LEGISLATIVE COUNCIL.

Tuesday, October 27, 1959.

The President (Sir Gordon McArthur) took the chair at 4.53 p.m., and read the prayer.

MONASH UNIVERSITY.

REPORT OF UNIVERSITIES COMMISSION.

The Hon. J. W. GALBALLY (Melbourne North Province) asked the Minister of Agriculture—

(a) Has the Government considered the report of the Universities Commission in relation to the Monash University?

(b) Does the Government accept the criticisms of the Monash University Interim Council made by the Universities Commission?

(c) In view of the “Do as we say or else we will continue to withhold your money” attitude of the Universities Commission, will the Government give an assurance that it will not surrender its sole constitutional sovereignty in education?

(d) Will the Government give an assurance that standards of education in Victoria will continue to be safeguarded and maintained by properly constituted State authorities acting under a responsible Minister and not undermined or interfered with by a body of dubious constitutional authority whose Ministerial responsibility is not apparent?

The Hon. G. L. CHANDLER (Minister of Agriculture).—The answers are—

(a) Yes.

(b) The matters referred to in the report are now being discussed by the two bodies concerned. The Government will not comment on these criticisms at this stage.

(c) The assistance now sought has not been provided for by the Commonwealth Parliament, and this description of the Commission’s attitude is not accurate. The Government will not surrender its sole constitutional authority in education, or in any other field where it has such authority, and welcomes this indication by the honorable member that his party is now prepared to resist any Commonwealth moves towards unification.

The Hon. J. W. GALBALLY (Melbourne North Province).—Mr. President, I rise to a point of order. When an honorable member asks a question, he is, I submit, entitled to receive an answer, and no more. The reply furnished by the Minister contains a statement concerning the policy of the Labour party. I contend that it is not the function of a Minister, when answering a question asked by an honorable member, to embark upon conjectures regarding other matters. The asking and answering of questions is a well established procedure in the House of Commons and in our Parliament, and if members are to be discouraged from raising queries by the fear that, if they do so, there will be some implied criticism either of the questioner or of the party he represents, Parliament will be reduced to a mere lap dog of the Government.

The President (Sir Gordon McArthur).—Mr. Galbally has made his objection. I invite the Minister of Agriculture to proceed with the answer.

The Hon. G. L. CHANDLER (Minister of Agriculture).—The answer to the last question is—

(d) Standards of education, and of other State services in Victoria, will continue to be safeguarded and maintained by such authorities acting under responsible Ministers. The Government believes that the traditional autonomy of universities is to be respected and preserved, and decisions affecting Monash University will be arrived at in collaboration with its Interim Council.

RAILWAY DEPARTMENT.

MELBOURNE–ALBURY LINE:

RICHMOND RAILWAY STATION.

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

(a) What alternative crossings are to be provided in lieu of level crossings eliminated as a result of construction of the standard-gauge railway line between Albury and Melbourne?

(b) What is the estimated cost of the proposed under-pass at the Hume Highway, Wodonga?

(c) What is the estimated amount of compensation to be paid for land acquired for such under-pass?

(d) What is the estimated cost of the alternative proposal by the Shire of Wodonga to drop the standard-gauge track below road level?

(e) What is the cost to date of the alterations and extensions to the Richmond railway station?
The Hon. G. L. CHANDLER (Minister of Agriculture).—The answers are—

(a) The following level crossings will be replaced by grade separation:

- Hampshire-road, Sunshine; Western Highway, Albion; Hume Highway, Craigieburn;
- Sunday Creek-road, Tallarook;
- Hume Highway, Tallarook;
- Anderson-street, Euroa; Beaconsfield-street, Glenrowan;
- Roy-street, Wangaratta; Templeton-street, Wangaratta; Hume Highway, Wodonga.

The following level crossings will be replaced in the manner indicated below:

- Hume Highway, Chiltern: In addition to a deviation of the highway, an underpass with a headroom of 10 feet is to be provided close to the present level crossing.
- Shorts-road, Broadford: This crossing is used by only one person, who is being provided with a private crossing nearby.
- Victoria-street, Seymour: This crossing is to be replaced by an additional opening at the Anzac-avenue bridge.
- Gate crossing, 160M.9C., Springhurst: By arrangement with the Shire of Wangaratta, this crossing has been replaced by an additional opening at the underpass alongside the Diddah Diddah-creek.

The following six crossings between Chiltern and Barnawartha will be closed when the Hume Highway deviation in this section is completed:

- Epsom-road, Chiltern; Ferrier-street, Chiltern; Yackandandah-road, Chiltern;
- Frying Pan Creek-road, Barnawartha; Lady Franklin lane, Barnawartha; Hume Highway, Barnawartha. As there will then be a road paralleling the railway on each side, there is no need to replace these crossings—which are being used as a means of access to the Hume Highway—for public traffic, but, for the benefit of an adjacent landowner, the last-named crossing will be replaced by a private crossing.

(b) £375,000.

(c) £21,000—included in the £375,000 referred to in (b).

(d) £500,000, plus a further £900,000 to lower the 5 feet 3 inch gauge facilities to the same level at some future date.

(e) The reconstruction of Richmond station is being carried out as part of an over-all scheme which involves the provision of two additional tracks between Flinders-street and Burnley. The Richmond station portion of these works is not being costed separately. The total expenditure to date on the over-all scheme referred to is £1,751,542.

INFLATION.
GOVERNMENT POLICY.

The Hon. J. W. GALBALLY (Melbourne North Province) asked the Minister of Agriculture—

(a) Is the statement attributed to the Premier that increased inflation brings increased prosperity the considered policy and program of the Government?

(b) If so—(i) is the implementation of such a policy to be followed by a further debasement of the £1; (ii) will the Government say at what point it is proposed to stop inflating the £1; (iii) has the Government in mind the economic disaster which befell Germany after the first world war when the mark was systematically inflated; and (iv) how does the Government reconcile its “inflation by all means” programme with the long-drawn-out, if unsuccessful, saga of the Prime Minister of putting value back in the £1?

The Hon. G. L. CHANDLER (Minister of Agriculture).—The answers are—

(a) No such statement was made by the Premier.

(b) See answer to (a) above.

LEAVE OF ABSENCE.

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

That leave of absence be granted to the Honorable William Slater for three weeks, on account of ill health.

The motion was agreed to.

CONSOLIDATED REVENUE BILL
(No. 2).

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

That this Bill be now read a second time.

This measure relates to the provision of Supplementary Estimates for 1958-59, which are submitted for the approval of honorable members. Parliamentary authority is sought for certain urgent expenditure incurred in excess of that already authorized by the appropriation Act passed in December last. This is necessary to cover the actual excess under each division, and the total amount of the Supplementary Estimates is £1,395,112. However, the actual expenditure in 1958-59 was £423,980 lower than the Budget estimate for that year because of savings under other items.
I shall now outline the major matters on account of which increased provision was necessary. An additional amount of £34,170 was required for the Children's Welfare Department for the maintenance of children and allowances to certain widows. In the Police Department, an extra sum of £50,135 was needed for contingencies, and £61,820 for miscellaneous purposes. Under the heading of Education, allowances to students in training accounted for an increased provision of £135,500, and expenses in connexion with hostels attached to teachers' colleges, training centres or special schools required an additional expenditure of £15,600. In connexion with the Attorney General's Department, contingencies amounted to an additional £39,873. An extra outlay of £30,000 was incurred by the State Rivers and Water Supply Commission, for wages, materials, contingencies and other expenditure incidental to works.

In the Department of Health, grants to the Hospitals and Charities Fund required an additional sum of £382,391. Under the heading of Mental Hygiene, an increased provision of £220,200 had to be made available for contingencies. In connexion with the Railways, a further contribution to the Railway Accident and Fire Insurance Fund necessitated an additional £52,000. Since the accounts for the financial year 1958-59 cannot be completed until the Supplementary Estimates have been approved, I ask honorable members to deal with them as expeditiously as possible.

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

ENTERTAINMENTS TAX (REDUCTION) BILL.

The debate (adjourned from October 13) on the motion of the Hon. E. P. Cameron (Minister of Health) for the second reading of this Bill was resumed.

The Hon. BUCKLEY MACHIN (Melbourne West Province).—There is little that can be said about this Bill. Apparently, the Government has made up its mind what to do, and in actual fact that is very little. It is making a gesture to a business that is impoverished at the moment and is extending a miserable concession to various types of recreation.

It is quite true—and I say this before I am reminded of the fact—that it was the Labour party that first entered the field of entertainments tax, but it did so under totally different conditions from those that exist to-day. At that time, television had not been introduced; there was good State management; and, not a salesman, but a statesman was in charge of the reins of the Victorian Government. Altogether, the State was in a condition of financial buoyancy. To meet the many demands upon the Government, the Labour party thought that people could quite rightly afford to pay entertainments tax.

At that time, the present Premier was vehement in his outcry against the proposed imposition. He was quoted in the Sun News-Pictorial of Wednesday, 17th August, 1954, as saying that it was an unnecessary and unjust tax on the people. He said that entertainment was no longer a luxury, that it was a "must" because it was a form of relaxation. If entertainment was a form of relaxation in 1954, the present Government has not done anything to make people's minds freer and easier so that no relaxation is required. In fact, to-day we are faced with an entirely different set of circumstances. The abolition of cost-of-living adjustments has created a vastly different position from that which obtained when the Cain Labour Government was in power. That Administration went to some pains to see that the needs of the people were realized. Those who have been denied cost-of-living adjustments can ill afford the few shillings that they are called upon to pay in the form of entertainments tax. I cannot be enthusiastic about the position that obtains in relation to entertainments tax, and I point out that the application of this impost in Victoria—no such tax applies in New South Wales—has been reflected in the vast difference between the number of theatres that
have closed down in the respective States. In the Melbourne metropolitan area, 44 out of a total of 132 suburban theatres have closed—that is equivalent to 33 per cent—whereas the relevant proportion in the Sydney suburban area is 26 per cent.

We are concerned mainly about the Government's refusal to recognize the need for a reduction in entertainments tax in country districts. I, like many other members of this Chamber, have had the privilege of living in the country, and I recall that on Saturday nights we often travelled from 30 to 40 miles to see a picture show. I look forward to the day when, because of automation and other advances that will be made in industry, people will have more time for relaxation. I think it is wrong that any avenue of clean, wholesome recreation should be closed down. Because of the high cost, brought about by taxation, many people are unable to indulge in ballroom dancing and other forms of entertainment which the average citizen looks to for relaxation. Unfortunately, I have no notes concerning this Bill.

The Hon. E. P. Cameron.—They were supplied to your party last week.

The Hon. Buckley Machin.—Members of our party make no apology for claiming that the imposition of entertainments tax has had a substantial impact on the number of employees in the motion picture industry. It is estimated that for this year the cost of the reductions of entertainments tax proposed in this measure will be £150,000. Having in mind the manner in which other things are controlled, it is evident that another avenue could be found to provide something of real value. A gesture of the kind proposed by the Government is useless. However, it has apparently made allowance for this item in the Estimates, and so there is very little we can do about it. New forms of entertainment that have recently come into vogue have lessened the desire of people to seek the type of entertainment that was popular a few years ago. As was said in another place, even King Canute could not prevent the tide from rolling in. Likewise, we cannot change the likings of people for one form of entertainment or another. We do claim, however, that if entertainments taxation were reduced to a reasonable amount the country theatres would be helped to a great extent, and possibly that would mean the difference between their remaining open and closing down. For the reasons I have stated, we do not oppose the Bill, although we do not think it has gone far enough. However, we do not mind some of the crumbs that fall from the master's table reaching the mouths of a few deserving people.

The Hon. A. K. Bradbury (North-Eastern Province).—The Country party supports this Bill, which will amend the Second Schedule of the Entertainments Tax Act 1958. As was explained by the Minister, in his second-reading speech, there is justification to amend the existing legislation so as to exempt from entertainments tax certain admission charges, particularly those that are applicable to picture theatres. Since the advent of television in Victoria, there has been a tremendous falling off in attendances, particularly in the low admission charges ranging from 2s. 6d. to 3s. 6d. I am given to understand that over a certain period the reduction of picture theatre attendances amounted to 10,600,000. Naturally, that aspect has had a drastic effect on the operation of many picture theatres in this State. In the metropolis, where television has become very popular, people are prepared to sit at home and watch pictures on their television screens rather than attend cinemas and pay for admission. However, entertainments tax has a far more drastic effect in the towns which border on the sister State of New South Wales.

When the Commonwealth Government vacated the field of entertainments tax in 1953, Victoria immediately imposed an entertainments tax but New South Wales refrained from doing so. Accordingly, in adjoining towns such as Albury and Wodonga, Corowa and Rutherglen, and others right down the River Murray, unfair treatment
is being meted out to picture goers in Victoria, inasmuch as they must pay tax when they attend cinemas in this State, whereas people who attend picture theatres across the river are exempt from this form of taxation. Indeed, many folk who live on the Victorian side of the River Murray cross into New South Wales, a distance of only a few miles, so as to attend picture theatres in the sister State without having to pay entertainments tax. In those circumstances, cinemas in many Victorian border towns find it extremely difficult to meet their expenses. This amending Bill will afford some measure of relief. As was indicated in the Budget speech, the tax of 4d. which now applies on admissions in the price range of 2s. 6d. to 3s. will be abolished. Likewise, the tax of 9d. on admissions in the range between 3s. 1d. to 3s. 3d. will be abolished. As Mr. Machin has pointed out, it is estimated that the cost to revenue of these reductions during the current financial year will amount to only approximately £150,000.

It is a pity that the exemption was not increased a little further. If it had included the range from 3s. 9½d. to 4s., it would have been a greater gesture to the picture theatres, particularly those that operate in border towns. People would then have a greater incentive to patronize the screenings in their local towns. However, in the admission range from 3s 6½d. to 3s. 9d. the tax will be 6d., whereas in the range from 3s. 9½d. to 4s. 3d. the tax will be 9d., and in the range between 4s. 3½d. to 4s. 6d. the tax will be 1s. Whilst we support the Bill, we will be interested to learn whether the picture theatre proprietors give to their patrons the benefit of the tax reductions.

The Hon. A. K. BRADBURY.—If they desire to encourage people to attend their screenings, they should be prepared to pass on the benefit of the tax reductions. I predict that cinema attendances will fall even further when television extends to country centres. At the present time the cost of running picture theatres is very high, and any falling off in attendances will create a serious position. That aspect may work against the cinema proprietor passing on the benefit of the tax reductions to the public. As I said before, it would have been preferable to abolish the entertainments tax on admission charges from 3s. 9½d. to 4s. but, as the Government has seen fit not to do so, we cannot object. In those circumstances, the Country party supports the Bill.

The Hon. ARCHIBALD TODD (Melbourne West Province).—I think we might, in these times, regard this measure as most unusual. Apparently every Government, irrespective of its political colour, is seeking extra income. On this occasion, the Government proposes to afford taxation relief in an endeavour to assist the motion picture industry. Whether or not it will succeed in doing anything for the industry is problematical, but consideration of the Bill does afford members an opportunity of expressing some views on the industry itself and what has brought about its present situation.

Admittedly, the impact of television has been the principal cause for the decline of the motion picture industry, particularly in the metropolitan area. However, it is open to question whether the industry here learnt quickly enough the lessons of the action taken in the United States of America to halt a similar decline in attendances and to ensure that the income earning power of the industry was maintained. Many motion picture producers in America turned to the production of films for use in television programmes rather than for use in motion picture theatres.

In this case, as the result of representations made—I presume, by motion picture exhibitors—the Government has decided to remit taxation in respect of certain admission charges. I do not think it is intended that motion picture exhibitors should grant the public any benefit from these remissions. Probably the proposal is for the proprietors of the various picture houses to use the remissions in an endeavour to stabilize their industry to some extent.
I agree with Mr. Bradbury that when residents in country areas are given access to television programmes, they will prefer to remain at home by their own firesides and watch television rather than travel many miles to attend a picture theatre. For the sake of the industry, we hope that the small benefit which will be derived from this measure will produce results. It may be noticed that already there is a trend by the picture theatre proprietors to put on live shows in an endeavour to attract the public back. I do not know whether the motion picture industry is deserving of a great deal of sympathy, because when the tide was flooding in its direction, proprietors of theatres did not hesitate to lower their standards of entertainment, or endeavour to extort from the public as much profit as they could from the admission charges. On occasions children were charged full admission, and some theatres which had provided live shows cut them out when they found that they could obtain big attendances without them. They also dispensed with orchestras and relied solely on canned music in order to make greater profits. Unfortunately, the tide has now turned against them, and they find themselves in a precarious position.

I feel that I must offer some criticism of the type of entertainment provided in our picture theatres to-day. I invite any honorable member to study the display boards of the picture theatres in Bourke-street, and then ask himself whether the kind of entertainment on offer is fit for the people of this State. In my opinion, much of it is of a type that will lead to further juvenile delinquency. Almost every picture advertisement depicts violence and killing. I urge the motion picture industry to return to the presentation of films such as "Waterloo Bridge," "Goodbye Mr. Chips," and others which attracted large attendances because of their dramatic value. These days, the main attraction seems to be the amount of violence in a film or how many times the star of the picture has been married and divorced. I believe that members of Parliament are entitled to criticize the type of films presented in our picture theatres to-day. Only recently in this Chamber, Mr. Slater spoke strongly against the presentation of horror films at midnight sessions.

I sincerely hope that the Government will say to the motion picture industry that, as it has been afforded some taxation relief, it should examine the type of entertainment being presented to the patrons. Motion picture exhibitors should consider whether the films shown are of the type that should be absorbed by young people, because at least some of the ideas portrayed do take root in the minds of viewers, even though perhaps the great majority of picture-goers are not affected. It is probable that many crimes have been committed as a result of seeds sown in the minds of young people at picture theatres. The Labour party supports this Bill, even though it does not think the Government's action goes far enough. Nevertheless, we realize that in these days the Treasurer must examine matters carefully before extending taxation relief.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (New Schedule substituted for No. 6243 Second Schedule section 8).

The Hon. E. P. Cameron (Minister of Health).—I wish to make an explanation concerning the report of part of my second-reading speech. At page 667 of Hansard of 17th October, I am reported as stating that—

In the past four years, between 1955-56 and the present day, the total admissions to entertainments in Victoria fell by 30 per cent., whereas in the picture theatres the total fall or decline was 97 per cent.

What I intended to convey was that the total admissions to entertainments in Victoria had fallen by 30 per cent. overall, and 97 per cent. of the decrease of 30 per cent. was in picture theatre attendances. I thank honorable members for their contributions to the
debate, and can assure them that the Government will continue to watch the incidence of this tax.

The clause was agreed to.

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

CRIMES (SENTENCES AND PAROLE) BILL.

The Hon. L. H. S. THOMPSON (Minister without Portfolio).—I move—

That this Bill be now read a second time.

The main purpose of this measure is to enact recommendations made by the Parole Board in its report for the year 1958-59. Our parole system has been operating now for slightly more than two years, since July 1957, and already it is showing encouraging signs of success. During that period, some 968 persons have been released on parole. In 32 of those cases, parole was cancelled by the Board because of unsatisfactory behaviour; in 148 cases it was cancelled by reconviction; and in 340 cases the parole was successfully completed. In the remainder, the period of parole is still to be completed. It can be seen that in slightly over 15 per cent of cases a period of parole was ended by reconviction, and that in a very small percentage—32 out of 968 cases—parole was cancelled by the Board because of unsatisfactory behaviour. At the present time, the Government is endeavouring to build up the number of parole officers, for which a high standard of training has been set, because it is believed that the parole system will be even more successful in the future if more officers are available.

The Bill deals with a number of technical recommendations which the Parole Board considers are necessary for the successful continuation of the scheme. A number of defects in the Act have become apparent as the scheme has been put into practice. The first proposed amendment is concerned with the responsibility of the Parole Board to make annual reports on prisoners who are imprisoned otherwise than on sentences for fixed terms. At the present time, the Board is required to report upon persons held in custody pursuant to an order of the Governor after having been acquitted on a trial for an indictable offence on the ground of insanity, but the provision for so reporting does not extend to a person held in custody after having been found unfit for trial on the ground of insanity or having been declared insane when brought before a court to be discharged for want of prosecution. Similarly, no provision at present exists for reporting on the case of a person who, having been convicted of an offence, is found on appeal to the Full Court to have been insane at the time of the commission of the offence. Also, as the Act stands, the duty of the Board to report upon persons undergoing commuted sentences is restricted to sentences commuted to life sentences, and the Board suggests that it should have the power and the duty to report on any prisoner undergoing a commuted sentence, whether it is commuted to life imprisonment or to any other term.

It is proposed, as set out in clause 2 of the Bill, to amend paragraph (a) of sub-section (2) of section 532 of the principal Act, by deleting the words "such custody" and substituting the words "safe custody." This amendment will correct a drafting error in the existing legislation. The usual procedure is that a prisoner is kept in strict custody until the Governor's pleasure is known and thereafter is detained in safe custody. Inadvertently, the words "such custody" were used instead of "safe custody."

Clause 3, which contains a new section 535 of the principal Act, deals with the fixation of a minimum sentence where a second sentence has been incurred. Under the existing law, there is an obligation upon the trial Judge to fix a new minimum sentence. However, the Judge is not always in full possession of all the relevant facts. For example, a prisoner may be given a minimum sentence of twelve months and if his sentence commenced on 1st of January he would, due to monthly remissions of three days per month, normally conclude that minimum sentence at the end of November.
However, to an outside observer, it might appear that the prisoner was still serving the minimum sentence during the month of December. There have been cases where, technically, a prisoner has not been still serving his minimum sentence and the Judge has been asked to fix a new minimum sentence, and doubt has arisen whether the new minimum sentence was invalid. By clause 3, a system is being introduced whereby the Judge dealing with the matter fixes minimum and maximum sentences for the new crime, making them either cumulative or concurrent and the Parole Board, in accordance with the provisions of the Act, fixes the new total minimum term to be served by the prisoner.

It is also provided in clause 4, which contains a new section 537A., that if at any time in the future a minimum sentence is not fixed in the correct manner laid down by the Act, the sentence will not thereby be invalidated. Sub-section (2) of the new section authorizes the Director of Penal Services to make an appeal to the Full Court in respect of a sentence by the Supreme Court, or any court of general sessions in other types of cases, to have the technicality rectified. The Parole Board has examined these provisions carefully and, in effect, the Government is carrying out the recommendations contained in the Board's report for 1958-59. For those reasons, I have confidence in recommending the Bill to the House.

The Hon. J. W. GALBALLY (Melbourne North Province).—I move—
That the debate be now adjourned. I suggest that the debate be adjourned until Tuesday next, 3rd November.

The Hon. D. J. WALTERS.—That is Cup Day.

The Hon. J. W. GALBALLY.—If this House does not meet next Tuesday, the matter will be debated on the next day of meeting after Cup Day, and I should have thought that honorable members interjecting, some of whom have been here much longer than I, would know better.

The motion was agreed to, and the debate was adjourned until Tuesday, November 3.
the establishment is working satisfactorily. Whereas prior to three years ago, the average escape rate was ten a year, during the last three and a quarter years only one prisoner has escaped. Although this Bill proposes an increase in the maximum penalty, we are not simply casting the offenders into prison and leaving it at that. We are making a positive effort to ensure that they will develop into law-abiding citizens.

In the sphere of drunken driving, the Government has decided to increase the penalty for a first offence under section 321 of the Crimes Act from a fine of £30 to a fine of £100. The value of money is not what it used to be, and the penalty of a fine of £100 is more commensurate with the alternative of six months' imprisonment. Magistrates have made it clear in a number of cases that they considered a particular crime did not warrant imprisonment, and that they would have inflicted a higher monetary penalty had they been able to do so.

The question of drunken driving has been worrying the Government for some time, and it is believed that the new proposal will have a certain deterrent effect. The effect of drunken driving on the road toll has yet to be definitely decided. Probably the most authentic figures available on the subject are those provided by the Police Accident Appreciation Squad, which reveal that drunken driving was a major factor in 53 per cent. of all accidents investigated by the squad, that in 11 per cent. of the cases it might have been a factor, and that in 36 per cent. of cases it had nothing to do with the cause of the accident. As a result of a recent interesting experiment conducted in Toronto, the conclusion was reached that those persons with an alcohol content of .15 or more in their blood were ten times as accident prone as those with a lesser alcoholic content. Persons with an alcohol content between .001 and .15 and those who had not been drinking at all, were included in the category of persons having less than .15 alcohol in their blood.

The Hon. P. T. BYRNEs.—What do those figures mean in actual glasses of beer?

The Hon. L. H. S. THOMPSON.—Recent experiments throw some doubt on the question whether the blood alcohol test can measure exactly the amount of beer that has been consumed. Dr. McCallum, police scientist, has established that there can be a range of 100 per cent. between the blood alcohol content of two persons who have consumed the same amount of beer. It depends on a person's build, his body weight, the amount of food consumed, how long before drinking food has been consumed, his mental outlook, and so on. There is grave doubt whether it can be definitely determined how much liquor has been consumed. However, further experiments are being carried out on this question. Early in the new year, it is proposed to give certain people controlled amounts of liquor to ascertain to what degree their driving is affected. Certainly, a great deal more could be known on the subject. After having spent six Saturday nights on our highways, I came to the conclusion that the driver who drinks can be classed in two categories. First, there are those who drink carefully, moderately and temperately and then go out on the highway and drive even more carefully. Secondly, there is a small minority of people who drink without care or regard for themselves and then go out on the highways and drive with a complete disregard for their own lives and for the lives and limbs of other persons. This legislation is designed for persons in the latter category. It is that type of drinking driver we want to drive off the highway lock, stock and barrel, or, more correctly, swing, sway and veer. That is the reason for the inclusion of the clause under discussion.

The Hon. P. V. FELTHAM.—What about the reckless driver; is he mentioned?

The Hon. L. H. S. THOMPSON.—The clause also deals with reckless driving. Section 321 of the principal Act contains provisions relating to reckless drivers and drinking drivers. Perhaps I have dwelt at too great a length on one aspect, but reckless drivers make a real contribution to the road toll. I cannot quote the
percentage of cases, because frequently the two factors are mixed up in such a way that it is impossible to say that one was more important than the other.

The Hon. I. A. Swinburne.—One receives more publicity than the other.

The Hon. L. H. S. Thompson.—That is so. In the case of a man who has been drinking heavily and becomes involved in an accident when travelling at 60 miles an hour, it is well nigh impossible to say that one factor contributed to a greater degree than did the other. That is the reason for the implementation of a new system of accident reporting devised by Mr. Arnold, the Government Statist, and Mr. Thorpe, the chairman of the Traffic Commission, at the request of the Chief Secretary. In this system, emphasis is placed on the reporting of multiple factors ranging from street lighting down to drink, so that the statisticians can assess the various factors which enter into an accident. I commend the Bill to the House.

On the motion of the Hon. J. W. Galbally (Melbourne North Province), the debate was adjourned until the next day of meeting.

MELBOURNE AND METROPOLITAN TRAMWAYS (AMENDMENT) BILL.

The debate (adjourned from October 14) on the motion of the Hon. E. P. Cameron (Minister of Health) for the second reading of this Bill was resumed.

The Hon. Samuel Merrifield (Doutta Galla Province).—This Bill contains a number of provisions to which no objection could be taken. Many of them are the result of a report submitted by the Committee of Public Accounts, and I have no fault to find with them. The provisions of the principal Act and the accountancy system adopted under that Act have been complicated by the history of the tramways Board. Certain other undertakings have been acquired by the Board, some have been constructed from moneys obtained from revenue or from loans, and some have been converted or are no longer in existence, as is the case with the old cable-tram system. Under the provisions of this Bill, the Board will be allowed to determine how it will keep its accounts, subject only to the Auditor-General being satisfied. Much of the capital invested in the tramways undertaking is probably no longer backed by actual assets. Some assets, such as roads and bridges, are no longer recoverable by the Board. Therefore, it is problematical whether those assets should continue to be shown in the Board's accounts. To a large degree, the tramways Board must be run as an industrial undertaking and, as in the case of the railways, public interest must be taken into account. Although such an undertaking may not pay its way, deficits may be offset by what we term the public interest, but there is no way of doing that so far as the tramways Board is concerned.

Some of the proposed provisions will enable the Board to set up within the general accounts certain accounts for special purposes. The only criticism I have is in regard to special accounts for gratuities or superannuation, and so on. I should have thought that it would be proper accounting procedure to make the provision as necessity occurs; that is to say, as the employee's period of service increased, the provision for long service leave should be increased. At the end of a given period, sufficient money would be in that account to pay long service leave or retiring gratuities. Under the old system, once the money was in that account it remained there until the employee required it. However, under the new system it will be an account on which the Board can operate at will and may not exist as a separate account. It would be possible, therefore, for some juggling to occur, and for provision to be made in some years but not in others.

Certain funds are in operation for employees—some have been established by the Board and one, a benefits society, is operated by the employees themselves. The retiring gratuity paid by the Board is still below the standard set in other spheres. The benefits society, which the
employees established to help them in later years, has been operated in a wicked manner. The result is that many of the older men going out of the service are finding that the fund is bankrupt and they cannot recover the allowances to which they looked forward. I am not blaming the Board, because this society is outside its control. I mention that fact to show that employees of the tramways Board, generally speaking, do not obtain the same privileges as employees of the Railway Department and other statutory undertakings. Whether the establishment of a new accountancy system will enable the Board to improve the lot of its employees is a matter for conjecture.

Under the old system of accounting, it was not always easy to determine which reserves were negotiable. The money held in the renewals reserve was supposed to be held in that reserve until required for that purpose. If there was any occasion in the history of the Board when renewals were a problem, this is the time. Unfortunately, the Board is somewhat circumscribed by its financial position, and the rehabilitation of the system is not taking place. In his second-reading speech, the Minister of Health pointed out that in 1920 and during the war years the Board showed surpluses and was able to make a contribution to certain municipalities. In addition, some money was put aside in reserve funds, and the renewals reserve was built up to a degree which should have enabled the Board to undertake much of the renewal work which is now necessary. Because it was not possible to undertake maintenance work during the war years, and owing to lack of finance, the tramways system is in a great degree in a run-down condition. Although I am not in possession of all the facts, I believe that the so-called renewals reserve is not in a liquid form which will enable the Board to undertake the actual works. Already it stands in concrete, steel and mortar. It seems to me that the reserves have not been applied in the same way as in the past. It is problematical whether the position will be any better following the passage of this Bill. Over the past few years, the Board's deficits have been increasing. The renewals reserve and other reserves will disappear if they are converted into liquid form. In 1949, a Liberal Government introduced a Bill with the object of enabling a sum of £1,000,000 to be drawn out of the renewals reserve to offset prevailing deficits and to avoid the necessity of increasing fares. I have no doubt that continuing deficits will cause the remaining reserves to disappear.

The question is: What is the future of the tramways undertaking? It is extremely difficult to find an answer. The history of the old tramways Trust, the Interim Board and the present tramways Board is well known to honorable members. The system was designed in earlier years to provide local transport within municipalities of Melbourne. With the growth of the metropolitan area and the failure of the railways to provide an improved mass haulage passenger system in the metropolitan area, the tramways system was adapted to become a secondary trunk and mass haulage system between the suburbs and the city in the peak periods, morning and evening. In that evolution, difficulties arose as a result of glaring mistakes that were made by the Board. I have no desire to be carping, but I shall illustrate what I mean by one or two examples. First, there was the decision to convert the cable system on the Bourke-street, Nicholson-street and Northcote lines prior to the last war. Then, as a result of a decision made in a peculiar manner, buses were brought into operation, and ultimately conversion to electric trams was effected a few years ago. In the meantime, costs had increased considerably and there had been losses on the buses. The whole thing caused the Board to lose literally millions of pounds. Similarly, losses arose in respect of the Latrobe-street tramway, a white elephant, which was built for purely a personal reason. Possibly the immigration of employees for the tramways and their installation in hostels was another of these tragic mistakes. Many of the immigrants disappeared after they had walked down the gangway; others remained with the service for
only a few days. I do not condemn the Board in respect of that matter; I suppose it was attempting to do something.

Now something must be done in a big way. Perhaps the greatest disability at present is the complete lack of faith of the men in the administration of the tramways Board. For a long time the Board has been losing men faster than it could recruit them. That is having an adverse effect on the service. In addition, there has been a loss in quality. Obviously, the better men seek positions elsewhere. The tramways system has been running down from the viewpoint of labour, and the Board has not helped in its administration of industrial conditions. The loss of man power might have been less drastic if conditions of service had been made more attractive.

The Town Planning Commission, which was established in 1926, made its first report in 1929. Incorporated in that report was the famous Strickland report. Mr. J. P. Strickland, Chief Engineer of the tramways Board, indicated in his report the extensions that were necessary to the tramway system in keeping with general development. He did not state any priorities in the programme. That report became the blueprint of the day. Of course, it was never adopted or put into effect, and it has completely exhausted its potentialities. Of necessity, the report has been superseded in certain directions. However, since that time there has been a complete dearth of tramway planning. I understand that that is being done at present. In his report on Melbourne, the Chief Town Planner, Mr. Borrie, reported generally that certain requirements existed as a result of the growth of the city, but he did not indicate what they were. It would have been the duty of the tramways Board to do that.

Apparently, the Board has no general plan. I think the Minister of Health indicated that, although from time to time a few extensions and odd jobs have been given Parliamentary approval, no construction has taken place. Obviously, down the years those individual efforts have gone astray and no longer suit the prevailing situation. An important question is that of a fixed rail system versus motor buses. To some extent, all political parties may have been at fault in this regard. Generally speaking, because the tramways are publicly owned, the Labour party, which believes in State ownership of essential services, has adopted a firm view in regard to a possible change from a fixed rail system to motor transport. Probably we have been suspicious of any move in that regard. On the other hand, members on the Government side of the House are wedded to private enterprise. Naturally, it has been considered that, as the tramways are under public ownership, there would be a hue and cry if an attempt was made to effect a change. On the other hand, except for certain routes operated by the tramways Board, the motor bus system has been operated by private owners. To a degree, there has been some conflict of interests. In Sydney, the entire transport system is operated by a statutory authority. I shall not argue whether that is the most efficient method, but it seems to me that bus services are more mobile and must be considered as an alternative method of transport—not necessarily on the mass haulage routes at present operated by the tramways Board.

How can the outlook of the Government and of the Opposition be brought into harmony? I think Parliament must evolve machinery and the tramways Board must take action internally to rationalize the situation. Whatever services are operating must be carried on efficiently, so that members of the travelling public are not exploited but receive real benefit in service. I doubt whether Parliament could influence the operation of private buses or whether we have sufficient facts to reach a proper judgment on them. I am satisfied that in the past—not necessarily now—travellers have been fleeced on many routes. I know of an individual—he did not belong to my party—who took a week's leave when an application had been made for an increase in bus fares on a particular route. He sat on a stool at the terminus near a railway station and counted the passengers getting on
and off the buses. It was not long before the bus proprietor "woke up" to that and ordered him away. He refused and said he had every right to be there. The bus proprietor went to the police station to get this man removed. Such things can lead only to certain suspicions, whether they be right or wrong.

There is another aspect of the private bus system which is unfortunate. Once a licence is granted—it is a monopoly licence—the holder has an equity. Those are some of the problems which we are facing and which, I believe, we will have to face in a big way in the future in regard to the management of the transport system in the metropolitan area. It is up to the Government what happens to the Master Plan. I understand that amending schemes will be started soon. It is obvious that these might mean big changes in the outline of our transport system in the future. Probably there will be large extensions. They may be of subsidiary routes or cross routes, apart from the trunk routes. It seems to me that the whole matter will come up in a glaring form.

The Bill proposes that the Government will provide a guarantee for loans in the future. I do not know what will happen when the Board exhausts its present supply of cash and the reserves that it has built up. Of course, I do not treat the annual deficit as stated in the accounts in the past as being the real one, because reserve provisions have been set aside and put into funds which have been sacrosanct. Therefore, the deficit might not have been a real one. Nevertheless, I believe some real deficits have taken place on certain routes, and when the reserves that have been built up in former years have disappeared and no more ready cash is available to the Board to offset running expenses, the time of reckoning will come. I believe it is better for Parliament to examine this matter long before that day arrives because the system is running down. If we are to keep the tramways as a trunk system, then complete reconstruction must take place. On the other hand, we should determine whether the losses on routes from which the revenue no longer meets running expenses are so great that they over-ride what might be the same degree of public interest that we accord to the railway system. I think it would be better if we got on to this job fairly early and examined the system as a whole before it reaches catastrophic proportions which may involve a future Government in a more difficult task.

The sitting was suspended at 6.34 p.m. until 7.58 p.m.

The Hon. SAMUEL MERRIFIELD.—Before the suspension of sitting I was outlining the general picture of the Board's operations. As honorable members are aware, there has been a swing to private car transport over the past few years, and that has brought with it various problems. It has been stated that in England the roads are saturated to a great degree and that people are again using public transport. I understand that the traffic officers of the Melbourne City Council have prepared a comprehensive report on traffic problems in which they express the view that a swing back to public transport may eventuate in Melbourne. That may be of benefit to the future operations of the Board, and may assist that body more than it will the railways.

I am not happy about the provision relating to the payment by the Board of retiring gratuities, annuities, superannuation, long service leave, and so on to employees or, if they die, of death gratuities to their widows, surviving children or relatives. Payments to retiring employees are at the discretion of the Board, but, in the case of death, they are made pursuant to by-laws, which must under the general Act be approved by the Governor in Council. Principles regarding the payment of these benefits in the case of the death of an officer or servant would be laid down, but, in the case of retiring employees, there is no such guarantee, and payments may be made by the Board as it sees fit. Payments of this nature made by the Melbourne and Metropolitan
Tramways Board are, as a rule, much lower than similar payments made by other authorities. If the position of the Board's revenue becomes more serious, efforts may be made to balance the accounts at the expense of the employees.

The Hon. E. P. CAMERON.—Payment of gratuities is made at present under the provisions of by-laws.

The Hon. SAMUEL MERRIFIELD.—That is not so. The Board is empowered to pay gratuities and grant leave as it sees fit, but that is not done under by-laws approved by the Governor in Council. It is proposed that penalties for breaches of the Act and regulations and by-laws made under it shall be increased. Increases from £20 to £50 are proposed in certain instances, and from £5 to £25 in others. Many actions meriting the maximum penalties would cost more than £50— I can think of a few simple things that would run into hundreds of pounds—so that, in most cases, the proposed penalties are not unduly high. However, it seems to me that the proposal to lift the penalty from £5 to £25 for persons guilty of evading the payment of fares or riding improperly is unduly severe, compared with penalties for certain other offences.

It is proposed by clause 16 to amend the second schedule of the Act to extend the area of the metropolis within which the Board is empowered to operate. I presume the Government has seen fit to extend this provision to include the greater metropolitan planning area. Twelve new municipalities are to be covered, and the only one that I find missing is Dandenong. That may have been overlooked. I do not intend to propose an amendment to force the Government's hand, but point out that it would be wise to include Dandenong.

Except for the reservations I have stated regarding the question of gratuities, superannuation and long service leave benefits, the Bill is not contentious. Members of my party consider that the provisions referred to might be tightened up to assist the employees to a greater degree.

The Hon. I. A. SWINBURNE (North-Eastern Province).—On behalf of the Country party, I support the Bill. For an hour or so we have heard from Mr. Merrifield a history of the problems encountered by the Melbourne and Metropolitan Tramways Board. The honorable member has probably studied this matter closely over the years and doubtless is more conversant with it than most other members.

In the main, the Bill has resulted from a report made by the Committee of Public Accounts covering its inquiry into the accounting system of the tramways Board. The Government has seen fit to adopt the committee's recommendations, and the passing of this measure will enable the Board's accountancy procedure to be brought into line with current practice. When the Board was first established, it was tied somewhat to the municipalities through which its tram services operated. As the ramifications of the Board increased, the accountancy system initiated in the days of the cable trams was continued, and a number of anomalies were found to exist.

The Country party sees in this Bill no provision to which it can object. Whether, as Mr. Merrifield contended, certain funds have been depleted beyond reasonable limits for the responsibilities involved, I have not been able to ascertain. Unless there has been some untoward drain upon an authority's financial resources for the payment of annuities, sick pay, superannuation and so on, I have never known any Government Board to lack the ability to meet its liabilities in this regard.

Hitherto, the Board has not possessed the power to appoint an officer at a salary exceeding £1,000 per annum without the consent of the Governor in Council. At one time, a person receiving remuneration at that level was considered to be among the "tall poppies." To-day, that is not so, and it is now proposed that the amount shall be altered to £2,500. I presume that many members of the engineering and technical staffs of the Board would come within this category.
In future, the Board will be placed on the same basis as the State Electricity Commission and other corporate bodies with regard to guarantees for the repayment of loans. Any person investing money with the Board should be confident that his investment will be safe. Actually, the Government owns the tramway system, although it is operated by a Board. When funds are invested with a corporate body, the investors must have security. In this case, the Government has undertaken the responsibility, and that is a proper course for it to pursue.

Some of the proposed new penalties might seem extreme, but I do not think anyone, except possibly a constant offender, would be fined £25 for evading payment of a fare. The biggest problem seems to be for conductors to collect the fares. Whenever an inspector boards a tram, there is a great flurry by the passengers to make sure that they have tickets.

The Hon. P. T. Byrne.—I have never seen an inspector on a tram except when there are only a few people travelling on it.

The Hon. I. A. Swinburne.—It is as difficult for an inspector to check the tickets at a peak hour as it is for the conductor to sell the tickets. By the time a tram goes from the centre of the city to Spring-street, it is well-nigh impossible at times for all fares to be collected. In all the years during which I have travelled on trams, I have never seen an inspector find a passenger who has not paid his fare. I do not know why the Government decided to increase the fine for this offence to £25. It may be that it is following a pattern. I consider that a magistrate or a justice of the peace would impose the maximum penalty only on a person who had many prior convictions.

The area covered by the Board’s charter is to be extended in consequence of the spread of the metropolis. If adequate transport is to be made available, provision must be made for extensions to be carried out from time to time. The Bill deals with the financial aspect of the Board’s activities and proposes to put them on a more up-to-date basis, and also provides scope for the future development of this great organization. The Country party supports the measure.

The Hon. G. W. Thom (South-Western Province).—I join with previous speakers in paying tribute to the Committee of Public Accounts, upon whose recommendations the Bill is largely based. It raises the thought that similar committees could with advantage examine the accounting procedures and systems of quite a number of corporate bodies. Numbers of the matters that have been referred to and are attended to in this Bill have been previously referred to by Auditors-General over a long period. This again suggests that sufficient attention has possibly not been given to the annual reports of the Auditor-General. Apparently, there has been a difference of opinion over a great number of years in regard to accounting procedures generally. I think honorable members would agree that the report of the Committee of Public Accounts could be regarded as a thesis in accounting procedure. Simply stated, the difference between a reserve fund and a provision is that the former is usually invested outside the organization; a provision is utilized as an internal reserve. However, it has required a number of years for some action to be taken, and it is pleasing that this has followed so quickly on the report of the Committee of Public Accounts being made available.

Another point highlighted by the report is that it is most undesirable to lay down a system of accounting that has been as rigid as that in the case of the Melbourne and Metropolitan Tramways Board. The report states—Where flexibility is removed, this precludes adaption to meet changed conditions. That sums it up, because we all know that the science of accountancy is advancing at a tremendous rate. Since operations commenced in 1916, there has been a complete change of thought and practice, and it raises the point that, when legislation is prepared for this type of organization, it would be unwise to provide a very inflexible
accounting system. The provisions of the Bill remove the relationships between the municipalities and, as a corollary to that, they give the Government power to guarantee the amounts borrowed by the Board which previously were protected by the theoretical rating powers vested in the Board. That is one of the main points of the Bill.

With respect to gratuities and so on, the Bill only ratifies what the Board has been doing for years—a procedure which has not been previously legalized. The Board now has authority to increase its borrowing powers from £10,000,000 to £15,000,000, which is a very necessary provision. The remark of Sir Arthur Smithers, when he was asked by the committee for his opinion, was that accounting procedures should be the servant of management, and not the master. That sums up the whole point of the committee's comments and is very pertinent.

Mr. Merrifield expressed concern regarding deficits incurred by the Board. I do not want to become involved in a city-country fight, but I do observe that possibly Melbourne is rather fortunate that its tramways system can incur deficits, seeing that the people of Geelong—with their personal independence in providing themselves with transport—have to pay for it as they go.

The Hon. ARCHIBALD TODD (Melbourne West Province).—The provisions in the measure before the House referring to gratuities, long service leave, sick leave and so on, enable me to direct attention to the unrest among employees of the Melbourne and Metropolitan Tramways Board, particularly the running staff, to those provisions referring to conditions of service, including gratuities, long service leave, sick leave, and so on. Some years ago, it was considered that one of the best available jobs in the community was to be had in the service of the Board, but to-day the situation has altered considerably. There is a tremendous turnover of employees year by year. When attention was directed to that fact by the secretary of the tramway employees union, the chairman of the Board replied that most of the employees who left did so because of the lock-outs and stoppages that took place. If we examine the record of the Board, we find that over the years there have been very few lock-outs and very few stoppages of more than one or two hours' duration.

There must be some particular reason for the existing unrest. Of the members of this Chamber, I am probably the most regular user of the Board's services. I use them daily and come into contact, in conversation and general discussion, with employees, and I hear many of their little complaints and worries. They do not seem to be a very happy band. There appears to be too much friction between those responsible for running staff administration and the members of the running staff themselves, and I do not think we should put that down to the leadership of the men's union. I do not agree with the politics of the secretary, Mr. O'Shea— I completely disagree with them—but he is the elected representative of the members of the union and is also an experienced tramways man, having spent many years in the service of the Board. He knows it from "go to whoa" and, I suppose it could be said, from "go to woe." He often offers advice that is rejected by the Board apparently because he happens to be of a peculiar shade of political thought.

There should be a re-examination of the situation as between the running-staff and the Board itself so that difficulties might be ironed out. As an indication of these points of difficulty, I may mention again that the Board installed a clock on the Port Melbourne route, and I have not heard of one conductor or driver in agreement with the Board in placing the clock in that position. There seems to be no reason for it. Very often a minute is wasted at that stop and then, when the bus has reached the city, the driver and his companion find that they have lost from five to ten minutes in travelling from Queen's bridge to Lonsdale-street.
Mention has been made of the difficulty of collecting fares. I have noticed, when travelling down Bourke-street in the lunch hour, the tremendous number of people who travel for only two or three blocks. It is often necessary to have conductors or conductresses brought from the central and Port Melbourne depots so as to double the staff on the Bourke-street trams in order that as many fares as possible might be collected. I have noticed, also, on the Kew-Collingwood—Port Melbourne route people attempting to board buses at points between the Trades Hall and Collins-street. These vehicles are packed from door to door, and the conductor has no chance of collecting fares. Tempers become strained, and the unfortunate tramways' servant appears to be the butt of all complaints if something goes wrong. So, the service, instead of being attractive, has a turnover of almost 30 per cent. in the running staff. I agree that there might be room for calmer consideration of various little matters that arise on the part of both sides. The Board should confer with the representatives of their officers and with the men in the union in an effort to bring about a more efficient and happier state of affairs.

The Hon. G. L. Chandler.—Would staggered hours help at all?

The Hon. Archibald Todd.—I cannot accept that plan. Some people think it would be all right, but I do not know whether it could be instituted in a proper form. Crews of trams would be on duty for four hours in the early morning and then be off until they had to return at four o'clock in the afternoon. I do not think that idea would appeal to anybody in employment. I believe it would mean, in the case of the trams, only more losses.

The Hon. G. L. Chandler.—I was speaking more of staggered shopping hours.

The Hon. Archibald Todd.—I do not know that that would help either. I often traverse the route from Flinders-street or Queen's bridge to Fisherman's Bend. Here, at morn-
may under a separate paragraph make by-laws in relation to superannuation, gratuities, annuities, and so on. This clause will merely have the effect of including in the same paragraph powers which the Board already has.

The clause was agreed to, as was clause 18.

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

SOLDIER SETTLEMENT (AMENDMENT) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. E. P. CAMERON (Minister of Health), was read a first time.

LOCAL GOVERNMENT (MUNICIPALITIES ASSISTANCE FUND) BILL.

The debate (adjourned from October 14) on the motion of the Hon. G. L. Chandler (Minister of Agriculture) for the second reading of this Bill was resumed.

The Hon. J. M. WALTON (Melbourne North Province).—This Bill is to amend section 250 of the Local Government Act. It is a comparatively simple measure which will have the effect of increasing from £100,000 to £150,000 the sum of money that may be made available by the Minister for Local Government to needy municipalities throughout Victoria. Section 250 of the Local Government Act provides for the setting up of the Municipalities Assistance Fund, and stipulates that half of the amount of all motor car drivers' licence-fees, less the cost of collection, paid under the Motor Car Act 1958 shall be credited to the fund; and for the payment out of the fund towards the cost of works of municipalities and other public bodies sums not exceeding a total of £100,000 in a financial year, and also for contributions required under the Country Fire Authority Act 1958. Members may recall that last year a Bill was before the House providing for motor car drivers' licence fees to be paid on a three-yearly basis, but, so that all the licences would not fall due in one year, a third were made renewable after one year, a third after two years, and a third after three years. Thus, the Government, in the first year of operation of the legislation, collected twice the amount of fees that it would normally have collected. Accordingly, in that year, it received an increased revenue of approximately £500,000. Under this Bill, it will be permissible to pay to municipalities a total sum not exceeding £150,000 in a financial year—an increase of £50,000. I consider that this amount is somewhat small as compared with the amount which the Government has received from motor car drivers' licence fees, which money has been paid directly into the Treasury. From that source, the Government will derive at least £450,000 net during the current financial year.

In the past, the maximum sum that could be distributed to a municipality was £800 and, in the main, payments from the fund have been made to country municipalities. However, there are metropolitan municipalities such as the City of Heidelberg and the City of Broadmeadows which have problems comparable with those confronting country municipalities. They are needy in every sense of the word, and I submit that the Government, in its endeavour to assist needy municipalities, should consider the requirements of certain suburban councils along with those in country districts. There is little more that can be said about the Bill, which has the support of the Labour party. However, we should like to see the maximum allocation of £800 increased to, perhaps, £1,200. Moreover, the amounts allotted to municipalities should be set aside in a special fund, so that if the works provided for are not proceeded with in any one year the money will not have to be made available again by a subsequent Government.

The Hon. P. T. BYRNES (North-Western Province).—The Country party supports the Bill. Mr. Walton spoke
of the genesis of the Municipalities Assistance Fund. Originally, that fund was provided to assist country municipalities to pay for amenities. Allocations were purely at the discretion of the Treasurer. However, during the régime of a Country party Government, that feature was changed and the fund was put on a stable basis. Since then the motor car drivers' licence fee has been increased and money derived from that source has been credited to the fund for the assistance of needy municipalities and to meet the contributions required under the Country Fire Authority Act. From the fund, country municipalities in particular have been assisted to provide amenities in sports grounds and so forth. I believe this has been one of the most valuable funds administered by the Government because, although the money is allocated on a £2 for £1 basis, local people, by voluntary efforts, raise sums which are far in excess of the grants made by the Government, with the result that throughout country districts there are all sorts of amenities on playing fields, sporting arenas and so forth, and these have brought about better living conditions for many people in outback districts. Many of the municipalities concerned experience difficulty in raising the requisite money, and in several cases the people concerned live in isolated communities where conditions are vastly different from those obtaining in the metropolis where there is a greater opportunity for raising money by charging entrance fees to sports grounds and so forth. Originally, the maximum sum payable to a municipality was £1,000, but later that amount had to be reduced to £800 because there was not enough money to go around. That rule of thumb method sounds all right, and might be satisfactory if every municipality was of the same size and had the same obligations. However, there are tremendous differences to be considered. Some shires cover vast areas and embrace many townships, some of which often approach the size of a city, but others are very small in area. Some country shires—for instance, Fern Tree Gully—are situated close to the metropolitan area and have become the playground of many city dwellers. Obviously, it would be wrong to expect the Shire of Ferntree Gully or any similar municipality in the Gippsland area to provide all the amenities needed by persons who visit the area at week-ends or on holidays. The money that has been allocated through this fund has been wisely spent in the past and much good has resulted. I claim that to big shires, such as many in Gippsland, in the north-western part of the State—Mildura and Walpeup to mention two—and others in the Western District an allocation of £800 would be only a flea bite and that this sum would not cover their needs.

This Bill seeks to increase the maximum sum available, but the Minister of Agriculture has not stated how the Government proposes to allocate the extra funds. I consider that honorable members are entitled to know what is intended. Are the bigger shires with the greater responsibilities to get a larger grant, or is the allocation of the fund to be left purely to the discretion of the Minister for Local Government? I do not say that the present Minister would attempt to use this fund for political purposes, but that could be done, and the money could be spent where it would do the Government the most good politically. I am sure that the present Minister for Local Government would not lay himself open to be accused of acting in that manner, and I hope the Government will take steps to allocate this money in an equitable manner. If the Minister stated that the Government intended to increase the maximum grant to any one municipality from £800 to £1,200 and left it at that, we would be reasonably satisfied. We do not want to see this increased allocation used as a sort of "slush" fund to be used where it is most politically expedient. I feel that the money should be spent where it is most needed and where it will do the greatest good.

The Hon. P. V. Feltham.—That is trusting simplicity on your part.
The Hon. P. T. Byrne.—I always believe in imputing to others the same motives as I have myself. However, I shall welcome a clear statement from the Minister that this fund will be administered in an equitable manner.

The Hon. W. R. Garrett (Southern Province).—I support the Bill. It is not a spectacular measure, as the expenditure of £150,000 does not look very great when compared with the sum of £128,000,000 needed for the Hazelwood power station project. Nevertheless, this legislation is of great interest to municipalities, and is being considered at a time when local governing bodies are finding it very difficult to make ends meet. There was a time when shires could get out estimates for the year and strike a rate to provide sufficient money to carry out the work needed. To-day, it is frequently necessary to reverse the procedure, as more often than not sufficient money to cover all the work required is far in excess of the sum that can be raised by rates under the Local Government Act. Consequently, many municipalities are forced to estimate the maximum amount of rate revenue they can obtain and then cut down expenditure to match that amount. As a result, they are short of funds to be spent on amenities envisaged by this not spectacular but essential measure.

The Minister of Agriculture, in his explanatory second-reading speech, referred to the construction of toilet blocks, which are very expensive buildings these days. Many shires find it necessary to replace, with modern conveniences, obsolete toilet blocks at sports grounds, in parks and in other places, and the expenditure involved is quite considerable. Most municipalities find that all they can afford to do with the funds that are allocated from the Municipalities Assistance Fund is to bring amenities provided at one sports ground or park up to date each year. The proposed increase of 50 per cent will be helpful, and I express the hope that in the future there will be another increase of 50 per cent., as the needs of local government are very deserving. Expenses are increasing rapidly. Municipalities must provide not only for their own residents but for members of the travelling public. I am sorry that I cannot agree with Mr. Byrne, who suggested that all the money should be spent in one particular Province.

The Hon. P. T. Byrne.—I did not say that.

The Hon. W. R. Garrett.—The municipalities in the area immediately surrounding the city have found the provision of sports grounds very costly. The council for the area I represent has just paid £25,000 for one comparatively small sports ground, and will find that sum a big burden to pay off over four or five years. The use of the Municipalities Assistance Fund will prove a great boon in providing facilities in the areas of the type to which I have referred. Out in the open spaces represented by members of the Country party, football grounds and other arenas are ready made. All that needs to be done is for the council to purchase a paddock for a few hundred pounds and put a fence around it, and the project is finished. When a municipality has to spend up to £25,000 for ten acres of land, the problem is much more difficult. When the Minister for Local Government makes the allocations from this fund, I hope he will remember the municipalities on the perimeter of the metropolis and keep in mind the expenditures they have incurred in purchasing land to provide sporting facilities. I am quite happy to leave the allocation of the fund in the hands of the Minister, and I am pleased that this year the total expenditure will be increased by 50 per cent.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Increase of maximum sum to be approved by the Minister for payment out of the Municipalities Assistance Fund in any one financial year).

The Hon. G. L. Chandler (Minister of Agriculture).—I feel that I should reply to some of the comments.
First, I point out that last year, which can be used as a fair basis, 99 municipalities received the full allocation of £800 each and 53 received an average of £393 each. I do not think there is any doubt that the Minister for Local Government, irrespective of the party to which he belongs, will administer this fund fairly. Whilst I agree with some of the statements made by colleague, Mr. Garrett, when referring to outer metropolitan or inner country municipalities, I consider that the money available from this fund should be allocated fairly to municipalities throughout the State. When travelling through the country, one finds that the facilities that have been provided by the use of this fund have been of tremendous help to country councils.

The Hon. A. K. Bradbury.—Is it intended to increase the individual allocations from £800 to £1,200?

The Hon. G. L. Chandler.—I have no doubt that with an additional 50 per cent. available in the fund, great consideration will be given to an increase in the allocations. I cannot speak for the Minister for Local Government and say that every council will receive the maximum, regardless of its need. My personal opinion is that some country councils need the maximum grant much more than do others. I feel that every application must be considered on its merits. Nevertheless, I believe the pattern outlined last year will probably prove to be the design for the future.

The Hon. I. A. Swinburne.—If a municipality can put up a good case, it will obtain the maximum grant?

The Hon. G. L. Chandler.—I do not agree with the proposal that inner country areas should be dealt with on a special basis. Whilst I admit they have very great claims, I do not think any Minister would be game enough to allocate more than the average grant to any one council. Mr. Byrnes, as a former Minister of Public Works, knows the demands being made on the inner country municipalities in meeting the requirements of hundreds of thousands of people who visit the areas and require the provision of these amenities. I was a member of the Fern Tree Gully council for twenty years. There are 28 separate townships to be dealt with in that municipality, whilst neighbouring councils cover only one or two major townships. I am quite sure that the additional £50,000 will be a boon to many councils in assisting them to meet the ever-increasing demands made upon them to provide amenities at recreation reserves and so on for the convenience of ratepayers and the travelling public.

The Hon. Samuel Merrifield (Doutta Galla Province).—I should like to refer briefly to the points raised by Mr. Byrnes and the Minister of Agriculture. I suppose I was the guilty party who imposed the maximum of £800; that was done in an endeavour to be fair to all municipalities. No Minister, without making a survey of the entire State, would know the relative problems facing each municipality, and when I was Minister I had to deal with the applications as they came in. The present Government has found that £100,000 is not adequate when, as was the case last year, 143 municipalities made application for assistance. Obviously, each cannot be granted £800. To eliminate troubles of this nature and to spread the fund around as far as possible, I introduced the maximum allocation of £800. I remember that in one year there was the sum of £600 remaining in the fund after all applications had been met, and I allocated £300 to a council in the southwest of the State and the remaining £300 to a Gippsland shire. If the Government proposes to depart from a uniform maximum, which I am not opposed to, it should obtain some appreciation of the relative problems of each municipality requiring assistance. It is of no use voting £200 to a municipality to do a job which might cost £2,000. It would be better to select a certain work and enable it to be completed within a reasonable period. Of course, the Government cannot assist everyone and, obviously, the responsibility is on the Minister for Local Government to work out which municipalities shall receive assistance. It is not an easy task, and possibly the new Local Government Department might conduct a survey to ascertain
The Hon. G. L. CHANDLER (Minister of Agriculture).—All honorable members are familiar with the procedure that applies, namely, that a council sends in its schedule of priorities. Frequently, a council may decide to use the maximum amount for one particular project. On the other hand, other municipalities may use the allocation of £800 on four separate projects. The municipalities themselves decide how the money shall be expended, and they submit recommendations to the Minister. Generally grants are made on that basis.

The clause was agreed to.

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

POLICE OFFENCES (PENALTIES) BILL.

The debate (adjourned from October 14) on the motion of the Hon. L. H. S. Thompson (Minister without Portfolio) for the second reading of this Bill was resumed.

The Hon. J. W. GALBALLY (Melbourne North Province).—This is a Bill to increase monetary penalties under the Police Offences Act. One never knows who is to be the latest victim of inflation and, I suppose, many lawyers in Melbourne never in their wildest dreams thought the Police Offences Act would ever be made the subject of inflation by this Government. Busy as it is in draining the shillings out of the £1, the Government should make its policy of administration of penal law consistent. I should have thought that, instead of prescribing a fine of £50 where one of £20 had applied for the past 50 years, £25 where a penalty of £5 had applied for another offence, and £5 where a fine of £2 had obtained for many years, the Government would be better employed in bringing the Police Offences Act more into line with modern thought and conditions.

The Hon. G. L. CHANDLER.—Are those fines in line with legal charges?

The Hon. J. W. GALBALLY.—As a Minister of the Crown, Mr. Chandler should know that legal charges are fixed by law. The Police Offences Act is a conglomeration of many quaint offences. Section 70 embraces the vagrancy provisions. It enables a constable of police to arrest, without warrant, any person, and bring him before a court of petty sessions. Unless that person can satisfy the magistrate that he has sufficient lawful means of support, he can be imprisoned for a term of up to twelve months. Owing to the good sense, the wisdom and the humanity of magistrates in our courts, this section, which was incorporated in the British law in the time of Henry VIII., has not been widely invoked in recent years. It consists in the main of blind, ill-tempered, “hitting-out” at people for the unpardonable offence of being poor. What else can it mean? A man may be sent to gaol because he has no occupation, no trade and no calling. He is left there on the basis that when he is released, he will have an occupation. How foolish and how ridiculous!

The efficacy of punishment is yet to be demonstrated. The greatest deterrent to crime is the knowledge that a person who commits a wrong will, as a moral certainty, be arrested and convicted. In other words, the efficacy of the Police Force is the greatest deterrent to the wrong-doer. Some people, even in this Chamber, still believe in the efficacy of harsh punishment. I do not. Over the years, it has been tried and found wanting.

The Hon. L. H. S. THOMPSON.—Do you consider our training prisons are worth while?

The Hon. J. W. GALBALLY.—Certainly. I believe that the maximum security prisons, such as Pentridge, are not needed for 90 per cent. of wrong-doers in the community. Let us examine the case of a person convicted of driving a car whilst under the influence of liquor. Probably, he holds a responsible
position in the community and knows that a penalty must be exacted from him; therefore, he will not run away. I do not speak with authority on the sub-
mum security gaol. Mr. Thompson wasteful, stupid, thoughtless and unne-
cessary. Other provisions of the Police
Offences Act are very quaint—for
example, the laws relating to the
drippings of the eaves of a house falling
upon any public footpath and the
exposing in any public street or
thoroughfare any horse or other animal
for show, hire or sale. Apparently,
any person committing one of these
offences in future will be liable to a
penalty of £50. There are also the
quaint offences of “in any public place
rolling any cask”—there will not be
any difficulty in prohibiting that for the
next few weeks—“beating any carpet,”
“breaking in any horse,” “flying any
kite,” “using any bows and arrows,” or
“playing in any game to the annoyance
of any person.”

I suggest that these provisions should
be taken out of the Police Offences
Act. I am selecting some offences at
random. The provisions dealing with
rogues and vagabonds date back to the
time of Henry VIII. A person playing
two-up” or playing or betting on any
unlawful game is included. Another
provision relates to any person found
having his face blackened. I have seen
some red faces in this Chamber!
“Incorrigible rogues” is another term
used in the Act. Such expressions have
no meaning in our present day civiliza-
tion. Instead of proceeding with this
measure to increase the penalties for
certain offences, the Government should
withdraw it and have some of its
experienced advisers examine the Act
with the object of removing those
provisions that are antiquated and
have no relation to modern thought
and conditions, that are harsh and
that, generally speaking, should
not form the subject matter of
the administration of the criminal law.
If one examines the 200 odd sections
of the Police Offences Act, one is struck
by the thought “What have these things
do to with the State of Victoria in
the year 1959?” Are we doing our
duty as legislators in, so to speak,
putting our imprimatur on this Act by
agreeing to increase penalties? I sug-
gest that we are not.

The Hon. P. V. FELTHAM (Northern
Province).—Mr. Galbally has pointed
out a number of provisions of the Police
Police Offences Act which require amendment but which, unfortunately, are not included in this Bill. You, Mr. President, were good enough to allow the honorable member to dilate somewhat on the general provisions of the Police Offences Act, so I may be permitted to refer to one or two of the matters he raised. At the outset, I might say that I agree with Mr. Galbally that a good deal in the Police Offences Act is no longer applicable to Victoria in the year 1959. Possibly, the evil is not as great as was suggested by the honorable member, because I venture to suggest that he has never had occasion, in his varied and extensive legal career, to defend anybody for discharging an arrow from a bow in the City of Collingwood or anywhere else in Victoria. Such provisions are mere surplusage in the Act and should be removed. They have an interesting history and go back to the time when the Government of the day was concerned with the preservation of peace and good order in the community.

The Hon. J. W. GALBALLY.—In my early days at Collingwood, I can recall many a cupid's bow that went astray.

The Hon. P. V. FELTHAM.—I am interested to hear that. If Mr. Galbally would occasionally discharge a few Cupid's arrows across the Chamber in the direction of the Liberal benches this might be a happier House. These old provisions in the Act grew up in the days when the Government was concerned, as it is to-day, in dealing with the problems of the day, and the matters mentioned by Mr. Galbally were the naughty things that people used to do in the old days when police offences, as we know them to-day, first existed. An interesting feature was that it was useless enacting provisions to deal with the various matters mentioned in the Police Offences Act unless there was a Police Force to enforce them.

It is interesting to inquire why the legislation is called the Police Offences Act, because the offences it enumerates are not offences against the police but against the community. The term Police Offences Act was first used in Victoria in 1864. The term "police offences" as applied to an Act of Parliament has no parallel in English legislation. In the 1864 Victorian Act, provision was made to obtain order in the community, and the Act itself provided that certain provisions should apply only when the Governor in Council ordered that they should apply to particular parts of Victoria. We did not then have a Police Force which was co-extensive with the law, and it was of no use passing the provision unless there was a Police Force. The first portion of the Police Offences Act 1864 dealt with extending the power of the Police Force to various parts of Victoria. These provisions which were laid down were quite useless without the power of the police to enforce them, and in 1865, when the statutes were consolidated, the 1864 practice was followed and the legislation was again called the Police Offences Act. It is a rather misleading title, because it might lead people to believe that the offences are against the police when, in fact, they are against the community.

To return from my little discursion on the Police Offences Act generally, this Bill deals with increases in penalties in the assault and drunkenness provisions of the Act—what might be called "the good order" provisions. The penalties are to be increased from a minimum of two and a half times the old penalty to five times the old penalty. Honorable members might be concerned to know why the increases are so steep. In the concluding stages of his second-reading speech, the Minister said that the object was to bring the penalties into line with the modern purchasing power of the £1, or words to that effect. He said, too, that it was hoped that the increased penalties would act as a deterrent. There is some merit in his suggestion that it will bring the penalties more into line with the modern purchasing power of the £1. I do not think he was quite right when he endeavoured to support an increase of five times the penalty. I cannot wholly agree with his suggestion that the increased penalties might act as a deterrent. I feel, rather, that the number of offences will be restricted if we have more police.
do not think any man who is about to engage in an assault or to become drunk in circumstances where he should not be drunk is going to ponder on the provisions of the Police Offences Act and say, "Before I engage in this assault or take an excessive quantity of liquor, I must think what the legislature of Victoria provides and must remember that if I assault somebody I am liable to a penalty of £50." What stops assaults and people from getting drunk is the fear of detection. There is nothing more likely to stop a brawl in the street than the presence of a uniformed constable, or a man drinking too much than the fear that standing outside the hotel from which he is about to depart are one or two policemen in uniform checking off the people as they come out.

The Hon. G. W. Thom.—Do you not think if he reads in the paper that John Smith has been fined £50 for assault, it might register with him?

The Hon. P. V. Feltham.—I cannot agree. I believe that assaults take place spontaneously, and that people get drunk not deliberately but almost accidentally. The greatest deterrent to getting drunk accidentally is the fear of detection. I know that Victoria has for a number of years been very fortunate in its Police Force, and I realize that the Chief Commissioner of Police is endeavouring to build up a fine body of men, to prevent not only assaults and drunkenness but also other crimes with which Parliament has to deal from time to time. I can only hope that the finances of this State and the young men available will make it possible for a steady increase in the number of uniformed policemen because I believe that, if we could afford to have enough of them in the right place, there would be a diminution in the great number of crimes with which Parliament has to deal. The effect of this Bill will be not so much as a deterrent to the commission of offences, but, as the Minister stated, it will bring the penalties more into line with the modern purchasing power of the £1 and will add a little to the revenue of the State.

The Hon. R. J. Hamer (East Yarra Province).—We can all agree with much that was advanced by Mr. Galbally concerning the Police Offences Act. He has made quite a crusade of some of the antiquities in our law, and one could almost regret it if action were taken to revise some of them because we might not then be treated to some of his colourful diatribes about their antiquated provisions. However, it is to be hoped that the penalty for rolling casks or discharging arrows from bows in public places will be removed from the statute.

The Bill is intended to deal with two modern problems. Although the fear of detection may be the main deterrent, that must be followed by further action. I presume Mr. Galbally would not contend that an offender should be convicted and discharged. The community must impose, through legislation, penalties for various offences in their order of importance. To the extent that this Bill increases the monetary penalty, it does not alter the situation. In fact, it may be said that we have allowed our penalties to slip behind the fall in the value of money.

The effect of fixing maximum penalties is to guide magistrates in the importance which Parliament attaches to various offences. If we have our penalties too low, magistrates tend to fix low penalties; if we upgrade the maximum, magistrates still have a discretion, but we can expect something more realistic to be imposed as a penalty. This bears on what Mr. Feltham said, that the police should be encouraged in their efforts. If they arrest or charge an offender, the police should not have the chagrin of having only a minor penalty imposed. It is only human for them to think their efforts have been wasted, and to that extent, if the penalties are too low, we might find a less vigorous enforcement of the law.

The two main matters with which this Bill deals are of extreme importance. The first is the question of being drunk in charge of a vehicle. On previous occasions, we have heard Mr. Galbally say that the road toll is one of the problems of our time. This Bill
illustrates one way in which the Government is trying to deal with it. The penalty for this offence is being increased five-fold, which is more than what is required to bring it into line with the present-day value of money. The proposal is to impose an additional penalty, whose purpose is to try to do something to lessen this prevalent offence.

The next important aspect relates to assaults. Here again, the penalty has been increased five times. For aggravated assaults on females and children, the penalty has been increased from £20 to £100. That is designed to cope with a fairly common occurrence—that is to say, attacks with pen-knives, stilettos and bottles, which offences have been on the increase.

If the proposed amendments are to be effective, much will depend upon the enforcement of the law by members of the Police Force. Parliament has expressed its opinion on these matters in the only way it can, by increasing the maximum penalties. Whatever may be said about the need to revise the Police Offences Act, the measures in the Bill to deal with the offences mentioned are needed now, and we must agree that the Bill is desirable under the present state of affairs.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 6 were agreed to.

Clause 7 (Maximum penalty for offensive behaviour increased).

The Hon. L. H. S. THOMPSON (Minister without Portfolio).—I agree with much of what was said by Mr. Feltham, particularly that the certainty of detection is the greatest deterrent. However, there may be some value in the Government's stressing that certain crimes are more serious than others. A number of the sections of the Act provide penalties that are incongruous. For instance, the penalty for swearing is £10 and that for assault is £10. The Government has taken this opportunity of trying to make "the penalty fit the crime."

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

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

MOTOR CAR BILL.

The Hon. L. H. S. THOMPSON (Minister without Portfolio).—I move—

That this Bill be now read a second time.

The purpose of the Bill is to amend the Motor Car Act of 1958. The measure introduces nine changes, six of which could fairly be said to provide concessions of varying types to the motoring public. Of the others, one validates an existing practice considered by the Crown Solicitor to be ultra vires, another closes a legal loophole which has prevented section 81 of the Act from being used effectively; and the final amendment provides an increase in penalties.

The first concession relates to a new type of registration. At present, a person is registered as the owner of a car whether he has complete and free legal title to it, or whether he is merely buying the car under a hire-purchase agreement—whether he is merely the user of it but not the true, legal owner. Some firms dealing in second-hand cars have been out of pocket to the tune of £10,000 a year because they have guaranteed a clear title to any person purchasing a car from them. In many cases, they have been defrauded by the sellers of cars to them, as those persons have not had good titles. The Government is not so concerned with protecting the interests of particular firms, but it believes the buyer of a second-hand car should have an opportunity to ascertain whether the person selling the car is the owner and can pass on a clear title. The new system is proposed in clause 2, which is somewhat lengthy. It provides a method whereby not only will the name of the owner be registered—the owner in the sense of the user or possessor of the car—but also the name of the proprietor—the person who has the legal property in the car. I am now speaking of a car subject to a hire-purchase agreement. It will be possible
for a buyer to check with the Motor Registration Branch whether or not the person claiming to be the owner is in fact the owner and has a clear title to the car. The Government thinks this will benefit those members of the public who are not in a financial position to buy new cars.

The next provision relates to the exemption from registration fees of motor cars incorporating agricultural implements. As honorable members well know, it is possible to register a tractor, and there have been representations from country people to have registered propellable farm machinery. It is frequently necessary for these implements to go short distances along main highways or side roads, and it was felt desirable that they should be registered. There were objections by insurance companies to covering these vehicles on the third-party basis unless they were registered. Now it will be possible to register the vehicles, without fee, provided that they are used genuinely by a primary producer for his own needs and are not taken outside a 15-mile radius. There is also on the roads, a number of self-propelled mechanical vehicles such as fork lifts and mobile cranes. The Bill contains a provision to introduce a new system allowing mobile cranes and such vehicles to be registered for an annual fee of £10. There is an increasing number of these vehicles using the roads. Some have been registered in the past on a power-unit basis at an exorbitant fee, but the general practice has been to avoid registration wherever possible.

The Hon. I. A. SWINBURNE.—Would a front-end loader come under this provision?

The Hon. L. H. S. THOMPSON.—Yes. The definition contained in proposed new paragraph (ea) of the Second Schedule, as contained in sub-clause (2) of clause 3, states, inter alia—

For a motor car which the Chief Commissioner is satisfied is a self-propelled mobile crane used otherwise than for lifting and towing vehicles.

