most difficult provision. It provides, in effect, that no liability for compensation shall arise until a specific application for a permit for the use or development of land, or the erection, construction, or carrying out of buildings or works has been refused and an appeal has been made to and disallowed by the Minister. This process leads to a most complicated system of machinery which, in my view, will cause much more damage than any other provision in the measure.

It is the intention of the Opposition, at the Committee stage, to submit an amendment which will provide for some certainty in this regard. Obviously, as the clause stands, any responsible authority can put off the granting of a permit more or less indefinitely. Until such permit has been refused and until an application has been made to the Minister and he, in turn, has confirmed the disallowance, no liability for compensation will accrue. The clause, as drafted, provides machinery which can be taken advantage of by a responsible authority to evade claims for compensation. That machinery will ultimately defeat the just compensation claims of citizens.

The matter is highlighted by the fact that the responsible authority for the Melbourne and metropolitan planning scheme is the Melbourne and Metropolitan Board of Works, but that body will remain in operation in this field only for a limited period after an interim development order is brought into operation. I think it is fair to say that no one knows exactly what will happen to claims for compensation which will arise under a development order which has not been disposed of at the time when the Board of Works is no longer the responsible planning authority.

So that the Minister of Public Works will not be taken by surprise, I now hand him a first draft of the Opposition's proposed amendment. I trust that, at the Committee stage, the honorable gentleman will not do as one of his colleagues did last night to a colleague of mine who made available in advance a draft of a new provision that he proposed to submit in Committee. When my conferees moved the provision in a redrafted form, he was accused by the Minister of having changed his mind and not knowing what he wanted. Obviously, in dealing with legislation of this character and of the type which was under consideration yesterday, it is not easy to draft amendments in their final form. I am sure that the Minister will be prepared to discuss this matter with me in a reasonable fashion and that he will not seek to make political capital out of the fact that the final draft may be slightly different from the one which I now submit to him for his assistance.

Mr. MERRIFIELD.—I have had redrafts made of my own Bill.

Mr. RYLAH.—That is a fair admission by the Minister. I shall summarize my comments concerning compensation. The problem of compensation is the basic one with respect to successful town and country planning. Until the Government is prepared to face up to that problem, inform members of the manner in which funds for compensation will be provided, and then lay down clear rules as to when compensation will be payable, much progress will not be made with town and country planning.

I have stated the Opposition's views on this problem, and I trust that notice will be taken of the suggestions that I have proffered. I fear that the compensation provisions contained in clause 8—which are complicated and which the Opposition will seek to improve—will act as a deterrent to the successful public relations that are necessary to enable any town planning scheme to be brought to fruition. Opposition members are prepared to give the measure a trial in
its present form, subject to consideration of the amendment which will be submitted at the Committee stage, but it is felt that the proposals contained in the Bill will not be successful in the long run. This measure is regarded as just another square in the patchwork pattern of planning legislation, but at least the passing of this measure will enable the present scheme to be brought to a stage where it can be openly canvassed and criticized by the community. Moreover, we, as members of this Parliament, will gain some idea of the community attitude toward planning. It would be a criminal waste of money if the plan—which has been prepared with much care and, I believe, with great skill—should now have to be abandoned. Consequently the Opposition accepts the compensation clause, subject to amendment, in the hope that as a result of the coming into operation of the interim development order it may be possible to evolve some practical scheme of compensation that will enable planning to be undertaken successfully in the city of Melbourne.

I desire to make a few general comments concerning some other provisions in the Bill which have not already been discussed at great length. The first is in relation to the "continuance of use" provision in clause 3. The Minister of Public Works will appreciate that this provision—I refer to paragraph (b) of the proviso to sub-section (1) of proposed new section 12 of the principal Act—is taken from the Local Government Act. I believe that, in recent years, the "continuance of use" expression has been subject to very narrow judicial decision. One case of Brown v. Thompson which was decided in the City of Malvern in 1948, illustrates the difficulties that are encountered with respect to "continuance of use." In that case a man who had been a contractor to the City of Malvern was carrying on business as a cartage contractor on one block of land. Clearly, he was entitled to do so, since he had been doing it before the coming into operation of the by-law which stopped him. He extended his activities to an adjoining block of land, which was in his ownership. Mr. Justice O'Bryan, after hearing long argument, held that the "continuance of the use of the land" that the contractor had used before the by-law was passed could not be extended to the adjoining land. Ironically, in that case the Malvern City Council consented to the use of the land next door and then, realizing that there was no power under the by-law to give such consent, it had to prosecute its own cartage contractor.

Mr. Shepherd.—Has that been used as a test case, or as an example generally?

Mr. Rylah.—In a sense, it is a test case, because it is probably the last decision on "continuance of use" which has been taken into account the narrow field dealt with in this provision. The Minister of Public Works states that there have been a number of cases of this type and that in each one the circumstances have been different. I agree. An application was made to the Kew City Council to use, for trotting horses, stables that had been used for the purposes of a dairy. I obtained counsel's opinion as to whether their use as trotting stables was a "continuance of the use of land" within the meaning of the relevant by-law. Senior counsel advised that it was not. All sorts of actions were threatened arising from the refusal to grant a permit. Subsequently, the applicant obtained counsel's opinion and decided not to proceed. Clearly, "continuance of use" means continuance of use within a very narrow field.

Mr. Shepherd.—And as a business.

Mr. Rylah.—Yes, and a particular type of business. It may assist if I mention three possibilities that arise from a consideration of the principle of "continuance of use." For example, if at the date of the coming into operation of an interim development order certain premises are being used for the making of jam, to what purpose may those premises thereafter be put? On the clause as it is framed, there are at least three possible views—

1. That the "purpose" for which they were used was that of a jam factory and that accordingly they cannot be thereafter used for any other type of manufacturing process.

Mr. Rylah.
2. That they may be used for any kind of business of the same class; that is, for a food-processing factory of any description.

3. That the “purpose” was that of manufacturing, and that thereafter they may be used for manufacturing of any description, for example, as an engineering works or a chemical works.

Mr. SHEPHERD.—Not since the passing of the 1949 Act.

Mr. RYLAH.—I have grave doubts whether that Act assists. The question is still wide open under the Local Government Act and under the Town and Country Planning Act. I put this as a constructive suggestion, which the Minister of Public Works should refer to his advisers. The Opposition does not propose to submit an amendment to this provision, but directs attention to it. We predict that considerable litigation will arise from this provision. I turn to the powers that will be granted to the Minister. I realize the honorable gentleman’s conscientiousness and ability to cope with hard work, but I feel that too many matters will be referred to him under this amending legislation. The next Minister of Public Works may be neither as energetic nor as capable nor as interested in town planning as the present occupant of that office.

Upon the Minister will be placed a considerable number of responsibilities that may prove embarrassing when the plan is brought into effect. For instance, clause 3 provides that for section 12 of the principal Act as amended by any Act there shall be substituted a new section. Sub-section (3) of the proposed new section states that any person who feels aggrieved by the refusal or failure within a period of two months of a responsible authority to permit the use or development of any land, and so on, may appeal to the Minister.

Mr. MERRIFIELD.—That provision exists in the present legislation.

Mr. RYLAH.—That is so. The Minister may appoint some person to hear an appeal on his behalf.

Mr. MERRIFIELD.—At present the Minister has not that power.

Mr. RYLAH.—It is proposed that he shall in future have that right. Why not use the instrumentality constituted to handle such matters—the Town and Country Planning Board? Why not provide that the appeal shall be to the Board and that its decision shall be subject to ratification by the Minister? This obligation should not be imposed on the Minister.

Mr. MERRIFIELD.—The proposed amendment will merely enable the Minister to appoint advisers, who may be members of the Town and Country Planning Board or anybody else.

Mr. RYLAH.—Then why is not the Bill worded accordingly? There is a specialized Board established to handle matters of this description, and it has a good record. Why not provide that it should handle these questions directly? Then there would be no need for an appeal to the Minister.

Mr. SHEPHERD.—That would be like Caesar appealing to Caesar. Sometimes the Board advises a council.

Mr. RYLAH.—In those circumstances, the Board acts only in an advisory capacity.

Mr. SHEPHERD.—You would not favour an appeal back to the Board?

Mr. RYLAH.—If I may use the horrible expression, I say that the Minister has “stuck his neck right out” on this question. Clause 5 is a delightful provision. Sub-clause (1) states—

For paragraphs (d) and (e) of sub-section (2) of section thirteen of the principal Act there shall be substituted the following paragraph:

“(d) the responsible authority shall as soon as practicable take into consideration all objections made as aforesaid and, if the Minister so directs, any other objections in writing to the scheme and for that purpose may refer the consideration of any such objection to a sub-committee for examination and report to the authority, but—

(i) no objection shall be disallowed unless the person making the objection has first been given an opportunity of being heard by the authority or by a sub-committee thereof; and

(ii) in all cases the decision on any objection shall be made by the responsible authority.”
I consider that the reference to the Minister is proper in this instance. It is proposed that a responsible authority shall carry out a project, and if there is any objection to be offered there must be an appeal to the persons undertaking the scheme; in other words, it is an appeal "from Caesar to Caesar," to use the phrase of the Minister of Education. The responsible authority, or a sub-committee, may hear the appeal, and the authority will give a decision. An appeal in those circumstances would be worthless.

Mr. Stoddart.—Steps and stages are provided. The Town and Country Planning Board must be consulted before the Minister is approached. Trouble in similar circumstances occurred in Moe. There is a town planning committee which hears objections.

Mr. Rylah.—I have a great admiration for the ability of the honorable member for Gippsland North to solve these problems; however, I am referring not to past events but to a new provision proposed to be incorporated in the legislation.

Mr. Merrifield.—After a period of three months any person, body, or authority may lodge an objection. Suppose that in the metropolitan area 2,000 objections were lodged. Under the present legislation, the 48 members of the Melbourne and Metropolitan Board of Works would be required to hear the appeals at a series of meetings. The Act makes it mandatory that the Board shall hear objections at its next meeting. As it could not deal with 2,000 objections at one sitting, there would have to be a series of adjourned meetings while officers prepared a report. Machinery of that nature would be impossible of implementation. The amendments incorporated in the Bill are designed to overcome difficulties of this character.

Mr. Rylah.—I do not quarrel with the Minister's proposal that a sub-committee of the responsible authority should consider the objections, but I do take umbrage at the fact that the clause contains no real appeal provision.

Mr. Merrifield.—You forget that the principal Act provides that after all objections have been considered and the final plan is determined, the matter goes to the Minister and the Town and Country Planning Board who will examine the objections and the way in which they were dealt with by the planning authority.

Mr. Rylah.—The Minister is placing on himself a tremendous amount of detail work which it is not humanly possible for him to carry out.

Mr. Merrifield.—The existing legislation does that.

The Speaker (the Hon. P. K. Sutton).—Order! I am wondering whether it would not be better to postpone this discussion until the Bill reaches the Committee stage. If the Deputy Leader of the Opposition can assure me that he is developing his argument without any especial regard for the clauses of the Bill, I will allow him to proceed. The honorable member has already indicated that he is dealing with the Bill in rather more detail than is customary. Such detail should be discussed in Committee. Perhaps the honorable member could determine whether he will postpone the informative exchanges that are taking place between himself and the Minister of Public Works until a more appropriate time.

Mr. Rylah.—Thank you, Mr. Speaker. I am endeavouring to develop the theme that the general tenor of the Bill places upon the Minister of Public Works a considerable degree of responsibility for detail work, and apparently sidetracks the Town and Country Planning Board, which body should be an intermediary between the responsible authority and the Minister. I was led away from my theme by the Minister of Education who directed my attention to a particular provision dealing with an appeal from Caesar unto Caesar. I was endeavouring to answer the honorable gentleman in general terms. I remind the Minister that a similar provision is embodied in clause 6 of the Bill.

Now I shall discuss the position that arises where a permit has been applied for and granted, quoting two examples which may assist. The combined effect
of paragraph (c) of sub-clause (3) and sub-clause (4) of clause 8, is to grant compensation and then remove it. For example, suppose "A" owns a property which is suitable for subdivision into building allotments. An interim development order comes into operation whereby his property is set apart for a public purpose—say, a road or a park. What is "A's" position pending the actual acquisition of his land for this public purpose? He is not entitled to claim compensation immediately the order came into operation, although its effect may greatly decrease the market value of his land, but he may apply for a permit to subdivide the land into building blocks. If the permit is refused, he may then claim compensation, the measure of which would be the difference between the potential value of his property as subdivisional land immediately before the issue of the interim development order and its market value after the order came into operation.

Suppose the responsible authority, instead of refusing a permit to subdivide, grants a permit stating that no compensation is to be payable in respect of anything done in accordance with the permit. As we understand the effect of the Bill, "A" would be at liberty to subdivide, but neither he nor any successor in title would be entitled to compensation in respect of any act or acts done prior to the coming into operation of the planning scheme.

In these circumstances no one would be likely to purchase blocks in any subdivision. In actual practice the result would be that the owner could not claim compensation and he would be left with land which, although it could legally be subdivided, would be commercially useless for the purpose. If the owner took no steps to subdivide pending the coming into operation of the planning scheme, he would be entitled to compensation under paragraph (c) of sub-clause (3) of clause 8, but in the meantime he might have lost a favourable market.

Another example is that of "B" who owns a factory and finds that, under the provisions of an interim development order, the whole or part of the land on which the factory stands is set apart for a public road. In such a case "B" would suffer a grave injustice so long as the order remained in force. Sub-clause (4) of clause 8 would be of no use to him because he would not desire to develop his land or to construct additional buildings. On the other hand, this sub-clause would prevent him from claiming compensation until the actual planning scheme had come into operation. In all probability, the effect of the interim development order would render his factory unsaleable. If it could be sold the price would be substantially reduced. Those examples typify the problems that will arise under this legislation.

Mr. MERRIFIELD.—Not under the Bill, but under the legislation as it exists.

Mr. RYLAH.—That is so. I am not criticising the Minister of Public Works for introducing this measure. I am saying that it merely adds to the mess that has already been created by this legislation, due to the failure of successive Governments to face up to the real problem of paying adequate compensation. At the Committee stage I propose to move the amendment that I have already foreshadowed and other amendments that will permit representations to be made by an agent or solicitor appearing before the responsible authority on behalf of the person concerned. Obviously these things are going to be so complicated that the ordinary individual will not be able to submit his own case. My suggestions will include provision for an appeal to be made to the Town and Country Planning Board in accordance with the draft amendment submitted to the Minister. This legislation is on trial. It can be improved because at present it does not face up to the real issue.