The onus is on the Chief Commissioner to decide whether or not a particular vehicle conforms with the definition.

The Hon. I. A. SWINBURNE.—A heavy registration fee is charged on a front-end loader.

The Hon. L. H. S. THOMPSON.—That is so. It is thought that these vehicles should be registered if they use the roads, and the Government considers that a nominal fee of £10 would not be unreasonable. In addition, many of these vehicles are road-making equipment used by State authorities and local councils, and it is desirable not to place too high a registration fee upon them.

Clause 4 substitutes a new section for section 11 of the principal Act. Under this provision it will be possible for an owner of a fleet of five cars or more to register one or more of his vehicles for a period of less than twelve months. At present, when a person has wanted to do this it has been necessary for him to pay a full registration fee. For example, if he registered one of his vehicles on 1st January and the others on 1st June, it was necessary for him to pay the full registration fee on the one vehicle and then receive a refund when he re-registered it to conform with the date of registration of his other vehicles. That is a somewhat cumbersome procedure, and clause 4 provides for the additional vehicle or vehicles to be registered for a period of less than twelve months so that it will be possible for a person to renew the registration of all his vehicles on the one day for the one period.

Paragraph (a) of clause 5 proposes the insertion of a new sub-section in section 19 of the principal Act dealing with the registration of veteran cars. Veteran car rallies have become popular in Victoria and have proved a good means of raising funds for charity as well as providing entertainment. Under this provision, it will be possible for owners of veteran cars to receive a registration certificate in modified form from the Chief Commissioner to use these cars, with the qualification that the cars must have been manufactured before 1st January,
1917. Special licence plates will be issued to the owners of these cars to distinguish them from the orthodox registrations.

The amendment to section 22 of the principal Act in clause 6 validates an existing practice. It has been the practice of the Chief Commissioner under certain conditions to grant motor car driving licences to people with physical handicaps. The right of the Chief Commissioner to lay down certain conditions was queried, and it was considered that he had no actual power to do so. I do not think I need stress to honorable members the obvious desirability of having conditions laid down when licences are granted to physically handicapped people so that they may drive only a certain type of car, or cars fitted in a certain way. In recent years, the Chief Commissioner has exercised a power—apparently wrongly—to cancel these licences where the conditions are not observed. There was a bad example recently where a handicapped person attempted to drive a car not fitted in the same way as the vehicle on which he obtained his licence, with dire results. I think it is reasonable that the Chief Commissioner should have this power.

The next proposal, which is contained in clause 7, relates to licences to drive tractors. This is somewhat unusual inasmuch as it gives the right to a person over the age of eighteen years to drive a tractor, but no other motor vehicle. There is a provision in the Motor Car Act that a person over the age of sixteen but under the age of eighteen can receive a licence to drive a tractor. There are people who do not wish to drive motor cars and who are unqualified to do so, but who desire to drive tractors. A licence given for the purpose of driving a tractor will entitle such a person to drive a tractor on a public highway, but he will not be able to use the licence to drive an ordinary motor car. The Government thinks this concession is desirable, in view of the representations made by primary producers.

The Hon. L. H. S. Thompson.

Clause 8 amends section 81 of the principal Act, which section has not been used in the manner in which the legislature envisaged. It provides inter alia—

Every person who drives a motor car on a highway carelessly but in such circumstances that there is no actual danger to the public shall be guilty of an offence. Where a person is adjudged not guilty of an offence brought under section 318 of the Crimes Act, provision is made under that Act for him to be adjudged guilty of this lesser offence. Section 318 of the Crimes Act provides, inter alia—

Every person who drives a motor car on a highway recklessly or at a speed or in a manner which is dangerous to the public having regard to all the circumstances of the case, including the nature condition and use of the highway and the amount of traffic, shall be guilty of a misdemeanour. There is an intermediate type of case which fits in between these two offences, where a person has been driving neither sufficiently dangerously to be convicted under section 318 of the Crimes Act nor as outlined in section 81 of the Motor Car Act—carelessly but in such circumstances that there is no actual danger. In other words, the court might consider that he was driving dangerously but not sufficiently dangerously to be convicted under section 318 of the Crimes Act. When he was presented under section 81 of the Motor Car Act, it had to be proved that he was driving carelessly but in such circumstances that there was no actual danger. It was found that this section was quite useless, and it is proposed to improve it by replacing the words “but in such circumstances that there is no actual danger to the public” by the words “without reasonable consideration for other persons using the highway.” So, the intermediate type of offence which involves a degree of danger will in future be catered for by section 81 of the Motor Car Act. In other words, the defect in the original wording is being removed in order to enable this particular section to be of some use in the future.

The Hon. I. A. SWINBURN.—It completely changes the meaning of the section.
The Hon. L. H. S. THOMPSON.—Can Mr. Swinburne visualize a type of case arising where a person may drive carelessly but without danger?

The Hon. I. A. SWINBURNE.—Without danger to the public; how is it intended to tie it up with the public?

The Hon. L. H. S. THOMPSON.—Without reasonable consideration for other persons using the highway. The wording of the English Act is adopted almost in toto. The Solicitor-General examined this matter closely, and he thought this was the only way in which to make the provision effective.

The Hon. I. A. SWINBURNE.—The original wording was included for a specific purpose. How is it now proposed to relate the offence to the public? Really, they are two different things.

The Hon. L. H. S. THOMPSON.—It is difficult to envisage a case where a man is driving carelessly but there is no actual danger to the public, because one never knows where a member of the public might appear from.

The Hon. I. A. SWINBURNE.—If it was for driving in a reckless or dangerous manner, there could be a conviction under the present provision. In the amendment there is no relation to the public. Under the existing provision if a person drove a car carelessly while a man was walking along the road, a conviction could be obtained, but that will not be the position under the proposed provision.

The Hon. L. H. S. THOMPSON.—The recommendation from the Solicitor-General was that the section as framed was quite useless.

The Hon. I. A. SWINBURNE.—It was not useless for what was intended originally.

The Hon. L. H. S. THOMPSON.—I shall undertake to have the point raised by Mr. Swinburne examined again. The Government is being guided by the Solicitor-General in this matter. The amendments in clause 9 increase the penalties for being under the influence of liquor whilst in charge of a motor car. I mentioned some points in relation to this matter earlier to-night, and I do not think I need elaborate further on them at this stage. Finally, in clause 10 there is a provision that there shall be a flat and uniform registration fee for all charter and stage buses operating within an 8-mile limit of the General Post Office or outside it. At present, there is a differentiation made between a bus operating within the 8-mile limit and one operating outside it. It is based, I believe, on the supposition that city buses have to pay a seat tax and are thus charged only a low registration fee, whereas buses operating outside the limit which are not subject to seat tax are assessed for registration on a power-unit basis. Quite frequently that means that the fee for a bus operating in a country area is in the vicinity of £50 whilst that for a bus operating in the city area is only £7 10s. The Government believes this to be an anomaly, and it is proposed to correct it by clause 10.

By and large, I am sure that honorable members will agree that this Bill provides real concessions to the motorizing public and that those clauses which apply restrictive measures are well justified.

On the motion of the Hon. J. W. GALBALLY (Melbourne North Province), the debate was adjourned until Tuesday, November 3.

CONSOLIDATED REVENUE BILL (No. 2).

The debate (adjourned from earlier this day) on the motion of the Hon. G. L. Chandler (Minister of Agriculture) for the second reading of this Bill was resumed.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—A Bill making provision for Supplementary Estimates is common every financial year, and it seems that no Government is exempt from the duty of having to bring down a measure of this nature. In a Budget, which last year amounted to more than £150,000,000, it is natural that some items of expenditure differ from the amounts originally provided.
Some are more than the estimate and some are less. No action need be taken in respect of expenditure less than the estimate, but Parliamentary approval is necessary to cover amounts expended in excess of it.

The Estimates for 1958-59 totalled about £152,000,000, and additional provision of £1,395,112 is required, lifting the total expenditure to nearly £154,000,000. Since the Estimates were prepared, certain items of additional expenditure were incurred in consequence of factors over which the Government had no control. In some directions, there has been expansion, and I offer no criticism in that regard.

It is strange that the Legislative Council should be called upon to deal with the Supplementary Estimates at this juncture, in view of the fact that the Budget will not come before this House until later in the financial year. I do not blame the Treasury or even the Government on that account. At this stage, members of this House do not know what was the total revenue and expenditure for the last financial year and, therefore, how the Budget worked out. On those figures would depend whether the deficit budgeted for by the Government was greater or less than anticipated. Any deficit must be paid for from loan funds, and, until this year's Budget comes before us, we do not know whether the provision for this purpose will need to be more or less than was expected.

I suppose the Supplementary Estimates, the original Estimates and the Budget are, to a great degree, a reflection of what the Commonwealth permits the State to do. In reply to a question asked by Mr. Galbally earlier to-day, the Minister of Agriculture said that he welcomed an indication by the honorable member that "his party"—that is, the Labour party—was now prepared to resist any Commonwealth moves towards unification. The policy that the Federal Government is pursuing is pressing the cause of unification faster than anything our party could hope to do.

The Prime Minister recently replied in the press to a complaint made by the Premier, and, in so doing, voiced a typical lawyer's view. On the one hand, the Prime Minister stated that the Premier should not seek to dip into Commonwealth revenues. On the other hand, he said that the States sought to remove some of their own responsibilities by pushing them on to the Commonwealth. I point out that, if it so desired, the Commonwealth Government could push all those responsibilities back to the States simply by taking action to repeal the uniform taxation legislation. However, it does not choose to do so. When we consider some of the fabulous schemes financed by the Commonwealth out of revenue, while Victoria is struggling along on a shoe string, it can be seen that the State Government is handicapped in supplying the services which it would like to provide.

This Bill is really a machinery measure so far as this House is concerned. We are not empowered to reduce the amount provided for, even if we wished to do so. As, I suppose, the accounts are waiting to be paid, it would not be of much use reducing the amount, even if that were possible. There is nothing for us to do but acquiesce in the provision for the Supplementary Estimates.

The Hon. I. A. SWINBURNE (North-Eastern Province).—This Bill has been brought in as a result of the past year's trading of the Government, which had an income of about £150,000,000. The total amount of the Supplementary Estimates represents an excess expenditure of only about 1 per cent. Most of the items are of a small nature, but clarification is required regarding one or two matters.

Under the heading of "Education," additional provision amounting to £135,500 is made for allowances to students in training. That is a considerable sum of money, and I presume it was necessary to cover unforeseen expenditure, or possibly to cope with a greater demand because more young people became available for training.
I should like the Minister of Agriculture to give some information on this aspect.

Among the items of exceptional expenditure provided for by the Treasury is an amount of £10,000 for "Contribution towards cost of survey and report on 'Resources and Industrial Opportunities in Victoria'." I do not know who made the report, or whether it was for the purpose of fortifying the Premier when he went for his trip around the world to try to sell Victoria. It may be that it deals with the question of decentralization and surveys the opportunities available for the State's development. Perhaps it relates to the metropolitan area. The Minister of Agriculture may be able to furnish members with information on this point.

In the section dealing with health, reference is made to grants to the Hospitals and Charities Fund totalling £382,391. I should like the Minister of Health to explain how the money has been spent. I do not suppose anybody is more interested than I am in hospitals, and, if it has been possible to build a new hospital somewhere, the money has been well spent. The House is entitled to know how this sum was applied and why such a large provision should be included in the Supplementary Estimates.

The Supplementary Estimates might be termed the Treasurer's "tidying up report." In the main, they relate to minor items of expenditure, although I have directed attention to two exceptionally large amounts. The Country party has no objection to the passing of the Bill. As Mr. Merrifield stated, members of this House have little say in the matter. At least, we are paid the courtesy of being able to say that we approve of the Supplementary Estimates.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 (Issue and application of £1,395,112).

The Hon. R. J. HAMER (East Yarra Province).—I wish to relate a few remarks to the Chief Secretary's Depart-
The Hon. G. L. CHANDLER (Minister of Agriculture).—Replying at this stage to a number of matters raised in the course of the discussion of the Supplementary Estimates, I propose first to deal with the amount of £135,500 under the heading of Education, referred to by Mr. Swinburne. The expenditure of that sum was entirely due to increased provision to meet the costs involved in the additional intake of students at teachers' colleges in 1959, and it was in keeping with the general policy of the Government. Another sum to which Mr. Swinburne directed attention was one of £10,000. This was a special grant to the Victoria Promotion Committee to assist that body in the financing of a survey by the Stanford Research Institute of Merlo Park, California, in relation to the industrial investment opportunities in Victoria. The object of the survey was to submit a plan showing specific industries in which overseas capital could be attracted to the country and also in what industries a new organization would have a reasonable chance of success. The presentation of this report should provide the State with a valuable blueprint in the field of capital attraction from overseas.

With respect to the matter just raised by Mr. Hamer, I assure him that his statements and comments will be conveyed to the proper quarter. As to the sum of £382,391 referred to by Mr. Swinburne, with new hospital beds coming into use during the year, it was necessary to provide an extra amount of £198,000 for the Hospitals and Charities Fund. A further £184,000 was provided to offset the fall in totalizator and Tattersall's revenue.

The clause was agreed to, as was clause 2.

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

ALPHINGTON TO EAST PRESTON RAILWAY CONSTRUCTION (HOUSING) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. G. L. Chandler (Minister of Agriculture), for the Hon. L. H. S. THOMPSON (Minister without Portfolio), was read a first time.

SUPERANNUATION BILL.

This Bill was received from the Assembly and, on the motion of the Hon. E. P. CAMERON (Minister of Health), was read a first time.

ADJOURNMENT.

MEMBERS: QUESTIONS IN THE HOUSE: MINISTERIAL REPLIES.

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

That the House do now adjourn.

The Hon. J. W. GALBALLY (Melbourne North Province).—I wish to raise a matter regarding the privilege of members and the asking by them of questions relating to public affairs. This is one of the oldest privileges of members and it is in accord with the Standing Orders. This afternoon I directed to the Minister in charge of the House a question relating to public affairs. It had to do with education, than which there is no more important matter in this community, and with the Government's views regarding the Monash University. I asked the Minister if the Government was prepared to give an assurance that it would not surrender its sole constitutional sovereignty in education—a matter which I believe to be of vital interest to the people. The answer given by the Minister in charge of the House was—

The Government will not surrender its sole constitutional authority in education, or in any other field where it has such authority.

May adverts to the fact that the answer to a question should be confined to the points contained in the question. The question did not relate to whether the Government would surrender its sovereignty in any other matter except education. I inquired as to the Government's intention with regard to education, and I was entitled
to an answer on that matter. The Minister, in his reply, went on to say—

... and welcomes this indication by the honorable member that his party is now prepared to resist any Commonwealth moves towards unification.

I see that, even at this hour, the Minister does not comprehend the point of my remarks. Let me make it clearer. If a member of Parliament asks a question, he is entitled to an answer relating to that question. The Minister gratuitously assumed that implicit in my question was an inference that the Labour party is prepared to resist any Commonwealth moves towards unification. Let me remind honorable members that one of the reasons for the existence of this House is that it is a non-party Chamber. From time to time, I have heard it stated from the Government benches, when questions relating to the existence of this House are raised, “This is a non-party House; party alliances are not so strong here.” The answer given by the honorable gentleman follows a pattern that has been adopted for some time past by Ministers of the Crown, and, if this practice is allowed to continue, members will be stopped from asking questions by the implied threat that in the answer there will be some criticism of the member asking the question. If members are to be denied the right to ask questions relating to public affairs, they will be denied, to that extent, the right and opportunity of fulfilling their proper task as members of this House.

The Hon. L. H. S. THOMPSON.—Do you think the answer given was too detailed?

The Hon. J. W. GALBALLY.—The answer was not an answer at all. It was an attempt by the Minister—or rather, by the departmental officer who framed it—to score off a member of Parliament. That was implicit in the answer. Standing Order No. 71 states—

In answering any such question, the Minister or member shall not debate the matter to which the same refers.

Clearly the answer is, first of all, not in conformity with the ancient usages and customs of either the House of Commons or this House, or with the privileges of members of Parliament, and is in direct defiance of a Standing Order of this Chamber.

The Hon. L. H. S. THOMPSON.—Where does the debate come into the answer?

The Hon. J. W. GALBALLY.—I can see that the Minister without Portfolio is having great difficulty in following this matter, so let me submit this argument to him. The question was put—and I am talking now of the sub-question which forms the basis of my complaint—

... will the Government give an assurance that it will not surrender its sole constitutional sovereignty in education?

The answer was obviously “Yes” or “No,” or to the effect that “The Government declines to answer” and nothing further. The Minister, in his reply, stated—

The Government will not surrender its sole constitutional authority in education—

That is fair enough. It was an answer to the question, and was all that I asked for, but the honorable gentleman went on to say—

or in any other field where it has such authority, and welcomes this indication by the honorable member that his party is now prepared to resist any Commonwealth moves towards unification.

Where, in my question, was there any indication that I or my party was prepared to resist any Commonwealth moves towards unification? Where is that spelt out of a question in which I asked the Minister whether he was prepared to give an assurance? I see that I have at last made myself clear. I hope I shall have the same good fortune on my next point.

The relevant part of the second question addressed to the Minister was—

Is the statement attributed to the Premier that increased inflation brings increased prosperity the considered policy and programme of the Government?

The Ministerial answer was in these terms—

No such statement was made by the Premier.
On 17th October, the *Age* published a report with this heading—

**LIVING COSTS RISE 3s. IN MELBOURNE.**

The report proceeded—

"**SIGN OF PROSPERITY**" *Mr. Bolte Says.*

In Melbourne last night, the Premier (Mr. Bolte) said the increase was a reflection of general prosperity.

One might, of course, in a rash moment be inclined to attribute, somewhat unwisely, to such a responsible journal as the *Age* some temerity in that report. I hesitate to do that, but, lest honorable members should entertain any fears on the matter, let me read from the *Sun News-Pictorial* of the same date—

**COST OF LIVING UP 3s. IN MELBOURNE.**

Cost of Living Rise Shows Prosperity: Bolte.

The Premier (Mr. Bolte) said last night that the increase in living costs (see page 3) was a reflection of general prosperity.

So far as I know, those statements were not contradicted by the Premier. From time to time, we hear of members of Parliament and lesser lights having been misquoted, but it is indeed rare to hear of the Premier being misquoted, and I should have thought he would have a ready method of correcting any such error forthwith. It seems inconceivable that the journals in this community, if they had a misquotation drawn to their notice by the Premier, would not correct it within 24 hours.

On 19th October, a couple of days after the reports appeared in the *Age* and the *Sun News-Pictorial*, the *Herald* published an article in which it was stated—

**LESSONS IN PRICE RISES.**

In drawing conclusions from the latest quarterly cost-of-living estimates, which show a rise of 3s. a week in Melbourne, few people will agree with the Premier, Mr. Bolte, in his reading of the increase as a sign of prosperity.

It is true that there is a high level of prosperity in Australia, but rising costs of living reflect the pressures of continued inflation and in the experience of most families inflation is a threat to prosperity.

So far as I know, the Premier did not inform the *Age*, the *Herald* or the *Sun News-Pictorial* that he had been misquoted. The question I asked of the Minister was couched in these terms—

Is the statement attributed to the Premier that increased inflation brings increased prosperity the considered policy and programme of the Government?

What else can be spelt out of that? Is it not a matter touching public affairs and something of vital importance to every person in this community, from a Judge down, who is on a fixed income? The short answer to the question is, "No." Was that the kind of answer one would expect from the first citizen in this State?

The Hon. I. A. Swinburne.—You got too much in one answer and not enough in the other.

The Hon. J. W. Galbally.—That is so. It might be put for a moment, "Oh yes, Mr. Bolte did not have that in mind when he made the statement." I shall not weary the House by discussing that aspect at this late hour, but members will remember the Budgets that have been brought down by the Treasurer. His first one was called the anti-inflation Budget. The next was his hold-the-line Budget, when cost-of-living adjustments were abolished by Act of Parliament on the basis that if they were retained it would be a sign of inflation. When I ask a question which is directed to the very thing the Premier has adverted to for the past two or three years, the honorable gentleman tries to ram it down our throats that he did not make the statement attributed to him. I believe that, in public affairs, there should be less equivocation by the Premier of this State. He should be honourable in all his public dealings, even with members of the Opposition. Ministers sitting opposite may laugh. I know the manner in which their answers to questions asked in this Chamber are framed. Nevertheless, so long as I remain a member of this House I shall continue to ask questions relating to public affairs, particularly in respect of education and inflation. Every member of this Chamber is entitled to an honest answer to a question which he asks.

The Hon. G. L. Chandler (Minister of Agriculture).—I wish to say a word or two in reply to Mr. Galbally. First,
I could hardly believe my ears when I heard his question read out. Let me repeat it—

In view of the "Do as we say or else we will continue to withhold your money" attitude of the Universities Commission, will the Government give an assurance that it will not surrender its sole constitutional sovereignty in education?

One would almost have thought it was the Premier, not Mr. Galbally, putting that point of view.

The Hon. J. W. GALBALLY.—Are you confusing the Premier's policy with mine?

The Hon. G. L. CHANDLER.—No, I am not. On this occasion, Mr. Galbally got the right answer and the one he expected, according to the manner in which he framed his question. He does not now seem to like it. I suggest that if Mr. Galbally does not want to get similar answers in the future he should frame his questions in a much different way. We all welcome the indication that there is no intention to surrender our sole rights in education to the Commonwealth. From the manner in which the question was asked, it is obvious that is exactly what Mr. Galbally himself thinks, and he got the answer he expected, although it did not read too well in print. As to the second matter complained of by Mr. Galbally, the Premier claims that he did not make the statement attributed to him, and I do not intend to enter any controversy in that regard.

The motion was agreed to.

The House adjourned at 10.45 p.m.

LEGISLATIVE ASSEMBLY.

Tuesday, October 27, 1959.

The Speaker (Sir William McDonald) took the chair at 4.9 p.m., and read the prayer.

FREE LIBRARY SERVICE.

GROUPS ESTABLISHED: SUBSIDY.

Mr. COOK (Benalla) asked the Treasurer—

1. How many Free Library Service groups were established in each of the years 1951 to 1959?

2. What total amount of subsidy was allocated for the purpose in each year?

3. What conditions apply to the granting of the subsidy?

4. Whether, having regard to the number of groups now established, the Government proposes increasing the total amount provided by way of subsidy?

Mr. BOLTE (Premier and Treasurer).—The answers are—

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of new groups established.</th>
<th>Amount of subsidy allocated.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 1950-51</td>
<td>4</td>
<td>£10,000</td>
</tr>
<tr>
<td>1951-52</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>1952-53</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>1953-54</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>1954-55</td>
<td>2</td>
<td>£7,842</td>
</tr>
<tr>
<td>1955-56</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>1956-57</td>
<td>2</td>
<td>£10,000</td>
</tr>
<tr>
<td>1957-58</td>
<td>4</td>
<td>£10,000</td>
</tr>
<tr>
<td>1958-59</td>
<td>2</td>
<td>£10,000</td>
</tr>
</tbody>
</table>

3. The municipal councils comprising regional groups must themselves be eligible as individual councils for the municipal library grant, and there must be a form of agreement entered into between the councils concerned covering control of finances and the functions and powers of the Regional Library Committee, location of the headquarters library, and representation on the committee. The general standard of service of the Regional Library Service must be approved by the Free Library Service Board.

4. The Government has already taken action to make available an additional amount of £4,000 this financial year, making a total of £14,000. The extra amount will enable grants to be made to eight regional groups which did not participate in the allocation for 1958-59.

HORSE-RACING.

ALLOCATION OF TOTALIZATOR REVENUE: BETTING TAX.

Mr. MUTTEN (Coburg) asked the Treasurer—

1. In respect of the operation of the totalizator at race-meetings held during each of the years 1956-57 to 1958-59: (a) what amounts were paid into consolidated revenue by the Victoria Racing Club, the Victoria Amateur Turf Club, the Moonee
Valley Racing Club, the Melbourne Racing Club and the Victorian Trotting Control Board, respectively; (b) what amounts were retained by each club; and (c) what amounts were paid to Automatic Totalizators Limited?

2. What total amount was received in betting tax in each of the years mentioned?

Mr. BOLTE (Premier and Treasurer).

—The answers are—

1. The amounts paid into the Consolidated Revenue by the named clubs were:—

<table>
<thead>
<tr>
<th>Year</th>
<th>Victoria Racing Club</th>
<th>Victoria Amateur Turf Club</th>
<th>Moonee Valley Racing Club</th>
<th>Melbourne Racing Club</th>
<th>Victorian Trotting Control Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>1956-57</td>
<td>211,423</td>
<td>49,421</td>
<td>48,659</td>
<td>35,457</td>
<td>36,569</td>
</tr>
<tr>
<td>1957-58</td>
<td>186,440</td>
<td>44,905</td>
<td>41,604</td>
<td>37,870</td>
<td>73,643</td>
</tr>
<tr>
<td>1958-59</td>
<td>158,815</td>
<td>36,569</td>
<td>41,467</td>
<td>34,499</td>
<td>72,887</td>
</tr>
</tbody>
</table>

The amounts paid to Automatic Totalizators Limited by each club were:—

<table>
<thead>
<tr>
<th>Year</th>
<th>Victoria Racing Club</th>
<th>Victoria Amateur Turf Club</th>
<th>Moonee Valley Racing Club</th>
<th>Melbourne Racing Club</th>
<th>Victorian Trotting Control Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>1956-57</td>
<td>47,411</td>
<td>41,467</td>
<td>40,05</td>
<td>34,499</td>
<td>34,405</td>
</tr>
<tr>
<td>1957-58</td>
<td>46,416</td>
<td>41,604</td>
<td>40,05</td>
<td>34,499</td>
<td>74,837</td>
</tr>
<tr>
<td>1958-59</td>
<td>48,119</td>
<td>41,467</td>
<td>40,05</td>
<td>34,499</td>
<td>74,837</td>
</tr>
</tbody>
</table>

The amounts retained by each club after payment of the above-mentioned amounts to Automatic Totalizators Limited were:—

<table>
<thead>
<tr>
<th>Year</th>
<th>Victoria Racing Club</th>
<th>Victoria Amateur Turf Club</th>
<th>Moonee Valley Racing Club</th>
<th>Melbourne Racing Club</th>
<th>Victorian Trotting Control Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>1956-57</td>
<td>98,722</td>
<td>94,904</td>
<td>83,512</td>
<td>78,801</td>
<td>25,999</td>
</tr>
<tr>
<td>1957-58</td>
<td>107,766</td>
<td>99,620</td>
<td>83,416</td>
<td>73,571</td>
<td>28,436</td>
</tr>
<tr>
<td>1958-59</td>
<td>107,766</td>
<td>99,620</td>
<td>83,416</td>
<td>73,571</td>
<td>28,436</td>
</tr>
</tbody>
</table>

2. The total amount received in respect of the turnover tax on bookmakers' transactions in respect of each of the years shown was:—

<table>
<thead>
<tr>
<th>Year</th>
<th>Victoria Racing Club</th>
<th>Victoria Amateur Turf Club</th>
<th>Moonee Valley Racing Club</th>
<th>Melbourne Racing Club</th>
<th>Victorian Trotting Control Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>1956-57</td>
<td>974,960</td>
<td>1,186,513</td>
<td>83,416</td>
<td>73,571</td>
<td>28,436</td>
</tr>
<tr>
<td>1957-58</td>
<td>1,135,998</td>
<td>1,186,513</td>
<td>83,416</td>
<td>73,571</td>
<td>28,436</td>
</tr>
</tbody>
</table>

MENTAL HYGIENE AUTHORITY.

PATIENTS IN MENTAL HOSPITALS: COST OF DRUGS AND MEDICINES.

Mr. DOUBE (Oakleigh) asked the Minister of Education, for the Minister of Health—

1. What drugs and medicines are required for the treatment of patients in mental hospitals?

2. What were the costs of these drugs and medicines as at 1st January of each year since 1950, and what proportion of these costs was not met by the Mental Hygiene Authority and from the Commonwealth National Welfare Fund respectively?

Mr. BLOOMFIELD (Minister of Education).—The Minister of Health has supplied the following answers:—

1. A complete range of drugs and medicines is used in mental hospitals, as patients are treated for both physical and mental conditions. In recent years, however, there has been a substantial increase in the use for purely mental conditions of tranquillizers, such as chlorpromazine and other drugs which are not on the list of Commonwealth pharmaceutical benefits drugs.

2. The cost of drugs, medicines, &c. purchased by the Mental Hygiene Branch in financial years since 1950 and the amounts recouped from the Commonwealth in respect of pharmaceutical benefits drugs used are as follows:—

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Receipts from Commonwealth for Pharmaceutical benefit drugs used.</th>
<th>Payment was made as from 17.3.55.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1950-51</td>
<td>£ 16,498</td>
<td>£</td>
</tr>
<tr>
<td>1951-52</td>
<td>23,897</td>
<td></td>
</tr>
<tr>
<td>1952-53</td>
<td>30,489</td>
<td></td>
</tr>
<tr>
<td>1953-54</td>
<td>42,382</td>
<td></td>
</tr>
<tr>
<td>1954-55</td>
<td>77,502</td>
<td></td>
</tr>
<tr>
<td>1955-56</td>
<td>104,007</td>
<td>12,776</td>
</tr>
<tr>
<td>1956-57</td>
<td>111,446</td>
<td>7,878</td>
</tr>
<tr>
<td>1957-58</td>
<td>130,978</td>
<td>18,513</td>
</tr>
<tr>
<td>1958-59</td>
<td>190,221</td>
<td>32,375</td>
</tr>
</tbody>
</table>

Note: The figures shown in the column "Total Cost" include the cost of sundries such as bandages, surgical and X-ray supplies, &c.

ANNUAL REPORTS.

Mr. DOUBE (Oakleigh) asked the Minister of Education, for the Minister of Health—

1. Whether he is aware that the latest annual report of the Mental Hygiene Authority available to members of Parliament relates to the year 1957?

2. Whether the 1958 report will be presented to Parliament prior to the resumption of the debate on the Mental Health Bill?
Mr. BLOOMFIELD (Minister of Education).—The answers, as supplied by the Minister of Health, are—

1. Yes.
2. The 1958 report is at present in the hands of the Government Printer, and it should be available at an early date.

INMATES OF MENTAL HOSPITALS: QUALIFICATIONS FOR COMMONWEALTH AGE AND INVALID PENSIONS.

Mr. DOUBE (Oakleigh) asked the Minister of Education, for the Minister of Health—

1. How many patients in mental hospitals have—(a) an age qualification for the purposes of the Commonwealth Social Services age pension, and (b) a disability qualification for the purposes of the Commonwealth Social Services invalid pension?
2. How many of these patients receive age and invalid pensions, respectively?

Mr. BLOOMFIELD (Minister of Education).—The Minister of Health has furnished the following replies:—

1. (a) Males 675, Females 1,441.
   (b) Between 2,000 and 2,500 of the remaining patients in mental hospitals would have a disability qualification for an invalid pension.
2. Age and invalid pensions are not paid to patients in mental hospitals.

CHILDREN IN INSTITUTIONS: PAYMENT OF COMMONWEALTH CHILD ENDOWMENT.

Mr. DOUBE (Oakleigh) asked the Minister of Education, for the Minister of Health—

1. How many children under sixteen years of age are inmates of institutions operated by the Mental Hygiene Authority?
2. In respect of how many of these children Commonwealth child endowment is paid to—(a) the Mental Hygiene Authority; and (b) the parents or guardians of the children?

Mr. BLOOMFIELD (Minister of Education).—The answers supplied by the Minister of Health are as follows:—

1. 964.
2. (a) 278.
   (b) No record is available, although it is understood that some parents or guardians who provide clothing and extras for children in institutions collect child endowment in respect of such children.

COUNTRY ROADS BOARD.

DJERRIWARRH BRIDGE: CONSTRUCTION AND COST: ROAD DANGER SIGNS.

Mr. SCOTT (Ballarat South) asked the Minister for Local Government, for the Minister of Public Works—

1. When it is estimated that the construction of the Djerrriwarrh bridge will be completed?
2. What is the estimated cost of the structure?
3. Whether the Country Roads Board will give consideration to the erection of special danger signs in this area to be exhibited there until the works on the bridge have been completed?

Mr. PORTER (Minister for Local Government).—The following answers have been supplied on behalf of the Minister of Public Works—

2. £40,000.
3. Yes. Existing signing will be examined to ascertain if supplementary signs will be of value.

NATIONAL PARKS AUTHORITY.

LOCATION AND RENTAL OF OFFICES: SALARY OF DIRECTOR: EMPLOYEES: ANNUAL REPORT.

Mr. MITCHELL (Benambra) asked the Premier—

1. Whether the National Parks Authority offices are located in Allan's building, Collins-street, Melbourne; if so, what annual rental is paid for these premises?
2. What salary is paid to the Director of the Authority?
3. How many persons are employed by the Authority and what weekly salary is paid to each employee?
4. When he will present to Parliament the report of the Authority for the year ended 30th June last?

Mr. BOLTE (Premier and Treasurer).—The answers are—

1. (a) Yes.
   (b) The annual rental is £1,989, including charge for cleaning.
2. £2,441 a year.
3. The Authority employs a staff of four persons consisting of: Director, secretary, technical officer and stenographer. The weekly salaries are respectively: £46 15s. 7d.; £33 18s. 10d.; £29 10s. 8d.; £9 13s. 7d.
4. Copies of the report are in the hands of the Clerks for presentation to both Houses of Parliament.
BREWERY-HOTELS DISPUTE.

Sir HERBERT HYLAND (Gippsland South).—I desire to ask the Premier the following question without notice—Will he make an offer to both sides in the brewery-hotels dispute to appoint an independent arbitrator to settle the dispute?

I have consulted the honorable gentleman, who has intimated that he is prepared to answer my question.

Mr. BOLTE (Premier and Treasurer).—The question refers to what has become known as the “beer price” dispute, which is something outside the jurisdiction of the Government as such. I have already made an offer—if one could call it an offer—through the press to both parties in this dispute that, if they request it, the Government will consider acting on the lines indicated. However, I think the honorable member for Gippsland South is asking for something further—that I request the parties to ask the Government to appoint an arbitrator.

At this stage of the dispute, I would not go so far as that. However, I repeat my earlier offer. It must be remembered that an arbitrator cannot be appointed to arbitrate on any dispute unless both sides are willing, before the arbitrator is appointed and the whole proposal examined, to accept the decision reached. The appointment of an arbitrator in this instance would have to be on the basis of both sides agreeing to the appointment and to accept whatever decision was reached.

COAL MINES (PENSIONS) BILL.

Mr. MIBUS (Minister of Mines) presented a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Revenue for the purpose of a Bill to amend the Coal Mines Act 1958.

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

On the motion of Mr. MIBUS (Minister of Mines), the Bill was brought in and read a first time.
Under section 26, one of the purposes of taking a deposition appears to be that it may be used on appeal or order to review in a higher court. The committee had some evidence before it that appeals and orders to review proceedings under the Act were very rare, perhaps as low as one or two per annum. Precise figures would be almost impossible to obtain.

As pointed out by the committee in paragraph 6 of its report, new matter is commonly introduced on appeals which may contradict what appears in the deposition. The appeal court does not confine itself to evidence given in the lower court. The deposition then becomes merely informative only and not the whole record of the case.

It is therefore more than apparent that the benefit of having written sworn depositions is heavily outweighed by the great loss of time incurred in taking them, the delay and inconvenience to other litigants and practitioners and the fact that once taken they are seldom again used or referred to. Clause 1 contains the short title and reference to the Imprisonment of Fraudulent Debtors Act 1958, and clause 2 simply effects the repeal of section 26. I commend the Bill to the House.

On the motion of Mr. CAMPBELL TURNBULL (Brunswick West), the debate was adjourned until next day.

POLICE REGULATION (DELEGATION OF POWERS) BILL.

Mr. PORTER (Minister for Local Government).—I move—

That this Bill be now read a second time.

This is a short measure to amend the Police Regulation Acts. Its purpose is to empower the Chief Commissioner of Police to delegate his powers and functions to officers of the Victoria Police Force. Under various enactments, the Chief Commissioner of Police is required to do certain things or to sign certain documents, and these matters are effective only when done by the Chief Commissioner personally. For instance, the personal signature of the Chief Commissioner is required on the recommendation of an applicant for a police pension, gratuity or allowance, a recommendation for long service leave or pay in lieu of furlough, certificates of "approved service" for pension purposes, certificates under the Firearms Act in respect of antique firearms, licensing authorities under the Licensing Act 1958, exemptions from certain requirements under the Motor Car Acts, and so on.

Again, we have the purely routine but voluminous task of approving sick leave applications for members of the Force injured on duty, approvals for travelling expenses in special cases, and the like. This information is merely an indication of the various duties performed by the Chief Commissioner and is by no means meant to be a list of his duties.

Section six of the Police Regulation Act 1958 empowers the Governor in Council, when circumstances require, to appoint an Acting Chief Commissioner of Police, who in all respects takes the place of the Chief Commissioner. Accordingly, if the Chief Commissioner of Police is on duty, the Acting Chief Commissioner of Police cannot perform the statutory duties of the Chief Commissioner. This section is used only where the Chief Commissioner is temporarily absent from duty, perhaps due to illness, when on annual leave, or because of some other pressing necessity.

The enforced absences of the Chief Commissioner from his office are not infrequent. For instance, he may be subpoenaed to attend a court in an action involving the issue of a motor driver's licence, or he may be required to hear a disciplinary charge in a country town where the convenience of the witnesses has to be studied, or he may require to be away for two or three days on an inspection tour of country stations. The personal contacts established during such inspections are a highly important factor in the Chief Commissioner's control and superintendence of the Force, but the Chief Commissioner is often unable to undertake these
important tours because of the more pressing need for him to remain in the office to undertake purely administrative duties.

The trend for some time has been to require the personal attention of the Chief Commissioner to statutory duties and to routine administrative work, and the time has come when it is imperative to relieve the strain on the Chief Commissioner by giving him the power to delegate a particular power or function to another officer. The amendment is so framed that the Chief Commissioner of Police will not be prevented from performing any power or function so delegated. The power of delegation conferred on the Chief Commissioner of Police by this Bill is similar to that conferred upon permanent heads of Departments under the Public Service Act 1958.

Clause 2 inserts a new section after section 6 of the principal Act. The new section empowers the Chief Commissioner of Police to delegate in writing to any officer or officers of the Force all or any of his powers and functions except the power of delegation. The provision also preserves the right of the Chief Commissioner to perform any of the powers or functions so delegated and to revoke the delegation at any time.

On the motion of Mr. CAMPBELL TURNBULL (Brunswick West), the debate was adjourned until next day.

SOLDIER SETTLEMENT (AMENDMENT) BILL.

The debate (adjourned from September 23) on the motion of Mr. K. H. Turnbull (Minister of Soldier Settlement) for the second reading of this Bill was resumed.

Mr. MOSS (Murray Valley).—I wish to express my appreciation to the honorable member for Gippsland West for allowing me to speak at this stage. He obtained the adjournment of the debate when the honorable member for Brunswick East concluded his speech a few weeks ago. There is one point that is important in connexion with the general administration of the Soldier Settlement Commission. All members of the Commission are due to retire within a short period of time, and I think the Government should give consideration to the fact that if they are allowed to retire on the due dates a completely new Commission will come into office. I pay a tribute to the work of Mr. Simpson, who has been chairman of the Commission since its inception. It might be wise to reappoint Mr. Simpson as chairman of the Commission for a further short period and, when other members of the Commission retire, to take the opportunity of appointing someone who may later become the chairman. The work carried out by the Soldier Settlement Commission in Victoria is unsurpassed by any other land development scheme in the world.

Under the existing legislation, any sale of farming land, the net annual value of which exceeds £75, to a person other than an ex-serviceman, must be lodged for the consent of the Minister. Although this provision may have been necessary some years ago, it is superfluous to-day. The practice not only adds to the cost payable by the purchaser but also delays transactions for the sale of the properties. I support the proposal, which is long overdue, to dispense with the need to obtain Ministerial approval for sales of this type.

The amendment proposed by clause 2 provides for the Commission being able to consent to share-farming or subletting of portion of a settler's holding. I should like to know why the amendment has been restricted to only a portion of a settler's holding. The Minister explained that the amendment was required so that a settler could have an area of land broken up by a share-farmer if he did not have adequate plant to do so himself. I find it difficult to understand why the amendment cannot be extended to cover the whole of the settler's property.

When dealing with clause 4, the Minister stated that settlers enjoyed considerable concessions in so far as the interest rate chargeable on their advances was concerned. However, when the original Act was passed, it was not
visualized by Parliament that such concessions should be negotiable. It was the desire of Parliament, at that time, to minimize the difficulties of first world war soldier settlers by providing long-term loans at low interest rates—loans were to be of 55 years' duration and the interest rate payable was 2 per cent. Although the Bill provides some relief for the widows or children of deceased soldier settlers, no such relief will be forthcoming so far as sick settlers are concerned. When prescribing that loans should be of 55 years' duration at an interest rate of 2 per cent., Parliament failed to provide that a settler must reside on or personally work his land.

Provision was made for share-farming and sub-letting of a settler's land, but the will of Parliament was circumvented, to some extent, by a regulation prescribing that a soldier settler must personally reside on his land, unless otherwise exempted, and he must personally work his property. Under this regulation, it will be difficult for a settler to derive the full advantage of the long-term loan and the low interest rate. If a returned serviceman was granted a block of land at the age of 25 years—that is a young age at which to obtain land—he would be 80 years of age before his lease expired. Other settlers could be older when first obtaining land and, when their leases expired, they would be incapable of effectively working their properties.

The effect of the proposed amendment will be that a settler who is incapable of continuing to work his property will have to convert his loan to a lease of twenty years for which a higher interest rate would be payable. That is not a fair deal. Certainly, some very good settlers have already paid for their blocks, but others do not have the requisite capacity to "run" a top herd or to work a top property. It is unfair to provide that if a settler wishes to sublet or share-farm his property he must be refinanced on a different basis, with a shorter term loan and an increased interest rate. If a settler wishes to realize on his assets and take up some other occupation, the Government should regard him as being rehabilitated. I have no objection to the proposal in the Bill so far as persons of that type are concerned, but for the settler who is remaining on his property but who, through incapacity, illness, or old age, must reside on his block and personally work it, an impossible situation is being created. In the Committee stage, I propose to move an amendment to safeguard settlers in this category. Apart from that aspect, the Country party supports the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Commission may allow sub-letting or share-farming).

Mr. K. H. Turnbull (Minister of Soldier Settlement).—The honorable member for Murray Valley referred to this clause which provides for a settler to share-farm or sublet portion of his holding. A similar provision was contained in the Land Settlement Bill, which was recently passed by this Parliament and, after its enactment, the returned servicemen's league felt it would be good to incorporate the provision in the Soldier Settlement Act. If a settler wished to carry out developmental work, it would not pay him to acquire the necessary machinery, and so on, and the provision would enable him to get someone to share-farm the area, or sublet it for twelve months to allow someone else with the ability to work the block and thereby save expense.

The honorable member for Murray Valley asked why settlers should not be allowed to share-farm or sublet the whole of their properties. In 1946, when the honorable member for Bendigo piloted the original Soldier Settlement Bill through this House, Parliament treated the soldier settler generously. Only a small percentage of the returned servicemen in Victoria ultimately obtained blocks of land under the Commission. Quite apart from write-offs of capital liabilities, settlers were granted the concession of an interest rate of 2 per cent.—at that time, the long-term interest rate was approximately 3 per cent.
Such is not the case to-day when the long-term interest rate is approximately 5 per cent. I do not think Parliament envisaged that the time would come when it would say to these settlers, who are enjoying this concessional interest rate, that they might sublet their properties or live away from them. The purpose of the legislation was to help rehabilitate ex-servicemen who were eligible and qualified to become settlers. That has been done, but, in granting the concessions, restrictions were placed in the legislation. I do not think that Parliament to-day is in the mood to depart from those restrictions, because it must be remembered that, whilst it would be desirable to assist a few thousand soldier settlers in this way, the help given to them would be from the tax-payers' money and many thousands of ex-servicemen who are not settlers contribute to the revenues of this State. Therefore, the Government could not agree to permit a settler to sublet or share-farm the whole of his property. The Government of this State has in the past acquitted itself quite well in regard to the rehabilitation of ex-servicemen in their chosen calling.

Mr. MOSS (Murray Valley).—I am somewhat disappointed at the Minister's reply. If a settler wished to go away from his block and earn his livelihood in some other direction, the Government's decision would be quite proper. The Minister has said that he does not feel disposed to recommend that all the property be sublet or share-farmed, but that there would be no objection to such action in regard to a particular area or portion of a block which required reworking. If a soldier settler becomes, through illness, incapable of working his property, surely there would be some justice in the Commission allowing him to sublet or share-farm his property. The Soldier Settlement Commission, having examined the situation, could give such permission. I believe provision should be made whereby the whole area could be share-farmed or sublet. The Commission should be given a discretionary power to assist a settler in this way so that he will have time to recover and then be able to carry on the conduct of his farm. I should like the Minister's reaction on that aspect.

Mr. K. H. TURNBULL (Minister of Soldier Settlement).—Over the years, there have been quite a few cases of settlers becoming physically ill and a few cases of mental illness. Such cases have been treated in a most lenient manner by the Soldier Settlement Commission. Settlers have never been asked to surrender their leases unless the settler has died or doctors in a mental institution have pronounced the case as incurable. I could not quote one case of sickness in which the Commission asked the settler to surrender his lease. The Commission has always given the settler at least twelve months in which to recover. Having regard to the past performance of the Commission, I believe the matter can be left in its hands to treat settlers in a fair and sympathetic manner.

Mr. FENNESSY (Brunswick East).—At the outset of my second-reading speech, I intimated that members of the Opposition were quite happy with the provisions contained in the Bill. The Soldier Settlement Commission has done a particularly good job. The honorable member for Murray Valley said that he is somewhat disturbed at the fact that within a short time the members of the Soldier Settlement Commission will be due to retire and will have to be replaced. He stated he had some misgivings about those persons who may be appointed to the Commission, particularly the person who would be selected for appointment to the position of chairman. I suggest to the honorable member that the answer might be to allow the work of the Soldier Settlement Commission to revert to control by the Lands Department which has efficient and capable officers who would be able to meet the future requirements of persons settled on the land. As soldier settlement is almost completed in Victoria and, indeed, throughout Australia, it might be an appropriate time to make the change I have suggested.

Members of the Opposition are confident that in the past the Commission has given every consideration to cases of hardship. The majority of soldier
settlers are satisfied with the manner in which the Commission has dealt with such cases. The Opposition supports the clause.

Mr. MOSS (Murray Valley).—The Minister stated that the Soldier Settlement Commission has always been most sympathetic in cases of hardship. That may be true, but I point out that a settler at Katunga died and his wife took over the block. She advertised for a share-farmer, but the Soldier Settlement Commission informed her that she could not share-farm her property and that the conditions of the purchase lease specified that she must reside on and personally work the place? The Commission pointed out that the legislation contained no provision by which she could share-farm the property. Now the Minister has said that a settler may sublet or share-farm the property but that he will have to be refinanced. The widow I mentioned will have to refinance if she wishes to engage a share-farmer.

Mr. FENNESSY.—Cannot she employ local labour?

Mr. K. H. TURNBULL.—She could do so.

Mr. MOSS.—She did employ local labour, but it would have suited her better to engage a share-farmer who would take the responsibility of watering the property and managing the herd. I have no doubt that the Commission is always sympathetic, as the Minister has said, but the sensible approach in this case would be to allow her to share-farm. It might be preferable to provide that all, instead of portion, of a property may be sublet or share-farmed.

The clause was agreed to, as was clause 3.

Clause 4, providing, inter alia—

After section seventy-three of the Principal Act there shall be inserted the following section:—

(2) Any mortgage under this section shall be upon the security of the land comprised in the purchase lease and shall provide for—

(a) the payment to the Commission of the settler’s outstanding liability to the Commission under the terms and conditions of the purchase lease and in respect of advances and otherwise under this Act;

(b) the payment of interest by the settler at a rate equal to the credit account rate applicable under section one hundred and nineteen of this Act at the time of making any such Crown grant; and

(c) the repayment of the sum secured together with interest accrued thereon within twenty years from the making of any such Crown grant.

Mr. MOSS (Murray Valley).—I move—

That paragraphs (b) and (c) of subsection (2) of proposed new section 73A be omitted with the view of inserting the following paragraphs:—

(b) the payment of interest at a rate equal to the credit account rate applicable under section 119 of this Act at the time of making or transferring any such Crown grant except where the mortgagor or transferee is the settler or his widow widower or child when the rate of interest shall be 2 per cent.;

(c) the repayment of the sum secured together with interest accrued thereon within twenty years from the making of any such Crown grant except that where the mortgagor or transferee is the settler or his widow widower or child the period shall be equal to the unexpired period of the purchase lease.

The proposed amendment would allow provision to be made for the widow or child of a soldier settler. I do not think it fair or reasonable to say, as I mentioned previously, that a widow must be refinanced on the basis of twenty years at the bond rate of interest before she can engage in share-farming. During the coming years, increasing numbers of cases such as the one I referred to will occur. By the time the soldier settlers reach the end of the period of the loan, they will be too old to engage in working their properties. In the original Act, no restriction was placed on the soldier settler by which he had to reside on the property and personally work it. The Act made provision for sub-letting and for share-farming, and Parliament set the rate of interest at 2 per cent. on a 55-year basis.
I wish to preserve for the people who, perhaps through no fault of their own, will have to continue to pay the interest rate and repay the loan over a 55-year period, the rate of interest which was fixed originally by Parliament. The principle agreed to was circumvented by a regulation passed in 1954 which incorporated in the purchase lease a provision that the settler must reside on and personally work the farm. In order that justice may be done to the widows and children of ex-servicemen, I believe they should continue to benefit from the rate of interest originally agreed to by Parliament.

Mr. K. H. Turnbull (Minister of Soldier Settlement).—In 1946, Parliament decided that soldier settlers should be given a period of 55 years in which to repay their liability at an interest rate of 2 per cent. I am sure no honorable member, and certainly the Minister concerned, thought for one moment that the settlers would require the full period in which to repay the loan. The purpose of the long term was to lighten the burden on the settler if he had to liquidate his liability in 25 or 30 years. No one has ever considered that the concession was to enable a settler to repay his loan over the full period of 55 years. I do not think there is any settlement in which the soldier settlers are not doing reasonably well. Even if settlers were paying 5 per cent. interest, they could pay off their properties in about twenty years, if they so desired. I do not think in 20 or 30 years' time it will be found that many of to-day's settlers are too frail to work their farms. Statistics show that, in Victoria, farm lands change hands on the average every nineteen or twenty years. I think that pattern will be followed in soldier settlement, too. I am sure that the administrators of the estates of the few soldier settlers who do not leave their properties paid off will not still be paying the annual instalments at the end of the 55-year period.

Every settler has a substantial equity in his block. If a settler found it necessary to live away from his property, and did not feel disposed to pay the higher rate of interest—incidentally, that is governed to a large extent by the current long-term rates—he could sell his property for a reasonable amount. Some eighteen months ago, legislation similar to this was passed in respect of single-unit farm advances. At that stage, it was not suggested that the interest rate should remain at 2 per cent. instead of 5 per cent. in the case of widows, sons, and so on. The proposition was a blanket arrangement. I do not think we can discriminate in the matter. The group settlers are general settlers who have had the benefit of write-off of capital value and cheap interest rates. I do not think we are being hard in providing that if a settler wants to live away from his farm or to mortgage his property he must have his lease cancelled and be refinanced at an interest rate of 5 per cent. I think the proposal is fair, and that 90 per cent. of soldier settlers are strongly in favour of it. A good deal of pressure for this legislation has been applied by the settlers themselves, who are seeking the freedom that it confers.

Mr. Moss (Murray Valley).—The Government's attitude to this matter does not entitle it to much credit. I do not object to the proposal in so far as it relates to a man who wishes to leave his property and go into some other business, and a suitable provision to cover that contingency is embodied in my amendment. However, I disagree very strongly with the Minister if he thinks a soldier settler who wants to share-farm his property should pay the higher rate of interest, and if he thinks it is fair that a man who is incapacitated because of old age should have to be refinanced at a higher rate of interest.

Mr. Ffennessy (Brunswick East).—The first reaction of my party and myself to the Bill was that it might permit certain soldier settlers to take advantage of the fact that they had been settled on a very good block at the expense of the taxpayer, by raising money on their equity and taking up some other
business. The Minister of Soldier Settlement and interested parties outside the House assured me that that was not the case, that the Soldier Settlement Commission would take cognizance of the fact that the money was provided initially by the taxpayer, and that individual settlers would not be enabled to exploit the position. As an ex-serviceman, I regard soldier settlers as being very fortunate. Many thousands of applications for soldier settlement were made, but only 12,000 of the applicants were regarded as eligible for soldier settlement. Of that number, 6,171, or approximately 53 per cent., have been settled on the land. The attitude generally of those whose applications were refused, and of those who were declared eligible but may never be settled under the scheme, is that the applicant who secured a block was a very fortunate man.

I would take a very poor view of any soldier settler who wanted to use, in his own self interest, the credit established for him by the State. The Soldier Settlement Commission is a wise body, and I am sure it would give sympathetic consideration to any specific cases of hardship suffered by widows or sons who have been carrying on a farm under the scheme. If certain settlers, for a reason other than illness, want to leave the land and to raise money on their equity, under the Bill they will be required to take out a first mortgage with the Commission at 5 per cent., and to repay their outstanding liability within a period of twenty years. I point out that at present, the ordinary bank overdraft rate is 6 per cent. The proposal is fair, and I am sure that very few soldier settlers disagree with it. Indeed, I have been assured that the great majority of settlers are satisfied with what is embodied in the Bill. The Opposition will not support the amendment proposed by the Country party.

The amendment was negatived, and the clause was adopted, as were the remaining clauses.

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

ALPHINGTON TO EAST PRESTON RAILWAY CONSTRUCTION (HOUSING) BILL.

The debate (adjourned from September 8) on the motion of Mr. Fraser (Minister of Forests) for the second reading of this Bill was resumed.

Mr. WILKES (Northcote).—The purpose of this Bill is to release certain land to the Housing Commission for development by that body. It repeals legislation that was passed by Parliament in 1948. To place the matter in its proper perspective, it is necessary, as the Minister of Forests did in his second-reading speech, to examine the second-reading debate on the Bill that was passed in 1948. If honorable members undertake that task they will then understand the legislation that it is now proposed to repeal.

In 1946, the Housing Commission acquired a large area of land between Alphington and East Preston for housing and industrial purposes. Since then, portions of this land have been developed. Some of it has been released for private home building and industry. Strangely enough, the optimum development has not been reached in the whole of this area, except perhaps where the Housing Commission has completely developed its land in the northernmost part of the locality.

The area in question comprises 2,580 acres and extends for approximately 4 miles in a northerly and southerly direction. It is bounded by the Darebin creek in the east and extends to within three-quarters of a mile of the main Reservoir railway line in the west. Of this area, 630 acres were set aside for industrial purposes and 352 acres were reserved for schools and commercial purposes. The remainder was to be used for housing. It was estimated that when the area was fully developed the population would be 36,000. The Housing Commission has already built 3,100 homes on its portion. Opposition members would very much like this development to be increased, but we believe there are other aspects that should be considered by the Government.
The Government of the day in 1946 considered that if the area was to be developed an efficient transport system was needed. It asked the Public Works Committee to investigate the question of whether a railway line should be built in the area. Evidence was given by local bodies, metropolitan planning authorities and private people who owned land in the vicinity—such as quarry proprietors and others. It is interesting to note the evidence given to the committee at that time. The Heidelberg City Council, the Preston City Council and the Northcote City Council gave varying opinions as to whether a railway line was desirable.

The Heidelberg council, for instance, considered that it would be better to improve the existing facilities of the Heidelberg railway line than to spend money on a new line, although it considered that some form of transport was necessary. The Preston council had a different idea. It suggested that there should be a tramway in the area, and pursued that contention. The Northcote council was just as progressive in 1946 as it is to-day and was firmly of the opinion that a railway line was required. In fact, it suggested to the committee that a railway line was the best method of providing a transport service to this locality.

The recommendation of the committee was that a railway line be constructed in the area. The Government considered that it was necessary to pass legislation which this Bill proposes should now be repealed. The Bill was introduced by the then Minister of Transport, Colonel Kent Hughes. In his second-reading speech, he went to great lengths to explain the desirability of and necessity for a means of transport in that area. The late Mr. Cain supported the proposed railway line, as did the Leader of the Country party, who said—

I hope that sufficient land will be acquired to provide, when it is needed, a double track throughout the whole length of the line. I am sure that a double track will become necessary in the future.

Obviously the honorable member had seen the area and he realized at that time the need to provide transport facilities. The honorable member for Bendigo also supported the proposal.

I agree that the Railways Commissioners can put forward economic arguments to prove that there has been a falling off in passenger traffic on the two lines that run parallel to this area—the Northcote-Reservoir line and the Westgarth-Ivanhoe line. The Railways Commissioners assert that the decline in business is 41 per cent. and 34 per cent. respectively. Of course, such conditions can be brought about by varying factors. However, those figures do not satisfy members of the Opposition that there is no need for a transport service in the area. The honorable member for Fitzroy and I inspected the locality recently. The development that has occurred is made up in varying ways, mainly industrially and residentially by private enterprise and by the Housing Commission. Many private homes have been built, in addition to those constructed by the Housing Commission.

The remarks of the Minister of Forests relating to the provision of adequate transport facilities are not correct in regard to the northern and southern portions of the locality. Feeder bus services are provided to the east and to the west, but if people want to travel to the city they have to journey to one of the railway lines that I have mentioned or to a tramline.

Opposition members assert that in the future there will be further industrial development in the area. In answer to a question asked by the honorable member for Fitzroy recently in relation to the number of vacant blocks owned by the Housing Commission, it was stated that in the Preston area there are still 680 lots and 176 in the Northcote area, in addition to the land with which this Bill deals. Moreover, there are 160 acres of industrial land in Preston adjacent to this area, and that will be developed in the near future because of its proximity to the city, to railheads, and to other forms of transport. When that development occurs, certain services will be required. That has been proved in other areas.

Mr. Wilkes.
As an example, I cite the closing of the Fawkner railway line. The present Government realized shortly after it closed that line that it would be necessary to reopen it to cope with the increased traffic brought about by industrial development. Of course, that line is now operating again. Here we have a similar situation in the Alphington-East Preston area, where the Government wants to dispose of this land which was acquired in 1946 for only £22,000. I venture to suggest that a conservative estimate of its present-day value would be £350,000. Obviously, land of that value will be developed, and, in fact, industry is going into the area now. Opposition members believe that the Government should therefore retain ownership of this land, if not for all time at least until the Master Plan is ratified by Parliament. I ask the Government to consider that suggestion.

Another important aspect that should be considered before this land is handed over for housing development is that the highways branch of the Melbourne and Metropolitan Board of Works, in its evidence to the Public Works Committee in 1946, stated that there was a need for transport facilities in the area. By virtue of the fact that the railway line has never been built, the Board of Works has drawn up plans for the construction of a freeway or a highway. That highway will run parallel to the land in question. Opposition members contend that the Government will have to pay a great deal of money to acquire land for this highway at 1959 values. We submit that it should give consideration to utilizing that portion of the land that is adjacent to the railway for the purpose of construction of this highway, thus saving the State in the vicinity of £250,000. We believe that to be a practical solution to the problem. Why should the Board of Works acquire land at 1959 values when a suitable area already acquired at 1946 values is available? Such action would not impede development in the area.

If the Government has made up its mind that for economic reasons a railway line should not be constructed in the area, the highway should be superimposed on the existing land, and then perhaps it will be possible to have some other form of public transport to serve the district.

After speaking to various house-owners in sections developed by private enterprise, I fail to see that development by the Housing Commission in certain areas will be practical under any circumstances. Some areas do not lend themselves to development by the Commission. If it constructed an estate where there were established brick veneer houses worth from £5,000 to £6,000, the owners would probably object strongly. I am not criticizing the types of houses being built by the Commission. It erects quite good dwellings for people requiring that type of accommodation, and there is nothing wrong with them from a constructional viewpoint. However, the stereotyped design of Commission houses would have a serious effect on values if they were built alongside existing private homes of individual architectural design. Consideration should be given to this aspect.

Where private development has taken place in the southernmost section of the area in question, the construction of a road would be the most suitable means of providing access and aiding further development. This would be of great assistance to industries north of Bell-street, Preston: The Government should not dispose of the land immediately to the Housing Commission, which already has land that it can use in this locality. It is not devoid of land for either housing or industrial purposes, as it has 630 acres, including 8,000 blocks that can be developed.

No serious inconvenience is being caused to the municipalities concerned. In 1946, the municipal councils expressed their opinions on this matter, and probably those opinions would be the same now. Northcote would be satisfied if some other form of transport were provided. The Melbourne and Metropolitan Tramways Board has started a service from what was the Olympic Village, along Oriel-road, Darebin-road, and Separation-street, and this is reported to be one of the best
paying lines in the district. If a similar service were provided, there is no reason to doubt that it would be as profitable.

I strongly urge the Minister to consider holding this land until the Master Plan of the Melbourne and Metropolitan Board of Works is ratified by Parliament. Then information will be given regarding the intentions of the Town and Country Planning Board or the highway section of the Melbourne and Metropolitan Board of Works in relation to the construction of a highway in this area. If it is intended to proceed with the building of a highway, the Government will not be put to any expense if it retains possession of this land for that specific purpose. Opposition members oppose the disposal of the land at present to the Housing Commission.

Mr. CHRISTIE (Ivanhoe).—The question of the construction of a railway line from Alphington to East Preston is of great interest to me, because the route selected runs north and south practically through the centre of my electorate, and into the constituency of Northcote. About twelve or eighteen months ago, being interested in this railway planning, I inquired when it was proposed that this railway should be built. I was informed that the project was included in a plan of construction, and that it would be built within eight years.

It was not until a question was asked in this House about nine months ago by the honorable member for Northcote that I became aware, much to my surprise, that the proposed line would not be built. I think anybody could have the reaction that I experienced. One would wonder whether the railways had had a change of heart, whether they had a new plan, or whether, in fact, they had much of a plan at all, because if there is any area in Melbourne which needs first-class railway access, it is the district in question. Any local member would be a little appalled at this “off again, on again, gone again Finnigan” sort of approach. I am sure the honorable member for Northcote was surprised when he was advised that the proposed railway line would not be built, because about twelve months previously—some eighteen months ago—it was stated that the line would be built within eight years.

I began to wonder what would happen to the projected £30,000,000 underground railway scheme if the branches were lopped off. I should think that, instead of a statement to the effect that the area did not need railway transport, a much more detailed explanation should have been given, and some other indication furnished of how the residents of the district were to be served with transport. As the honorable member for Northcote stated, they are reasonably well served from east to west, but they are not well served from north to south, and this is important. There must be much better access than there is at present. In view of the fact that private suburban bus operators are having a pretty tough time in this city, I consider that the only answer to the problem is the provision of adequate road access and cheap public transport.

A new road is needed in this locality. In the course of my electorate work, I was approached by some constituents who had owned land adjacent to the route of the proposed railway line. They informed me that their blocks had been taken over by the Housing Commission, subsequently released, and then frozen by the Melbourne and Metropolitan Board of Works for the purpose of a road.

The matter raised by the honorable member for Northcote was taken up by me six months ago with the various Ministers. It was pointed out that the land reserved for the railway was parallel with a road, and it was suggested that, instead of more property owners being disturbed by the freezing of certain lands for the construction of a new road—the route of which, incidentally, crosses the creek at least once—the railway land should be used.

I discussed this matter with the Minister of Housing, the Minister of Transport and the Minister for Local Government, and I have built up quite a file on the subject. Finally, at the request of the Minister of Housing, the Director of Housing wrote me a letter.
stating that when the Housing Commission took over the land in question the representations I had made would be seriously considered. That was a very good thing, but I am a little nonplussed in view of a letter I have received from certain of my constituents who have taken up with their solicitors a matter of land transfers within the area reserved for the proposed railway.

I suggest to the Minister of Housing and to the Minister of Forests, who is in charge of the Bill, that they might examine this question, because it appears that effect cannot be given to the suggestion which the honorable member for Northcote has just made and which I made six months ago. Solicitors have given folio titles and other particulars of land on the route of the proposed railway line which was transferred by the Housing Commission as early as last April.

According to my information, certain land which is now proposed to be transferred to the Housing Commission, has already been sold by the Commission to private individuals, and I direct special attention to that fact. So the plan suggested by me months ago, and by the honorable member for Northcote tonight, appears to be a "blue duck." Lot 10, McClure-street—that takes a big slice of it—and lots 23, 24 and 28, which cut right across the land reserved for the railway line, have been sold. I am somewhat nonplussed about this. I have already mentioned to the Minister of Forests that some of my constituents have asked me to bring this matter under notice, and I should be glad to provide the honorable gentleman with a complete plan.

The sitting was suspended at 5.57 p.m. until 7.19 p.m.

Mr. CHRISTIE.—Prior to the suspension of the sitting, I mentioned a little difficulty that had presented itself in connexion with the suggestion brought forward by myself some six months ago that the railway land might be used for a traffic highway instead of as a new reservation for the Melbourne and Metropolitan Board of Works. Having disposed of that, I should like to add that a very eminent man, who survived a good deal of inquiry and who has written some most interesting books—I refer to Dr. Schacht, the economic adviser to the Hitler régime—was asked by the Indonesian authorities in 1952 to advise them on the economic development of their territories. In his report he made one significant statement—"Do not build a railway to this particular locality. Build a great highway because the era of the railroad is over." That man's opinion must carry some weight, because certain of his economic theories have been proved to be fairly effective and have been copied in other countries.

As we own the railways, it is our job to see that they survive against all competition. The plea I put forward on behalf of my constituency and of the people of Northcote is that, if the Government intends to abandon the proposed railway, which in my view is wrong, and is prepared to spend £30,000,000 on an underground system, why should it consider the lopping off of the branches that would feed the underground, the roots of the system? However, if the policy of the Railways Commissioners is to take that course, we must see that the people of the area are provided with magnificent highways and freeways and first-class cheap public transport.

I have discussed this matter with the Northcote City Council which, I agree, has a very high standard of perfection in its operations, as it had in past years. It was a joy to me when I attended the council as member for portion of the city of Northcote, to realize that the council operates in a very fair and public-spirited manner in all its activities.

An HONORABLE MEMBER.—It must be a Labour council, judging by the way you are talking.

Mr. CHRISTIE.—I do not recognize the council's politics, but I do recognize good works when I see them. The people of the East Thornbury area are home-owners; they are good people, good hard workers, and deserving of a good transport system. I suggest to the Government that as the Railways
Commissioners have abandoned the area in question, it might think in terms of providing other adequate means of cheap public transport.

Mr. RING (Preston).—I endorse the remarks of the honorable member for Northcote and protest against the proposed repeal of the legislation providing for the building of the railway from Alphington to East Preston. In the East Preston area there are quite a number of acres not yet built on. While the Government is laying its itchy fingers upon this land I would remind honorable members that in the initial stages it was bought for about £300 per block. To-day portion of it is worth up to £1,000 a block as a residential area, while in the industrial area it would be worth anything from £2,000 to £4,000 a block. Seeing that the land has increased so hugely in value since 1946, I consider that it could well be left as it is if the railways are not prepared to construct the line as originally proposed. The land would not be losing its value.

As the honorable member for Ivanhoe said, the project of a railway extension has a bearing on the proposed underground railway system. I agree that one cannot cut off the feeders for an underground system if that is to be constructed. The people of the area, of which I speak are inadequately provided with transport. We have heard that the proposed freeway running parallel with the railway, if it were put through, would cost a huge amount of money and entail the demolition of numbers of houses on the north of Wood-street, which is very thickly populated. Also the freeway would have to be built over the sandpits north of Wood-street, whereas the railway could have gone down through them. It has been said that the Preston council has been more or less apathetic on this matter generally. But since 1948 it has changed and is now vigorously supporting the project.

The proposed handing over of the land to the Housing Commission is another feature with which I disagree. The area in question should be retained by the Government and left as it is for future development. In this locality, the east and west areas have been already covered. A bridge will be constructed over the Darebin creek which will bind both sides—East Preston and West Heidelberg. In the East Heidelberg district 51 factories have been built within the past two years. The heavy industries there are not provided with adequate transport. Perhaps the time will come when the Government of the day—it may not be the present Government—will wish to develop the area in the manner suggested at the time when the railway was proposed. The honorable members for Northcote and Ivanhoe have covered practically the whole of the ground with respect to this Bill. However, I trust that the Minister will have another look at the measure, because I do not think the land concerned should be handed over to the Housing Commission, which body will be enabled to sell it to private individuals at a huge profit.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Repeal of No. 5435).

Mr. WILKES (Northcote).—I listened with great interest to the remarks of the honorable member for Ivanhoe and was amazed to hear him state that a portion of the land had already been transferred. The honorable member referred to several lots in McClure-street. One particular allotment—lot No. 10—is actually covered by the Bill now under discussion. It seems very strange to me that some of the land involved has been transferred before the measure is passed, and we should like some explanation from the Minister why that has taken place. I do not see how the lot concerned has any relationship to the lining up of certain lands for the purpose of adjoining owners, and I can only conclude that, for some reason best known to the Government, a Department has allowed land to be transferred before the enabling legislation has been placed upon the statute-book. If that is the actual position, it is of little use to speak of roadways or freeways as the honorable member for Ivanhoe mentioned. Obviously, no highway could be
superimposed on that land, as was suggested. Moreover, the situation will not be relieved by providing an access road whereby public transport can be instituted at some later date. It is with regret that we hear of this state of affairs, because we were of the opinion that the proposed freeway or highway could have been superimposed on the land and that, by so doing, the Government would save the people of Victoria a considerable sum of money. It appears that, because of the premature transfer of some of the land involved, it will be necessary—if the Melbourne and Metropolitan Board of Works wishes to proceed with its scheme for a freeway—to acquire the requisite land at 1959 values. We believe this to be a retrograde step.

Mr. PETTY (Minister of Housing).—A lot has been made of the transfer of several blocks of land which are supposed to have been reserved for a railway. Perhaps a few words of explanation concerning the historical background of the matter would not be out of place. Members will doubtless recall that in 1946 the Housing Commission was compelled by the Government of the day to acquire land which it did not require for itself, but which the then Government desired to reserve for a prospective railway. Under section 10 of the Alphington to East Preston Railway Construction Bill No. 5345, the Housing Commission was authorized to act in that manner. However, the Government which introduced that legislation in 1948—and subsequent Governments also—refused to take over the land. Moreover, successive Governments have refused to commit themselves to building the railway. Accordingly, the Housing Commission has from time to time had on its hands from £20,000 to £30,000 worth of land for which it had paid and which it did not want. It requested the railway authorities to take over the land so that it could get its money back. Two or three years ago I submitted a case to the Minister of Transport showing that the Commission had paid a certain price for and on behalf of the Railway Department, and had paid substantial rates on the property concerned. I requested that the railway authorities take over the land because the Department would not have to pay rates as the Housing Commission did. Subsequently, the Railway Department intimated that it did not intend to proceed with the building of the railway and, therefore, that it would not take the land over. Accordingly, the property was virtually left on the hands of the Housing Commission.

Since the date of acquisition, some of the land has been re-zoned from housing to industrial purposes. When the Commission discovered that the land would be left on its hands, it contacted the town planner and, since dinner to-night, I have discussed the matter with the chairman of the Housing Commission, who has also had several conferences with the town planner concerning the proposed road which is marked on the map. Quite a large area of the land which is covered by the legislation will be taken over by the planning authorities for part of the proposed road. Indeed, all the land around Ford-street and an equal area to the east will be taken over.

Mr. WILKES.—Has the land already been acquired?

Mr. PETTY.—Yes. I have been assured by Mr. Bradley, chairman of the Housing Commission, that when the land acquired for the railways comes to our hands it will be taken over by the planning authority in connexion with the road which it is proposed to construct in the future. With respect to the tract of land referred to by the honorable member for Ivanhoe, part was owned by the Commission and part was in the reserved area. We knew the land in question was coming back to the Housing Commission. It was needed for industrial purposes. A satisfactory price has been submitted for it. That is an explanation of a matter about which certain people are trying to make it appear there is some mystery. I do not include the honorable member for Northcote in my remarks. I merely wish to explain to the Committee what has happened in this particular area. The Commission took over the land for another body which refused to take it off the Commission’s hands. The
matter has been dealt with in a business-like way. The Government Department which might want the land has been given first choice of it.

The clause was agreed to, as was clause 3.

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

SUPERANNUATION BILL.

The debate (adjourned from September 23) on the motion of Mr. Porter (Minister for Local Government) for the second reading of this Bill was resumed.

Mr. CLAREY (Melbourne).—This Bill, whilst relatively small, is nevertheless very important. At the outset may I say that it discloses the necessity—a point which I wish to stress a little later—of the Government undertaking, by the appointment of a non-party committee, a complete and thorough review of the Superannuation Act. Not only is the State largely concerned in an important way with the administration and stability of the Superannuation Fund, but it is charged with the responsibility of treating equitably an increasing number of pensioners and an increasing number of Government employees who are contributors to the fund.

The measure deals with three main issues. The first and most important, as the Minister pointed out in his second-reading speech, is that it proposes to increase the maximum number of units of pension from 26 to 36. Secondly, it will qualify the conditions of inclusion as contributors to the Superannuation Fund of certain employees of the Hospitals and Charities Commission and of the Rural Finance Corporation. Thirdly, it will amend the interpretation of "officer" in respect of those offices to which the holders, by Order in Council, may be admitted to superannuation benefits.

The Government introduced a rather important amending Bill in November, 1955, following elections held earlier that year. However, it was found necessary to introduce another short Bill early in 1956 to correct anomalies which had become apparent after the earlier measure had become law. Following the 1958 elections, the Premier introduced a Bill the purpose of which, he said, was to give effect to his policy speech in which he remarked that he would endeavour to remove anomalies in the Superannuation Act. However, when introducing the Bill he stated that only one serious anomaly had come to light. I suggest that anomalies are being revealed constantly. Earlier this year, it was necessary to amend the consolidated Act of 1958.

I should now like to examine what is involved in the present proposals. First of all, this is one Bill to which I could find no reference in the Premier's policy speech, although I speak subject to correction. Certainly, there was no reference in that speech to the fact that it was proposed to increase the maximum number of units for which contributors could subscribe. The basic and most important amendments to the Superannuation Act were introduced in 1955, and I wish to refer to extracts from the policy speeches of the then Premier, the late John Cain, and of our present Premier. The latter stated, inter alia—

THE MAINTENANCE OF A FAIR STATE SUPERANNUATION SCHEME.

In accordance with the need for keeping this scheme in line with present economic conditions—

I underline the last six words—

we will amend the Act dealing with State superannuation so that, retrospectively to 1st March, the following conditions will operate. First, payment of 17s. 6d. will be made on all units up to a maximum of 26. The Premier then went on and referred to the second and third objectives which have no particular relevance to the Bill before us, and then stated—

In addition, increases will be given to superannuated State servants up to and including those with eight units.

The late John Cain, who was Premier at the time to which I am referring, stated in his election policy speech—

Shortly after taking office my Government increased Public Service superannuation payments up to the value of 16 units. It now proposes to legislate for the value of all units to be increased up to
Further, special provision will be made for persons in receipt of small pensions (eight units or less) by increasing to £1 the value of such units.

I do not wish to quote the table of superannuation benefits which applied prior to 1955, but just mention briefly that under the 1950 Act, generally speaking, the unit of pension was 15s. per week. By legislation passed in 1953 by the Cain Labour Government early in its term of office, retired public servants who were receiving a pension not in excess of £624 a year were granted an increase of one sixth of their pension. In other words, their average pension unit was increased from 15s. to 17s. 6d.

In 1955, the present Government brought in an amending measure to increase the value of the first four units to £1 each. It also fixed the value of the next four units at 17s. 6d. and the value of units nine and ten at 12s. 6d. a week each. In effect, it meant that those persons who subscribed for four units received a pension of £4, and those who contributed for eight units received a pension of £7 10s. For those persons who contributed for up to two further units the pensions applicable were £8 2s. 6d. and £8 15s. 6d. For those who contributed for a greater number than ten units, the average unit rate was 17s. 6d. a week. What is now proposed by the Government is to retain the same scale of contributions as is in existence at the present time, up to 28 units, but to provide for those in the higher salary groups to contribute for a greater rate of pension. In other words, the Government’s policy is “To him that hath shall be given.”

Mr. Bolte.—The same scale applies in New South Wales and in the Commonwealth sphere.

Mr. Clarey.—I am just outlining the policy of this Government. It may be following the system in operation in New South Wales and in the Commonwealth sphere.

Mr. Bolte.—Members of the Labour party have a set on the Public Service.

Mr. Clarey.—That interjection is equivalent to remarks of the Chief Secretary recently when he stated that I had some grudge against the police. As one who started his career in the Public Service, I have nothing whatever against that institution. I have admiration for our public servants and do not blame those in the higher salaried groups for seeking to obtain a little more. That is only human nature. After all, I do not suppose we need become seriously alarmed as, according to the figures quoted by the Minister for Local Government, who made the second-reading speech on this Bill, the ultimate annual cost of the proposal will amount to approximately £35,000. As he pointed out, the increase in the maximum number of units of pension from 26 to 36 is in line with the schemes operating in the Commonwealth, the New South Wales and the South Australian public services.

The Labour party does not intend to vote against the clause which seeks to achieve this increase in units, but its members feel that they are entitled to be critical of the proposal. In these times of financial stringency in this State, when the Government is saying that it would like to do all sorts of things but cannot find the necessary money, we wonder why they should suddenly have concern for poor public servants who are in receipt of a salary of over £2,210 a year and can contribute for a maximum pension of £1,183 per annum at present.

I appreciate that the Minister for Local Government stated that only some 840 contributors will be affected and of this number more than half will be entitled to elect to contribute for only four or less additional units. He stated also that the cost to Consolidated Revenue in the first year or two of operation will be negligible, and the estimated annual cost will ultimately be of the order of £35,000.

At the present time, contributors to the fund in receipt of a salary of from £195 to £2,210 can contribute for units ranging from three to 26, which latter number represents a maximum pension of £1,183 per annum. What is now proposed is to enable those in receipt of salaries in excess of £2,210 to subscribe progressively up to another ten units of a
value of 17s. 6d. each. In other words, one of the purposes of the Bill is to increase the maximum pension, according to salary, from the present maximum of £1,183 to a new maximum of £1,638 per annum. We appreciate the plight of the poor public servant in receipt of only £2,210 who must retire on attaining the age of 65 years and naturally finds that it is difficult for him to subsist on a pension of £1,183!

Whilst we are not going to vote against this proposal, we feel that the Government should have given due consideration to the claims of those public servants in the lower-income groups. As I mentioned earlier, in his 1955 election policy speech, the present Premier said that he intended to do something special for those contributing for a pension of up to eight units. It turns out that he did something for those contributing for up to four units, but those contributing for a greater number—whether it was five or 26—were treated in the same way. When the Bill is in Committee I shall move an amendment to the scale set out in clause 3 to provide for a pension of £1 per unit in respect of the first eight units and for the increase then to taper off gradually so that from twelve units onwards there will be no alteration to the proposed scale. Elaboration of this proposal will be left until the Committee stage when figures can be quoted to show the strength of the Superannuation Fund and the necessity, perhaps, for a complete overhaul of the legislation in order to remove quite a number of anomalies which I shall outline.

I now come to another very interesting matter which arises out of clause 2 of the Bill. It has reference to the conditions for inclusion as contributors to the fund of certain employees of the Hospitals and Charities Commission and the Rural Finance Corporation. In his second-reading speech, the Minister for Local Government said, inter alia—

Opportunity has been taken to include in the Bill two further amendments which the Government considers are necessary. The first of these deals with the admittance to the superannuation scheme of the staffs of the Hospitals and Charities Commission and the Rural Finance Corporation. Honorable members will recall that, during last session, the Superannuation (Amendment) Act 1959 was passed by Parliament to achieve this purpose. However, as the result of certain legal advice, the Act was not proclaimed to come into operation, and its repeal is provided for in this Bill. The legal advice was to the effect that, if the Act became effective, certain members of the staffs of these authorities might be legally entitled to substantial superannuation benefits to which, taking into account age and their short periods of past and anticipated service, they had no moral entitlement.

Obviously, the clause is designed to do an injustice to one or two people.

Mr. Bolte.—That is wrong.

Mr. Clarey.—The Premier claims that what I have said is wrong, but it is clear from the Minister's second-reading speech that the purpose of the clause is to take away from certain members of the staffs of the authorities in question, something to which they are legally entitled.

Mr. Bolte.—It was never an Act.

Mr. Clarey.—Certainly, the Act was not promulgated, but the Bill was passed by both Houses of Parliament. When explaining the Superannuation (Amendment) Bill in April of this year, the Premier stated, inter alia—

It will be noted that the Bill provides for a certificate to be given by the chairman of each body and the Director of Finance before any person is admitted as a contributor. This provision will ensure that only persons of an age which will enable them to give a reasonable period of service before normal retirement will be admitted as contributors. It will not interfere with the existing powers of either body to employ persons, irrespective of age, in a temporary capacity without superannuation rights.

Provision is also made for the Bill to come into operation on a day to be proclaimed in order that all administrative details may be finalized before the legislation actually becomes operative.

The reason for postponing the proclamation of the Act was to enable certain administrative details to be worked out. Now, we have been informed that the Bill passed earlier this year would, if proclaimed, legally entitle certain persons to something which the Government does not think they should receive. Clause 2 of the Bill, which was passed but was not proclaimed, proposed to
include in the State superannuation scheme certain staff of the Hospitals and Charities Commission and the Rural Finance Corporation. It added these words to the interpretation of "officer":—

Any person whom the Chairman of the Hospitals and Charities Commission and the Director of Finance certify in writing to the Superannuation Board to be employed on the permanent staff of the Hospitals and Charities Commission; any person whom the Chairman of the Rural Finance Corporation and the Director of Finance certify in writing to the Superannuation Board to be employed on the permanent staff of the Rural Finance Corporation.

The Government admits that there are people on the permanent staff of the Hospitals and Charities Commission, but it now wishes to deprive them of superannuation rights. Originally, it was proposed that any permanent employee of the Hospitals and Charities Commission and the Rural Finance Corporation should be eligible to join the Superannuation Fund, but this Bill provides—

Any person on the permanent staff of the Hospitals and Charities Commission whom the Chairman of that Commission and the Director of Finance certify, in writing, to the Superannuation Board to be in their opinion a person whose age and past and anticipated length of service render him suitable to be a contributor under this Act; and any person on the permanent staff of the Rural Finance Corporation whom the Chairman of that Corporation and the Director of Finance certify, in writing, to the Superannuation Board to be in their opinion a person whose age and past and anticipated length of service render him suitable to be a contributor under this Act.

Not only has the person's age to be considered, but also his past experience and his anticipated length of service must be taken into consideration. I view with misgiving the real reasons why this particular clause has been inserted.

So far as the Rural Finance Corporation is concerned, there will be no difficulties arising from the passage of this Bill. At present, certain members of the Hospitals and Charities Commission staff are already covered by the Superannuation Act—they were public servants prior to their appointment to the Commission—and others are eligible to join the special fund, which relates specifically to managers and executives of hospitals. They contribute on a £1 for £1 basis—it is not as attractive as the State superannuation scheme—and, instead of receiving a pension upon retirement, they are granted a lump sum.

The Opposition supported the Superannuation (Amendment) Bill when it was considered in April of this year, but it is not happy about this particular alteration. The Rural Finance Corporation consists of a staff of 26—excluding the three Board members—nineteen of whom are males and seven females. Of the nineteen males, five are already covered by the existing Superannuation Act, having been associated with the Public Service prior to their transfer to the Corporation. Four members of the staff are ineligible for superannuation benefits because of their age and the remaining ten have been accepted. Of the female staff of seven, five are married and two are contemplating marriage, and they will not be brought into the fund for the time being.

There are certain difficulties associated with section 3 of the principal Act, which contains a number of definitions of the word "officer," one of which is—

Any person holding office—
(i) under the Crown; or
(ii) as a member or in the service or employment of any body created by or under any Act of Parliament—

to which office the Governor in Council, on the recommendation of the Treasurer of Victoria, by Order published in the Government Gazette declares that the provisions of this Act shall apply.

It has been applied to a number of persons—I have not a list of those to whom it is applicable—and there are others specifically mentioned in the Second Schedule to the Act who are automatically covered. For example, the chairman of the Victorian Railways Commissioners and the Commissioners of the State Rivers and Water Supply Commission, are specified in the Second Schedule. As statutory bodies have been established from time to time, this general proviso enables the Government to say, "We will declare the members
of this Authority to be eligible to be officers under the Superannuation Fund."

When dealing with the Superannuation (Amendment) Bill earlier this year, I pointed out that, because of their association with the State Public Service, the chairman and one of the members of the Rural Finance Corporation were already covered by the Superannuation Act, but the third member was not so covered. I suggested that the Government might consider bringing him within the ambit of the Superannuation Fund by declaring his particular office to be one to which superannuation rights should apply. It should be appreciated that it is the office and not the holder of the office which may be brought under the Superannuation Act. The Government proposes that if it has already declared the holder of a certain office as being entitled to come within the Superannuation Fund and there is a change of occupancy of the office in question, it shall be able to say, "For the time being we will cancel the Order in Council that brought this particular office within the scheme." Once an office has been declared as coming within the ambit of the Act, there is no statutory authority given to the Government to say, "We will withdraw the holder of that office from the list of persons coming within the Act."

In his second-reading speech, the Minister for Local Government—I use his words because he expressed it more pithily than I could—made this statement—

The further amendment to which I have made reference is in respect of offices under the Crown of which the holders were admitted to superannuation benefits by Orders in Council made pursuant to the provisions of paragraph (j) of the interpretation of "Officer" in sub-section (1) of section 3 of the principal Act. The offices concerned are, in the main, those held by certain members of Boards and Commissions and, once the office is placed under superannuation, any future holder of the office is automatically entitled to superannuation benefits irrespective of age and possible length of service.

This fact might well be an embarrassment to any Government when making a decision regarding a future appointment to such an office. Accordingly, provision has been made in this Bill to give the Governor in Council power to revoke any such Order made in respect of any particular office during any period in which the office is vacant. This will allow the Government making the new appointment to give consideration to the question of whether or not superannuation benefits should be offered to the particular appointee instead of his being automatically entitled to those benefits as at present.

Honorable members can probably see the force of that argument with which the Opposition agrees. I urge the Government to give serious consideration to establishing some authority—I do not necessarily mean an all-party committee—to examine the Superannuation Act with a view to ironing out any anomalies that may now exist. This would obviate the necessity for enacting piecemeal amending legislation from time to time.

A number of proposals for improving the superannuation scheme have been suggested to me. For example, there are in the Act alternative schedules for females who may retire at either 65 years of age or 60 years of age, and consideration should be given to providing a similar privilege for males.

It is difficult when dealing with a fund that is basically concerned with money and money values to satisfy everybody. A number of people whose insurance policies are now maturing took them out 40 or 50 years ago and paid their earlier premiums in sovereigns. The policies are now paid in currency which has diminished in value. I realize that it is impossible to overcome the difficulties connected with a fund into which money is paid and from which money is drawn when that money must be invested in gilt-edged Government securities which have depreciated in real purchasing power.

When the Government introduced an amending Bill in 1955 there was some heart-burning among certain sections of the Public Service because the superannuation scale was altered. Prior to that, for each additional $52 a year in salary a member was entitled to an extra unit. That was altered in 1955 so that a person's salary had to be increased by $65 before he could
obtain an additional unit. As a consequence, people in certain categories who were expecting to take out extra units found that even though their salaries had been increased they were not able to contribute for additional benefits.

I do not wish to submit tables at present, but there are many other points involved. For instance, the widow of a contributor to the Superannuation Fund is entitled to a pension of only five-eights of that of her late husband, whereas widows of members of Parliament who serve the required length of time receive a full pension. There are many anomalies with which I do not wish to weary the House, but I suggest that the Government might consider, perhaps, asking the Superannuation Board itself to go a little outside its authority and investigate some of these anomalies and make a public report. Members of Parliament would then have an opportunity of studying the report and passing on the information to the large number of public servants interested.

The last report of the Superannuation Board for the year ended 30th June, 1958, disclosed that there were 41,902 contributors to the fund and that the number of pensions in force was 14,852. Honorable members will realize that, as the Public Service is growing and new contributors, who might not retire for many years, are paying into the fund, it is natural that the number of contributors at present should greatly exceed the number of those drawing pensions. When the latest figures are released, doubtless those vitally interested in the Superannuation Act will exceed 41,902, and I suggest that the Government should appoint someone to examine all aspects of the Act. Although it would not be possible to satisfy everybody, it would be possible to remove some anomalies which members of the Public Service or statutory bodies should have an opportunity of pointing out and which should be discussed dispassionately from a non-party angle. The Opposition does not oppose the Bill, but during the Committee stage one amendment will be moved.

Mr. BOLTE (Premier and Treasurer).—As I was absent when this Bill was introduced, I feel that I should comment on the remarks passed by the honorable member for Melbourne. I should like to commence where he concluded. He quoted the number of contributors to the State Superannuation Fund. It is from that angle that Parliament should consider superannuation, because I believe that per medium of the Superannuation Board and the Government of the day we are custodians of a fund for the public servants of this State. When we consider giving hand-outs and increasing units, we should remember that they come either from the fund or from Consolidated Revenue. I can assure the Committee that there is no money in the fund from past contributions to pay out to retired public servants; it has all been paid out years ago. Any increase in the value of units of such pensioners has to come from Consolidated Revenue.

Many critics of the Government contend that the fund is buoyant. Of course it is, because there are more public servants to-day than ever before, they are all on higher rates of pay and, because they are contributing for more units, are building up this fund, not for the Government to use, but to ensure that when they retire it will be a solvent fund and that a pension equal to the value of the units for which they are subscribing to-day on a known basis will be available to meet their needs when they retire. I remind honorable members that whenever they consider superannuation they should know what they are talking about. The first consideration is whether any additional payment will come from Consolidated Revenue or from the Superannuation Fund. If it is to come from the fund, I suggest that the 41,000 contributors should be consulted, because the fund constitutes their contributions and is safeguarded, I hope, in their interests. If it is on the basis of a contribution from Consolidated Revenue, then it is on a different level. The amendment which the Opposition proposes to move would cost the present Government perhaps £200,000 or £250,000 a year. Although we cannot obtain accurate
figures, the people in the relevant unit group are, in the main, those who are receiving social service benefits from the Commonwealth Government. Every half-crown additional paid to them from the Superannuation Fund means that they will receive a half-crown less from the Commonwealth Government.

Mr. FLOYD.—That is not an argument.

Mr. BOLTE.—It is a good argument in that out of, say, an additional cost of £220,000 to this Government, the Commonwealth Government would, I believe, be saved a payment of £175,000. I should like to examine these cases to see whether they could be met in some other way, because it seems ridiculous to me to save the Commonwealth Government £175,000 at a cost to this Government of over £200,000. That could be the effect. However, I do not want to develop that argument any further at the moment.

The honorable member for Melbourne, in a vague way, implied that there was something funny about the superannuation Bill passed by Parliament early this year, but which has not been proclaimed. The honorable member for Melbourne said that he knew the intention of that Bill. The intention of any Bill on superannuation is to ensure that those people who have an entitlement should receive it. Subsequent to the passing of this measure, it was found that one person, a woman of 60 years of age, had sought legal advice. She was informed that under the provisions of that Bill she was entitled on one payment of £17 to retire the following week on a pension of £344 a year for life. Another case disclosed that a person could make contributions totalling £283 for the next year and retire on a pension of £372 a year for life.

Mr. FLOYD.—Did you not work that out first?

Mr. BOLTE.—Perhaps it was a flaw in the drafting, but we believe that the members of the Superannuation Board are custodians of a fund that belongs to the public servants of this State. Are we to throw money away in the way I have mentioned? We make no apology for not proclaiming that Bill, and it is now being corrected by this measure in an endeavour to be business-like and to act in a proper and correct way. The Government is in no way endeavouring to cover up. We examined the provisions in all ways so that members will receive their just entitlements and so that those who have no real entitlement will not receive huge sums from the fund. We have endeavoured to ensure that widows are fairly treated and that all members of the Public Service obtain their superannuation payments on an equitable basis.

The motion was agreed to, and the Bill was read a second time.

Mr. BOLTE (Premier and Treasurer) presented a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Revenue for the purposes of this Bill.

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

The Bill was committed.

Clause 1 was agreed to.

Clause 2 (Inclusion in interpretation of “Officer” of certain permanent employees of Hospitals and Charities Commission and Rural Finance Corporation).

Mr. CLAREY (Melbourne).—I shall be very brief because the Premier has already given an explanation in reply to criticism that I offered at the second-reading stage. I still think it is strange that a person should have been able to pay into the Superannuation Fund £17 in a lump sum, and then draw a nice pension for life out of the fund. However, I accept the honorable gentleman’s assurance in that regard. Because of some loophole or weakness in the drafting of legislation a woman of 60 years could obtain such a benefit. On the other hand, we must bear in mind that if, by reason of a drafting fault in an Act which is passed by both Houses of Parliament, some person or persons become legally entitled to something, it is not fair, in my opinion, to bring in an amendment to take away from that person or persons the benefit to which, according to legal advice, he is or they are entitled.
Mr. BOLTE.—But you know that was never intended.

Mr. CLAREY.—Surely it must have been intended. In my second-reading speech I have shown how the Bill which went through in 1955 was framed. No person should be able to claim what he or she was not legally entitled to receive.

Mr. BOLTE.—The point is that some people were not legally entitled to a benefit, but they could still claim it.

Mr. CLAREY.—I accept the Premier’s assurance that certain conditions were not fulfilled. I am wondering who was the legal adviser who said that even though they did not fulfill the conditions prescribed by Parliament, certain contributors were able to benefit. Doubtless, the Government has not brought down this amendment without knowing where it stands, and while we are critical of the clause we feel that, in the circumstances, we must accept it.

The clause was agreed to.

Clause 3—

For paragraph (a) of sub-section (1) of section thirteen of the principal Act there shall be substituted the following paragraph:

(a) Subject to this Act contributions by an officer shall be in respect of units of pension, and the number of units in respect of which an officer shall contribute shall have relation to his salary in accordance with the following scale:

<table>
<thead>
<tr>
<th>Column One. Where the Annual Salary of the Officer—</th>
<th>Column Two. The Officer shall contribute the Amount Necessary to Provide Units of Pension as Under—</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does not exceed £ 195</td>
<td>£</td>
</tr>
<tr>
<td>Exceeds £ 260 and does not exceed £ 325</td>
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<td>„ 325</td>
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Per annum, £ s. d.

Two units equivalent to a pension of £ 104 0 0
Three „ „ „ 156 0 0
Four „ „ „ 208 0 0
Five „ „ „ 260 0 0
Six „ „ „ 312 0 0
Seven „ „ „ 364 0 0
Eight „ „ „ 416 0 0
Nine „ „ „ 468 0 0
Ten „ „ „ 520 0 0
Eleven „ „ „ 572 0 0
Twelve „ „ „ 624 0 0
Thirteen „ „ „ 676 0 0
Fourteen „ „ „ 728 0 0
Fifteen „ „ „ 780 0 0
Sixteen „ „ „ 832 0 0
Seventeen „ „ „ 884 0 0
Eighteen „ „ „ 936 0 0
Nineteen „ „ „ 988 0 0
Twenty „ „ „ 1,040 0 0
Twenty-one „ „ „ 1,092 0 0
Twenty-two „ „ „ 1,144 0 0
Twenty-three „ „ „ 1,196 0 0
Twenty-four „ „ „ 1,248 0 0
Twenty-five „ „ „ 1,290 0 0
Twenty-six „ „ „ 1,342 0 0
Twenty-seven „ „ „ 1,394 0 0
Twenty-eight „ „ „ 1,446 0 0
Twenty-nine „ „ „ 1,498 0 0
Thirty „ „ „ 1,550 0 0
Thirty-one „ „ „ 1,602 0 0
Thirty-two „ „ „ 1,654 0 0
Thirty-three „ „ „ 1,706 0 0
Thirty-four „ „ „ 1,758 0 0
Thirty-five „ „ „ 1,810 0 0
Thirty-six „ „ „ 1,862 0 0

£ 895
27 OCTOBER, 1959.

Mr. BOLTE;—But you know that was never intended.

Mr. CLAREY.—Surely it must have been intended. In my second-reading speech I have shown how the Bill which went through in 1955 was framed. No person should be able to claim what he or she was not legally entitled to receive.

Mr. BOLTE.—The point is that some people were not legally entitled to a benefit, but they could still claim it.

Mr. CLAREY.—I accept the Premier’s assurance that certain conditions were not fulfilled. I am wondering who was the legal adviser who said that even though they did not fulfill the conditions prescribed by Parliament, certain contributors were able to benefit. Doubtless, the Government has not brought down this amendment without knowing where it stands, and while we are critical of the clause we feel that, in the circumstances, we must accept it.

The clause was agreed to.

Clause 3—

For paragraph (a) of sub-section (1) of section thirteen of the principal Act there shall be substituted the following paragraph:

(a) Subject to this Act contributions by an officer shall be in respect of units of pension, and the number of units in respect of which an officer shall contribute shall have relation to his salary in accordance with the following scale:
Mr. CLAREY (Melbourne).-I move—

That in column two of the scale of units of pension in proposed new paragraph (a), of sub-section (1) of section 13, the figures—

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<tr>
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<tr>
<td>299</td>
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<tr>
<td>500</td>
<td>10</td>
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</table>

be omitted with the view of inserting the following:—

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<thead>
<tr>
<th>£</th>
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<tbody>
<tr>
<td>260</td>
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</tr>
<tr>
<td>312</td>
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<td>364</td>
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</tr>
<tr>
<td>513</td>
<td>10</td>
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This is the vital clause so far as the financial aspect of the Bill is concerned. Column one of the scale sets out the range of salary of the contributor, and in column two appears the pension such contributor will be entitled to receive. My amendment provides for an increase of pension for those contributing for from 5 to 11 units. This will mean that for four units, a contributor will be entitled to a pension of £4 a week as at present, but for five units the new pension would be £260 a year, for six units, £312; for seven units, £364; and for eight units, £416; for the 9th, 10th and 11th units there is a tapering off. For the ninth unit, a contributor will receive 12s. 6d. more and the same increase will apply in respect of the 10th and 11th units. For the twelfth unit, a contributor will receive the same as is provided under the present Act.

We realize that, in the circumstances, it would be impractical to expect the Government to increase the units from four to eight to £1 a week each whilst leaving all the others at 17s. 6d. a week. If that were done, a person contributing for five units would receive only 2s. 6d. extra, for six units 5s. extra, for seven units 7s. 6d. extra, and for eight units, 10s. extra. A contributor for 36 units would also receive an extra 10s. a week. We feel that those who need the increase most should receive the benefit, particularly as the Premier has pointed out that the present financial resources of the State are limited.

I indicated earlier that it was proposed to move this amendment because in 1955 we made a definite promise to grant these increases. The present Premier also made a promise but it was not as definite as that made by the late Mr. John Cain. The Premier was able to establish in this House in 1955 that he had gone as far as he had promised in his policy speech that year. As members of the Labour party, we feel we are committed to honour the promise made in 1955 by our late Leader. That was repeated by the late Mr. Shepherd in his policy speech of 1958. We are honouring our promise by this amendment to have increases made in respect of the 9th, 10th and 11th units of pension, at which point we taper off the increases.

The Premier has put forward two reasons why our proposal should not be granted. On the one hand, the honorable gentleman seems to be concerned with the stability of the Superannuation Fund, and suggests that we might make the fund bankrupt if the increases were made. I am not suggesting necessarily that the increased payments must be made out of the Superannuation Fund. I am sure that long before that fund could become bankrupt, there would be indications in that direction and the Government would be able to review the position to ensure that Victoria would honour its obligations.

So far as the Parliamentary Contributory Retirement Fund is concerned, it is not on as good a wicket as the State Superannuation Fund. Last year it was subsidized practically £1 for £1, despite the large turnover in this House in 1955 and the number of members who have lost their seats since that date. The Parliamentary fund is guaranteed by the Government, which has to meet any deficiency. I would think the whole spirit of the Superannuation Act, without discussing its technical clauses, is an implication that the State must make up any deficiency. That was the attitude adopted by the
Premier in 1955. On page 1414 of Hansard of the 3rd November, 1955, the late Mr. Cain moved an amendment similar to that which I have submitted except that nine units were to be valued at £435 10s. The tenth unit was valued in that way would be too sharp, so we now propose that the tapering off be more gradual.

This is what the Premier said in reply to the late Mr. Cain when he submitted the amendment to the Superannuation Bill in 1955, to which I have referred—

I appreciate the generous manner in which the Leader of the Opposition has submitted his amendment, which is in accordance with his policy speech at the last Assembly election. The proposed additional benefit was not part of the policy speech of the Liberal and Country party, but if it had been promised I would have been happy to accept it. The Government feels that it has fully implemented its undertakings to grant increased superannuation payments; in fact, it has gone further and included additional benefits in the Bill. It is therefore with some regret that I cannot accept the amendment.

As mentioned by the Leader of the Opposition, the extra burden that would be imposed on the Superannuation Fund by the amendment would be about £27,000 a year, but in future years it is possible that the additional payments will be much higher. While we all agree that we should be generous to our public servants, we must have regard to the stability of the fund in the years ahead, and precautions must be taken to ensure that it shall be maintained on a sound actuarial basis. Then public servants, their women, and their children will be safeguarded. I have authorized a thorough investigation to be made into the Superannuation Fund with a view to ensuring that in 20, 25 or 40 years' time it will be in a financially sound condition.

I think we all hope that at some time the Premier will tell the Committee the result of that thorough investigation. I have no doubt that the fund is in a thoroughly sound condition. The sixth quinquennial report of the Government Actuary, dated 30th June, 1955, which is the last report made available to the public, sets out the condition of the fund. The next report will relate to the period ending 30th June next year and will probably be made available towards the end of the year. The Actuary's valuation discloses a surplus in the fund of £352,062. However, that is an actuarial surplus. Those honorable members who know something about actuarial valuations will know that they are always conservative. Those who have had experience with friendly societies know that every year the Government Statist states that the surplus is such and such a figure. I myself know that the figures are higher. The report for the next five years will show that they are even higher still.

Mr. Bolte.—They did not work out very well in regard to funeral benefit societies.

Mr. Clarey.—The Government Statist worked the figures out all right, but I believe the people were dead before he found out about them. I shall now quote an interesting point in regard to the Superannuation Fund. Whilst the surplus disclosed was only £352,000, it was based on an assumed interest rate of 3½ per cent. That was in 1955. In 1951 the actual effective rate of interest earned on funds was £3 10s. 8d. per cent.; for the next year it was £3 10s. 10d. per cent.; for the next year it was £3 12s. 4d. per cent.; for the next year it was £3 15s. 9d. per cent.; and in 1955 it was £3 19s. 8d. per cent. Of the loans that had fallen due since then practically all have been renewed at either 5 per cent. or 5½ per cent. So, the real interest rate that is earned on this fund was more during those first five years than was allowed for on the basis of the valuation.

In the five years ending 30th June next, the interest rate will probably be close to 5 per cent. Therefore, it can be seen that these valuations are ultra-conservative. In many ways they are like the Government—much behind the times. Had there been an interest rate of even 4 per cent., then the extra ½ per cent. would have meant an additional £133,000 per annum in the fund. Of course, I am not querying the Government Actuary's figures, but I have no doubt of the solvency of the Superannuation Fund.

The Superannuation Board's immediate assets are large. Investments at 30th June, 1958, were £26,600,000. So, the Board has done a good job. It has helped every Government considerably, because it has over £7,000,000 invested
in State Electricity Commission stock, over £7,000,000 in Melbourne and Metropolitan Board of Works stock, and £2,353,900 with the Melbourne City Council. I am sure that the stability of the State Electricity Commission, the Melbourne and Metropolitan Board of Works, and the Melbourne City Council is sufficient to guarantee that the fund will not fall into difficulties.

Contributions last year from officers amounted to £2,600,000, and the payment from Consolidated Revenue was £2,915,000. I realize that this is not a true reflection of the position, because the Government actually contributes far more than the officers. The Government makes its contributions when the actual liability for pensions falls due. The number of pensions in force at 30th June, 1958, was 14,852, involving an annual liability of £3,004,246 on Consolidated Revenue and £854,352 on the fund. It is rather difficult to reconcile those figures, because they are not related exactly to the amount that was contributed to the fund by the Government during the year.

I have no doubt as to the stability of the fund, and I am sure that if it is unable to meet its liabilities the State will come to its rescue, by that time—it would be many years hence before the fund would not be able to meet its current liabilities to its pensioners—there will be a new Government in office represented by members of the Labour party and the stage of accumulated deficits in Victoria will have been a thing of the forgotten past.

I think the Premier will agree with me that it would be impossible to say, unless the Board made a detailed examination, what might be the additional cost involved, because whilst the annual report of the Superannuation Board sets out the number of contributors and the number of people receiving pensions, it does not indicate the particular number of pensioners in each class. However, it gives some illuminating figures in regard to contributors under two headings, nominal contributors and limited contributors. Limited contributors are those who, because they have been unable to obtain a complete medical certificate, receive only a limited pension in the event of their retiring before reaching the normal retiring age.

I shall now cite some interesting figures. Existing contributors for only one to four units number 8,263. The number contributing for from five to eight units is 4,397, and the number contributing for from nine to eleven units is 4,631. Obviously, the number of contributors is greater than the number of pensioners, but even if all the existing contributors were to retire to-morrow, those in the one-to-four unit class would not receive any extra benefit over and above what they are receiving at present, and the group contributing from five to eleven units comprises almost 9,000. So, I leave it to someone else to work out what liability would be involved.

The Opposition claims that the finances and the rights of contributors in Victoria to receive an increased rate of pension should not be tied up with Commonwealth social service benefits. The Premier asserts that we are a sovereign State. Therefore, why should we say to our pensioners, "The less we give you the more you will get from the Commonwealth." The Treasury has circulated a table which is based on the estimate that all the retired pensioners—those who might get an extra pension on the basis of my amendment—are at present receiving full social service benefits. The purport of that, therefore, is that if we give them more money the Commonwealth will give them less and we do not propose to assist the Commonwealth.

There are two fallacies in that argument. First there is the fallacy that the pensioners will continue to receive from the Commonwealth exactly the same amounts as they are receiving at the present time. If the Commonwealth Government cut them down and tightened up on the means test, then they would to that extent be worse off. If, on the other hand, the Commonwealth Government increased its property and income allowances and lifted the means test, then the Government’s present attitude would mean that the pensioners were being deprived of something to which they might have been entitled.

Mr. Clarey.
The second fallacy is the belief that all those retired pensioners are receiving full social service benefits. We know that many are not receiving them because they own a small house which brings them in a little income. In any event, their rights as contributors under the Superannuation Act should not be linked in any way with the hypothetical conception that the difference will be made up to them by the Commonwealth Government.

There is a mass of correspondence on this subject. I myself have a large file containing correspondence with the Premier and the Minister of Transport, but as I believe most honorable members are already aware of the position, I shall not read from it. My amendment has been moved in order to honour a promise made by the Labour party—and repeated in 1958—with full knowledge of what might conceivably be involved.

Members of the Opposition are not in the habit of speaking to financial Bills without studying them properly and understanding their implications. Retired employees have been agitating for the increase proposed and, if it is agreed to, it will amount to only a few shillings a week for them. It should not be left to some clerk in the Treasury, no matter how conscientious and honest he may be, to work out these matters on the basis of certain statistics, when he does not know how each individual person is placed. The case presented on behalf of the Opposition is so reasonable that I think I can leave it for approval by honorable members, particularly those on the Government side of the House, who have always expressed the opinion that they are not bound but are free to vote as conscience dictates.

Mr. BOLTE (Premier and Treasurer).—During my second-reading speech, I indicated that it was with some regret that the Government could not accept an amendment along the lines of that which has since been submitted by the Opposition. This is not possible for the reasons that I gave in 1958 and when speaking to this measure.

The Superannuation Board spends many hours each year considering all the requests made to it, and analyses each of them closely. It is not a question of some clerk in an office saying “This is the way we think it should be done.” These matters are dealt with far more conscientiously than that. I am sure that if the honorable member for Melbourne were to become a member of the Government to-morrow—that is hardly likely to happen—and if he were placed in the same position regarding this matter as I am, he would accept the advice tendered to him.

It is worth mentioning that during the 1955 Legislative Assembly election campaign, there was very little variation in the policies of the Labour party, then led by the late Mr. Cain, and of the Liberal and Country party on the question of superannuation payments. As Leader of the Opposition in those days, I consulted Treasury officials and members of the Superannuation Board in the same manner as did the Premier of the day, and I believe that the same facilities are available now to the Opposition as were open to me then.

I say advisedly that all Governments of the future must never use the Superannuation Fund for the purpose of bargaining for political favours. Matters relating to it should be dealt with honestly and conscientiously; requests should be refused when necessary, and conceded when considered justified. In my opinion, the present payments are, in most cases, very generous. I think the pensions paid in Victoria to widows are more generous than those made by any of the other superannuation funds operating in Australia. They comprise one section of the community that we have all agreed should be looked after, and better provision is made for them in this State than in any of the other States and even in the Commonwealth.

I assure the honorable member for Melbourne that the Government is not refusing to accept his amendment simply for the sake of rejecting a proposal submitted by the Opposition. It is only after long, careful and mature thought that the Government has decided that it cannot see its way clear to increase the rates as suggested. The Government
believes that it is not in the interests of the Superannuation Fund or of the pensioners themselves for action to be taken along those lines.

The Committee divided on the question that the figures proposed to be omitted stand part of the clause (Mr. Christie in the chair)—

Ayes .......................... 38
Noes ........................... 16

Majority against the amendment .......................... 22

**AYES.**

Mr. Balfour | Mr. Porter
Mr. Bloomfield | Mr. Reid
Mr. Bolte | Mr. Reid (Box Hill)
Mr. Rose | Mr. Reid (Dandenong)
Mr. Cochrane | Mr. Rossiter
Mr. Cook | Mr. Rylah
Mr. Darcy | Mr. Scott
Mr. Dunstan | Mr. Snider
Mr. Fraser | Mr. Stirling
Mr. Galney | Mr. Gillett
Mr. kayak | Mr. Reid
Mr. Lovegrove | Teller: Mr. White.
Mr. Meagher | Mr. Gibbons
Mr. Mibus | Mr. Gibb
Mr. Moss | Mr. White.

**NOES.**

Mr. Clarey | Mr. Schintler
Mr. Divers | Mr. Stoneham
Mr. Doube | Mr. Sutton
Mr. Floyd | Mr. Towers
Mr. Galvin | Mr. Wilkes.
Mr. Holland | Teller: Mr. Crick
Mr. Lovegrove | Mr. Fray
Mr. Mutton | Mr. Fennessy.
Mr. Ring | Mr. Fennessy.

**PAIRS.**

SIR Thomas Malthy | Mr. Ruthven (Brunswick West).
Mr. Rafferty | Mr. Turnbull

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

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

**LIFTS AND CRANES BILL.**

The debate (adjourned from October 6) on the motion of Mr. G. O. Reid (Minister of Labour and Industry) for the second reading of this Bill was resumed.

Mr. LOVEGROVE (Fitzroy).—First, the Opposition welcomes this measure as a contribution to industrial safety, but expresses dissatisfaction at its inadequacies as evidenced by its failure to correct abuses that it purports to correct. I wish to refer initially to the scope of the proposed legislation, which is very briefly reflected in the building values for last year. These show that about £3,500,000 was spent in factory construction during the March quarter of 1959, while during the preceding year more than £19,000,000 was spent in factory construction. For the March quarter of 1959 about £500,000 was spent in the construction of offices such as are altering the city skyline. For the preceding twelve months more than £9,000,000 had been spent in the construction of offices.

Having regard to the generality of residential construction, buildings for health and all the other types of storied construction, including flats, that have found any encouragement in Melbourne in the last few years, these factors—taken together in connexion with the mechanization of construction, the introduction of new techniques and the use of labour power in other directions—have made this measure very long overdue. In the debate on the Local Government Bill in November, 1957, the Opposition, including myself, directed the attention of the Government to the increasing number of fatalities in connexion with the use of cranes and scaffolding on buildings in the metropolitan area, including some closely adjacent to this institution—in particular, the building constructed for Imperial Chemical Industries of Australia and New Zealand Limited in Nicholson-street, where three or four fatalities occurred in quick succession. Subsequently there was some discussion on this matter in November, 1957. Then the Government saw fit to appoint a safety inquiry conducted by a Board comprised of Mr. Arnold, the Government Statist, as chairman, Mr. Christophers, a member of the Health Department, and Mr. de Mestre who, I understand, is an engineer in the Department of Labour and Industry. This inquiry continued from the 14th
January to the 14th July, 1958.

The Board took evidence from a very representative cross-section of the people interested in industrial safety, including the technical and managerial sides of industries, Departments connected with industrial safety, and trade unions associated with the labour side of the problem. After concluding its inquiries the Board submitted to the Government a summary of recommendations which I now quote for the information of the House. I refer to page 23—section 9, Summary of Recommendations—which contains the following:

(a) That an industrial safety bureau be established by amendment of the Workers Compensation Act.
(b) That a regular review of legislation be undertaken by the bureau and that an Inter-Departmental Committee on Safety be formed to facilitate, inter alia, the carrying out of such reviews.
(c) That a branch of industrial safety be created within the Department of Labour and Industry to provide an improved technical service to industry on safety matters.
(d) That the Industrial Hygiene Division of the Health Department should undertake the responsibility of advising industry regarding the employment of physically handicapped persons.
(e) The Workers Compensation Act should be amended to provide—

(i) For the adoption by all insurance companies of a standard system of rebating premiums where a favourable ratio between premiums and claims is experienced, with the object of encouraging employers to reduce accidents.
(ii) A new basis of assessment of premium charges with the object of removing employers' objections to employing older persons.

The Board's findings in this report have been restricted to matters which have an impact on the general problem of industrial accidents. A considerable amount of evidence was given regarding specific industries and particular problems. These matters are dealt with in the appendix to this report.

The Board also said that legislation to control lifts and cranes was needed. This is the recommendation upon which the Government has taken action in this Bill, that is, that there should be passed an Act regulating the use of cranes, administered by the Department of Labour and Industry. In reference to that, the Opposition desires to compliment the Government upon the introduction of the Bill; it thanks the Minister of Labour and Industry for the courtesy and co-operation extended to us in making our inquiries into the Bill. The Opposition thanks him also for the supply of diagrams and illustrations exemplifying some of the definitions in the Bill and for other facilities that he accorded us.

It is proper that I should say that the Opposition supports this measure so far as it goes but that, because it believes it does not provide an adequate correction of the very grave abuses it was designed to overcome, the Opposition proposes to submit a number of amendments which I foreshadow at this stage for the information of honorable members. The Opposition proposes to include in the Bill definitions of a crane chaser, a dogman, and a rigger. It proposes to provide that these three persons and crane drivers shall be required to hold a certificate of competency before being permitted to occupy the positions described in the definitions. The Opposition proposes that the certificate of competency shall be made available by the Chief Inspector in a manner and form to be prescribed in regulations contained in the regulation-making clause in the Bill, and it further proposes that the practice of men working on the hook in jobs using cranes—most particularly jib derrick cranes—shall be prohibited by law and not by regulation. The proposed amendments of the Opposition include a new clause as follows:

B. Any person who stands on the hook of a power crane or power hoist while such hook is being raised or lowered, or on a load suspended from the hook of a power crane or power hoist while such crane or hoist is raising or lowering loads or persons shall be guilty of an offence against this Act.

Further, I should say that the amendments to be proposed by the Opposition will be such as to make it an offence for unqualified persons to act as crane drivers, crane chasers, dogmen or riggers. Subsequent to the report to the Government by the Board of Inquiry in 1958, the Chief Secretary made a
brief statement on behalf of the Government. In the Age of the 6th August, 1958, under the newspaper heading of “Government will legislate on safety,” the following statement appeared:—

A Bill to help safeguard workers against industrial accidents will be brought down by the Government later this year.

It will be based on the report of a board of inquiry which investigated methods of reducing the accident rate in industry.

The Board's report was submitted to Cabinet on Monday by the Acting Premier (Mr. Rylah). Mr. Rylah said yesterday that the Government would examine the report before preparing legislation.

The Government would take administrative as well as legislative action to put the Board’s recommendations into effect.

It would examine closely the suggestions by the Board for the banning of the practice of dogmen on scaffolding “riding on hooks” for protective equipment in industry and safety belts for construction workers on building projects.

I direct attention to the statement of the Chief Secretary in August of last year that the Government would at that stage give consideration to the practice of men riding on the hooks of cranes used in building construction.

Mr. SNIDER.—That is a world-wide problem.

Mr. LOVEGROVE.—It is not a world-wide problem. As the honorable member is a representative of the Liberal and Country party’s Safety Committee I assume he is aware of the fact that there is legislation of a different character in New South Wales.

Mr. SNIDER.—I did not say that there was no problem but that it was a world-wide problem.

Mr. LOVEGROVE.—It is not a world-wide problem in other Western countries in the sense that it is a problem in Victoria at present. Further to the Government’s policy of legislating for industrial safety, the Government arranged for an industrial safety convention to be held in Melbourne on the 8th and 9th December, 1958. I believe that was one of the most constructive measures undertaken by the Government, reflecting great credit upon the Minister of Labour and Industry and his Department and all other persons associated with the convention. I had the privilege of attending as a representative of the Trades Hall Council, and I can say that the convention was excellently conducted. It made reasoned and constructive and, in some cases, dramatic contributions towards the literature on industrial safety. Until to-day, I had not known that the deliberations of the convention had been published. If I had been aware of that fact I would have had some recourse to the publication during this debate. The Government very properly broke the convention, which was attended by me, into seminars dealing with various sectors of industry concerned in industrial safety, manufacturing, transport, building construction and so forth. In the seminars, a good deal of useful discussion took place among employers and employees in industry, departmental officers and safety officers. Moreover, in the seminars, trained personnel were made available by the Government and by industry. However, until 24th June, 1959, no other action had been taken by the Government with respect to industrial safety except that, in May of the previous year, as a result of representations made by trade unions and other bodies, the Government promulgated scaffolding regulations under the Local Government Act and made provision so that the Department of Labour and Industry, through the offices of the Chief Inspector of Lifts and other departmental officers who were so qualified, could exercise some authority in regard to the supervision of cranes, lifts, and hoists on buildings. Thus a contribution was made, on behalf of the Government, through the Department of Labour and Industry, to the general administration of the existing safety provisions.

I mention that fact because I am not suggesting that nothing has been done by the Government, but until the 24th June, 1959, nothing else had been done by the Government. On that date, a meeting of the people in the trade unions concerned with industrial safety on building construction jobs was held at the Trades Hall, Melbourne, when consideration was given to the report of the safety committee, deliberations of the Board of Inquiry, and the action that had been taken by the Government.
in the previous year to give the Department of Labour and Industry some say in the scaffolding regulations. Subsequently, the following conclusions were reached:

1. That there should be established an industrial safety bureau as a part of the Department of Labour and Industry, and further that the bureau should be under the direct control of the Minister. Such a bureau should have authority throughout the State of Victoria.

2. That inspectors appointed should be of practical qualification and approved building trade artisans.

3. That legislation for a new Act governing scaffolding and lift regulations is necessary, and the basis forming the new Act should be the New South Wales Act with alterations necessary to suit Victorian requirements.

4. That the recommendations contained in the Board of Inquiry report do not meet the requirements for safety in the building trades in Victoria.

By that it was meant to convey that the recommendations of the Board of Inquiry did not go far enough.

5. That the Trades Hall Council executive made arrangements for the Leader and Deputy Leader of the Australian Labour party to meet the sub-committee on the above matters.

That meeting was held by the unions in the trade union movement that were concerned with industrial safety on building jobs, and subsequently a conference was held which was attended by the Leader of the Opposition and myself. In the meantime, on 1st September, 1959, the Governor's Speech was delivered to Parliament. In the course of that speech, His Excellency stated:

My advisers are giving particular attention to safety in industry. A preliminary measure dealing with lifts and cranes will shortly be brought before Parliament. That is the measure which is now before the House. On 15th September, I made reference to the findings of the Bureau of Safety and the Board of Inquiry into industrial safety which was appointed by the Government. At that time, I asked the Government whether it was prepared to do anything about the recommendations of the Board of Inquiry. I also complimented the honorable members for St. Kilda and Moonee Ponds upon risking their lives in order to gain additional information on safety matters which the Government required. I drew attention to the fact that those honorable members had, in company with trade union officials, inspected the Imperial Chemical Industries building and other buildings and had given themselves the pleasurable excitement of climbing ladders and planks and watching a dogman going up on the hook.

Mr. CHRISTIE.—Did the honorable members for Moonee Ponds and St. Kilda go up on the hook?

Mr. LOVEGROVE.—No, because they did not get the opportunity to do so. I pay them the compliment of stating that according to the trade union officials who accompanied them they went as far as anyone could be humanly expected to go. Without detracting in any way from the expert advice that the Government received during the past twelve months, I wish to say that the personal experience of the two honorable members concerned would deprive the Government of any suggestion that it had not had every opportunity to consider the facts. I imagine that the statement made by the Chief Secretary in August, 1958, to the effect that the Government intended to give consideration to this problem would have been further reinforced by the honorable members for St. Kilda and Moonee Ponds. I compliment those members on the active part they played in, I hope, adding to the Government's store of knowledge with reference to industrial safety. It is deplorable that the measure does not reflect the activities of those members, and I can only conclude that the Liberal party has refused their advice or that they did not inform the party of what they saw. I should very much like to hear them express their views later in the debate.

On 19th September, the Trades Hall Council convened another meeting of the building trade unions, including the furnishing trade society, the electrical trades union and the federated engine drivers' organization, all of which are concerned with this problem. After additional consideration of the fact that the Government had, through the mouth of His Excellency, foreshadowed this Bill, the meeting convened by the
Trades Hall Council decided that another deputation would wait upon the Government. Subsequently, this Bill was introduced, and I suppose it is opportune at some time during the debate to say something about it.

The first comment I wish to make concerning the Bill is that, in regard to those provisions which cover lifts, the Bill has the blessing of the trade union movement and of the Opposition. The organizations concerned with lifts and, in particular, the electrical trades union, do not hesitate to pay the Government a compliment so far as the measure concerns lifts, regarding which it is believed that adequate provision has been made. The personnel of the Department of Labour and Industry, including the Chief Inspector of Lifts, have neglected no opportunity to improve the conduct of lift inspection and to ensure the greatest possible safety in lifts. Mr. Innes, secretary of the electrical trades union, has given me permission to use his name in that regard. Therefore, it is not unfitting that where an opportunity occurs—unfortunately such opportunities are rare—we pay a tribute to the Government in this matter. The Minister of Labour and Industry, in his second-reading speech, stated—

It has therefore seemed logical that the administration of the new legislation concerning cranes and other lifting gear should be entrusted to the same men who have done such outstanding work in regard to the regulation of lifts with such additions of staff as may be necessary for this increased responsibility. Indeed, for a considerable time the senior inspector of lifts has been called into consultation by numerous persons and organizations who have sought advice concerning the construction and operation of cranes.

To some degree, therefore, the legislation now presented concerning cranes is merely giving legislative approval to what for some time has been already an established practice, namely, the supervision by the lift inspectorate of cranes and other lifting gear. However, the lift inspectors have been severely handicapped by the absence of any authority to deal with the problem of cranes in any more than a consultative capacity. Frequently, they have been called in to advise only after an accident has happened. It is considered therefore that in the interests of promoting greater safety in industry these officers of my Department should be given the power and authority to deal with cranes and other lifting gear which are set out in the Bill and to which I shall refer in more detail later.

I have made that quotation because it is of some importance to the Bill. It is impossible for the Chief Inspector of Cranes or anyone else to inspect certain cranes on building jobs in the city. I exhibit to the Minister of Labour and Industry a photograph which was taken on the Shell building at the corner of Bourke-street and William-street. Here is another photograph showing the perspective of the building. It was taken from a viewpoint looking west. I have here also a sketch of the crane from a viewpoint at the top of the building looking south. I invite the attention of the Minister to the sketch so that he may observe that it is impossible for anyone to inspect the crane under this legislation, or even under the scaffolding regulations which are supposed to be administered by the Melbourne City Council, for two reasons.

A man would have to risk his life to get to the crane. That is not an uncommon occurrence in the City of Melbourne to-day where disgraceful neglect of safety provisions, which are included in laws of this Parliament designed to protect those people working on jobs and passers by using the foot-paths, has become a by-word of Melbourne City Council administration. Having regard to the administration of other legislation which is the responsibility of the Department of Labour and Industry, it would be impossible to properly inspect the half dozen or more jobs in progress in the city at the present time, particularly as many of the matters are the responsibility of the Melbourne City Council under the Local Government Act.

Mr. G. O. Reid.—Are you suggesting amendments should be made to the Local Government Act?

Mr. Lovegrove.—At this stage, I do not desire to suggest amendments to the Local Government Act, but I repeat, with some deliberation, words which I used earlier. I refer to the disgraceful failure of the Melbourne City Council to ensure adequate safety precautions.
for people working on building construction jobs and for others using public footpaths. That in itself is a situation which merits most stringent action on the part of this Government.

Mr. G. O. Reid.—Is the honorable member for Flemington listening to this?

Mr. Lovegrove.—He has already been informed of it. The Shell company job, on the corner of William-street and Bourke-street, is a 19-storied building, two stories of which are below ground level. It is roughly 200 feet high, and there is a jib derrick crane on the top of it. It is impossible to get direct access to the crane. Contrary to the scaffolding regulations, the ladder which can be seen on the sketch I have given to the Minister of Labour and Industry finishes below the girder on which the crane rests. Then a plank is suspended by two ropes. The man who drives the crane has to go up the ladder to the underside of the girder supporting the crane, climb over the plank supported from two ropes, climb on to the top of the girder without any support, and then climb through the door of the cabin to the crane. The jib derrick crane has an automatic braking system. Unlike the pawl and ratch system, these cranes have energized brakes which provide that, if anything happens to the man in the cabin, the man on the hook automatically receives the benefit of the braking action built into the mechanism of the crane.

However, as anybody connected with the job will tell you—including the manufacturers of the crane and the men in charge of the work—the speed of the descent of the hook in the event of anything going wrong with the man driving the crane is too fast to guarantee the safety of the man on the hook. If a Department of Labour inspector sought to enter the cabin of that crane, he would have to risk his life to do so. As a matter of fact, when we were on the top bay looking for a way to get to the crane, the driver came out of the door and slid down one of the steel struts on to the girder below, and then got to the ladder. I make the complaint that there is not any way at all of ensuring safety either in regard to the mechanical efficiency of a machine such as a crane or a hoist or the human efficiency of the persons who use these appliances unless the Government is prepared to provide that certain actions must be regarded as offences.

To-day, anyone can drive a crane without having any knowledge of the machinery used, and no licence is required. I make that statement with some deliberation. The Federated Engine Drivers and Firemen's Association has members who drive certain engines and certain cranes, some of them on building construction jobs, but most in factories and other places of work. In the great majority of cases mobile cranes are used on construction work to-day, and the jib derrick type and others are used as the steel goes up story by story. The cranes in the main are driven by persons without any adequate technical knowledge.

Mr. Snider.—Does the union give these men any tests?

Mr. Lovegrove.—No, the union is not obliged to do so. Only under certain circumstances does a man driving an engine, who is a member of the engine drivers' union, have to pass certain tests by law and obtain a licence. Generally speaking, most crane drivers have no specific knowledge of what is required of them by law. They rely mainly on the tables placed inside the cabins of the cranes by the manufacturers and on instructions given them on the job, in most cases by people without any adequate technical knowledge. Consequently, situations occur such as I have outlined to honorable members. Only recently persons using a mobile jib derrick crane allowed the crane to exceed the proper angle of inclination and the entire crane crumpled and fell.

Mr. Christie.—Are you referring to a job at the university?

Mr. Lovegrove.—Yes. Let me say in clarification that there have been arguments that what happened was due to fatigued metal. But that is not the only case of a collapsed crane in recent years. I can, if necessary, furnish the House with details of other accidents. These collapses were not due to badly manufactured cranes or to fatigued metal, but to improper use of the...
machinery placed at their disposal by persons not properly qualified. I refer to that example as I want to make it plain that, although the statement made by the Minister of Labour and Industry in his second-reading speech was made in the best of good faith and represents a big improvement in the thinking on this matter, it is still inadequate in view of the existing circumstances. I say that without any reflection on the officers of the Department of Labour and Industry who, because of the added power they will be granted, will be able to effect a radical improvement in the handling of these problems.

In his second-reading speech the Minister stated, 'inter alia'—

It is not the wish of the Government to bring into existence a vast system of detailed regulation in dealing with this matter, but rather to cast the obligation upon manufacturers, sellers, owners, and users of these appliances to ensure that they are made and used in a manner which will not ordinarily cause injury to anyone. I do not think there can be any quarrel with the sentiments expressed in that statement, but I emphasize again that it is not enough to cast responsibility on to manufacturers of equipment. It also has to be cast upon people who supervise the work and on the men who use the equipment.

Mr. HOLDEN.—The Bill covers that point in clause 11.

Mr. LOVEGROVE.—I hope to show to the honorable member for Moonee Ponds that it does not cover it adequately but only in part.

The SPEAKER (Sir William McDonald).—Order! I take it that the honorable member proposes to do that in Committee. I appreciate that this is a very difficult Bill to discuss other than clause by clause. I suggest that the honorable member for Fitzroy should confine his remarks now to the principles contained in the Bill and discuss the clauses individually in the Committee stage.

Mr. LOVEGROVE.—I shall be happy to accept your guidance, Mr. Speaker. In view of that ruling, I will not, at this stage, make some of the references I had intended, but, without questioning the Government's intentions, merely state that the Minister concluded by saying—

The Government considers that in this mechanized age the community at large, and workers in particular, are entitled to expect protection from the hazards with which industrial and technical progress has surrounded them.

The Opposition concurs with those sentiments, but believes that this Bill does not adequately set out the declared intentions of the Minister in regard to industrial safety. Subsequent to the introduction of the Bill, members of the Opposition made an inspection of some of the jobs being carried out in the metropolitan area, and also received submissions from trade unions concerned. I mention the names of the unions because the Minister for Labour and Industry was good enough to meet their representatives since the introduction of the Bill. I refer to the Building Workers' Industrial Union, the Builders Labourers Federation, the Federated Engine Drivers and Firemen's Association, the Electrical Trades Union, and the Furniture Trade Society. These organizations are concerned about the general problem of industrial safety on building constructions as distinct from the matters affected directly by this Bill.

However, they point out that even in the matters with which the Bill is directly concerned one union alone, the builders labourers' organization, during 1958 acted for more than 70 members in pressing claims for compensation for permanent disability. The information they have provided me with is as follows:—

CRANES AND GANTRIES WHICH COLLAPSED ON JOBS IN RECENT YEARS.

Prentice job; University; jib twisted and collapsed, 1959.

Hooker's job; Edments Building, Bourke-street; crane mountings carried away.

Cockram's job; St. Vincent's Hospital; crane collapsed, 1958.

Cockram's job; St. Vincent's Hospital; Johns and Waygood crane jib collapsed and fell to the ground, 1957.

Prentice job; Graham Hotel; crane collapsed twice during the construction, 1953.

GANTRIES.

Winwood's job; Carlton Brewery; snatch block at bottom of gantry came adrift, causing death of one builders' labourer.
As I said earlier, at least one crane collapsed because it was not properly handled. When examining the list of fatal injuries sustained by members of the Builders Labourers' Federation during the last few years—I am taking the years 1957, 1958 and 1959—it is evident that the majority of fatalities were caused by men working on cranes. Out of nine deaths which occurred in this period, six were caused as follows:

On 28th June, 1957, a man named O. Di Stefano, a new Australian, was killed on the Commonwealth block building by a fall through an opening in the floor while guiding a crane-load of concrete tubs.

Mr. SNIDER.—You would not blame the crane for that accident.

Mr. LOVEGROVE.—According to the evidence available, I blame it on the fact that the man was not properly qualified and the crane was not driven properly.

On 6th February, 1958, a man named Murphy, a dogman riding a load on the Imperial Chemical Industries building, fell when the load snagged. He was killed.

On 17th March, 1958, a man named Collis, on the Kodak project being carried out by Lewis Construction Company, was electrocuted guiding a load on the mobile crane, which fouled the overhead electric wires.

Mr. SNIDER.—An error of judgment.

Mr. LOVEGROVE.—Not necessarily. Only recently, when travelling along Cardigan-street, Carlton, I noticed a firm's mobile crane taking a boiler out of a factory and loading it on a freighter. The jib of the crane was only a few feet away from the overhead wires during part of the operation. Accidents of this type occur through carelessness, improper supervision, or inaccurate instruction. Before people are allowed to use industrial machinery, they should be compelled to obtain a certificate of competency, and it should be clearly understood that, if they break the conditions of their qualifications, the certificate will be taken away from them.

On 29th April, 1958, at Johns and Waygood job at Yallourn, a man named Doorbar was killed while riding the muck bucket which tipped and fell on to the concrete roof. (Faulty bucket.)

On 17th December, 1957, a man named Pendlebury was electrocuted in Geelong working on a mobile crane at Geelong wharf. The crane fouled the overhead wires.

I regard that as a preventable accident.

On 30th September of this year, a man named Churchill was killed on the Australian Paper Manufacturers job in South Melbourne, when the R.S.J. beam slipped and fell on him while working a German jack beneath.

This accident, which occurred only a few weeks ago, is typical of the poor methods used in steel-erection methods in Melbourne to-day, with a complete neglect on the part of the Melbourne City Council to do anything about it. In this accident, the man was putting a girder into the first floor of a building. The crane driver took the steel girder up one floor and jockeyed it into position between two vertical stanchions. The man who was killed was the foreman on the job, and he gave the necessary signal to the crane driver to release the girder from the hook because he had put spanners between the holes in the girder and the holes in the stanchion. After the girder had been released by the crane—this is evident from the photograph which I now produce—the man working on the ground floor was using a German jack to manoeuvre the stanchions and the horizontal girders into the right position so that the rivets could be put through the holes in the stanchions and the horizontal girder. While doing this work, the girder collapsed and killed him. He was not working at a great height; he was on the ground. This was a preventable accident. There is some merit in the contention that persons engaged in this type of work on building projects throughout the metropolitan area or anywhere in Victoria should be required to hold certain qualifications.

Mr. HOLDEN.—They are issued with certificates.

Mr. LOVEGROVE.—It may be argued that many of these accidents are caused by negligence, carelessness, or the familiarity that breeds contempt on the part of the persons who normally would
be quite at ease and comfortable going about their work without additional protection. It could be argued—I do not admit that it is valid—that if a man is involved in an accident through neglect, he only hurts himself. In the cases I have cited to-night, the persons concerned were killed, but one can readily imagine that, in the case of a person falling from a height on to the footpath below, he endangers not only his own life, but also the lives of other people. Only last week in Bourke-street an accident occurred—it was featured on the front page of the Herald—due to the negligence of the Melbourne City Council, which is charged with the responsibility of inspecting slings used in association with scaffolding. In full view of passers-by, the man did not kill himself, but managed to hang on until rescued by the fire brigade officers. The honorable member for Moonee Ponds will agree that many accidents of this type can seriously endanger the lives of innocent bystanders.

Mr. BLOOMFIELD.—You cannot prevent carelessness by granting technical certificates.

Mr. LOVEGROVE.—I agree that, owing to the frailties of human nature, it is not possible to eliminate accidents completely, but at least the incidence of avoidable accidents could be reduced. The cases I have quoted were avoidable accidents. Representations were made to the Government by the Building Workers' Industrial Union, which pointed out that, up to the present, with the exception of certain provisions of the Labour and Industry Act, there is practically no supervision over power tools in use on building works to-day. It is common to see power tools used negligently, thereby endangering the safety not only of the user, but also of other persons working in the vicinity. Persons using power hand-saws have been seen to drop a saw before it has lost its momentum, with the result that the saw has run along the floor. If the saw were to hit another man, it could cut his leg off—I understand this has actually happened.

Although the Bill proposes a small measure of reform, the matters dealt with are negligible compared with the area of investigations covered by the Board of Safety Inquiry, the Safety Convention and the most laudable investigations conducted by the honorable members for Moonee Ponds and St. Kilda. The Federated Engine Drivers and Firemen's Association joins with other organizations in suggesting that, before a man is allowed to drive a crane, he should pass an examination of competency and be required to obtain a certificate of such competency issued by the Department of Labour.

The job inspection carried out by the Opposition commenced on 7th October and, for the assistance of the Government, I shall enumerate some of the jobs that can be investigated. They are as follows:—

E. A. Watts, corner of Queen and Bourke streets.
T. L. Cockram, Queen-street.
J. C. Taylor, Bourke-street.
Lewis Construction, corner of Bourke and William streets.
C. Langford, corner of Maffra-street and City-road, South Melbourne.
Hansen and Yuncken, Maffra-street, South Melbourne.
Prentice Builders, George-lane off Collins-street.
Lewis Construction, corner of Queen and Little Collins streets.
Prentice Builders, flats, Pigdon-street, North Carlton.
Burnes, Engineering School, University, Grattan-street.
Secculs, Children's Hospital, Flemington-road.
Secculs, University, near Union House.
Cockram, Queen's College, University.

These are some of the construction works at present being undertaken in the metropolitan area and some of them, like the works under the control of the Melbourne City Council, display a flagrant neglect of public safety.

In his second-reading speech, the Minister referred to the fact that the Bill provided for the exemption of control in the case of public Departments or public utilities, which had adequate trained personnel to exercise control on their own behalf over cranes, hoists, lifts, and so on. I understand, speaking subject to correction by the Minister, and subject to personal investigation, that at least one of the
public utilities—the State Electricity Commission—would bear investigation. In fairness to that utility, I emphasize that it has a good record in a number of matters relating to industrial relationships.

Mr. G. O. Reid.—It has special safety provisions too.

Mr. Lovegrove.—That is so. The Minister will also agree that it has made some very good contributions to the various conferences convened by the Government through its safety officers. The gentlemen principally concerned were officers of the State Electricity Commission. A sketch of the type of coupling used by certain Housing Commission cranes to lift concrete walls was made available to the Commissioners by myself, at the suggestion of the Minister of Housing, so that they could consider the desirability or otherwise of making small mechanical innovations with the view of preventing accidents. That action was taken subsequent to the inspection of some Housing Commission jobs by members of the Opposition and some secretaries of trade unions.

With reference to the general question of accidents, I direct the Government's attention to the issue of *Safety News* for September—October, 1959, published by the National Safety Council of Australia, and to the table of deaths by accident extracted from a report recently released by the Commonwealth Statistician, Mr. S. R. Carver. At page 21 it is shown that, of a total of 1,369 fatal accidents in 1958, 954 were caused by accidental falls. I do not say that there is any direct connexion between those statistics and the Bill before the House, but there is an indirect connexion that has been illustrated by the cases I have brought to the Government's notice.

On Friday, 16th October, the Minister was good enough, at the request of the Trades Hall Council, to receive a deputation from the council and the unions concerned with the effects of this Bill. I understand that the result was that the unions suggested to the Minister that they desired to have incorporated in this measure and in general safety measures some of the provisions of the New South Wales legislation. Certain of those provisions have already been read to the House in the form of abbreviated amendments, and I propose to refer to others in the Committee stage. The present opinion of the trade union movement is reflected in the amendments forecast by the Opposition and also in the strongly held view that the Government should, for the reasons I have mentioned, tighten up the administration of the Local Government Act concerning scaffolding, and should immediately consider the appointment of a safety bureau in accordance with the recommendation made by the Government's Board of Inquiry.

You, Mr. Speaker, have indicated that the other matters I desire to raise should be more properly raised in the Committee stage. In the Opposition's view a powerful case exists for the inclusion in the Bill of provisions relating to minimum qualifications of competency and providing for the banning of the practice of men riding on the hook. It may be argued that the mechanics of building construction to-day are best served by having a man on the hook; it could even be argued that the safety of other men concerned in steel erection can be best served by a man riding on the hook; but I do not believe that the risks are justifiable in terms of building construction costs, and are certainly not justifiable in view of the numerous fatalities that have occurred during the past two years and even during the past few months. Therefore, I trust that the Government will, during the Committee stage, consider Opposition proposals to amend the Bill.

Mr. Brose (Rodney).—On behalf of the Country party, I join with the Deputy Leader of the Labour party in complimenting the Minister on introducing this small measure in relation to this important subject. The keynote of the Minister's second-reading speech was safety. In the past, some legislation in regard to lifts has been placed on the statute-book, but there has been no legislation for many years in regard to cranes and other matters. This Bill might be regarded as a first step in relation to this important subject. I find myself in disagreement with the wording
of certain definitions contained in the Bill and would like to suggest some amendments to it. Perhaps if I run through them it might give the Minister some idea of what I have in mind, because I do not intend to move amendments if I can avoid doing so. In clause 3 is contained the definition of "conveyor," as follows:

"Conveyor" means apparatus or contrivance including ropeway worked by any power other than manual by which loads are raised lowered or transported or are capable of being raised lowered or transported by means of—

In my opinion the term "by which loads are raised lowered or transported or" should be amended to read "by which loads are raised lowered or transported and." In paragraph (a) of the definition of "conveyor," the words "or other apparatus" should appear after "an endless belt rope or chain." Clause 9 provides that no person under the age of eighteen shall be employed to work or take charge of a lift. I believe that could be improved by including the word "specifically," so that it would read "no person under the age of eighteen shall be employed specifically to work or take charge of a lift." There may be many reasons why a boy of eighteen works a lift, but the inclusion of the word "specifically" would bring it more into line with the Government's intention.

The SPEAKER (Sir William McDonald).—Order! I remind the honorable member for Rodney that I indicated to the Deputy Leader of the Opposition that amendments to clauses are better discussed in Committee.

Mr. BROSE.—This is more or less a Committee Bill.

The SPEAKER.—Amendments should be discussed in Committee in order to avoid a double discussion.

Mr. BROSE.—I thought that the Minister might note my remarks and so make it unnecessary for me to move amendments in Committee. However, I bow to your ruling, Sir. In general, the Bill is designed to provide safety in industry. The use of modern machinery in building to-day necessitates the passing of provisions which were not envisaged a few years ago. Although this may be a small step, it is in the right direction. The Country party agrees that action should be taken to lessen the number of disastrous accidents that have occurred during recent years, and the Minister's second-reading speech indicates that that is the purpose of the Bill. I shall defer my further remarks until the Committee stage.

Mr. SNIDER (St. Kilda).—At the outset, I congratulate the Minister on having introduced this timely piece of legislation. I have listened with great interest to the comments of the Deputy Leader of the Opposition. Such a measure as this finds common agreement between parties, and the only difference of opinion is, perhaps, in the application and execution of the provisions of the measure. This could be said to be a very embracing Bill, because it covers a wide subject; it would almost appear, at first glance, to be based on the principle of what goes up must come down. That is not intended as a criticism, because these subjects are highly technical. I believe that the Minister has been wise in bringing forward what could be broadly described as enabling legislation, having regard to the fact that many technical regulations must follow. Legislation which deals with industrial safety must, by its nature, be very broad. Although at times we are inclined to view with some concern the tendency to legislate by means of regulations, when it comes to technical subjects I do not think we have any choice. We must accept the fact that these are technical subjects and that it would be physically impossible for the legislature to consider all the technical ramifications and details of subjects of this nature. That point must be kept in mind when considering the suggestions which have been outlined by the Deputy Leader of the Opposition.

We are faced with the very real problem of having to determine at what point we should consider the legislation in its broadest details and how much should be left to regulations. In his second-reading speech, the Minister referred to certain figures relating to
fatalities, as did the Deputy Leader of the Opposition. Although figures are very necessary, my feeling is that until the Government Statist has the fullest opportunity of making use of the legislation which was passed by this House some time ago to require a method of reporting accidents which could enable him to compile relative statistics—

Mr. LOVEGROVE.—How many do you want to get killed while you are doing that?

Mr. SNIDER.—I think the Deputy Leader of the Opposition will regret that he did not wait until I had completed the sentence. I suggest that in the meantime we are handicapped in making the fullest appraisal and understanding of the accidents that occur. I believe it is most necessary that figures on accidents should be related for comparative purposes to man-hours of work in industry and to days lost. We should have figures that produce what are commonly known throughout the world as frequency and severity rates.

Mr. LOVEGROVE.—We have them, and they show that the building industry is the third highest.

Mr. SNIDER.—Figures have not yet been compiled so as to comply with the standard suggested by the Australian Standards Association to enable a full comparison to be made, industry by industry and State by State. We will be in a better position to make reliable comparisons when we have the complete figures. It would mean very little to the House if I said that there were a certain number of fatalities in any industry unless they could be related on a comparative basis to similar types of work. Of course, I am not suggesting that we should not do all we can to prevent any type of injury or fatality.

I direct the attention of honorable members to the fact that manuals relating to accident prevention in industry are available to them. The book I have before me is the Accident Prevention Manual, produced by the National Safety Council, Chicago, United States of America. Section 19 of the manual refers to hoisting apparatus and conveyors, and there are 37 pages of fine print covering every type of regulation for safe practices which it is suggested should be followed. The next section deals with elevators and plant railways, and consists of another 30 pages of close print. I emphasize that it would be impossible for us to go into all these safety details in legislation.

In industry generally, we are faced with the problem of unsafe conditions on the one hand, and unsafe practices on the other. It would seem to me that we are dependent upon regulations to accomplish the major part, provided regulations are preceded by legislation. I think it was a gentleman named Heinrich, an outstanding industrial safety expert, who took great care to compile statistics, and who pointed out that in industry probably something like 80 per cent. of industrial accidents were due to unsafe practices, while the rest might be ascribed to unsafe conditions. I do not think there is any quarrel between parties in this House on that aspect, but when it comes to the subject of unsafe practices I do not know that, outside the basic principles that must be laid down by regulations, we can expect to do much on the legislative side. It seems to me that, even though we talk about certificates or any other scheme requiring a great degree of administration, we are dependent on proper planning, adequate instruction and adequate supervision.

Doubtless, there are many cases about which the Deputy Leader of the Opposition would know where men have been fairly well trained and have been fairly well experienced, but due to carelessness or unsafe practices, or, to use the honorable member's words, 'the contempt which comes from familiarity with the job,' or perhaps inadequate supervision, men have found themselves involved in accidents.

I asked the Deputy Leader of the Opposition a serious question—and I believe he answered it just as seriously—whether unions give any tests. I think his answer was that they did not regard that as their responsibility. To me, that is a curious answer, as it seems that the
responsibility must be shared by the management and the unions. I do not think either one can pass the buck to the other or even think it can be passed to the Government.

Mr. LOVEGROVE.—Why not?

Mr. SNIDER.—Unlike members of the Opposition, we do not think the Government should supervise industry. We have not reached the stage where we can agree with the Opposition that there should be total control of industry by the Government. I have been curious about the matter of union discipline for breaches, particularly in the matter of unsafe practices. It seems to me that the unions have not only a responsibility to their own members, but also the normal human responsibility that should exist as between one human being and another.

Mr. LOVEGROVE.—The unions do what they can.

Mr. SNIDER.—The honorable member rather gave me the impression that, since we do not accept certificates, the unions do not have any responsibility. Surely we are not to have a certificate for every job in industry?

Mr. LOVEGROVE.—There are certificates for tradesmen.