Colonel LEGGATT (Mornington).—I reiterate the remarks of the Deputy Leader of the Opposition concerning clause 8 of the Bill. The Opposition is anxious to assist in getting the metropolitan plan under way, but desires that adequate safeguards shall be provided. This is part of a patchwork system of legislation. It is necessary because the Town and Country Planning Board does not possess certain powers which it was thought to have. The Bill introduced last session provided that no compensation would be payable. It is quite clear that no compensation will be payable under
this Bill. It is true that clause 8 commences by saying, "Subject to this Act compensation shall be payable by the responsible authority," but that statement is followed by a number of double negatives which it would require weeks of study to understand.

Mr. MERRIFIELD.—The negatives in respect of compensation are contained in the existing legislation. Have you any amendments to suggest?

Colonel LEGGATT.—If the Opposition is given sufficient time, it will draft a suitable clause. The Government is bemusing people by first saying that compensation will be payable, and later announcing that compensation will be payable only under certain conditions. Compensation is payable under the existing legislation.

Mr. MERRIFIELD.—There are exceptions.

Colonel LEGGATT.—I do not object to sub-clause (5) of clause 8, which preserves the existing position. If no compensation is payable under existing by-laws and so on, it will not be payable under the proposed legislation. The interim development order relates mainly to a restricted use of land.

Mr. MERRIFIELD.—The order is only a temporary provision until the final plan emerges.

Colonel LEGGATT.—That may be so, but the final scheme might not emerge for some years. Interim development orders were issued under the New South Wales town-planning scheme in respect of the Cumberland county, and on account of the terms of those orders many people were unable to sell their houses or subdivide their land.

Mr. MERRIFIELD.—That scheme was approved in 1951.

Colonel LEGGATT.—But it has not been implemented.

Mr. MERRIFIELD.—It has.

Colonel LEGGATT.—The issue of the interim development orders placed a blanket over a large area in the Cumberland County.

Mr. MERRIFIELD.—The New South Wales planning scheme has become law and the so-called interim development orders no longer exist. They have not been operating three years.

Colonel LEGGATT.—At any rate, for a period of twenty years there was a restricted use of land.

The SPEAKER (the Hon. P. K. Sutton).—Order! The debate is developing largely into a private discussion between the honorable member for Mornington and the Minister. I suggest that the honorable member continue his speech. If the Minister so desires, he may, by leave, make any explanations at a later stage.

Colonel LEGGATT.—The point which I desire to stress is that the interim development orders have a restrictive effect on land owned by people who do not know how long that state of affairs will obtain. Paragraph (c) of sub-clause (3) of clause 8 specifies that in no case other than that in which land is reserved for public purposes will compensation be paid. That is an aspect in which many people are vitally concerned. In the event of land being reserved for public purposes it will eventually have to be acquired by the Crown and compensation will be payable.

It has been stated by the Deputy Leader of the Opposition that in a number of instances municipal councils have zoned various areas, and in that way have restricted the use of the land affected. Unless this scheme is fully explained to the public, it will be felt that an injustice is being done by the imposition of interim development orders which will prevent owners and occupiers from developing land in the way they desire. In my opinion, the attempt being made by the Minister to create a right to compensation in certain circumstances does not go beyond the provisions of the existing legislation.

The motion was agreed to.

The Bill was read a second time and committed.

 Clause 1 was agreed to.

Progress was reported.

MELBOURNE AND METROPOLITAN TRAMWAYS (BOARD) BILL.

The debate (adjourned from April 6) on the motion of Mr. Shepherd (Minister of Education) for the second reading of this Bill was resumed.
Mr. BOLTE (Leader of the Opposition).—In resuming the debate on this Bill, I do so with mixed feelings. During the present short sessional period probably only two or three contentious measures will be brought before the House, and this is one of them. It is a small Bill of only three clauses, but it requires this House to make a decision on two very strong principles, one of which involves Ministerial control, and the other the constitution of the Melbourne and Metropolitan Tramways Board, if such Ministerial control is imposed. I should have thought that the Government would have learned from past experience, but evidently it has chosen to disregard what has happened on a number of occasions concerning Boards, Commissions, and other authorities that have been constituted from time to time.

Until about 1918 practically all such instrumentalities functioned under Ministerial control. At that stage it became clear that political influence was being brought to bear in decisions that were made by those bodies, for instance, in the construction of railways in various parts of the State or new tramlines in the metropolis. I believe that the Parliament of the day appointed statutory bodies so that their administration would be placed beyond political influence. In this instance the Government is taking a retrograde step in that it is again putting the tramways Board under the influence and direction of a Minister of the Crown. We all know what that means.

Some members and the parties to which they belong believe that, as a result of political influence which may be brought to bear on the Board in making decisions, it is possible that tramway lines may be constructed in their wrong priority and that extensions of services which are not justified may be provided. I strongly oppose any suggestion by the Government to place the Melbourne and Metropolitan Tramways Board under Ministerial control. If, however, that is the decision of Parliament, why should the Board consist of three members? In my opinion, if the principle of Ministerial control is accepted a director responsible to the Minister should govern the management of the tramways system.

In his second-reading speech, the Minister of Education did not give one valid reason why the proposed change should take place. In fact, he praised the Board for the work it has performed in the past; he implied that it was an efficient body and had done a reasonably good job. No reason was given why the Government should suddenly change the constitution of a Board that has functioned efficiently over a number of years. It has provided a good service for the metropolitan area and, indeed, for citizens throughout the State. Obviously, we must look further for the reason for such a change. Recently, there has been some industrial trouble between the Melbourne and Metropolitan Tramways Board and the tramways' union, which is run by a known Communist, Mr. O'Shea. During the Point Ormond bus route dispute and the recent strike the Minister of Transport stated on numerous occasions that the Government was "backing" the Board. I suggest that as a result of this Bill the Government is backing the Board over a cliff; it is certainly not supporting the Board.

Colonel LEGGATT.—Mr. Speaker, I direct your attention to the state of the House.

A quorum was formed.

On the motion of Mr. BOLTE (Leader of the Opposition) the debate was adjourned until later this day. Leave was granted to Mr. Bolte to continue his speech on the resumption of the debate.

STATUTE LAW REVISION COMMITTEE.

PRACTICES IN CONNEXION WITH COMPANIES.

Mr. RYLAH (Kew), Chairman, presented a progress report of the Statute Law Revision Committee on amendments of the statute law to deal with fraudulent practices by persons interested in the promotion and/or direction of companies and by firms, together with minutes of evidence.

It was ordered that the report be laid on the table, and be printed, together with the minutes of evidence.
MELBOURNE AND METROPOLITAN TRAMWAYS (BOARD) BILL.

The debate (adjourned from earlier this day) on the motion of Mr. Shepherd (Minister of Education) for the second reading of this Bill was resumed.

Mr. BOLTE (Leader of the Opposition).—Before a quorum was called for, I had protested against Ministerial control over what I believe should remain a statutory body. I repeat that if Parliament resolves that there is to be Ministerial control over the Melbourne and Metropolitan Tramways Board, there is surely no need for a Board of three and that one director is all that is required. I said earlier that the Minister of Education had not suggested that the Board had done a bad job and that he had not given one valid reason why its constitution should be altered. He did say, however, that it was not reasonable to expect one full-time chairman and a number of part-time members to deal with the finances of a £12,000,000 enterprise. However, I direct attention to Broken Hill Pty. Ltd. which is a privately owned undertaking having a capital of £25,000,000, and controlled by a managing director and a part-time board of directors. Further, the State Electricity Commission, a State instrumentality having a capital investment of £163,000,000, is conducted by a full-time chairman and part-time Commissioners. I contend that only a weak reason has been advanced why the present constitution of the Melbourne and Metropolitan Tramways Board should be altered. I suggest that the constitution of the Board as proposed in the Bill is so open that it calls for severe criticism. The only qualification necessary for one member of the Board is that he shall be a representative of the employees. In 1953, Parliament discussed a Bill relating to the Melbourne Harbor Trust in which a similar clause was inserted.

Mr. Minus.—Could a tram conductress become a member of the Board?

Mr. BOLTE.—That is possible, and so could O'Shea.

Mr. Gray.—O'Shea is not an employee of the Board.

Mr. BOLTE.—It is not provided in the Bill that the representative of the employees shall be chosen from a panel of names submitted to the Government. I should like to receive more information concerning this aspect. Will the Trades Hall Council submit a name, to which the Government may apply a "rubber stamp" and say, "Yes, that will be the member," or will a panel of names be submitted from which the Government may make a selection?

Mr. McClure.—Labour makes good appointments.

Mr. BOLTE.—Surely the House is entitled to know what conditions must be complied with so that the man appointed will be one whom citizens will feel proud to have as a member of the Board. The qualifications stipulated in the Bill are beyond a joke. A similar state of affairs operated concerning the constitution of the Melbourne Harbor Trust. It is well known both in the House and outside it that the Government had in mind for appointment as a Commissioner a man named Clarke.

Mr. CAIN.—That is untrue.

Mr. BOLTE.—Before the Government had an opportunity to appoint him, it was alleged that he misappropriated union funds.

Mr. Shepherd.—You did not read the Bill.

Mr. BOLTE.—I did read it, and I claim that Clarke was the Government's nominee. So far as Opposition members are aware, O'Shea could be the Government nominee under this Bill. There is nothing to prevent his appointment. On the controlling bodies of each of three of the principal Government instrumentalties in this State there is an employees' representative. The Government's proposal is that the reconstituted tramways Board shall consist of three members, one of whom shall be a representative of the employees. Opposition members have not yet heard what the Government intends to do concerning Major-General Risson. Does it propose to sack him? The newspapers recently published a report to the effect that when Major-General Risson attended a meeting of tramwaymen who were on strike he was informed—was he well informed?—by one
of the strikers that he would soon lose his job. Is that why the Bill has been brought down?

Mr. GALVIN.—During the recent tram strike you stated that the Government would soon "fold up" over the dispute.

Mr. BOLTE.—The strike folded up "quick smart" because of the Petrov affair. That is evident from the fact that the strike terminated on the very day that news of the Petrov sensation was received from Canberra. Since then, many persons have run for cover. I suggest that if ever a Bill was ill timed, this one comes within that category. The Government stated that it intended to support the tramways Board but it took the opposite course with respect to the dispute over the running of 41-passenger buses on the Clifton Hill-Ormond route. In loud voices the Premier and other members of the Government declared that they proposed to "back" the tramways Board, but they now intend to sack the members of that body. My suggestion is that, if Ministerial control is contemplated, there is no need for a Board of three members. One man could be appointed a director of tramway services. Such action, however, would not suit the policy of the Labour party, which favours more political appointments. Towards the end of the previous session of Parliament, the Government rushed through the legislature several Bills none of which is yet on the statute-book. The Government pressed for the passage of the Licensing (Amendment) Bill before the 6th December, 1953, on the pretext that the establishment of a licensing court was necessary. I ask: Where is the licensing court?

The SPEAKER (the Hon. P. K. Sutton).—Order! I ask the Leader of the Opposition: Is that question relevant to the Bill?

Mr. BOLTE.—I suggest that there is no need for urgency in the passage of the present measure, concerning which the Government is now using the same arguments as were adduced when the Licensing (Amendment) Bill was before the House.

The SPEAKER.—I can see the relevancy of the honorable member's argument.

Mr. BOLTE.—I claim that the Government does not intend to act more expeditiously regarding the reconstitution of the Melbourne and Metropolitan Tramways Board than it has in constituting a licensing court. The reason is obvious. After the 29th May of this year, Victoria will have a licensing court and a new tramways Board will also be established. Moreover, there will be even more political appointments than there have been in the past. I suggest that that is the only reason why the Government has brought down this Bill.

Opposition members are critical of the principle of Ministerial control, which is provided for in the measure. Who wants Ministerial control of the tramways Board? No doubt such control is desired by the Government so that its supporters on the back benches may bring political influence to bear for the extension of a bus route here or a tram route there. I claim, however, that the Government will find itself in trouble when this measure becomes law, in the same way as it did when it continued the cost-of-living adjustments. At that time, the Government was advised to leave the matter alone, but it went on blindly, believing that the cost of living would continue to rise and that workers would benefit accordingly. I predict that, when the next quarterly adjustment is announced, the Government will wish that it had refrained from taking action in the matter.

(Honorable members interjecting.)

The SPEAKER (the Hon. P. K. Sutton).—Order! A certain amount of levity is permissible, and perhaps might sometimes be encouraged, but this is a serious subject, concerning which the Leader of the Opposition is expressing much moral indignation. He should be permitted to continue his speech without interruption.

Mr. BOLTE.—This House has been too quiet in the last day or two, and it is time that the proceedings were enlivened. Nevertheless, this is a contentious measure about which members should be allowed to express their opinions without continual interruption.
The SPEAKER.—If there is to be any enlivenment of the debate, it must be within the ambit of the Standing Orders. The remarks of the honorable member must be relevant to the Bill.

Mr. BOLTE.—The sole reason for the introduction of this measure is to enable the Government to give more "plums" to its followers by way of political appointments. Until recently, New South Wales seemed to have a monopoly of this sort of thing, but now Victoria is running that State a very close second. Nothing disgusts citizens more than to see the Government handing out favours to its supporters. I realize that the present Government has the numbers and that it can, therefore, do almost anything it desires. When the Premier was absent from this State at the time of the Coronation of Her Majesty, the Chief Secretary, who was then Deputy Premier, suggested that not only the Melbourne and Metropolitan Tramways Board but also the State Savings Bank should be placed under Ministerial control. That is but a commencement. Other instrumentalties may be added to the list later. A suggestion has been made that the State Savings Bank is now almost under the Premier's control, without any alteration having been effected in its constitution.

The SPEAKER.—Order! I can find no relevancy in the honorable member's statement, and I request him to direct his remarks entirely to the Bill. He may, however, use whatever analogies he chooses so long as they come within the ambit of the Standing Orders.

Mr. BOLTE.—This Bill deals with two principles only, namely the constitution of the tramways Board and Ministerial control. Comparisons must be made to show how the pattern is developed by the Government not only in this Bill but in every other measure brought forward. One relating to plural voting will be debated next week; as regards that Bill, members of the Government party are not even honest with themselves.

The passing of the Bill now before the House will enable the exercise of political influence, particularly by back bench members, by way of the purchasing of votes. Introduction of the measure was badly timed. The fact that the Government has brought it in constitutes a definite win for the Communist leader of the tramway employees union, Mr. O'Shea. He has been supported by the Government in the sense that the union has continually declared that the Board has been obstructing objectives of the employees. The Government has said, in effect, "We will go with you. We will sack the Board." The Government has failed to state a satisfactory case for the dismissal of the Board and the creation of another body of three persons under the control of the Minister of Transport. No evidence has been submitted by the Government to support its actions. The enactment of this Bill will be followed by more political appointments. If they are to be on the same lines as others in the past, and the suggested ones, the Board will be nothing less than a stooge for the Trades Hall Council.

Sir HERBERT HYLAND (Gippsland South).—I oppose the Bill, which is absolutely unnecessary. I am one member of this House who, in a Ministerial capacity, has been in charge of the Melbourne and Metropolitan Tramways Board, and I can speak authoritatively of its operations if anyone in this Chamber can. The Board has been conducting its affairs over the years, but certain small matters must be referred to the Minister concerned; the portfolio of Public Works was held by a member of another place until the present Minister was appointed. The Board came under my jurisdiction when transport was co-ordinated, and I made a thorough study of its activities, including its financial position, so that if a question relating to the tramways was raised in the House, I would be conversant with at least some of the workings of the undertaking.

I pay a tribute to the present chairman of the Board, Major-General Risson, who deserves full marks for the way in which he handled the affairs of the undertaking. It has been his lot to carry out many unpleasant tasks, but he has been firm enough to grasp the nettle, so to speak. He has had a win on practically every occasion when trouble has arisen, a fact that reflects his brains and ability. He has a common-sense outlook, and can
approach the men in a spirit that enables jobs to be done. Strikes of employees have occurred, as they have during the régime of every other chairman of the Board, and there will continue to be stoppages of work until this country can get rid of the O'Sheas, the J. J. Browns, and their ilk. O'Shea is not employed by the Government, but by the tramway employees' union, a fact that does not seem to be realized by the honorable member for Dundas, who has interjected.

In my opinion, no one can possibly find fault with Major-General Risson for the manner in which he has fulfilled his office. The term for which he was appointed will expire in August or September. I trust that the Government does not intend to dispense with his services, and that there will be no "witch-hunting" in that direction, as there has been in other places. Major-General Risson, who has performed a grand job, should continue as chairman of the reconstituted Board. Over the years the trams of Melbourne have been far superior to those in any other Australian capital. Whether members approve of trams or buses, the fact remains that the tramcars themselves have been an absolute credit to Victoria and to succeeding Governments, irrespective of political creed. The good work undertaken by the chairman of the Board has ensured that the standard has been maintained. The Minister of Education, in explaining the Bill, stated that the part-time members of the present Board merely represent the sections of the community that secured their appointment.

Mr. Shepheard.—That assertion may be accurate, and what I said was true.

Sir Herbert Hyland.—I grant that that is so. Would the Government expect to have men of the calibre of Mr. Essington Lewis serve as members of the tramways Board at a salary of about £250 a year? The part-time members must put in at least one day of the week on the job, and they are consulted at other times. For their services, they receive the magnificent remuneration of, I think, £250 a year.

Mr. Cain.—It is now £500.

Sir Herbert Hyland.—When I was appointed Minister of Transport, I wished to ascertain whether it was possible for the chairman to do the job of the whole Board on his own. From my observations, I am convinced that the chairman is the only absolutely essential officer. The Government proposes to appoint three members to the reconstituted Board and the Trades Hall Council has decreed that one of them must be a representative of the employees. I am convinced that it is unwise to appoint three permanent members, who will have private secretaries, clerks, typistes, and cars. This unnecessary added expense will be loaded on to the users of the trams in the metropolitan area, and consequently fares will have to be increased.

I cannot understand how three men will be able to find anything to do as a Board in conducting the tramways system in Melbourne. I do not make that statement for political purposes. As a business man, I assert that if I owned the tramways system I would not dream of having more than one man to manage it; he could carry out the whole job quite comfortably. But apparently it is Labour policy to have on the Board a representative of the Trades Hall. I do not find fault with the Government on that score; its policy is to appoint men from the Trades Hall to these jobs. The Government has been quite open about the matter, and has made no secret of this fact.
One part-time member could be appointed to the Board, but the Government should pay him more than the sum of £250 a year. A decent salary should be paid, and in return he should devote a certain amount of his time to the activities of the Board. However, he should not be provided with a private secretary, typistes, clerks, and a motor-car. It is proposed that the Board shall consist of three permanent members, and that number is more than adequate. Two of them will probably be redundant, because there will not be anything for them to do. The chairman will still direct the activities of the Board. I realize that in the past he has consulted his co-members and has not merely brushed them aside, so to speak, when considering major issues. I give every possible praise to the present chairman; we are indeed lucky to have a man of his talent in the State.

It is tragic to think that money will be wasted in this manner when it is impossible to extract from the Government funds for other urgent purposes, such as the erection of public halls, the construction of recreation reserves, the installation of sewerage systems and water supplies, and the implementation of river improvement schemes.

The Government is prepared to throw money away, saying, “We do not have to find it. The tramways Board will do that.” The time will arrive when the Government will have to raise funds for the tramways Board or substantially increase fares. Then it will not be justified in increasing railway charges in country districts as it has in the past without similarly increasing them in the metropolitan area. It is foreign to my nature, and that of most people, to see money wasted.

On the question of representation of the tramway employees’ union on the Board, I believe that Mr. O’Connor has been a member of the Board for some time since he was appointed by a Country party Government. Now he is also secretary of the Tramways Benefit Society and as such is associated with the Labour movement. I am sure that he was originally appointed to represent the employees, and that has always been recognized as his function. Despite Mr. O’Connor’s shrewdness and knowledge, strikes and trouble have occurred, but the men cannot assert that they have had only outsiders to look after their interests. One can imagine what will happen if the Board is brought under Ministerial control. For example, members representing metropolitan constituencies diligently worked to have the number of tram stops in their respective areas increased. During the war, many bus stops were abolished and routes were discontinued. The then chairman of the tramways Board, Mr. Hector Bell, grasped the opportunity to cut out many unnecessary tram stops in the metropolitan area. Under Ministerial control, the number of tram stops will again be increased. People will not walk 50 yards to a tram stop if they know that the local member of Parliament can assist them by having the stop moved to a more convenient site. New sections of tramline will be constructed in certain areas. Certainly the Public Works Committee will investigate the necessity for large projects, but smaller ones will oe worked in, and uneconomic lines will be built.

Mr. Bolte.—Similar comments apply to bus routes.

Sir Herbert Hyland.—That is so. In my opinion, Ministerial control will not be for the good of the tramway system. The policy of the Labour party is to interfere; it wishes to have a finger in every pie. The Government will say to the chairman and members of the tramways Board, “You must do this, that or the other thing.” They will have to do as they are told or they will be “shot” without a trial as the members of the Hospitals and Charities Commission were. The appointment of a representative of tramway employees on the Board is a very serious matter. Tramway men and women have elected Mr. Clarrie O’Shea to lead their union. I do not suggest that Communists are in the majority in the union—I would say they are not—but if those who are not Communists are prepared to elect to high office in their union a Communist, who can lead them up the hill and down again, as Frith put it recently in the
Herald, they might vote for the same gentleman to represent them on the Board.

Mr. GRAY.—Mr. O'Shea is not an employee.

Sir HERBERT HYLAND.—There is nothing in the Bill to say that the employees' representative shall be a tramway employee. He may be any one. The Trades Hall "boys," who are hungry for the job, are not employees. The member appointed to the Board to represent the employees will have nothing to do, but he will have a secretary and all the other advantages that go with such a position. Sub-clause (2) of clause 2 provides—

Upon the commencement of this Act the members of the Board as constituted immediately before the said commencement shall go out of office and the Board shall be reconstituted as provided by the principal Act as amended by the foregoing provisions of this section, but the Board shall be deemed to be the same body corporate before and after the change of constitution thereof and no act matter or thing shall be affected or abated thereby.

There is no provision for compensation to be paid to the retiring members of the Board. We have not been told when their term of office expires.

Mr. SHEPHERD.—It expires on the 30th June.

Sir HERBERT HYLAND.—Such particulars should have been supplied to the House if the matter were straight and above board.

Mr. BOLTE.—No reasons for the change were given.

Sir HERBERT HYLAND.—That is so. Apparently the reason is so obvious that there is no need to inform the House that the purpose was to find "cushy" jobs for persons at the Trades Hall. The Government finds jobs for its supporters. Mr. Fred Riley is being paid £500 for advising the Prices Commissioner.

Mr. SHEPHERD.—You appointed him.

Sir HERBERT HYLAND.—I did not; the Minister may have done so. I would have sacked him.

Mr. SHEPHERD.—But you did not.

Sir HERBERT HYLAND.—He was appointed to provide a liaison with the Trades Hall Council. He is described as an adviser, but, as I said before, if I had had my way he would have been dismissed. However, the Trades Hall boys are all looking for these "cushy" jobs, although they advocate the principle of "one man, one job." If there is £500 a year to be had somewhere, they will always be in the hunt for it, just as they will be in the hunt for a job on the tramways Board. I wish to know whether any compensation will be paid to the six part-time members of the Board who will be put out of office. The Minister has informed members that the term of appointment of the part-time members will expire on the 30th June. Therefore, I presume that the Government is desirous of having the Bill passed during the present sessional period so that the Board may be reconstituted at the end of June. Apparently, that is the only reason for the proposed change-over. The cost, as far as the Government is concerned, means nothing. The total remuneration paid to the part-time members amounts to only £1,500 a year.

Mr. SHEPHERD.—That is not so; they each receive £500 a year.

Sir HERBERT HYLAND.—I should like to know for what period they have been receiving that sum.

Mr. SHEPHERD.—Since the Act was given the Royal assent on the 22nd December of last year.

Sir HERBERT HYLAND.—Then the total sum involved is £3000 a year. In my opinion, the employment of six part-time members on the tramways Board is unnecessary. A full-time chairman and two part-time members should be sufficient for the sound administration of the tramways, and if the Board were so constituted tram and bus users would be saved a large sum of money. I oppose the Bill, and I wish to inform the Minister in charge of it that in Committee members of the Opposition will submit a number of amendments.

Mr. WHATELEY (Camberwell).—If we were lazy people we would do nothing more about the Bill; we would allow it to be passed, and we would go home.
as early as we should like on this Thursday afternoon. The question arises whether further discussion will make any difference to the ultimate fate of the Bill. It appears that if the Trades Hall Council has made a decision and caucus has also made up its mind, it would be a waste of time to prolong the debate.

Colonel LEGGATT.—That is what members of the Government say.

Mr. WHATELY.—If that is so, what a travesty it is on parliamentary government that members on one side of the House should be under an obligation, not to the electors but to a group of people outside Parliament who hold their meetings behind closed doors and who tell members of the Government in conference what they have to do, and when they have to do it. If that is the situation, it is a travesty of democracy.

Mr. GRAY.—It is not the situation.

Mr. WHATELY.—I hope it is not because the principle involved is tremendously important to all present and future democratic institutions. If the state of affairs to which I have referred did exist, it would be of the nature of totalitarianism—of government by a small minority not responsible to the electors. Concerning the Bill, there are two or three points on which I desire to comment. One is that the tramways Board will be disbanded and another body consisting of three members will be appointed, one of whom will be selected to represent employees. This new Board will be responsible to and will be under the control of the Minister of Transport.

Regarding the merits of different types of leadership, can any member cite any business that has been as efficiently run by three managing directors as any other organization directed by only one man? In the case of judicial tribunals, such as the Supreme Court of Victoria and the High Court of Australia, it is proper that there should be three or more Judges to deliberate on the pros and cons of the questions to be decided. They apply their knowledge of the law, and try to interpret British traditions, and the common law, and so forth. But if prompt action is desired, it is essential to have an organization similar to that existing in the Army, the Air Force or the Navy, where, within defined limits, a supreme command is in complete control.

Throughout history it has been proved that triumvirates have had a basic weakness that has been exemplified by disloyalty and intrigue. In those circumstances, many people try to have a finger in the pie and there has always been uncertainty and a lack of clear policy. It was a Liberal party Government in this Parliament which decided more than 30 years ago to remove various Departments and instrumentalities from political and executive control such as that which had been exercised over the activities of the Railway Department. When the State Electricity Commission was constituted, it was recognized that the organization, which was of a highly technical character, should be placed under the control of one understanding man who would have the benefit of the advice of several part-time members of the Commission. That type of control is essential, particularly in the case of technical research organizations and also business enterprises. It is also desirable from the point of view of finance.

The real difference between governmental activities and private enterprise is that private organizations are continually being tested for efficiency by their ability to render service of quality at the minimum price. The degree of success of such organizations is measured by their earnings, their records, and their ability to provide for the payment of interest and depreciation. That illustrated the genius of members of this Parliament who 30 years ago put the State Electricity Commission on its mettle to pay its way and to extend its services out of profits. A few years ago, much was said about the alleged failures of the Commission, and Ministers began to dabble in its affairs more than formerly, with the result that the advice of officers of the Commission was brushed aside. A plea was made by the Commission that the gasification of brown coal plant should not be commenced until the construction of one or more new briquetting factories had been
completed. Although only two briquetting plants were requested, the Government authorized the building of four factories and then started the gasification project before the Commission desired that to be done. This interference with the affairs of the State Electricity Commission has cost the State hundreds of thousands of pounds a year. Because of political interference with a technical body there are assets, worth more than £20,000,000, lying idle here and there. Further, loan funds, which were urgently required for other purposes, have been tied up in equipment.

In my opinion, there should be one person in charge of the tramways system; if he succeeds, well and good, but if he does not he should be sacked. The Government might desire a small committee to confer with that person once a month and to transmit to the responsible Minister any decisions arrived at, or the head of the organization could from time to time report to Cabinet which could be a sort of Board of directors to keep an eye on development. Concerning the representation of the employees on the Board, I ask honorable members to consider what has occurred at certain times and to visualize the attitude of a Labour party Government when a strike situation develops.

Mr. CAIN.—What was the attitude of the Government the other day?

Mr. WHATELY.—It was one of appeasement.

Mr. BLOOMFIELD (to Mr. Cain).—The attitude of the Government was, “Go back to work and we will fix this up. We will sack the Board and take charge ourselves.”

Mr. WHATELY.—The Labour party receives its support from the organized trade unionists. On some occasions, the Liberal party attains office because trade unionists become so fed up with the Labour party that they vote for Liberal party candidates for a change. It is obvious that a trade unionist member of a Board of three will be less cheeky when the Liberal party is in office than when the Labour party is in power. The Labour party would not dare to tell the unionist member of the Board that it was not prepared to take any notice of his recommendation, because immediately the whole trade union movement would be critical.

Mr. CAIN.—Why would such a person be more fearful of a Liberal party Government?

Mr. WHATELY.—The Liberal party knows that, in any case, it does not obtain the votes of trade unionists, whereas the Labour party does count on them. It is a matter of history that there are more serious strikes when there is a Labour party Government than when there is a non-Socialist Government. The attitude of the Labour party does not assist the tramwaymen, because strikes are not the humanitarian enterprises they were in the good old days. Fifty years ago it was necessary for people to strike in order that they might obtain their rights, but that is not necessary to-day.