Mr. SNIDER.—The Deputy Leader of the Opposition spoke about power saws and men skidding them along the ground. I do not know whether that is a situation where there should be a certificate, but it was mentioned by him as a source of accidents. I do not know whether the people using such tools should hold a certificate of competency. I am using his argument to emphasize that a great deal should be done in the way of supervision rather than certification. When it comes to the question of a man standing on a hook, that practice is generally regarded as one that is hazardous. Some regulations we have require certain people to wear goggles, but it is a different case when we try to get them to wear the goggles. I am sure that, merely because a regulation is passed that a man should not ride a hook, the practice will not stop. If members of the Opposition believe it is hazardous to ride the hook, it is within their province to insist on strict supervision to ensure that that practice does not take place.

Mr. LOVEGROVE.—Are you suggesting that we should stop the job?

Mr. SNIDER.—I am suggesting that if the Opposition believes it is a hazardous practice, the unions have it within their power to stop it.

Mr. LOVEGROVE.—Do you suggest that we should use the strike weapon?

Mr. SNIDER.—No. I suggest we should take note of the New South Wales regulations to which reference has been made. I am forced to quote these regulations by what the Deputy Leader of the Opposition has said. I have before me a book published by the Department of Labour and Industry and Social Welfare of New South Wales, on page 3 of which it speaks about the dogman, and says—

The dogman must (1) observe safety first; (2) be capable of climbing and working at all heights; (3) understand the method of riding on loaded and unloaded crane hooks.

The regulation suggests that it is not only a matter of individual interpretation, but that the men should learn how to do the work. I am surprised that the Deputy Leader of the Opposition should question me about the practice of riding on the hook. At the outset I said that this was a responsibility that should be shared between management and unions, and I am suggesting that the unions on the job, being interested in the conditions affecting workers on the job, are in a position to discipline those who are in breach of safe practices.

In the matter of safe or unsafe practices, there is a responsibility upon unions. In the daily press, I have seen pictures of workmen doing most extraordinarily unsafe things. One would not need much technical knowledge to appreciate that what they do is most unsafe. What is done by members of the Opposition to discipline members who persist in these unsafe practices, and who like to pose for photographs so that they can be seen by their fellow men?
Mr. DIVERS.—I do not think the hook men have a union, so it comes back to the employers.

Mr. SNIDER.—Apparently someone on the Opposition side has not been doing a good job. If the hook men had a union, there might be some unity of opinion as to whether or not it is safe to ride the hook.

Clause 21 provides that the Governor in Council may make regulations, amongst other things, for—

(d) ensuring the safety of—

(i) persons engaged in installing repairing or altering lifts or preparing lifts for installation or in preparing lift shafts or lift wells for the installation of lifts;

(ii) persons engaged in work in connexion with cranes; and

(iii) other persons who use or operate lifts or who are in any building structure or place where any lift or crane is operating or is being installed erected altered or repaired.

I wish to point out that there is a wide provision for these regulations to cover all the types of things that the Deputy Leader of the Opposition has fore-shadowed. When the time comes for the making of regulations, I hope that careful and serious study will be undertaken. It is apparent from the few sources that I have quoted to-night that there is a wide scope for the making of regulations, some of which I believe will go a long way towards minimizing the type of accidents to which the honorable member for Fitzroy referred.

There are many mechanical and electrical devices which could be introduced to make for greater safety. In addition, many good general practices which, if publicized, made known and enforced, could do a great deal towards improving working conditions generally. There are good reasons why the Government has been wholeheartedly behind measures affecting industrial safety. In the first instance, the reasons are essentially humanitarian. I think we should regard it as fundamentally important that we provide for our fellow men as safe a set of working conditions as possible. In addition to the important humane aspects, there are the effects of hidden costs of accidents in industry. I might say that in using the word "industry," I do not know whether the Deputy Leader of the Opposition meant to restrict his remarks to construction rather than to industry. I do not think he did so intentionally, but the emphasis of his argument seemed to be largely on construction. I remind the House that the application of this legislation is just as important in production, whether a building is being constructed or not.

Mr. LOVEGROVE.—How does that happen? The Bill exempts industry in many cases.

Mr. SNIDER.—There may be a certain classification of exemption, but I think that, broadly speaking, there is still the fundamental application of the Bill to equipment and machinery wherever it may be used. Hidden costs of accidents are great in relation to additional expenditure for social services, the normal interruption of jobs that are being done, and so forth. Then there is the effect on the morale of people working on the job and what accidents may do to handicap the breadwinner in a home. They could create a greater burden not only in terms of grief but also in terms of responsibilities that flow from them on the remaining members of the family. For those reasons, I am happy to see the constructive approach which the Opposition has adopted towards this Bill. I am pleased that the Government has taken this step forward. I support the measure.

Mr. DUNSTAN (Mornington).—My special interest in this Bill is that it is proposed to erect a chair on Arthur's Seat at Dromana—that is when the Minister of Lands in his wisdom—I hope not over-due caution—gives the go-ahead signal for an organization known as Australasian Ropeways to erect this chair. The definition of conveyor contained in clause 3 includes ropeway. I was disturbed on reading the Bill to find that the provisions relating to safety precautions, notification, inspection, maintenance and so forth did
not refer to conveyor. However, it was pointed out to me that by definition a crane was deemed to include a conveyor. I think, without being unduly critical, it is a little difficult for someone interested in ropeways on reading the Bill to find that ropeways are also covered as meaning cranes. However, I can suggest no amendment to cover the position, which is confusing and vague.

I should like to quote a paragraph from a letter that I have received from the Director of Australasian Ropeways. It states—

The Bill does not provide any protection for the public and operators of ropeways against vandals, larrikins and morons who are by far the most dangerous factor in operation of aerial ropeways. For instance, bouncing and swinging the seats can derail the rope of a chair lift, which can have disastrous consequences for both offenders and innocents and can cause tremendous damage to the operator. Unless severe penalties are imposed by law on people jeopardizing by their misconduct the safety of passengers on aerial ropeways, I cannot see how they can be disciplined.

The author of this letter points out that he is speaking from ample and bitter experience of four years as an operator of chair lifts. He installed the chair lift at Falls creek in the electorate of the honorable member for Benambra. I ask the Minister of Labour and Industry to give me an assurance that unruly behaviour on conveyors, chair lifts or ropeways can be controlled under the Police Offences Act, or alternatively, or in addition, that he is prepared to consider an amendment which I will discuss with him to sub-paragraph (3) of paragraph (d) of sub-clause (1) of clause 21, which provides—

Other persons who use or operate lifts or who are in any building structure or place where any lift or crane is operating or is being installed erected altered or repaired.

I should like to know whether the Minister will consider inserting after the words "who use or operate lifts" the words "and cranes" so that ropeways and chairs will definitely be covered when regulations are made under this clause. I realize that this point could well be considered during the Committee stage, so I shall raise the matter again then. I believe the point on which I have spoken has not been given a great deal of attention because the Bill is designed mainly to cover safety precautions for lifts and cranes.

Mr. HOLDEN (Moonee Ponds).—It can be truly said that this is essentially a Committee Bill, and detailed discussion can be left to that stage. I support the measure because I am wholeheartedly behind the Government or any other organization that attempts to do something to ensure safety in industry. This Bill goes quite a long way to ensure that lifts and lifting gear conform to safety requirements. In his comments, the Deputy Leader of the Opposition—the honorable member for Fitzroy—covered a variety of subjects, but I do not intend to traverse them all. It is true that, in conjunction with other members of my party, I made a tour of buildings in the City of Melbourne and observed many things that horrified me, to say the least. Of course, the question of safety in industry is impossible to cover by legislation alone. Even if the House passed half a dozen Bills, the fact remains that safety in industry can be assured, first by education of the workmen themselves and, secondly, by the employment of a safety officer on at least many of the bigger projects. In many cases, that is already being done.

On one occasion I inspected Imperial Chemical Industries building in the course of construction and I found that workmen were issued with safety helmets, but did not use them, despite the fact that many red-hot rivets were dropped from above their heads. There was evidence of that in the roof of a tin shed nearby where one could examine holes through which one could place a fist. The workmen either refused to use the safety helmets, or neglected to do so. I also noticed that where machines were in operation, whether on the ground floor or first floor was immaterial, electric wiring was draped along the floor. Various pieces of equipment were moved backwards and...
forwards over the floor. It only needed a metal wheel of a wheelbarrow to fracture the insulation cable to cause the death of a man. I also saw unguarded power machines being used, and timber with nails protruding lying around inviting persons to step on them and put themselves into hospital. The correction of such bad practices is a matter of education and not of legislation. No matter how hard we try, we cannot protect the fool from his own folly.

I believe this legislation will go a long way towards protecting both persons who purchase equipment and those who use it. By interjection, I pointed out to the Deputy Leader of the Opposition that under clause 11 of the Bill not only must the manufacturer of the equipment carry out certain safety precautions but also the owner, lessee and hirer of a crane is required to provide guards and keep them constantly maintained in an efficient state. Paragraph (c) of sub-clause (ii) of clause 11 provides—

Every owner, every lessee and every hirer of a crane—shall keep a notice as described in paragraph (ii) of paragraph (a) of sub-section (1) of this section printed on or fixed to the crane at all times in the manner provided in that sub-paragraph and if by reason of any alteration to the crane the maximum safe working load thereof is reduced should forthwith alter such notice accordingly.

Consequently, if a person driving a crane extends the jib in order that it shall cover a roadway or some other place, that will certainly alter the safe working load of the crane. It is up to the owner to see that if any alterations are made to the lifting equipment, notification is shown on the crane, hoist or other piece of equipment.

I also wish to refer to comments made by the Deputy Leader of the Opposition concerning scaffolding regulations. Certainly, there is no excuse for any local government authority, whether it be the Melbourne City Council or other organization, failing to ensure that regulations are policed. However, we should examine this question a little more constructively. Under scaffolding regulations in operation in New South Wales, persons erecting scaffolding are required to pay much higher fees than operate in Victoria. I understand that the fee imposed here is £2, whether the scaffolding is required for buildings of the size of that erected by Imperial Chemical Industries or whether it is merely required for a two-storied house. The scaffolding erected for the new Shell company building in course of construction at the corner of William and Bourke streets is designed to protect the lives of many workmen engaged on the project, and the Melbourne City Council inspectors are called upon to make several inspections, taking up a great deal of time, for the fee of £2. Comparable scaffolding under New South Wales legislation would attract a fee of £400 or £500. If fees of that nature were imposed here, the scaffolding regulations could be much more closely policed. I believe the Government should give much more consideration to increasing fees in order to achieve that objective.

With the Minister of Labour and Industry, the honorable member for Fitzroy and the honorable member for St. Kilda, I pay tribute to the work of Mr. W. J. Fahey, senior lift Inspector, for the work he has undertaken over the years with regard to lifts. The magnificent job that he has carried out is reflected in the fact that for many years very few fatal accidents involving lifts have occurred. He has been able to institute various safety measures, although the legislation has not contained much power in this regard, and one purpose of the Bill is to give greatly increased authority to the chief inspector of lifts.

The measure deals also with cranes and lifting gear. In 1951, a Bill dealing with cranes was introduced in another place, but it was not passed. That Bill contained clauses dealing with the certification of crane drivers; I do not know whether it covered dogmen, but it applied to the drivers of cranes and other lifting gear. Certification of crane drivers and others has been introduced in New South Wales, and I should be interested to hear from the Minister or from the honorable member for Fitzroy of the effect, if any, that that move has
had on the accident rate in that State. That should have some bearing on proposed amendments foreshadowed by the Opposition.

I shall leave to the Committee stage comments on particular clauses. I commend the Government for bringing in a Bill dealing with these matters, because I consider that the application of the proposed new provisions will result in the introduction of further safety measures in industry. I hope that in the long run all the various hazards associated with lifts, cranes and other lifting gear will be eliminated as far as possible.

Mr. FENNESSY (Brunswick East).—I support the case submitted by the honorable member for Fitzroy. I would not have participated in the debate but for the fact that the honorable member for Moonee Ponds made certain statements implying that all accidents in industry can be attributed to the laxity and carelessness of the working man on the job. I refute that assertion.

Mr. HOLDEN.—I did not say that.

Mr. FENNESSY.—The honorable member for Moonee Ponds stated that it was a question of education, not legislation. He gave the impression that it was a matter of educating the employer class; they are not concerned with the working man in general. Working men generally in industry have been the greatest protagonists for safety measures ever since I can remember. At one time, I worked in an industry in which practically all machinery was driven by unguarded belts. That situation does not exist to-day, because the Labour and Industry Act provides that belts must be guarded. This safety measure was put into effect as a result of constant agitation by the trade union movement for the protection of workers.

It is a complete fallacy for the honorable member for Moonee Ponds to say that safety in industry depends on the working man himself. The honorable member is trying to absolve the employer from responsibility. He referred to the fact that he had visited some construction jobs in and around the City of Melbourne, and noted that certain workmen were not wearing safety helmets. It is only recently that safety helmets have been provided. This reform, too, was brought about as a result of representations by the trade unions with the object of ensuring that working men were protected to the limit.

I had experience with safety helmets long before working men on construction jobs began to wear them. So did the honorable member for Burwood, who has worked in the mining industry. It has long been necessary for safety helmets to be worn by persons going underground. I resent the implication by the honorable member for Moonee Ponds that accidents in industry are caused wholly and solely by carelessness on the part of working men on the job.

Mr. G. O. REID.—That is quite a wrong interpretation of the honorable member's speech.

Mr. FENNESSY.—The honorable member for Moonee Ponds stated that it was a question of education, not legislation. He gave the impression that it was a matter of educating the employer class to spend money on safety measures. Employers should spend part of their profits derived from construction jobs to ensure that workmen generally are 100 per cent. safe on the job. Recently, I had occasion to visit a construction job in St. Kilda-road, Melbourne. On this job—it was a fifteen-storied building—certain men, who were engaged putting in the framework for the glass windows, were using two planks without a guard rail. The honorable member for Moonee Ponds would, no doubt, claim that it was the employee's responsibility to see that a guard rail was used. The honorable member did not make one reference to the employers—his speech related entirely to the employees. I mentioned to the union representative on this project that the men were not using a
guard rail. I pointed out that they were taking a very serious risk, and he agreed that a guard rail should be provided. However, the employer, who was very busy making money, could not care less.

Mr. Scott.—What did the union representative do about it?

Mr. Fennessy.—The union representative said that he would contact the employer to ensure that before work proceeded a guard rail was provided. It is the employer's responsibility to ensure that scaffolding is properly equipped. I realize that Government members like to think we live in a period of full employment—the Opposition does not agree with that contention—but, nevertheless, there is always the possibility that if an employee does not do his work under the conditions provided he will lose his job. Over the years, this threat has been used by the employers. As a result of the agitation of the trade union movement, employers and the Government have been shown that it is necessary to have certain regulations operating under the Labour and Industry Act which must be observed. If they are on the statute-book, it is a simple matter for the employees to insist upon safety measures. When speaking of the safety of men in industry depending on the men themselves, I suggest to the honorable member for Moonee Ponds that he should direct the attention of employers to the fact that they should observe the regulations which have been promulgated under Act of Parliament.

The motion was agreed to.

The Bill was brought in and read a first time.

SOLDIER SETTLEMENT (AMENDMENT) BILL.

The Hon. E. P. Cameron (Minister of Health).—I move—

That this Bill be now read a second time.

It is a measure to amend the Soldier Settlement Act 1958. Over the years we in this Chamber have had before us many Bills amending the soldier settlement legislation. These have been necessary to keep pace with changing conditions respecting the settlement of returned soldiers on the land. In this instance the Bill seeks to make five amendments to the Soldier Settlement Act 1958 and, since they deal with five separate matters, it is in fact a Committee Bill.

The first matter dealt with is that of restrictions applicable to a purchase lease. As the Act stands, a soldier settler is not permitted to share-farm or to sublet any portion of his holding during the restricted period of his lease, but the amendment proposed in clause 2 of the Bill is intended to give the Commission authority to consent to a settler subletting or share-farming a limited portion of his farm. This is put forward with the idea of assisting the settler in bringing his block into production. For instance, he may gain a benefit by entering into an agreement...
with a share-farmer or sub-lessee for the clearing and improving of certain portions of his holding for which it would not be economical for him to provide the plant.

Some time ago Parliament included a provision in the Land Settlement Act to permit this to be done, and it is now desired to bring the Soldier Settlement Act into line. The returned soldiers' league requested this amendment so far as soldier settlers were concerned, and the Government felt that it would certainly assist towards the success of a settler on his block.

Clause 3 merely corrects a typographical error in that in the consolidation of the Soldier Settlement Act the word "register" appears in one place where it should have been "registrar."

Clause 4 deals with a settler's contract with the Soldier Settlement Commission, and with his interest concessions. As honorable members are aware, the soldier settler enjoys considerable concessions in regard to the payment of interest, terms of repayment, and so on; he is charged interest at the concessional rate of only 2 per cent. That was provided in the first place to ensure the settler's success on his block, if possible.

If he was to continue to enjoy the interest concession it was necessary for him to abide by the restrictive covenants in his lease. He had to live on and personally work his farm. Clause 4, therefore, contains an amendment of the Act to allow a settler who has reached the stage where his purchase lease is negotiable, more flexibility in his farming operations. At present, if he does not comply with the requirements of the Act he has to go outside the Commission for finance in order to obtain his Crown grant.

The Hon. W. O. Fulton.—Do you think the settler will get better terms outside than under the Soldier Settlement Commission?

The Hon. E. P. Cameron.—When an ex-serviceman desired to lift his grant, he in some instances went outside the Commission for financial accommodation. It is now considered that if the settler desires to be free of the restrictions of his lease he should be in a position in which he would not be unduly restricted by outside conditions. It is therefore proposed that the Commission issue him his Crown grant and take a mortgage for the unpaid balance of his liability. But it has been also thought that if the settler avails himself of such an opportunity he should revert to the payment of an interest rate nearer to that applicable in outside business. Under the Act, a settler must live on his block, and if he does not carry out the covenants of the lease, it would be liable to forfeiture.

If a settler wishes to be rid of the present provisions of his lease, he would be obliged to freehold his land. By the amendment in clause 4 he will be able to proceed, if he desires, within the restricted period—possibly within six years, three years of the term having been occupied under an interim lease and three years under the permanent lease—to take advantage of the new proposal. It is intended to give the Commission power to permit a settler to achieve his objective by providing for the issue of a Crown grant, with provision for the Commission to secure the balance of liability by a first mortgage with interest at the long-term bond rate—at present five per cent.—and with repayment over a period not exceeding twenty years.

The Hon. W. O. Fulton.—What advantage would that give the settler?

The Hon. E. P. Cameron.—He would then be free of all restrictions. He could sublet; he could lease the whole of the property. He would not then be forced to live on his farm, but could dispose of it or work it just as if he had a private mortgage on a freehold property. He might also desire to obtain a larger sum than would otherwise be available to him so that he could enter into other business activities, or obtain more land or other property in another place. If a man were suffering some disability, due to climatic conditions or some other cause, he
might desire, while still keeping his farm, to carry on other business interests. He would be unable, without going outside the Commission, to secure the same amount of mortgage over a period of twenty years at the rate of interest that he would have to pay in normal times. If he desired to stay on his property, he could continue under the conditions of his present contract.

The Hon. R. W. Mack.—He would not make a change unless it was to his advantage.

The Hon. E. P. Cameron.—That is so.

The Hon. Arthur Smith.—Do you think this amendment of the legislation may make it easier for some ex-service settlers to get rid of their farms if they desire to do so?

The Hon. E. P. Cameron.—Probably it will do so, but ex-service settlers may sell at any time after the first period of six years. Of course, that must be done with the consent of the Commission. In most cases that have arisen, consent has been given. Under present conditions, if a man is disposing of his property the Commission can impose what restrictions or conditions it likes. This amending proposal will tidy up the position. If the settler desires to sell, he goes out and the incoming farmer undertakes to observe the required conditions to carry on his mortgage.

The next amendment proposed by the Bill will bring a settler with a negotiable purchase lease into line with a single-unit farm mortgagor who has already been granted an opportunity such as is now proposed in this Bill. In the earlier days Parliament amended the Soldier Settlement Act in a way that conflicts with the wording of the Act now proposed to be amended. In 1956, an amending measure was passed to allow a single-unit farm mortgagor who enjoyed the 2 per cent. concessional interest rate, but who did not wish to comply with the conditions of his mortgage, to be given a fresh advance at current rates of interest and at the same time be relieved of the restrictive conditions associated with the 2 per cent. money. Another provision stated that no one should be granted an advance unless he worked and lived on his farm. This requirement is to be amended, and the legislation will then be brought into line.

Clause 6 relates to section 124 of the present Act, which provides that any sale of land having a net annual value of £75 proposed to be sold to a person other than an ex-serviceman must be lodged for the consent of the Minister and be subject to objections by ex-servicemen. We remember that there were many hundreds of cases in past years in which private individuals sought to sell land but as to which the contract had to lie on the table of the Minister for three weeks. If in that period any ex-serviceman wanted the land, he could appeal against the contract being approved. If his appeal was upheld, the Minister would not then give his approval and the sale to the civilian would lapse. Over the years, many ex-servicemen were settled by that means. When they knew that a contract had been made for the sale of a property in their district, and it was land that they liked, they could enter a protest against the proposed sale, and in that way they obtained farms under the favourable conditions applying to ex-service settlers. However, time has elapsed and those cases are becoming fewer and fewer. It is now thought that it would be better not to interfere with normal contracts for the sale of properties. This special provision, having been in operation for sufficient time to give a high percentage of ex-servicemen their opportunity to obtain blocks, the Government considers it would be wise to revert to the normal direct process in land dealings.

The Hon. Arthur Smith.—The Government is satisfied that there would be no objections now to the sale of a property under ordinary conditions?

The Hon. E. P. Cameron.—No objections are now being raised to the sale of farm properties to civilians. There is considered to be, therefore, no need or demand for a continuance of the existing procedure; and if there are still
ex-servicemen desirous of obtaining land they are more interested in proceeding to purchase direct than in buying and arranging for the transfer of a contract. If they now desire to take over a contract, they will be required to obtain it at the same price as any other intending purchaser.

The Hon. I. A. SWINBURNE.—I would not say that there are now no objections by ex-servicemen to the sale of farms to other persons.

The Hon. E. P. CAMERON.—It would be a very isolated case if it occurred now.

The Hon. I. A. SWINBURNE.—I have known of a couple in the last three months.

The Hon. E. P. CAMERON.—That may be so.

The Hon. W. O. FULTON.—Could outsiders pay more than an ex-serviceman would pay for a block?

The Hon. E. P. CAMERON.—Honorable members who have had country experience will agree that many contracts were successfully taken over by returned soldiers after they had successfully appealed against the sale as originally proposed. I should not think that applicants would be keen to take one over at an excessive price.

The Hon. W. O. FULTON.—My contention is that the price might be excessive if there were not a right of appeal against a sale.

The Hon. E. P. CAMERON.—That is what I mean. No soldier would be interested in a property offered at an excessive price.

The Hon. ARTHUR SMITH.—Would it be fair to say that some farms would be purchased by dummy buyers?

The Hon. E. P. CAMERON.—I dare say such instances have occurred. Questionable cases arise in all sorts of transactions. I consider that the provisions of this Bill will remove the danger of a dummy buyer obtaining possession of a property. Some of the temptations will be removed if the purchaser is required to enter into a mortgage agreement and pay the normal rate of interest. By and large, the proposed amendments to the legislation will benefit returned soldiers, and I commend the Bill to the House.

On the motion of the Hon. ARTHUR SMITH (Bendigo Province), the debate was adjourned until the next day of meeting.

ALPHINGTON TO EAST PRESTON RAILWAY CONSTRUCTION (HOUSING) BILL.

The Hon. L. H. S. THOMPSON (Minister without Portfolio).—I move—That this Bill be now read a second time.

The main purpose of the Bill is to release for useful development an area of land which was reserved in 1948 for the construction of a railway line from Alphington to East Preston. In 1946, a large area of land was acquired by the Housing Commission in this district, mainly for the building of houses, but to a lesser degree for the purpose of attracting industries. Some two years later, the Parliamentary Public Works Committee was assigned the task of deciding whether land there should be set aside for the construction of a railway line and, if so, which particular area. As a result of the committee's recommendations, Act No. 5345 was passed. It provided for the setting aside of an area of land for the construction of the proposed line from Alphington to East Preston, but loan funds were not immediately available for the project. This area has now developed substantially—to the tune of 3,090 houses—despite the fact that there is no direct railway system, the residents being well catered for by bus services.

It has been decided by the Railways Commissioners that it would be uneconomic at this stage for a railway line to be constructed. Over the years, there has been an extremely heavy drain on railway loan funds because the Department has taken action to replace out-moded rolling-stock that accumulated during the war years, because of the need to provide more railway facilities to cope with the extraordinary development that has taken place during the post-war period in the Latrobe Valley, and because of extensions to some of the outer suburban
railway lines. It was for those reasons that the Commissioners recommended to the Government that the construction of this line should not be proceeded with. The Government accepted their advice and this Bill has been introduced with the object of empowering the Housing Commission to develop the land in question for housing and industrial purposes.

It is interesting to note that, when the Parliamentary Public Works Committee made its recommendation in 1948, the estimated capital cost of the line was £240,000, whereas now it has increased to £500,000. In addition, it would have been necessary to purchase four new trains, at a cost of another £1,000,000. Thus, the total cost of the project would have been £1,500,000. It was felt more desirable to set aside the land for housing and industrial purposes and to make use of existing transport facilities which are believed to be adequate.

The Hon. W. O. FULTON.—What is the area of the land involved?

The Hon. L. H. S. THOMPSON.—Three hours ago I sought that information, but it has not yet arrived. The area is substantial, and more than a generous amount is to be left on either side of the route of the line, as originally proposed. The construction of a considerable number of houses and industrial premises can be proceeded with. The information required by Mr. Fulton will be forthcoming.

Another question that arises is whether a freeway should be built on this land. The Town and Country Planning Board was consulted some years ago on this matter, and was told that it could take whatever land it felt necessary for the development of arterial roads in this district. The Board has been given a further opportunity to revise its plan, and any land that it needs for roads will readily be made available to it. For the reasons stated, I commend the Bill to the House.

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

SUPERANNUATION BILL.

The Hon. E. P. CAMERON (Minister of Health).—I move—

That this Bill be now read a second time.

This is a Bill to amend sections 3 and 13 of the Superannuation Act 1958 and for purposes connected therewith. The main purpose of this Bill is to amend the Superannuation Act to increase from 26 to 36 the maximum number of units of pension for which an officer may elect to contribute provided that his annual rate of salary permits him to do so. This amendment will bring the Victorian superannuation scheme into line in this regard with the schemes operating in the Commonwealth, in New South Wales and South Australia.

When superannuation for Government employees was first introduced in this State in 1926, it was on the general basis that a contributor had the right to elect to contribute for a pension of approximately 50 per cent. of his annual rate of salary. However, with the changes in the rates of pensions approved by Parliament over the last ten years, and the substantial increases in salaries granted during the same period, this percentage of pension to salary has varied greatly. At present contributors in the lowest salary groups can contribute for pensions equivalent to up to 77 per cent. of their salaries, while contributors in the highest salary groups are restricted to a pension of approximately 23 per cent. of their salary. This Bill will rectify this anomaly to some extent, without disturbing the present ratio of pension to salary in the groups below 27 units.

The cost to Consolidated Revenue in the first year or two of operation will be negligible and the estimated ultimate annual cost will be to the order of £35,000. In order to simplify administrative procedure, the Bill provides in clause 3 for the substitution of a new unit and pension scale in lieu of that now included in the principal Act. This scale is in all respects exactly the same as the present scale up to and including 26 units. From 27 to 36 units it is
in line with the scale which has operated in the Commonwealth for a number of years and which formed the basis of the amending legislation in New South Wales and South Australia.

Opportunity has been taken to include in the Bill two further amendments which the Government considers are necessary. The first of these deals with the admittance to the superannuation scheme of the staffs of the Hospitals and Charities Commission and the Rural Finance Corporation. It is felt that the staffs of these authorities, being permanent and stable, are due for recognition as regards superannuation rights. During the last session, the Superannuation (Amendment) Act 1959 was passed by Parliament to achieve this purpose. However, as the result of certain legal advice, the Act was not proclaimed to come into operation, and its repeal is provided for in this Bill. The advice was to the effect that, if the Act became effective, certain members of the staffs of these authorities might be legally entitled to substantial superannuation benefits to which, taking into account age and their short periods of past and anticipated service, they had no moral entitlement.

As an instance, I quote the circumstance of one person employed by the Hospitals and Charities Commission who, at the age of 60 years, had had less than five years' service and who, upon payment of a contribution of only £17, would have become eligible, if the 1959 Act had been proclaimed, for a pension of £344 per annum. Another person, aged 59 years, would, at the end of four and a half years' service, have paid a total of £283 and have become entitled to a pension of £372 per annum. It is considered that benefits of this nature would be grossly unfair to colleagues in each authority and to contributors generally. The provisions of this Bill will ensure that these factors will be taken into consideration when the legal right to superannuation benefits of members of the staffs of these authorities is being determined.

The further amendment to which I have made reference is in respect of offices under the Crown of which the holders were admitted to superannuation benefits by Orders in Council made pursuant to the provisions of paragraph (j) of the interpretation of "Officer" in sub-section (1) of section 3 of the principal Act. The offices concerned are, in the main, those held by certain members of Boards and Commissions, and once the office is placed under superannuation, any future holder of the office will be automatically entitled to superannuation benefits irrespective of age and possible length of service. Unlikely though it may be, it is thought that a similar position could arise in regard to such an appointment as could have occurred in the ordinary staff ranks under the provisions of the previous Bill. The Government could well be placed in an embarrassing situation when considering the appointment of a desirable person to a Board or Commission if that person could be expected to give only a short period of service. The proposed amendment allows the Governor in Council to declare that the holder of the position will not enjoy superannuation benefits if that action is taken between the time of retirement or death of the previous holder and the appointment of his successor. The Government, when dealing with the new appointment, would have an opportunity to consider whether or not superannuation benefits should be offered to the particular appointee, instead of his being automatically entitled to those benefits, as at present. I commend the Bill to the House.

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

HEALTH (AMENDMENT) BILL.

The debate (adjourned from October 14) on the motion of the Hon. E. P. Cameron (Minister of Health) for the second reading of this Bill was resumed.

The Hon. BUCKLEY MACHIN (Melbourne West Province).—The first of the two small amendments proposed in this Bill is not of such great importance to the community as the second, but
both amend provisions of the Health Act 1958. The first amendment deals with section 74 of the principal Act and concerns drainage work carried out under the provisions of that section. Honorable members who have had experience in municipal work realize that most operations of this type are carried out under private street construction schemes. However, there are occasions when drainage work is necessary in older subdivisions where no provision was originally made for easements and where it therefore becomes necessary to install drainage works through private property.

On such occasions the provisions of the Health Act are resorted to for several reasons. The first is that there can be no objection raised by the people for whom the drainage work is being constructed or by the owners of the property concerned. Secondly, such schemes call for the payment of compensation to the owner of the property through which the drain passes, and the cost of construction of the drain is paid by the owners who benefit by the work.

Section 74 of the principal Act provides that drains or sewers may be laid through private premises whether occupied or not, and that the council may make an order on the owner to proceed with the work. There can be no objection raised to schemes of this sort, as there may be under a private street construction scheme. When the drains are constructed they are to be kept and maintained in proper order by the local authority. The amount of compensation, added to construction costs, is paid by the people whose land adjoins the drain and who benefit from it. Many municipal councils rarely use the power contained in this Act, and it is only when circumstances demand that work be carried out urgently that the section is invoked.

There is one flaw in the legislation, as I see it, and that is that the owner of land has two years in which to make his claim. This often results in a delay in finalizing the cost of a scheme, and in some cases the local authority, rather than wait, bears some of the cost itself. In other cases accounts are sent out for the estimated cost of the scheme, and any additional expense is borne by the local council. The amendment will bring the provisions of the section into line with those applicable to a private street construction scheme so that, instead of having to pay in a lump sum, property owners will have the opportunity of paying in twenty quarterly instalments, the total cost to bear interest at a rate not exceeding 6 per cent. per annum, which is the rate of interest now charged in respect of private street work. Members of my party raise no objection to this amendment.

Clause 3 of the Bill deals with the labelling of bottles or packages containing poisons. I am interested in this measure because of at least one tragedy which was brought to my notice and also because of the slackness of the Department of Health in this regard. I thank the Minister of Health for his concise and clear second-reading speech in which he mentioned the history behind this measure. I cross swords with him, to some extent, when he says that people carelessly leave around bottles and substances which children can get hold of and drink. That does happen, and in some cases parents are to blame. However, in other cases, and in the particular case to which I shall refer, greater blame attaches to the Commission of Public Health than to the parents concerned.

I should like to refer to one or two letters which probably had something to do with the introduction of this amendment. I received the following letter, dated 24th June, 1959, from Mrs. M. Mastrantonio:—

Dear Mr. Machin,

On the 6th December, 1958, my baby, age seventeen months, died a few hours after swallowing some of the contents of a household preparation; namely, "Dai­zone"—label of which is enclosed. This product contains sodium hypochloride, which according to doctors is poison, and the inquest proved that my baby died of poisoning . . .
I obtained a copy of the coroner's finding, which was—

The effect of a poison, to wit sodium hypochloride, contained in a household preparation known as Dai-zone innocently self administered on the 6th December, 1958, at 233 Barkly-street, St. Kilda.

The letter continues—

When I noticed that my baby had drunk some Dai-zone I immediately examined the bottle to see if it was labelled poison, also to find an antidote, or what it contained, but could find none of these things. I did notice that it is marked "non-poisonous."

Nevertheless, I rushed the baby to hospital. Being a Saturday, the doctor was unable to contact the manufacturer to find out the contents of the bottle; my little boy died that evening.

Had there been an antidote on the label my baby would probably be alive to-day. There is no indication whatsoever that the contents of the bottle are poisonous; on the contrary, the label indicates that it is not poison.

Approximately on December 23, 1958, I went to the Health Department, Town Hall, St. Kilda, and put my case before them, but to date I find that nothing has been done to alter the label, it is still just as it was six months ago. I understand the label on this product does not comply with the regulations, and never did at any time.

This was the second death within a fortnight from the same or similar product; therefore, as a safeguard to the lives of other babies and children, the proper labelling of all preparations containing poisons is essential. As I understand, it is provided for in regulations, but the Health Department alone is responsible for its compliance, and it is not the concern of local municipalities.

I implore you that this matter be taken up immediately, and insist that the regulations are complied with.

Yours faithfully,
(Sgd.) M. MASTRANTONIO.

I spoke to the Minister privately and did not raise the matter in the House because he was most helpful and courteous. His reply to me was dated 10th July, 1959, and here I must complain, not about the Minister but about his advisers who misled him, as subsequent events will prove. The Minister wrote—

Dear Mr. Machin,

I have to acknowledge your letter of the 30th June regarding a child's death from drinking from a bottle of "Dai-zone," for which I thank you.

From investigation, it would appear that the bottle which caused the unfortunate death must have been one which had been in possession of Mrs. Mastrantonio for a very long period or, alternatively, had been in the possession of the shopkeeper for a similar period, as the necessary steps to alter the label were taken in 1957 when, after discussion with the manufacturers, a new label was designed and is the one that is now in use and which complies with the requirements of our regulations. The old label contained the words "non-poisonous" and this has been deleted on the present label, although there is no requirement under the regulations for the product to be labelled "poisonous" or for any antidote to be put on the label . . .

That is the point I wish to make. The attention of the Commission was drawn to these labels in 1957, and the Minister in his letter informed me that steps were taken to alter them. The label which I now produce is off a bottle which was bought in 1958. I went into a shop on the 9th October last and bought the bottle of "Dai-zone," which I have in my hand, and which has the same label on it that appears on the bottle that was bought in 1958; the label breaks every rule in the book. It has "non-poisonous" on it and is a "germicide." On the label the word "antiseptic" or "germicide" must be printed in letters of not less than twelve points. Members may not be able to see the printing on the label but they can take my word for it that "antiseptic" is a word that is not in 12-point lettering. The term "non-poisonous" is on the bottle and is wrong. I repeat that a child died as the result of drinking this mixture. There are so many faults of a serious nature that criticism should be made of the Department that has allowed this state of affairs to exist. I have several
other bottles as examples and considera-
tion should be given to this matter to
ensure that such a tragedy will not hap-
pen again. I intend to read reports on
some of the substances, and to bring
before members the apparent laxity
which exists in what we thought
was a Commission of Public Health run
on sound lines.

I have before me a bottle of "Pine-
aire." The label includes the word
"antiseptic" in small letters, whereas
"antiseptic" should be the main word
and should be in not less than 12 point
letters. The present label is an infringe-
ment of the food and drug regulations.
It has not been registered as a propriety-
tary medicine, but I shall come to that
aspect later. A report on this liquid
is as follows:—

The sample is an antiseptic but not a
disinfectant in that there is no statement
on the label saying that it is capable of
destroying the germs of disease.

This sample does not comply with Regu-
lations 84 (5) (a) of the Food and Drugs
Standards Regulations in that the
word "non-poisonous" appears on the
same line as the word "antiseptic"
and with regulation 84 (5) (b) in
that there is not written on the label
explicit information and directions as to the
manner in which the same must be used
or allowed to act in order that it may be
effective as an antiseptic, and with regu-
lation 84 (7) (a) in that the word
deo!orant is not immediately followed by
the words "This substance is not a disinfec-
tant or germicide," and with regulation 84
(7) (b) in that there is not written in the
label explicit information and directions
as to the manner in which and the time
during which the same must be used or
allowed to act in order that it may be
effective as a deodorant, and with section
267 of the Health Act 1956 in that it
must have been registered when the proprietary
medicines legislation first came into
operation. As a result of this delay on
the part of some wholesalers, the Department
has since accumulated a considerable
number of applications which are yet to
be considered and determined. In respect
of these applications, the proponents have
been assured that no action will be taken
to prevent the sale of the preparations con-
cerned until the applications are
determined. There are also those appli-
cations which only recently have been
determined. In the majority of these cases,
the Advisory Committee required some
label adjustment to be made, varying in
degree from a minor qualification to a
major amendment. Where the applicants
concerned agreed to alter their labels as
required, the Department has consented to
the continued use of old labels until new
ones can be printed. These matters are
mentioned as being among some a Council
Officer would have no knowledge of.

There is also the matter of registration
itself. Unless the Government Gazette is
closely watched, the published notice of
registration could be missed, and in any
case an officer of council would know noth-
ing about lists which might be in the
course of preparation or even in the

than five minutes and killed the germs
Clostridium welchii in less than five
minutes.

Last night I consulted a dictionary to
ascertain what those germs were. It
must have been an old dictionary, or
they were new germs. Here we have a
substance as to which we ask ourselves:
Why is it not registered with the Regis-
trar of Proprietary Medicines? A sub-
stance caused a death in 1958, as I have
already pointed out, but in October,
1959, I was able to purchase the bottle
I now have in my hand displaying the
same label as was on similar bottles in
1958, and from which the substance
which caused the death was taken.

This is the type of answer we get from
the Commission of Public Health, which
was written in 1957—

I refer to your letter of the 1st July, 1957,
in which you inform me that a preparation
named "Dai-zone" fails to comply with
the proprietary medicines provisions of the
Health Act and also infringes section 84
of the Food and Drugs Standards Regulations.
Your letter indicates that legal action is
contemplated by the council in respect of
these contraventions.

When the Register of Proprietary
Medicines was published two years ago,
a great many applications were received in
respect of preparations which should have
been registered when the proprietary
medicines legislation first came into
operation. As a result of this delay on
the part of some wholesalers, the Department
has since accumulated a considerable
number of applications which are yet to
be considered and determined. In respect
of these applications, the proponents have
been assured that no action will be taken
to prevent the sale of the preparations con-
cerned until the applications are
determined. There are also those appli-
cations which only recently have been
determined. In the majority of these cases,
the Advisory Committee required some
label adjustment to be made, varying in
degree from a minor qualification to a
major amendment. Where the applicants
concerned agreed to alter their labels as
required, the Department has consented to
the continued use of old labels until new
ones can be printed. These matters are
mentioned as being among some a Council
Officer would have no knowledge of.
printer’s hands. This is a difficulty your analyst is aware of, and only last Monday this office received from him an inquiry as to whether certain preparations have been registered.

Following the publication of the Proprietary Medicines Register, the Department took what action it thought advisable and necessary for the supervision and enforcement of the proprietary medicines legislation. Such action was to arrange with the Pharmacy Board for the appointment of an additional inspector and for the Board to carry out inspections on behalf of the Commission of Public Health. The arrangement has the advantage of circumventing an overlapping of duties between health inspectors and Pharmacy Board inspectors as well as assuring that only persons with pharmaceutical training carry out the work of inspecting medicines.

The Department acknowledges its indebtedness that the case of “Dai-zone” has been brought under notice and would be obliged if any future cases which may present themselves could be brought to attention similarly. However, in view of the foregoing it is suggested that action under Part XIV., Division III., of the Health Act, should be restricted to the Commission of Public Health. In this regard the Department would be glad to have Council’s comments at an early date.

The letter was signed by the secretary of the Department. This is really a serious matter. It would seem that anybody may put some sort of a substance into a bottle, label it, and go along to the Commission of Public Health to register it as a proprietary medicine, but until the Commission gets around to dealing with it, the person concerned—to use the Commission’s own words—is assured that no action will be taken to prevent the sale of the preparation in the meantime. No-one knows what is put into bottles, with tragic results in many cases. I remember what occurred some years ago when desiccated coconut which came on to the market was diseased. People who had supplies of this desiccated coconut had to destroy it. Apparently business people who have gone to the expense of having labels printed are permitted to use them on various lines until the stocks of labels are depleted. I quote again from the letter from the Department of Health—

Where the applicants concerned agreed to alter their labels the Department has consented to the continued use of the old labels until new ones can be printed.

The Hon. Buckley Machin.

I do not think the Department should allow anyone to do anything of that nature. The manufacturers should be told to bring the old labels in to be destroyed. If I did not want a job to be done for a long time I would say to the printer, “I want this job done, but I don’t want you to hurry with it. I have plenty of old labels and the Commission of Public Health will let me use them.”

The Hon. Samuel Merrifield.—If that stock is two years old, then the company could afford to interrupt its supplies for a while.

The Hon. Buckley Machin.—Exactly. I have examined the relevant section of the Act carefully, but I cannot find where any authority is delegated to anyone to extend that leniency to manufacturers. I know that every Department has certain elasticity in regard to rules and regulations, but I think this is carrying the matter too far. It is incredible that a Minister of the Crown should agree to an indefinite period being granted in which new labels may be substituted for the old ones.

The Hon. W. O. Fulton.—Is there anything in the Act to give him that power?

The Hon. Buckley Machin.—I have examined the section carefully, and I can find no such authority. Therefore, I want to know why the power was given and who gave it. It is indisputable from the coroner’s finding that the child lost its life as a result of drinking a substance wrongly labelled under one section of the Health Act. What the Commission seems to have overlooked is that this sample was sold as disinfectant, but because of the wide ambit of its claims it really comes under the list of proprietary medicines, and as such should be registered. I cannot help but think that somewhere along the line there has been a lamentable delay, and I am happy that this new provision has been proposed. In order to clear up any doubts that honorable members may have as to whether I have made mis-statements, I propose to read from the
regulations relating to foods, drugs, substances and methods of analysis. Sub-section (2) of section 82 of those regulations states—

Every person who sells any package which contains or purports to contain a disinfectant or germicide shall attach thereto a label in which shall be written—

(a) in letters of not less than twelve points the word DISINFECTANT or the word GERMICIDE, or both such words, and the said words shall be the first words on the label, and no other words shall appear in the same line or lines; and

(b) explicit information and directions as to the strength or proportion of the substance or compound and the manner in which, and the time during which, the same must be used or allowed to act in order that it may be effective as a disinfectant or germicide.

In regard to the labelling of antiseptics, sub-section (9) of section 82 provides, inter alia—

Every person who sells any package which contains or purports to contain an antiseptic shall attach thereto a label in which shall be written—

(a) in letters of not less than 12 points the word ANTISEPTIC, and the said word shall be the first word on the label, and no other word shall appear on the same line.

In regard to proprietary medicines, the Health Act states that apart from the medicine being registered, the label shall state that it is registered before it is allowed to be offered for sale. For the life of me I cannot see why the substance to which I have referred has been allowed to be offered for sale. Sub-section (1) of section 259 of the Health Act defines "proprietary medicine" as follows:—

"Proprietary medicine" means any substance or mixture or compound of substances or biological product which is intended to be administered or applied whether internally or externally to persons for the purpose of preventing, diagnosing, curing or alleviating any disease, ailment, defect or injury or for the purpose of testing susceptibility to any disease or ailment . . . .

The Commission appointed an advisory committee consisting of six persons to investigate this matter. I do not question the bona fides or the ability of the personnel of that committee. Section 266 of the Act provides, inter alia—

(1) The outer container in which a proprietary medicine is exposed for sale and sold by retail shall bear thereon the expression "Registered Victoria" or such abbreviation thereof as may be prescribed by regulations for the time being in force, and a serial number or other symbol or symbols denoting the registration of the proprietary medicine.

(2) No package of a registered proprietary medicine shall bear thereon and no advertisement relating to any registered proprietary medicine shall contain—

(a) any reference to this Act other than the words "Registered Victoria" or an abbreviation thereof . . . . shall be guilty of an offence against this Part.

In its last election policy speech, which some people were unwise enough to disregard, the Labour party called for the immediate establishment of a co-ordinated central antidote poisons bureau in Melbourne. When this woman told me about the tragedy, she also said that she chased all over Melbourne frantically looking for the maker of this medicine. The manufacturer could not be found, and subsequently the child died. Had this centre been established, information in regard to an antidote would have been available, and the life of the child would probably have been saved. This Government is always "hanging fire" here and there, and I understand that it is talking about establishing such a centre but no action has been taken.

Yesterday I contacted the Royal Children's Hospital and various doctors to find out what information they had relating to antidotes. One doctor I contacted told me that in his surgery he has a card published by Amcal stating the various antidotes for poisons. The children's hospital has a good system, but it is not a central bureau which can be called upon in the event of a tragedy.

The Labour party wholeheartedly supports this measure. However, I am not happy with the way in which the officials of the Commission have advised the Minister. They told the honorable gentleman—I am speaking with great respect for the Minister—that the labels
should have been changed in 1957, when in actual fact a bottle bearing the old label was bought in December, 1958. Furthermore, I went into a shop recently and bought another bottle with a similar label about which there was a complaint in 1957. That shows carelessness on the part of the Commission or complete disregard of what informed the Minister and this House, because the Minister told me in good faith what he thought to be true. However, the information was incorrect and the officers of the Commission who supplied the information either did not take the trouble to find out or said, “It is only someone poking his nose in and we will fob him off with anything.”

I am not at all happy with the way in which the Commission of Public Health handles matters with which it deals. This is a most serious case, and I congratulate the Minister on bringing the matter forward. However, had it been brought to notice when the Commission was first advised of it, probably hundreds of babies would not have had to be taken to hospital. Recently I inquired from the children’s hospital how many children had been treated there for poisoning. I was informed that 290 had been treated in the last two years for other and unspecified poisoning. That does not include lead and petroleum poisoning. The Minister did admit that children drink petroleum and kerosene, and I agree. Parents know that kerosene is a dangerous substance and take due precautions, but when they are given bottles which purport to make unclean drinking water fit for human consumption and which cure tinea, corns and everything but gall stones—

The Hon. E. P. CAMERON.—Read what the label says.

The Hon. BUCKLEY MACHIN.—It would not clear the cobwebs from the heads of some of the Ministers. In regard to nursery squares, the label says that a soaking in solution of one to 50 parts water for ten minutes after washing will leave them completely germ-free and soft. It recommends the use of the mixture to sterilize babies’ bottles and sick-room equipment. It is also recommended for use for dental plates, cuts, scratches, abrasions and sores. In regard to drinking water it is stated that five drops per gallon of water will act as a precaution against contamination.

The Hon. E. P. CAMERON.—The manufacturers do not claim that it will cure anything.

The Hon. BUCKLEY MACHIN.—No, but they claim it is a treatment for many ailments. By virtue of the fact that it claims to do all these things and is labelled non-poisonous, can one blame a parent for not taking normal precautions on the assumption that it is labelled correctly? Furthermore, what authority have the manufacturers to put on the labels, with the consent of the Commission of Public Health, the words “non-poisonous”, when the mixture has not been before the committee for registration and when it has not been analysed and a proprietary medicine number obtained? If the manufacturers are not wrong in selling it as an antiseptic and germicide, then they are wrong in selling it as a proprietary medicine. Obviously the Commission is more concerned with the manufacturers than with the welfare of children whose lives the Commission is supposed to protect. I hope that I have not wearied the House unduly, but I do think this is a matter which should have been brought forward earlier, in which case lives might have been saved.

Before these substances are placed on the market, they should be analysed and properly labelled, and the Commission should be satisfied that the product complies with the claims made on a label. Manufacturers should not be permitted to make false claims in order to vie with one another on the competitive market.

In a letter forwarded to me, there is evidence that, in some cases, there has been delay on the part of the manufacturer in supplying information to the advisory committee, and that is one of the reasons for the delay in registration. I do not regard that as a reasonable excuse, and I ask the Minister to make sure that some authority
is established immediately to control products of this kind. All bottles which are labelled incorrectly should be called in, irrespective of the expense involved. They should not be allowed to remain on the shelves of shops any longer. Some time ago, when it was discovered that supplies of desiccated coconut were injurious to the public health, the product was recalled. Similar action should be taken in connection with bottles of the type to which I have referred.

The Hon. E. P. CAMERON.—What are some of the diseases which it is alleged these mixtures will cure?

The Hon. BUCKLEY MACHIN.—I repeat that the "White King" bottle is labelled to the effect that it is a treatment for—

Cuts, scratches, insect bites, minor burns. Apply solution one part of "White King" to ten parts of cold water. Cover loosely with gauze. Keep moist with same strength solution.

The label also indicates that the "White King" mixture is useful for the treatment of ringworms, tinea, and other such infections. The label on the "Pinaire" bottle indicates that the mixture may be used as a gargle and mouthwash. The product is termed, "Antiseptic; non-toxic." Which is right? The contents of the bottle cannot both be antiseptic and non-toxic! I know the Minister of Health is disturbed about this question, and I ask him to "jump" on the people who misled him so that there will be no repetition of the tragedy that occurred in December last. It is of no use making regulations unless they are enforced. Persons infringing the regulations should be dealt with severely.

The sitting was suspended at 6.22 p.m. until 7.49 p.m.

The Hon. W. O. FULTON (Gippsland Province).—This Bill will make two alterations to the Health Act 1958. The first relates to payment by instalments of the cost of drains or sewers laid through private premises, and the second has reference to the power of the Governor in Council to make regulations with respect to the labelling of dangerous substances. It is one of those measures that may be passed without much debate. Under the present legislation, municipal councils have power to install drains and sewers, but the amendment proposed in this Bill will enable them to accept payment for such services by instalments. I do not know whether many costly works are involved. Perhaps the Minister could inform the House in that regard. Apparently, the honorable gentleman did not consider it worth while to explain that particular aspect in his second-reading speech. I submit that it is wrong for a measure to be brought to this House unless members are given full information concerning it.

Earlier this evening, the Minister without Portfolio, in answer to a question which I addressed to him, said, "I asked for this information to be given to me, but it has not yet arrived." I wish to thank the honorable gentleman for subsequently supplying me with the answer to the question I asked. However, I consider that my request for information as to the works that have rendered extended payments necessary is a reasonable one, and I should like the Minister to furnish the requisite details.

I congratulate Mr. Machin upon his contribution to the debate concerning the second amendment proposed in the Bill. The Minister, in his second-reading speech, said—

The second amendment relates to section 390 of the Health Act. This proposes to give the Governor in Council power to make regulations for the labelling of compounds which are detergents and any such fluids or substances used in the home generally.

One would think that is an innocent amendment for the purpose of correcting a small anomaly. The Minister proceeded thus—

Under the principal Act, similar power is given in respect of food stuffs and drugs but not in relation to soap powders and fluids. Of late, there have been cases where children have obtained samples of these articles that have been left at the door of a house or in a letter box. They have been contained in attractive wrappings and the children have eaten or drunk them.
one instance that proved fatal; in other cases, children have become dangerously ill.

The Hon. Buckley Machin.—I drew attention to the fact that accidents had happened because labels were incorrectly marked.

The Hon. W. O. Fulton.—I am coming to that aspect. The Minister, in his explanatory remarks, used the words "of late." It appears from Mr. Machin's speech this evening that the practice has been going on with the knowledge of the Commission of Public Health and those associated with it for over two years. I know that the Minister cannot be expected to have knowledge of everything that happens in his Department because, if I remember correctly, there are about 32 different Boards and committees operating in the Department of Health. The honorable gentleman must, of necessity, depend upon his officers to submit to him without delay particulars of any matters which seem to need attention. For some time I held the portfolio of Health, and I know the work of officers of the Department. In some circumstances it was necessary for me to take drastic action. On one occasion the chief medical officer said to me, "Mr. Minister, I have been misled on this question; I am glad you took the action you did to-day." I will not discuss that aspect further, except to say that, when something like this occurs, I believe it is the duty of the Commission of Public Health, which is under the direct control of the Minister, to bring the matter forcibly to the Minister's notice. Mr. Machin stated that, to his knowledge, two deaths had occurred.

The Hon. Buckley Machin.—I said that I was positive one death had occurred, and I had been informed that a child had died earlier, but I was not sure on that point.

The Hon. W. O. Fulton.—If I wrongly interpreted what Mr. Machin said, I ask him to overlook it because the error was not intentional. I know that the Minister would be just as much concerned about the laxity of an officer of his Department as any one else would be, more especially when it comes to a matter of life and death. It is of no use our blaming parents altogether, although it may appear that there has been lack of care on their part. The information which the Minister has given the House has not enabled us to take such an interest in the measure as we should have liked to take. I confess that this Bill looked as if it was quite an innocent measure. The Minister stated—

In some cases, they will show the right emetic.

If necessary, that should be made mandatory, and I seriously recommend that idea to the Minister. I know what is required under the Food and Drug Act and also in relation to proprietary medicines. When a tragedy has occurred, it should not take years to provide safeguards against a recurrence. I do not say that that is the fault of the Minister, because I am sure that the honorable gentleman would have a measure brought before us to give the Commission of Public Health power to deal with these substances that are put on the market with attractive labels, but which do not conform to the regulations.

Someone says to the Minister, "So and so has had 20,000 labels printed and we do not think there is any harm in allowing the firm to continue to use them until they are depleted." We could not blame the Minister if he said, "I do not think that is an unreasonable request," but here we are dealing with the safety of children and it would be wrong to give the Minister such discretion.

I agree with the request of Mr. Machin, who went to much trouble in making deep research into this question. To-night, Mr. Machin has demonstrated how important this matter is. I do not think the Minister thought the position was as grave as Mr. Machin has shown it to be. If the honorable gentleman had realized the true position, I feel that an amendment of the Health Act would have been introduced at least twelve months ago. My party supports the amendment, but I ask the Minister to take immediate steps to have the present position remedied. If the amendments now proposed are not strong enough to rectify the state of affairs that
has been brought to light, I am sure the House will give the honorable gentleman all the power he needs.

Mr. Machin mentioned the case of desiccated coconut. On the occasion that that matter came under notice, the Department of Health went to a great deal of trouble to trace the origin of the outbreak of typhoid, which was not very serious, and much energy, time and money was spent in tracking down that source. Eventually it was found that it arose from coconut imported from New Guinea. If it was good enough on that occasion for the Department to take all steps necessary to discover the cause of the outbreak of typhoid in this State, and to order the withdrawal from sale of every ounce of coconut imported from New Guinea at the time, it should be good enough for similar action to be taken in regard to these detergents, the effects of which have been so ably demonstrated in this debate. They may be dangerous to little children, who are not able to read the labels on the bottles, and therefore it is necessary that the Department should take early and drastic steps in this matter. I ask the Minister to look at the matter from that angle.

Every now and again a campaign is conducted to prevent accidents in homes, but at times a product is put on the market that could be dangerous if not used in the way described on its label. Mr. Machin said that 290 children had been treated at the Royal Children's Hospital. That amply demonstrates the frequency of cases of poisoning, which is alarming. If there is any possibility that a product can cause the death of one child in this State, steps to provide the necessary safeguards should be taken without delay in regard to such a substance. I think of what might happen in my own home, and I am sure that all other parents have similar feelings. We should look at this question from that point of view, which is too serious to be put on one side. The Minister has brought down this measure which, I trust, will cover the present situation. I commend the Minister and ask him to take action as requested by Mr. Machin and me in relation to this important issue.

The Hon. W. R. GARRETT (Southern Province).—I support the Bill, which is divided into two Parts. Its purpose is to amend the Health Act. The first Part is easy to understand as it relates to drainage, which is an important item in these days, particularly in outlying unsewered areas. In sewered areas, the question of drainage is more simple. Municipal councils have to face drainage problems in new subdivisions, but they do not have much trouble in those areas because subdividers now have to carry out drainage works. However, it frequently happens that a drainage scheme must be undertaken to eliminate a problem which has arisen and which work may be done at the request of residents in certain streets to overcome their particular troubles. In this case, we are discussing drainage problems that come under the Health Act.

It may be that certain people may not wish to face the cost of making drains, although the lack of drainage is a menace to health. In such cases, the Health Act may be invoked and a compulsory drainage scheme can be carried out at the expense of property owners. Road making is a financial liability upon householders, but they may pay for such work on terms extending over ten or twenty years. Payment of the cost of drainage schemes, however, must be made on a cash basis. In most cases, drainage is a charge against a householder, but many householders may not be in a position to pay £70 or £80 in cash, the cost of the work for the draining of their blocks. This Bill will give them relief and allow the payment to be spread over a period of years. That will mean more or less having drainage carried out under a hire-purchase arrangement.

The Hon. W. O. FULTON.—I hope such schemes will not bear the same interest charges?

The Hon. W. R. GARRETT.—The interest charges will be quite all right. The second Part of this Bill relates to another matter, and I commend Mr. Machin on the clear dissertation he has
given on the labelling of bottles containing various chemicals. This is a complicated and an important problem. For many years, the Act has covered the handling of poisons, but in recent years the chemical industry has developed considerably and many varied detergents are being produced. We are now living in a chemical age and the situation has become complicated. The amendment will enable control to be exercised over the preparation, bottling and labelling of these mixtures.

Obviously the manufacturer of a product does not wish it to be labelled as a poison. In my own industry, a certain photographic chemical had been labelled as a poison for more than 50 years, but we marketed it as "non-poisonous." If it is marketed as a poison, it has to be signed for in the poison book, and on a busy Saturday morning in a photographic establishment that can be a complicated problem. An inspector of the Department asked us why it had not been labelled as a poison, and we said it had not because it was not poisonous, and we were able to demonstrate that it was not a poisonous substance.

Persons manufacturing detergents and other chemical products which have been causing serious trouble, obviously do not wish to label their products as poisonous because under such a label their sales would be restricted. We have to be realistic in this matter and should consider just how poisonous these things are. I may mention cyanide, which has been known as a deadly poison for many years past. Three grains constitute a fatal dose, and there are 437½ grains in an ounce. The danger in the opportunities to obtain cyanide has not been completely removed. Any member of this House can go to a chemist and, on giving a reasonable assurance that he knows how to use it, can obtain an ounce of cyanide upon signing the poison book. An ounce of cyanide could wipe out a fair-sized village.

These detergents are not particularly poisonous. They were produced during the war as a substitute for soap, which is a mixture of fat and caustic soda. The latter ingredient is very corrosive and therefore even soap is not a thing for children to eat, but probably it is no more deadly than other detergents when they are properly used. There are other things that are fairly poisonous. I have in mind one cleaner which has a 28 per cent. content of sodium hydrochlorite, and in that concentration is fairly poisonous, but the same hydrochlorite is used for the chlorination of water and in the low concentrations then used is very beneficial to human beings.

Another well known poison is alcohol. I am sure there are members of this House who have had some slight association with that. In its pure state it is a form of poison, but I have never seen a bottle of whisky labelled "poison." I am all for making things as safe as possible, and we must ensure that those that are really dangerous are properly labelled. The Act requires the word "poison" to be the largest word on the label and must be printed in colour. Something of that same nature should be required on the labels on detergents also.

Used almost neat, alcohol is very poisonous, but it is not labelled "poison." The same may be said of nicotine. The slightest trace of nicotine placed on the tongue of a lizard means instant death to it, but a packet of cigarettes is not labelled "poison." There are certain compounds that, while they are not dangerous to an adult, are extremely so if they get into the hands of children. It is impossible to make the use of any of these more or less dangerous materials really safe. They should all be kept under lock and key and well out of the way of small children.

The amendment proposing to empower the Governor in Council to control certain aspects is of considerable value, and it can be said that by passing this measure we shall have gone quite a distance in the provision of safeguards. With respect to the policing of the legislation, I think the departmental inspectors in this State do a very good job. There are members of this House...
who are connected with municipal councils, and I suggest that they should speak to their own health inspectors with a view to ensuring not only that they buy a pound of butter occasionally to examine it but also keep an eye on these materials of which we have been speaking.

The Hon. Buckley Machin.—Inspectors for the local authorities drew the attention of the Commission of Public Health to that point and were told that it was not their affair.

The Hon. W. R. Garrett.—Now that the matter has been brought under the notice of the Minister, I think the position will be rectified. But policing is the essential requirement in regard to the manufacture of these various preparations. The makers do not want to have their product stamped in any way that will affect sales. Tranquilizers, for example, are freely sold at any chemist's shop. Two or three of these will make a person so depressed as not to take much interest in life, while an overdose can cause a catastrophe. Yet an individual person can buy these things in unlimited quantities. The trade must be brought to realize the real situation. I feel that quick regulation will aid the whole position materially.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Costs of drains or sewers made through private premises may be by instalments).

The Hon. E. P. Cameron (Minister of Health).—I believe only one query was raised in the course of the debate regarding this new provision to be inserted in the principal Act, and Mr. Machin himself answered it. However, Mr. Fulton asked what would be the extent of the cost with respect to the making of drains or sewers, and so on. The proposal here is intended to aid the circumstances, for example, of young people in Melbourne who have paid £500 or £600 for the construction of a road in front of their block and are also required to pay a considerable sum for drainage. It is necessary to give some help even if they are to be called upon to pay only £30 or £40 for the construction of a drain. The proposed amendment provides for terms of payment at the same rate of interest as is charged in respect of the construction of roads.

This helpful provision will operate not so much in its application to country areas as in aiding young people who have purchased suburban blocks.

The Hon. W. O. Fulton.—Does this relate to street drainage or to drains of some special sort?

The Hon. E. P. Cameron.—Under the provisions relating to private street construction the cost is divided. A charge is made per foot and it may cover the construction of kerbs as well as drains. There may be a slope on a particular block causing water to flow from it and to damage the next block. In those circumstances, the council concerned may construct a drain between the two allotments, and the cost is divided according to the frontages of the blocks and is shared proportionately by the property owners concerned. I appreciate that this provision holds good in respect mainly of old subdivisions, and such instances as I have just quoted are occurring every week.

The clause was agreed to.

Clause 3 (Power of the Governor in Council to make regulations with respect to the labelling of dangerous substances).

The Hon. E. P. Cameron (Minister of Health).—I must express some appreciation of the tone of the debate to-night, and thank Mr. Machin for bringing up and enlarging upon this most important matter dealt with by the clause. We cannot condone or allow to continue conditions that might bring about the death of a child. I have no desire to make false excuses, nor will I endeavour to blind honorable members, as one might say, with science. Parts of the existing legislation have been quoted by several members. Under the legislation the Commission of Public Health is empowered to deal particularly, first, with
foodstuffs and, secondly, with drugs and medicines. In regard to the latter, those coming within the specific provisions of the Act are those included in the pharmaceutical list.

Mr. Garrett referred to ordinary household preparations that contain a sufficient quantity of drugs to be fatal, if taken. It becomes a matter of the degree to which those dangerous ingredients are used. Mr. Garrett said there were many substances in general circulation, including ordinary household preparations which, if taken to a degree, would kill adults as well as children. Patent medicines, in order to be dealt with under the pharmaceutical provisions of the Act, must include those contents that are embraced in the pharmaceutical list. As Mr. Machin said, if people putting certain preparations on the market claimed them as a cure for various diseases, they should be pounced upon immediately and dealt with.

I am not excusing the Commission of Public Health. It is composed of four municipal nominees, country and town, two doctors, and the Chief Health Officer. Those persons must of necessity accept the onus of anything they do or fail to do. Prior to Mr. Machin bringing up this matter, it was realized that there were some fluids or articles on the market that did not comply with a reasonable degree of safety. Unless it is claimed that they cure diseases, there is at present no power to deal with them.

The Hon. Buckley Machin.—I did not refer to a claim that such preparations would cure ailments. I referred to treatment.

The Hon. E. P. Cameron.—That is what I meant to say, that if the makers of a particular preparation claimed that it was to be used as a treatment for a disease it rightly came within the category to which Mr. Machin referred. The Commission of Public Health realizes that if this amendment is made to the legislation, and regulations are made under it, a certain amount of time will elapse before the offending substances can be removed from the shelves of shops. In the case of goods of this nature many stores may not have purchased them for two years or more.

As soon as I was warned of the dangers and difficulties surrounding the use of these mixtures, I arranged for a draft amendment of the Act to be prepared. If this Bill is passed, it will provide a further safeguard. The legislation covers foods, drugs and patent medicines, and a fourth step will be the provision now under discussion relating to household or other substances and fluids. Many apparently innocent liquids commonly found in homes can, if left unguarded, be dangerous to children.

I agree with Mr. Machin that the establishment of a "poison centre," to which people could apply in an emergency, would be a benefit, and I am hopeful that in the near future the Department will be able to finance such a scheme.

The Hon. W. O. Fulton.—That may be satisfactory in the metropolitan area or in localities close to the large provincial cities, but it would not be of much use in isolated country areas.

The Hon. E. P. Cameron.—Not unless complementary regulations were made after amendment of the legislation. Then, perhaps, it would be of help. Health officers in municipalities are the persons upon whom we must lean for the administration of the regulations.

The Hon. W. O. Fulton.—On the label pasted on any bottle containing a substance that is at all dangerous, instructions should be printed relating to an emetic that should be administered in the event of the substance being swallowed.

The Hon. E. P. Cameron.—I am sure that, if the Commission of Public Health is granted sufficient power to cover emergencies and does not exercise it, it will stand corrected in twelve months' time.

The Hon. Buckley Machin (Melbourne West Province).—I am not satisfied with the answers given by the Minister of Health on one or two points. I do not blame the Minister, but blame
his advisers. He stated that in 1957 certain labels had been withdrawn. A letter from the Minister to me states—

From investigation, it would appear that the bottle which caused the unfortunate death must have been one which had been in the possession of Mrs. Mastrantonio for a very long period or, alternatively, had been in the possession of the shopkeeper for a similar period, as the necessary steps to alter the label were taken in 1957 when, after discussion with the manufacturers, a new label was designed and is the one that is now in use and which complies with the requirements of our regulations.

That letter was dated 10th July, 1959, yet I was able to purchase a bottle of this substance only a fortnight ago with the self-same label as before. The information that the Minister received was absolutely inaccurate, and the persons responsible for supplying it should not be allowed to escape with merely a wagging of the finger and an instruction to be careful next time.

The other point that I wish to make is that most of these substances are bought, not as proprietary medicines but as disinfectants. The wide ambit of uses claimed for them brings them within the list of proprietary medicines. Mr. Garrett has mentioned that local inspectors should pay great attention to labels. They do, and it is the local health inspectors who protect the public, and who, in fact, brought this matter up as early as 1955. An officer then suggested that a special section should be established to watch the question of the labelling of dangerous substances.

This matter can be discussed quite calmly now, but I recall the occasion when I was called to see the woman who had lost her child. She had no thoughts of retribution against those responsible, but said, "I do not want this to happen to anyone else's children." She showed me pictures of her child and I said, "We will see that it does not happen again." The Minister of Health assured me that necessary steps would be taken, but when I followed the matter up I discovered that the Commission had not considered it of sufficient importance to take action. All the labels on these bottles are printed in bright colours which attract children.

A poison bottle must be of specific shape and marked "Poison" quite distinctly. On bottles of germicides and antiseptics attractive labels give the uses to which the substances can be put and tend to lull people into a sense of false security. They take the view that it is not necessary to take care with these things, because the labels state that the contents are non-poisonous. However, some parents still take a great deal of care with them, especially those which do not smell pleasant. The Commission of Public Health has overlooked the vital fact that the offending samples were purchased as disinfectants. They came within the ambit of the regulations relating to food and drugs.

The Hon. E. P. Cameron.—That is not so.

The Hon. Buckley Machin.—I shall argue with the Minister on that point. Do not let us quibble about this. The analyst's report stated that the sample brought to his attention did not comply with the regulations in that the word "disinfectant" or the word "germicide" was not the first word on the label, and other words appeared on the same line. The fact that the samples were claimed to have healing qualities brought them within the list of proprietary medicines. That is the crux of the matter. The Minister still differs with me; some people take a great deal of convincing that they are wrong.

A letter signed by the secretary of the General Health Branch of the Department of Health, dated 24th July, 1957, states—

I refer to your letter of the 1st July, 1957, in which you inform me that a preparation named "Dai-zone" fails to comply with the proprietary medicines provisions of the Health Act and also infringes section 84 of the Food and Drug Standards Regulations. Your letter indicates that legal action is contemplated by the council in respect of these contraventions.

When the Register of Proprietary Medicines was published two years ago, a great many applications were received in respect of regulations which should have been registered when the proprietary medicines legislation first came into operation. As a result of this delay on the part of some wholesalers, the Department has since accumulated a considerable number of applications which are yet to be considered.
and determined. In respect of these applications, the proponents have been assured that no action will be taken to prevent the sale of the preparations concerned until the applications are determined. There are also those applications which only recently have been determined. In the majority of these cases, the Advisory Committee required some label adjustment to be made, varying in degree from a minor qualification to a major amendment. Where the applicants concerned agreed to alter their labels as required, the Department has consented to the continued use of old labels until new ones can be printed.

The last paragraph states—

The Department acknowledges its indebtedness that the case of "Dai-zone" has been brought under notice and would be obliged if any future cases which may present themselves could be brought to attention similarly. However, in view of the foregoing it is suggested that action under Part XIV., Division III. of the Health Act, should be restricted to the Commission of Public Health. In this regard the Department would be glad to have council's comments at an early date.

In no place is it stated that the Food and Drug Standards Regulations have not been contravened. The size of the letters and the fact that the words "antiseptic" and "germicide" are on the same label with the expression "non-toxic" constitutes a contravention of the regulations. It is of no use the Minister stating that they have not been infringed. Moreover, it is of no use new regulations being passed unless they are to be enforced much more severely than the existing ones have been. I urge the setting up of a committee for the sole object of ensuring that before preparations are sold they are labelled in such a manner that the public will be amply safeguarded. I realize that nothing is nearer to the Minister's heart. He does not want accidents to happen. I urge him to instruct the officers under his control that they must exercise more care when supplying information for presentation to this House.

I have a list of all proprietary medicines. It was a terrific job to look through them to see whether any of the things to which I have directed attention were among them, and they were not. I have a list of proprietary medicines that has not yet been published in the Government Gazette. I ask the Minister to accept my statements as helpful criticism. The Minister stated that the attention of the Department had been directed to this matter at an earlier stage. The Department should have brought the matter to the Minister's notice long ago. Had it done so, I know he would have taken action.

The Hon. E. P. CAMERON (Minister of Health).—I fear that Mr. Machin and I have been at cross-purposes. I was not endeavouring to argue with him on particular points. I agreed that the matter he has raised was not properly covered under the regulations relating to drugs and patent medicines, otherwise it would not have been necessary to seek additional power to enable regulations to be made. Mr. Machin and I have the same desires in the matter. A quiet reminder could have been given that somebody was not doing his job properly. The Government is seeking additional power to achieve the end sought by Mr. Machin.

The Commission's failure was only in not recalling the balance of the old stocks of labels, because the particular label referred to has been reprinted and now appears on new stock. The amendment contained in the Bill will remove all doubt and will obviate the necessity of a friendly argument between Mr. Machin and myself. Under this measure, the Commission will be enabled to make regulations as to labels and in all sorts of other required directions. We are endeavouring to put beyond all doubt the Commission's power to deal with foods, drugs and proprietary medicines.

The Hon. W. O. FULTON (Gippsland Province).—The Minister of Health has missed the point made by Mr. Machin and myself. I do not intend to labour the point, but I stated emphatically that the delay has been too great. Two years have elapsed since the attention of the Commission of Public Health was drawn to this trouble. I do not think it is right to jeopardize the lives of children for a period of two years. Now we are informed that possibly another twelve months may elapse before the position can be rectified. It may take a little time and trouble to withdraw certain
stocks from stores and chemist shops and to have new labels affixed, but any inconvenience involved should not be considered when the lives of children are in danger. If any of those preparations, not only those mentioned by Mr. Machin, are on shelves in stores and chemist shops to-day, steps should be taken to ensure their withdrawal at the earliest possible moment.

The Hon. E. P. CAMERON (Minister of Health).—Again I think Mr. Fulton and I are at cross purposes. I did not mention the period of twelve months in this connexion. What I said was that I hoped that a "poison centre" would be established within twelve months. As I said earlier, whoever is at fault, I brought in this amendment at the earliest possible moment. In regard to removing old stocks of labels, I cannot say how long that will take. I said previously that the Commission had required new labels to be printed but had failed to arrange for the calling in of all the old stock. I did not mention twelve months in that connexion.

The Hon. BUCKLEY MACHIN (Melbourne West Province).—It has been suggested that I might be wrong about foods and drugs. At page 78 of the Foods and Drugs—

The Hon. G. L. CHANDLER.—What is the argument about?

The Hon. P. V. FELTHAM.—Are we going to pass this Bill?

The Hon. BUCKLEY MACHIN.—The Minister stated that there had been no infringement of the regulations.

The Hon. E. P. CAMERON.—I did not. I said that whether there was or was not any infringement, the position would be put beyond doubt by this amendment.

The CHAIRMAN (the Hon. R. W. Mack).—Order! Mr. Machin is entitled to speak again on this measure if he is not satisfied.

The Hon. BUCKLEY MACHIN.—Thank you for your protection, Mr. Chairman. The Minister is losing sight of the fact that these products are bought mainly as disinfectants and germicides, and, as such, have broken every rule in the book by not complying with the regulations. The attention of the authorities was drawn to them, but they said, in effect, "We agree, but we have assured the makers of this article that it comes under the list of proprietary medicines." This was by virtue of the fact that it was claimed to have a healing quality for cuts, scalds and burns, will treat tinea, ringworm and, as I said before, everything but gallstones. I fail to see why the local authorities, who wanted to take action against the makers for contravening the food and drug standards, should not have been permitted to do so.

The Hon. G. L. CHANDLER.—Are you not living in the past?

The Hon. BUCKLEY MACHIN.—Perhaps so, but it is twelve months since a child died, and twelve months prior to that the authorities were warned of the danger.

The Hon. G. L. CHANDLER.—You have told us all that.

The Hon. BUCKLEY MACHIN.—So long as the Minister will agree that the regulations were broken in the first place, I will be satisfied. He shook his head to indicate that I was wrong and he was right. So long as he agrees that I am right, I am content.

The clause was agreed to.

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

ROAD TRAFFIC (INFRINGEMENTS) BILL.

The debate (adjourned from October 13) on the motion of the Hon. L. H. S. Thompson (Minister without Portfolio) for the second reading of this Bill was resumed.

The Hon. J. W. GALBALLY (Melbourne North Province).—This small measure which bears the euphemistic title of the Road Traffic (Infringements) Bill, in simple language is a measure whereby the procedure for mulcting car owners who leave their cars in a public highway is to be simplified. It is a sharp reminder of the
terrific lag between technical scientific advances and legislative action. In the past 50 years motor cars have intruded themselves into our society to such an extent that they are almost as common in our daily lives as a fountain pen, the radio or television. But the legislature, up to date, has used bows-and-arrows methods in dealing with the problem of the motor car.

We have recognized that the motorist is a goose ripe for the plucking. When a car is bought, the motorist has the privilege of paying something like 30 per cent. sales tax on the vehicle. Every time he fills the tank with petrol it costs him approximately 8s. in tax, which goes to the Federal Government. Having acquired a car, before he takes it out on to the road he, quite rightly, must be qualified to drive, and he must pay a licence fee to the appropriate authorities. He registers the vehicle and, of course, the registration fee goes to the State authority, and this year there has been superimposed a fee of £1 which we are told will be imposed for only one year. Having got his car under those circumstances, he finds he is quite free to use it on the public highway provided he can absorb the regulations made under the Road Traffic Acts, a copy of which I have before me, and which now number 1,501.

The Hon. V. O. Dickie.—Could you read them for us?

The Hon. J. W. Galbally.—I am obliged to Mr. Dickie for his interjection, because I point out that every person is presumed to know the law, and every driver who takes a car on to the highway is subject to a penalty in the courts if he does not know these regulations. Ignorance of the law is not a valid excuse. The Road Traffic Regulations are amended from time to time and are not easily obtained. The Clerks of this House were at some pains to obtain a copy for me, yet every citizen who drives a car is bound by those regulations. He absorbs them to the best of his skill and ability, and then has a look at the regulations made under the Motor Car Acts, as amended from time to time. I should think one would need to do an honours course in law to be able to absorb them. The motorist, having read these regulations—the 1,500 under the Road Traffic Acts, and the 100 odd under the Motor Car Acts—is now launched on the community. The motorist drives his car and, so far as I am able to judge, if he abides by the regulations and does not stop the car he is not committing a breach of the law. Once he stops his car, however, he comes under the road traffic infringements regulations. He is safe so long as he keeps his car in motion.

Wherever the motorist goes, he is one who bears on his shoulders a yoke of Federal and State taxes. He sees around him many monuments. At nearly every street corner there is a magnificent petrol station bought with his money. The best sites in the city and suburbs are occupied by petrol stations, which charge him for the petrol needed to run his car.

As he drives through the city, he sees banks, insurance companies and hire-purchase organizations that have built magnificent buildings on his money. The only thing which seems to have been neglected in this community is the provision of a place in which to park his car if he wants to stop it. Although it may be said that we encourage the motor car industry to sell cars to our citizens, we have done nothing for the motorist, because, if he leaves his car on a public highway, he comes under the criminal law. From the earliest times the criminal law was used to punish the wrongdoer, the thief, the thug, the murderer and the housebreaker, and it is unfortunate that this law was seized upon as a convenient method of enforcing a petty regulation, such as the leaving of a motor car in a public street. There is no moral delinquency in leaving a car in the street, but we have called it an offence, and we deal with a person doing so through the methods of criminal law procedure. I suggest that is wrong, and I am sure that Mr. Feltham will agree with me.

If one leaves a motor car in a public street, a toll should be exacted, in the same way as if the Queen Mary is pulled
up to Prince's Pier, a wharfage fee is extracted by reason of the vessel being there. It is quite wrong, however, to use the methods of the criminal law to enforce a petty regulation. The explanation is historical. The 19th century was concerned rather with the protection of individual interests and "the liberty of the subject" was the catch-cry. With the great development of the 20th century and the extension of our social order, we have tended to swing the other way and to prefer the public interest to the liberty of the subject.

To that extent, we have used the procedure of the criminal law not only for the enforcement of this petty regulation but also for the enforcement of other similar regulations. People are apt to be confused and they query: "Is not this an invasion of the old time maxim that a man is innocent until he is proved guilty?" Doubts are entertained by thoughtful people as to whether this procedure should be imported into our law. I do not believe there is any assault on the liberty of the subject, provided that we assume the right perspective. This is not an offence carrying moral obloquy or delinquency. There is nothing illegal per se in leaving a car in the street. It is something against the flow of traffic and is a wise and necessary regulation, but it should not be enforced in courts of petty sessions using the procedure of the criminal court, in which there is an informant and a defendant and a charge that, "On such and such a date, you did leave your car in the street; how do you plead, guilty or not guilty?"

That is all wrong. The enforcement of the traffic regulations so far as leaving cars in the street is concerned should be by some administrative tribunal. One should not carry the stigma of a wrongdoer. Take the case of a man who goes to a court of petty sessions and is charged with the quasi-criminal offence of having left his car in Collins-street for three hours. He is asked how he pleads, along with people who may be charged with all kinds of offences against the Queen's peace. If he says that he is not guilty, he is punished by being told that his case will be set down for hearing later in the day.

I suggest that these cases should be taken completely outside the jurisdiction of courts of petty sessions, which should not be loaded with enforcement of regulations, as far too much of the time of these courts is taken up in this way already. I see no objection to dealing with motorists who leave their cars in the street, but I believe our philosophy in relation to this so-called offence is wrong. I suggest to the Government that cases of this type should be taken completely outside the ambit of courts of petty sessions. If we do that, we will be on the right road to restoring those courts to their proper functions, that is to say, as avenues in which a citizen who has a suit against another citizen can be heard, or where the Crown desiring to enforce the criminal law against a subject may be heard.

It is a disappointment to me that in these days, when we recognize a car as almost a prerequisite in modern urban life, we have done so little to solve the problems of the motorist. We allow him to drive his car, but once he stops it he is in trouble. The Queen's highways were never intended as places where cars should be left, and properly so; but as Governments have been able to exact vast sums from our motorists, I suggest it is time we made provision for the motorist so that he does not continue in this community to be a law breaker from the time he stops his car. That is what I intended to convey to the House when I said that legislative action has lagged behind technical and scientific processes. In other words, legislatures have not been able to measure up to the problems connected with man's inventiveness.

The Hon. D. J. WALTERS (Northern Province).—To-night, members were fortunate in being able to listen to an interesting speech by Mr. Machin on a most important subject and also an exhortation by Mr. Galbally on what I thought was a simple matter. According to Mr. Galbally, motorists ought to
be given great consideration because they are underprivileged and things are so bad with them that they should not own motor cars. I am a little perturbed as to whether I should not sell my car and travel by tram. I was surprised to hear from Mr. Galbally that a motorist was so underprivileged, because I thought ownership of a car was a sign of prosperity and of pride. I have always regarded it as a mark of prosperity when one counts the number of cars on the road per head of population. In other parts of the world, a measure of the stage of development reached in the economy of a country is the number of cars owned per head of the population.

The Hon. J. W. Galbally.—In this State, cars are owned by hire-purchase companies!

The Hon. D. J. Walters.—The reason a motorist is underprivileged here is the fact that he cannot afford to buy his car because it is owned by hire-purchase people. A few years ago, the reason why he was under-privileged was because he could not use the roads! I do not share the view that the motorist is being harassed by the Bill, which is only a logical follow-on from our modern conditions. To say that a motorist commits an offence when he stops his car is not correct. An offence in parking arises when a motorist parks in the wrong place or at a parking meter that is time expired. That is the type of offence we are trying to penalize in the Bill. If we provide roads in the city and country for motorists to-day, no-one should have the right to impede the flow of traffic by stopping at a kerb or on a road. The whole system is based on the principle of the greatest good for the greatest number.

The Hon. W. O. Fulton.—Do you think it is an offence to be one or two minutes over the time at a parking meter?

The Hon. D. J. Walters.—It is an offence if one is caught. I believe the Government has taken the logical step and has followed the action taken in other States of Australia and in other countries of the world in trying to streamline the numerous offences that are committed by motorists—many of them deliberately. Motorists park their cars in loading zones and in other areas where they should not, thus causing traffic congestion. Frequently a person driving through the streets of Melbourne endangers his life and the lives of other people because of the actions of other drivers. I do not think there is any think wrong with the principle of a traffic officer issuing a ticket on the spot for a traffic infringement of some regulation. The offender has the right to appear in court and plead not guilty, or he may pay the fine.

The Bill refers also to traffic infringements that are not very serious. However, I believe the Bill does not go far enough, because there is no provision for the licence of an offender to be endorsed. If a person commits a traffic offence—except a minor infringement—I think his licence should be endorsed.

The Hon. J. W. Galbally.—The courts have the power to do that.

The Hon. D. J. Walters.—There is no such power under this Bill.

The Hon. J. W. Galbally.—Surely Mr. Walters is not suggesting that a licence should be endorsed for all parking infringements.

The Hon. D. J. Walters.—I do not suggest that an endorsement should be made for a simple parking offence. Nevertheless, some parking offences can be serious. If a person parks his car in front of a fire hydrant and thus obstructs the fire brigade, that could be most serious.

The Hon. J. W. Galbally.—That is a different matter. There is power to endorse for that.

The Hon. D. J. Walters.—Where there is an infringement of the traffic laws, an endorsement should be made.

The Hon. Arthur Smith.—It would be necessary to issue licences of foolscap size!

The Hon. D. J. Walters.—Possibly it would, for some persons. I have been driving a motor car since 1912 and I have never been charged with a traffic
infringement of any sort. I wish to relate an incident that happened when I was in America. I was a passenger in an old model Packard car travelling along one of the highways when the driver pulled out to pass a transport. Unfortunately there was another transport in front of him and he was almost involved in an accident with another car. Shortly afterwards a police car ordered him to the side of the road. The policeman got out of his car, walked around the car in which I was a passenger, and then came to the window and asked the driver for his name and his licence. Then he asked him why he had pulled out. After receiving an explanation, the policeman said, "I will not give you a ticket for an offence, but I will caution you." The driver informed me later that his licence would be endorsed and if he committed another offence this mistake would be known. There are drivers in Melbourne who infringe the traffic laws time and time again and are fined only £1 or £2. Their licences are not endorsed, and that is wrong.

I believe the parking problem in Melbourne is beyond all bounds. In Little Collins-street cars are parked on either side of the roadway all day, and there is really no provision for parking. The position is the same in the fringe areas of the city. The time is rapidly approaching when motorists will have to be denied the right to park their cars in the streets. Actually, they have no right to do so at present because roads are made to facilitate the flow of traffic and not for parking. Motor traffic in Melbourne is delayed by parked vehicles, tram safety zones, pedestrian crossings and so forth. It is my opinion that the pedestrian crossings in Bourke-street are put there for the convenience of one or two business firms. There are five pedestrian crossings in the space of 300 or 400 yards in the Golden Mile. I have travelled a great deal throughout the world and I have seen cities where traffic is much denser than it is in Melbourne, and in the majority of those cities parking is not allowed in the main streets. In addition, pedestrian crossings are not situated in the middle of blocks.

The Hon. ARTHUR SMITH.—Does Mr. Walters suggest that subways should be provided?

The Hon. D. J. WALTERS.—It would not be a great hardship for pedestrians to walk the short distance to the street intersections.

The Hon. J. W. GALBALLY.—Parking near pillar-type fire hydrants is prohibited by regulation 1106, which provides a fine of £25 and endorsement of licence.

The Hon. D. J. WALTERS.—I do not wish to argue with Mr. Galbally on that subject. Members of the Country party support the Bill, because we believe it is an attempt to save the time of motorists, police officers and the courts. I cannot see anything wrong with it. I again assert that motorists have no right to park in the streets. That is a privilege, and if they abuse it, they should be fined.

The motion was agreed to.

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

ADJOURNMENT.

ROAD ACCIDENTS: FATALITY AT GEELONG.

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

That the Council, at its rising, adjourn until Tuesday, November 10.

The motion was agreed to.

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

That the House do now adjourn.

The Hon. C. S. GAWITH (Monash Province).—I rise to speak on a matter of some concern, which is reported in to-night's Herald. I refer to the death of a small boy at Geelong. It would appear from the Herald report that there is a lack of liaison between the Police Department in the North Geelong area and the officers in charge of the North Geelong State School. The report states, inter alia—

Six-year-old Thomas Holtz and his friends left North Geelong State School five minutes early yesterday. Tommy set out to cross the Melbourne-road just as Constable M. Warnecke was about to take charge of the crossing, at his usual time.
Victorians have been gravely concerned about the number of fatalities which have occurred at school crossings over the years. Thousands of pounds have been spent to make the crossings as safe as possible, yet, at Geelong yesterday, a small boy lost his life because of the apparent lack of liaison and co-operation between his school and the Police Department. If children are to leave a school at other than the normal times, and have to cross a busy thoroughfare, the school concerned should notify the local police in time for them to be "on the job." I ask the Minister of Agriculture, who is at present in charge of this House, to put my complaint before the Chief Secretary, who is the head of the Police Department, and the Minister of Education, to ensure that in future accidents of this type shall not occur. We cannot afford to lose our young people by stupidities of this type.

The motion was agreed to.

The House adjourned at 9.33 p.m. until Tuesday, November 10.

LEGISLATIVE ASSEMBLY.

Wednesday, October 28, 1959.

The SPEAKER (Sir William McDonald) took the chair at 4.9 p.m., and read the prayer.

EGG AND EGG PULP MARKETING BOARD.

PROSECUTIONS: EFFICIENCY IN HANDLING OF EGGS: TRANSFER OF ACTIVITIES FROM OAKLEIGH TO PORT MELBOURNE: BEST EGG COMPANY OF NEW SOUTH WALES.

Mr. GAINEY (Elsternwick) asked the Minister of Forests, for the Minister of Agriculture—

1. In how many cases proceedings have been taken by the Egg and Egg Pulp Marketing Board against producers, retailers, and agents, respectively, for offences against the marketing legislation or regulations thereunder since the inception of the Board?

2. Whether control of the marketing of duck eggs was found to be outside the scope of the powers conferred upon the Egg and Egg Pulp Marketing Board; if so, whether any producers received compensation or other redress for duck eggs wrongfully handled by the Board?

3. Whether, in view of a statement made at Greensborough by the chairman of the Egg and Egg Pulp Marketing Board that a privately-owned egg floor at Bendigo handled eggs more efficiently, in greater volume, and at a lower cost than the Board's floor, the Board has given consideration to relinquishing the handling of all eggs in favour of private enterprise; if not, why?

4. Whether the interests of producers were fully considered by the Board before making the decision to close the Oakleigh floor and transfer its activities to Port Melbourne?

5. What was the total cost of the construction of the Board's premises at Port Melbourne and what amount is required to meet the cost of structural additions and alterations necessary for the concentration of the Board's metropolitan activities in that area?

6. Whether it is proposed to launch proceedings against the Best Egg Company of New South Wales; if so, for what reason, and under what authority?

Mr. FRASER (Minister of Forests).—The answers supplied by the Minister of Agriculture are—

1. Information is available only in respect of the period 20th January, 1949 to the present date. Proceedings have been launched against 146 producers, 82 retailers, 20 dealers and 1 carrier.

2. The marketing of duck eggs was found to be outside the scope of the powers conferred upon the Egg and Egg Pulp Marketing Board. Producers did not receive any form of compensation for duck eggs handled by the Board.

3. The chairman's statement at a meeting of producers at Greensborough referred to the speedy placement in metropolitan retailers' premises of eggs graded at Bendigo. The subject of comparative grading floor efficiency was not referred to by him.

4. Yes.

5. The total cost of the construction of the Board's premises at Port Melbourne was £95,860. The question of the cost of additions is under consideration by the Board, and the subject of tenders for the additions has not yet been finalized.

6. Yes. Proceedings have been launched in respect of an alleged breach of section 21 of the Marketing of Primary Products Act, No. 6304 (1958).
RAILWAY DEPARTMENT.

BITTERN RAILWAY STATION.

Mr. DUNSTAN (Mornington) asked the Minister of Forests, for the Minister of Transport—

Whether Bittern railway station is to be reduced in status to a “caretaker” station; if so, whether the Railway Department considers that inconvenience will be caused to farmers from as far as Flinders and Red Hill, who will have to be at Bittern station at prescribed times to despatch and take delivery of products and livestock?

Mr. FRASER (Minister of Forests).

—The following answer is furnished on behalf of the Minister of Transport:—

(a) Yes.
(b) No. The caretaker will be available to attend to business as required from 6.45 a.m. to 7.5 p.m. Monday to Friday, and from 6.45 a.m. to 2.15 p.m. on Saturdays.

BENDIGO NORTH AND BALLARAT NORTH WORKSHOPS: USE OF WHEEL LATHES.

For Mr. GALVIN (Bendigo), Mr. Stoneham asked the Minister of Forests, for the Minister of Transport—

1. Whether the use of wheel lathes at Bendigo North railway workshops is to be discontinued; if so, why?
2. For what period this type of lathe has been used at these workshops?
3. Whether wheel lathes are to be installed in the Ballarat North workshops; if so, why?

Mr. FRASER (Minister of Forests).

—On behalf of the Minister of Transport, I furnish the following answers:—

1. Yes. The two lathes that have been used for turning wheels at Bendigo North workshops for many years are over 60 years old, and are incapable of producing the same output as more modern machines built expressly for turning wheels.
2. Since the workshops were opened in 1919.
3. Yes. A Sellars wheel lathe and a Craven journal lathe have become surplus in the metropolitan area, and are to be placed at Ballarat North workshops, where they will be best located for dealing with wheels requiring attention in that portion of the State.

It is desired to emphasize that no staff will be transferred from the Bendigo North workshops as a result of these changes. For some time past, the Department has been endeavouring to recruit additional tradesmen for Bendigo North workshops, and it will employ any suitable tradesmen offering.

I might say, further, that over the past few years the number of employees at Bendigo and at Ballarat has been increased from a little more than 300 to nearly 700.

DEPARTMENT OF HEALTH.

CASES OF LEUKAEMIA.

Mr. FLOYD (Williamstown) asked the Minister of Education, for the Minister of Health—

1. Whether the Department of Health is conducting or arranging for an inquiry into the causes and/or prevention of leukaemia?
2. Whether leukaemia is a notifiable disease?
3. What was the total number of deaths in Victoria from leukaemia during each of the years 1950-51 to 1957-58?

Mr. BLOOMFIELD (Minister of Education).—The Minister of Health has provided the following answers:—

1. Yes. The Department of Health, in conjunction with the Anti-Cancer Council, has been conducting an investigation into cases of leukaemia since 1957.
2. Yes. Leukaemia was made a notifiable disease on 13th October, 1959. The recent amendment of the Health Act (No. 6507, 1959) gave power to the Governor in Council to do so.
3. 1950 . . . . 128
   1951 . . . . 106
   1952 . . . . 116
   1953 . . . . 123
   1954 . . . . 113
   1955 . . . . 122
   1956 . . . . 144
   1957 . . . . 143
   1958 . . . . 162.

USE OF X-RAY EQUIPMENT.

Mr. FLOYD (Williamstown) asked the Minister of Education, for the Minister of Health—

1. Whether the Department of Health considers that the use of X-ray equipment on human beings by other than competent and qualified persons may be dangerous?
2. Whether X-ray equipment for use on human beings must be registered and conform to recognized standards; if not, whether he will consider introducing legislation for that purpose?

Mr. BLOOMFIELD (Minister of Education).—The answers supplied by the Minister of Health are—

1. Yes.
2. X-ray equipment is not registered, but the person possessing or using such equipment must hold a licence irrespective of whether it is for use on human beings, animals or in industry.

Application for such licence must include the type of apparatus, operating factors including kilovoltage and milliampere rating, and particulars of persons using such apparatus.
These are requirements of the Irradiating Apparatus and Radio-active Substances Regulations 1959, made under the provisions of the Health Act.

OLYMPIC GAMES PUBLICATION. DISTRIBUTION OF COPIES.

Mr. FLOYD (Williamstown) asked the Premier—

Whether, in view of the considerable number of the Olympic Games books which appear to be unsaleable and at present are taking up space in Parliament House, he is prepared to make copies available to the main libraries, to members of the Victorian Parliament, and to visiting overseas delegates to the forthcoming conference of the Commonwealth Parliamentary Association?

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

These books are the property of the Organizing Committee of the XVIth Olympiad. I shall take the matter up with that committee.

COLONIAL SUGAR REFINING COMPANY LIMITED. ESTABLISHMENT OF HARDBOARD FACTORY AT BACCHUS MARSH.

Mr. STONEHAM (Leader of the Opposition) asked the Minister of Water Supply—

If he will lay on the table of the Library the file dealing with the establishment by the Colonial Sugar Refining Company Limited of a hardboard factory at Bacchus Marsh?

Mr. MIBUS (Minister of Water Supply).—The file has been laid on the table of the Library.

Mr. STONEHAM (Leader of the Opposition) asked the Minister of Forests—

If he will lay on the table of the Library the file dealing with the establishment by the Colonial Sugar Refining Company Limited of a hardboard factory at Bacchus Marsh?

Mr. FRASER (Minister of Forests).—The answer is—

The file dealing with the establishment by the Colonial Sugar Refining Company Limited of a hardboard factory at Bacchus Marsh has been laid on the table of the Library. Should the honorable member desire to see the file covering steps taken to prepare the necessary legislation in connexion with the ratifying of the agreement, I will be glad to make this file available also.

EDUCATION ACT. SCHOOL LEAVING AGE.

Mr. RING (Preston) asked the Minister of Education—

On what date it is anticipated that the Governor in Council will issue a proclamation under sub-section (2) of section 3 of the Education Act 1958 raising the school leaving age to fifteen years?

Mr. BLOOMFIELD (Minister of Education).—I am unable to specify a date.

HORSE-RACING.

METROPOLITAN MEETINGS: INVESTMENTS ON TOTALIZATOR AND WITH REGISTERED BOOKMAKERS.

Mr. WHITE (Ballaarat North) asked the Chief Secretary—

What total amounts of money were invested during the last financial year at race-meetings conducted by the Victoria Racing Club, the Victoria Amateur Turf Club, the Moonee Valley Racing Club, the Melbourne Racing Club, and the Trotting Control Board—(a) on the totalizator; and (b) with the registered bookmakers operating at those race-meetings?

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

The following amounts of money were invested on the totalizator and with registered bookmakers during the financial year 1958-59:

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<thead>
<tr>
<th></th>
<th>Totalizator</th>
<th>Bookmakers</th>
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<tbody>
<tr>
<td>Victoria Racing Club</td>
<td>2,683,642</td>
<td>11,070,000</td>
</tr>
<tr>
<td>Victoria Amateur Turf Club</td>
<td>2,360,419</td>
<td>9,018,050</td>
</tr>
<tr>
<td>Moonee Valley Racing Club</td>
<td>2,260,855</td>
<td>10,049,500</td>
</tr>
<tr>
<td>Melbourne Racing Club</td>
<td>1,827,288</td>
<td>6,935,650</td>
</tr>
<tr>
<td>Trotting Control Board</td>
<td>1,046,370</td>
<td>5,891,800</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>10,178,574</strong></td>
<td><strong>42,965,000</strong></td>
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PAYMENTS FROM BOOKMAKERS' TURN-OVER TAX: ATTENDANCES AT RACE-MEETINGS.

Mr. HOLLAND (Flemington) asked the Treasurer—

1. What amounts have been paid annually to the Victoria Racing Club, the Victoria Amateur Turf Club, the Moonee...
Valley Racing Club, the Melbourne Racing Club, and the Trotting Control Board, respectively, out of the bookmakers' turnover tax since the inception of the tax?

2. What were the total attendance figures during each of the years 1948-49 and 1958-59 at race-meetings conducted by the Victoria Racing Club, the Victoria Amateur Turf Club, the Moonee Valley Racing Club, and the Melbourne Racing Club respectively?

3. What were the total attendance figures during each of the years 1956-57 to 1958-59 in each reserve at race-meetings conducted by the Victoria Racing Club, the Victoria Amateur Turf Club, the Moonee Valley Racing Club, the Melbourne Racing Club, and the Trotting Control Board, respectively?

Mr. BOLTE (Premier and Treasurer).

—The answers are—

Victoria Racing Club 7,404 24,994 27,699
Victoria Amateur Turf Club 5,227 24,573 22,711
Moonee Valley Racing Club 6,723 24,038 25,104
Melbourne Racing Club 3,636 19,459 18,951
Trotting Control Board 4,790 10,777 15,481

2. and 3. The Government does not have this information.

The lack of information is understandable because total attendances at racecourses are dependent upon the number of members, the number of complimentary tickets, and so on. The figures cannot be obtained from, for instance, the amount of entertainments tax collected, or from any other figures held by the Government. I shall endeavour to obtain the information and supply it to the honorable member.

ANNUAL LEAVE.

PUBLIC SERVICE: STATE INSTRUMENTALITIES: PARLIAMENTARY STAFFS.

Mr. LOVEGROVE (Fitzroy) asked the Premier—

1. What categories of Victorian public servants receive three weeks or more annual recreation leave?

2. What State instrumentalities employ staff receiving three weeks or more annual recreation leave?

3. What categories of employees of the Victorian Parliament receive three weeks or more annual recreation leave?

Mr. BOLTE (Premier and Treasurer).

—The answers are—

1. All officers and employees employed under the provisions of the Public Service Act are entitled to receive three weeks recreation leave in each year.

2. I will obtain this information as soon as possible and supply it to the honorable member.

3. All permanent and temporary employees of the Victorian Parliament receive three weeks or more annual recreation leave.

MUNICIPAL EMPLOYEES.

Mr. LOVEGROVE (Fitzroy) asked the Minister for Local Government—

What categories of employees of municipal councils receive three weeks or more annual leave?

Mr. PORTER (Minister for Local Government).—The answer is—

I am not in a position to say what leave is actually granted to all categories of employees of municipal councils, but the Municipal Officers Award, the Health Inspectors Award, and the Professional Engineers Award, all provide for three weeks annual leave. The Municipal Employees Award provides for two weeks annual leave.

WAGES BOARDS DETERMINATIONS.

Mr. LOVEGROVE (Fitzroy) asked the Minister of Labour and Industry—

How many awards made by wages Boards provide for three weeks or more annual recreation leave?

Mr. G. O. REID (Minister of Labour and Industry).—The answer is—

Fourteen wages Board determinations provide for three weeks or more annual recreation leave to all employees concerned unconditionally. Forty-eight determinations provide for three weeks or more annual recreation leave to employees who have fulfilled certain special conditions of employment; for example, where they are seven-day shift workers.
LIQUOR INDUSTRY.

DISPUTE BETWEEN CARLTON AND UNITED BREWERIES LIMITED AND HOTELKEEPERS.

Mr. TOWERS (Richmond) asked the Premier—

Whether, in view of the serious and unprecedented position that has arisen between Carlton and United Breweries Ltd. on the one hand and the hotelkeepers on the other hand, he will give consideration to the nationalization of Carlton and United Breweries Ltd.

Mr. BOLTE (Premier and Treasurer).—The answer is "No," and I shall state the reason for that answer. With a nationalized brewery there would be autocratic and bureaucratic control, because it would be solely owned and controlled. At least there is some alternative at present.

1.

<table>
<thead>
<tr>
<th>Year</th>
<th>(a) City of Melbourne</th>
<th>(b) Remainder of Metropolitan Area</th>
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<tr>
<td>1955</td>
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<td>1</td>
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<td>1956</td>
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<td>2</td>
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<td></td>
<td>(renewals refused)</td>
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<td>1957</td>
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<td>1958</td>
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<td>5</td>
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<td></td>
<td>(including one renewal refused, one allowed to lapse)</td>
<td>1 (renewal refused)</td>
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<td>Since 1st January, 1959</td>
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2.

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<tr>
<th>Year</th>
<th>(a) City of Melbourne</th>
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<tbody>
<tr>
<td>1955</td>
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<td>Nil</td>
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<td>1958</td>
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<td>Since 1st January, 1959</td>
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Note.—Conditional certificates have been issued in all the above authorizing a licence when premises have been erected, but only one granted in 1958 has been completed and is operating.
3. (a)

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<thead>
<tr>
<th>Year</th>
<th>Metropolitan.</th>
<th>Country.</th>
<th>Total.</th>
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<tr>
<td>1955</td>
<td>.</td>
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<tr>
<td>1956</td>
<td>14</td>
<td>(includes one registration, renewal of which was refused in 1957)</td>
<td>24</td>
</tr>
<tr>
<td>1957</td>
<td>2</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>1958</td>
<td>14</td>
<td>10</td>
<td>24</td>
</tr>
<tr>
<td>Since 1st January, 1959</td>
<td>7 (includes registration suspended in 1957)</td>
<td>13</td>
<td>20</td>
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(b)

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<tr>
<th>Year</th>
<th>Metropolitan.</th>
<th>Country.</th>
<th>Total.</th>
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<tr>
<td>1955</td>
<td>9</td>
<td>8</td>
<td>17</td>
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<td>1956</td>
<td>17</td>
<td>3</td>
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<tr>
<td>1957</td>
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<td>1958</td>
<td>22</td>
<td>4</td>
<td>26</td>
</tr>
<tr>
<td>Since 1st January, 1959</td>
<td>24</td>
<td>7</td>
<td>31</td>
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**BASIC WAGE.**

**COST-OF-LIVING ADJUSTMENTS.**

**Mr. MUTTON** (Coburg) asked the Treasurer—

Whether, in view of the increased cost-of-living figures released by the Commonwealth Statistician for the quarter ended 30th September last, the Government now will take action to restore the quarterly cost-of-living adjustments to salaries and wages?

**Mr. BOLTE** (Premier and Treasurer).—This matter has been raised several times, and I think this is the second occasion on which the honorable member for Coburg has asked this question. The answer is—

No. The Government's policy is clear on this point. The matter is in the hands of the Commonwealth Conciliation and Arbitration Commission.

**VETERINARY SCIENCE.**

**TRAINING OF STUDENTS IN VICTORIA.**

**Sir HERBERT HYLAND** (Gippsland South) asked the Premier—

Whether it is proposed to start a course of veterinary science in Victoria; if so, where and when, and whether primary-producer organizations will be called upon to provide some of the money required?

**Mr. BOLTE** (Premier and Treasurer).—The answer is—

This matter has been under consideration for some time. No decision has yet been reached. Primary producer organizations have intimated to me that they are prepared to contribute towards the establishment of a veterinary (science) school in Victoria. Negotiations, or rather, talks, are still proceeding.
POTATOES.
Prices.

Sir HERBERT HYLAND (Gippsland South) asked the Minister of Forests, for the Minister of Agriculture—

1. What price per ton for potatoes was —(a) received by growers; and (b) charged by wholesale merchants, on 30th September last?

2. What price per pound consumers were charged for potatoes on the same date?

Mr. FRASER (Minister of Forests).—The answers, as supplied by the Minister of Agriculture, are—

The price of potatoes to the grower varies according to quality and district of origin. The retail price does not always reflect these quality variations.

The Department of Agriculture does not collect daily prices of primary produce. The following information therefore is from trade sources:

Price of potatoes on 30th September.
For best quality Ballarat red soils:
On farm Bungaree district—£14 per ton.
Wholesale at Victoria Market, Melbourne—£18 per ton.
Retail prices eastern suburbs—3d. per lb. (£3 2s. 10d. per ton).

FORESTS (PULPWOOD AGREEMENT) BILL.

Mr. FRASER (Minister of Forests) moved for leave to bring in a Bill to ratify, validate, approve and otherwise give effect to an agreement between the Minister of Forests, the Forests Commission and the Colonial Sugar Refining Company Limited with respect to the establishment of an industry for the manufacture of hardboard from pulpwood obtained from forests under the control of the Forests Commission, and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

GAS AND FUEL CORPORATION (COLONIAL GAS ASSOCIATION UNDERTAKINGS) BILL.

Mr. BOLTE (Premier and Treasurer) moved for leave to bring in a Bill relating to the purchase by the Gas and Fuel Corporation of Victoria from the Colonial Gas Association Limited of gas reticulation areas situate at Oakleigh and Murrumbeena and a gas undertak- ing situate at Warragul and to amend the Gas and Fuel Corporation Act 1958.

The motion was agreed to.

The Bill was brought in and read a first time.

RACING (MEETINGS) BILL.

Mr. RYLAH (Chief Secretary) moved for leave to bring in a Bill to amend the Racing Act 1958.

The motion was agreed to.

The Bill was brought in and read a first time.

MENTAL HEALTH BILL.

The debate (adjourned from September 22) on the motion of Mr. Rylah (Chief Secretary) for the second reading of this Bill was resumed.

Mr. DOUBE (Oakleigh).—This very important Bill consists of 113 clauses and two schedules, the second of which embraces quite a number of provisions. The importance of this measure lies in the fact that it will affect the lives of many people in this State who are patients in mental hospitals, and also, indirectly, it must affect the lives of their relatives, who have the interests of the patients at heart. The Bill is somewhat long overdue, but I do not intend to criticize the Government unduly on that score. Largely, the measure is a copy of an Act which has been in operation in Northern Ireland since 1948, and it is similar to a draft Bill of which I had a fleeting glimpse during the short period in 1955 when I occupied the position of Minister of Health. I am somewhat at a loss to know why it has taken such a long time for this Bill to be brought forward, and why it is based practically entirely on legislation which was enacted in another country almost eleven years ago.

Only a few years ago a Royal Commission in Great Britain investigated this and associated problems, and its findings have largely been incorporated in a new Act which now operates in that country. One would have thought
the Government would take advantage of the investigation and research of that Royal Commission, but, instead of doing so, it has brought down a measure which is substantially the same as an Act which was passed in 1948 in Northern Ireland. The Bill is, of course, a tremendous improvement on the present legislation. The provisions of the existing legislation were placed on the statute-book in about 1928, and many of them are now completely outmoded. The Bill attempts, with a considerable amount of success, to abolish a lot of the outmoded wording and many of the outmoded provisions relating to the care of persons who are mentally ill. This measure will, I have no doubt, be discussed at considerable length in the Committee stage. It does four main things. When the Bill becomes law, there will be no more talk in this State about mental hygiene. The reference will in the future be to mental health, because the Bill changes the term “mental hygiene” to “mental health,” and I suppose that is in keeping with the tendency to find better sounding words that are applicable to this problem.

The Bill does another very important thing inasmuch as it abolishes entirely the certification of people as being mentally ill or, as the old Act put it, as being insane. No more will a person who suffers from any of the mental illnesses or a child who suffers from mental retardation have to carry the stigma of the certification of insanity. Those two changes that will be effected by this measure, namely, the adoption of the new term “mental health” and the doing away with the certification of insanity will certainly be beneficial.

The third important feature of the Bill is that it will be possible for patients to be admitted to the repatriation hospital at Bundoora voluntarily. At the present time, no person can be admitted to the Bundoora hospital for ex-servicemen unless he is certified. As honorable members know, for many years any patient could be admitted to the ordinary psychiatric hospitals—those operated by the Mental Hygiene Authority—as a volunteer but, for some extraordinary reason, the same privilege was not extended to returned soldiers and other servicemen, and it is good to see that this anomaly at least is being cleared up. If members review the records of the Mental Hygiene Authority over the last few years, they will discover that the number of voluntary admissions to mental hospitals has increased greatly, and there has been a proportionate increase in the number of people who have had only comparatively short stays in those hospitals and have then been able to come back into the community.

The second last purpose of the Bill—and it is extremely important—is to segregate those people who are mentally ill and those who are mentally handicapped, as the Bill describes them. For a number of years past, many people who have been interested in this problem—organizations such as the Australian Association of the Friends and Relatives of the Mentally Ill, and others—have been very much aggrieved to see mentally retarded people being housed in the same institution as persons who are mentally ill. It was considered that that state of affairs did not benefit either group. This Bill forbids the mingling of these people in the future, and again we must agree that the Government’s proposal is very sound.

The final important proposal contained in the Bill is the removal from the mental health laws of the provisions conferring upon the Public Trustee the obligation of conducting the affairs of people who are infirm or considered to be incapable of managing their own affairs. So we find that, in the Second Schedule to the Bill, many provisions have been removed from the mental health laws and placed where they rightly belong, namely, in the Public Trustee Act. I said earlier that the Bill removes a lot of outmoded terms, many of which could only be described as offensive. I refer to terms such as “lunatic” and “idiot,” which have been used for years. Those words do not appear in the first part of the measure and we must congratulate the Government and the Authority for making that very sensible provision. But, unfortunately, in the Second Schedule the word “lunatic” constantly recurs. Surely, one of
the aims of modern legislation should be to abolish this inaccurate and offensive description. In fact, I think the Minister, in his second-reading speech, said that one of the ideas was to remove offensive wording. In those circumstances, one would have thought that the Government would do the job completely by removing the offensive expression which recurs so often. On page 52 of the Bill it will be observed that the expression "lunatic so found" is repeated three times, and that on page 53 there is reference to "a lunatic so found under this Act." Again, on page 55 new sub-section (2) of section 34 of proposed Division 2 of Part II., of the Public Trustee Act 1958 reads thus—

Any person so found to be mentally ill or intellectually defective or incapable of managing his affairs shall be a lunatic so found.

It seems to be an extraordinary thing that a Government which had five years to look into the problem and which promised to bring forward a comprehensive Bill should, in the final analysis, submit a measure which is not comprehensive at all. It is an absolute absurdity, when bringing legislation up to date, to retain terminology which would not be found in the legislation of any progressive country of the world. I think the House is owed an explanation why the first part of the Bill is so good, with every offensive term removed, while the second part reeks with prejudice of the past.

Mr. Wilcox.—What are some of the others?

Mr. Doubie.—The word to which I have referred occurs throughout the Second Schedule. I used the plural to describe its use more than once. This reflects considerable discredit on the Government, and the Opposition is disappointed that a thorough job was not done on the Bill.

The problem of mental ill health is one which has aroused considerable interest over a number of years, and I must pay a tribute to the newspapers of the State for their interest in it. A few years ago, they showed active concern about the welfare of patients in the overcrowded mental hospitals of Victoria, and I have no doubt that the pressure they exerted had a great deal to do with the betterment of conditions. No one can deny that the conditions in our mental hospitals have been improved, but it must be acknowledged that they are not as good as one might be led to believe from a reading of the Premier's Budget speech. He claims that this year there will be an increased expenditure of some percentage as compared with 1954; consequently one might gain the impression that no serious mental hospital problems exist in this State. However, that is not the case. There is still great overcrowding in the hospitals, and one can only hope that the efforts of the Mental Hygiene Authority to remedy the position will receive the full backing of the Government.

Honorable members will recall that in 1954 the Commonwealth Government appointed Dr. Stoller, now the chief clinical officer of the Mental Hygiene Authority, to investigate the problem of mental ill health in Australia. His findings stung the Australian community into action, and tribute must be paid to him for his report, as well as to the newspapers, which made a considerable impact on the community and awakened interest. That ensured that the Governments took action. The problem of caring for the mentally ill and the mentally retarded children of this State is in the hands of the Mental Hygiene Authority. There is no doubt that the MacDonald
Government in 1950 made a wise decision when it appointed Dr. Cunningham Dax to the position of chairman of that Authority. One must admire his work, and also that of his associate, Dr. Charles Brothers, and the administrative member, Mr. Eric Ebbs. The improvements that have been made are so great that this State has no rival in Australia in caring for the mentally ill. I have had the good fortune of the opportunity of discussing mental health problems with Dr. Cunningham Dax and the medical officers under him on many occasions. They have given wonderful assistance to Victorian people, especially voluntary groups interested in the care of the mentally retarded. I take this opportunity of thanking the Authority and its officers for the work they have done so well.

I asked a question recently to ascertain whether it would be possible, in view of the importance of this debate, for the report of the Mental Hygiene Authority for the year 1958 to be made available before the discussions were resumed. I received a rather terse answer to the effect that it would be available shortly. It seems to be extraordinary that members cannot get more up-to-date information than what is contained in the report of the Authority for the year ended 31st December, 1957, when discussing such important legislation. Perusing reports of the Authority is the only way members can ascertain what is wrong at Bundoora, how much it costs to maintain a patient in our institutions, and information on the other important things we would like to discuss. It is appalling that a House comprised of laymen should be expected to discuss important legislation without the assistance of reports which should be available. If it were not for the fact that the Bill is so important, I would be inclined to move for a further adjournment of the debate, not only for the purpose of obtaining this report but also to let the Government know that members of Parliament who have to take final responsibility for the contents of legislation should be provided with adequate and up-to-date information. We should not be left to our own devices in gathering material for an important debate of this nature. I hope that in future the Government will make sure that reports are available to members of Parliament, not 24 months after they are due, but immediately they have been prepared. I cannot think of any document which should have a higher priority in printing than a report of the Mental Hygiene Authority, particularly when legislation affecting it is before the House.

Mr. WILCOX.—The Statute Law Revision Committee has already made such a recommendation.

Mr. DOUBE.—It is good to hear that. I propose now to say one or two things about general aspects of our mental hospitals. Although the Commonwealth Government has instituted a health scheme of sorts, it is extraordinary that no benefits are paid to patients who are in hospital suffering from mental illness. A person can contribute to a hospital benefits association for the best part of his life, yet if he enters a State mental hospital suffering from a mental breakdown or other mental disorder, no payment is made by either the Commonwealth Government or the benefits association. It is an extraordinary discrimination that the Commonwealth Government makes no provision for mental illness, whilst payments are made to sufferers from all other complaints, except those of a chronic nature.

The only really destitute people in Australia to-day are the aged mentally ill. Deserved publicity is given from time to time about the plight of age pensioners in our community, but somehow or other very little thought is given to the thousands of persons of pensionable age who are living in our mental hospitals and who are receiving no pension payments from the Commonwealth Government. In answer to a question I asked recently, I was informed that there are 675 men and 1,441 women of pensionable age in Victorian mental hospitals who do not receive any assistance from the Commonwealth Government. The Minister also informed me that a further 2,000
to 2,500 inmates were suffering from disabilities which would ordinarily entitle them to invalid pensions. Consequently, it can be seen that approximately one half of the inmates of our mental hospitals should be entitled to either age or invalid pensions. If they were not inmates of mental hospitals but were living at home, they would receive full pensions. The moment they enter mental hospitals, for some extraordinary reason, the Commonwealth Government ceases to make pension payments to them.

If honorable members are interested in seeking out destitute people in the community, I recommend that they visit mental hospitals which specialize in senile cases. Unless these elderly people are given money by their relatives, they do not have a penny in their pockets. We all know what an extraordinarily hopeless feeling one has when suddenly there is no money in one's pocket. Persons in mental hospitals in that situation suffer a loss of self respect. One of the greatest tragedies inflicted on the aged mentally ill in the community is that the Commonwealth Government deserts them in their hour of need without a halfpenny to call their own, and that they must rely entirely on the charity of their relatives or organizations which assist mental hospitals. This position obtains in a community which professes to have Christian and humane feelings for sufferers. It is difficult to understand how we can allow 4,000 people to be left entirely dependent on charity. If a person is an inmate of an old peoples' home or colony, he receives the full pension, but if he is inclined to wander and the authorities feel that they cannot exercise sufficient custody over him and for that reason he is admitted to a mental hospital, he immediately loses his pension. I hope the Commonwealth authorities, particularly if this Government makes further representation regarding this matter, will see the error of its ways and will recognize the need for mentally ill persons to have something to call their own and money in their pockets to spend. It might be said by some people that they might not spend it in a wise manner. That would certainly apply to some patients, but in the majority of cases I suggest that with the hospital authorities looking after them the money would be spent wisely and for their betterment. Furthermore, they would feel that they were not paupers in the community.

Another important aspect is the cost of drugs to mental hospitals. Honorable members will recall that in answer to a question I asked yesterday I was informed that in 1950-51 the cost of drugs to mental hospitals was £16,498, whereas by 1958-59 that figure had increased to £190,000. A considerable amount of the expenditure, so the Minister informed me, was on drugs which are known as tranquillizers and which are essential for these people. Again, the position is that the Commonwealth Government, through its pharmaceutical benefits scheme, is not making any contribution and the State is faced with the enormous task of carrying the increase in the cost of drugs, which is almost twelve times what it was a few years ago. One can mention these things only in the hope that the Commonwealth Government will again realize the need to come to the aid of mental hospitals. Whilst these drugs could not be described as life saving, they are essential to enable mentally ill people to return to the community. I hope that the Minister of Health will take notice of the fact that so little assistance is forthcoming from the Commonwealth Government in this respect.

I believe the matters I have mentioned are important. We can ask why it is that no medical benefits association will assist a person who becomes mentally ill, why no age or invalid pensions are payable to these people, and worse still, why pensions are taken from people when they enter mental hospitals. A person can receive treatment in the psychiatric ward of a general hospital, such as the Royal Melbourne Hospital, and be entitled to Commonwealth benefits, but immediately he enters a mental hospital there is a differentiation and no payments are made.

Mr. Doube.
Another point I should like to make is that one of the great achievements of the Mental Hygiene Authority is that it has assisted in the development of day centres for mentally retarded children. In about 1950 or 1951, the community, particularly the parents of mentally retarded children, took the view that custodial care for a seriously mentally handicapped child was not good enough. They had the idea that something more than that could be done. Up until that time, it would be no exaggeration to say that a mongol child or a child suffering from some other mental retardation was given merely custodial care in our hospitals. Nothing was done for it. The child was given no habit training or organized play periods. That was the bleak future that faced parents and mentally retarded children. There was nothing but custodial care in an institution and the stigma of certification as being insane. Alternatively, the parents could keep the child at home. That was difficult because there was nowhere to take the child in order that it might receive some training.

The ordinary schools would not admit such children. Moreover, the community did not have such a good understanding of the problem as it now has, and people were often unkind in their remarks and attitude towards the parents of these children. Generally speaking, the picture for the child and the parents was bleak. However, the day centres have done a great deal to alleviate that position. At present, there are approximately 30 retarded-children's day centres in Victoria looking after almost 1,000 children. The State makes quite a reasonable contribution towards the cost of maintenance of these children and their travelling expenses. Even though the Mental Hygiene Authority has difficult financial problems, I think more money should be made available to the day centres and the organizations which operate them. Even on economic grounds, so far as this State is concerned, if the 1,000 children at present attending day centres were housed at Kew cottages, the cost to the Government would be £538,000 a year. At the moment, it is giving subsidies to retarded-children's organizations to the extent of only £59,000 a year. In other words, it would cost the State ten times as much as it is at present if the people organizing the day centres refused to carry on. The cost to the Government on a yearly figure per child works out at £66 6s. for the child in the day centre as against £600 per child in an institution. So, apart from the merits of the child living at home and receiving parental care and affection, there is also the merit, as far as the State is concerned, that care is provided in the cheapest manner possible.

I hope the Minister of Health will appreciate the significant part that the day centres are playing so far as mentally retarded children are concerned. I hope also that he will find some way of increasing the payments to day centres, particularly those in country areas. A limitation of a round trip of 30 miles has been placed on the distance that a child may be brought to a day centre. I think the State could be more liberal in that regard. If the distance is greater than 30 miles, no subsidy is paid. If this matter is given some consideration, I think it will be realized that more assistance to and more understanding of the problems of small day centres in country areas is needed. I hope that Government supporters will not be satisfied with bland statements such as those made by the Minister who introduced this Bill when he congratulated the Minister of Health for the interest that he has taken in this problem. That is not good enough. The Government party should ensure that some of its members are keeping the closest watch possible on this matter. There is still over-crowding at mental hospitals, and there are numerous problems associated with the looking after of 1,000 mentally retarded children. So far, the Minister has not solved many of these problems. I have the honour to be chairman of the central council for organizations of retarded children day centres, and I constantly am made aware of the problems being faced by the people who organize these centres in country areas, particularly in regard to transport.
The Bill is one which Opposition members propose to debate at length, particularly during the Committee stage. However, there are one or two aspects which require explanation before that stage is reached. The first is contained in clause 12, which relates to the functions of the proposed Mental Health Authority. Paragraph (b) of that clause provides that one of the functions of the Authority shall be—

to provide for the carrying out of research and investigations in relation to the causation and treatment of mental illness and intellectual defectiveness and with the approval of the Minister to make grants for such research and investigations;

Grants have been made from time to time to the University of Melbourne and to the Mental Hygiene Authority for the carrying out of research. However, when one examines the research work undertaken into mental health, it appears to be completely unco-ordinated. Research work is being undertaken at the Royal Children's Hospital; then the University of Melbourne is carrying out work in regard to mongolism and is making a survey of mental deficiencies; in addition, the Mental Hygiene Authority is undertaking other work. I do not know whether the Minister in charge of the Bill can inform me whether the research work carried out at the university is co-ordinated with that undertaken by the Authority and the Royal Children's Hospital. It is all very well to provide a new power to make grants, but it is important that the Authority should work out—should not be entirely inelastic in this matter—a series of research projects that are at least to some extent co-ordinated. It appears to me that if someone proposes to undertake research work on a particular aspect, he just carries on even though the work might be valueless so far as the Authority is concerned.

Another important aspect deals with terminology. The words "intellectually defective" are to be used instead of the expression "sub-normal." Of course, one cannot help but appreciate the fact that the new phrase is much better, because sub-normality is not sufficiently particularized. A person could be sub-normal in quite a number of fields. On the other hand, the words "intellectually defective" have a more precise meaning. As far as the organizations to which I have referred are concerned, they call themselves mentally retarded children's organizations. I think it would be an excellent gesture to these organizations if a somewhat similar term could be used. They have already altered their name from sub-normal children's organizations, but it now appears that they may have to make another change and call themselves intellectually defective children's organizations. It does not matter greatly what these children are called so long as the term used is not unpleasant. However, I consider that the expression now used—"mentally retarded"—is just as good as the proposed expression "intellectually defective," and I ask the Minister to examine the possibility of retaining it. The honorable gentleman might also examine Part III. of the Bill, which deals with the admission of voluntary patients to mental institutions. Sub-clause (1) of clause 41 provides, *inter alia*—

A person who is apparently mentally ill or intellectually defective may, subject to the next two succeeding sections, be admitted into and detained in an institution—

(a) if under the age of sixteen years on request in writing in the prescribed form—

(i) of one of his parents or of his guardian; and

(ii) of a medical practitioner who is satisfied that the person should be admitted as a voluntary patient;

(b) if not less than sixteen years of age, on his own request in the prescribed form.

This is asking the child to do the impossible because none of the children concerned can write. Children of the type who are at present residing at the Kew Children's Cottages are unable to write and, therefore, they would be unable to volunteer for admission to a mental home. How then does a person who is over 16 years of age and who has the mental age of a child of four, five or six years, become a voluntary patient? Obviously, he cannot do so.

*Mr. Doube.*
In his second-reading speech, the Minister stated that this Bill would assist greatly in clearing up some of the difficulties existing between the Commonwealth and the State so far as repatriation patients were concerned. Most honorable members know what procedure is adopted in connexion with repatriation patients at Bundoora. They are housed in Commonwealthish-owned buildings on Commonwealth land, but it is the responsibility of the medical officers and nurses of the Mental Hygiene Authority to look after them. The State is responsible for the maintenance of the patients and, in return, the Commonwealth returns to the State the amount of expenditure involved. Last year, with 250 patients at Bundoora, the maintenance costs amounted to approximately £250,000. This sum was expended in caring for the patients by the Mental Hygiene Authority out of its funds, and, later, the Commonwealth Government repaid the £250,000 to the State Treasury—not to the Authority. When examining the question of how much money the Government is giving towards the maintenance of patients, it must be remembered that each year approximately £250,000 is recouped from the Commonwealth Government. If the Authority is to look after the patients at Bundoora, it should not be expected to do so out of its own funds. Naturally, the more that is spent at Bundoora, the less there is for spending on patients under the care of the Authority, and the more the Treasury receives back from the Commonwealth Government. If the Authority is to be generous and spend more money on its patients, it does so at the risk of exhausting its funds and never receiving any recompense. The present system is an unfair way of looking after persons whose mental incapacity resulted from war service.

The report of the Mental Hygiene Authority for the year ended 31st December, 1957—it is the last one available—refers to the difficulties encountered by the psychiatric superintendent at the Bundoora Mental Hospital. I do not know whether the difficulties in question have been overcome. At page 45 of the report, under the heading, “Building, equipment, artisan work,” there appears this paragraph—

Buildings at this Hospital, generally speaking, need considerable repairs and preventive maintenance. Many of the buildings show bare woodwork from which paint has completely vanished. Here again it is believed that lack of financial provision by the Commonwealth is the main cause for the arrears and for the slowness in any programme to overtake the arrears of maintenance work. Probably the residence of the Engineer is the most outstanding example of this lack of maintenance.

It is extraordinary that such a situation should have been allowed to develop. All honorable members are keenly aware of their obligation to ensure that persons who have been injured as a result of war service are properly cared for, and that the buildings used for this purpose are maintained in good condition. Unfortunately, because of the complete lack of care on the part of the Commonwealth Government, the buildings at Bundoora Mental Hospital have deteriorated badly. The Mental Hygiene Authority cannot be blamed for this state of affairs because, as I indicated earlier, the more money that is expended at Bundoora, the less there is available to the Authority, because the repayments from the Federal Government are returned to the State Treasury. Why cannot the Commonwealth Government pay back to the Authority the amount expended in this way? Nothing will be done for the ex-servicemen at Bundoora until this situation has been rectified. The report continues—

Lack of finance for the Repatriation Department by the Commonwealth Government is still retarding the commencement of new works urgently awaited.

Unfortunately, because no further report has been published by the Authority, I am unable to say whether action has been taken to overcome the difficulties encountered at Bundoora.

Under the new English legislation, a mental patient is permitted to knock on the door of a mental hospital to seek treatment. No such provision is contained in this Bill, and patients are to be admitted to mental hospitals only by means of a statutory provision. No
statutory provision is required to enable a patient to gain admission to an ordinary hospital. Why cannot a person who is suffering from some mental illness, and who feels in need of help, visit the receiving home at Royal Park, obtain treatment, and then leave the institution? Why must there be so much red-tape associated with mental health when it does not apply to physical health? Had the Minister of Health and the Government carefully considered the findings of the Royal Commission in Great Britain instead of merely copying an eleven-year old Act, something more would have been achieved on behalf of our mental patients. It is well known that early treatment and early diagnosis are essential if mental patients are to improve and, consequently, it should be possible for a person to be admitted for two or three days, during which time he could receive treatment, and then be allowed to leave. Why is all this formula necessary? The Government is formulamad! There are many ways in which a person will be admitted into a psychiatric hospital when this Bill becomes law. Clause 45, which deals with judicial admissions, provides—

(1) Upon information on oath before a justice that a person appears to be mentally ill or intellectually defective—

(a) is without sufficient means of support;  
(b) is wandering at large; or  
(c) has been discovered under circumstances that denote a purpose of committing some offence against the law—

the justice may by order in the prescribed form under his hand require a member of the Police Force or some person duly authorized in that behalf by the Authority to apprehend such person and take him before two justices.

(2) Any member of the Police Force finding any such person so wandering or under such circumstances as aforesaid may without such order apprehend him and take him before two justices.

There are in the Bill almost four pages of provisions relating to judicial admissions. Out of the 7,000 odd patients who have been admitted to mental hospitals on a judicial basis, scarcely one has been admitted on the basis set forth in clause 45. That provision is merely legal mumbo-jumbo with respect to mental ill health. How many persons who appear to be mentally ill or intellectually defective have been found without sufficient means of support, wandering at large, or discovered under circumstances that denote a purpose of committing some offence against the law? If a person is found to conform to these conditions, is there any real need to take him before a justice? I think the new legislation which is projected in New South Wales is more simple than that. I believe it provides that, if an officer of the Police Force finds a person in such circumstances, he may take him to a mental hospital for examination and, if the superintendent is satisfied that the case is genuine, the due processes of the law are put into effect and the person concerned becomes a patient.

In these provisions there is a lot of unnecessary cluttering up of the measure, particularly when it is considered that there are few persons in mental hospitals who are admitted in that manner. If a physically ill person is found wandering in the streets, he is not taken before a justice. If he is wandering at large, or appears to be without sufficient means of support, the ordinary processes of law will apply. In those circumstances, why should we persist in this unnecessary provision with respect to persons who are mentally ill? I submit that clauses 45, 46, 47 and 48 should be deleted from the Bill. In discussing legal admission, I am not referring to the security patient who is ordered into a mental institution by the court. The type of person in that case is one who is adjudged not guilty but insane, or who is recommended by the court for psychiatric treatment. I am talking about the tedious old-fashioned process which this Bill rather euphemistically describes as judicial admissions. I think the relevant provision could well be left out of this measure, and the provisions of the New South Wales legislation followed.

There is another omission from the Bill. Psychiatric wards of the general hospitals will still be allowed to operate outside the provisions of the legislation and entirely outside the control of the Mental Health Authority. The Minister may correct me on this matter,
but it appears that, while there is being set up a Mental Health Authority to look after all the people in the community who are mentally ill or intellectually handicapped, general hospitals are being permitted to conduct their own mental illness treatment without any recourse or reference to the Authority. Why is that so? Surely, if we believe in the Mental Health Authority as being the most competent body to deal with mental illnesses, we should at least let it have some say about what goes on in the ordinary hospitals. I am not suggesting that anything bad goes on in those hospitals, but it is odd to find a Bill which consolidates the law with regard to mental health retaining the old-fashioned idea that certain hospitals can operate without having to refer to the Mental Health Authority. I hope the Minister will make a note of that point and, perhaps, when he is answering the Opposition, he will state why the psychiatric wards of the general hospitals are to be allowed to operate without reference to the Mental Health Authority.

My colleague, the honorable member for Albert Park, will, I think, have something to say about the terminology that is used in this Bill. The term "mentally ill" does not seem to be very specific. Does it cover infirm people who are senile; or does it cover also the psychopath; or does it do anything for the psychopathic person before he is caught? I fear the answer to those questions will be in the negative. The only way in which a person who is a psychopath or who has a psychopathic personality can be dealt with is after he has been to prison—in other words, after the damage has been done—because he does not come under the definition of "mentally ill."

Other people who are mentally ill might qualify, but a person who could be quite dangerous in the community will not qualify except after he is found out in a crime or misdemeanour. Members will recall the type of personality that is described as psychopathic when I mention the infamous case of Heath, the acid-bath murderer in London. A psychopathic person could be highly intelligent and he might never, on examination, be found to be mentally ill. He might be found to be mentally ill only after he performs his anti-social acts.

Mr. SUGGETT.—How would you correct that state of affairs?

Mr. DOUBE.—That is not easy, but legislation which operates elsewhere tries to cover the position more adequately than has been done in this measure. Perhaps one means of general correction would be to make much greater provision for early treatment. One of the ways of discovering this type of personality would be to ensure that medical practitioners receive more psychiatric training. During the long six years which a medical student puts into his course, he does twelve lectures—without an examination being conducted—in psychiatric medicine and mental disorders. However, because of the busy curriculum set down for medical students, insufficient time is devoted to this particular subject.

Mr. SUGGETT.—Would you propose increasing the length of the terms?

Mr. DOUBE.—The medical school at the University of Melbourne does not provide adequate training for the doctor-to-be in matters pertaining to mental health, but in most other respects the medical student is pretty well catered for in the curriculum. Children's diseases, midwifery, and many other subjects are well covered. Here is a field in which the State is losing millions of pounds annually because so many people who are mentally ill cannot go to work and thus swell the production of the community. It is costing the State many millions of pounds to build mental hospitals and to treat patients in them. It seems that, so far as the university is concerned, the medical profession ignores this big problem, and places the emphasis entirely on physical illnesses.

I have discussed this aspect of the subject because the honorable member for Moorabbin asked me, "How does one cater for the psychopathic personality?" It is very difficult to find an appropriate
answer to that question. I should say that, if the medical course at the university was as much orientated towards the mental illnesses as it is towards the physical disorders, there would be a far greater chance of early recognition of mental deficiencies. I do not suggest that all the Government need do, to solve the problem relating to psychopaths, is to get a pencil and write in an amendment. What I do submit is that the Government has not given consideration to that aspect. If it has done so, perhaps the Minister will state why no action has been taken in that regard.

The Bill continues the authorization for the Mental Health Authority to set up institutions in which people can be charged admission fees. The only free hospitals in the State at the moment are the mental institutions. They are the only places where there is no means test. One wonders what is in the Government's mind when mention is made of reintroducing provisions relating to paying patients in State institutions. Does the Government propose that there shall be private wards in State mental hospitals, State psychiatric wards, intermediate wards, or what? The Minister, in explaining the Bill, did not tell the House very much about it, but the Opposition would be interested to learn what is in the Government's mind as regards financial arrangements for patients in the future. It may be that there are persons who could afford special treatment in a mental hospital, and we are rather concerned that space will be taken up by people in mental institutions on the basis that the patient has money to pay for the extra space and, therefore, that he is entitled to it. We know what happens in the general hospitals to-day. The only real difference in the general hospitals between a private and a public patient is in the amount of space that is allotted to each and the size of the chop that is served for breakfast. There is no substantial difference in the method of treatment for each class of patient. We should like the Minister to explain fully what is proposed as to payment in the future.

In clause 35, the Bill regularizes something that has been going on for a considerable time. Sub-clause (4) states—

With the approval of the Minister, the Authority may subject to such conditions as are prescribed, from moneys provided by Parliament for the purpose make grants towards the cost of establishment and provide annual subsidies towards the maintenance of day training centres and towards the cost of transporting children to such centres.

I think it would be advisable to include in that provision reference to the subsidizing of sheltered workshops.

The SPEAKER (Sir William McDonald).—I suggest that the honorable member is going into more detail than he should in a second-reading speech. The matters he is discussing could more properly be raised when the Bill is in Committee.

Mr. DOUBE.—I bow to your ruling, Mr. Speaker. The Bill is a very long one, and I merely touched on the last matter because I thought the Government would thus be given an opportunity to consider it prior to the Committee stage being reached. I might say, with respect, that very often when one puts forward a proposition in Committee there is insufficient time to consider it. I am sure the Government would not wish the matter of subsidizing sheltered workshops to be left out of the measure. However, I shall not press the matter further at this stage.

The Bill represents a welcome addition to the legislation. I believe it could have been more carefully considered by the Government. Moreover, I submit that the findings of the British Royal Commission should not have been entirely ignored. I believe, too, that the preparation of the Second Schedule defeats the whole purpose of the measure, and I have spent some time explaining that aspect. In the Committee stage, we will have the opportunity to develop many of those points further. However, Opposition members do not propose to attempt to force any amendments. We feel that on this occasion our job is to assist the Government and advise it.
where we can. We hope that this legislation will make the lives of many people in our community much happier.

The sitting was suspended at 5.46 p.m. until 7.19 p.m.

Mr. BROSE (Rodney).—I am sure all members welcome the opportunity to discuss this important subject. Over the years, it has created considerable controversy and nobody has been particularly proud about the whole situation. In 1950, however, the Victorian Parliament made a great step forward in bringing to this State that eminent man in his profession, Dr. Cunningham Dax, to give Victoria a new programme in the sphere of mental hygiene. I speak on behalf of my colleagues of the Country party in saying that we look back with pride upon that appointment. We are now able to say with confidence that we have seen great improvements.

The Bill before the House sets out to do certain things. In the main, I do not think it will bring about very great differences as compared with the legislation of 1950, consolidated in 1958. One of the main provisions of the Bill is the changing of the name from the Mental Hygiene Authority to the Mental Health Authority. I do not know whether there is much virtue in that but, whatever changes may be brought about, I hope they will all prove to be for the better. We are most concerned to see a general improvement in the whole situation. I note with pride that various sums of money have been spent on the betterment of numbers of institutions, and also that the Commonwealth Government is providing assistance on the basis of £1 for £2 of State expenditure.

Dealing with that portion of the Bill related to the functions of the Authority, while it proposes some alterations it makes the whole legislation much more concise, pressing into about 100 provisions what is contained in more than 200 sections in the existing legislation. There is in the Bill a provision with respect to research, and I am sure that great things can be done in that direction. I have been reading something of what has been achieved in other countries as a result of research into the all-important subject of mental health, and I have been astounded to learn of the striking findings in certain directions. I feel convinced that any money spent under this measure for the encouragement of research will be most welcome.

Provision is also made in the Bill concerning private institutions. It is most important that the Authority should have some control over such places. I have been rather concerned about certain things I have heard from time to time involving private mental hospitals. I hope the provisions of this measure will be sufficient to cover all phases of the problem and that, in particular, private institutions will be thoroughly subject to official oversight.

Mr. DOWBE.—The Bill covers all places except psychiatric wards in public hospitals.

Mr. BROSE.—Under the existing legislation, power is provided for the constitution of advisory committees, and their personnel is specified; the members are all good people. There is a further provision establishing a superintendents' committee. The superintendents of the various institutions have taken a very deep interest in their work and I believe the Authority could obtain a great deal of information and help by consulting them.

This Bill provides that the Minister shall have the benefit of the services of advisory committees. It may be that there are some people who have been giving service but that the Government does not want to have them on a committee by right, as under the existing legislation.

I am interested to note the provisions of this measure concerning voluntary boarders. Numbers of old people break down mentally, probably in the ordinary course of senile decay, and they have to be looked after. It is wise, in the circumstances, that there should be this proposed provision for voluntary boarders. Remarkable results have followed the treatment of such people.
by the great organization headed by Dr. Cunningham Dax. I know of specific cases in which he has given advice, with amazing results. I do not see anything very wrong with the provision relating to paying patients. All types of people may become affected, and it is fortunate if some of them should be in a position to pay for their care. Whenever there is a complete breakdown of a person, somebody else has to look after him and his estate.

I understand that in this regard the control of the Public Trustee has worked very effectively. There are some people, however, who fear this provision in the possible event of their becoming certified patients in an institution. When certification takes place, all the personal effects of the individual are taken under the control of the Public Trustee and as an outcome I have known of cases of hardship to wives and families. It is natural, then, that some people should be afraid of becoming involved as patients in a public institution. A person may suffer a breakdown and, instead of going to a State institution, he is put into a private hospital and is forgotten. Somebody is paid extremely well to care for him. I heard of a man who was running a private hospital and making money out of it. I commented at the time, "This is the first hospital I know of that is making money."

I know of an old man who was becoming a nuisance and it was suggested that he should be put into a private hospital. After he had been there for some time, I met him and he told me he had walked out of it. "It was a lunatic asylum," he said. In that instance the person concerned had money and somebody else was being paid large sums in order that he should receive treatment, not, however, under the ideal conditions established by the Mental Hygiene Authority. We should see to it that all private institutions are well covered by this amending legislation so that there should be full authority to investigate the circumstances of certain people and ensure their protection. I should hate to think that somebody had been "put away" because there was enough money in his estate to keep him there. The members of my party hope this amending Bill will work as anticipated. I repeat that in recent years, there have been great improvements, although nobody yet is fully satisfied with what has been achieved.

Mr. SUTTON (Albert Park).—As the honorable member for Oakleigh stated in his incisive but constructive speech, nobody on the Opposition side of the House begrudged the Minister of Health the tribute paid to him by the Chief Secretary for his interest and work in the field of mental health. The Bill, which is of a social and not a political character, represents a material advance on existing legislation, which, though it may have defects, is the best of its kind in Australia, and it will bring Victoria further to the front in that field. It will increase the lead by this State over other Australian States and establish it in favourable comparison with overseas countries.

Like the epoch-making English Mental Health Act 1958, it aims at sweeping away prejudices, ignorance, follies, superstitions, taboos, and all the rest of the impediments to public understanding, at least in general effect, of a deep and wide problem, and at facilitating a solution of it by specialists in special institutions both State and private.

As the Opposition in the British Parliament did, so here the Opposition does—it welcomes a new charter for mental health. After one or two amendments are made to the Bill—the Chief Secretary in his second-reading speech indicated that the Government's mind is not closed against suitable amendments—I am confident we will be able to apply to it the words with which the Minister of Health in the House of Commons concluded his second-reading speech. He stated—

On the statute-book it will mark a notable chapter in the history of our social progress and reflect credit on the Parliament which enacts it. It will associate us, in our sphere, with those who toil in this human and challenging cause to illumine the dark corridors of the mind with reason restored and hope reborn.
The English legislation is substantially based on recommendations of the Royal Commission on the Law Relating to Mental Illness and Mental Deficiency 1954-57, whose voluminous report is undoubtedly the most searching and authoritative ever made on this tangled subject. A passage in it is helpful towards an appraisal of what the Victorian Bill has for its basis and objectives. I quote it as follows:

Long before the days of modern psychiatry and psychology, when only the extreme forms of mental disorder were recognized as such, a distinction was drawn between people who had been seriously abnormal all their lives, and those who became irrational, for long or short periods, after growing up and being fully rational. It was seen that children who were born mentally and physically deformed usually remained helpless all their lives, whereas people who lost their reason for the first time in adult life sometimes recovered it, and there were obvious differences between the behaviour of "fools" and "madmen" or, as they were called in the law, "idiots" and "lunatics" (or "persons of unsound mind"). Much more is now known about the development and working of the mind, many more varieties and degrees of disorder are recognized, and many different methods of treating them have been evolved. But a broad distinction is still drawn in medical, legal and administrative practice between two main groups of patients, the mentally ill and the mentally defective. The term "mentally defective" is used of patients whose minds have never fully developed or (if they are children) seem unlikely to do so. The term "mentally ill" is applied to patients whose minds have previously functioned normally and have become affected by some disorder, usually in adult life. A person who is mentally defective may develop a mental illness in addition.

The Bill which the Chief Secretary has outlined proposes to repeal the Mental Deficiency Act, which was never proclaimed, and the Mental Hygiene Act. Its title is "A Bill to consolidate and amend the law relating to Mental Health, and for other purposes." The purpose of the English Bill was to repeal the Lunacy and Mental Treatment Acts and the Mental Deficiency Acts "and to make fresh provision with respect to the treatment and care of mentally-disordered persons . . ." As passed into law, it retained the words "mental health" along with such words as "mental disorder" and "mentally-disordered persons"; whereas in Victoria the condition of this last category is to be known comprehensively as "mental illness."

We might note, because the honorable member for Oakleigh has touched upon the point, that in England the words "mental defectiveness" have been altered to "subnormality" and "severe subnormality" as terminological labels; in Victoria, for some reason that is not obvious to me, an alteration has been made from "mentally deficient" to "intellectually deficient." I am not sure that the original term is not preferable on the ground that the new one might indicate no more than normal stupidity, so to call it, or retardation from various causes well known to teachers of opportunity grades.

It may be, of course, that the intention is to distinguish with precision between two types of persons, but if that be so I would direct attention to the Royal Commission's statement: "A person who is mentally defective may develop a mental illness in addition." However, I do not want to argue about it but will accept it as expressing the views of the Mental Hygiene Authority, which in future will be known as the Mental Health Authority.

While every honorable member will endorse the proposal to abandon the use in law of expressions that, as the honorable member for Oakleigh pointed out, are outmoded, that are regarded by relatives of the afflicted persons as opprobrious and embarrassing, and that modern investigation has to a large degree stripped of their inherited meanings, I suggest we realize frankly that old-time and in many quarters strongly current stigmas, moral and social, that attach to mental illness and intellectual deficiency will not immediately nor soon disappear; but at all events there will no longer be legal approbation for them.

We must realize that the modifications in terminology will be mainly if not solely for administrative purposes and to encourage sufferers to undergo suitable treatment so far as they are able to appreciate their necessity for it or their relatives or guardians can be
induced to arrange for their accommodation. Terms that appear now in the Mental Deficiency Act and in other Acts will continue to be used in clinical classification. The facts of a case are not changed by a change in language or by concessions to sentiment, however benevolent and diplomatic that course may be.

An admirable piece of drafting has been done in connexion with the Bill. Two measures containing 276 sections have been condensed into one consisting of 113. It might be questioned whether in at least one instance the abridgment has not been too severe.

The meaning of "intellectually defective" is set out as "suffering from an arrested or incomplete development of mind." "Mental defective," the term for which it has been substituted, referred to—

A condition of arrested or incomplete development of mind existing from birth or from an early age whether arising from inherent causes or induced by disease or injury and of such a kind as to render the person affected incapable of adjusting himself to his social environments and as to necessitate external care, supervision or control of such person.

I submit that that is a superior definition and should be retained. The aspect of social maladjustment is inseparable from the other. It is stressed in the Royal Commission's report and in many books. I have personally known brilliantly intellectual people who lacked the capacity to fit into any company socially, and that not because of any marked disorder of mind. They were misfits and never achieved the success to which their talents entitled them. They could not "make the grade" and were notorious for gaffes.