Mr. CAIN.—If the Liberal party was in office and treated the workers badly a strike would be as justified to-day as it was previously.

Mr. WHATELY.—That type of treatment is not now received by workers and it has not been in evidence for a long time. We are well aware that the recent strike of tramway employees was a “try-out” on the Government and that as regards the Point Ormond bus dispute the attitude of the employees was that the experiment of operating 41-passenger buses would not be a success. Whatever the Government may say about supporting the chairman of the Board, this is the kind of practice that will always apply when a Labour Government is in office, and the employees will get away with it. Actually, the only thing that really matters is whether the trams are rendering the greatest possible service to the community, including the employees as well as the travelling public. No business can function properly unless its staff is characterized by loyalty. Many tramway and railway employees are intensely loyal to their respective organizations. Whoever is responsible for the management of the Melbourne and Metropolitan Tramways Board—I would prefer the Board to be under the control of one executive—part of his job
should be to inspire that loyalty which one finds in certain organizations, for example, the Melbourne and Metropolitan Board of Works.

Mr. CAIN.—You might include the Gas and Fuel Corporation, which is the best example in Australia.

Mr. WHATELEY.—Probably the employees of the Corporation are also loyal. The whole emphasis in industrial management to-day is not that the workers are ordered to do a certain thing but that there should be co-operation between employer and employee so as to produce the best possible article at the cheapest price for the benefit of everyone. Employees do derive a benefit from this type of co-operation—more than many Labour members will admit—not only by living in Australia but also by the receipt of Christmas bonuses and so on.

Mr. CAIN.—That is why the employers fought the proposal to grant long-service leave.

Mr. WHATELEY.—Long-service leave is a charge on the community.

Mr. CAIN.—Everything you are proposing is a cost on the community.

Mr. WHATELEY.—It is part of a general problem of what is good for the whole community. If long-service leave is good for the whole community, as well as for State employees, it should be granted, but if in the long run it proves disadvantageous in our competition with other countries, it should not be available. In my opinion, that is the only issue. Concerning trams, the whole question is whether the system can be not only maintained but also improved. The Melbourne and Metropolitan Tramways Board has met with outstanding success; it has never been troubled by the deficits that have characterized the operations of the Railway Department. So far as I am aware, no tramway line has been constructed that, in the long run proved to be a losing proposition, although it might have taken some time to obtain the requisite patronage of the public. There has been no need for the Government to write down capital, as has been done in the case of other enterprises, such as the Railway Department and soldier settlement after the first world war. It has always been governed by the profit motive and it has always rendered a splendid service to the community.

On every consideration of history and knowledge of recent events, it is clear that better administration will be gained under one qualified executive. He will have as his advisers a chief constructional engineer, a chief electrical engineer, a supervisor of works, and commercial experts, each of whom will submit to him their respective reports, which he will consider. He will have expert guidance by men who have grown up in the service and those who have been imported from other services. His decision will be made only after consideration of all aspects. It should be obvious to every member that that is the best way in which to achieve results. No party in Parliament is justified in taking orders from outside persons who make their decisions behind closed doors.

Mr. CAIN.—Can you state why, in 1946, your party opposed the appointment of a single executive for the administration of the Soldier Settlement Act in 1946?

Mr. WHATELEY.—Yes, there was a very good reason.

The SPEAKER (the Hon. P. K. Sutton).—Order! The honorable member is not compelled to answer that question, which is not relevant to the Bill.

Mr. WHATELEY.—The Government favours the appointment of a triumvirate for the running of the tramways Board. The Premier has asked me why the party to which I belong now objects to the principle of three persons running the tramways Board, although, eight years ago, it was opposed to a Labour Government's proposal to appoint one person to administer the Soldier Settlement Act. I claim that at that time there was an urgent job to be done, and members of the party to which I belong did not want returned servicemen to be compelled to wait for years for their profits.

The SPEAKER.—Order! I ask the honorable member to disregard the Premier's question, which is not germane to the Bill.
Mr. WHATELY.—The questions are whether executive responsibility at the top is desired and whether there is a need for breadth of knowledge. Tramways are localized in the city of Melbourne and there is no necessity for breadth of knowledge. The requirements of the whole of the State need not be considered. Clearly, the main principle of the Bill is to dismiss the present members of the tramways Board and to appoint three other members in their stead. That proposal possesses no merit whatever. It cannot possibly be expected to effect an improvement in the management of the tramways system, and for that reason alone the Opposition is opposed to the Bill.

Mr. MUTTON (Coburg).—I desire to refer to a matter which has been raised by me in this House many times over the years and which was also frequently discussed by the former member for Brunswick. I refer to an extension of the North Coburg tramway.

The SPEAKER (the Hon. P. K. Sutton).—Order! What has the statement of the honorable member to do with the Bill that is now before the House?

Mr. MUTTON.—I am in favour of the proposed reconstitution of the Board because I have been fighting the present Board for the last 35 years in an effort to have the North Coburg tramway system extended. Although my efforts commenced in 1919, when the present Board was constituted, I have got nowhere.

The SPEAKER.—The Bill before the House does not relate to a tramway extension. Discussion must now be confined to the general principles of the Bill. Details may be examined at the Committee stage. The debate must not be localized merely because the honorable member desires to emphasize a particular point.

Mr. MUTTON.—I support the Government's proposal to establish the new tramway authority and I desire that my remarks be placed on record so that they may be shown to the new authority when it is constituted. The new members of the Board will appreciate that efforts have been made in my district since as early as the year 1919 to secure improved tramway services. When the Trades Hall representative is appointed, I shall look to him for assistance in my quest. I point out that in 1929, 9,050 persons in my electorate appended their signatures to a petition seeking a tramway extension, and the introduction of this Bill gives me a golden opportunity to submit my case to the Minister.

The SPEAKER.—Order! That opportunity must not be exploited. If the honorable member has a grievance concerning his electorate, that matter may be discussed on a motion for the adjournment of the House.

Mr. MUTTON.—If that is your wish, Mr. Speaker, I shall do so.

The SPEAKER.—It is not my wish; it is my ruling.

Mr. MUTTON.—On several occasions I have asked questions concerning this matter. Once I was informed, in effect, "You cannot get a tramway extension because of lack of money," and later, "You cannot get it because of lack of man power." So it has gone on. Consequently, I am now seizing the opportunity to air my grievance so that it may be placed on record that I have at least voiced my protest against the Board as it is now constituted and that I favour the appointment of a new authority. That is something which appeals to me. I was charmed by the following remarks of the Minister of Education in his second-reading speech—

From time to time, members of this House suggest that the electorates which they represent are not as well served by transport facilities as they might be. Surely, when the Minister makes a statement such as that, I may be permitted to back him up by pointing out that the particular extension to which I refer was first mooted 35 years ago. I ask: Is it not reasonable that, after 35 years of struggle, getting nowhere, I, as a representative of the community should support the proposed appointment of a new authority? It is the new authority that I want.

Sir HERBERT HYLAND.—You would support the Government, anyhow.

Mr. MUTTON.—Because it does the right thing.
Sir HERBERT HYLAND.—You need not make excuses for it.

Mr. MUTTON.—The people I heard members of the Opposition vocally crucifying—those who take part in industry—voted against candidates of the Opposition parties at the last Legislative Assembly election and caused 38 Labour members, including myself, to be returned to Parliament. Under the redistribution of electorates, I think the Labour party will occupy the Ministerial benches for a long time. Antagonistic statements uttered by members of the Opposition about persons engaged in industry profit them nothing. Those members vilify various industrial leaders, but these persons are elected by ballot to control the activities of the organizations, and I cannot understand why they should be verbally attacked from time to time.

The Opposition is concerned because the Government proposes to appoint to the reconstituted tramways Board a representative of the employees. On many Boards there is industrial representation. It took the Government a long time to realize the wisdom of appointing a representative of the workers to the Housing Commission. Why should not the employees be represented on such bodies? A Labour Government having been elected in Victoria, it is logical that it should, in effect, say to its supporters, “It is our duty to legislate for you, since you put us in office.” There is nothing wrong with a Government adopting such an attitude.

I wholeheartedly support the Bill. Nobody knows better than the Minister of Education, who is in charge of the measure, that all members of the House, even those in Opposition, desire that there shall be good tramway facilities. The honorable gentleman realizes this fact because of his experience gained in administering the portfolio of education, in which he has done a wonderfully good job—he has given us a technical school in Coburg! In the last year or two, I have not made as many speeches in the House as previously, but when a good measure is introduced I seize the opportunity of giving it my utmost support. In my view, the proposals embodied in the Bill will be good for tramway facilities in the State.

The members of the Board should be appointed on a proper democratic basis. The first chairman, Mr. Cameron, would not give anyone a kind smile. Subsequently, Mr. Bell was appointed as chairman, and when representations were made to him on behalf of municipal councils he replied that insufficient money was available or there was not enough man power to implement the works required. The members of the Board have been instrumental in bringing about their own death knell, so to speak, because they have not acted as they should. No matter what may be the capabilities of the present chairman, I retain the opinion that there is a Victorian competent to occupy the post.

Mr. RYLAH.—Who is he?

Mr. MUTTON.—Never mind; there are men I could name. I cannot understand why it was necessary to bring a man from another State to manage the tramway system, no matter what capabilities he possesses. Surely, at least one person who had devoted his life’s work to the Melbourne tramway system had the capacity to be appointed its chairman. However, the Government of the day seemed to think that a man must be brought from another State. When the Chief Commissioner of Police was appointed, apparently the Government in power decided that there was not a suitable person for the job in either Victoria or the whole of Australia, so it appointed a man from abroad. I consider that this principle is wrong.

I commend the present Government on its intention to set up a new tramway authority. I feel sure that the members of the reconstituted Board will not be like Rip van Winkle for another 35 years. Huge development has taken place in the north of the city, but despite years of fighting it has been impossible for the residents of those districts to induce the present Board to extend the tram services. I trust that the Bill will become law at an early date and that the trams will be operated further afield in North Coburg in the near future.
Mr. BLOOMFIELD (Malvern).—This is an occasion of note for me, because it is the first time that I have had the great pleasure of hearing the honorable member for Coburg address the House. He has made the motives and the purposes which lie behind the proposed drastic alteration of the law even clearer than did the Minister of Education, when he explained the Bill. Tributes were paid to the Board by the Minister, and there was a practical compliment, in the form of a rise in salary, as recently as December last. The old-fashioned object was to conduct the trams in the interests of all and on an economic footing, but, as the honorable member for Coburg has disclosed, future developments will be on a political basis, and the requirements of various constituencies will be satisfied by the Government. This has been made delightfully clear by the extremely interesting oration to which we have just listened.

I propose to analyse briefly the drastic changes which will be made by the passing of the Bill. The first question I would ask is: Why not preserve the status quo? What is wrong with the present state of affairs? It was not until we were informed by the honorable member for Coburg that the defect in the present system was a shortage of tramway accommodation in North Coburg that we realized there was anything wrong with the prevailing situation. The trams, Board consists of seven members, one of whom is a whole-time member, the others being part-time members; they are supposed to devote time to their duties and apparently have done so satisfactorily. They have given their attention to weekly meetings when matters of broad general policy have been discussed. These gentlemen take charge of the supervision of major policy. The doubling of their salaries by the Government six months ago is the most tangible expression of approval of their efforts that could possibly be given. What are to be the salaries of members of the trams, Board under the new régime? Honorable members are aware that the rates are to be fixed by the Governor in Council, but the House is given no other information. What size plum has to be held out to the various nominees whom the Government has in mind is not disclosed, but we can take it for granted that it will be a large and juicy plum, and that it will be a very fit reward for services rendered in the past and possibly expected in the future. It has not yet been explained—and I prophesy that no explanation will be forthcoming—what three full-time deliberative members of the Board will do. How will they fill in their time when there is already a technical manager to run the organization?

Mr. GRAY.—Not the present one.

Mr. BLOOMFIELD.—Apparently the Minister of Education differs from the honorable member for Box Hill, because the honorable gentleman was full of praise for the present régime. There will still be a chief executive officer under the Board, and above the Board will be the Minister, who in this case has the supreme qualification of being a politician and a publican.

Mr. PETTIONA.—That is a cheap sneer.

Mr. BLOOMFIELD.—It is not intended to be. The point is that his profession is distinct from that of running a tramways system.

Mr. SHEPHERD.—Have you ever heard of a man named Monash, who knew something about the law?

Mr. BLOOMFIELD.—Yes, he was also an engineer. May I say, by way of personal explanation, that if what I said with reference to the Minister of Transport is regarded as a sneer in any way, I wholeheartedly and completely withdraw it.

Mr. SHEPHERD.—You were sneering at anyone who might be appointed by the Government.

Mr. BLOOMFIELD.—That is not so. At present members of the Board are appointed for a period of three years, which is a reasonable probationary period, giving the individual concerned time in which to show his worth. Under the Bill the term is to be a period not exceeding seven years. Theoretically, Parliament is in charge of the affairs of the State. The present Government will appoint, at an unknown salary, for a
period of up to seven years, persons whose duties—as far as members of the Opposition can see—are superfluous and whose abilities to carry out those duties are completely unknown. That is the blank cheque which the House is invited to give to the present Government. In view of the extended term of office and the unlimited salary, one would think that such a Board would be in complete and undisputed control of the tramways system, but in fact this extraordinary collection of persons is not to be in control at all. It is to be subject in all its functions, powers, and authorities to the direction and control of the Minister of Transport.

Mr. GRAY.—What is fundamentally wrong with that?

Mr. BLOOMFIELD.—The tramways system should be run on a business-like basis by experts. It should not be under the control of politicians, publicans, barristers, doctors, or farmers. Secondly, as mentioned by the honorable member for Coburg, the Minister who is in complete control of the organization will be badgered and pestered by people from all parts of the metropolis who wish to have trams stopped at certain places or have lines extended to suit their convenience. If the honorable member for Malvern approaches the Minister for a favour, will he receive the same treatment as a member representing a constituency which is more doubtful or which has a Labour-minded flavour?

Mr. MCCLURE.—It cuts both ways.

Mr. BLOOMFIELD.—It is a fine way to run a State when such things vary according to the political party in power. That is the very reason why freedom from political control has always been held up as a principle of conducting such an organization.

Mr. MCCLURE.—The State Electricity Commission is under the control of the Minister in Charge of Electrical Undertakings.

The SPEAKER (the Hon. P. K. Sutton).—Order! These interjections are not in order. The honorable member for Malvern should proceed with his speech.

Mr. BLOOMFIELD.—This is a fundamental matter on which members on both sides of the House must have strong personal views. If it were debated on its merits and not according to weight of numbers, there would be very few honorable members who would not conclude that the proposal is bad. The management of our most important utilities will be subjected to political winds, as was submitted by the honorable member for Coburg, and that is a bad state of affairs according to any standards. Courts are guided by the principle that not only what they do must be right in actuality, but it also must seem to be right. The high esteem of those bodies rests upon that basis, and that is the fundamental difference between the courts and this institution. If this measure passes into law, the esteem in which this institution is held will sink. When the threatened appointments are made, it will go further down into the depths because there is not one member who believes that the increases in salary and terms of appointment are not intended as political rewards. Does anyone not consider that the recent tramway strike was settled by throwing out the bait of this Bill? I replied to an interjection by the Premier, and I shall repeat my reply: "The strike was settled on this basis: 'Go back to work because you know we shall have these fellows by the throat in a few weeks.'"

Mr. GALVIN.—Your Leader said that the strike was settled in view of the Petrov issue.

Mr. BLOOMFIELD.—Sometimes my Leader may be wrong. There are few clauses in the Bill, but they strike at the basis of something which originated in the State, and which has been a source of pride to us. I refer to the fact that this instrumentality was free of political control. The Bill is part of the Socialist policy and it is unnecessary. In these days, there is no need for class warfare to protect employees in view of our arbitral procedure. The measure is not an example of government of the people, by the people, for the people, but of government of the people by the Government, for Government supporters, and we are against it.
Colonel LEGGATT (Mornington).—As previous speakers have stated, the Opposition objects strongly to two principles in this Bill. The first is the direct control of the Board by the Minister, and the second is the reconstitution of the Board by the appointment of a representative of the employees to be a member of a Board of three persons. If the Government desires that the Board should become a Department, why did it not adopt the proper procedure of making the authority a Department, such as the Education Department, the Department of Agriculture, and so on. At the head of the Department would be a member of the Public Service, a qualified administrator. All Ministers who have had control of Departments realize that the training of public servants under the fundamental principle of service to the public assists them to qualify as administrators. If the Government had submitted a proposal of that nature, the Opposition would not have objected as strenuously as its members do to the reconstitution of the Board, which is to be controlled politically.

For years, Boards have been outside political domination. At the conclusion of the first world war, the first Boards were constituted and the virtue of those bodies was the fact that they were free of political control, but now we see in this legislation the pattern of Socialism. As the honorable member for Malvern pointed out, the Labour party desires to gain complete control by means of a central authority. At present, the control will be exercised by Parliament and later on by economic councils. The Trades Hall Council dominates this Government. That was admitted by the Minister of Housing and although he tried to correct his statement the honorable gentleman had received his riding instructions and had to carry them out.

Mr. SHEPHERD.—I remember the time when your Government ran to the Trades Hall Council for help.

Colonel LEGGATT.—I agree that we did. I see no objection to consulting people in order to obtain their opinions, but I do not believe in the Government being dominated by outside organizations. When the Premier was asked the reason why it was desired to pass this measure in a hurry, I inferred this from his reply: “We have been told to reconstitute the Board and we must do it.” It was not in the minds of the Government to reconstitute the Board last session, when the salaries of its members were raised. Since then the Trades Hall Council has said, “We must have control of the Board so that we can direct its operations.” That is most objectionable.

Mr. PETTITOA.—What facts have you for making that allegation against the Trades Hall?

Colonel LEGGATT.—I have in mind the trend of events in recent times. It has been suggested that the services of the chairman of the State Electricity Commission are not satisfactory, and there have been press reports that the Trades Hall Council is dissatisfied with the administration not only of the State Electricity Commission but also of the Railway Department. At present those instrumentalities are not subject to political influence, but apparently it will not be long before they will be so controlled. Gradually governmental control is being imposed on various State bodies. It was refreshing to hear the naïve statement of the honorable member for Coburg as to why the Government desires to impose political control over the tramways and why he supports the proposal. The honorable member says that political domination is essential if one is to obtain results in return for support of a certain party, and that under such a system more pressure can be exerted in order to obtain those results.

In modern economics there have been definite trends towards the operation of pressure groups. If a person desires to have something done he will approach an official of influence in the Department concerned with a view to the desired action being taken. The Government, by means of this Bill, is encouraging that development, as, if the measure is passed, the Minister of Transport will have full control of the tramways. In my opinion that tendency is a bad one; it is an evil which is gradually expanding in the community.
If the Minister of Transport becomes the dominating influence over the tramways Board he will be responsible for anything that happens in the administration of the metropolitan tramway system. At present the Minister can shelter behind the fact that the tramways service is independently controlled and that he has no responsibility. In those circumstances the Government may adopt the attitude that while it supports the Board, it cannot be called to account for anything that happens. However, if the Bill is passed, the Minister will solely be responsible for the future administration of the tramways.

Mr. Shepherd.—Do you wish to shirk responsibility?

Colonel Leggatt.—I do not. My point is that, although under the proposed new set-up the Minister would nominally have the responsibility of administering the tramways, he would not necessarily fulfil his obligations. The Government might have the utmost confidence in the present Minister of Transport, and the Opposition may concede that he has carried out his duties efficiently, but nobody knows how long a particular Minister may remain in office, or how long a Ministry, or a Government may last. Many members of this House have had practical experience of the uncertainty of political life.

My point is that the Government might have the utmost faith in the present Minister of Transport, but if for some reason one or two Ministers were not returned at an election, the Government might not be able to select other Ministers of equal ability. When I look at Government back-benchers my doubt in that respect is increased. At any time the political wheel may turn and members on the Opposition side of the House may find themselves on the Treasury bench. I ask the Premier whether he would have the same faith in a member on the Opposition side of the House as he has in the present Minister of Transport, to direct the affairs of the tramways Board.

Mr. Cain.—It would not be necessary for me to have faith in an Opposition member; that would be the concern of your party.

Colonel Leggatt.—All members know that once legislation is placed on the statute-book it is difficult to remove it. Of course, that point would not worry the Government if a certain line of policy had been decided by the Trades Hall Council, or caucus, or Cabinet. The manner in which many Bills are presented to the House indicates that there is little if any merit in them.

Mr. Shepherd.—The "two-for-one" legislation stood up to a test in the court. You stated that there was no merit in many Government Bills.

Colonel Leggatt.—I contend that there are no good features in the measure now under consideration, and I repeat that Bills are submitted by the Government, not because they possess particular merit but because they represent the policy of the Government. The Minister in charge of a Bill says, in effect, "Take it, or leave it." The Minister of Education gave no reason for the change in the constitution in the Melbourne and Metropolitan Tramways Board as proposed in this Bill. The Government's action is inconsistent when it is remembered that—as mentioned by other members—the Ministry recently increased the salaries of the part-time members of the tramways Board. Now the Government proposes to dispense with their services.

Mr. Shepherd.—The best reason for the proposed change was given by the honorable member for Malvern, who said there were no experts on the Board.

Colonel Leggatt.—That aspect can be discussed later. At the moment, I am dealing with the question of political domination of a State instrumentality. The State will be fortunate if in the future it has a Minister of Transport with ability equal to that of the Minister who now holds that office. For the reasons I have previously stated, Parliament in past years has decided that a number of Boards and instrumentalities should be placed beyond political control.
Melbourne and Metropolitan [22 April, 1954.] Tramways (Board) Bill. 203

The effect of this Bill, if it is passed, will be to undermine that principle and to revert to the iniquitous practice of placing a Minister in charge of an instrumentality, which, by virtue of the functions it performs, should be independently controlled. In those circumstances it is easier for interested parties to have certain action taken. The honorable member for Coburg made that point very clear. He said that he supported the Bill because the Minister would then control the tramways and that, naturally, he would seek the assistance of the Minister in having a particular project implemented—which may be a reasonable one—for which he has been fighting for 35 years. He indicated that the present Board has not agreed to his requests, but that if a Minister is placed in control he hopes to be more successful.

Mr. Shepherd.—The honorable member for Coburg did not make that statement.

Colonel Leggatt.—What I have stated is a fair interpretation of his remarks.

Mr. Shepherd.—You are placing an unfair inference on the honorable member’s statement.

Colonel Leggatt.—That is not so. He implied that if the Minister were in control of the tramways Board, it would be possible to get the desired service.

Sir Herbert Hyland.—The honorable member for Coburg was quite definite in his statement.

Colonel Leggatt.—The iniquitous proposal of the Government is a retrograde step, and it will operate against the interests of the community. It will be contrary to all the principles for which I stand. Once a person has been a Minister of the Crown for any length of time he begins to think that it would be desirable that he should have control of this or that Department, which may be nominally under his jurisdiction but not entirely under his control. That is particularly the case in relation to the State Electricity Commission. The Labour party considers that it knows what to do and that the interests of the community will be protected if undertakings are directed by Ministers. I contend that efficiency will not be obtained by providing for political control, but that a class of person or an individual will dominate the interests of the community. There is no doubt that at present the Board decides on priorities for extensions of tramway and bus services. It is not affected by petitions, such as that presented at one time by the honorable member for Coburg and having 9,000 signatures. The list of priorities is established by expert examination and for the benefit of the whole community. If a Minister dominates the Board—undoubtedly he will do so if the proposal outlined in the Bill is adopted—the priority system will be abolished. It will be a question of whether a member has influence with the Minister concerned or with Cabinet, and the established order of priorities laid down by an impartial Board will be upset. There cannot be impartiality if there is political control.

I do not propose to go into the question of whether six members or three members should comprise the Board. The Bill provides that the Board shall consist of three members one of whom must be a representative of the employees. Apparently that member will look after the interests of employees, but those interests are already taken care of by certain staff arrangements.

Mr. Shepherd.—In other words, you want O’Shea to look after the employees’ interests?

Colonel Leggatt.—I suggest that the Government is saying that Mr. O’Shea should cater for the interests of the community. I contend that the employees’ interests are already protected.

Mr. Galvin.—Do not you think a representative of employees can assist in the administration of the Board?

Colonel Leggatt.—In my opinion, any one who has qualifications, brains, administrative ability and experience can make some contribution towards running a business. I do not think a person should be debarred from being a member of a Board merely because he is an employee, but I do not understand
why one member of the proposed Board must be an employees' representative. Does the Government contend that the welfare of the employees is paramount?

Mr. GALVIN.—If the co-operation of the employees is not obtained the operation of the service will not be harmonious and successful.

Colonel LEGGATT.—The Melbourne and Metropolitan Tramways Board determines questions of policy and decides where trams and buses shall run. The treatment of tramway employees is only incidental.

Mr. GALVIN.—Do you not think that an employee might bring some business acumen to deliberations of the Board?

Colonel LEGGATT.—Not necessarily.

Mr. GALVIN.—That is only your conservative bias against employee representation.

Colonel LEGGATT.—I do not agree. I should like to know whether the tramways Board has been established to look after the interests of employees or the welfare of the travelling public?

Mr. GALVIN.—The tramways service cannot be successful unless it is operated in the interests of both employees and public.

Colonel LEGGATT.—Apparently the Government thinks the way to do that is to have a dominating influence on the Board. There is nothing in the Bill to say what qualifications the other two members of the Board shall possess. The question of salaries is left open. The members of the Board are to be appointed for a period not exceeding seven years. There is nothing to say that the Government cannot appoint three representatives of employees, or three members of the Trades Hall who have no qualifications at all. Last year, a similar provision was inserted in a Bill relating to the Melbourne Harbor Trust, and that Bill was passed notwithstanding the protests of the Opposition. I should like to know whether any appointment has yet been made to the Melbourne Harbor Trust.

Mr. GALVIN.—The Commissioners of the Trust are not yet due to retire.

Colonel LEGGATT.—Did not the Government have in mind the appointment of Mr. Clarke?

Mr. GALVIN.—That is not correct; it was Mr. Cumming.

Colonel LEGGATT.—That was very unfortunate. When it is laid down that one appointee shall be a representative of employees the choice is limited in such a way that possibly the best representation will not be obtained.

Mr. GALVIN.—It is well known that the Labour party believes in employee representation on Boards, in the same way as farmers believe in farmer representation. Every one knew before the last election because it has been in the platform of the Labour party for years.

Colonel LEGGATT.—I wish to make it clear to the electors that it is the policy of the Labour party, because when Liberal and Country party members say that one plank of Labour's platform is the socialization of the means of production, distribution and exchange, Labour members get up in arms; they do not want that fact disclosed because it is unpopular.

Mr. GALVIN.—You can disclose the fact that we believe in employee representation, in the same way as the Liberal party believes in banker representation on bank Boards.

Colonel LEGGATT.—The Government proposes that there shall be an employees' representative on the tramways Board although its main function is to control policy and not to look after the employees. Is it suggested that the employees' representative should look after the interests of the employees?

Mr. GALVIN.—He will also look after the interests of the public. Do you not think that a man who has worked on the trams knows something about the system generally?

Colonel LEGGATT.—He would not know the policy of the tramways Board. I am wondering whether the composition of the Railways Commissioners will be altered.

Mr. GALVIN.—That might not do any harm.

Colonel LEGGATT.—If it is the policy of the Government to provide employee representation on Boards, that might be
extended to apply to all Boards and Commissions. I have no doubt that during the next session a Bill will be introduced to provide employee representation in the Railway Department. Again, an employees’ representative might be appointed to the State Electricity Commission, which deals with the whole of the State and is concerned with technical matters that vitally concern all people.

Mr. GALVIN.—The secretary of the Electrical Trades Union has been a member of the Commission for years.

Colonel LEGGATT.—Will there be an attempt to dominate the four Commissioners of the State Electricity Commission? I claim that when this measure becomes law, it will have a deleterious effect on the community. It may well be that if the chairman of the Board is absent, the two remaining members will dominate the situation. I have no doubt that they will be selected from the ranks of the tramways union, and I forecast that, as time goes on, the Government will experience much trouble with strikes in the tramway service.

Mr. GALVIN.—I remember a comment about grass growing in Collins-street that was made by a former Premier when a tramway strike was in progress some years ago.

Colonel LEGGATT.—I believe that the Government is not yet out of the wood with respect to the most recent tram strike.

Mr. GALVIN.—You are hoping that is the case.

Colonel LEGGATT.—No, I do not want the community to suffer inconvenience so that I may gain a political advantage. I protest emphatically against the spirit of the Bill which, I claim, represents Labour policy. It was introduced by the responsible Minister in a manner which is typical of all measures that are aimed at implementing Labour policy. The honorable gentleman explained it in a few words and then said, in effect, “There it is; that is our policy; it is simple; it is bad medicine, but get it down and then forget all about it.”