It is pleasing to see that the term "recommendation" has been substituted for "certification," which could often be misleading and was always apt to take on a significance not essential to it. At first sight a doubt intrudes whether the making of a recommendation by one doctor valid instead of a certification by two doctors, as previously, indicates an improvement in procedure and sufficiently safe-

guards the liberty of the subject. But on closer examination it will be seen that recommendations by two doctors are required before a person committed to a psychiatric hospital on the recommendation of one doctor can be transferred to a mental hospital.

Sub-paragraph (iii) of paragraph (g) of clause 12 presents some difficulty, but an explanation by the Minister may show this to be more apparent than real. It provides that the Authority may establish or authorize the establishment of training centres and clinics "to deal with intellectually defective and problem children." But "problem children" are not necessarily lacking in intelligence; on the contrary they may be abnormally intelligent but fail or refuse to adjust themselves to accepted forms of behavior. A "training centre" might be a very wrong environment for them.

Clause 109 provides—

The Director of Education shall at the commencement of this Act submit to the Authority a list of the names and last known addresses of all children of school age who are exempt from attending school because of intellectual defectiveness and thereafter from time to time and not less often than once in every calendar year shall submit further lists of the names and addresses of any additional children who have been so exempted since the compilation of the list last submitted.

That is a requirement new to mental health legislation as such. Something approaching it is found in section 61 of the Education Act which prescribes that the parent of a child who is over the age of four years and six months, is not in regular attendance at a State school, and appears to have "a substantial defect of hearing" must give notice to that effect to the Minister of Education.

It goes on to prescribe that if any legally qualified medical practitioner certifies that a child is "so mentally defective as to be unable profitably to take part in the instruction given in that school" it shall be the duty of the parent to provide for the efficient and regular instruction of the child and if the parent fails or refuses to do so he

Mr. Sutton.
may be compelled by a court to do so or the court may order the child to be sent to a special school or institution.

In this Bill, there is no specific requirement for a parent to notify the Minister of Education that his child is or appears to be intellectually deficient, and in the Education Act the obligation seems to rest upon the parent only when a doctor makes a certification. Should there not be a requirement? If so, should the age for notification be four years and six months or six years? In the Education Act "school age" means "not less than six nor more than fourteen years." In the English Mental Health Act the age for notification is two years. One need take no sides in psychological schools to apprate that habits emerge at the age of two years. Off the cuff, I can quote psychologists who are not psychoanalysts who can testify to that.

The Bill gives approval to actions already beneficially taken by the Government in opening institutions for the voluntary reception and treatment of mentally ill persons from which they may return to their homes when they so desire. That is an excellent innovation. It is in accord with modern practices in other countries and is certain to be effective.

Another notable feature of the Bill is that in future it will be competent for a court of appropriate jurisdiction to commit persons found guilty of offences, such as sex offences and other offences that are apparently motiveless, who are disclosed to be of disordered minds, to a clinic for treatment of their malady, the period of detention in the clinic to be regarded, if need be, as part or all of the period of prison sentence.

It is to be regretted that in a Bill so liberal in scope no specific provision seems to be made for psychiatric treatment of a suspect before a crime is likely to be committed; that is, a person who patently has a disordered mind. There is one who is commonly described or defined—precise definition is difficult, as the British Parliament found—as a psychopath, a person who has "a persistent disorder or disability of mind... which results in abnormally aggressive or seriously irresponsible conduct."

Mr. Justice Barry, of the Victorian Supreme Court, in a recent address spoke of a group of persons as follows:—

There are undoubtedly very wicked persons who are dangerous to the community. They are the psychopaths, dangerously egocentric, devoid of pity usually, and devoid of the neighbourly virtues that make the ordinary being a useful and acceptable citizen. These offenders represent the greater part of our problems. The time will come—and I do not think it is very far off—when we will know how to identify and segregate them, perhaps before they have done any real mischief, and, once we have identified them, we will hold them harmless in protective custody until they can be safely released. When in custody we will seek to correct the characteristics that make them socially dangerous.

If His Honour was anticipating the measure which we are debating he must be disappointed by the omission of any provision designed to combat the danger on which he laid emphasis. But perhaps there is implicitly one; perhaps the psychopath may be brought within the framework of clause 3, which among other things empowers a medical practitioner to recommend that "a person who appears to be mentally ill should be admitted for observation into a psychiatric hospital." A statement by the Minister on this point would be welcomed.

It is gratifying that closer, more enlightened and more practical attention is being paid to the problem of alcoholism, about which an appalling lot of drivel is talked and written in some circles. Voluntary institutions such as have recently been established should be of vital help to the genuine alcoholic who makes use of the facilities there provided. Prohibitionists thrust the blame for him on liquor sellers, who repudiate it with little, if any, more knowledge of the case than their opponents have.

The simple truth is that he is a person inherently unstable or of disordered mind which liquor, even in minute quantities, externalizes. Dr. S. Minogue, a noted Sydney specialist, says that a baby...
may be an alcoholic; he says he can detect an alcoholic by the way he mows a lawn. Dr. J. F. J. Cade, superintendent of receiving homes at Royal Park and Pleasant View, says:

It is coming to be recognized that alcoholism is as much a psychiatric disability and responsibility as, say, schizophrenic or arteriopathic deterioration.

The chairman of the Authority, Dr. E. Cunningham Dax, has been reported as saying that at least one in every 20 Victorians will find himself in a mental institution during his lifetime. That is a chastening reflection for people who complacently believe themselves to be without mental taint or likely to acquire it. The statement was not an exaggeration. The position in Victoria is probably no different from that in England, where according to Dr. E. B. Strauss, former president of the British Association of Psychiatrists, in his book, *Psychiatry in the Modern World*—

A conservative estimate would be that approximately 40 per cent. of the patients seen by doctors of all kinds and at all times are suffering from the kind of minor ill health which is largely psychogenic, that is, mainly psychological in nature and origin.

It is appropriate that the Bill was brought in by the Chief Secretary, who administers the Children's Welfare Department, and it well may be that it possesses for him and for the Minister of Education more importance in their related spheres than either has awarded to it. It is not generally known—I did not know until the other day—that some children who are of normal or even higher than normal intelligence find it impossible to learn to read. Strauss, who cites a baffling case in his own experience, says that a child in those circumstances "often reacts to this impossible situation by becoming psycho-neurotic or delinquent." He advocates psychiatric treatment for him.

I will not weary the House by reading other testimonies on that point, but I respectfully suggest that both Ministers have a look at the book and at the August, 1958, Bulletin of the California State Department of Education, which contains a chapter entitled "Diagnostic Problems in Mental Retardation." If not solved early, the reading problem can have disastrous social upshots. I do not think it will weary honorable members if, to substantiate that opinion, I quote from a book, *The Shook-up Generation*, by Harrison E. Salisbury, special correspondent of the *New York Times*. The extract is topical in the light of cable despatches from New York last week about juvenile gang warfare—

Test after test shows the co-relation of low reading ability and anti-social conduct. The conclusion of educators is that non-reading is an early symptom of an antagonistic and aggressive reaction by the child against authority or against discipline and the accepted way of doing things. Once the reading habit begins to emerge and the child falls further and further behind, a spiral process is set up by which inability to read increases the child's disturbance and the disturbance increases the stubbornness of the block against learning. Finally, the combination cripples the child as a participant in the normal outlets of his own society.

So that, it is clearly seen, mental health at all stages is indispensable to the growth of healthy citizenship, and mentally ill or unbalanced or frustrated children can and frequently do become menaces to society. The Bill has provisions that are curative in those regards.

The only provision to which I take direct exception is clause 102, which empowers the superintendent of any State institution in terms of the Act to authorize or perform surgical operations on patients. In the earlier Act, by section 212, that authority was reserved to the chief medical officer. I believe it should still be so reserved, that it would be a mistake to place the superintendent on the same level of decisive authority as the chief medical officer.

My concern is somewhat allayed by observing that an exception is to be made—

In the case of the surgical operation known as leucotomy or any other operation or treatment prescribed as being one which shall not be used or performed upon any patient except with the consent of the chief medical officer.

The House is entitled to be told what operations as well as leucotomy are prohibited. Is sterilization one? I am
opposed to that operation being performed by the superintendent or the chief medical officer or any other person unless it is for the direct purpose of saving or prolonging a life and not for destroying procreative faculties. An English writer has put the objection succinctly—

Sterilization does not make the feebleminded less feebleminded, the criminal less criminal, the insane less insane. Supervision and segregation are still necessary. What therefore is the need to sterilize?

In the report of the Royal Commission there are repeated references to mental health schemes as integral parts of the national welfare programme. That is the view of them in Northern Ireland, from whose mental health laws I am informed those responsible for the Bill took a good deal of guidance. Local authorities play a leading role in the English programme; they have wide powers in education, health and other fields—and, of course, generous revenue. We have nothing of the kind in general here. More is the pity and more is the strain resultantly imposed on a centralized system.

Let us not forget that the anxieties of aged people, especially pensioners and the like, are fertile causes of mental troubles. Some pertinent comments on them are offered in a Current Affairs Bulletin by a professor of psychiatry. The only chair of psychiatry in Australia is in Sydney University, and in Australia as in other countries there is a deplorable lack of trained psychiatric workers. The professor wrote—

research into the psychological problems of ageing has now demonstrated that in a large proportion of cases mental breakdowns in elderly persons are not so much the result of senile degenerative brain disease but are directly related to financial stresses and strains, to loneliness and other adverse environmental and psychological factors. If better social facilities were available and more attention given to providing comforts for the aged, it is likely that a substantial proportion would not require admission and certification. Here at least is one aspect of positive prevention. This, however, is not a burden which shouldered unaided, but is clearly a governmental and community responsibility. Apart from this it would seem that the time is overdue for the provision of adequate facilities for the medical treatment of old people other than in mental hospitals.

I am proud to represent an electorate where the care of the aged is regarded as a community responsibility; it takes such forms as "meals on wheels" and the establishment of a very attractive elderly citizens' club. Honorable members should take into appreciative consideration that the Government is not slow to recognize community efforts. Extraordinary work has been done by community-minded people, and I refer with satisfaction in that regard to the work of the magnificent South Melbourne community chest, even if I have to concede that most of the contributions come from other sources.

We are fortunate to be debating this Bill at a time when the new outlook on mental health and mental illness is widespread and extending, when psychiatry, though not an exact science, has proved that it can achieve results that even a few short years ago would have been incredible, when psychiatry, particularly the branch of it known as psychoanalysis, has largely purged itself or been purged of excesses that militated against its acceptance in ecclesiastical circles.

We know now that there is nothing shameful in mental illness any more than in physical illness, that in many if not most instances it is curable if treated skilfully and in due time, and that in most instances there is no single cause of it. The principle of multiple causality is universally recognized except among diehards of the profession.

It is recognized among enlightened people that it is cruel and stupid to make a mockery of a mentally ill person or to shun him as an outcast. The day is rapidly coming, I hope, when one word, "ill," will designate the mentally ill and the physically ill alike.

Mr. L. S. REID (Dandenong).—This Bill, which will come into operation on a date to be fixed by proclamation, contains a number of amendments to the law, and it should do much to improve the cure of the mentally ill in Victoria. I am very pleased that an explanatory
My contribution will be of a general nature and I shall refer to certain clauses of the Bill. One or two speakers have already referred to research work on mental diseases. I am pleased that funds will be made available to the University of Melbourne for this type of research work. As the honorable member for Albert Park has mentioned, it has been reliably said that one person in every twenty will contract some type of mental ailment during his lifetime. That situation must be faced, and, consequently, I am pleased to see that additional research work will be undertaken. It must not be thought that this work is being carried out only at the university. At Mont Park and other large mental hospitals the medical staffs are daily attempting to find cures for the mentally ill. At Mont Park, a lot of psychotherapeutic work is carried out. That is a matter of co-ordinating the functions of the physiotherapist, the chaplain, the doctor and the staff nurse to brighten up the lives of the infirm in mental homes. The present trend is to get patients out of the infirmary wards and on to their feet. A good deal can be done in this regard.

I, and no doubt many other honorable members, saw many bad mental cases during the war. A great deal was done in those days in attempting to cure the mentally ill—my remarks now refer mainly to air-crew members of the Air Force. Trained psychiatrists and other qualified medical men lived in close association with air-crew members, who, at times, were exposed to many physical hardships. The medical officers were quick to note the early symptoms of mental decay, which were usually a scruffy appearance and a come-what-may type of attitude. If something was not done quickly, afflicted air-crew members could end up meeting with fatal accidents. Trained psychologists quickly worked on the early symptoms and posted those affected to rest homes on leave. After treatment, most returned classed as A1 and resumed flying duties.

I realize that in Victoria to-day there are not sufficient trained medical men to care for our mentally afflicted in the same way as air-crew members were treated during the war. It is estimated that our annual requirement of doctors is 254 per annum, and it is interesting to note that of that number we rely on obtaining approximately 160 from overseas or interstate. That indicates that the medical school in Victoria is not by any means coping with the demands of the community.

I am pleased to see that clause 12 provides, amongst other things, for the development of a proper out-patients' service. This will assist to relieve the demand for beds in mental hospitals due to Victoria's rapidly increasing population. The honorable member for Oakleigh touched on this matter. It is of interest to note that the demand for beds increased from 8,036 on the 31st March, 1955, to 9,256 on 31st May, 1959, an average annual increase of 305.

I now wish to comment on the Inebriates Act of 1958. Under this legislation, the Mental Hygiene Authority is responsible for the care of alcoholics. With the approval of the Government the Authority will establish an out-patients' service for these persons. There are approximately 300,000 chronic alcoholics in Australia to-day, and, based on population distribution, there are about 90,000 in Victoria. It is true to say that chronic alcoholism can prove just as serious an illness as any other notifiable disease, and it is something the community must attempt to handle. Another point is that of the male patients over 60 years of age entering mental hospitals to-day, approximately 40 per cent. are chronic alcoholics. That will give honorable members some indication of the number of inebriates in the community. Alcoholism creates great hardship for members of an inebriate's family, particularly those who come into close

Mr. L. S. Reid.
association with him. I am pleased that an out-patients' service for inebriates will be developed.

Clause 35 of the Bill relates to day training centres for mentally retarded children. There are 24 such institutions registered, and they handle approximately 900 children. These centres now receive by Government direction, capital grants and maintenance subsidies. They are doing a very good job in the community. I visited the retarded children's school at Oakleigh and was most surprised to learn of the type of work being done. A big feature is that the children are picked up by bus each day and taken to the centre, and this affords parents relief from responsibility for a time. The centres are staffed by fully-trained, sympathetic teachers who do a lot for the children. As a result of the training they receive, many of the children are able to carry on normal activities later in life and thus the strain on our mental hospitals is relieved. I am pleased to know that a committee has been formed in the electorate of Dandenong with the view of establishing a mentally retarded children's school there. There must be many children in this rapidly expanding area who require special attention.

At the present time, I know that some travel from Dandenong to Oakleigh, and I believe that one child travels from as far away as Pakenham. The centre to be established at Dandenong will take care of the children from that area.

Clause 42 covers the admission of patients to psychiatric hospitals. It is the responsibility of the superintendent of such an institution to examine personally every patient admitted. That requirement dates back to 1928, and no doubt when it was first inserted in the legislation it was possible for a superintendent personally to examine every patient admitted to his hospital. However, with the great increase in size of these institutions and the number of patients handled, it is not possible for a superintendent personally to examine every new patient as well as administer a large mental home. I hope the Minister of Health will examine my suggestion that superintendents should be given authority to delegate their powers to other trained psychiatrists on the staff of the hospital.

Mr. BLOOMFIELD.—How many patients would be admitted to a large mental hospital on an ordinary day?

Mr. L. S. REID.—I could not say, but I should think there would be at least 500 admissions each year. On some days possibly five or six patients would be handled, whilst on other days there might be none. Of course, it must be realized that superintendents of hospitals are called away to attend conferences and undertake other duties, and they might be absent from the hospital for four or five days at a time.

I am interested in clause 7 of the Bill. I notice that there has been no change in the provision dealing with opportunities and facilities for religious observance by patients at mental hospitals. Although these persons may be mentally deficient, it does not follow that they are spiritually deficient. Quite often the reverse is the case. Dr. Cunningham Dax was the first person to issue an invitation to religious denominations to appoint full-time chaplains to mental hospitals. I believe the opportunity has been taken to attach ministers to most of our main institutions. I should like to point out that they have few facilities. At Mont Park they use part of the recreation hall. We all know how closely allied religion and medicine have been since Christianity was first practised. I should like better facilities for religious observance to be made available for the patients in mental homes, because I realize how much it can strengthen the individual.

I wish to bring to the notice of the House the shortage of nurses at our large mental homes. I think the churches could well give a lead by pointing out to their young female parishioners the worth-while job they could do in the community by serving as nurses in mental homes. I understand that it requires a special aptitude. They do not have the limelight enjoyed by
nurses in large public and private hospitals, but they are just as well paid and receive certain benefits that other nurses do not get. It is heartbreaking to go through crowded wards in large mental homes and see these pathetic cases. The present staff are doing a great deal for them, but more could be done if additional nurses were available, particularly to assist geriatric cases.

Mr. FENNESSY.—Does that apply to males as well as females?

Mr. L. S. REID.—Not so much to males because two out of every three patients in our mental homes are women. Women usually outlive men and that is one of the reasons for this. The honorable member for Albert Park stated that many people are in mental institutions because their next of kin do not understand them or cannot be bothered with them. We know that elderly people, particularly those who have lived for some time on their own, have unusual standards when compared with the standards of young people. However, that does not mean they are wrong. We all have our peculiarities. If we are to diagnose right from wrong, I doubt whether any of us would measure up 100 per cent. What is needed is a little kindness and understanding, because most things we do are done subconsciously. The great driving force is our intuition. If our intuition is to be questioned, I do not know who is qualified to be the judge. Ability to get on with people is one of the most difficult things in the world to achieve, and if we cannot do it at our own level we can well appreciate the difficulties that our leaders have at top level.

Many people are much better off in mental homes than they would be with unsympathetic next of kin. In the institutions, the staff treat patients with kindness and understanding and do everything possible to make them comfortable. That is more than they get in some other places. This is a most important Bill, and during the Committee stage I shall speak on one or two clauses. I think mental illness is such an important subject, particularly when we consider that one person in every twenty is suffering or will suffer from mental illness, that the relevant legislation should be brought before the House at least every three years so that it can be brought up to date to meet changing conditions. I commend the Bill to the House.

Sir GEORGE KNOX (Scoresby).—I, too, commend the Bill. I think honorable members should be proud of the fact that there are in Victoria men of humanitarian principles who have pledged themselves to do all they can to improve the lot of those unfortunate 20 per cent. of our community who are in some way affected by mental illness. I am sure that the Bill has been drafted on the advice of eminent gentlemen, such as Dr. Cunningham Dax and those associated with him in our mental hospitals, and they are to be highly commended. I have listened with great interest to the remarks of the honorable members for Oakleigh, Albert Park and Dandenong, each of whom has taken a lively interest in this sad, somewhat sordid—in the past—but pathetic state of affairs for which we all have to accept a large degree of the responsibility for rectifying. Mental illness was once regarded as a joke or as something that we tried to hush up. It is not so many years ago that there was a lack of medical knowledge in regard to the treatment of boys and girls, senile people and others who suffered from some degree of mental derangement.

It is not my task at this stage to endeavour to make an analysis of the general principles that underlie this Bill and the need for its beneficence in our community life because the Bill can be criticized, added to or altered in Committee. However, there are one or two points that I should like to make, and perhaps the honorable member for Oakleigh may be able to assist me. First, I should like to know why regulations made under two Acts of Parliament are lumped together in a schedule to this Bill. I do not know whether it is a legal process in Parliamentary practice, and I am not prepared to raise that question at this
juncture. One Act is the Mental Deficiency Act of 1958 and the other is the Mental Hygiene Act of 1958, both of which were in the consolidation of our statutes. These Acts are a consolidation of many Acts that have been passed over a long period of time. Does it mean, particularly as this Bill deals with one important subject, that we have to consider the provisions of two Acts which are not directly relevant to this Bill, yet are bound to it by the schedule? In addition, the Governor in Council will have power to make regulations. Thank heavens those regulations will now be submitted to the Subordinate Legislation Committee for approval. I do not press the point at this stage, but I shall refer to it later and raise the question of whether the privileges of this House are being by-passed.

A Bill is supposed to be drafted in the most simple terms in order that it may be understood by anybody who reads it. Yet, I find that in it there are terms written in ancient Latin which not one honorable member, except those with legal qualifications, can understand. I am sure that honorable members realize that this is wrong and extraneous to our general idea that Acts of Parliament should be written in the common tongue. There is a ruling by the Speaker of the House of Commons which I am sure that you, Mr. Speaker, are aware of. I believe the case in question arose from the use of Gaelic. The gentleman concerned spoke his mother tongue better than he spoke English, and, when he started to speak in the House of Commons in Gaelic, the Speaker pulled him up and said, “You must speak in the common tongue, which is English.” Suffice for me to say that I will endeavour to have the Latin terms used in this Bill deleted during the Committee stage so that uneducated persons in our community, who may have mentally defective children, may be able to understand their rights. I cannot understand why those responsible, despite the protests of this House, use Latin phrases instead of the ordinary language of the man in the street.

Mr. Sutton.—What do you think of the word “psychiatric?”

Sir George Knox.—That word is in common usage. Then the Bill contains another ghastly mistake in regard to the notification of relatives when a patient, possibly a beloved person, dies. The authorities are allowed 24 hours to send a message—not that the persons concerned should receive the message within 24 hours. What is the position of people living in the country? I think the honorable member for Gippsland South will agree that certain parts of the Bill are designed to meet the needs of city people. Although it provides that certain officials must be notified immediately of a patient’s death, members of the family who would be most distressed at the passing of a loved one, need not be notified until some time later. What is the position of the country resident who might receive mail only once or twice weekly?

I pay a tribute to the splendid work done by Dr. Cunningham Dax, an outstanding and famous gentleman. Although I am not as conversant with the workings of the Mental Hygiene Authority as the honorable member for Oakleigh or the honorable member for Dandenong, I have known a good many persons who were committed to mental institutions, and I know that the treatment received by patients has evolved from a state of crudity in years gone by to something that is now helpful and which can be termed an act of mercy and an act of God. Highly-trained medical practitioners and nurses devote all their skill and attention to improving the lot of patients in our mental institutions and, possibly, Victoria leads the other States of Australia, and even the rest of the world, in this respect. The Bill represents a step forward and, in years to come, honorable members who have participated in this debate may look back with pleasure and pride at having taken part in the debate on legislation ushering in a new era regarding the treatment of mental patients.

Mr. Galvin (Bendigo).—I do not know a great deal about this Bill, but there are one or two aspects of it about
which my wife and I are concerned. At Bendigo, a committee of women has rendered remarkable service on behalf of mentally retarded children. A good deal of the work has been undertaken at their own expense, although an amount of £866 received from the Herald Wealth Words competitions has greatly assisted them. A house was purchased for £1,900, and probably at least a further £1,000 will need to be spent on it to bring it up to a satisfactory standard. The property has been converted into a centre for about fifteen mentally retarded children. Prior to the opening of the establishment, the Bendigo council was asked to renew the footpath. Certainly, the new footpath was provided but the owners of the property received an account for £20 for the work. After they had received the sum of £866 from the Herald Wealth Words, they received a further account from the council seeking an additional payment of £25. Probably, it will be necessary also to pay municipal rates on the property.

When my wife visited Melbourne and approached the Mental Hygiene Authority seeking assistance for the institution, she was informed that some assistance would be provided at a later date. Dr. Cunningham Dax—I do not know much about him but no doubt he is a good man—informed my wife that because there were fewer than 30 children at the home it would not be possible to grant a subsidy for the purpose of improving the property. Earlier, we had been notified that if there were fifteen children at the home a subsidy could be obtained. Surely, persons who perform work of this nature on behalf of the mentally retarded children of the State should receive the greatest possible assistance from the Department, irrespective of whether there are 10, 15 or 30 children being cared for. A number of institutions in the city, and quite a few in the country, should be assisted by means of a capital subsidy. If a subsidy of £500 or £1,000 a year were granted to such institutions, it would cost the Mental Hygiene Authority no more than £10,000 or £15,000 a year. The children being cared for at Bendigo—the home is located across the road from my home—have improved immeasurably as a result of the treatment they have received. It needs little imagination to appreciate what it can mean to a mother if her mentally retarded child can be educated to the third grade or fifth grade standard. The majority of families in which there is a mentally retarded child wish to hide the fact from the general public. My colleague, the honorable member for Oakleigh, discovered this fact many years ago. Consequently, if they can obtain some relief as a result of the child being cared for in a home during the mornings or afternoons, their burden is greatly eased. All Governments have played their part in assisting mentally retarded children, but I urge the present Administration to make some effort towards assisting institutions of the type to which I have referred.

Mr. SUGGETT (Moorabbin).—I do not wish to delay the passage of this Bill, but I should like to refer briefly to the commendable effort by the Government to modernize what has been in the past the Cinderella of our health services. I suggest to the Government that consideration should be given to revising one of the clauses of the Bill and I mention it during the second-reading debate in order that the matter may be examined before the Committee stage. I had the pleasure of visiting a number of the mental hospitals in Victoria while the Bill was being prepared, and it was interesting and encouraging to see the progress that has been made in the treatment of mental illness. I am glad that with the passage of the Bill will pass the stigma of certification. Although the accommodation situation could be improved, a considerable amount of work has been done by the Government in the treatment of mental ill health. Past Governments should be severely indicted for their lack of attention to this most important aspect of our health. Especially at Kew, I noticed traces of the abominable conditions that existed in earlier years, but now, fortunately, although there is still a certain amount of overcrowding, the wards are bright and well-painted, and the patients seem
to be happy. It is gratifying to see the good types of nurses in these institutions. Members on both sides of the Chamber should be commended for the objective manner in which they have approached this measure. It is necessary to pool all our thoughts so that the best legislation possible may be placed on the statute-book.

Sub-clause (1) of clause 102 states, inter alia—

The superintendent of any State institution may, except in the case of the surgical operation known as leucotomy or any other operation or treatment described as being one which shall not be used or performed upon any patient except with the consent of the chief medical officer, authorize any surgical operation upon or medical or other treatment of any patient by any member or members of the medical staff of such institution.

In other words, the chief medical officer has the right to amputate a patient's limb without first obtaining permission from the patient's next of kin. Although members of the medical fraternity do a wonderful job, they are not infallible. I do not think the service rendered to patients should be retarded in any way, but submit that the sanction of the patient's next of kin should, if readily obtainable, be sought, before an operation is performed. I know that many patients remain in mental hospitals without their relatives taking any interest in them, but there are others whose relatives visit them regularly, and in those circumstances it would not be a very difficult matter to send a telegram or put through a telephone call with the object of obtaining the requisite consent. This is a serious matter. Eggs that have been scrambled cannot be unscrambled, nor can a limb that has been amputated be replaced.

Mr. Doube.—Do you think a layman should be asked to decide whether a limb should be amputated?

Mr. Suggestt.—If a child of the honorable member for Oakleigh were in a mental institution and the medical officer decided to amputate a limb without consulting the honorable member, what would he think about the matter?

Mr. Doube.—That is not what you said previously. You referred to permission.

Mr. Suggestt.—I maintain that permission of the patient's next of kin should first be obtained, and a provision to that effect should be written into the measure so that the patient may be afforded every possible protection. I feel certain that a medical officer would not perform a serious operation without first advising the next of kin.

Mr. Divers.—If there were no next of kin, would you agree to the operation being performed with the consent of a panel of doctors?

Mr. Suggestt.—I do not wish to tie up the position unduly, but where the sanction of the next of kin is readily obtainable, permission should be given before an operation is performed. I trust that the Government will give serious consideration to my proposition.

Mr. Doube.—Are you saying that, if the patient's relatives refuse permission, the operation should not be performed?

Mr. Suggestt.—The relatives would at least have been consulted. I know there have been cases where persons holding certain religious beliefs would not consent to blood transfusions. I am of the opinion that, where it can be proved positively that an operation would be in the best interests of the patient, it should be carried out. Nevertheless, I should like to see safeguards provided for individual patients.

Mr. Fennessy.—Have you any specific cases in mind?

Mr. Suggestt.—No, my proposition is purely hypothetical. I am attempting to have included in the measure a safeguard against anything that could occur. As I said earlier, the Government is to be commended upon what it has done with respect to mental health in this State. Victoria has made great strides in that direction, and its work has been recognized throughout the world. In an issue of the Sun News-Pictorial during December, 1958, it was stated that the State Government had spent more than £5,000,000 on capital works in mental institutions during a period of three years. That is a fairly good effort. The Government cannot afford to be smug and complacent in that regard, but at least it is working in the
right direction. In an article published by the *Age* on 21st January, 1956, it was reported that Dr. Cunningham Dax stated that old folk now total one in four of the State’s mental patients.

Mr. DOUBÉ.—None of them get the pension.

Mr. SUGGETT.—That is true. It seems to me fundamentally wrong that, merely because aged persons are inmates in mental hospitals, they are a charge upon the State. If they were in an old folk’s home, they would be paid a pension by the Commonwealth Government: a certain portion would be retained by the institution and the remainder given to them as spending money. I commend the measure to the House as a forthright and worth-while step towards bringing our mental health legislation up to date. It is encouraging to see the way in which members of all parties in this House have approached the problem. Their remarks have been most objective and helpful. It is a great pity that the undoubted ability of members of the Opposition could not be used in a similar objective fashion with respect to other legislation. I trust that before the Committee stage is reached the Government will give consideration to the clause I have mentioned, and that there will be placed upon the statute-book legislation which will go down in history as a worth-while effort by this Government.

Mr. GAINEY (Elsternwick).—I listened with considerable interest to the speeches of honorable members on both sides of the House, and I must commend some of the thoughts expressed by the honorable member for Oakleigh, who has rendered many years of service in this particular field. Those members who have not done so should visit the Oakleigh retarded children’s centre and see what has been established for sub-normal children in that district. At the same time, I think all members will agree that 100 per cent. credit must go to the Government for its skilful handling of what is a most difficult problem. Many years ago, I investigated, on behalf of the returned soldiers’ organization, some cases at Sunbury where eleven returned soldiers and seven ex-service women were confined. I saw there the finest physical specimen of manhood that I have seen in any part of the world; yet the poor unfortunate was completely “bats.” Great credit must be given to that celebrated gentleman, Dr. Cunningham Dax, for what he has achieved. Since he has come into the picture, many soldiers who were regarded as “lost” have been returned to their homes. Recently a prominent businessman in Melbourne, a life long friend of mine, whose son is a celebrated tennis player—one of the best Victoria has produced—was knocked down in Brighton-road by a car, the driver of which had been “bending the elbow.” The victim was rushed to the Alfred Hospital and upon examination it was discovered that he had in his pocket a Totally and Permanently Incapacitated certificate. The Repatriation Department was immediately notified, and the patient was transferred to the general hospital at Heidelberg. The specialist doctors who were called in were placed in an invidious position. If they operated he might live, but if they did not he could become one of the forgotten folk.

The person concerned was suffering from a clot in a certain part of the brain and, as the result of a skilful operation, it was removed. The man has since been transferred to Bundoora. It is a great tribute to former legislators of the State of Victoria that provision is made for looking after the affairs of the man or woman who is so unfortunate as to be placed in an institution such as Bundoora. I take off my hat to the Commonwealth Government for the work it has done with respect to repatriation. In that regard, Australia is on a pinnacle above every other nation in the world, with the possible exception of Canada.

Mr. DOUBÉ.—The Commonwealth does not do much at Bundoora.

Mr. GAINEY.—A very good job is being done at Bundoora. The State of Victoria is carrying out the work and the Commonwealth is providing the money. I come now to the work of the Public Trustee. The man in question had some property. Rents had to be
paid for that property and he was getting a good living from them. In addition to the allowances for a totally and permanently incapacitated soldier, his wife was receiving her share of the weekly rent coming in from property owned by the ex-serviceman. They were both living in another house. When he was admitted to Bundoora, the patient's allowance was immediately stopped and his certificate taken away, not so that the money could be retained by the Commonwealth, but in order that it should go to the Public Trustee for safety. The rent received was also taken over by the trustee. This soon placed the man in financial difficulties, and that is often the case with men who are unfortunate enough to be sent to Bundoora or any other similar institution. Very great hardships can be inflicted on men with young children, and this aspect should be examined.

Whilst many mentally ill persons might be off balance in certain ways, some possess undoubted ability. As a liaison officer for the Education Department, some years ago I visited the Kew Children's Cottages and found that many of the children there were able to obtain the Merit Certificate. Doubtless, the same thing applies to-day. During a long period of work in hospitals, I have seen all kinds of injuries and illnesses. I do not think any other illness can be compared with that of mental unrest. In co-operation with other honorable members, I join in commending the planning and forethought that have gone into this Bill. There may be a few small clauses about which we have differing opinions, but on the whole the legislation is an honest attempt to deal with a very difficult subject.

Mr. ROSSITER (Brighton).—Whilst there has been a great deal of commendation concerning the general approach to the problems implicit in this Bill, I am disturbed about what appears to be a rather complacent view of some of the definitions it contains. I should like to place one or two considerations before the House about terms used in definitions which purport to give some degree of clarity to what in effect is indefinable. I refer to insanity or varying degrees of insanity or varying degrees of mental ill health. Several terms used in the Bill are not defined and they should be. First, I refer to the words "mental health." I think we can define "mental health" and what is meant by it, but possibly the term "intellectually defective" can never be defined. The term "mental defective" which is used in the present legislation is a much better one. Another term which is used in the measure but which is not defined is "psychiatry." What does it mean?

Clause 3 states, inter alia—

"Intellectually defective" means to be suffering from an arrested or incomplete development of mind.

"Mentally ill" means to be suffering from a psychiatric or other illness which substantially impairs mental health.

I challenge anybody to define the degree of difference between the terms "intellectually defective" and "mentally ill" unless one knows what psychiatry means. I refer to the pseudo-science or near science of psychiatry.

Mr. SUTTON.—Depth psychology.

Mr. ROSSITER.—I agreed with the honorable member for Albert Park when he directed attention to the incomplete definition of the term "intellectually defective." However, I would not accept "psychology" as a term to be used unless it was defined clearly, as it, too, is still not a science. There is no psychologist in the world who knows exactly what is covered by the term. The entire treatment of mental disorders is gravely unscientific in many ways, and there are hosts of people who prey on persons suffering from mental disorders. If, as the honorable member for Albert Park indicated, we have to examine the term "intellectually defective" and restore in the definition what he claimed as the environmental side of mental illness or the environmental side of the definition with the approach to the meaning of intellectually defective, we come against another great field of mental research, the surface of which has not yet been scratched. That is the question of whether
hereditary influences affect mental disorders or whether environmental factors affect them, or whether there is some balance or imbalance between the two. In this connexion, I refer to a book which is famous in psychiatric or psychological research. Its title is *The Jukes* and it is written by Dugdale. In the introduction by Giddings, of the Columbia University, there is a passage which I wish to quote in order to indicate that factors other than heredity must be kept in mind when dealing with mental illness. Giddings says, *inter alia*—

Notions that satisfied Mr. Darwin have profoundly been modified by Weismann's contention that acquired characteristics are not transmissible, and by the discovery of the Mendelian law. No scientific man of good standing would now venture to affirm that we know enough about human heredity to justify the social reformer in basing any very radical practical programme of social reform upon biological conclusions. We can only say that probably heredity is a fateful factor in the moral, and therefore in the social, realm, but that we need an immense amount of patient research to determine exactly what it is, and what it does.

Having regard, therefore, to the conflicting elements of heredity and environmental factors in the make-up of human beings and to the fact that the definition of "intellectually defective," as it is framed, means to be suffering from an arrested or incomplete development of mind, we then come to clause 32 of the Bill which provides—

No person except an intellectually defective person shall be admitted to or detained in a private training centre.

It seems to me that unless one can define clearly and medically what is meant by "intellectually defective" there is a possibility of a number of persons being admitted to these institutions, despite the safeguards in the Bill, who could be diagnosed as being intellectually defective when in fact there is no clear definition of that term as applied to mental illness. I do not think even the words "intelligence" or "defective intelligence" would be applied in this sense.

There is a whole conflict of opinion in psychological or psychiatric circles—I must use those terms because of the broad implications—regarding modern intelligence tests and the intelligence testing of individuals. All honorable members are familiar with the Binay test and group tests. In my student days, the Binay test was regarded as the last word in testing the intelligence of groups of people or individuals. Many ex-servicemen will remember the intelligence tests to which they were subjected by admirable but very academic characters in the army education service. They put soldiers through intelligence tests to determine what was to be their future vocation in life. If there had been any scientific signs of their value in these things, other factors in the make-up of human beings which combine to mould their personalities other than just the pure factor of intelligence, whatever it may be, would have to be considered. There are factors such as initiative, shyness and all sorts of other emotional attitudes that can condition or govern a person's approach to life. Some statement should be made on this particular definition of "intellectually defective" seeing that in fact one cannot define "intellectual." The term "intellectually defective" has no clear and medical connotation.

Mr. SUTTON.—Do you prefer the old definition?

Mr. ROSSITER.—I do, and I feel that the Government should have another look at the matter of definitions. In the list, there is no definition of the term "mental health."

Mr. LOVEGROVE (Fitzroy).—I listened to the honorable member for Brighton with a good deal of interest, and I compliment him upon introducing another element in the debate. He made some reference to what he claimed were the ambiguities of certain definitions in the Bill, including that of "intellectual defectiveness." The honorable member referred to an ingredient of ambiguity in the expression of mental health, and sought to learn what was the difference between intellectual defectiveness and mental illness. He stated, with some justification, that the field of mental disorder was an unscientific one.
I have no great knowledge of the subject, but I share the feelings of those members who have congratulated Dr. Cunningham Dax on the work he has done, with his colleagues, in bringing reform to what was rightly called "the Cinderella of the social services." Members of this House had the benefit of his advice and experience during the régime of the Cain Government. We visited various institutions which Dr. Dax was trying to reform, and we had the privilege of conferring with those of his colleagues who, while broadly sharing his views on the question of reform, held strong opinions of their own on some matters such as have been raised by the honorable member for Brighton to-night.

I reaffirm the view I have previously expressed in this House. Whatever fault may be found with the latest sciences, such as psychology and psychiatry, is naturally attributable, first, to the fact of their being comparatively recent and, secondly, to what I might term a hang-over of materialism. This has been made evident in a good deal of literature on the subject since the time of Freud and is particularly evident to-day in the work of many people who hold certain views concerning the remedying of mental sickness.

During the régime of the Cain Labour Government, there was a young girl named Maureen Weave who had had a most unfortunate family history and was separated from her brothers and sisters from an early age. Because of the social system existing in this State whereby deserted children of unfortunate parentage are separated from their brothers and sisters from an early age. Because of the social system existing in this State whereby deserted children of unfortunate parentage are separated from their brothers and sisters and thrown into separate institutions, and are thus denied the natural affection to which they should be entitled, this girl used to run away from the institution in which she was incarcerated to that in which her brothers were held. That resulted in her being taken into custody on numerous occasions by the police, the child welfare authorities and, eventually, the penal authorities.

At a later stage in the development of her character, and during the régime of the last Labour Government, one of the Christian institutions in the State decided to take a risk on this girl. A most estimable lady, with a family of her own of both sexes, took the girl into her home. There, for some months, she was well behaved, and, in the course of her education at that period, she gained quite an exceptional I.Q. She was sent to a high school and for a limited time she displayed an unexceptionable character. Then, however, she became a recidivist. After that, when she was picked up again, she was handed to the mental health authorities and they, in pursuance of the views of a considerable school of thought in their field, gave the Government the considered opinion that she was not mad—she was just bad. Honorable members are aware that some officers—possibly quite a number of them—hold the view that schizophrenia has a physical basis, and they are looking for a cure. The next time the girl was arrested she was taken to Pentridge and, eventually, to a mental institution, and then those same psychiatrists who, following their previous examination, had said the girl was bad, certified that she was mad. She committed suicide.

I have raised this story to point out that there is one thing that is not met by this Bill or by the thinking of the Government with regard to the reform of the mental health organization. It is the need for a Chair of Psychiatry at the University of Melbourne and for private research such as is carried out by private and public interests in other parts of the world and in other parts of Australia. In this most interesting and contentious period of history of research on the subject generally, I think the Government could consider the suggestion that it be given a new and more authoritative place in the general science associated with attention to the needs of the sick. In other parts of the world, the subject has been tackled from another angle.

The honorable member for Brighton asked what was the difference between a person who was an intellectual defective and one who was mentally ill. I
understand that one who is intellectually defective is mentally incapable of storing ideas or images in such a way that he can bring himself into touch with reality so that he can do the three things required of his ego—control himself, exercise some control over other people, and exercise some control over the forces of nature.

Mr. ROSSITER.—Do you think the term "intellectually defective" covers that?

Mr. LOVEGROVE.—I do. Such a person, because of environment or perhaps because of heredity or from purely physical reasons, may not have the same capacity as a normal person to store ideas, but the person who is mentally ill is in a completely different category. A child may have been the victim of certain theories, to which I do not subscribe and which are greatly overdone to-day, particularly respecting child delinquency. On the other hand, he may have succumbed to the prevailing strains in modern society which teach that in war you may send a young man away to burn, to stab, to choke, to kill, and send a young woman away to do other things, and then, when they come back, expect them to be saints and virgins. Naturally, in a society holding those views people can be easily upset and, for reasons other than their war experiences, suffer disturbances that are part and parcel of the destruction of post-war youth.

In a society in which the man who is the most successful is he who can make the most money any way, anyhow, at any expense, in a survival of the fittest, by the physical, moral or financial destruction of his competitor, why should not the youth of the community be the victims of the disorders that are the subject of this Bill? They probably come into the category referred to by the honorable member for Brighton as intellectually defective, the category of psychiatry, of physical causes, and, I would add, of materialistic causes in the broad sense of the term. But it goes far beyond all that. There are many reasons for mental disorders. As the honorable member for Albert Park points out, there is multiple causality. If you think badly your body suffers. If your body suffers you think badly.

Mr. HOLDEN.—Not always!

Mr. LOVEGROVE.—I agree. We do not say "always," but we say that if the human mind is subjected to some of the pernicious influences in society to-day— Influences that are dignified, approved, and certified by the prevailing code of morality—society must accept the responsibility. The honorable member for Brighton made certain other observations about definitions of mental health. He asked "What is mental health?"

Mr. ROSSITER.—The Bill does not define it.

Mr. LOVEGROVE.—I do not think it is necessary for the Bill to do so. It would be legally and morally dangerous to attempt to define mental health. Today, when the human personality is being placed under the stresses of the temptations to which I have referred—and, in many cases, subjected also to temptations which come with great increases in productivity and abundance of goods; more goods in many instances than are good for people—it is natural that society should formulate new methods to deal with the position.

For the moment, I leave the purely materialistic side of the question. I put to the honorable member for Brighton, through you, Mr. Speaker, that the old Biblical theory of good and evil has a great deal to commend it. To-day, it is popular to ridicule and level contempt at theories which smack of some spiritual explanation. This is popularly encouraged—wrongly—by the false assumption that Freud was anti-Christian because he debunked many of the vilest abuses of his day and many of the excesses condoned by the Church of the time. I refer particularly to his attacks on the question of sexual morality.

In my opinion, it would be a great mistake to accept the current view of many psychiatrists that there are, not spiritual explanations for many of the social disorders in society to-day. When
we analyse the human personality, what is the difference between the old spiritual, religious, Biblical conception of good and evil in the human personality, and the conception of human personalities as analysed by psychiatrists to-day in terms of the life wish—the creative urge, the libido—on the one hand, and the death wish—the urge for destruction, the mortido—on the other hand?

Mr. Holden.—There is a big difference.

Mr. Lovegrove.—The honorable member for Moonee Ponds has entered the debate at the right time. I find it difficult to accept the easy assurance that there are purely physical solutions and chemical remedies for many of the disorders affecting the human mind, and in fact I do not accept them. To-day, the greatest advocates of spiritual solutions and the most devout believers in spirituality are the physicists; the men who exploded the atom. In biology, exactly the same revolution is taking place. The present outlook of biology as compared with what it was in Darwin's day demonstrates in practically every detail a revolutionary change in outlook. Having said that, I hope the honorable member for Brighton cannot now accuse me of being a Communist.

Mr. Rossiter.—I never have.

Mr. Lovegrove.—I realize that is so, but a little while ago, by interjection, the honorable member stated that I was putting a philosophy that had something in common with Communism. What I was saying is the direct antithesis of Communist philosophy. When we come to the latest of the sciences, the science of the human mind, it would not be reasonable to expect, in view of its recency and the problems with which it is confronted—and I acknowledge the magnificent advances made in recent years in curative treatment—that there would not be some hangovers in the ranks of the older scientists who have passed through the evolutionary stage. This science is every day rediscovering eternal truths which prove that men are more than mere animated clods of matter. Every investigation conducted throughout the world to-day into the working of the human mind is resulting in a rediscovery of the truth that there is a spirituality in existence to which we are accountable and for which I believe we should have some regard in a consideration of matters of this description.

Earlier, I suggested that a chair of psychiatry should be established at the Melbourne university. In other parts of the world, Governments have gone beyond this stage, and research is being carried out into para-normal phenomena. The investigations undertaken into what is described in this Bill as intellectual defectiveness and mental illness have, as an interesting by-product, revealed certain things in regard to the human mind which encourage the idea that it is now possible to explain what I think the honorable member for Moorabbin referred to as intuition. In terms of the present day psychiatrist, intuition is beginning to be connected with the subconscious. Researches have been carried out at the Duke University by Rhine and others in the field of psychic phenomena generally, telekinesis, and so on, and the accumulated evidence from that work and the researches into mental illness indicate that there is some connexion between these phenomena and what is called by the modern psychiatrist the “id” instincts—a most peculiar name that was given an entirely different meaning in more primitive times by more spiritually-minded ancestors of ours.

I add to the suggestion regarding the establishment of a chair of psychiatry that it could probably do something which I realize is to-day not generally in favour but which, like all new sciences, is gradually growing and breaking ground to encourage something entirely new in the general research field of the human mind. I am most grateful to the House for the time it has allowed me in which to express my views.

Mr. Bloomfield (Minister of Education).—I am given the opportunity to air my views on this subject by the observation made by the honorable
that a chair of psychiatry should be established, that is a matter for those who are concerned with the administration and government of the university, and the selection of the fields of learning which should be pursued by undergraduates, to initiate themselves and, if necessary, to appeal to the Government for assistance in that regard.

Mr. Lovegrove.—The Government has a right to independent thought.

Mr. Bloomfield.—That is so, but the Government does not interfere with the running of the university to the extent of telling the authorities whether or not a chair of psychiatry, or of Esperanto, or relating to any other topic, should be established.

Mr. Holden.—Veterinary science?

Mr. Bloomfield.—Veterinary science also.

Mr. Sutton.—But the medical faculty largely regards psychiatry as a mumbo-jumbo, does it not?

Mr. Bloomfield.—I think not. I have the privilege, as I regard it, of having possibly more friends in the medical profession than most other members—possibly many more than the Minister of Health. My belief is that the honorable member for Albert Park is in error in the suggestion he has made by interjection, and he will be increasingly in error as time goes on, because I think there is a very noticeable, encouraging, and remarkable tendency in the medical profession to recognize the truths about the relationship between the mind and the body.

Mr. Doube.—It is not shown in the course of study for a medical degree.

Mr. Bloomfield.—Is the honorable member for Oakleigh quite certain that he is sufficiently familiar with the details of the course?

Mr. Doube.—I am positive.

Mr. Bloomfield.—It does not surprise me that the honorable member is positive; it represents no departure from his customary attitude towards all matters.

Mr. Bloomfield.
Mr. Sutton.—How many persons have the Diploma of Psychological Medicine?

Mr. Bloomfield.—The posing of that question, at this hour of the night, and at this stage of the debate, indicates that the sense of humor of the honorable member has for the moment deserted him. Another matter to which I desire to refer briefly is the criteria of success as they are exhibited nowadays, and I regret that the honorable member for Fitzroy has temporarily left the Chamber. From my lengthening acquaintance with my fellow inhabitants of this part of the world, and from my increasing interest in what is printed in the newspapers, I believe the recognition that is given to people of achievement, standing, character, unselfishness and public service in this country is constantly increasing. The number of people who realize that success is not to be judged by money but by service is likewise increasing. It is depressing and cynical to feel that the gold standard is the only standard that is applied to success. I believe the honorable member for Fitzroy has failed to read his fellow citizens aright.

Mr. Fennessy.—The honorable member was referring to a class.

Mr. Bloomfield.—The suggestion is that the honorable member for Fitzroy was referring to a class—it is not a class—represented on the Government side of the House. So far as I am concerned, the honorable member was completely wrong there, too. Last Sunday I attended a debate in which 50 or more school children participated. Those youngsters were not exceptional. It is the “bodgies” and “widgies,” it is the people who have no appreciation of real values, who are exceptional. I fear that the honorable member is a little behind the times, and I consider that things are not as bad as they seem in that regard.

I was much interested in statements made by many members on the Government side of the House in relation to the possibility—I think it is a certainty—that the time will come when criminal diseases are regarded just as much as mental disorders as defects of reason. I suppose there is somebody in the Chamber at this moment—I look hopefully to the honorable member for Albert Park—who can state which of the 18th century essayists it was who forecast that when a malefactor was convicted of some offence he would be cast not into gaol but into hospital. On such an occasion, his relatives and friends would visit him and say, “How distressed we are to see you here. We hope that you are getting better. When was it that this unfortunate habit of forgery or lying or rape or housebreaking or murder, or whatever it may be, first began to get hold of you? Do you feel that you are shaking it off now? We hope you will soon be among us again.” I have little doubt that, in the final outcome, that is the way these things will be dealt with—not in my time, nor in the time of the members of the Opposition, even if they participate in government for 100 years.

The other thing that, for some reason or other I feel impelled to refer to, is the question of the problems that face the young people to-day. All the certainties have disappeared. The religious certainties are no longer accepted; the economic certainties that prosperity must follow industry and thrift are no longer accepted; nor are the political and international certainties as to the security of our race and the future of our nation. The existence of the world and the fact that the sun will rise tomorrow is no longer as certain as it was, and those things pose a tremendous and anxious problem for all of us, for none more than the young people whose conduct and character have to be framed and established.

Very little of what I have said has anything to do with the Bill, but it all follows, I submit, very logically from what has been said by Opposition members. In view of the interest which I myself felt in this debate and in the subject which we have been discussing, I could not refrain from making some sort of contribution towards the
The expenditure of time that has been proceeding, if not towards the interest of the discussion.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Progress was reported.

**COAL MINES (PENSIONS) BILL.**

**Mr. MIBUS** (Minister of Mines).—

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 Mines Act 1958, provides for the compulsory retirement of coal mine workers at 60 years of age and for the payment of pensions on retirement. It provides also for the payment of pensions in certain cases of permanent disablement.

The present weekly pension rates are as follows:—

- Miner—£5 10s.
- Miner's wife—£4 15s.
- Miner's widow—£5.
- Miner's children—8s. 6d. each.

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 follows:—

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

Coal mine workers at present pay 7s. 6d. 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.

The Commonwealth Government has approved of an increase of 7s. 6d. a week in invalid and age pensions as from 8th October, and, as Commonwealth pensions are deducted from the miners' pensions, mine pensioners 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.

The Bill now before the House provides for pensions under the Coal Mines Act 1958 to be increased by 7s. 6d. per week as follows:—

- The weekly pension for a retired mine worker will be increased from £5 10s. to £5 17s. 6d.
- The allowance for a pensioner's wife will be increased from £4 15s. to £5 2s. 6d.
- The pension payable to a miner's widow will be increased from £5 to £5 7s. 6d.
- The total amount payable to a mine worker will be increased from £11 10s. 6d. to £12 5s. 6d. per week.

This amount is made up by a miner's pension, allowance for wife and allowance of 8s. 6d. each for dependent children up to a maximum of three.

Provision has been made for the increases to be paid from 9th October, which is the commencement of the first pay period after the date on which the Commonwealth pension increases were granted. That means that the provisions of the Act will be made retrospective to the 9th October of this year.

In New South Wales, where a similar pension scheme is in operation, the Government has approved of the increased pension rates, and it is understood that the other State Governments will submit similar legislation to their respective Parliaments.

I think honorable members will agree that this measure is worthy of their support, and 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.

On the motion of Mr. STONEHAM (Leader of the Opposition), the debate was adjourned until Wednesday, November 4.

REGISTRATION OF BIRTHS DEATHS AND MARRIAGES BILL.

The debate (adjourned from October 13) on the motion of Mr. Petty (Minister of Housing) for the second reading of this Bill was resumed.

Mr. SUTTON (Albert Park).—As is indicated in its title, the purpose of the Bill is to consolidate and amend the law relating to the registration of births, deaths and marriages. Strangely enough, in view of happenings since the introduction of the Budget, it is not a money Bill; it is a money saving Bill.

The Minister assures us that the system which is to follow the enactment of this measure will reduce administrative costs by 30 per cent. It has other worthy features, and the Opposition does not oppose it.

The Minister said that the information contained in the returns with which it deals is now more familiarly known as "vital statistics." If the honorable gentleman read as well as vended tabloid newspapers and week-end magazines, he would realize that there is strong competition for that term.

The Bill is not controversial and does not require much comment. It will reform existing legislation without disrupting principles that have animated it since 1853. It will ensure that, in the future, there will be far less likelihood of errors in compiling the registration forms—errors that, many years afterwards, could have serious repercussions. The system adopted for so long is on the whole not satisfactory for the reasons stated by the Minister, and which it is not necessary to elaborate.

The future procedure will be less expensive, not only to the Department concerned but also to the persons on whom rests the obligation of supplying the particulars, and will be considerably less inconvenient to them in a great many instances, while the establishment of collecting agencies throughout the country at appropriate places will facilitate the return of the forms to the central office.

It is worthy of note in favour of the Bill that an extract, which now costs 5s., will be provided free of charge to the informant when the form is completed, but thereafter will cost the present amount. Further, the information may be sent by post instead of being given in person or by a representative. That is common-sense procedure.

Part III. of the Bill relates to the legitimation of children. Clause 28 is a new proposal in our legislation and it deserves commendation. Sub-clause (5) provides—

The Government Statist shall not furnish any person with any copy of extract of any entry relating to the previous registration of any child who has been registered as the lawful issue of a man and wife pursuant to the provisions of this section except upon the order of a Judge of the Supreme Court.

Under this provision, a malicious person would not be able to obtain the information he desires but a person with excellent intentions may by due process of the law obtain the consent of a Judge of the Supreme Court. This will save a great deal of embarrassment. The clause has nothing to do with the legitimation of children which is dealt with in the Marriage Act. The provisions of clause 28 will ensure that every person born within wedlock or outside wedlock shall be registered; it professes to do no more than that.

The motion was agreed to.

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

Mr. SUTTON.—Mr. Speaker, I direct attention to the state of the House.

A quorum was formed.

GAME (AMENDMENT) BILL.

The debate (adjourned from October 13) on the motion of Mr. Porter (Minister for Local Government) for the second reading of this Bill was resumed.
Mr. STONEHAM (Leader of the Opposition).—The Bill is limited in its application in that its purpose is to amend sub-section (3) of section 11 of the Game Act 1958. It is a matter which has been before this House on four occasions in as many years. Its history is that in 1956 this Government brought forward a proposal which is now sub-section (3) of section 11 of the Game Act. That section prohibits the laying of poisons for or the poisoning of game or native game, and sub-section (3) empowers the Minister to authorize the killing or the destruction of any game or native game by any means whatever, which, of course, includes poisoning. The reasons which were advanced in 1956 were practically the same as those put forward by the Minister for Local Government in his second-reading speech on this measure a few weeks ago. He stated that considerable expense is being incurred and damage caused to plantations of the Forests Commission through the activities of opossums, wallabies and native rats. The fears expressed in 1956 by the Opposition that there might perhaps be abuse of the suggested provision, which might lead to unnecessary destruction of our native game, finally resulted in the Government’s agreeing that the operation of the amended law should be limited to a period of twelve months. Since then the amended provision has been renewed twice—in 1957 and 1958—and it expired on the 31st May this year. The proposal the Government now submits is that any reference to a terminating date shall be deleted from sub-section (3) of section 11, which means that the provision for the destruction of game will have permanent application.

Although members of the Labour party have some misgivings about this proposal, we accept the explanation furnished by the Minister for Local Government that the killing of game will be permitted only on the authority of the Minister himself, in accordance with the conditions that will be specified in the order he signs and under the supervision of an officer of the Public Service or any public statutory corporation.

I am sure that all honorable members wish to see the preservation and propagation of our native game. Over the years, the Game Act has proved successful in protecting the great majority of the species of our wild life. The Labour party cannot find any fault with the way in which the position has been administered in the past four years, and we agree that the forest assets of the State are of great value and should be protected. The point we direct attention to is that the Bill makes no specific reference to forests nor to opossums, wallabies and native rats. The amendment has application to all game and native game, and it is certainly not restricted to the pine plantations of the Forests Commission. In the years ahead, we intend to scrutinize closely the application of this proposal of the Government, as our desire is as strong as that of the Government to protect the assets of the State. The Labour party is prepared to accept this proposal.

Mr. CHRISTIE (Ivanhoe).—The key to this proposal is contained in the second-reading speech of the Minister for Local Government in which he stated, as reported at page 699 of the current *Hansard*—

Wild life in the State as a whole will not be involved.

I am glad of that, because if there is one very great fascination and attraction in Australia it is its wild life. Our unique animals attract a great deal of attention to this country. A lot is said in this place about tourism, a word that was not accepted and caused quite an outcry when I used it in the press in New South Wales in 1935. It is a little incongruous to me that we here should quite gladly agree to the destruction of many opossums simply because the poor things eat the bark and leaves of certain trees. They have been doing that for a few million years, and who are we to decide that that common nocturnal practice by which they exist should be extinguished by the application of poison?

There is a prohibition on the export, except for zoo purposes, of some of our animals, yet we here gladly approve
of the destruction of thousands of opossums. I hold no brief for a certain gentleman who brought a case to me the other day. He pointed out that certain wild fowl may be indiscriminately shot, but he is not allowed to trap them and ship them to zoos overseas. The answer he was given was that they could be shot and killed, but not trapped and sold. The same sort of approach is creeping into our wild animal life. We will agree to kill thousands of opossums, but we will not officially agree to their being shipped overseas. The only comfort we can obtain is in the fact that the Government, as an outcome of the second-reading discussion, will confine the purposes of the Bill in the directions sought and that the measure will be corrected by providing for the use of poison only against those animals which chew the bark from young growing trees.

We must never lose sight of the fact that there is great attraction in our wild life. It grieves me to hear demands in many quarters for a drive for instance, to slaughter kangaroos. I realize, of course, that country people may feel that these animals eat the grass intended for their sheep to feed upon. But if we are not careful we shall extinguish many of our native game. With reluctance I must support a Bill that is going to destroy many attractive animals.

The motion was agreed to.

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

HEALTH (AMENDMENT) BILL.

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

ADJOURNMENT.

MELBOURNE AND METROPOLITAN BOARD OF WORKS: RATES.

Mr. RYLAH (Chief Secretary).—I move—

That the House do now adjourn.

Mr. CHRISTIE (Ivanhoe).—I wish to mention a matter of Government administration which is of great concern to folk living in Thornbury East, which is part of my electorate. In 1952, the Northcote City Council valued the properties in that area and, seven years later, made a revaluation. That procedure was understandable. The Northcote council is a very good body, and it was concerned to bring its valuations more properly into line with present-day values. In the course of this year’s revaluation, the net annual value generally has been raised, on the average, 60 per cent. The burden of municipal rates on my electors in that area was not very great because, although the valuation went up, the council rate was brought down from 4s. to 2s. 7d. in the £1. But, with respect to the rates imposed by the Melbourne and Metropolitan Board of Works, the story was very different. The burden of those rates fell very heavily on the excellent people, most of whom are home owners, who reside in the Thornbury East area. As an example, a good average home, the owner of which prior to the revaluation was paying Board of Works rates amounting to £10 per annum, now has to pay £16 to £17.

On behalf of my electors I feel that that increase is too sudden. It is hard enough to make ends meet without being hit suddenly with a 60 per cent. increase of the rates to the Melbourne and Metropolitan Board of Works. I ask the Minister for Local Government whether he can arrange for the granting of some relief that in its nature will render the effect of the increase less severe. Moreover, will he see that, when some form of uniform valuation is introduced, the incidence of Board of Works rates throughout the city will be spread more evenly and equitably?

Mr. PORTER (Minister for Local Government).—The honorable member for Ivanhoe has raised a matter which, he claims, is one of Government
administration. I fail to see how the Government has any control over municipal revaluations. The Local Government Act provides that every municipality shall conduct a revaluation within six years, and there is no power within that Act that would permit a Minister of the Crown to allow any municipality to neglect its obligations under the Act. It is impossible to state categorically the reasons for the increases in the valuations referred to by the honorable member for Ivanhoe. I appreciate that an increase in value in any one isolated area has the effect of increasing the rates of the Melbourne and Metropolitan Board of Works in that same area. It is true that the Melbourne and Metropolitan Board of Works must have its own rating powers in common with all local governing bodies. In that respect, local government, which is often referred to by honorable members as the third form of government in the Commonwealth, is in a much better position than the State Administration, because it has the power to raise its own revenue. Honorable members are aware of rating anomalies that exist between one municipality and another, and indeed in some cases between one ward of a municipality and another. I believe these anomalies can and will be minimized when this House approves of a Valuer-General's Bill.

Honorable members will recall that during the 1958 election campaign the Premier in his policy speech said that the Government would create a Ministry for Local Government and that one of the tasks of the new Minister would be to present to Parliament a Valuer-General's Bill. I hope to be able to introduce such a Bill this year. Instructions have already been given to the Parliamentary Draftsman, and I am hopeful that a draft Bill will be available to me next week. That measure will provide for the appointment of a Valuer-General for Victoria whose responsibilities will be to advise and assist municipal valuers to ensure that all municipal valuations are made properly and on a uniform basis. If this Parliament approves of the Bill in the form I have mentioned, I believe a great deal will be done to obviate the anomalies which are apparent to all.

The motion was agreed to.

The House adjourned at 10.38 p.m. until Wednesday, November 4.

LEGISLATIVE ASSEMBLY.

Wednesday, November 4, 1959.

The Speaker (Sir William McDonald) took the chair at 4.5 p.m., and read the prayer.

FREE LIBRARY SERVICE BOARD.

SUBSIDIES TO MUNICIPALITIES.

Mr. FLOYD (Williamstown) asked the Chief Secretary—

1. How many applications for subsidies were received from municipalities by the Free Library Service Board during each of the years 1955-56 to 1958-59?

2. How many subsidies were granted in each of those years?

3. How many subsidies which were approved in each year could not be paid in the same year through shortage of funds?

4. How many applications were refused by the Board and what were the main reasons for such refusals?

5. Whether there is any provision for appeal against a refusal by the Board to grant a subsidy?

For Mr. RYLACH (Chief Secretary), Mr. Porter (Minister for Local Government).—The answers are—

1. The following applications were received:—

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<tr>
<th>Year</th>
<th>Number of Applications</th>
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<tr>
<td>1955-56</td>
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<td>1956-57</td>
<td>77</td>
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<td>1957-58</td>
<td>80</td>
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<td>1958-59</td>
<td>89</td>
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2. Subsidies granted in each year were as follows:—

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<tr>
<th>Year</th>
<th>Number</th>
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<tr>
<td>1955-56</td>
<td>74</td>
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<td>1957-58</td>
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<td>1958-59</td>
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3. All approved subsidies were paid in the year in which they were approved, but as explained in the reply to the next part.
of the question, eleven applications received during the year 1956-57 were refused because of shortage of funds.

4. The function of the Board is to make recommendations to the Government in regard to the granting of subsidies.

In 1956-57, on the recommendation of the Board, the subsidy was refused to eleven municipalities which had not already established free library services.

5. There is no specific provision for appeals against refusal to grant a subsidy, but from time to time appeals have been received by the Minister from and on behalf of municipalities which have not shared in the allocation for free library services.

PUBLIC WORKS DEPARTMENT.

DISMISSAL OF EMPLOYEES: CLASSIFICATIONS AND LENGTH OF SERVICE.

Mr. STONEHAM (Leader of the Opposition) asked the Minister for Local Government, for the Minister of Public Works—

1. How many employees of the Public Works Department have been dismissed during the current financial year, and for what reasons?

2. What classifications of employees have been involved and at what locations?

3. What was the maximum length of service of any employee whose services were terminated because of shortage of funds?

Mr. PORTER (Minister for Local Government).—On behalf of the Minister of Public Works, I supply the following answers:

It is understood that this question relates to casual employees; that is, employees engaged under a certificate of exemption from the provisions of the Public Service Acts.

1. (a) 130.

(b) In most cases they have been dismissed because of the increased emphasis being placed this financial year on school construction work, which is carried out by contract rather than by day labour.

Fluctuations in the strength of the casual force are not uncommon. In the two previous years, there had also been substantial reductions in the casual force between 30th June and 26th October.

2. Details are set out in a statement, a copy of which I shall hand to the honorable member.

3. In most instances, length of service was less than twelve months, and the average was three to four months.

I may add, for the interest of honorable members generally, that the total casual work force of the Public Works Department is now 222 greater than it was three years ago.

HORSE-RACING.

METROPOLITAN RACECOURSES: MEETINGS:
RENTAL: PUBLIC RECREATIONAL FACILITIES.

Mr. MUTTON (Coburg) asked the Chief Secretary—

1. How many race-meetings for horse-races were held on metropolitan race-courses in each of the years 1957 and 1958?

2. Whether any of these racecourses are on Crown land; if so—(a) what rental is paid for the use of the land; and (b) what rights the public have for recreational activities?

For Mr. RYLAH (Chief Secretary), Mr. Porter (Minister for Local Government).—The answers are—

1. Seventy-five horse-race meetings were held on metropolitan courses in each of the years 1957 and 1958, the courses being Flemington, Caulfield, Moonee Valley, Werribee, and Cranbourne.

2. The Flemington, Caulfield, Werribee, and Cranbourne racecourses are on Crown land. The Flemington course is leased to the Victoria Racing Club by the Crown. Caulfield course is the subject of a Crown grant to trustees, and the Werribee and Cranbourne courses are Crown reservations, each under the control of a committee of management. An annual rental of £s. is payable to the Crown (if demanded) by the Victoria Racing Club, but the Crown does not make any rental charge for the other three courses. If the honorable member desires precise information concerning rental payable to trustees or committees of management and as to recreational facilities on these racecourses, he might direct an appropriate question to the Minister of Lands.

HOUSING COMMISSION.

RATES PAID TO MUNICIPALITIES.

Sir HERBERT HYLAND (Gippsland South) asked the Minister of Housing—

What total amount of rates was paid last year to—(a) the Borough of Moe; (b) the Shire of Morwell; and (c) the Shire of Traralgon, on account of houses owned by the Housing Commission in these municipalities?

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

(a) £21,907 4s. 7d. to Borough of Moe;
(b) £28,894 7s. 3d. to Shire of Morwell;
(c) £5,531 7s. 11d. to Shire of Traralgon.
Mr. PETTY (Minister of Housing) 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 Home Finance Act 1958, and for other purposes.

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

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

PUBLIC WORKS LOAN APPLICATION BILL.

Mr. PORTER (Minister for Local Government) 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 sanction the issue and application of loan money for public works and other purposes.

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

On the motion of Mr. PORTER (Minister for Local Government), the Bill was brought in and read a first time.

GRIEVANCE DAY.

SUSPENSION OF STANDING ORDER.

Mr. BOLTE (Premier and Treasurer).

—I move—

That Standing Order No. 273c be suspended for to-morrow so far as it requires that the first Order of the Day on every third Thursday shall be either Supply or Ways and Means, and that on that Order of the Day being read the question shall be proposed that Mr. Speaker do now leave the chair.

The motion was agreed to.

GAS AND FUEL CORPORATION (COLONIAL GAS ASSOCIATION UNDERTAKINGS) BILL.

Mr. BOLTE (Premier and Treasurer).

—I move—

That this Bill be now read a second time.

The purpose of this measure is to ratify two agreements, made on the 12th and the 19th August, 1959, between the Gas and Fuel Corporation of Victoria and the Colonial Gas Association Limited. The first of these agreements makes provision for the Corporation to acquire from the Colonial Gas Association Limited mains, services and meters supplying gas to 550 consumers in the Oakleigh and Murrumbeena areas and sets out the basis on which they may be acquired.

Following upon the expansion of housing development in these areas, some doubt existed between the Corporation and the Association which undertaking was responsible for supplying gas in certain areas. In some instances, gas-mains and services were laid in the same streets by both undertakings and, as a result, gas was being supplied by both, in the same areas. That, of course, was ridiculous.

This matter was fully discussed by the Corporation with the Association, and both undertakings agreed to redefine the boundaries of their respective operations in the districts concerned. I pay a tribute to both organizations because certain difficulties had to be ironed out before a satisfactory decision could be reached. In the course of the negotiations, each side had to give a little and take a little, but this was successfully done. Consequent upon this decision, it became necessary for the Gas and Fuel Corporation of Victoria to acquire from the Colonial Gas Association Limited the mains, services, and meters covered by the agreement.

The second agreement provides for the Gas and Fuel Corporation of Victoria to take over the Warragul gas undertaking of the Colonial Gas Association Limited and also sets out the basis on which it may be acquired. The long-term plans of the Corporation for development in Gippsland include the provision of gas reticulation in towns in the Latrobe Valley that are not already supplied with gas. The Corporation now wishes to bring its plans into operation.

The Warragul gas undertaking, which was operated by the Colonial Gas Association Limited, was in this area, and was strategically situated as a suitable
centre for regional control of operations in this part of Gippsland. It was most desirable, therefore, that the Corporation should acquire the Warragul gas undertaking. Negotiations were entered into between the Corporation and the Association, which resulted in an agreement being reached for the acquisition of the Warragul gas undertaking by the Corporation. On the day of transfer, the local gas works at Warragul were closed down, and gas consumers at Warragul were served with brown coal gas from the Morwell to Melbourne pipe-line by a connecting main laid down by the Corporation.

Section 25 of the Gas and Fuel Corporation Act 1958 provides, inter alia, that, subject to such terms as Parliament provides or approves, validates and ratifies, the Gas and Fuel Corporation of Victoria may acquire any gas undertaking in Victoria. For that reason, this Bill has been submitted so that Parliament may be aware of the terms and conditions under which the Gas and Fuel Corporation of Victoria, after consultation with the Colonial Gas Association Limited, has agreed to take over certain gas reticulation areas at Oakleigh and Murrumbeena, and the Warragul gas undertaking.

Each of the two agreements covered by this measure contains a clause providing that, if an Act of Parliament ratifying the agreement has not been passed by the 31st December, 1959, or such later date as the parties may mutually agree upon, the sale shall be void, and the agreement shall be at an end.

Provision is made in the Amendments Incorporation Act 1958 for amendments to any Act to be incorporated in the principal Act when it is reprinted by the Government Printer. The Director of Statutory Consolidation, when consolidating the Gas and Fuel Corporation Acts, included in the consolidating legislation the various Acts validating the acquisition of certain gas undertakings. This was done to bring the form of the Gas and Fuel Corporation Act 1958 into line with the intentions of Parliament, as expressed in the Amendments Incorporation Act 1958. For the sake of consistency, the present Bill has been drafted in the form of direct amendments to the Gas and Fuel Corporation Act 1958. This will facilitate the task of reprinting, as contemplated by the Amendments Incorporation Act 1958.

On the motion of Mr. DOUBE (Oakleigh), the debate was adjourned until Wednesday, November 11.

RACING (MEETINGS) BILL.
Mr. RYLGH (Chief Secretary)—I move—
That this Bill be now read a second time.

The object of this simple Bill is to make two amendments to the Racing Act. They are designed to promote the sport of trotting, which is experiencing somewhat difficult times, and to encourage the various clubs in their efforts to obtain financial returns which will enable the sport to be maintained on a satisfactory basis.

The sport of trotting, in common with other forms of public entertainment, has had difficulty in maintaining the attendances which are so necessary to enable stakes to be maintained and other costs to be met. There are probably many causes for diminishing attendances at public entertainments. Among the foremost of these are probably the viewing of television in the home and hire-purchase payments on motor cars and home equipment, such as television sets, washing machines and other electrical appliances.

The proposals contained in the Bill will permit more day-trotting meetings in the country within the over-all limitation of 150 meetings and enable the Trotting Control Board to hold four meetings during the winter months when night trotting is normally suspended. Reverting to the 150 meetings which the law permits to be held in country districts, it may be of interest to point out that 30 years ago—in 1929—the number of trotting meetings fixed was 50 for the whole State. In 1948, the number was increased to 75, and in 1953 the present number of 150
was fixed for the country area, with the proviso that not more than 50 could be held in the day-time.

Whilst the proportion of one day meeting to two night meetings for country clubs was reasonable prior to the introduction of television, the Trotting Control Board is concerned at the loss of patronage experienced by those clubs operating in districts where television reception is satisfactory. This applies particularly to Geelong, where the local trotting club's indebtedness to the Board, amounting to more than £9,000, has not been reduced as required under the conditions of the advance. This advance was made to the club to enable it to finance the equipment of its racecourse for night trotting, but patronage of its night meetings has been so seriously affected that the club has been obliged to revert to day racing for several of its meetings.

If the section were amended to permit not more than 75 day meetings in a year, the Trotting Control Board would be in a position to allocate additional day meetings to Geelong and to other clubs which, at present, are obliged to race at night. The additional day meetings would be confined to Saturdays and public holidays. Other clubs to which additional day meetings could be allotted are numerous. Those which the Board has immediately in mind are Hamilton, Maryborough and Mooroopna, but there may be other clubs which could operate more satisfactorily during the day than at night.

The granting of more day meetings to the country area and four night meetings to the Trotting Control Board will have the effect of extending the trotting season to include every month of the year. For many years, the season has extended from October to early May, because all clubs like to race in the best and most reliable weather, while certain clubs are affected by seasonal operations in their areas. The result of the curtailed season which has operated for a number of years is that those engaged in the training of horses have no income from racing during four or five months of the year. An extension of the season, so that at least a few meetings will be held during these months, will enable owners and trainers to keep horses in work and make some income from racing.

Although night trotting is not attractive to the public during winter months on account of inclement weather, the objection to winter meetings is not so strong when racing is held in the daytime. In the case of the four meetings envisaged for the Royal Agricultural Showgrounds, the Trotting Control Board hopes to so adjust its arrangements and programmes as to be able to meet all expenses even though it cannot hope to make profits. The advantage to the industry will be the elimination of the winter recess, the maintaining of public interest, the keeping of horses in work and the opportunity for owners and trainers to make some income from racing during what was formerly a barren period. It will be seen that both amendments should contribute to these desirable ends.

I do not think I need go through the clauses in detail. However, I point out that section 60 of the principal Act sets down the total number of horse-races and trotting-races which may be held in any year at places outside a radius of 30 miles from the General Post Office, Melbourne. The maximum number of trotting-meetings which may be so held is 150, and of these not more than 50 may be held before 7 p.m. Clause 3 amends section 16 of the Racing Act to increase the maximum number of meetings which may be held before 7 p.m. from 50 to 75.

Pursuant to section 32 of the principal Act, the Chief Secretary may issue an annual licence for the Trotting Control Board to hold up to 26 trotting meetings at the Royal Agricultural Showgrounds and up to six trotting meetings for charitable, benevolent or other purposes. In addition, the Chief Secretary may by permit authorize the holding of a further four meetings in any year for any special occasion specified in the permit. Clause 4 of the Bill amends section 32 to increase the maximum number of meetings which may be held at the showgrounds from 26 to 30 and removes the proviso which relates....
Forests (Pulpwood Agreement) Bill.

Mr. FRASER (Minister of Forests).—I move—

That this Bill be now read a second time.

The Bill provides for the ratification of an agreement entered into by the Minister of Forests, the Forests Commission and the Colonial Sugar Refining Company in relation to the establishment by the company of a hardboard manufacturing industry to be located at Bacchus Marsh. The main provisions of the agreement are as follows:

A. AREAS FROM WHICH THE COMPANY WILL DERIVE ITS SUPPLIES OF RAW MATERIALS.

The Bill provides for the ratification of rights to all pulpwood from a defined area designated the "Forest Area." The "Forest Area" comprises all State forest in an area bounded roughly by a line due south from Franklinford to Elaine, thence north-easterly to Ballan, easterly through Bacchus Marsh to Melton and north through Romsey and Lancefield to Emu Flat, south-westerly to Kyneton and westerly through Glenlyon to Franklinford. The exact boundaries are delineated on a map which forms part of the agreement. The company's works at Bacchus Marsh will be approximately in the centre of the southern boundary.

The "Forest Area" embraces all State forest in the forest districts of Macedon, Trentham and Daylesford and in the north-western sector of Lal Lal forest district. The total area of State forest involved is approximately 180,000 acres, of which all except a few scattered small Crown land blocks is permanently reserved forest. The timber crop consists almost exclusively of mixed foothill type eucalypt forest in which messmate, peppermint and candlebark gum are the predominant species. All species represented are suitable for the company's manufacturing process. With the possible exception of some of the steeper country in the vicinity of the Lerderderg river, most of the area is accessible for pulpwood procurement operations.

B. SUPPLY OF PULPWOOD TO THE COMPANY.

1. Prior to preparation of the agreement, the company stated its anticipated annual requirements in pulpwood. On this basis, the Forests Commission carried out surveys to determine the estimated pulpwood production capacity of the forests within economic range of the proposed site of the company's factory, and the figures so obtained

to the holding of four additional meetings for special occasions. The Chief Secretary may still approve of up to six meetings for charitable, benevolent or special purposes.

It might be said, in criticism of the Bill, that there was no need for this provision in regard to the showgrounds, as the Chief Secretary could issue a permit for meetings to be held during the winter recess as special occasion meetings. Unfortunately, it is not so simple as that. Legal advice is that if a general discretion is granted, regular monthly meetings during the winter recess could not be treated as special occasions. In effect, the Trotting Control Board is relinquishing the four meetings it could hold on special occasions under the authority of the Chief Secretary, and substituting for them four meetings that may be conducted as of right, but which it will hold during the winter recess.

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

That the debate be now adjourned.

I suggest that the discussion should not be resumed for at least a fortnight.

Mr. RYLAH (Chief Secretary).—This measure is of some urgency, and I suggest to the Leader of the Opposition that he should agree to continue the debate on Wednesday next.

Mr. STONEHAM (Leader of the Opposition).—I agree to the Chief Secretary's suggestion, with the proviso that, if the Opposition is not ready to continue the debate next Wednesday, a further extension be granted.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until Wednesday, November 11.
enabled the Commission to determine the “Forest Area” which would have to be set aside to meet the company’s pulpwood requirements.

2. The Commission is bound by the agreement to make available annually a maximum quantity of 70,000 tons weight of pulpwood for the 50-year term of the agreement. The Commission also has discretion to supply pulpwood in excess of 70,000 tons in any year. The agreement also gives to the Commission discretionary authority under certain circumstances to supply part of the company’s requirements from State forest outside the “Forest Area” as defined.

3. The company has no statutory rights to be supplied with softwood timber or with eucalypt timber of the ash type which, however, occurs in only one isolated small area—on the summit of Mt. Macedon—in the “Forest Area.”

4. The State forests from which the company will draw its supplies of raw material contain large volumes of wood for which there is no present or foreseeable market as produce superior to pulpwood. It is emphasized that only this class of material will be made available to the company for conversion to pulpwood.

5. Pulpwood will be cut from—
   (i) heads of trees and other residual material left from logging, pole cutting and post-cutting operations; not less than twenty per cent. of the company’s intake in any year must be timber from this source;
   (ii) standing fire damaged or otherwise mal-formed trees defective to an extent which renders them unfit for conversion to other than pulpwood;
   (iii) trees from thinning and other silvicultural treatments in young stands which are too small for uses other than pulpwood.

6. The company is required to accept as pulpwood timber down to 4 inches in diameter under bark and down to 4 feet in length. These specifications ensure the closest possible approach to complete utilization of the forest crop.

7. The operations of the company will be of immense benefit to forest management by utilizing much material which otherwise would constitute a fire hazard, by utilizing otherwise useless trees which would have to be removed to enable a new crop to be established by natural regeneration, and by enabling essential silvicultural treatment of young stands to be carried out economically. In addition, the State will receive nearly £10,000 annually in royalties on the basis of a 70,000-ton intake of pulpwood.

C. PRINCIPAL CLAUSES OF THE AGREEMENT IN BRIEF.

Clause 6 covers the term of the agreement, which is 50 years from the date of commencement of the Act.

Under clause 10, the Forests Commission retains the right to sell to persons other than the company mill logs, poles and other forest produce—other than pulpwood—from the “Forest Area.”

By clause 12, contractors engaged in the cutting of pulpwood are required to take out licences under the provisions of the Forests Act. This provision was not included in either the Australian Paper Manufacturers Limited or the Masonite Agreement where the sole licensee is the company itself. It will give to forest officers supervising pulpwood procurement a greater measure of direct control of operators and operations in the forest.

Under clause 13, the company has exclusive rights to pulpwood from the “Forest Area” as defined.

Clause 14 binds the Commission in any year to make available up to 70,000 tons weight of pulpwood, and it may at its discretion make available unspecified quantities in excess of this tonnage.

Clause 16 prescribes minimum pulpwood specifications.

Clause 19 provides that the company in any year must take, or if it does not take must pay the appropriate
royalty on not less than 90 per cent. of a fixed minimum quantity of pulpwood. This minimum quantity is defined with respect to each year of the agreement (see definition of "minimum annual supply of pulpwood" in clause 1.)

Clause 21 prescribes a fixed royalty of 2s. 8d. per ton of pulpwood obtained during the first twelve years of the company's operations.

Clause 22 provides that, after the initial twelve years, royalty may be reviewed, and any such royalty rate shall be not less than 2s. 8d. per ton.

In accordance with clause 27, the tonnage of pulpwood for purposes of royalty assessment is to be determined by weighing on a weighbridge installed and properly maintained by the company at its Bacchus Marsh works.

Clause 31 provides protection to the Commission with respect to its obligations under the agreement in the event of forests in the "Forest Area" being damaged by fire or other cause.

By clause 32, protection is provided to the company with respect to its obligations under the agreement in the event of damage to its factory or if by reason of other causes the company is temporarily prevented from carrying on economic production.

On the motion of Mr. STONEHAM (Leader of the Opposition), the debate was adjourned until Wednesday, November 18.

COAL MINES (PENSIONS) BILL.

The debate (adjourned from October 28) on the motion of Mr. Mibus (Minister of Mines) for the second reading of this Bill was resumed.

Mr. STONEHAM (Leader of the Opposition).—The purpose of this small Bill is to provide for the payment of increased pensions to retired and permanently disabled coal mine workers and their dependants. Measures of this type come before the House whenever the Commonwealth Government increases the rates of age and invalid pensions. For many years, retired and disabled coal mine workers have enjoyed pensions higher than those granted to members of the community generally, and these have been granted in recognition of the nature of their employment. I do not think any honorable member would refuse them such a benefit. Section 112 of the Coal Mines Act provides—

There shall be deducted from the amount payable to any person as a pension under this Act any amount (calculated where necessary in Australian currency) which that person, or any dependant in respect of whom he is entitled to an additional payment, is or would but for this Act be entitled to receive whether upon application or without application in that behalf—

(a) from any age invalid or widow's pension or wife's allowance under any Commonwealth Act; or

(b) by way of any other pension while residing in a State or country outside Victoria—

in respect of any period for which a pension is payable under this Act.

The amount of the Commonwealth payment is deducted from the coal-miner's pension. In order to observe the favourable margin to which I have referred, it is necessary for the maximum amount specified in the Coal Mines Act to be adjusted immediately after an increase in Commonwealth pensions. The increase of 7s. 6d. a week in the Commonwealth pensions became payable as from 8th October of this year, and this Bill provides for increased payments to coal mine workers as from 9th October, which is the first day of the pay period following the date on which the increased Commonwealth payments were made. The Opposition supports the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Rates of pension increased).

Sir HERBERT HYLAND (Gippsland South).—The Country party supports this Bill. I should like the Minister of Mines to inform me how many employees were engaged at the State Coal Mines at Wonthaggi during each of the last three years. The mines are most important to the township of Wonthaggi, and some time ago the Minister of Transport expressed certain views in regard to the mines.
Mr. MIBUS (Minister of Mines).—I have not the information available at the moment, but I shall supply it to the Leader of the Country party within the next day or so.

The clause was agreed to.

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

LIFTS AND CRANES BILL.

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

Clause 2 (Erection and inspection of building cranes).

Mr. LOVEGROVE (Fitzroy).—During the concluding phase of my second-reading speech, the Speaker indicated that he considered this a Committee Bill and suggested that some of the relevant material be submitted when that stage was reached. Consequently, I did not then place before the House a case relating to certain aspects of the measure. I now seek liberty to continue some of the references I had been making with regard to the safety activities of the trade unions.

Certain references were made by the honorable members for Moonee Ponds and St. Kilda to the responsibilities of management, the unions, and the Government concerning industrial safety. I pay a tribute both to the management and to the trade unions for their activities in this connexion. The April, 1959, issue of the journal of the Building Workers' Industrial Union of Australia, entitled the Carpenter and Joiner, features articles dealing with industrial safety, and sets out the technical measures necessary to be taken to secure safety on building jobs. The October, 1959, issue of the Dynamo, the monthly publication of the Federated Engine Drivers and Firemens' Association of Australasia, which is concerned with the provisions relating to cranes in this Bill, contains articles on workers' compensation, control of electrical hazards, and the appointment of safety committees on jobs. It sets out a report of action taken by that trade union in an endeavour to promote industrial safety. A paragraph headed “Yarra Construction” states—

Due to the accident rate on this job, the unions, with the whole-hearted support of the men, held a stop work meeting to decide on what action should be taken to eliminate some of the unsafe practices.

As a result of this, a safety committee was formed and the management approached. At the time of going to press a sincere effort is now being made to have some of the hazards removed.

In illustration of measures taken by both management and the trade unions, I refer to a safety agreement entered into between the firm of E. A. Watts Proprietary Limited, one of the biggest building firms in Australia, and the following building trade unions—Australian Builders Labourers Federation (Victoria Branch), Building Workers' Industrial Union of Australia (Victoria Branch), Plumbers and Gasfitters Employees' Union of Australia (Victoria Branch), Operative Painters' and Decorators' Union of Australia (Victoria Branch), Victorian Plasterers' Society, and the Victorian Operative Bricklayers' Society. This agreement, headed "General Principles for a Safety Code, between E. A. Watts Proprietary Limited and Building Trade Unions," states—

In order to promote and ensure the greatest possible measure of safe working conditions, the following has been agreed to by the company and the building trade unions:

1. The company shall appoint a full time safety officer.

2. The company safety officer shall be given full co-operation by all working personnel and their trade unions, to investigate, report and advise management on all matters of safety.

3. Trade unions and their representatives shall encourage all their members employed by the company to report at once to their immediate foreman on all matters of safety. This foreman will have all "house keeping" safety matters attended to immediately, but, failing satisfaction and on major matters, the employee shall report direct to the general foreman and, if necessary, the safety officer. The following chart sets out the line of communication to be observed:

<table>
<thead>
<tr>
<th>Employee</th>
<th>Immediate Trade Foreman</th>
<th>General Foreman</th>
<th>Safety Officer</th>
<th>Management</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4. **Job Safety Committees**: Job safety committees may be appointed by the men on the job. In the event of the general foreman refusing recognition of the safety committee, the matter shall be referred forthwith to the management of the company by the union for decision.

5. The job safety committee shall notify the general foreman immediately of a committee being formed and he, in turn, will notify the company safety officer of same.

6. (a) The job safety committee shall comprise of a representative of each trade engaged on the site and shall be elected by the working personnel on the site in the direct employ of the company.

   (b) A representative of a sub-contractor may be appointed to the job safety committee on such occasion as when the company does not directly employ such trade on the project.

   (c) Job safety committees may meet weekly to discuss matters of safety and wherever possible such meetings shall be attended by the company safety officer. Reasonable prior notice shall be given by the committee to the safety officer of such meetings.

   (d) The job safety committee shall, at all times, endeavour to ensure that safety matters are promptly and properly reported by all job personnel to their immediate foreman in order that all "housekeeping" and safety matters are attended to immediately.

7. When a matter is in dispute or a matter arises which is likely to cause dispute, immediate notice of same shall be given to the company's safety officer and the company's general foreman with a view to prompt investigation of the matter in dispute being effected.

   Pending settlement of any such dispute the men will be withdrawn from any unsafe area or alleged unsafe job during the negotiating period and they will be employed on other parts of the works, the men to remain at work during the negotiating period.

8. It is agreed that, as each man is his own safety officer, it is essential for each one to self-educate himself on all matters of safety affecting the building industry. No safety measures can be fully effective unless each person acknowledges and acts in accordance with these principles.

   It is further agreed that the company and the building trade unions undertake to observe the spirit of this code at all times.

   Dated this fourth day of August, 1958.

I point out that E. A. Watts Proprietary Limited, which, I repeat, is one of the leading firms in Melbourne, has taken the initiative concerning industrial safety. Only last Thursday, the management of this firm showed its recognition of the fine industrial safety record of the employees engaged on the construction of the Prudential Insurance Company building in Bourke-street by presenting certificates to the employees concerned. I understand that the ceremony was televised by Channel 9. In addition to those methods which are outside the building industry, and which have received a great deal of support from the management, other methods are adopted by the trade unions to secure safety.

The current award agreement between the building trade unions and the Master Builders of Victoria includes the following escape clause:

**Disputes**:

(a) The unions parties to this agreement hereby agree that when a matter is in dispute or a matter arises which is likely to cause dispute, no direct action shall be taken until a cooling-off period of seven days elapses. When such a dispute occurs, or such a matter arises, the parties to this agreement shall forthwith refer the matter to the Trades Hall Council representative and the Victorian Employers' Federation representative on the Conciliation Committee, who shall make arrangements for a prompt investigation of the matter in dispute by the Conciliation Committee with a view to effecting a satisfactory settlement.

(b) The provisions of this clause shall apply in respect of all disputes or matters likely to cause dispute occurring on jobs of employers parties to this agreement for any reason whatsoever EXCEPT issues involving the safety of employees where the nature of the safety issue is of such urgency that it is not reasonably practicable to apply the seven-day cooling-off period.

I direct attention to this escape clause for the purpose of adding to the information at the disposal of honorable members concerning action taken by the trade unions to promote industrial safety. Some unions have been compelled to take stop-work strike action until some safe kind of restriction is adopted by the firm concerned, or until safety measures of a nature satisfactory to all parties have been undertaken.

I have made these preliminary observations for the information of honorable members, and in reply to the statements made by the honorable members
for Moonee Ponds and St. Kilda during the second-reading debate. I direct attention also to the record of proceedings of the Industrial Safety Convention held at Melbourne on 8th and 9th December, 1958. At page 5 there appear extracts from an address on "Management's Responsibility and Opportunity" given by Mr. W. W. Killough, chairman and managing director of the International Harvester Company of Australia Proprietary Limited. He stated that there were a number of approaches to the question of eliminating industrial accidents and is reported as having said that—

There were limitations to what could be done by engineering safety into the job. Good engineering, the first approach to safety, was indispensable, but was not, in itself, a complete answer.

The second approach was publicity which sought to make people safety conscious by beating every drum to din it into their minds.

The third approach was to make safety instruction and safety discussion an integral part of the education and training programme, both for employees and supervisors. In this educational approach, the problems were examined coolly and carefully from a standpoint of analysis and reason.

The fourth and final approach was enforcement. This was a matter of discipline or discharge.

Mr. Killough further stated—

From the employees' standpoint, it was a matter of not suffering pain or losing income. From the management's standpoint, it had become a matter of not injuring people, of not suffering losses, of not having insurance rates raised—all negative goals. Accidents continued to happen largely because people were bored, people were cocksure about their safety knowledge and judgment.

In this set of circumstances, only one thing held real promise for rapid achievement in safety work, and that was for top management of companies to begin to be as interested in safety as it had always claimed to be.

To do that it was necessary to make safety an integral part of management performance, from the line supervisor up. In plants, line supervisors were told that they were directly responsible for safety in their departments, the same as they were responsible for production, for rework, for scrap and many other things. Yet how many supervisors had ever been told that they were not being promoted or their wages not increased because their safety record was unsatisfactory.

Safety was management's responsibility, but frequently it was not taken as a major element in a good managerial job. Many in executive jobs delegated too much in this phase of responsibility. Any large improvement in future safety performance must be looked for in the area of steady management, attention and steady management pressure.

I apologize to the Committee for quoting at such length, but I do so in reply to some of the remarks of the honorable members for Moonee Ponds and St. Kilda who, no doubt, spoke in good faith. I shall not quote everything I said at the Industrial Safety Convention although I reiterate, as I did at the convention, that my experience and the experience of unions led to the conclusion that, while fully appreciative of the very substantial contributions which have been made by management to the establishment of industrial safety, the only way to enforce effective measures was by laws, regulations and adequate administrative resources. At the convention I stated—

Industrial safety codes once agreed upon by management and unions, should be enforced impartially and their observance insisted upon in the case of both employer and employees. This was the only safe approach to industrial safety.

By the introduction of this Bill, I assume that in part the Government has some agreement. The scientific side, from the point of view of statistical analysis of industrial safety, has been the subject of study by Mr. Eric Tunks, safety officer to E. A. Watts Proprietary Limited, master builders and contractors. In a statistical chart prepared this year by Mr. Tunks and based on the summary of lost time accidents, as defined in the Standards Association of Australia Code CZ.C 1952, an analysis is made of accidents which occurred during the construction of a large city building and extensive factory buildings during 904,100 man-hours of work. I should like to know whether this document may be included in Hansard without my reading it.

The ACTING CHAIRMAN (Mr. Dunstan).—No.
Mr. LOVEGROVE.—Thank you, Sir. I shall read the summary, which is as follows:

**SUMMARY OF LOST TIME ACCIDENTS.**

(As defined in the Standard Association of Australia Code CZ.C—1952.)

Which occurred during the construction of a large city building and extensive factory buildings during 904,100 man-hours of work.

<table>
<thead>
<tr>
<th>Agencies of Causation</th>
<th>Working Hours Lost in Injury Types</th>
<th>Injury Types</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Head</td>
<td>Eye</td>
</tr>
<tr>
<td>Plant in operation</td>
<td>16</td>
<td>1</td>
</tr>
<tr>
<td>Vehicles in motion</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The use of tools—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hand</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Power</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The movement of materials by hand—</td>
<td>1,715</td>
<td>23</td>
</tr>
<tr>
<td>Lifting</td>
<td>332</td>
<td>1</td>
</tr>
<tr>
<td>Stacking and packing</td>
<td>112</td>
<td>2</td>
</tr>
<tr>
<td>Shovelling</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>Carrying</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Harmful contact with—</td>
<td>96</td>
<td>2</td>
</tr>
<tr>
<td>Electricity</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Heat</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>Other agencies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Persons</td>
<td>688</td>
<td>3</td>
</tr>
<tr>
<td>Falling</td>
<td>929</td>
<td>1</td>
</tr>
<tr>
<td>Striking against things</td>
<td>161</td>
<td>10</td>
</tr>
<tr>
<td>Stepping on nails</td>
<td>1,061</td>
<td></td>
</tr>
<tr>
<td>Slipping and tripping</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Objects</td>
<td>815</td>
<td>2</td>
</tr>
<tr>
<td>Falling</td>
<td>243</td>
<td>1</td>
</tr>
<tr>
<td>Flying</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cause not recorded</td>
<td>457</td>
<td>1</td>
</tr>
<tr>
<td>Accident Totals</td>
<td>7,039</td>
<td>7</td>
</tr>
</tbody>
</table>

I regard this publication prepared by Mr. Tunks on behalf of E. A. Watts Proprietary Limited as one of the most valuable contributions to the literature of accurate statistics which has been made by one of the large firms in this State, and I have pleasure in paying a compliment to the firm and to the trade unions which have co-operated in this matter.

In view of the Speaker's earlier suggestion, I do not propose at this stage to deal with the amendment to be submitted by the Opposition. However, one or two observations were made by the honorable member for St. Kilda concerning the New South Wales situation, legislatively, as it affects the men who work on the hook on Sydney building projects. For the information of
honorable members, I submit some relevant statistics so that the questions raised by the honorable member for Moonee Ponds and the matters mentioned by the honorable member for St. Kilda may receive some factual attention. Briefly, I quote from reports of the Workers Compensation Commission of New South Wales for 1957, volume 31, part IV., concerning the compensation of injured workers.

Mr. Holden.—Did they give statistics before and after the cases were litigated?

Mr. Lovegrove.—Not before, but certainly for the past three years. The point I wish to make in regard to the observations of both honorable members is that in New South Wales during 1957 there were 15,959 accidents in falls, which constituted 18.9 per cent. of total accidents.

Mr. Holden.—Falls from the hook?

Mr. Lovegrove.—No. I shall come to that point later. These are falls of all descriptions. As a matter of fact, I understand that the majority of accidents, ironically enough, occur in the home. Of the 15,959 accidents resulting from falls, 2,002 were on building construction jobs, and 1,295 were on construction and maintenance work on buildings. In New South Wales, there were only eighteen fatal falls in the course of employment on building in 1957, but during the past three years there has been only one fatality in the case of a dogman. That occurred in 1957 when a dogman in Sydney was killed because the ring connecting the hook to a rope sling broke while he was in mid-air.

I suggest, therefore, that a number of conclusions emerge from these facts. The first is the conclusion reached by management committees at both the Victorian Safety Convention and the other safety conventions that have been held in Sydney and Brisbane to the effect that, on the job, the basic responsibility is on the part of management; it is not on the part of the trade unions. However, I hope I have convinced the Committee, by the information I have submitted, that the trade unions have more than co-operated with management in helping to eliminate industrial accidents as much as possible. The second fact which emerges is, I think, that placing the sole responsibility on management is not enough to eliminate industrial accidents; legislation is also required. The Opposition contends that the facts demonstrate that the measure now under consideration is, in terms of its counterpart in New South Wales, inadequate to prevent further fatalities in Victoria. I do not desire to pursue that point any further.

In the September–October, 1959, issue of Safety News, measuring rods are established which throw into glaring discredit the methods employed in the engagement of dogmen in Victoria. For instance, I quote an extract from an article which appears in that journal under the title "The Individual and Industrial Accidents." It is published with acknowledgment to Occupational Health Bulletin, Ontario, Canada. Under the heading of "Selection" the article states—

Screening.—Research indicates that the majority of potential accident risks can be detected during pre-employment procedures. A spotty job history, frequent minor injuries, several hospitalizations, evidence of regulation and law violation, etc., all suggest instability and a pre-disposition to have accidents. Careful and thorough checks of given references and previous employers are such essential sources of information about the applicant’s past behaviour.

The Opposition suggests that whilst in certain circumstances in certain occupations Victorian management has undertaken that responsibility, in others,
including the occupation that is now under discussion, it can be proved that Victorian management has not undertaken that responsibility. The Opposition submits, therefore, that something should be done to give better legislative protection than that which is contained in the Bill and, for that purpose, it is proposed at a later stage to move the amendments that have been circulated to members.

Mr. MITCHELL (Benambra).—I take this opportunity of thanking the Minister for discussing this Bill in confidence with me, because there is an aspect of it which affects country districts particularly. I refer to the matter of ski tows and chair lifts. The use of chair lifts, especially, is becoming more and more widespread all over the world and, largely as a result of their operation in both winter and summer, the mountains are no longer the prerogative of youth. I am hopeful that the Government will shortly bring down the requisite measure to allow a chair lift to be constructed at Arthur's Seat, in the electorate represented by my good friend the honorable member for Mornington. I do not wish to take up an undue amount of time, because the Minister has been particularly co-operative already, but I should like to have the position made clear. Perhaps the honorable gentleman will at a suitable time give an assurance that ski tows and chair lifts, as well as any similar form of hoist, are definitely covered in this measure, and, secondly, that all foreseeable steps will be taken under this measure to ensure that all ski tows, chair lifts and similar devices are made as safe as is humanly possible. Already there have been some rather unpleasant accidents with ski tows in New Zealand. There was a near accident at Mount Buller last year, when one of the hooks of a ski tow turned round and smashed a pylon. Fortunately, no one was injured.

Whilst we desire to develop our country areas, we do not want to make the safety regulations so onerous that they will be beyond the financial capacity of any person erecting the relevant gear. Nevertheless, the equipment should be made as safe as is humanly possible. Nothing would damn a mountain resort at Mornington, Mount Buller, Falls Creek, Mount Hotham, or anywhere else, quicker than a fatality or a bad accident. Accordingly, if the Minister can, at a suitable time, give me the assurance which I seek, I shall be very grateful. At Falls Creek there are now four ski tows and a chair lift. There are also tows at Mount Hotham and Mount Buller. Moreover, there is a big chair lift at Thredbo in New South Wales, and I am very doubtful whether it is really safe.

There is another point which I think we ought to consider while we are discussing details of the Bill, namely, the question of rescuing passengers from a chair lift if it stops. Last year, the chair lift at Thredbo stopped on a number of occasions, and there was no way of rescuing the people who were marooned on the chairs. They were suspended from 20 to 30 feet above the ground for a period of two hours or more in biting winter weather. In Europe, if that contingency arises, they have a sort of moving bosun's chair, by means of which a man slides down the cable and lowers a ladder from each chair so as to assist the people to get down onto the ground again. Last year, for example, a number of school children were hung up when the chair lift at Thredbo stopped. In the case of two Geelong Grammar School boys, they were fairly well catered for because they were near enough to the ground for people ski-ing beneath to throw chocolates and oranges up to them. So, there is another aspect of the Bill which is not readily apparent on the surface, and I should like to have an assurance from the Minister on the points I have raised.

Mr. WILKES (Northcote).—I shall be very brief in what I have to say on this clause. I believe the Government has gone some of the way in endeavouring to implement safety precautions in industry, but it is regrettable that it has not gone far enough. Like the honorable members for St. Kilda and Moonee Ponds, I also had the opportunity of
inspecting some of the major construction jobs throughout the metropolis in the last few weeks, and it was easy for me to observe some of the risks that are taken by people at work through lack of supervision, in the first place, and mainly through lack of safety precautions, in the second place. If this measure goes some of the way towards eliminating a portion of the anomalies that exist, it is deserving of commendation.

There is another matter to which I wish to refer. Paragraph (g) of sub-clause (2) of clause 2 provides that, in paragraphs (b) and (c) of sub-section (1) of section 833 of the Local Government Act 1958, for the words "scaffolding gear or crane" there shall be substituted the words "scaffolding or gear." I think there is a close relationship between scaffolding and lifting gear. Because of that contention, I wish to direct attention to the scaffolding and the lifting gear used by persons engaged in the glazing industry. Usually a construction job is nearing completion when glaziers are required, and consequently portion of the scaffolding and lifting gear has been altered to suit the convenience of the builders. There is no regulation governing the provision of scaffolding or lifting gear for glaziers who are forced to haul glass up on the outside of buildings in open-ended crates. I have seen that occur in the metropolitan area on several occasions in the last few weeks. There is direct risk involved not only to persons hauling the load, but also to members of the public using the footpaths underneath the scaffolding. Large sheets of 16 oz. glass are used on many big city buildings, and they are quite heavy. Glaziers are forced to haul them up as best they can.

After the glass is hauled in an unsafe manner to the place where it is to be used, the glaziers have to fit it while they are standing on very rough scaffolding. There have been several serious accidents in the last twelve months to persons engaged in glazing operations. I urge the Minister of Labour and Industry to give considera-

tion to the promulgation of regulations covering the inspection of scaffolding used by glaziers when at work. As builders complete portions of a building, they dismantle some of the scaffolding and that often forces glaziers to operate from a single plank. They work under the most adverse conditions and their safety is not considered.

In certain cases, responsibility for the safety of scaffolding is left with the building inspector or the building surveyor of the municipality concerned. When a permit is taken out either the building surveyor or the building inspector examines the type of scaffolding to be used and the material to be lifted on the job. In some instances, these men are not qualified to carry out an adequate inspection. Very few building inspectors have sufficient knowledge of scaffolding to do a satisfactory job. They are not aware of what is involved and the way in which scaffolding is altered from time to time to suit bricklayers and other tradesmen. Usually they inspect the scaffolding when it is first erected and no other visit is made to the building. Consequently we have the spectacle of glaziers working from ladders and other unsafe positions. Only last week an accident occurred during glazing operations. A ladder collapsed and a man fell and fractured his jaw in two places.

At a suitable time, I should like to show the honorable member for Moonee Ponds several photographs that I have in my possession. As a member of the safety committee of the Government party, he will be interested to see how inadequate are the inspections of scaffolding that are carried out in his area, and I am not singling out that locality. What I have here is merely an illustration of what occurs throughout the metropolitan area. One photograph shows two men performing glazing operations from a single plank fitted between two extension ladders that are fully extended. Also in use is what is known as a ladder bracket, which is a piece of mild steel with two hooks attached, to hook on to a rung of the ladder and to the wall of the building.

Mr. Wilkes.
Ladders are never inspected to see if the rungs are safe for this type of work, and as a matter of fact I notice that in the photograph I have, one of the rungs of one of the ladders is broken. In the illustration, the ladder is not tied at either the top or the bottom, and the building on which the work is taking place is in a prominent position. Many people use the thoroughfare below.

I make these points because I believe that lack of supervision of these operations can lead to serious accidents. If regulations are to be drafted after the passage of this measure, consideration should be given in particular to the way in which glaziers operate or are forced to operate. They do not wish to adopt unsafe methods of work, but as employers are not required to provide approved scaffolding, that sometimes is the result. I consider that, after consultation with employers and glaziers, regulations should be framed to cover this type of work. The methods adopted in Victoria are not tolerated in New South Wales.

Although I am aware that this Bill does not cover this aspect, I urge the Minister for Labour and Industry to give consideration to framing at a later date more stringent regulations to ensure safety in the use of machinery in industry. At the present time, eight employees are absent from the machine shop of the furniture factory at Footscray of the Myer Emporium Limited. The men I refer to are shaper and buzzer operators and they have been injured in the last four weeks. That indicates to me that there is not sufficient supervision of the machinery they are working on or that they have been allowed to take unnecessary risks. Statistics can be supplied showing the number of workers receiving compensation payments at the present time because of injuries they have received arising from the use of machinery.

However, the most important matter I wish to bring forward is the conditions under which glaziers are forced to operate. Apart from the fact that they are working on scaffolding that has been partly dismantled, often they use only light cranes to haul heavy loads of glass.

Mr. LOVEGROVE.—Mobile cranes are used on occasions.

Mr. WILKES.—That is so. The glass is hauled up in open-ended crates so that it can be slid out and placed in position. That involves great risk. I sincerely hope that the Minister will give consideration to the framing of regulations to cover the work of glaziers and the scaffolding on which they operate.

Mr. HOLLAND (Flemington).—I wish to make a few general observations, particularly in regard to the effect on municipalities of clause 2. I appreciate that this Bill deals with only one or two aspects of safety in industry. It certainly does not contain the provisions that would be required if it were to cover all the recommendations made in the report of the Board of Inquiry. Any advance in methods of industrial safety should be applauded, but it is a moot point whether this clause, as drafted, will allow that to be achieved.

It seems to me that the details of this Bill will be covered in the regulations that are proposed to be made. There is at present power under various sections of the Local Government Act for regulations to be made in regard to these matters, but no action has been taken, so one wonders whether the Government's intentions are quite clear on the point. Paragraph (b) of sub-clause (2) provides that the words "Building Cranes" shall be repealed from the heading preceding section 824 of the Local Government Act. That will have a two-fold effect. Section 824 and the following sections relate to scaffolding and building cranes. First, it will mean that the councils will implement the scaffolding regulations only. As the honorable member for Northcote has pointed out, there is a doubt whether the councils will have sufficient staff to implement those regulations properly. In typical fashion, the Government is foisting additional responsibilities on municipalities without providing the money to pay for the services. If the
regulations are to be fully implemented, the municipal building inspectors will have to make many inspections to ensure, first, that the scaffolding is correctly installed and then make periodical inspections to ensure that no changes have been made, and so on. For these services the councils will be able to impose only a nominal fee. Inspections will have to be made practically every week on multi-storied building projects, because as the building progresses the scaffolding goes higher. I doubt whether the Melbourne City Council is able to carry out all the inspection work that is really required, and it is obvious that the smaller councils, which have not the financial resources of the Melbourne City Council, will not be in position to employ additional building inspectors.

In my opinion the second effect will be brought about by the fact that the inspections of scaffolding and lifts and cranes are inexplicably mixed. The definitions in this Bill bear a direct relation to those contained in the scaffolding regulations, which are enforced by municipal councils.

The CHAIRMAN (Mr. Christie).—Is the honorable member speaking about an amendment that he proposes to move to clause 2?

Mr. HOLLAND.—No.

The CHAIRMAN.—Then I invite the honorable member to speak more directly to the clause.

Mr. HOLLAND.—According to the previous ruling given by the Speaker, this is a Committee Bill, and I understood that some latitude would be allowed at this stage. I do not intend to move an amendment; I am merely stating what is proposed by clause 2. I think the provisions of this clause are sufficiently wide to enable me to discuss the Bill in general. Amongst other things, the clause contains amendments to the Local Government Act. Because certain words are to be deleted from the Local Government Act and because of the definitions contained in this Bill, one section of inspection work will be carried out by the Department of Labour and Industry and the other by the Local Government Department.

The CHAIRMAN.—I had the impression that the honorable member was talking about an amendment that he proposed to move.

Mr. HOLLAND.—No, I am pointing out the deficiencies of the Bill. Although it may be the intention of the Government to make watertight rules as far as the Department of Labour and Industry is concerned, in actual fact there will be ambiguity between the scaffolding regulations under the Local Government Act and the regulations made under this Bill, and that will provide an excuse for people to evade both sets of regulations. In the definitions contained in the Local Government Act, scaffolding includes structure, and from that point of view it comes under the control of the Local Government Department, while lifts and cranes are controlled by the Department of Labour and Industry.

Mr. G. O. REM.—Does the honorable member suggest that the Department of Labour and Industry should take over the responsibility for administering the scaffolding regulations?

Mr. HOLLAND.—That might be a good idea, but I am merely pointing out the deficiencies in the clause. I am doing that in the most charitable way, because, if the Minister's intentions are pure, he should listen to the suggestions that are being made. These suggestions have been put forward by the Melbourne City Council, but up to date no consideration has been given to them. I am trying to point out to the honorable gentleman that he should examine these proposals. However, in regard to the suggestion he has made, I think it would be a good idea if the Department of Labour and Industry took over the responsibility of inspecting scaffolding to ensure that the work is carried out properly.

Mr. G. O. REM.—Is that the view of the Municipal Association of Victoria?

Mr. HOLLAND.—No, that is my opinion. If the Minister takes that action, he will relieve those municipalities that are trying to enforce the scaffolding regulations of considerable
financial burdens. Apparently the Government is trying to impose additional responsibilities on local governing bodies.

The CHAIRMAN (Mr. Christie).—Order! The honorable member should address the Chair.

Mr. HOLLAND.—The Minister of Labour and Industry provoked me unduly. As I said before, the amendments proposed in clause 2 will have a double-barrelled effect. The part of the Bill with which I am particularly concerned relates to cranes. It is proposed to regulate the use of lifts and cranes. In effect what will happen will be that regulations will be made to say how lifts and cranes may be used but not where and when they may be used. It is obvious that municipalities will be vitally concerned with the question of when and where lifts and cranes may be used. Movable, motorized cranes are being utilized to an increasing extent to-day. Municipalities will be vitally concerned when these cranes are operated in main thoroughfares, so they should have power to say when and where these cranes will be used on public highways.

Although these matters are vital to municipalities, the Bill contains no recognition of that fact. It has been said that municipalities have authority under other Acts to deal with these problems, but it is extremely doubtful whether in fact they have. It would be convenient if the necessary powers were incorporated in this measure. The Melbourne City Council has specified times and places with regard to the use of cranes, but the legality of its action is questionable. The only authority it seems to have is that contained in provisions of the Motor Car Act dealing with motor vehicles of varying types, lengths and weights. Under that legislation, they may use the public highways under certain conditions.

Mr. G. O. Reid.—You are really concerned with the traffic problem?

Mr. HOLLAND.—It is a safety problem, too. The council can give permission for a vehicle of this nature to be driven through the city at a particular time. However, the council has not the power to authorize an operator to take machinery from a building or do other things with a crane. Without that power, the council could be in considerable legal difficulty. It has been the practice of the Melbourne City Council to grant permission for part of a roadway to be barricaded on a Sunday, or at some other suitable time, to enable these operations to be carried out. In those circumstances, there are probably traffic officers on duty to ensure that safety measures are taken. The council found that difficulties arose, and it sought legal advice regarding indemnification in the event of accident. Investigation revealed that the council was acting illegally and that any indemnity that it sought from the user of a crane would probably be ineffective.

The Bill does not make provisions as to the manner in which cranes shall be used on a particular site. Consequently, if they are operated in circumstances such as I have outlined, it will be without the permission of the municipality concerned and that seems to be a ridiculous state of affairs. Some attempt should be made to have incorporated in legislation conditions relating not only to the manner in which cranes are to be used but also to places and times of their operation. Such provisions could be included in this Bill. If that course cannot conveniently be taken, the matter could be dealt with by regulation.

Mr. HOLDEN.—That is not a purpose of the Bill.

Mr. HOLLAND.—If that is not covered, action should be taken as quickly as possible, by means of some other Bill, to ensure that the necessary powers are granted to municipalities. The Minister of Labour and Industry will probably say that this cannot be done in the present measure, but, if he understands the situation, he ought to make it clear that he realizes the problems involved, and he should state his intention to sponsor another Bill providing the requisite authority.
Another matter of concern to councils is the convenience of the public. More and more calls are being made on public space for the operation of cranes and similar machinery and the erection of scaffolding. This raises the question of adequate guards, and usually a hoarding is erected. The way in which machinery is used in public space is apparently to be a responsibility of the Department of Labour and Industry. Although a municipal council could give permission for the erection of a barricade in part of a street, it would have no control over the operation of these machines. Effective liaison should exist between the Department and the municipality concerned.

If the matters I have raised cannot be covered by this Bill, the Minister should indicate that they will be made the subject of complementary legislation giving the councils the powers they desire. From talks I have had with the technical officers of the Melbourne City Council, I am convinced that the questions to which I have referred are causing grave concern. Different interpretations can be placed on certain clauses of the Bill, and suggestions have been made to me as to alterations. However, I shall deal with them when the various clauses are under discussion. I should welcome an indication from the Minister whether he intends to take any notice of the points I have raised.

The sitting was suspended at 5.59 p.m. until 7.32 p.m.

Mr. G. O. Reid (Minister of Labour and Industry).—I take this opportunity to refer to a matter raised by the honorable member for Benambra as to whether the Bill in its present form is sufficiently wide to cover chair lifts and ski tows. I have been assured by the Parliamentary Draftsman and by officers of my Department, both on the legal and on the technical side, that the provisions of the Bill, particularly the definitions, are sufficiently wide to include those particular contrivances. In response to his second question, I assure him that steps will be taken when this legislation is enacted to ensure that inspections are carried out so that these devices will be made safe for the public and for persons concerned in their operation. The honorable member mentioned also arrangements for the rescue of persons who might be trapped in any such contrivance. Action will be taken to ensure that some proper mechanical arrangements are made to meet any emergency. However, the provision of personnel to effect such rescues would seem to me to be a matter for the proprietors of the contrivance in question if such a situation arose.

Whilst I appreciate the wide variety of matters referred to by honorable members in this debate and the interest they have shown, I must point out that, although some of the matters are related to the purposes of the Bill, they are really subjects which could be more properly dealt with in other legislation. Regarding the points raised by the honorable member for Northcote, I would say that those matters are more appropriate for inclusion in scaffolding regulations and legislation. However, I assure him and other honorable members that the questions raised will be considered in regard to other related legislation or, if they come within the province of other Departments, they will be referred to the appropriate Ministers.

The honorable member for Flemington raised certain questions which are identical with those contained in the letter submitted to me on behalf of the Melbourne City Council. To a certain extent I believe that the honorable member was speaking to that brief. Careful consideration will be given to the points he raised, although they are not strictly germane to this Bill. One aspect of the problem raised by the Melbourne City Council and by the honorable member for Flemington is related to traffic regulation, and another aspect would be governed by regulations in regard to scaffolding. I am disappointed that the honorable member for Flemington did not take the opportunity of rising to the defence of the Melbourne City Council, following the bitter attack launched on it last week by the Deputy Leader of the Opposition. Perhaps he will have an opportunity of doing so at a later stage in the debate.
Generally, and in regard to the observations of the Deputy Leader of the Opposition, the majority of matters to which attention has been directed are more appropriate to other legislation. I repeat that as regards further provisions for safety on building construction, I have given an assurance to the Secretary of the Trades Hall Council, Mr. Stout, that I am prepared to receive a further deputation from representatives of unions on the general question of safety in the building industry. Since this Bill was introduced, I have received one deputation, which was limited mainly to aspects dealt with in this measure. I repeat that this Bill is an instalment in regard to safety legislation. The fact that I may not be prepared to accept certain amendments suggested by the honorable member for Fitzroy does not show any lack of sympathy towards his views, but the Government considers that those matters would be more appropriately covered in other Acts.

Mr. HOLDEN (Moonee Ponds).—I feel impelled to join the debate at this point, particularly in view of the matters raised by the honorable member for Northcote. First, I wish to correct a misconception that may be in the minds of some Opposition members concerning remarks I made in the course of the second-reading debate. It may be said that, when dealing with the problem of industrial safety, I related my remarks more particularly to the workers. That misconception might quite easily have arisen, but it was not meant. I realize, as the Deputy Leader of the Opposition stated, that a large measure of responsibility for industrial safety rests with employers. I agree on that point. I also agree with what the honorable member said concerning the work carried out by trade union officials. During the inspections which I made of city buildings, I was accompanied on many of them by trade union officials who were very particular in their approach to safety precautions. They were also particular to draw those matters to the attention of workmen engaged on the various jobs. I desire to pay a tribute to those officials, inasmuch as they are safety conscious. At the same time, I should like to correct any misconception that may have been left in the minds of Opposition members.

In the course of his remarks, the honorable member for Northcote referred particularly to a building off Puckle-street, Moonee Ponds. I am satisfied that the scaffolding in use when that building was under construction was both dangerous and inadequate. Moreover, the employer and the building inspector in the City of Essendon were at fault. I now quote a definition of "Scaffolding" as it appears in the latest scaffolding regulations as set forth in the *Government Gazette*, No. 17, dated 12th March, 1958—

"Scaffolding" means any structure or framework of timber planks or other material used or intended to be used for the support of workmen in erecting, demolition, altering, repairing, cleaning, painting or carrying on any other kind of work in connexion with any building (other than a wooden building not more than fourteen feet high), structure, ship or boat, and includes any swinging stage used or intended to be used for any of the purposes aforesaid.

I think there is ample scope in those regulations for a building inspector, if he is sufficiently "on his toes," to say to an employer who has men working on a particular building, "You are contravening the regulations." There can be no doubt, judging by the pictures that were handed to me by the honorable member for Northcote, that there was certainly a contravention of the scaffolding regulations in that particular instance. Regulation No. 62 of the scaffolding regulations states—

Penalties:—Any person who contravenes or fails to comply with any of the provisions of these regulations shall be liable to a penalty of not more than Two hundred pounds (£200) for any breach of the said regulations.

Accordingly, there is adequate provision in the existing scaffolding regulations to enable a building inspector, if he is sufficiently "on his toes," to ensure that they are properly policed. But let me point out, as I did in the course of the second-reading debate, that the scaffolding regulations in Victoria are entirely different from those that apply
in New South Wales with respect to fees. I think the Government should review this aspect.

At the present time, the fee in Victoria in respect of scaffolding is only £2, irrespective of whether the building concerned is a two-storied wooden structure or a brick one, or whether it is located in the outer metropolis or in the heart of the city. A structure similar to the new Shell building which is being erected at the corner of Bourke and William streets would, if erected in New South Wales, qualify for a fee of £400 or £500. If the regulations in relation to these matters were brought up to date, sufficient incentive would be provided for councils to employ an adequate number of people to ensure that the regulations were properly observed.

I have confined my remarks to those particular points because I merely wanted to clear the minds of Opposition members in regard to statements I made in my second-reading speech and to point out to the honorable member for Northcote that sufficient power exists under the present regulations to stop any contravention of the scaffolding regulations, whether it be in respect of glaziers, bricklayers, carpenters, or what have you.

Mr. HOLLAND (Flemington).—I am gratified to learn from the Minister of Labour and Industry that some of the points raised by the Melbourne City Council and matters with regard to the provisions of this Bill have been recognized by him. The honorable gentleman said, however, that some of those matters could be more appropriately dealt with in other legislation but, as this is a new measure, there seems to be no reason why its purposes could not be broadened so as to include everything that should rightly be provided within its scope. There is no apparent reason why the clause providing the power to make regulations should not be widened to cover the requirements of the municipal council so that there could be some liaison between the two bodies in this regard. I am gratified to learn that the Minister recognizes there are deficiencies, but I am sorry he does not agree that the position could be rectified in this Bill. I trust that the deficiencies which he now sees between this and other legislation will be corrected at an early date, because it is important from the viewpoint of industry that it should be able to work within a proper legal framework in the utilization of crane equipment.

Finally, I want to make the position quite clear concerning the Minister’s statement that he was surprised that I did not leap to the defence of the Melbourne City Council because of the castigation of that body by the Deputy Leader of the Opposition. I am no apologist for the Melbourne City Council, although I am a member of that body. If there is any reason for it to be castigated, I am the first to take such action. If the honorable gentleman cares to go down to the Melbourne Town Hall and listen to the debates that take place there, he will realize that what I say is true. Whenever I think there is reason to criticize the actions of the Melbourne City Council I do so, and, if the Deputy Leader of the Opposition believes that that body is not doing its job as it should, he is perfectly free to criticize it without any reference to me. The Melbourne City Council is governed largely by members of the Liberal party, and we all realize that when they control any particular organization someone must correct them from time to time.

Mr. LOVEGROVE (Fitzroy).—This clause repeals the references to cranes that appear in certain sections of the Local Government Act. In so doing, responsibility could be taken from the Melbourne City Council and other local Government Act and placed under the appropriate provisions of the Department of Labour and Industry. The relevant sections of the Local Government Act are 827, 828, 831 and 833, all of which give local governing organizations some control over cranes, although, as the honorable member for Flemington pointed out, it is limited control in the absence of regulations yet to be made by the Government.
Whilst accepting the statement of the Minister of Labour and Industry in the second-reading debate that all that it was proposed to do in this Bill was to regularize a situation which had been more or less tacitly condoned since the amendment to the scaffolding regulations in May of last year, the fact remains that the Government has some moral responsibility for the actions or neglects of local governing organizations such as the Melbourne City Council. That applies not only to the past period but to the future whilst the control of cranes remains in the hands of local governing authorities.

One of the things the Opposition wants to know—I recite this again with great reluctance because a week has elapsed since the Government was presented with photographs of the Shell building—is when the Government will of its own volition, through its own Department, or by direction to the Melbourne City Council, compel the establishment of proper safety precautions on the Shell building.

Mr. HOLDEN.—The Government has no power.

Mr. LOVEGROVE.—It is not enough to say that the Government has no power. It is true that the Melbourne City Council and other councils have not any regulations on cranes under the Local Government Act to guide them. However, section 828 of the Local Government Act provides, *inter alia*—

1. Whenever it appears to an inspector—
   
   (a) that the use of any scaffolding or any gear being used in connexion therewith or of any building crane would be dangerous to life or limb; or
   
   (b) that with regard to any scaffolding erected or in course of erection or any gear being used in connexion therewith or any building crane the requirements of the regulations are not complied with—

he may give such directions in writing to the owner or person in charge . . . . .

The Act gives councils authority, even in the absence of regulations, to prevent this equipment from being used in a manner which appears to the inspector to be dangerous to life or limb.

Mr. PORTER.—That does not give the Government power.

Mr. LOVEGROVE.—The Government has power. What does the Government intend to do about the Melbourne City Council? On the eve of the safety convention convened last year by the Minister of Labour and Industry, a rain of bricks, stones and glass coming down on the corner of Little Bourke-street and Russell-street. This was photographed by the press which made the public aware of what had happened. Those details were presented to the Minister. However, no action was taken by the Melbourne City Council. There seems to be a disinclination on the part of the Government to do anything to compel the Melbourne City Council to observe the law.

Mr. HOLDEN.—How long have these things been going on? Only since 1955?

Mr. LOVEGROVE.—With the greatest respect, I suggest that here we have an example of a local government authority that has profited more than any other municipality in Australia by the benevolence of a Government. Formerly, three years of office were needed to qualify a member of the Melbourne City Council to obtain a knighthood. Last year we saw that only two years of office were required, and it is confidently anticipated that, with the benevolence of this Government, only a year of office will be necessary in the future before that honour can be obtained.

The CHAIRMAN (Mr. Christie).—Order! The honorable member is straying from the clause.

Mr. LOVEGROVE.—I did so quite unconsciously, and I accept your correction, Mr. Chairman. It is suggested, with seriousness, that in the period that intervenes between the debate on this measure in this House and the conferment of authority on the Department of Labour and Industry to exercise the new powers, something should be done to compel the Melbourne City Council to protect not only the men on the job but also the people who
pass by along the public thoroughfares adjacent to the work. The Melbourne City Council has not any regard for the safety of the public.

Mr. G. O. RMD.—You do not seem to like the Melbourne City Council.

Mr. LOVEGROVE.—I am making my remarks in the presence of the honorable member for Flemington who has no more concern to protect persons who breach the law than I have, irrespective of who commits the offence. Only last week there was a report in the press of a man falling from a sling in Bourke-street. Fortunately, his fall was arrested half way and he was held there until the fire brigade could rescue him. He could easily have fallen on an innocent bystander on the footpath. Yet nothing was done about that incident by the Melbourne City Council, and I understand that no prosecutions are mediated by that body. If the council is thinking of launching a prosecution, I shall be only too glad to hear of it. It is amazing that although the lack of safety precautions on a big city building project have been given much publicity, no action has been taken by the authorities concerned. I am not attacking the builders, a reputable firm, but photographic evidence has been placed before Parliament and public attention has been directed to unsafe practices on the job. Only last Saturday afternoon one could see material being taken up on the hook of a crane over an open road without any attempt to block off the area in question. I consider it is reasonable to suggest to the Government that something should be done to give this most august body in Swanston-street a few responsibilities of local government in addition to many of the plums.

I do not desire to say anything further at this stage except to point out to the honorable member for Moonee Ponds that despite the opinion expressed by him in his second-reading speech, this measure will not remedy the position to which attention was drawn by the Opposition. I invite the honorable member for Moonee Ponds, who asked for information last week in regard to the position in New South Wales, to now express his own attitude to this Bill.

Mr. HOLDEN.—You did not give me the figures for which I asked.

Mr. LOVEGROVE.—I shall quote them again. During the last three years, six men have been killed by falls from cranes in Melbourne, whilst in Sydney during the same period only one man fell from a crane, and that fall was due to the failure of a piece of the equipment. The difference in the number of accidents has been due to the fact that legislation of the type which the Opposition is advocating was passed by the New South Wales Parliament some years ago. I invite the honorable member for Moonee Ponds to say whether or not he is now in favour of doing something to prevent the continuance of the most dangerous, undesirable and unnecessary practices which the Opposition has revealed.

Mr. HOLDEN (Moonee Ponds).—It is a very curious state of affairs when the Opposition castigates the Government for not doing something on a week's notice. I direct attention to the final report of the Board of Inquiry appointed to examine and suggest amendments to the Factories and Shops Act in 1950. First, let me name some of the members of that committee. One was the Honourable Percy James Clarey, M.L.C., another was George Hayes, Esq., and another James Victor Stout; Esq., I could name the other members if it is necessary. What were the recommendations in 1950? Recommendation No. 44 was—

Recognizing that great danger exists because of the lack of control over mechanical lifting appliances it is urged that some provision is essential whereby all such appliances must be inspected and certificates issued as to their condition.

Nothing has been done until now. It has been left to this Government, which has taken a real interest in the problem. It has promulgated regulations and made suggestions in this House with a view to controlling mechanical equipment. Yet, the honorable member for Fitzroy castigates the Government because it has done nothing! In 1950
the Labour Government set up a committee of inquiry, and despite the fact that it formed the Government until 1955, nothing was done. It completely closed its eyes to the problem. In 1951 a Cranes Regulation Bill was given a "gallop" in the Legislative Council, but it did not reach the Legislative Assembly. It was introduced in the Council because the then Government knew that it would be thrown out in the Assembly. Therefore, criticism should be levelled on a proper basis.

During the second-reading debate I asked for certain figures. While the honorable member for Fitzroy was speaking on the clause he quoted some figures. By interjection I asked if they related to the period during which there was no regulation for certification in New South Wales. The honorable member said that they did not and that they covered the last three years. He stated that from 1957 to 1959 in New South Wales one dogman was killed because of faulty equipment. I do not think I should go into further detail at this stage, but I intend to have something to say when a foreshadowed amendment is moved. I believe that the proposals to be put forward by the honorable member are in variance with one another.

The clause was agreed to.

Clause 3, providing, inter alia—

In this Act unless inconsistent with the context or subject-matter—

"Crane" means crane of any kind, excavator, power shovel, cableway, and monorail and any other apparatus or contrivance used or capable of being used for raising lowering or transporting loads in like manner to the foregoing and includes conveyor and hoist, and also includes the supporting structure and the gear used in connexion with a crane, but does not include—

(i) a lift;
(ii) any apparatus or contrivance in a mine;
(iii) any crane used solely for private or domestic purposes and not in connexion with any business conducted for gain; or
(iv) any crane or type of crane which the Minister by notice published in the Government Gazette exempts from the operation of this Act.

"Regulations" means regulations made under this Act.

Mr. LOVEGROVE (Fitzroy).—I move—

That the following interpretations be inserted to follow the interpretation of "Crane":—

"Crane chaser" means a person slinging and directing the movement of loads handled by a crane where such loads are usually in full view of the crane driver.

"Dogman" means a person slinging and directing the movement of loads handled by a crane where such loads are usually not in full view of the crane driver.

This is a preliminary, machinery amendment which is indispensable for the purpose of creating a qualification, certification and offence following the pursuance of occupations so defined in the absence of qualification and certification. The honorable member for Moonee Ponds made a brief reference to what he regarded as a variance between certain of my amendments. I take it that he means an amendment to be moved to a subsequent clause. If that is correct, then I agree with him. However, I point out that the existence of the variance between the proposal to qualify, train and certify on the one hand and a proposal to ban the practice altogether on the other hand, gives this Government an alternative line of action.

Mr. HOLDEN.—"Two bob" each way.

Mr. LOVEGROVE.—No, it gives an alternative line of action. Therefore, I suggest that in discussing the definitions honorable members should of necessity consider them not formally but in essence with the proposed amendment to clause 15, as circulated. At this juncture I do not propose to argue the case for qualification and certification in terms of the wording used in the definitions. I propose to do that when the Committee is considering clause 15. However, I commend the definitions to honorable members as a necessary, preliminary, machinery amendment to make possible the proposals contained in the amendment to clause 15 and in the new clause.
Mr. BROSÉ (Rodney).—I think the definition of “conveyor” could be improved by the addition of a few words. The present definition in clause 3 reads—

“Conveyor” means apparatus or contrivance including ropeway worked by any power other than manual by which loads are raised lowered or transported or are capable of being raised lowered or transported by means of—

(a) an endless belt rope or chain;
(b) buckets trays or other containers or fittings moved by an endless belt rope or chain; or
(c) a rotating screw—

and includes the supporting structure machinery equipment and gear used in connexion with the conveyor.

The CHAIRMAN (Mr. Christie).—Order! I point out to the honorable member that the Committee is considering the amendment which is before the Chair. The Committee will discuss the clause later.

The Committee divided on Mr. Lovegrove’s amendment (Mr. Christie in the chair)—

Ayes... 15
Noes... 37

Majority against the amendment... 22

AYES.
Mr. Crick
Mr. Divers
Mr. Doube
Mr. Fennessy
Mr. Floyd
Mr. Lovegrove
Mr. Mutton
Mr. Ring

Mr. Schintler
Mr. Stoneham
Mr. Sutton
Mr. Towers
Mr. Wilkes.
Tellers:
Mr. Clacey
Mr. Holland.

Tellers:

Mr. Balfour
Mr. Barclay
Mr. Bolte
Mr. Brose
Mr. Cochrane
Mr. Darcy
Mr. Dunstan
Mr. Fraser
Mr. Gainey
Mr. Garrison
Mr. Gibbs
Mr. Holden
Sir Herbert Hyland
Sir George Knox
Mr. MacDonald
Mr. Manson
Mr. Meagher
Mr. Mibus
Mr. Mitchell
Mr. Moss

Mr. Porter
Mr. Rafferty
Mr. Reid
Tellers:
Mr. Rigg
Mr. Reid
(Tellers:
Mr. Ryleah
Mr. Scott
Mr. Stirling
Mr. Stokes
Mr. Suggett
Mr. Tanner
Mr. Taylor
Mr. Wheeler
Mr. White
Mr. Wilcox
Mr. Wilksare.

Mr. Galvin
Mr. Ruthven
Mr. Turnbull
(Brunswick West)
Mr. Bloomfield
Mr. Loxton.

Mr. LOVEGROVE (Fitzroy).—I move—

That the following interpretation be inserted to follow the interpretation of “Regulations”:—

“Rigger” means a person directly responsible for the placing in position of the members of a building or structure, other than scaffolding, in the course of erection and for the manner of ensuring the stability of such members, for dismantling or demolishing buildings or structures, other than scaffolding, or for the setting up of cranes or hoists.

The proposed interpretation was separated for alphabetical reasons from those which were the subject of the division which has just been taken.

The amendment was negatived.

Mr. BROSÉ (Rodney).—I desire to make a suggestion which, if adopted, will have a tidying effect. The clause contains a definition of “conveyor” as follows:—

“Conveyor” means apparatus or contrivance including ropeway worked by any power other than manual by which loads are raised lowered or transported or are capable of being raised lowered or transported by means of—

(a) an endless belt rope or chain;
(b) buckets trays or other containers or fittings moved by an endless belt rope or chain; or
(c) a rotating screw—

and includes the supporting structure machinery equipment and gear used in connexion with the conveyor.

I consider that the term “by which loads are raised lowered or transported or” should be amended to read “by which loads are raised lowered or transported and.” Moreover, in paragraph (a) the words “or other apparatus” should appear after the words “an endless belt rope or chain.” There are other means of transporting loads than the specific methods mentioned. I have in mind vibrators and “walkers,” which are equally dangerous.

Mr. G. O. REID (Minister of Labour and Industry).—I thank the honorable member for Rodney for his suggestions.
In the course of his second-reading speech, the honorable member foreshadowed a number of amendments, but the Speaker would not permit him to outline more than one or two at that stage. I assure the honorable member that I shall examine these and any other suggestions that he puts forward. I shall discuss them with the Parliamentary Draftsman, because it may not be merely a question of amending the words in this definition—consequential amendments may be necessary in other clauses as well. Before the Bill is forwarded to another place, the honorable member's suggestions will be carefully considered and, if it is thought that they will assist in clarifying the Bill in any way, they will be adopted.

Mr. HOLLAND (Flemington).—An examination of this clause reveals that the definitions of "conveyor," "crane" and "hoist" all include the expression "and includes the supporting structure." Clause 5 provides that the inspectorial staff who will be required to supervise the operations of conveyors, cranes and hoists will be appointed under the Public Service Act 1958. In other words, the responsibility for supervising such machinery shall not devolve upon the municipalities. However, under this Bill, municipal authorities will be responsible for scaffolding that may be used in connexion with constructional work. I should like the Minister to explain what would be the position if a municipality authorized the use of certain scaffolding and the inspector appointed under the Public Service Act to supervise conveyors, cranes and hoists expressed dissatisfaction with that scaffolding? There is a definite association between conveyors, cranes and hoists on the one hand, and scaffolding on the other hand, and, in order that there may be no conflict of opinion over the matter, action should be taken to ensure that the regulations governing the use of machinery of this type and scaffolding will not differ to any marked degree.

Mr. G. O. REID (Minister of Labour and Industry).—I shall examine the question raised by the honorable member for Flemington. Probably, the overlapping of control could be overcome by regulations. However, as I indicated in my second-reading speech, any regulations which will be promulgated under this Act will be subject to discussion amongst interested parties, and consideration will be given to the suggestion of the honorable member for Flemington.

The clause was agreed to.

Clause 4 (Act to bind Crown).

Mr. BROSE (Rodney).—Sub-clause (2) of this clause provides that the Minister may, by notice published in the Government Gazette, exempt from the operation of this Act any lifts, cranes, and so on, belonging to the Crown or to any public statutory authority. I appreciate that there are many organizations within the State with highly qualified engineers who are fully conversant with the operations of lifts and cranes, but I cannot understand why the measure should not apply to all persons and to all authorities. I do not like the proposal to empower the Minister to exempt certain authorities from the operation of this legislation.

Mr. G. O. REID (Minister of Labour and Industry).—In reply to the honorable member for Rodney, I repeat what I said when explaining the Bill, namely, that exemptions will be granted under this provision only in the case of Government Departments and instrumentations which have technical officers who are capable of supervising, and who, in fact do supervise, the construction and maintenance of cranes. In the course of the debate, criticism was made of the degree of safety exercised over the works of the State Electricity Commission which, as honorable members know, comes under my supervision as Minister of Electrical Undertakings. In recent years, the Commission has directed its attention very specifically to the question of safety. It has appointed its own safety officer, there are five regional safety officers, safety committees at all locations where the Commission is working, and 160 groups and approximately 600 men interested in safety in various parts of the State. Additionally,
there are co-ordinating safety committees operating within the Commission. Consequently, it will be seen that the Commission is well organized so far as safety is concerned.

On the question of granting exemptions, I remind the honorable member for Rodney that it is not intended to grant exemptions so far as lift regulation is concerned. The existing legislation covering the operation of lifts does not bind the Crown and consequently, this Bill ensures greater safety in that regard.

Mr. LOVEGROVE (Fitzroy).—In view of the Minister's remarks, I should like to ask whether he is aware of the Government's intentions concerning the 60 cranes on the wharf?

Mr. FENNESSY (Brunswick East).—When replying to the honorable member for Rodney concerning exemptions of Government Departments, the Minister referred to the fact that the State Electricity Commission had an excellent safety organization within its Department. In many instances, the same could be said of private enterprise. I have in mind Australian Paper Manufacturers Limited, which has a strong organization working in relation to safety. The same could be said of General Motors-Holden's Limited or of other large firms which have safety committees. It seems rather lax to suggest that, if a Government Department has a good safety organization within its framework, it could be exempt. On the other hand, even if a private enterprise has an efficient safety organization the provisions of the Bill would still apply.

Mr. G. O. REID (Minister of Labour and Industry).—In answer to the Deputy Leader of the Opposition, I assume he refers to cranes under the control of the Melbourne Harbor Trust Commissioners. There would be no exemption granted to them unless it could be demonstrated that they had an actual system of regulation. The obvious reason for the exemption provision is to avoid an over-lapping of the activities of public Departments, because it would be undesirable that the inspectors of the Department of Labour and Industry should duplicate work which might be efficiently carried out in other Departments. A private firm might have an efficient safety organization, but in answer to the honorable member for Brunswick East I repeat that the reason for including this exemption provision is to avoid an over-lapping of action by public authorities and undue waste of public expenditure as between the officers of a public utility and officers of the Department of Labour and Industry. Further, these exemptions may, under the statute, be varied or revoked at any time. That is a very effective means of control that could be applied if any public Department were to show laxity in carrying out safety provisions.

The clause was agreed to.

Clause 5 (Chief Inspector and inspectors).

Mr. LOVEGROVE (Fitzroy).—Will the effect of this clause in any way alter the Government's intentions concerning the existing personnel of the Department of Labour and Industry?

Mr. G. O. REID (Minister of Labour and Industry).—The Public Service Board has recommended a scheme of reorganization of officers within the Department of Labour and Industry, and effect will be given to the whole question of strengthening the Department's activities on the safety side. In regard to the Chief Inspector of Lifts and Cranes, the position is that the senior inspector of lifts is referred to in the Lifts Regulation Act as a senior inspector under the factories and shops legislation, which is somewhat out of date. The object of the clause is to provide an office for a Chief Inspector of Lifts and Cranes to supervise both activities. This fits in with the general plan of reorganization and strengthening of the activities of the Department on the safety side.

The clause was agreed to, as was clause 6.

Clause 7 (Closing of lifts for repairs).

Mr. BROSE (Rodney).—The clause is in these terms—

(1) Any lift may be closed for repairs, and a notification to that effect shall be
posted conspicuously on or near such lift on each floor and if intended to be closed for at least twenty-four hours—
I suggest that would be a major break­down—
a notification to the same effect and setting forth the repairs necessary and proposed to be effected shall be sent to the Chief Inspector by the owner lessee or occupier.

(2) When the repairs to the lift have been executed the owner lessee or occupier shall give notice to the Chief Inspector of the execution thereof.

I believe there should be an inspection. The mere sending of a notification to the Chief Inspector seems hardly sufficient to meet the requirements of a major breakdown. The Minister might reconsider the wording of this clause to see whether it can be made a little tighter.

Mr. G. O. Reid (Minister of Labour and Industry).—I will consider the honorable member's suggestion but, speaking subject to correction, I think the question he refers to is covered at present by regulations under the Lifts Act. This clause is substantially a repetition of a provision in the present legislation. The existing regulations will be repeated as well as modified by regulations made under this Bill when it is enacted.

The clause was agreed to, as was clause 8.

Clause 9 (Working of lifts by young persons).

Mr. Fennessy (Brunswick East).—This clause states—

No person under the age of eighteen years shall be employed to work or take charge of a lift.

What is the position with automatic lifts? When a number of people get into an automatic lift, one of them usually takes charge and presses the buttons for the others. The person who takes charge may be the junior office boy. Is a fourteen or fifteen-year-old lad or girl instructed not to press the buttons or work an automatic lift?

Mr. G. O. Reid (Minister of Labour and Industry).—This clause states in more specific terms what appears in the present Act. It casts an obligation on employers not to employ a person under the age of eighteen years to work or take charge of a lift. I am afraid that the use of a lift by an unauthorized person may be something which no amount of legislation or regulation can effectually prohibit.

The clause was agreed to, as was clause 10.

Clause 11 (Safety precautions, &c., in manufacture operation, &c. of cranes).

Mr. Holland (Flemington).—As I pointed out previously, this clause includes a provision whereby every owner of a crane shall provide guards. According to the definition, "guard" includes a fence and any safety device, which I presume would include hoardings. At present, under section 9 of the Police Offences Act, anyone wishing to erect a hoarding must obtain permission from the local authority. Under the provisions of this clause, it seems obvious that the regulations will provide that permission will be granted by the inspector of cranes and lifts who will have to decide the kind and dimensions of the guard, fence or hoarding to be provided, and that the municipal authorities will have no say in the matter. Many of these guards or fences will be erected on public roadways and, as I said previously, the demand by public utilities for the use of roadways for building operations and the use of cranes is becoming more and more prevalent. Tied up with this practice, is the way these things hamper the free flow of traffic, and the safety factors in relation to pedestrians. They are bound up in the way the municipalities permit them to operate. Again, there is conflict between the two bodies. I stress that the municipalities are vitally concerned in this issue, and I ask that, in the framing of regulations, the Government should see whether it is possible to obtain some liaison with the councils; otherwise, there will certainly be a conflict of interests.

Mr. Brose (Rodney).—In sub-paragraph (ii) of paragraph (a) of sub-clause (1), the expression "maximum safe working load" is used. I take it
Paragraph (b) of sub-clause (3) states that no proprietor of a crane shall use the crane or permit or cause it to be used, and no other person shall use it unless—

guards are provided maintained and adjusted as aforesaid and safety precautions are taken in and about the crane and the operation thereof so as to prevent as far as possible loss of life or bodily injury.

I submit that the provision could be made more specific by deleting the words "so as" and "as far as possible." Sub-clause (4) states—

No person shall efface or remove from a crane any notice of the maximum safe working load thereof.

The time may come when someone will legally have to remove the notice, and so I suggest that the words "without authority" be added to the sub-clause.

Mr. G. O. Reid (Minister of Labour and Industry).—The amendments suggested by the honorable member for Rodney will be given consideration before the Bill is presented in another place, and the matters raised by the honorable member for Flemington will be taken into account when the relevant regulations are under consideration.

The clause was agreed to, as was clause 12.

Clause 13 (Notification of cranes, &c.).

Mr. Holland (Flemington).—This clause sets out a list of exemptions to which the provision shall not apply. Paragraph (c) exempts any mobile crane having a maximum safe working load of not more than 5 tons, and paragraph (d) exempts any crane or type of crane which the Minister, by notice published in the Government Gazette, exempts from the operation of this section.

Personally, I am wondering why this action is to be taken in regard to mobile cranes, which are becoming more and more used in industry and which are the bane of councils so far as going through traffic is concerned.

Mr. G. O. Reid.—Are you speaking of the movement of those cranes?

Mr. Holland.—Yes. I am wondering why mobile cranes are being exempted under paragraph (c), whereas it seems to me that under paragraph (d) any crane could be exempted, even if it is of a type that is included in the Bill. The Government could, in fact, exclude all mobile cranes, although I do not suggest that that is the intention. Nevertheless, I cannot understand why mobile cranes are to be exempted under paragraph (c), whilst paragraph (d) is so all-embracing that every type of crane to which the regulations apply could be exempted. Mobile cranes present difficult problems to councils, not only when they are in situations where they will be used but also when they are passing through the streets with their long booms and appurtenances. The Minister has already stated that that is a matter for alteration in other legislation, and I am prepared to discuss the relevant measure when it is brought forward. However, I should like some enlightenment concerning the points I have raised.

Mr. G. O. Reid (Minister of Labour and Industry).—As to the questions raised by the honorable member for Flemington, I should say that the exemption, so far as paragraph (c) is concerned, was very carefully considered by the inspector of lifts, who has had considerable experience of this particular matter, and his recommendation was followed. As regards paragraph (d), that is generally in line with other legislation, and it is not intended to use that form of exemption in any sense capriciously.

The honorable member for Flemington raised a point relating to mobile cranes, and again I say that is more of a traffic problem than anything else. It must be remembered that this Bill is essentially designed to look after
the safety of those working in industry or people who may be associated with them in that work. Clause 13 provides for the notification of the setting up of cranes in various places, and it is not desired that there should be an excessive amount of paper work regarding cranes which might not be appropriate for the administration of that Department regarding safety provisions. In those circumstances, it was considered desirable, in order to save a lot of unnecessary paper work in the matter of notification, to place some groups in an exemption clause. Those were very carefully considered by the technical officers concerned, and I remind the honorable member that although those cranes are exempted from the provision of notification in setting up, they nevertheless come within the ambit of the Bill and are not, broadly speaking, exempted from the other provisions of the measure.

The clause was agreed to, as was clause 14.

Clause 15—

No person shall operate or take charge of or be employed to operate or take charge of any prescribed type of power crane unless he is properly trained and competent to operate it.

Mr. LOVEGROVE (Fitzroy).—I move—

That the words "unless he is properly trained and competent to operate it" be omitted with the view of inserting the words "unless he is the holder of a certificate of competency as a power crane driver."