Mr. DOUBE (Oakleigh).—After it launched two motions for the adjournment of the House, I should have thought that the depth of futility would have been plumbed by the Opposition, but apparently it is prepared to proceed from one folly to another by indulging still further in destructive and carping criticism of the Government. The Age newspaper in an editorial to-day stated, in no uncertain terms that the Opposition should adopt tactics different from those which it has embraced during the last few weeks and assist in the passage of worthwhile legislation. Opposition members would do well to read that article.

Those Opposition members who have discussed this measure have opposed it on two main grounds; first, that it will bring the Melbourne and Metropolitan Tramways Board under the control of a Minister of the Crown. It is alleged that there is some sinister motive behind that proposal. Some Opposition members went to extreme lengths to point out the error of the Government’s way. The honorable member for Mornington intimated that statutory authority corporations came about mainly as a result of citizens being fearful of what Parliament might do, but I contest that argument. My understanding is that statutory authorities developed largely because parliamentarians had insufficient time to undertake administrative work. There is an obvious reason why there should not be political control of the Australian Broadcasting Commission and the British Broadcasting Commission, but there is no obvious reason why the Government should not control a business organization. If the Opposition objects so strongly to this measure, I express wonderment that it has not protested to the present Prime Minister about the Posts and Telegraphs Department, the largest business undertaking in Australia, which is under the sole control of the Postmaster-General, who is a Minister of the Crown.

Colonel LEGGATT.—That is a Department.

Mr. DOUBE.—The honorable member for Mornington states that the Posts and Telegraphs Department is a “Department;” therefore, there is a difference.
I claim, however, that it is a business organization. There can be no doubt about that contention. Moreover, it is the largest business organization in Australia, and it is run by a politician.

Mr. DOUBHUN.—He is a good country man.

Mr. DOUBE.—The question under discussion is whether or not a Minister of the Crown is a fit and proper person to control a business undertaking. It may surprise Opposition members to learn that since 1901 the Postmaster-General's Department has been run—

Sir HERBERT HYLAND (Gippsland South).—I rise to a point of order, Mr. Speaker. Is the honorable member in order in bringing Federal politics into the debate?

The SPEAKER (the Hon. P. K. Sutton).—The honorable member for Oakleigh is making an analogy, and his remarks are in order.

Mr. DOUBE (Oakleigh).—I do not want my remarks to have a political flavour. The Opposition claimed that the Government proposes to depart from established parliamentary procedure. I think the fact that a Minister controls the Posts and Telegraphs Department proves conclusively that it is no exception to parliamentary procedure for a Government to conduct a business organization. I am confident that the Minister who is to control the tramways Board will do a good job as will other Ministers who act in that capacity in future years.

Another point I desire to make is that it is extremely difficult to get on to friendly terms with the Opposition. The other day the Leader of the Opposition moved a motion for the adjournment of the House for the purpose of discussing the failure of the Government to take the necessary steps to obviate the serious inconvenience caused to the public by stoppages of public transport.

The SPEAKER.—The honorable member must not develop that argument.

Mr. DOUBE.—Opposition members have criticized the Government for the way in which it has handled certain transport disputes. I think it was the honorable member for Glen Iris, however, who pointed out that the Government had acted in the only way possible. Apparently, the Opposition thought that the Government possessed some power which it was not using, because the Government was saddled with the whole of the blame for having failed to take effective action. Under the provisions of this Bill, the Government proposes to take remedial action by saying, in effect, "We will accept responsibility for public transport so far as the tramways Board is concerned." The Opposition's reply, in effect, is, "No, you cannot do that." Accordingly, I claim that it is difficult to reach agreement with the Opposition on any matter of public importance.

I think the debate could have been handled by the Opposition in a much better way. This Bill provides ample opportunity for constructive criticism, but the Leader of the Opposition, in the course of one of his rare speeches, stated that the recent tramway strike was halted because of the Petrov disclosures. In my view, it was a great pity that that subject was introduced into the debate.

Mr. GALVIN.—The honorable member for Malvern said that the Leader of the Opposition was wrong.

Mr. DOUBE.—For once, I agree with the honorable member for Malvern. The remarks of the Leader of the Opposition illustrate how true was the editorial of the Age newspaper, which criticized the Opposition for talking rubbish in the House. A measure of considerable importance is now before the Chair, and I claim that the arguments against it that were submitted by the Opposition were of exceedingly poor quality. The Opposition developed the discussion along the lines that the Government intended to appoint as a Commissioner of the Melbourne Harbor Trust a former official of the waterside workers union, named Clarke. Because that unfortunate person—if I may use that term—is in some difficulty the matter has been dragged before the House. I understand that a charge has been made against Clarke, and Opposition members have seized upon that fact, not because they are interested in either
the man or this Bill, but because they are interested in destroying the reputation of the trade union movement. If one man in it slips, or appears to slip, Opposition members rise in the House and attack the whole edifice of the movement. In a number of discussions, the Government has been declared by the Opposition to be responsible for an alleged statement by some tramway employees at a meeting. Of all the absurdities uttered during the debate that was the most appalling.

Mr. Bolte.—No one on the Government benches has denied it.

Mr. Doube.—That statement is typical of the arguments we now expect to hear from the Leader of the Opposition. Apparently he considers that if an outlandish statement is made and no one bothers to deny it, then it must be true. Members on the Government side of the House are becoming a little sick of ridiculous allegations, and so we take no notice of them. Every foolish thing Opposition members think of is apparently introduced into the debates. Someone at a meeting was supposed to have made a certain statement, and we, on this side of the Chamber, are asked whether it is in accordance with Government policy. I say to the Leader of the Opposition that we are entitled to listen to something better than that when an important measure is before the House.

I feel sure that the Bill will be successful. I thoroughly approve of the appointment of a representative of the employees as a member of the Board. That proposal accords with modern developments. Even business executives in the City of Melbourne—some of whom we are inclined to consider, are very stiff-necked about this matter—have accepted the principle that it is necessary for them to approach their employees if the work is to be carried out effectively. In the last stronghold of conservatism—among Opposition members—there is still a desire that the workers should be kept in what is regarded as their position and that no one should ask them what they have to contribute to the welfare of the State. I am pleased that the Government has adopted a progressive attitude, and I am certain that its efforts will be crowned with success.

The House divided on the motion (the Hon. P. K. Sutton in the chair)—

Ayes: 27
Noes: 15

Majority for the motion 12

**AYES:**
Mr. Barry  Mr. Scully
Mr. Cain  Mr. Sheehan
Mr. Coates  Mr. Shepherd
Mr. Corrigan  Mr. Smith
Mr. Doube  Mr. Stoddart
Mr. Fewster  Mr. Stoneham
Mr. Galvin  Mr. Towers
Mr. Gladman  Mr. White
Mr. Holland  (Mentone).
Mr. Lind  Tellers:
Mr. Lucy  Mr. O’Carroll
Mr. McClure  Mr. Pettona.
Mr. Mendel  Mr. Stirling.
Mr. Morrissey
Mr. Mutton
Mr. Rylah

**NOES:**
Mr. Bloomfield  Brigradier Tovell
Mr. Bolte  Mr. Turnbull
Mr. Cochrane  Mr. Whately.
Colonel Dennett  Tellers:
Mr. Dodgshun  Mr. Petty
Sir Herbert Hyland  Mr. Stirling.
Colonel Leggett
Mr. McDonald

**PAIRS:**
Mr. Bourke  Mr. White
Mr. D’Arcy  (Allendale)
Mr. Dunn  Mr. Moss
Mr. Holt  Sir Thomas Maltby
Mr. Lemmon  Mr. Guye
Mr. Morton  Sir George Knox
Mr. Murphy  Mr. Mitchell
Mr. Randles  Mr. Buckingham
Mr. Ruthven  Mr. Don
Sir Albert Lind.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Progress was reported.

**ADJOURNMENT.**

Mr. Cain (Premier and Treasurer).—I move—

That the House, at its rising, adjourn until Tuesday next at half-past Two o’clock.

The motion was agreed to.

**The House adjourned at 5.12 p.m. until Tuesday, April 27.**
LEGISLATIVE COUNCIL.
Tuesday, April 27, 1954.

The President (Sir Clifden Eager) took the chair at 5.4 p.m., and read the prayer.

THE QUEEN'S SPEECH.

PRESENTATION OF ADDRESS-IN-REPLY.

The President (Sir Clifden Eager).
—I have to report that, accompanied by honorable members, I, on the 30th March last, waited upon His Excellency the Governor and presented to him in compliance with the wish of Her Majesty the Queen, the Address adopted by the Legislative Council, on the 25th February last, in reply to Her Majesty's Speech on the opening of Parliament. His Excellency was pleased to make the following reply:—

Mr. Speaker and Honorable Members of the Legislative Council:

In accordance with the wishes and on behalf of Her Majesty the Queen, I thank you for your expressions of loyalty to our Most Gracious Sovereign contained in the Address you have just presented to me, which I shall be pleased to transmit to Her Majesty.

I fully rely on your wisdom in deliberating upon the important measures to be brought under your consideration, and I earnestly hope that the results of your labours will be conducive to the advancement and prosperity of this State.

POLICE OFFENCES (UNLAWFUL GAMES) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. WILLIAM SLATER (Attorney-General), was read a first time.

COAL MINE WORKERS PENSIONS (AMENDMENT) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. A. M. FRASER (Minister of Mines), was read a first time.

LOCAL GOVERNMENT (CITY OF SUNSHINE) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. WILLIAM SLATER (Attorney-General), was read a first time.

STATE SAVINGS BANK (DEPOSITS) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. P. L. COLEMAN (Minister of Transport), was read a first time.

POLICE OFFENCES (OBSCENE PUBLICATIONS) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. A. M. FRASER (Minister of Labour), was read a first time.

CHANDLER HIGHWAY AND BRIDGE BILL.

This Bill was received from the Assembly and, on the motion of the Hon. J. W. GALBALLY (Minister in Charge of Electrical Undertakings), was read a first time.

STATUTE LAW REVISION COMMITTEE.

PRACTICES IN CONNESSION WITH COMPANIES.

The Hon. F. M. THOMAS (Melbourne Province) presented a progress report of the Statute Law Revision Committee on amendments of the statute law to deal with fraudulent practices by persons interested in the promotion and/or direction of companies and by firms, together with minutes of evidence.

It was ordered that the report be laid on the table, and be printed, together with the minutes of evidence.

COAL MINE WORKERS PENSIONS (AMENDMENT) BILL.

The Hon. A. M. FRASER (Minister of Mines).—I move—

That this Bill be now read a second time. I should not like to say that this measure is a hardy annual, but it is the type of Bill that is introduced into Parliament from time to time immediately following any increase in Commonwealth old age and invalid pensions. The history of the legislation has been referred to five or six times during recent years, so I do not
propose to discuss its history again on this occasion. In 1942, Parliament passed legislation to provide a prohibition against the employment in coal mines of persons over a certain age, and then went on to provide pensions for miners who had retired either by reason of the age limit or who had been disabled in the course of their employment.

Parliament realized that it was necessary to maintain a margin between the amount payable under the Coal Mine Workers Pensions Act and the pensions payable under the Commonwealth Old Age and Invalid Pensions Act, as the amount of the Commonwealth pension is deducted from the sum payable under our Act. As I have stated, it has been the practice to leave a margin in favour of the pensioner under our Act when the Commonwealth pension is taken into consideration. For that reason, in recent years, there has been an increase in the pensions of miners in accordance with increases in Commonwealth pensions. In October last, Commonwealth pensions were increased by 2s. 6d. a week, and the Bill is intended to give that increase to a miner and his wife or the wife of a deceased miner, but not to children. At the moment, a miner is paid as pension £4 10s. a week, a miner's wife £3 15s., the wife of a deceased miner £4 a week, and the payment for children is 8s. 6d. each a week. Under the Bill, the first three amounts that I have mentioned will be raised by 2s. 6d. a week.

Members are acquainted with the relative contributions to the pension fund of the Government, the mine owners and the miners. I dealt fully with that matter last session, and there is no need for me to go over the ground again to-night. As the increase in Commonwealth pensions occurred in October last, the Bill will carry back the increased payment to the date of the Commonwealth increase; that will be in accordance with the usual practice of this Parliament. As the payments will have to be made back to October last, and as the Government promised that the Bill would be introduced at the earliest possible date, I ask members to afford the measure a speedy passage.

The Hon. W. O. FULTON (Gippsland Province).—The Country party supports the measure and there is no need for me to elaborate on the need for its speedy passage. As the Minister stated, the Bill is in keeping with the principle laid down by Parliament in 1942 and members of my party agree with the making retrospective of the extra payment to the 30th October, as that will be in conformity with similar legislation that has been passed from time to time to retain the margin between pensions paid under this Bill and Commonwealth pensions.

I feel certain all members recognize the necessity of this legislation, in view of the hazards of coal-mining. This benefit should be conferred on men who have had to face those hazards. In many cases, the health of miners has been impaired and they have not been able to carry on the battle of life in the same way as are workers in other undertakings. I know that the House will accede to the request of the Minister to afford the Bill a speedy passage.

The Hon. G. L. CHANDLER (Southern Province).—Members of the Liberal and Country party concur with the provisions contained in this small measure. Periodical adjustments of this nature are necessary when there is a variation in the pension rates paid under this legislation or of Commonwealth pensions. The last increase in Commonwealth pensions has been operating for some time. This is the first opportunity that Parliament has had of dealing with this matter and the increase in coal mine workers pensions will be made retrospective to the 30th October last. We concur in the retrospective provisions of the Bill. We fully appreciate the reasons why the Government has introduced the measure which will assist a section of the people who through their employment have met with ill-health or have reached the retiring age. Those who receive pensions under this legislation will benefit by the principle laid down in 1942—that of retaining a margin in their pensions over the pensions paid under the Commonwealth scheme.

The motion was agreed to.

The Bill was read a second time, and passed through its remaining stages.
POLICE OFFENCES (UNLAWFUL GAMES) BILL.

The Hon. WILLIAM SLATER (Attorney-General).—I move—

That this Bill be now read a second time. The Bill proposes to amend sections 72 and 93 of the Police Offences Act of 1928. It is a simple amendment, but it deals with what the Government feels is a seriously increasing problem. The Bill proposes to add another unlawful game to the six games already declared to be unlawful in section 93 of the principal Act. That provision started originally with the curious Chinese game of fan-tan. Later, it included a game which became extremely popular among certain sections of our community when abroad—two-up. Then followed further games, the playing of which was recognized by the Government of the day as menacing the well-being of the community. Those games were hazards, baccarat and skill-ball. Now it is proposed to add housey-housey to the list, making it the seventh unlawful game, that will be subjected to the penalties prescribed for the playing of such games.

The growth of housey-housey had been extraordinarily rapid. A branch of the Law Department has exercised some control and supervision of permits, which were issued only after completion of an appropriate questionnaire submitted to the Discharged Servicemen's Board, which supervised the granting of permits. They finally came, as a matter of formality, to the Attorney-General for his imprimatur.

I shall quote figures for 1952 and 1953 relating to the six or seven main or continuous games, in which the growing problem of housey-housey was seen more vividly than in the smaller games which, in most circumstances, were undertaken by deserving charities and, to a large extent, did not offend public opinion. In 1952, the total of the proceeds from the main games was £1,100,000 odd, and in 1953 there was an increase to £1,700,000; in other words, the gross takings increased more than £600,000. In both of the years under review, the net proceeds that ultimately filtered through to the charitable institutions for which the games were ostensibly played averaged approximately 16 per cent.; the amount charged against the gross profits for wages was roughly 4 per cent., and about 80 per cent. was returned to the players. There was a great lure to the players of housey-housey in the principle of the "jackpot," which attracted them and offered to them the prospect—hope springing eternal in the human breast—of ultimately winning the big prize and going home satisfied and happy.

In view of the situation, the Government has felt that the time has arrived when drastic action must be taken and housey-housey placed in the same category as baccarat and skill ball, which were the last games to be dealt with by legislation. The Government is not insensitive to the substantial amount that has gone to charitable institutions as a result of the playing of housey-housey. Although comparisons may be invidious, I can instance that institutions, particularly in Footscray and Brunswick, and also the Prince Henry's Hospital, have richly benefited as a result of the housey-housey games that were played seemingly under better control than were those conducted elsewhere. In Footscray, the municipality organized the game, and one result will be a permanent memorial to those interested in the game by the establishment of a youth centre at West Footscray, which I had the honour of opening last December. It is, I think, the finest youth centre one can see anywhere in Australia. Such examples are, however, by the way, and looking at the problem properly and in the right perspective, the Government considers that housey-housey is growing so seriously menacing in its aspects that it should be brought under control. It is a matter of regret that we cannot separate the sheep from the goats, as it were, and allow the desirable and perhaps permissible games to continue, with a check on those games that were assuming proportions that we did not appreciate. Unfortunately, that cannot be done; we have to go the "whole hog" and bring down legislation which permanently declares housey-housey to be an unlawful game and subject to the rigid penalties provided by the law.
Sir JAMES KENNEDY (Hignbotham Province).—I am happy to be able to support an anti-gambling Bill. In the past, I have had to speak against measures which have permitted an increase in gambling facilities. I cannot understand how the present position concerning housey-housey has been reached, as I have had some experience with regard to hospital appeals and so on. If a permit is issued to conduct a raffle, a spinning wheel, or something of that nature, the organization granted the permit ultimately has to submit to the Attorney-General a complete statement certified as correct by a public accountant. I do not know whether that procedure has been followed with regard to the permanent housey-housey games that have been conducted. Considerable criticism has been levelled at the figures that have been submitted, because it has been claimed that they do not bring into account anything that the promoters of the games have taken out before the money has gone to charity.

The Hon. WILLIAM SLATER.—That is a question for the particular charity concerned, because the only figures received by the Law Department have been submitted by charitable organizations. We do not know what is done with the money afterwards.

Sir JAMES KENNEDY.—I consider that greater control could have been exercised if the existing provisions of the Police Offences Act had been implemented strictly. When this Bill is passed, ten games will be declared to be unlawful—namely, fan-tan, two-up, hazard, baccarat, dinah-minah, skill ball, housey-housey, any game in which the chances are not alike favourable to all players including the banker, any game where any person derives a percentage or share of the wages, and the use of a totalizator. By including housey-housey, the volume of gambling will be reduced. I have never witnessed the game, and I do not know what the jackpot is, although I expect it is something that accumulates until it reaches a big sum. I understand that people who cannot afford to gamble—I refer particularly to women who have not a great deal of money to spare—go to housey-housey games and are tempted to keep playing until they spend more than they can afford. I am sure that any proposal that will help to save the money of those who need it is welcome.

About five months ago, a Bill was passed under which the Government will receive 31 per cent. of approximately £5,000,000, but now it is intended to ban housey-housey because some other section of private enterprise is getting too much. I think it is a good thing that we should do everything possible to minimize gambling in the community. When I saw tents in various suburbs, originally I thought they were mission centres, but later I discovered that they were used to accommodate persons playing housey-housey. The sooner we can get rid of those games, the better.

The Hon. WILLIAM MacAULAY (South-Western Province).—I was interested in the speech of the Attorney-General, and particularly in three of the phrases he used. First, he said that housey-housey was a seriously increasing problem; he also mentioned that it was menacing the welfare of the community, and that it had serious results. If one studied the speech delivered by the honorable gentleman, probably a great deal could be read into it. I take it that he did not wish to go into details, because he did not explain the statements that he made.

The Hon. P. L. COLEMAN.—He knew he had the numbers.

The Hon. WILLIAM MacAULAY.—I appreciate the attitude of the Attorney-General. I am not criticizing him, but I am pointing out that he did not elaborate those statements.

The Hon. WILLIAM SLATER.—I thought they were so obvious that elaboration was not necessary.

The Hon. WILLIAM MacAULAY.—Perhaps that is so, but one may wonder what the Attorney-General had in mind when he spoke of a game having serious results. Sir James Kennedy has stated that ten games have been declared illegal. From time to time, a game will crop up and will be played extensively. Evils will become associated with it and
Governments must take stern legislative action to repress it. Probably the games are played because people desire to obtain something for little, or for nothing at all, but, gambling goes beyond the question of economics or financial results. The Attorney-General did not say whether the financial result, or the fact that only 16 per cent. of the money invested was given to charity was the evil associated with housey-housey. We can, however, assume that one of the evil factors associated with the game was that the promoters received an extraordinary and unfair amount. If that was all there was to it, we would not be faced with the recurring problem of evil games. I believe that the attitude of the Government and, perhaps, of the community is wrong, if we oppose something because some persons receive an unfair advantage out of it, or for some other economic reason. In my opinion, we should commence on the note that gambling itself is evil. I thought the Attorney-General intended to try to amplify that proposition.

The Hon. William Slater.—That is a very wide field to cover.

The Hon. William MacAulay.—I appreciate that point of view, but if we begin on the assumption that gambling is evil and all the efforts of the Government are directed towards lessening the spirit of gambling within the community, I believe we will get somewhere.

The Hon. J. W. Galbally.—You would have to start on the racecourses.

The Hon. William MacAulay.—I do not think that is so.

The Hon. A. M. Fraser.—A start would have to be made in Collins-street on insurance.

The Hon. William MacAulay.—I should like to develop this argument in my own way. I agree that housey-housey should be declared an illegal game, and I support the Government's action. But when the provisions of this Bill are put into effect, will there be a decrease of gambling and the kind of greed that is associated with gambling in the community? I venture to suggest that before very long another game will crop up and will capture the imagination of the gambling spirit in the community. Certain promoters will reap a rich harvest until such a time as the Government of the day takes steps to check it. I do not know whether this Government or previous Governments have done sufficient to try to correct the evil inherent in gambling.

The Hon. J. W. Galbally.—Have you any suggestion to offer?

The Hon. William MacAulay.—Yes. The transfer of Tattersall's consultations to Victoria will not deter the spirit that leads to gambling in such games as housey-housey. In my view, the problem is being attacked from the wrong view point. This is not merely an economic matter, but a moral question. The basis of good government is the welfare and prosperity of the community, and the moral issues associated with the action proposed to be taken are important. A Government must take note of this fact.

Contributions to charities, whether from racecourse, tents where housey-housey is played, or palatial offices of Tattersalls, can be bought at too high a price if they interfere with the moral character of the people. The Government is quite right in suppressing housey-housey. The game has grown to enormous proportions and needs banning. We should at all times and in all places exercise upon the community an influence that will remove such evils as housey-housey.

The motion was agreed to.

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

LOCAL GOVERNMENT (CITY OF SUNSHINE) BILL.

The Hon. William Slater (Attorney-General).—I move—

That this Bill be now read a second time.

The measure proposes the extension for a period of six months of the operation of section 3 of the Local Government (Shire of Braybrook) Act.
year 1950, there was passed a Bill by which the then Shire of Braybrook became the City of Sunshine without first having been declared to be a borough. There were certain technical reasons why that action was taken. One was the question of area. The measure that was passed provided that for a period of three years after the municipality had been declared a city the provisions of Part IV. of the Police Offences Act relating to betting on sports grounds should apply as if the new city had remained a shire. That period expires on the 16th May next, and the Bill proposes to extend the time until the 16th November. Meantime, the Government can determine whether or not the provisions should be made permanent.

The Hon. A. R. MANSELL (North-Western Province).—The Country party supports the Bill, mainly because the proposed extension of the Local Government (Shire of Braybrook) Act will be limited to six months. When the Bill which led to the passage of that Act was introduced, it was considered that a period of three years was ample time to enable any organization to put its house in order. However, it is now proposed to extend the time and the party which I represent is prepared to support the Bill and ensure its speedy passage. The Government should reach finality on this matter. I understand that in six months' time definite action will be taken and that a more controversial Bill than this will be introduced. I support the measure.

Sir JAMES KENNEDY (Higinbotham Province).—I was a Minister when the residents of Sunshine desired that it should be created a city. At that time I stated that it was hopeless for a request to be made to me that a municipality occupying about 60 square miles should be declared a city. I asked that officers of the municipality should draw a map defining the boundaries of the proposed city. I then raised the question of the Police Offences Act. I realized that a number of dog-racing meetings and similar functions were conducted in the shire which would become part of the City of Sunshine. Those who approached me stated that they were not worried about that matter. Ultimately, the relevant Bill was passed.

Evidently the Government in power felt that it was hard to destroy organizations. When Sunshine was declared to be a city, a Bill was introduced so that the position affecting betting at sports meetings would not be affected. The operation of that legislation will expire in May. A statement has been made on behalf of the Government that it will introduce another Bill shortly relating to this question. I imagine that that measure will be more controversial than this. Probably it will deal with the question of tin hares and all sorts of other things. The Government requires that the present Act should operate for an extra few months, and we shall agree to the proposal.

The motion was agreed to.

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

STATE SAVINGS BANK (DEPOSITS) BILL.

The Hon. P. L. COLEMAN (Minister of Transport).—I move—

That this Bill be now read a second time.

The purpose of this short measure is to increase the statutory limitation imposed on deposits in the State Savings Bank upon which the Commissioners of the bank may pay interest. At present the Act provides that they may pay interest on deposits up to £1,000. That limitation was fixed in 1922, and it is felt that in view of changed economic conditions the request of the Commissioners to increase from £1,000 to £1,500 the amount upon which interest may be paid should be agreed to.

About 93 per cent. of the deposits in the State Savings Bank have been of amounts under £500, but owing to the changed economic conditions the number of deposits of more than £500 is now increasing and those of £1,000 and upwards are therefore also increasing. Since the Commonwealth Savings Bank has increased to £1,500 the amount upon
which interest may be paid, as has also the South Australian State Savings Bank, the Victorian Commissioners consider that the same conditions should apply in respect to their institution. That is the sole purpose of this Bill and I commend it to honorable members for their favourable consideration.

The Hon. I. A. SWINBURNE (North-Eastern Province).—Members of the Country party support this measure. As the Minister has indicated, there are doubtless increasing numbers of State Savings Bank depositors whose holdings are in greater amounts than the sum of £500. Probably one of the main factors explaining the increased holdings is that many depositors have retained their money in the bank against the prospective purchase of homes for themselves. That, at all events, is one of the reasons why depositors should be increasingly encouraged to hold their money in the State institution. They may then call upon it in the event of purchasing a property and have the money available when they require to use it.

Members of the Country party support the measure, realizing that as the Commonwealth and South Australian savings banks are giving this additional consideration, it would not be in the best interests of the Victorian State Savings Bank if it did not follow suit.

The Hon. E. P. CAMERON (East Yarra Province).—I support this Bill. There is one factor to which I direct attention, and that is the interest on sums deposited in the State Savings Bank. While 93 per cent. of depositors have amounts of £500 or less, it should be borne in mind that until some little time ago they received no interest on amounts over and above that sum. Now they are obtaining 1½ per cent. on sums of from £500 to £1,000. That, of course, is not a great deal of encouragement in these days, but when the interest-earning amount was first raised from £500 to £1,000 it was worth a great deal more to be securing 1½ per cent. than it is to-day.

The Leader of the House said that this proposed extension to a maximum of £1,500 upon which interest may be paid would encourage depositors to leave their money with the savings bank and that it would also place that institution on a level with the Commonwealth Savings Bank. I should like to be informed whether the interest paid by the Commonwealth institution is at the same rate as is being proposed by this measure to be paid on deposits of from £500 up to £1,500. In any event, this is a step in the right direction; as wages and other levels have become higher and higher we must raise the level in such directions as this Bill takes. If the answer of the Minister in charge of the Bill is that the State Savings Bank is not placing itself on a level with the Commonwealth bank in the direction I have indicated, the Commissioners should consider taking an early opportunity to correct the position.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Interest on Deposits).

The Hon. P. L. COLEMAN (Minister of Transport).—In reply to Mr. Cameron's inquiry I am unable to say whether the interest on deposits held in the Commonwealth Savings Bank is at the rate of 1½ per cent. or not. I think it is somewhere near that amount because I know that the intention of the State Commissioners is to meet the competition from the Commonwealth bank. It seems to me that 1½ per cent. interest on sums from £500 to £1,000 would not attract very much business, owing to the competition from other sources at much more remunerative rates. Evidently there is something in the point mentioned by Mr. Swinburne as to people retaining their savings in the savings bank to facilitate the purchase of homes or other such transactions. These people are evidently prepared to accept the 1½ per cent. rate.

The rates of interest on fixed deposits are very low compared with what is obtainable from outside investments. People must evidently think that a fixed deposit in a bank is in the nature of a gilt-edge security. After the passing of this Bill, it is proposed by the Commissioners that the interest rate shall be the
same as at present but that it may be varied from time to time with approval of the Governor in Council. I take it that if the Commissioners felt that that course was necessary, in that they were losing business, they would take steps to increase the rate.

Sir James Kennedy (Higinbotham Province).—It had been thought that after the passing of this amending Bill to increase the total amount of a deposit upon which interest would be payable, the Commissioners would take steps to provide for an increase to 2 per cent. on deposits from £500 up to £1,000. It appears, however, that it is still the intention to pay at the rate of 1½ per cent., but up to a deposit limit of £1,500. This measure, therefore, does not mean a great deal.

The clause was agreed to.

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

Chandler Highway and Bridge Bill.

The Hon. J. W. Galbally (Minister in Charge of Electrical Undertakings).—I move—

That this Bill be now read a second time. This small measure relates to the Chandler Highway, which bears the name of the father of a present member of this House, who was the Commissioner of Public Works at the time when the highway was given its name. In 1891, the Chandler bridge formed part of the Outer Circle Railway, but two years later the railways authorities discontinued its unprofitable business on that line. In 1929 the Chandler bridge was leased by the Railway Department to the Public Works Department. A roadway was made across the bridge and formed a very valuable link between the northern and southern suburbs. That lease was for twenty years and it expired in 1949. Since then the Railway Department has been concerned with the future of the bridge, and with its responsibility in regard to its maintenance.

The Kew and Heidelberg councils contend that as a great volume of the traffic using the bridge comes from the southern and northern districts, not altogether in respect to their localities, they should not have to bear the whole cost of the maintenance of the bridge and its approaches. That aspect of the matter was referred to the Public Works Committee. The Government has not had time to fully implement the recommendations of the committee but this short measure merely vests the bridge, the road and the land abutting thereto in the Crown. In the circumstances, I ask for the speedy passage of the Bill.

The Hon. E. P. Cameron (East Yarra Province).—The Bill, vague as it is as to its ultimate results, must meet with the approval of members who have been concerned about the Chandler Highway for a long time. As the Minister said, this question has been giving concern to Governments and to the Kew and the Heidelberg councils ever since the 1929 agreement expired. It has often been pointed out in this Chamber that with the growth of the metropolitan area, the spread of factories and the tempo of house building, this road has become an important link and necessarily has to carry denser traffic than it is really capable of carrying. A properly constructed highway is required, but a construction of that type is beyond the financial capabilities of a single council such as the Kew City Council. On two or three occasions, deputations to successive Governments have pointed out these facts. The councils concerned have been assisted financially by the former Government and by the present Government, and they are supported in the hope of some permanent help by the report of the Public Works Committee.

Although the Bill is rather vague, we know that at least the bridge and the land attached thereto will become the property of the Crown and will be dealt with at a later date, after full consideration has been given to the recommendations of the Public Works Committee. Realizing that such a highway should be the responsibility of other than adjacent municipalities, we hope that when the Government considers the matter, it will deal substantially and for all time with this highway and the bridge. We hope, further, that a sum
will be appropriated for such services without detriment to the funds of the Country Roads Board or its activities in other directions. We commend the Bill and look forward to a measure, to follow shortly, that will be definite in disposing of the responsibility for a highway that serves the general purposes of all suburbs rather than the municipalities of Kew and Heidelberg alone.

The Hon. T. W. BRENNAN (Monash Province).—There is a significant feature of this Bill to which attention has not been directed. I refer to the fact that the Bill, in transferring the property it mentions from the Railway Department to the Governor in Council, will extinguish a statesman’s dream of 63 years ago. When this line was inaugurated in 1891, it was a bold attempt to link the east and the north of Melbourne. In the right hands, and under proper direction, this line could have been an excellent arterial permanent way like that provided in Hobart by means of which the Tasmanian railways bring express and other trains from Launceston to Hobart by a route that does not interfere with congested traffic. Now we are electrifying the Gippsland line from Warragul to Melbourne. At an early date when the electric railway was being introduced, had the planners seen and understood the possibilities, they would have realized that by using the outer circle line, they could have obviated the traffic congestion that now takes place between Caulfield and Melbourne. It is not a long journey to the Spencer-street station from Fairfield, and this line could have been a magnificent approach to Melbourne for passenger and general transport services. As one who has lived for years in the eastern suburbs, I contend that an opportunity was lost by past Administrations to convert this useless railway to the service of the community. It was made useless by the advent of the motor-car and the desire of rich men to get to their business places by means of the motor-car rather than by the railway.

The Hon. P. T. BYRNES.—This line was wrecked long before the advent of the motor-car.

The Hon. T. W. BRENNAN.—Citizens to the east of Melbourne were entitled to something better in the way of planning. Over the years, we had the spectacle of an idle railway line stretching from the point where the Hughesdale railway station stands right across the outer metropolitan area. That could have been made an arterial roadway to serve all municipalities to the south and east of Melbourne. The present Government is not in any way responsible for what happened but the line was devoted to fowlyards, beekeeping, and other things. On it grew thistles and nettles. The Chandler Highway and bridge were at the end of what was a statesman’s dream. The highway should have played an important part in the development of Camberwell and Kew. It could have taken the place of the Boulevard from a scenic point of view. Instead, a previous Government embarked upon the costly experiment of building the Boulevard along the banks of the Yarra. I repeat that the old highway would have had commercial as well as tourist attractions. Doubtless Mr. Byrnes has oscillated more than once in the journey from Kew to Melbourne by rail and, by interjection, he implies that this older line had no scenic attractions, but I invite him to follow the line right through to the point where it approached the Gippsland railway line.

I am certain that if Mr. Fulton had graced this Chamber earlier with his presence, members now would not have been witnessing the spectacle of the extinction of a highway and railway project that could have done a marvellous lot for eastern suburbs. The railway was diverted to the needs of selfish property owners, who were members of this Council at the time. Now there is a dead-end railway line in the City of Kew, whereas the Department intends to double the track between Melbourne and Camberwell! In the future, I hope that notice will be taken of my comments and that full consideration will be given to plans and projects of this description.

The sitting was suspended from 6.15 p.m. until 7.57 p.m.

The Hon. P. T. BYRNES (North-Western Province).—This Bill, which although comparatively small, is some-
what important and concerns a road known as the Chandler Highway and a bridge that connects the north and south sides of the Yarra river. Prior to the suspension of the sitting for dinner, Mr. Brennan delivered an interesting speech; it was a nostalgic dirge on the old outer circle railway line. It is surprising to hear that there is someone living who regrets the loss of that old railway line. The important point to remember is that the bridge has been the property of the Railway Department for all time. Immediately contiguous to the bridge are the municipalities of Kew and Heidelberg. The road leading on to the bridge has the courtesy title of the Chandler Highway, and although it is not gazetted as a highway it is an important thoroughfare. It has been the subject of much discussion during the last few years. In the town plan to be implemented in the future, the bridge does not have a very important place. As a matter of fact, Mr. Borrie, the Chief Town Planner, of the Melbourne and Metropolitan Board of Works, with whom I was discussing the road—as well as the bridge—some time ago, said that it was not well placed to become an arterial highway, and that such a highway should be in a different situation. That contention, however, does not really detract from the importance of this road. The bridge belongs to the Railway Department; it is a "baby" that has been left on the hands of the Railways Commissioners. It is proposed in the Bill to gazette the road as a public highway and to vest control of the bridge in the Government. The measure does not indicate what the Government proposes to do subsequently. In his second-reading speech, the Minister in Charge of Electrical Undertakings made it clear that the Bill had no reference to the future reconstruction of the bridge or to the financing of that project. When the Bill is passed, this structure, old and in bad repair, will be removed from the jurisdiction of the Railway Department. That Department does not want it, and has no further use for it; it has done nothing to the bridge for years.

The Chandler Highway has been a bone of contention for many years. The Public Works Committee inquired into the question of the repair, reconstruction or widening of the road, and its report was issued some little time ago. The committee came to a number of conclusions. It indicated that the construction of other highways and bridges would replace this one in some measure, and stated that this could not be considered as one of the future arterial roads in the Greater Melbourne plan. The committee made several recommendations, the first of which was—

That the Railway Department be relieved of any further responsibility in regard to the bridge and roadway, and that the land on which both are constructed be vested in the Crown.

The Bill implements that recommendation. It does not deal with any of the others, of which the most important are the following:

5. That the cost of the works to be carried out on the bridge and roadway be allocated in the following proportions:—Victorian Government, two-thirds; Kew City Council, one-sixth; Heidelberg City Council, one-sixth.

6. That, in future, the roadway on either side of the Fairfield Bridge be controlled and maintained by the municipality in which it is situated, i.e., Kew and Heidelberg City Councils respectively, and that the bridge be jointly controlled and maintained by such municipalities.

At the date of the report, which was 13th December, 1951, the cost of repairs and reconstruction of the bridge was estimated at £30,000 for the bridge and £56,000 for the road works, a total of £86,000. Probably the cost to-day would be double that amount. When I was Minister of Public Works, I had prepared an estimate of costs and it was much more than the £86,000 mentioned in the report. Some little time ago, because this road had fallen into great disrepair, pressure was brought on the Government of which I was a member to have this report of the Public Works Committee implemented. I experienced great difficulty in getting the Treasurer to agree to make a Government grant of funds, and also in inducing the Heidelberg and Kew councils to agree to pay the shares recommended by the Public Works Committee. I received considerably more co-operation from the Kew City Council than from the Heidelberg City Council.
The Hon. A. M. Fraser.—The Heidelberg City Council alleged that there was a breach of confidence or faith going back for twenty years.

The Hon. P. T. Byrnes.—There may have been a breach of faith in the distant past. I speak of the immediate past.

The Hon. A. M. Fraser.—I did not want published any compliment to the Kew City Council detrimental to the Heidelberg City Council.

The Hon. P. T. Byrnes.—In one interview, representatives of the Heidelberg City Council refused point blank to pay one penny towards the cost. They stated that the bridge and the road did not belong either to Heidelberg or Kew, that it was a through road, and that every municipality within a certain radius should make a financial contribution. There may have been some merit in that argument. The report of the Public Works Committee should be implemented, unless, in the carrying out of the Greater Melbourne plan and works connected with it, an alternative suggestion is made to embrace all the roads and other structures over the Yarra river. I wonder whether the Government will wait until the whole of the Greater Melbourne plan is brought into operation, or whether it will establish a principle upon which this road should be maintained and the bridge reconstructed. It has relieved the Railway Department of its obligation. This has been an unwanted "baby" of the Department and it is extremely glad to throw the infant into someone else's lap.

The Hon. P. L. Coleman.—The Department relinquished its control very reluctantly!

The Hon. P. T. Byrnes.—Probably it is the first occasion on which the Department has willingly relinquished anything. The Bill will merely declare the Chandler Highway to be a public thoroughfare and vest it in the Crown. Unless there is taken action not envisaged in the Bill, it will become the duty of the Heidelberg and Kew city councils to undertake all the work required on the bridge and the road. When I was Minister of Public Works, the Government possibly set a precedent by making a grant of a certain sum of money for some of the repairs, provided that the two councils concerned contributed their quotas; we eventually came to an agreement and they contributed their shares.

If the Government is to furnish the sum recommended by the Public Works Committee, it should be provided by the Treasury and should not be taken from the funds of the Country Roads Board, whose finances are depleted. It is not possible for that body to shoulder the cost of carrying out the works required at present. If the Government intends to relieve the two councils concerned of this work—it would appear impossible for the two bodies to carry out the work—a grant should be made by the Treasury, and the Government should declare its intention in the immediate future to implement the report of the Public Works Committee.

I protest against any move to place this burden on the Country Roads Board. The Government has paid portion of the cost of some of the bridges on new arterial roads in the northern parts of Melbourne. In the case of some of the smaller bridges the Country Roads Board and the municipalities concerned paid portion of the cost. The question of this bridge is entirely different. It is an integral part of the Greater Melbourne plan. Whatever arrangements are to be made to finance the plan, they should include reconstruction of this road and bridge. In the meantime, if a grant is made, it should come directly from the Government, and the Kew and Heidelberg councils should pay their quotas. This question has galled them, not so much Kew as Heidelberg. I realize that those councils have powerful friends in this Chamber who will endeavour to ensure that neither council has to carry an undue burden. I trust that as the Government will soon have this unwanted foundling in its lap, it will not throw it back to the Country Roads Board, and that if any funds are made available by the Government they will be in the form of a direct Treasury grant.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.
Clause 2 (Vesting of bridge, lands and highways in Her Majesty.)

The Hon. J. W. GALBALLY (Minister in Charge of Electrical Undertakings).—As I pointed out earlier, the passing of this Bill will merely vest the land, the bridge, and the road concerned in the Crown. The report of the Public Works Committee will be implemented speedily by the Government. I assure Mr. Byrne that the views he has expressed to-night will receive sympathetic consideration. I note that he is far more fruitful of ideas now in dealing with this problem than when he was Minister of Public Works. The Government will reach a decision on this problem far more quickly than did the Government of which he was a member. The Heidelberg and Kew city councils have shown a proper appreciation of their responsibilities, and it is not expected that the Government will have any difficulty in negotiating with them.

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.

ADJOURNMENT.

Herald Football Quiz Contest.

The Hon. P. L. COLEMAN (Minister of Transport).—I move—

That the Council, at its rising, adjourn until to-morrow, at half-past Four o'clock.

The motion was agreed to.

The Hon. P. L. COLEMAN (Minister of Transport).—I move—

That the House do now adjourn.

The Hon. P. T. BYRNES (North-Western Province).—I regret that the Attorney-General is temporarily absent from the Chamber because I wish to bring a matter to his notice. During our discussions this evening, my colleague, Mr. MacAulay, asserted that when housey-housey was abolished there would spring up other gambling games, which the Government might find it necessary to suppress. I direct the attention of the Attorney-General and the Government to the football quiz contest advertised in the Herald, which is one of the most important newspapers in Australia and probably in the world. There is an entrance fee of 6d. to this contest. Each week the entrant is required to place the league football teams in their order of scoring at the following Saturday's series of matches, for which purpose lines corresponding to the number of teams playing are included in the printed form. Below that section of the form there is some reference to a quiz contest requiring three questions to be answered, but, in my opinion, the contest is purely a game of chance, which could develop into something as dangerous as housey-housey. There is no age limit for entrants. Any child who possesses 6d. and who can write, may enter the contest, which is a type of football pool.

The Hon. J. W. GALBALLY.—Who receives the proceeds?

The Hon. P. T. BYRNES.—The Herald guarantees to pay a prize of £100 and to give £100 to charities. This is a straight-out gambling device which will take pennies from children. I ask that the matter be brought to the notice of the Attorney-General with a view to his inquiring into its legality. It appears to me that the contest is a game of chance with a minimum amount of skill attached to it. It is probably a skilful way of getting over the gambling laws of the State. I cannot understand why a newspaper of such standing and importance—it has no competition as an evening newspaper—should require to resort to such measures in order to increase its circulation.

The Hon. J. W. GALBALLY.—Do you consider the contest will have a harmful effect on the community?

The Hon. P. T. BYRNES.—Yes, because there is no age limit. Mature people visit racecourses in order to gamble, but school children may use their pocket money to indulge in this straight-out gamble. As Mr. MacAulay remarked, it is the Government's duty to discourage gambling as much as possible and thus try to elevate the moral tone of the community.

The Hon. WILLIAM SLATER (Attorney-General).—I regret that I was absent from the Chamber when Mr.