It is somewhat interesting to find implicit in the wording chosen by the Government in clause 15 acceptance of the idea of qualification and of competency. However, the provision is clouded with so much ambiguity that it is practically meaningless. Presumably, with that delightful anticipation and optimism that distinguished the speeches of the honorable member for Moonee Ponds, it is expected that, having put a phrase in the Bill that no person shall operate any prescribed type of power crane unless that person is properly trained and competent to do so, somebody else will take the responsibility of properly training them and establishing their competence. But, of course, nobody knows better than the Minister that it is not as easy as that. One gets a little tired of continuously crossing swords with Government back-benchers, although I acknowledge that they do a magnificent job. I do not know what would become of the Government if it were not for their support, as members on the front bench are of little help. Nevertheless, I direct the attention of the Government back-benchers to the fact that the Government has accepted in basic principle the ideas submitted by the Opposition.

I point out that the amendment proposed by the Opposition is supported for a number of reasons. The authority appointed by the Government—the Board of Inquiry to inquire into the most practicable manner and means by which the State of Victoria might assist in reducing the accident rate in industry in Victoria—has given the Government the advantage not of a week's notice, as was stated by the honorable member for Moonee Ponds, but of more than a year's notice of the problem. This body recommended to the Government that an industrial safety bureau be set up to stimulate voluntary efforts in industrial accident prevention. One of the functions of the bureau recommended by the Board was that of arranging for the training and certification of safety officers and other personnel engaged in particular occupations which affected the safety of others. Obviously, the occupation with which we are now dealing comes within that category.

The Federated Engine Drivers and Firemen's Association provides for the certification of engine drivers, including some crane drivers, and most of their work is done in the State Electricity Commission, the breweries, the oil refineries and on boilers in general industry. In the case of some engines and boilers, a Board of examiners certifies the driver who has to have six months' practical trade experience with a minimum of twelve hours a week to qualify to operate as a boiler attendant. Also he is required to have school experience as well as practical experience on the job. A second-class engine driver must have twelve months' experience of
a minimum of twelve hours a week plus school experience. A first-class engine driver has to hold a second-class certificate and then undergo another twelve months' experience. Then there is what is called a first-class open ticket, which qualifies an engine driver to handle any class of apparatus. However, on the wharf, approximately 60 cranes are driven by persons who do not possess certificates as engine drivers.

The Federated Engine Drivers and Firemen's Association was received in deputation by the Minister of Labour and Industry to put before the Government the proposition that something should be done to qualify and license persons who drive cranes.

Mr. Holden.—Including medical tests?

Mr. Lovegrove. — Medical tests were not mentioned specifically, but it was suggested that the qualification should be couched in the terms adopted by the New South Wales legislature, consequently medical tests would be included. I think there are excellent reasons for the inclusion of medical tests.

The trade union to which I refer has taken an active interest in industrial safety and has suggested that after the word "trained" in clause 15 the following words should be inserted:—

and has passed an examination of competency and a certificate of such competency issued by the Department of Labour.

We have attempted to incorporate that suggestion in the amendment now before the Committee. The association has found, after years of experience, that no matter how good an Act is, it is useless unless proper regulations are brought in to safeguard it. It has also found that it is not unusual for men with very little experience to inform their proposed employer that they are competent to operate a crane and power shovel. Once these persons are put in charge of such equipment they become a menace to people working under them or around them, whichever the case may be. The association also points out that in Queensland, New South Wales, Western Australia and, they believe, Tasmania, persons who operate these types of equipment must be examined before they are allowed to do so.

I suggest to the Government that the opinions expressed by the Federated Engine Drivers and Firemen's Association are worth listening to. They are in line with the experience of all honorable members who have been concerned with the management of industry. Many men either by choice or by necessity go to reputable employers or to reputable personnel officers and represent that they have virtues which they in fact do not possess. Some do so without any justifiable reason, but others do so because they believe themselves to be driven to it by economic necessity. This occurs not only in the case of crane drivers, but with all types of industrial workers under all kinds of circumstances. Instead of the ambiguity now resident in clause 15, the Opposition proposes that the principle should be set out clearly by the substitution of the words—

unless he is the holder of a certificate of competency as a power crane driver.

No doubt the honorable members for Moonee Ponds and St. Kilda, during their periphrasations through the building industry, noticed all kinds of people performing acts of an irresponsible nature without necessarily realizing what they were doing. That sort of thing goes on all the time. Persons are given charge of mobile cranes and other equipment without any proper regard to their competency to operate them. Cranes have collapsed on the job not only because of metal fatigue, but also due to the ignorance of persons operating them. The Opposition commends the amendment to the Government.

Sir George Knox (Scoresby).—I realize that it is a very dangerous practice for a man to operate a big crane without being properly instructed in its manipulation. I have often looked in wonder and with a great deal of admiration at the delicate skill crane drivers employ in the handling of a piece of apparatus that can become
a dangerous weapon in the hands of a person not entirely competent. The clause provides—

No person shall operate or take charge of or be employed to operate or take charge of any prescribed type of power crane unless he is properly trained and competent to operate it.

I do not know what will be the effects of that provision. Will a young man who hopes to follow this trade have to undergo a long course of instruction? How will his competency be tested? Will he be taught anything about ballistics, strength of metals, load factors and so on, or will he be one of those skilful and plucky young men who take on these jobs without a full sense of the responsibilities involved?

The honorable member for Fitzroy has moved an amendment, and it appears that he may have some difficulty in having it accepted. I suggest to him that he gives consideration to agreeing to the insertion of the word "unauthorized" between the words "no person." That will set a pattern of competency and knowledge required by these comparatively young men before they operate cranes.

Mr. G. O. Reid.—Are you suggesting some form of a certificate prescribed by regulation?

Sir George Knox.—Yes, there would have to be a certificate. If the clause read "no unauthorized person" then I think the difficulties propounded by the honorable member for Fitzroy would be overcome. In addition, the wishes of the Minister of Labour and Industry would be met.

Mr. Fennessy (Brunswick East).—I support the amendment. I submit that the honorable member for Fitzroy is not asking much of the Minister, because the amendment does not to any great extent interfere with the workings of the Bill. It merely ties up the loose ends and makes sure that the person in charge of a crane or a lift is competent and has been issued with a certificate of competency. You will recollect, Mr. Acting Chairman, because you live in an old mining town, that in the past it was always recognized that no person in charge of lifting or winding gear in a mine could work that equipment unless he had received a certificate of competency, or what was then known as a steam ticket. Unfortunately, that practice seems to have died out, so much so that it is rather surprising to me to learn that a man could be in charge of a big crane and not have some form of certificate of competency.

The lives of many men working on a job could be endangered if an incompetent person were in charge of a crane. A certificate of competency is evidence of the fact that the man in charge of the gear has all his faculties synchronized and has no difficulty in co-ordinating his thoughts with the application of his hands on the levers. In addition, such a person should be required to be physically fit and to produce a medical certificate stating that he is capable of operating a hoist or crane.

I have had some experience with power driven hoists. It was the practice on the goldfields of Western Australia at least 23 years ago that before a person could drive a hoist, whether it be on the top or underground, he had to have a certificate of competency. I believe that was an internal arrangement. An applicant for such a position was examined by a certified engine driver who was a member of the Federated Engine Drivers and Firemen's Association.

Another point to be examined is that even with compressed air hoists men used to ride the kibble and they would be let down a certain depth or raised to a certain height, and therefore it was necessary to have a competent person in charge of the hoist. Whilst men on construction jobs are not permitted to ride in a lift, they do ride the hook, and I am not completely satisfied that they should take that risk. Nevertheless, the amendment will ensure that the risk is lessened as a competent person will be in charge. I can foresee no great objection to the amendment. The clause, as drafted, does not say who
shall state that a person is competent or shall train him, and the amendment merely clarifies an ambiguity. I suggest that the Minister of Labour and Industry should give serious consideration to the amendment. I might add that the honorable member for Fitzroy has undertaken a great deal of research into this problem. He is most familiar with the work performed in the building industry and perhaps he is the most competent member in this House to submit a proposal of this kind. Although the Minister has thrown out all previous propositions submitted by the honorable member for Fitzroy, I consider that the honorable gentleman must admit that this is one amendment for which there is no valid reason for rejecting.

Mr. LOVEGROVE (Fitzroy).—I thank the honorable member for Scoresby for his suggestion, and I appreciate his motive, but I regret that the Opposition is not in a position to accept it. More than adequate precedent exists for the Government to give some meaning, if it so desires, to clause 15. The honorable member for Scoresby raised the question of the medical and other qualifications of persons who drive cranes. I refer the Committee to the regulations made under the Scaffolding and Lifts Act 1912-1958 of New South Wales which set out in Part 14 the requirements relating to the certification and qualifications of drivers of power cranes and power hoists, and of riggers, dogmen, scaffolders and crane chasers. The general qualifications for a power crane driver or power hoist driver are that he must satisfy the chief inspector—

(a) That he is not less than eighteen years of age; and
(b) that his knowledge of the English language is sufficient to enable him to perform the duties required of the holder of the certificate applied for; and
(c) that he is not subject to deafness, defective sight, epilepsy, or other physical infirmity which might render him unfit to perform effectively his duty as the holder of the certificate applied for; and
(d) as to his sobriety and general good conduct.

As regards certification of crane drivers in New South Wales, the regulations state—

(2) Experience required:—

(a) Every applicant for a power crane and driver's certificate shall satisfy Chief Inspector that he—

(i) has for not less than three months driven a crane or cranes of a type analogous to the crane on which he desires to be examined; or
(ii) has had not less than six months' experience driving or attending power driven machinery and has either driven for at least 20 hours, under the supervision of a certificated driver, the crane on which he desires to be examined or had equivalent experience on other cranes.

(b) Every applicant for a power hoist driver's certificate shall satisfy the Chief Inspector that he—

(i) has for not less than 40 hours driven a hoist or hoists of a type analogous to the hoist on which he desires to be examined; or
(ii) has had not less than three months' experience driving or attending power driven machinery and has either driven for at least 20 hours, under the supervision of a certificated driver, the hoist on which he desires to be examined or had equivalent experience on other hoists.

In New South Wales every applicant for a power crane or power hoist driver's certificate must pass a written or oral examination designed by the Chief Inspector to determine such applicant's ability to—

(a) safely drive and handle the crane or hoist upon which he is to be given a driving test;
(b) detect mechanical or other faults or untoward developments in the crane or hoist before they precipitate accidents.

That covers the example I gave the honorable member for Scoresby when reference was made to the responsibility for a collapsed crane being placed on the manufacturer instead of the operator.

(c) ensure, within reasonable safety limits, that the crane or hoist is safe to operate;
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(d) attend to the maintenance of the crane or hoist in a safe and effective manner, avoiding unnecessary risks;
(e) take prompt and effective action to minimize danger in a case of emergency; and
(f) in the case of an applicant for a certificate applicable to a crane or hoist motivated by electric power, to apply methods of artificial resuscitation to persons suffering the effects of electric shock.

Nothing in this paragraph shall be construed as requiring an applicant to possess the skill or knowledge of any tradesman, or as requiring him to have the ability to perform any work not customarily performed by a driver of a power crane or hoist.

I shall not weary members by detailing the other provisions relating to practical driving tests, the driving of cranes used for special purposes, and other matters concerned with safety precautions affecting not only the person using the crane but all others connected with it. The law should prescribe every possible means of ensuring industrial safety. Unless the Government is prepared to give the Committee some indication of its intentions, if any, regarding this matter, it will carry a grave responsibility as regards any accidents that may occur with cranes after this Bill has been passed.

Mr. HOLDEN (Moonee Ponds).—As well as the honorable member for Fitzroy, I was a little worried, when I first examined clause 15, about the question of who is to decide whether a person is competent to operate a power crane. I believe there is a good deal of sense in the amendment proposed by the Opposition, but I consider that we must look beyond the words proposed to be inserted. Undoubtedly, the regulations will prescribe the types of power cranes which persons should be "properly trained and competent to operate."

Mr. LOVEGROVE.—Nobody has said so. Is the honorable member speaking for the Government? It is a pity the Government cannot speak for itself occasionally.

Mr. HOLDEN.—I am stating my interpretation of the clause, which is in fairly plain language. It reads—

No person shall operate or take charge of or be employed to operate or take charge of any prescribed type of power crane unless he is properly trained and competent to operate it.

To my mind "any prescribed type of power crane" means any crane prescribed in the regulations. Surely, every operator of a tractor which has power-lifting gear attached to it should not be required to pass an examination.

Mr. LOVEGROVE.—We have agreed that the Minister shall have the right to exempt certain cranes.

Mr. HOLDEN.—The type of crane that a person must be "properly trained and competent to operate" would be prescribed in the regulations.

Mr. CAMPBELL TURNBULL.—That is right.

Mr. HOLDEN.—It is necessary to look beyond the words proposed to be inserted by the Opposition.

Mr. DIVERS.—Do you not believe in motor drivers being tested?

Mr. HOLDEN.—Of course I do!

Mr. DIVERS.—What is the difference?

Mr. HOLDEN.—The honorable member for Footscray is raising a matter that is beyond the scope of this Bill, which deals with lifts and cranes. I join with the honorable member for Fitzroy, and ask the Government to give further consideration to this amendment. Whether the amendment is accepted now is a matter for the Minister but, if it is not accepted in this Chamber, further consideration should certainly be given to it before the Bill is dealt with in another place.

Mr. G. O. REID (Minister of Labour and Industry).—In reply to the honorable member for Fitzroy, who expressed concern because this clause may not be sufficiently specific, I point out that, so far as the drafting of the clause is concerned, the same obligation is being placed upon a person responsible for a crane as is placed upon a bus proprietor, who must ensure that his vehicle is
driven by a competent person. Unnecessary emphasis is being placed by the Opposition on the desirability of an operator holding a certificate of competency. Although I cannot accept the amendment at this stage, I shall examine the suggestion that something more specific should be included in the clause. Of course, if it was amended as suggested, it would be necessary to make provision for some training period, during which the operators would be able to qualify for certificates of competency. It may be necessary to bring the provision into operation at a later date, to be fixed by proclamation. I cannot give the Opposition an undertaking that the amendment will be accepted in its present form, but the arguments that have been advanced will be considered and, if it is considered necessary, the clause will be amended when the Bill is dealt with in another place.

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

Clause 16 (Directions by inspector).

Mr. HOLLAND (Flemington).—I should like some clarification of subclause (1), which provides, inter alia—

Where on inspecting a lift or a crane it appears to an inspector that the use of such lift or crane would be dangerous to human life or limb or that this Act or the regulations are not being complied with he may give such directions in writing as he thinks necessary in order to prevent accidents or to ensure compliance with this Act and the regulations—

(a) in the case of a lift, to the owner lessee or sole occupier; or

(b) in the case of a crane, to any proprietor thereof—

Obviously, from the definition of "lift," this clause relates to both passenger lifts and goods lifts. I am concerned whether the inspector charged with the responsibility of supervising the operations of such lifts will be given instructions to enforce the safety regulations from the point of view not only of the operator of the lift, but also of the general public. There is no sense in protecting only the life and limb of the person operating the crane or lift. Furthermore, the wording of the clause, in so far as it relates to the person to whom the inspector must furnish notice is concerned, is somewhat vague. Does it require the inspector to furnish the requisite notice to any person who, at the time of the inspector's visit, may happen to be the lone occupier of the lift? It does not seem to be sensible. The wording of the clause makes it appear that the requisite notice need not be furnished to the person who is driving the lift or, in the case of a crane, to the person who is driving the crane. Sub-clause (2) provides that where an inspector gives any such directions, he may order that no person may use the lift or crane until his directions have been complied with. However, the clause does not specify the means by which this order shall be issued. The wording of the clause is very loose. It appears that an inspector could give a verbal notice to someone "on the job" not to use a lift or crane, but that there would be no compulsion upon the proprietor to post a notice on the lift or crane to say that it could not be used.

Mr. HOLDEN.—Sub-clause (1) provides that the directions shall be carried out "forthwith."

Mr. HOLLAND.—That is so, but there is no evidence that the directions have been given. The inspector comes along and says, "That crane is faulty; it is dangerous to life and limb." He then gives an instruction to the proprietor or to the occupier of the lift that it cannot be used. Reverting to cranes, the inspector may tell the driver of the crane that he may not operate it. When the inspector has left the building, the foreman may say to the driver, "There is no one about; get in and operate it." There is nothing on the crane to show that its use is forbidden, and obviously the inspector cannot be there all the time. The provisions should be tightened up so that anyone who goes near the particular crane or lift will see a notice to the effect that it must not be used. Directions of this sort are given under other Acts, including the Health Act, when certain requirements have to be met. I have in mind a case, for instance, of goods in a cooling chamber being condemned and of a notice being placed on the door to the effect that the goods
could not be used. I should like some clarification from the Minister on the points I have raised.

Mr. BROSE (Rodney).—I have listened with interest to the honorable member for Flemington, but I look at this clause from a different angle. An inspector may see a lift which he considers to be dangerous to human life and limb and he may make an order in those circumstances. The inspector may order the owner to carry out his directions forthwith or he may stop the lift altogether, unless the owner gives notice of appeal. It appears to me that if an appeal against the order is lodged under the provisions of paragraph (a) of sub-clause (4), the lift may still be operated. I trust my interpretation is wrong, and I hope the Minister will examine the point I have raised. It appears wrong to me that if an appeal is lodged a dangerous lift may be used during the seven days after directions have been given by the inspector.

Mr. G. O. REID (Minister of Labour and Industry).—Regarding the observations made by the honorable member for Flemington, the expression “dangerous to human life or limb” is intended to refer to anyone. There is no limitation, and it would include a member of the public. He also raised a point as to the sole occupier. In the list of definitions, he will notice that the term “occupier” where used in reference to a lift means, in effect, the occupier of the building or structure in which or in connexion with which the lift is used or is in operation.

A further point he raised was whether or not a direction regarding the use of a lift should be specified to be in writing. I imagine that the Parliamentary Draftsman had in mind that it may be necessary to give urgent instructions to a person using a lift and that there may not be time to give them in writing. If he wishes the position to be covered so that a notice in writing is posted on the lift, I think that is a matter that might properly be covered in the regulations and I shall look into the question.

Regarding the matter raised by the honorable member for Rodney, the sub-clause he referred to is based on the existing section of the Lifts Regulation Act. I shall examine the point he raised about the term of the notice of appeal, to see whether there is any way of overcoming the difficulty.

The clause was agreed to, as were clauses 17 to 20.

Clause 21 (Regulations).

Mr. HOLLAND (Flemington).—In view of what the Minister has said in relation to extending the ambit of clause 16, I point out that the power to make regulations is fairly restricted. The Governor in Council may make regulations for, amongst other things—

(a) ensuring the safety of—

(i) persons engaged in installing repairing or altering lifts or preparing lifts for installation or in preparing lift shafts or lift wells for the installation of lifts;

(ii) persons engaged in work in connexion with cranes; and

(iii) other persons who use or operate lifts or who are in any building structure or place where any lift or crane is operating or is being installed altered or repaired;

If the Minister intends to cover some of the matters by regulation, he should be satisfied that the provisions contained in this clause are sufficiently wide to enable him to do so.

The clause was agreed to.

Mr. LOVEGROVE (Fitzroy).—I propose the following new clause, to follow clause 15:—

A. (1) Any person who is not the holder of a certificate of competency as a power crane or power hoist driver and who drives—

(a) any power crane;

(b) any power hoist used in building work or excavation work; or

(c) any power crane or power hoist used for raising or lowering persons—

shall be guilty of an offence against this Act.

(2) Any person who acts as a rigger, dogman or crane chaser unless he is the holder of a certificate of competency as a rigger, dogman or crane chaser as the case may be, shall be guilty of an offence against this Act.
The proposed new clause is the gravamen of the Opposition's proposition in regard to this Bill. I direct the Government's attention to the fact that it is proposed to make it an offence for persons who are not certified to drive a crane or hoist or to act as rigger, dogman or crane chaser in terms of the definitions which were submitted to the House but rejected. It also provides certain qualifications for rigger, dogman, crane chaser and crane driver. Although it is not a complete alternative as far as a dogman is concerned, it is a partial alternative to the observations made by the honorable member for Moonee Ponds. When I am explaining proposed new clause B, I believe I shall be able to cast additional light on the subject. During the second-reading debate, and also in the discussion of the clauses, I have attempted to indicate the broad general principles on which the Opposition bases its case. I have had recourse to the recommendations of the Board of Inquiry into industrial safety, to the New South Wales legislation so far as it affects crane drivers, to the observations of experts on the managerial side of industry and to the safety convention sponsored by the Government. We have also had recourse to evidence given by the trade unions and the propositions they have put forward. Once again, I direct attention to the fact that, contrary to what was suggested earlier in the debate, the consideration of this matter has not been forced upon the Government merely in the past two weeks. After the Board of Inquiry into industrial safety made its report to the Government, the Chief Secretary was reported in the Age of 6th August this year to have said that the Government would take administrative as well as legislative action to put the Board's recommendations into effect. It has, of course, done nothing of the sort. I do not think this Government has ever put into effect the recommendations of any of its Boards of Inquiry. But, for what it is worth, this is the first Bill that has emerged from the recommendations of the Board of Inquiry.

According to the newspaper article, the Chief Secretary is reported to have said that the Government would examine closely the suggestions by the Board for the banning of the practice of dogmen riding on hooks, for protective equipment in industry, and for safety belts for construction workers on building projects. I think it is reasonable to suggest that, in view of the fact that after twelve months the Government has done nothing concerning the consideration of the men riding on the hooks, and has done nothing in regard to safety belts for workers—there is no evidence of its consideration of these matters in either the Bill or the Government's submissions in the course of the debate—the Opposition's propositions merit some attention.

On a previous clause, I referred to the requirements of the New South Wales regulations regarding cranes and power hoists, and I now direct attention to the fact that the New South Wales requirements also apply to riggers, dogmen, scaffolders and crane chasers. For the purposes of the proposals now before the Committee, I again direct attention to the fact that, according to evidence previously submitted, a crane chaser is a person slinging and directing the movement of loads where such loads are usually in full view of the crane driver, and a dogman is a person slinging and directing the movement of loads where such loads are usually not in full view of the crane driver. Crane chasers would be employed mainly in factories and possibly on wharves. In regard to certain activities both in construction and in the productive process in factories, crane chasers would not merit the same consideration as dogmen, but there is no
doubt that a certain skill is involved in the practice of crane chasing and a certain risk is entailed both to the practice of crane chasing and to persons adjacent to him and to the crane. Therefore, in New South Wales the same principle applies to the drivers of cranes as has been applied to those working around them as crane chasers, dogmen, scaffolders and riggers. In New South Wales a dogman must undergo a medical examination, but in Victoria any man may be picked up off the streets; it is found out later whether he is medically fitted for the task.

Mr. J. D. MacDONALD.—Dogmen are usually taken from the rigging staff on the job.

Mr. LOVEGROVE.—That is not so, according to evidence given to the Industrial Appeals Court. The New South Wales regulations provide, inter alia—

Where it appears to an inspector that a holder of a certificate under the Act as a power crane or power hoist driver or as a rigger, dogman, scaffoldor, or crane chaser is physically or mentally unfit to give proper and efficient effect to the duties which such certificate authorizes him to undertake, he may direct the holder of the certificate in writing to forthwith cease driving any crane or hoist or acting as a rigger, dogman, scaffoldor or crane chaser, until such time as the direction is rescinded, and the holder of the certificate shall comply with such direction.

The New South Wales regulations set out, in the same way as is set out for crane drivers, the experience required for dogmen, crane chasers and riggers. It provides that, in the case of dogmen, the applicant for a dogman’s certificate shall satisfy the Chief Inspector that he is medically fit and that—

he has been employed for a period of at least six months as dogman, or as a helper in the slinging and movement of loads handled by a crane on a building work, or construction work, or in a steel works, timber yard, or like place, and he shall pass an oral and practical examination, conducted by an inspector, to elicit his knowledge of—

(a) the measures to be taken to prevent accidents in connexion with the movement of loads by a crane;
(b) safe and efficient methods of slinging and handling loads;
(c) safe working loads and uses of ropes and chains and their terminal fittings;
(d) estimation of approximate weights of loads composed of different materials; and
(e) crane signal codes—

and in addition the applicant must demonstrate, to the satisfaction of an inspector, his ability to work and climb at heights.

I direct the attention of the Committee to that aspect because, when the honorable member for St. Kilda was speaking in the course of the second-reading debate, he was good enough to refer to some but not all of the requirements that were placed upon dogmen in New South Wales. I would be the last to suggest any dishonesty on his part, but it seemed remarkable to me that, in making his statement, he should have been so pitifully ignorant of the full requirements of dogmen in New South Wales, in view of the position which he holds as a permanent member of the safety committee of the Liberal and Country party in this House. With the greatest of reluctance, I have been forced to the conclusion that this safety committee is not adequately staffed and not properly informed; consequently, if the back-bench members are so poorly informed, as is customary in these debates, how can we expect much from such a Government as this?

Mr. DUNSTAN.—That is contrary to what you said half an hour ago.

Mr. LOVEGROVE.—I suggest that the honorable member for St. Kilda made a very damaging and inadequate statement in respect of the requirements of dogmen in New South Wales. I shall not repeat the qualifications which I read to the Committee with respect to crane drivers. I content myself with stating that a dogman and a crane chaser are required by regulations under New South Wales legislation to be medically fit, to be screened, to make a sworn declaration that the statements they make about themselves are true statements, to be orally and practically examined, and to have had a minimum period of experience. After having acquired those qualifications, if anything happens to impair their efficiency either in terms of safety for
themselves, their equipment, the men working with them, or the general public, their certificates can be cancelled and they can be dismissed from the job.

It is easy then to understand why no fatal accidents have occurred in the last three years in New South Wales, with this type of equipment, except the one case which concerned the failure of equipment, whilst six fatal accidents have occurred off the hook in Victoria. Why is this catastrophic situation developing in Victoria. One has only to refer to the employment policy adopted in this State by master builders, who have high technical reputations and who are most estimable men personally, to realize that apparently they are completely indifferent to the exhortations of this Government or the requirements of good practice.

I have before me the transcript of evidence of a hearing of the Industrial Appeals Court at Melbourne which began on Tuesday, 3rd July, 1956. It was an appeal against a determination of the Builders Labourers’ Wages Board. Evidence was given by a Mr. Hooker, a master builder, for the employers against the assessment of margins for skill for steel erectors, dogmen and riggers. Mr. Hooker was asked by Mr. Aird, the employer’s representative—

What are you able to say about the dogman?

Mr. Hooker, who employs dogmen, had this to say—

I have heard evidence given in this court that the dogman requires a lot of training. I cannot subscribe to that view. If a man comes to us and says he is a dogman, the very first thing you say to him is, “Here is the whistle, these are the signals, and here is the load which we want you to transfer from here to there.” If he has never been a dogman in his life before, he has to stand on that load and go up with it. He has to do that the very first day he starts work, so he gets very little training.

Mr. Jordan, the representative of the Trades Hall Council on the Industrial Appeals Court, said to Mr. Hooker—

Not everybody could do that?

Mr. Hooker replied—

No, I agree, not everybody could do that. A man would need to have a natural flair for it and be able to stand heights.

Mr. Lovegrove.

Mr. J. D. MacDonald.—What about experience?

Mr. Lovegrove.—We shall hear what Mr. Hooker had to say about experience. Mr. Aird asked Mr. Hooker—

Have you tried it?

Mr. Hooker said—

Yes, when I was at the Melbourne Hospital. I rode the hook on the Melbourne Hospital, I went up and down several times and it did not worry me. If you have confidence in yourself you will be all right, because it is not nearly as risky as it looks. It is more a matter of confidence in yourself.

Mr. Boykett, for the Chamber of Manufacturers, asked—

What about tying the load?

Mr. Hooker replied—

That is a fairly simple thing because if there are steel beams to be shifted, he looks at the beam. Normally it has to be slung in the middle to ride horizontally. The weight is put on it and if it does not rise on an even level the sling has to be shifted.

Mr. Jordan then asked Mr. Hooker—

If a man comes to you and says he wants to be a dogman, how do you know he is physically capable?

Mr. Hooker replied—

We do not know.

Mr. Jordan asked if they waited till the man fell off, and Mr. Hooker replied—

You just do not know.

Mr. Jordan then stated—

You may be taking a tremendous risk if he is not physically capable?

Mr. Hooker said—

That is true. If a man falls off, nothing can be done about it, but if he says he can do the job and can ride the load, you put him on.

In reply to Mr. Jordan’s question as to whether a trial was given, Mr. Hooker said—

There is nothing much you can do. If he says he is an experienced dogman you ask him what experience he has had, but he may say he has never had any experience, but wants to be a dogman, and, if you are short of a dogman, you give him the job.

I suggest to the honorable member for Burwood that he does not know anything about this subject. An employer's
representative with practical experience stated in sworn evidence that men are given jobs on hooks without undergoing any medical tests, competency tests, or without furnishing any evidence of their experience. That is why six men have been killed in Melbourne in the last three years.

Mr. J. D. Macdonald.—What were the circumstances? I suggest that you examine what happened to these men.

Mr. Lovegrove.—I shall be very glad to hear what the honorable member for Burwood has to say when he participates in the debate. The same type of psychology is shown in connexion with riggers. In the terms of the definition they are taken to include the men who erect the steel. Evidence was given concerning the competency of riggers. In the same case to which I referred earlier, Mr. Aird, the employers' representative, asked Mr. Hooker—

What about the steel erector?

Mr. Hooker replied inter alia—

Truly they are not riggers at all, they are really bolters up. They are the men who put the bolts in... They are called riggers because really there is not any other classification to put them in.

Mr. Aird then said—

Just to give some idea, Mr. Hooker, how long do you think it would take a person to learn to be a steel erector? I am talking about the work, not the height factor now.

Mr. Hooker replied—

In regard to the steel erector, as you can imagine the whole of the work on the steel is done in the shop, and when the steel comes out on to the job—

Mr. G. O. Reid (Minister of Labour and Industry).—I rise to a point of order. The honorable member for Fitzroy is devoting a great deal of time to the question of the definition of "rigger." I point out that the definition to which he refers was rejected by the Committee at an earlier stage, and it would not appear to be appropriate to pursue the question when discussing this clause.

The Acting Chairman (Mr. Towers).—The Committee has already come to a decision on the matter brought under notice by the Minister of Labour and Industry in his point of order.

Mr. Lovegrove (Fitzroy).—Mr. Acting Chairman, I direct your attention to the fact that, earlier in the debate, the Chairman of Committees ruled that I would be in order in discussing this matter after the other clauses in the Bill had been disposed of. I asked for that ruling after the definitions to which reference has been made were rejected by the Committee.

Mr. Bolte.—You are disputing the ruling of the Acting Chairman.

Mr. Lovegrove.—I obtained the Chairman's ruling before I proceeded.

The Acting Chairman.—The honorable member for Fitzroy can proceed to discuss the new clause generally, and he will be in order if he confines his remarks to the new provision, which refers to a driver, a rigger, a dogman and a crane chaser. I emphasize that I was not in the Chamber when the Chairman of Committees gave his ruling.

Mr. Lovegrove.—When the classification of steel erector was in dispute before the Industrial Appeals Court, Mr. Hooker, a master builder who gave evidence, said—

In regard to the steel erector, as you can imagine the whole of the work on the steel is done in the shop and when the steel comes out on to the job all you have to do is to put bolts through the holes as soon as you can bring the holes together in the columns and beams. It is possible to get a man who is entirely inexperienced and put him on the work of being a steel erector.

Mr. Boykett, for the Chamber of Manufactures, said—

When you say it is possible, have you done it?

Mr. Hooker replied—

Yes, we have done it with men who have had no prior experience at all. If there is height involved it makes a difference because the man then must be able to go aloft on steel and he must feel safe when he goes on. But if steel is being erected on lower levels, take a single-storied industrial building where the heights are not great, it is possible to use unskilled labour—men who have had no experience at all.

During the second-reading debate, I showed honorable members a picture of the ground floor of the Australian Paper Manufacturers Limited building in
South Melbourne where a man, doing precisely the job described by Mr. Hooker as requiring no experience or skill, was killed because he failed to get the bolts in the holes in the stanchions and girders. The girder fell on him and killed him, even though he was standing on the ground. In view of the fact that the Opposition has established that men unfit to do this work are doing it with impunity, and risking their own lives, the lives of their colleagues and the lives of the public, I do not think the honorable member for Burwood will contend that there is not a real need for radical reform of this legislation. I suppose there can be no amusement extracted from this type of situation, but if one desired to relate an anti-climax to the evidence given by Mr. Hooker, and to adduce further evidence of the situation disclosed by the facts, one would need only to state that after Mr. Hooker had given his evidence, he employed a dogman—on one of his own jobs in Collins-street, in the building next to the one in which the Workers Compensation Board is housed—who had blackouts and became a menace to himself. He passed out.

Mr. J. D. MacDonALD.—After lunch!

Mr. LOVEGROVE.—No. I am fully cognizant of the interjection made by the honorable member for Burwood, and he will want to put a better case than that. It was proved to the satisfaction of the men on the job that the dogman was physically incapable of doing the job and that he was a menace to himself, to the men on the job and to the public. The union acquainted Mr. Hooker of this fact and he examined the man, whom he had readily engaged under the system he described in the Industrial Appeals Court, and decided that he was unfit for the job and sacked him.

Mr. J. D. MacDonALD.—Did Mr. Hooker engage the man himself?

Mr. LOVEGROVE.—I am not making a personal attack on Mr. Hooker. He did not actually engage the man himself, but he carried the responsibility.

Mr. J. D. MACDONALD.—When it suits him, he carries the responsibility.

Mr. LOVEGROVE.—I suggest to the honorable member for Burwood that if this situation is permitted to continue this Government will carry the responsibility for industrial manslaughter. The Opposition is placing before the Government irrefutable evidence which will justify the Trades Hall Council or the Opposition, next time a man is killed on the ground or on the hook, telling the men on the job to stop work. Personally, I will be delighted to advise them to stop work and leave one of these death traps as a memorial to the incompetence of the Government and the stupidity of the employers. I know that Government supporters have no answer to the case I have submitted, so I shall not labour the point. The Government is so bankrupt of ideas that during the debate not one pertinent observation has been made from the front bench. We heard some remarks from the back-bench members, but they have proved to have been ill-advised.

The ACTING CHAIRMAN (Mr. Towers).—Order, the honorable member's time has expired. If no other honorable member rises in his place, the honorable member may continue.

Mr. LOVEGROVE (Fitzroy).—I am sure that the persuasive and modestly couched appeals that I have made must have had some effect on the Government, because when I sat down not one Government supporter rose to speak.

Mr. BOLTE.—We have been waiting for you to develop your argument.

Mr. LOVEGROVE.—It is apparent to the Opposition that this Government is bankrupt of ideas.

Mr. SCHINTLER.—Its members are seekers of information.

Mr. LOVEGROVE.—The Opposition has been reasonably generous in placing before them evidence to justify the taking of action. In view of the optimistic expectancy of certain Government back-benchers and whatever assurances we may secure from the Minister of Labour and Industry, something may be done to meet a real situation. I do not think that honorable
members supporting the Government wish to take responsibility for more accidents in industry.

Mr. J. D. MacDonALD.—What about truck drivers?

Mr. LOVEGROVE.—Truck drivers are not covered by the Bill. Members of this House have a responsibility to provide for the protection of persons concerned with apparatus described in the measure. I trust the Government will see fit to apply protective measures similar to those operating in New South Wales.

Mr. G. O. REID.—You refer now to dogmen?

Mr. LOVEGROVE.—Dogmen, riggers, crane chasers and crane drivers. Earlier, the Minister gave some consideration to the proposition advanced by the Opposition regarding crane drivers. At this juncture, I cannot properly refer to the subject matter of proposed new clause B, which provides another alternative.

Mr. G. O. REID (Minister of Labour and Industry).—The honorable member for Fitzroy has addressed himself in a somewhat lengthy fashion to his motion that a new clause A be inserted to follow clause 15. The purpose of sub-clause (1) is to amplify what the honorable member indicated he desired as an amendment to an earlier clause in order to provide a more specific definition of the requirements of a crane driver. As regards this first portion of the new clause, I give the honorable member the same undertaking as I gave when he spoke to the previous amendment relating to this subject. I shall have this matter fully examined before the Bill reaches its second-reading stage in another place to ascertain whether a more detailed clause can be inserted. However, as I explained to the honorable member previously, I cannot promise that a new clause in such a form will be submitted; I merely promise that I will explore the matter. As sub-clause (2) of the proposed new clause refers to “rigger, dogman or crane chaser,” it is no longer relevant in view of the fact that a previous amendment seeking the inclusion of interpretations covering these classifications was rejected. Similar observations apply to sub-clauses (3) and (4).

The Committee divided on new clause A. (Mr. Christie in the chair)—

Ayes .... 15
Noes .... 35

Majority against new clause A. .... 20

AYES.
Mr. Crick
Mr. Divers
Mr. Doube
Mr. Fennessy
Mr. Floyd
Mr. Galvin
Mr. Lovegrove
Mr. Mutton

Noes.
Mr. Porter
Mr. Reid
Mr. Brose
Mr. Cochrane
Mr. Darcy
Mr. Dunstan
Mr. Fraser
Mr. Gainey
Mr. Garrison
Mr. Gibbs
Mr. Gillett
Mr. Holden
Sir Herbert Hyland
Mr. Kane
Mr. MacDonald
Mr. Meagher
Mr. Mibus
Mr. Mitchell
Mr. Moss

Tellers:
Mr. Clarey
Mr. Holland.

(Boz Hill)

Mr. Reid
Mr. Rylah
Mr. Scott
Mr. Stokes
Mr. Suggett
Mr. Tanner
Mr. Taylor
Mr. Turnbull
Mr. Wheeler
Mr. Wilcox
Mr. Williams.

(Tellers)

(Tellers)

Mr. Manson
Mr. Rossiter.

Mr. Ruthven
Mr. Turnbull
(Brunswick West)

Mr. Bloomfield
Mr. Loxton.

Mr. LOVEGROVE (Fitzroy).—I propose the following new clause, to follow clause 15:

B. Any person who stands on the hook of a power crane or power hoist while such hook is being raised or lowered, or on a load suspended from the hook of a power crane or power hoist while such crane or hoist is raising or lowering loads or persons shall be guilty of an offence against this Act.

The Opposition has suggested to the Government two courses of action, apart from that of doing nothing and letting men get killed. The first course of action is to exercise some control over
the persons who drive cranes or act as crane chasers, or over dogmen and the persons who are acting as riggers to take up the steel. This course is one that was taken effectively by the New South Wales Labour Government and, in order to show clearly the effectiveness of that action, I compared the fatalities in New South Wales during the past three years with those in Victoria.

Mr. RYLACH.—Tell us what the Victorian Labour party Government did about it when it was in office.

Mr. LOVEGROVE.—The Victorian Labour Government was confronted with an Upper House of the same political “kidney” as the Chief Secretary, and for that reason, although it took certain action in regard to scaffolding, it could not follow the course adopted by the New South Wales Labour Government. In view of the fact that the Government has rejected the Opposition’s first amendment, as contained in proposed new clause A., the Opposition asks that consideration be given to the course of action outlined in proposed new clause B. If this provision was accepted, it would not mean that a dogman would be prohibited from going up with the hook, although he would be prohibited from standing on the hook. I have already advanced reasons why this amendment should be accepted, and I shall not traverse the ground again. When the last amendment to the Scaffolding and Lifts Act of New South Wales was considered by the New South Wales Legislative Assembly, a Liberal party Opposition member, Mr. Jackson, referred to the men who swing on the hook in these terms—

It is well known that dogmen, swinging from cranes hundreds of feet above the ground, always draw an admiring crowd because of the dangerous nature of the occupation. People look up and say, “Well, that chap is a lot gamer than I am. I should like to have the courage to do that.” To the dogmen, however, it appears to be as safe as walking along the street; they do not seem to think it a dangerous occupation. Because of their failure to appreciate the danger inherent in their work, accidents occur from time to time.

Mr. Willis then interjected—

They are the worst offenders.

Mr. Jackson continued—

Yes, they cavort around on the edges of tall buildings and walk across planks strung from wall to wall, seemingly oblivious to danger. Regulations should be drafted to prevent these persons from indulging their fancies and causing accidents not only to themselves but also perhaps to others.

Those views, expressed by a member of the Liberal party Opposition in New South Wales, seem to be identical with those I am now recommending to the Government, and I hope they will influence this Government to accept the proposed new clause.

Mr. G. O. REID (Minister of Labour and Industry).—The new clause proposed by the honorable member for Fitzroy—to put it in an abbreviated fashion—is intended to prohibit dogmen from riding on the hook. I do not accept the amendment, but that does not mean that the Government is not considering dealing with this practice. The honorable member has made great play of the fact that an ideal code on this subject exists in New South Wales and that Victoria should follow that State’s example. In the first place, I point out that this prohibition in New South Wales rests, not on the statute, but on a regulation. Secondly, the New South Wales regulation is not an absolute prohibition and is in a different form from that proposed by the Deputy Leader of the Opposition. The New South Wales regulation is as follows:

The owner or person in charge of any crane or hoist, other than a hoist confirming with paragraph (66) of this Regulation, shall prevent all persons riding upon the load, or upon the lifting hook, or platform, or tines or box, or vessel, or other lifting medium, and no person shall so ride, except that the following persons may do so, subject to any limitations hereunder prescribed:

(a) A dogman whose name is exhibited in an approved notice at the main driving station of the crane concerned.

(b) Persons authorized in writing by the Chief Inspector, for such purposes as may be prescribed in such authority.

The question of prohibiting dogmen from riding on the hook should not be placed in the absolute form the
honorable member for Fitzroy suggests without some further examination along the lines of the New South Wales regulation. It is more a matter for regulation than for legislation. I assure the honorable member that the Government will examine this matter when framing the regulations. I have already given an undertaking that, in making regulations under this legislation, various parties, including the trade unions concerned, will be consulted.

In conclusion, I deprecate the fact that the honorable member for Fitzroy has introduced a certain political element into this debate by accusing the Government of neglect. I remind him that it was competent for the previous Labour Government during its two and a half years in office to have dealt with this matter either by legislation or, as he suggested his party did not have a majority in the Upper House, by regulation under the Labour and Industry Act. It is unfortunate that the honorable member should have introduced that note, because otherwise this debate has been on a high plane. Many valuable suggestions have come from all parties, and they will be considered before the Bill goes to another place.

Mr. LOVEGROVE (Fitzroy).—I do not propose to enter into a controversy with the Minister. I appreciate what he has said and also that he has given certain undertakings to consider matters raised by members of the Opposition. In regard to the politics of the matter, however, the question is simple. As I said earlier, in August last year, the Chief Secretary made a press statement in which he said that this matter would be considered by the Government and that some action would be taken. If the Minister is reasonable he may admit privately, if not in the House, that not a great deal has been done about it, and that this measure is a very minor contribution to industrial safety.

When explaining the Bill, the Minister pointed out that it regularized existing practices in regard to the activities of the chief inspector of lifts, who was doing a good job, as far as he was legally able, in policing lifts and cranes. In addition, he said that the Government proposed to take certain action under the regulation-making power of the Bill. The politics injected into the debate by myself are almost inseparable from conflicts of opinion between those who gave evidence in the Industrial Appeals Court and the men who worked with them. I do not see how a question of this nature can be completely divorced from political considerations.

On the Imperial Chemical Industries building, which was visited by the honorable members for Moonee Ponds and St. Kilda when it was under construction, some new Australians were employed. They had been out of work and had found it difficult to get jobs, but they told the employment officer that they were experienced workers in building construction, and, in effect, that they were builders' labourers. They were then taken up to the top stories and asked to go out on some of the planking and rather patchwork staging that was filling in the steel construction. They lay on their bellies in fright and had to be assisted in by other men. It is not uncommon for men who are seeking work to claim that they are able to do certain work of which they are not capable.

What are the politics of that situation? With the greatest of respect, I put it that politics enter the matter when those men endeavour to obtain more money for the work they do and, according to the transcript of the case which I read earlier to-night, the employer informs the court that they do not need experience or skill or education in the job and consequently do not have to be paid so much money, whereas, in fact, he knows that when they are driven by economic necessity they are prepared to risk their lives and depend on other men to help them to safety.

The CHAIRMAN (Mr. Christie).—I suggest that the honorable member should relate his remarks to the clause.

Mr. LOVEGROVE.—Will the Minister have an opportunity to speak again?

The CHAIRMAN.—Yes.

Mr. LOVEGROVE.—I ask the Minister whether it is true, as has been alleged, that certain building interests
have informed the Government that they are opposed to any interference with the existing practice of men going up on the hook? It has been alleged that certain building interests believe that the economics of building can be best served by sending men up in this most dangerous and unsafe manner, without any control such as that which is exercised in New South Wales. Furthermore, it is suggested that this is the cheapest way to do the job. I ask the Minister: Is it true that there are employers who are to-day opposed to any interference in regard to this most dangerous and, in my view, unnecessary practice which has sprung up in the building industry?

Mr. G. O. Reid (Minister of Labour and Industry).—The Deputy Leader of the Opposition has posed two questions. One is whether there is a section of the building industry which wants to maintain the practice of dogmen riding on the hook. The answer to that question is that I am not aware of it. The second question posed by the honorable member is whether a section of the building industry has told the Government to maintain this practice and not to introduce legislation forbidding it. The answer to that question is, "No."

New clause B. was negatived.

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

ADJOURNMENT.

Mud Hut at Bayswater: Preservation
—Department of Agriculture:
Fruit-fly Inspection.

Mr. G. O. Reid (Minister of Labour
and Industry).—I move—
That the House, at its rising, adjourn until to-morrow, at half-past Ten o'clock.

The motion was agreed to.

Mr. G. O. Reid (Minister of Labour
and Industry).—I move—
That the House do now adjourn.

Mr. Manson (Ringwood).—The matter I wish to raise concerns the administration of the Minister for Local Government and the Minister of Forests, who is in charge of national parks. I am sorry that I have to be parochial, but I regard the mud hut at Bayswater as an historic monument of the old pioneering days and something which is irreplaceable. Unfortunately, at the present time nothing stands in the way of the general march of progress, and it may well be that towards the end of this week the hut in question will be bulldozed out of existence. That seems to be a very great pity. At a public meeting which I attended last Sunday, some generous donations were made towards a fund aimed at saving the hut from destruction, and certain suggestions have been put forward. One is to the effect that the Historical Society ought to have some direct line of communication with the planning authorities, so that, before historic monuments of this nature are completely obliterated, steps may be taken to save them. The second suggestion is that the Minister in charge of national parks might find authority somewhere to declare this particular hut a national monument and thus save it for posterity.

I raise the matter now because, even if this particular hut cannot be saved, the Ministry ought to at least have a good look at the situation so that a similar sad position will not have to be faced in the future. I should be very happy to hear what the Minister of Local Government and the Minister of Forests have to say on this matter.

Mr. Mitchell (Benambra).—There are two matters to which I wish to direct the Government’s attention.

The Speaker (Sir William McDonald).—The honorable member may raise only one subject on the adjournment motion.

Mr. Mitchell.—Very well, Mr. Speaker, I shall raise one now and the other to-morrow. At the present time, the Government is employing a fruit fly inspector on the platform of the railway station at Albury. I contend that it is entirely illegal for Victorian officers to be employed in another State, and I am surprised that, with so many lawyers in the Cabinet, the Government does not realize that is the position. Moreover, this practice places good, loyal, and efficient departmental officers in a most invidious position. I very much doubt whether they could be proceeded against
for larceny when they take fruit from passengers on the Albury platform, which is in New South Wales, but there is still that possibility.

Mr. Suggett.—Do you not want to prevent fruit fly being brought into Victoria?

Mr. Mitchell.—I have already stated that I am opposed to the bringing of fruit fly into this State, but I am also against the Government’s action in subjecting departmental officers to possible legal action and indignities. I am also thoroughly against this Government when it does not know its own laws and authorizes these illegal actions. I inform the Premier, who is interjecting at the moment, that this is not the first time officers of the Department of Agriculture have been forced by his Government into illegal and invidious action. A year or more ago departmental officers were forced to stop people on the Hume Highway. The practice was illegal. The Government—thanks to Country party organized opposition—had to bring down special legislation to protect the officers concerned. Once again the Government has shown its utter disregard for any rule of law or its departmental officers.

As I said before, I think the possibility of these officers being subjected to proceedings for larceny when they confiscate fruit from passengers on the Albury platform is unlikely, but the person from whom the official illegally takes the fruit can first of all refuse, quite rightly, to hand it over. Secondly, the passenger could take the fruit back from the Victorian inspector, using force if necessary. In other words, our officials run the risk of a black eye or a blooded nose. Persons could also make a raid and take the fruit back again. There is the possibility of people coming to Victoria to recover fruit which was illegally taken from them by the Bolte Government. They could also bring trespass to goods actions against our Victorian officials, thanks to the thorough misgovernment of the Bolte Administration. These men to whom I refer are loyal and efficient, and it is not right that the Government should subject them to the risk of legal action and personal indignity if not violence.

Mr. Rylah (Chief Secretary).—I thank the honorable member for Benambra for bringing this matter to the attention of the Government, but I assure him that our concern about the possibility of fruit fly entering the valuable orchards of this State is such that we propose to continue the present system. I make it clear to all officers of the Department of Agriculture that we will stand behind them, whatever action they may take in this regard, provided that they are carrying out instructions of the Department. If there is any question of illegality, the Government will stand by them whatever the consequences are, because we believe this matter transcends any question of whether the officers should be on the Albury railway station or not. We are concerned in making sure that fruit fly does not enter this State.

Mr. Porter (Minister for Local Government).—The honorable member for Ringwood has raised a question concerning a house in his electorate which, he claims, could or should be a national monument or otherwise preserved for posterity. The question of whether or not this property should be acquired by the Historical Society or the National Trust is of course quite outside the control of the Government. The honorable member has suggested that it could be acquired under town-planning legislation. I suppose it would be possible under any town-planning scheme for the authority concerned to make some zoning provision in regard to any property of this nature. However, ultimately, somebody must pay the cost. I point out that it is usual for the local municipality to be the town-planning authority under the schemes which are in existence, and, ultimately, I feel that the local council is the body most concerned. The honorable member for Ringwood also made the suggestion that the Government should give consideration to declaring such places as national monuments. I should like him to recall that Parliament recently refused to give the Government power to proclaim such places as national monuments without an enabling Act.

The motion was agreed to.

The House adjourned at 10.54 p.m.
LEGISLATIVE ASSEMBLY.

Thursday, November 5, 1959.

The Speaker (Sir William McDonald) took the chair at 11.15 a.m., and read the prayer.

AUDITOR-GENERAL'S REPORT.

The Speaker (Sir William McDonald) presented the Treasurer's statement of the receipts and expenditure of the Consolidated Revenue and other moneys for the year ended 30th June, 1959, accompanied by the report of the Auditor-General and by the documents specified in section 47 of the Audit Act 1958.

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

METROPOLITAN FIRE BRIGADES (BORROWING POWERS) BILL.

Mr. Rylah (Chief Secretary) 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 section 46 of the Metropolitan Fire Brigades Act 1958.

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

On the motion of Mr. Rylah (Chief Secretary), the Bill was brought in and read a first time.

MILK BOARD (MILK SHOPS) BILL.

For Mr. Fraser (Minister of Forests), Mr. Rylah (Chief Secretary) moved for leave to bring in a Bill to make provision for the licensing of milk shops, to amend the Milk Board Act 1958, and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

HOME FINANCE (FINANCIAL) BILL.

Mr. Bolte (Premier and Treasurer).

—I move—

That this Bill be now read a second time.

Sub-section (1) of section 6 of the Home Finance Act 1958 provides that any institution may deposit money with the Home Finance Trust on such terms and conditions as are mutually agreed upon by the institution and the Trust. Two trading banks, as a matter of preference, have placed money with the Trust on a fluctuating overdraft basis. These overdraft accounts have been of great assistance to the Trust, inasmuch as they have been the means of preventing losses in interest on moneys deposited in lump sums by other institutions.

Where it has been evident that money could not immediately be expended, it has been the policy of the Trust to pay it into one of the overdraft accounts. If an institution desired to deposit, say, £200,000 with the Trust and if the Trust was not quite ready to allocate that money, the institution could not be told to wait for three months, after which time the Trust would take the money. If that institution was good enough to allow the Trust to have its money, it would be accepted at the point at which that institution proposed to make it available. Hence this overdraft account provision.

Recently, on seeking advice from the Crown Solicitor on the matter, the Trust was advised that providing money on an overdraft basis did not constitute the depositing of money as stipulated in the Act.

Clause 2 of the Bill provides the Trust with power to raise money by overdraft of current account. To date, an amount of £3,700,000 has been made available to the Trust, the lenders being—

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<th>Lender</th>
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<td>State Savings Bank</td>
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<td>Private savings banks</td>
<td>£1,150,000</td>
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<td>Private trading banks</td>
<td>£900,000</td>
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<td>Insurance companies</td>
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£3,700,000

All of this money has been provided at an interest rate of 5 per cent. per annum, the terms varying from five
years to 27 years. All of those institutions that have made advances to the Trust have done so on the basis of this minimum rate of 5 per cent. which, of course, is far lower than they could receive anywhere else in the investment field.

Although it is expected that most of the short-term money will be re-lent to the Trust at the end of each period, the Trust has very wisely set up a loans redemption account which, as the name implies, will be used to repay moneys deposited with the Trust. All repayments of principal made by borrowers will be paid into the account. At the moment, the Trust is in a position to pay £134,000 into the loans redemption account. On the basis of the money now out on loan, a further amount of at least £12,000 will be paid into the account each quarter.

The Trust is faced with the problem of profitably employing moneys in the account. Long-term housing loans are out of the question while, as I shall explain, paragraph (c) of sub-section (2) of section 8 of the Act prevents the making of short-term loans. That paragraph stipulates that the Trust may not make a loan unless the terms and conditions provide for the repayment of the loan by regular instalments, of not more than three months, within the period of the loan. If, for example, the Trust were to grant a loan of £3,000 for three years, the borrower would have to repay it at £250 per quarter, plus interest—an impossible proposition.

All that the Trust is able to do at present with money in the loans redemption account is to lodge it with a bank or use it in a manner in which Trust funds may be invested. As the money would need to be deposited on short term, the interest rate would be bound to be less than that paid by the Trust on moneys deposited with it. As a means of preventing loss of interest, the Trust has requested that it be empowered to make short-term housing loans from its loans redemption account without having to require borrowers to repay the loans by regular instalments within the period of the loan as required by paragraph (c) of sub-section (2) of section 8.

Clause 3 goes further than that. It exempts the Trust, with respect to such loans, from all the restrictions contained in section 8, except the one requiring a loan to be secured by first mortgage. The other restrictions are—

(1) The house is not to be more than two years old.
(2) The value of the dwelling-house (including land) is not to exceed £4,500.
(3) The borrower must reside in the dwelling.
(4) The borrower or his or her spouse must not be the owner of another dwelling-house in Victoria.
(5) The borrower or his spouse must not be a person to whom the Trust has previously granted a loan or to whom a loan was made by an institution with the Treasurer of Victoria guaranteeing portion of the loan as provided for in section 10 of the Act.

The Governor in Council may waive either of the last two restrictions if it is considered that there are special reasons for doing so.

It will be noted that the Bill limits the loans to a period of not more than three years. In the circumstances, it was considered that the Trust should have far greater freedom than that provided for in section 8. As honorable members know, there is a big demand for short-term housing loans. The Trust’s policy will be to make the loans at an attractive rate of interest.

Before commending the Bill to the House, I wish to add that the loans made by the Trust to date, and subsisting, total 1,366, and the amount involved is £3,707,305. That is not a bad effort for a small "show" which we set up and which we were told would be another failure. In 506 of those 1,366 cases, the amount of loan exceeded 80 per cent. of the valuation. It will therefore be seen that the Trust has given due regard to the housing needs of persons with limited financial resources. Furthermore, the Trust has granted housing loans in many districts not served by
co-operative housing societies, thus providing for people who might not otherwise have been able to obtain homes of their own.

In commending the Bill, I add this further comment. It is becoming increasingly difficult to attract larger sums into the Trust simply because of the 5 per cent. rate of interest upon which we have insisted. We intend, for the time being, at least, to maintain that policy. If we can attract £500,000 or £750,000 a year to the Home Finance Trust, then it is the Government's duty to keep the interest rate as low as possible. Should the time come when the rate has to be increased—I do not anticipate that in the near future—it is again the Government's duty to investigate the proposition. Perhaps the repayments could be spread over a longer period, thus retaining the weekly payments at approximately the same rate.

Mr. FENNESSY.—It would be more attractive to outside investors if the interest rates were increased.

Mr. BOLTE.—If we reach that stage, yes, it would be. The Home Finance Trust has done a magnificent job in several country districts. Many new co-operative housing societies have been established, but there are always blank spots throughout the State where the population is not sufficiently large to permit a society to be formed. In these areas the Home Finance Trust has on numerous occasions been able to finance the construction of a few houses, thus relieving the pressure on the co-operative housing society movement. I hope that, for many years to come, the Home Finance Trust will do a worth-while job in the community.

I commend the two provisions of this amending Bill to the House, because each of them will permit of easier administration and more effective use of the funds at the disposal of the Trust. I urge that this measure be given a speedy passage.

On the motion of Mr. FENNESSY (Brunswick East), the debate was adjourned until Tuesday, November 17.

WATER SUPPLY LOAN APPLICATION BILL.

The debate (adjourned from October 14) on the motion of Mr. Mibus (Minister of Water Supply) for the second reading of this Bill was resumed.

MR. STONEHAM (Leader of the Opposition).—A Bill similar to this one is considered by the House each year, and it is always an important measure. It is usual for a most misleading position to creep into the minds of people outside by virtue of the fact that the Bill authorizes an expenditure of £12,200,000, although the Minister quickly informed the House that only £7,800,000 will be available this year for actual expenditure. I should like to direct attention to the recent report of the Committee of Public Accounts in which it was suggested that Parliament would have a clearer idea of the situation and would be able to exercise better supervision over public expenditure if all loan application Bills relating to the various Departments and authorities were incorporated in one measure, and if a greater effort were made to indicate clearly to the House just which items were covered by the amount of loan money available.

The five water supply loan application Bills which have been introduced by this Government show the extraordinary situation that Parliament has been asked in the period of five years to authorize a sum of £69,530,000, although the actual expenditure has amounted to only £38,406,000. In 1955-56 the authorization was £16,230,000 and the actual expenditure £7,500,000. In the preceding year, when the Labour party formed the Government, the actual expenditure was £9,500,000 and the Bolte Government saw fit to reduce that amount by £2,000,000. In 1956-57, the authorization was £16,600,000, and the expenditure £7,500,000. In 1957-58 the authorization was £12,000,000, and the expenditure £7,200,000. In 1958-59 the authorization was £12,500,000, and the expenditure £8,350,000. This year Parliament is asked to authorize £12,200,000 for an expenditure of a mere £7,800,000. Many honorable members have great difficulty, after refer-
ring to the schedule, to find out just which items are likely to be affected by the funds provided. Therefore, I ask the Minister of Water Supply before he introduces a similar Bill next year—that is, if the present Government is still in office—to try to devise a better means of informing honorable members of just what is happening. If one cares to check individual items, one finds that some of them have been in the schedule for a number of years.

Mr. MIBUS.—When you were Minister of Water Supply, you presented your loan application Bills in precisely the same manner.

Mr. STONEHAM.—I was hoping that the Minister would make that interjection. The Labour party Government was most careful not to exceed the funds available by large amounts. In his second-reading speech, the Minister stated that it is necessary to provide for expenditure that will be incurred after the close of this financial year until the next loan application Bill is passed. To do that, it is not necessary to seek authorization—as this Government did in its first year—of £16,000,000 to cover expenditure of £7,500,000. The Bills presented by the Labour party Government set out on the front page, a résumé for the current year and the two preceding years stating the amounts authorized and the actual expenditure incurred. Apparently this Government thought it would be embarrassed by taking similar action, because of the big reductions that were made in expenditure, and that practice was discontinued. I hope that the Minister will give consideration to reverting to the system which applied when the Labour party formed the Government.

The story told in many respects in application to certain parts of the State is quite a good one as regards individual items, but, as I stated in my opening remarks, it is misleading to the extent that no clear indication is given as to the particular works that will be carried out during the current financial year.

Having stated that the Minister has created a misleading impression in this regard, I refer to a very serious matter in which I think I could even say he has deliberately misled a large number of people, not only in correspondence to various municipalities, but also in his second-reading speech in this House, when referring to the Central Highlands water development project. We are delighted to know that a hardboard factory is to be established at Bacchus Marsh. That is a very good thing indeed, and it will require a substantial quantity of water—1,000,000 gallons a day. The water Commission has undertaken to deliver up to a maximum of 1,000 acre-feet in any one year.

This scheme provides for the diversion of some of the very limited water supplies which exist north of the Great Dividing Range to a location to the south and closer to Melbourne. People north of the Divide are conscious of the need for development there. They realize the potential for expansion, and understand the importance of decentralization, but, although they recognize the practicability of establishing industries near the brown coal deposits at Bacchus Marsh, they naturally raise the question whether it is really necessary to divert water from the other side of the Divide. This is a most revolutionary step to take.

Mr. MIBUS.—It is being done in dozens of places in the State.

Mr. SCOTT.—The people in the district concerned never received any water when you were Minister of Water Supply.

Mr. STONEHAM.—What could the honorable member for Ballaarat South be expected to know about water?

Mr. SCOTT.—You did not take action at Tullaroop.

Mr. STONEHAM. —The honorable member made a fool of himself recently when referring to that matter; I shall deal with him later in the proceedings. In the Minister's second-reading speech, no reference has been made to any attempt by the Government to tap the known underground water supply at Bacchus Marsh. One private operator there is obtaining 250,000 gallons daily from one small bore.

Sir HERBERT HYLAND.—What is the quality of the water?
Mr. STONEHAM.—I have no technical knowledge of the analysis made of it, but I have been assured that it is very good water. I understand it is the opinion of experts that if water can be found in sufficient quantities—

Mr. MIBUS.—A bore is now being sunk at Bacchus Marsh by the Mines Department in order to investigate the resources.

Mr. STONEHAM.—Why did not the Minister say so previously?

Mr. MIBUS.—This is not a Mines Department Bill.

Mr. STONEHAM.—If it were possible to obtain the water required underground, there would be no necessity for any diversion from north of the Divide. It is strange that the Minister should sit at the table in his capacity of Minister of Water Supply when a matter which also affects the Mines Department, which he administers, is being discussed and indicate that because this is a Bill dealing with water supply he will not reveal facts known to the Mines Department. Concerning the question of underground water at Bacchus Marsh, the Government has let down the people north of the Divide by failing to make a thorough investigation. When boring by the Mines Department is properly carried out, I feel sure the Minister's optimism and that of departmental experts will be justified, and that it will be proved that there was never any necessity for a diversion to be made.

I have a more serious charge to make. In reply to the many representations that have been made in this matter, the Minister has made certain statements. The Maryborough Advertiser of 7th October, 1959, reprints copy of a letter from the Minister of Water Supply to the Minister of Lands. A footnote added by the editor states that practically every municipality in the Central Highlands region and many in other regions have lodged strong protests about the proposed diversion of water. The Bendigo Advertiser, the Ballarat Courier, the Castlemaine Mail, the Maldon Times, and various other country journals have written strongly on this question. In his reply, the Minister has stated—as he did in his second-reading speech—that it is necessary to obtain sufficient water for the industry to be established at Bacchus Marsh because of the brown coal deposits there. He states that the water to be supplied will be a mere 1,000 acre-feet per annum and that it will be pumped during the winter and spring months of surplus flow. Nearly everybody thinks that is the whole proposal, but it is likely to be proved that there was never any necessity to divert any water because of the existence of underground supplies. Taking the broad view, I suppose many people north of the Divide would say, "For the sake of decentralization of industry, let the 1,000 acre-feet be diverted if that is to be the end of it." I was amazed recently, when I asked for and obtained the official file, to ascertain that this is only the first stage of the developmental project, and that in actual fact the Government proposes to divert much larger quantities than 1,000 acre-feet per annum.

Mr. MIBUS.—Nonsense!

Mr. STONEHAM.—The file reveals that the estimated cost of supplying the needs of the factory is £190,000; but this year the sum of £220,000 is being provided for the pipe-line alone. The reason is that the pipe-line is being constructed of such a size—21 inches in diameter—that it will meet the needs of the industry and also provide for a quantity of water to be diverted into Pyke's Creek reservoir for the Bacchus Marsh and Werribee irrigation systems.

Mr. MIBUS.—You know perfectly well that that will be done only in case of an emergency.

Mr. STONEHAM.—If that is so, why did the Minister not tell the people? I do not accept that statement as an assurance. I know what the position will be once the Werribee and Bacchus Marsh irrigators begin to get this water. Pressure will be applied, particularly in dry years, when water is wanted north of the Divide most of all. The Government has been concealing the facts. The construction of this huge pipe-line is completely at variance with the view expressed by the Minister in his letter to country people. Some country newspapers have published editorials stating
that it is a matter involving 1,000 acre-feet of water, and that is to be the end of it. But it will not be the end of it. The Government has a scheme to cost £680,000, which includes, as a first stage, this big pipe-line—far larger than is necessary to meet the needs of the industry at Bacchus Marsh—to cost £220,000 this year. That, I contend, is deliberately misleading. I do not necessarily charge the Minister personally; I realize the Premier has come into it, and it is a matter of Government policy, but the people north of the Divide are going to be savage when they hear about this, because the whole future of that area depends upon the maximum conservation of water that rightly belongs to them.

I know the Minister has tried to dismiss that by saying that the Commission's responsibility is to make the best possible use of the State's water resources, irrespective of whether it is used north, south, east or west of the Dividing Range. The Minister was so unwise as to refer to the diversion of the Glenelg and Snowy rivers, but it should be remembered that these diversions related to waters that were running to waste into the sea. In this instance, when there is a limited water supply available for development of the northern part of the State, water is being "stolen" and diverted in the direction of the metropolis. This action on the part of the Commission is regrettable. It is not a question of the local people being parochial and narrow in their outlook; this is a national question.

In a letter dated the 8th July of this year, the secretary of the Shire of Marong, stated, inter alia—

The Minister is treading on dangerous ground when he quotes previous diversions over the Dividing Range from the Snowy and Glenelg rivers. Both these diversions take water that runs to waste into the sea and utilizes them for the benefit of the dry and parched inland areas. The proposed diversion of water from a river which in dry years has a very meagre flow seems very like robbing a man dying of thirst of his last drop of water.

Undoubtedly, that is the view of the people north of the Divide.

Mr. MIBUS.—You are a good "bob-each-way" man.

Mr. STONEHAM.—I do not know how the Minister can justify his interjection.

The SPEAKER (Sir William McDonald).—Order! I ask the Leader of the Opposition to address the Chair, and the Minister of Water Supply to refrain from any further interjections.

Mr. STONEHAM.—If the underground water resources had been properly utilized there would have been no need for this diversion whatever. I do not wish honorable members to think I am in a complaining mood to-day, but I desire to refer to another serious matter which has been brought to the attention of the Minister. In his second-reading speech, the honorable gentleman referred to a reservoir, which is being built near Chewton to act as a service basin for Castlemaine. In a letter I received only a few days ago from three contractors in Castlemaine my attention was directed to the specification issued by the State Rivers and Water Supply Commission for the supply and delivery of 20,000 cubic yards of rock spoil to the site of the proposed reservoir. The letter stated, in effect—

Instead of a contract being let for 20,000 cubic yards, in fact, two contracts were let, one for 30,000 cubic yards to J. C. Jones, Windsor, at a cost of £17,000, and the other to D. L. Starbuck Proprietary Limited, North Coburg, for 20,000 cubic yards at a cost of £5,000.

The letter also indicated that the contract specified that the hours of delivery were to be from 8 a.m. to 4.30 p.m., and the rate of delivery was to be 1,000 cubic yards a day. They point out that the period of delivery has been extended by one and a half hours, and the rate of delivery is about 500 cubic yards a day. Furthermore, it is claimed that the Commission arranged the royalties in respect of Jones's contract, although the specification provided that it was the responsibility of the contractor to do so. The letter from the three contractors concludes—

We take a very serious view of the matter as we are all local contractors quite capable of meeting the requirements of the altered specification.
The conditions laid down for the two Melbourne firms who secured the work, which were contrary to the original specifications, could easily have been met by local contractors at a lower price and, naturally, they wish to know why the original specifications were altered after the tenders had closed. This is a serious matter because the local people consider that when projects are being carried out involving the expenditure of public money, local contractors should receive a “fair go.” I invite the Minister, if he can do so, to elaborate on this matter.

It appears that, apart from the Castlemaine reservoir, which will shortly be completed, the Commission has no plans whatever for the construction of additional water storages in the State. If this is so, we will be back in the sorry situation that confronted the State just prior to the commencement of the work on the Tullaroop reservoir, when this Government will have the doubtful honour of being in charge of the State while no reservoir construction work is proceeding. As mentioned earlier, the amount of £9,500,000 made available in 1954-55 by the Labour party Government has, during each of the past four years, been reduced by approximately £2,000,000. In other words, during the last four years, £8,000,000 less has been spent on water supply than would have been expended had a Labour Government remained in office. I should like to know what is the Commission’s programme for the future. What is the next big reservoir to be constructed, and when will the work actually commence? It is evident that the Government does not wish to co-operate with people throughout the State who desire to promote progress.

I propose to refer briefly to the need for the Government to participate in promoting development on the outskirts of some of the State’s larger centres— I refer particularly to areas adjacent to Bendigo. I have in my possession a file of correspondence which relates to the provision of a reticulated water supply at Maiden Gully. A proposal was submitted for a water reticulation supply for approximately 50 houses, and the Commission examined an alternative proposal which would have covered 25 of these homes in less than half of the area. In a letter dated 8th July of this year, the Minister stated that the more favourable of the two proposals would necessitate the provision of 144 chains of main, the estimated cost of which would be £5,470. Surely the Government should adopt a sensible scheme for promoting development. The letter continues—

In addition to the works referred to above, the Commission informs me that it would be necessary to undertake the replacement of some of the existing mains at a cost of £1,300, before the desired extension could be provided.

The Commission seeks a cash contribution of £2,500 from the 25 householders concerned. Very often the people who go into outlying areas of the larger centres are lacking in capital but are enterprising persons who possess some of the pioneering spirit of those who made this State great in the early days. In this particular area, it is obvious that if a reticulated water supply was installed, the development would be prodigious. In every case where the Commission is satisfied that with the advent of water supply there would be extensive development—and that view is shared by the local municipality—the people in the area could be asked merely to guarantee the minimum revenue requirements to justify the capital expenditure, instead of their being asked to make a capital contribution toward the cost of installing the mains. They would be responsible for the installation of their private reticulation, but in my opinion it is unfair to ask these persons to make a capital contribution of £2,500.

I do not suggest that any small group of people should go where it chooses and be entitled to demand a reticulated water supply. I maintain that this facility should be restricted to those cases where the Commission is satisfied, after careful investigation, that the potential development is present and that it is a sound investment for public money. Pending development, the Commission should accept a guarantee of the minimum revenue requirements—that is to say, those people making the guarantee...
would have to pay any deficiency between the actual revenue and the amount of the guarantee. The Government should take action to relieve the frustration of these admirable citizens who are prepared to establish poultry farms, dairies and other types of small farms under conditions which do not compare favourably with conditions in nearby urban areas. It would be a sound financial proposition for the Government to act in the way I have suggested. At present the policy of the State Rivers and Water Supply Commission is hampering progressive development of such areas. I trust that in the near future the Government will agree to amend its policy.

The Bolte Administration appears to have a habit of forgetting the little man, as is evident at Eildon reservoir where the recreational facilities have been developed at some cost to the State. Recently, I wrote to the Commission seeking information as to the conditions under which Eildon Lake Pleasure Cruises, a private company, operates the facilities at Eildon boat harbour. It may surprise some honorable members to learn that in respect of ferry trips the Commission informs me—

The anticipated demand for daily trips on the reservoir has been very greatly exceeded, so much so that last year no less than 24,000 passengers were carried by Mr. Rosan on his ferries at Eildon.

Undoubtedly that figure will be greatly exceeded in the years immediately ahead. One point I raised in my letter was the position of a visitor to the area who takes with him a portable boat on a trailer, perhaps to spend a week-end or only a day with his family. I asked—

What specific authority is given under the lease in relation to the launching of portable vessels at the public harbour?

The reply from the Commission was—

Under the terms of his original lease, Mr. Rosan was authorized to charge a fee for the launching and removal of portable boats brought into the area for very limited periods. Experience has revealed, however, that the launching of these portable craft, particularly in the busy week-end and holiday periods, caused serious congestion in the boat harbour area and danger to ferry passengers and other visitors. In addition, the boat owners' cars and trailers, left on the site by their owners while boating on the reservoir, often blocked the launching ramp and caused congestion on traffic routes in the area.

As alternative facilities are available at other places around the reservoir with good access by public roads the Commission recently decided to ban the launching and removal of portable boats at the Eildon boat harbour.

Later in the letter, the alternative sites are set out. By the way, the total number of private craft registered on the reservoir is approximately 1,000, of which only a few would be portable craft. The letter continues—

While the Commission has been forced, in the interests of the public generally, to prohibit the launching of portable private boats at the boat harbour, launching facilities are available at Jerusalem Creek camping grounds where two launching ramps have been provided. The Jerusalem Creek turn-off is immediately below the south end of the dam, the distance from there to the camping area being 43 miles, and the turn-off is well indicated.

Portable boats may also be readily launched at Bonnie Doon on the Maroondah Highway between Alexandra and Mansfield and also at Gough's Bay which may be reached by road, the turn-off being at Piries, approximately 8 miles south of Mansfield on the Mansfield-Jamieson road.

The point I wish to make is that the alternative sites are miles away from the public harbour, which I should have thought would have been developed for the use of the public. Apparently business has been so good that Mr. Rosan's company is fully occupied attending to the vessels that are permanently moored there, and the little man who possesses a more modest craft finds that launching it at the public boat harbour is banned. It is the old story so far as this Government is concerned—the little man is forgotten while the big man is very well catered for. In view of the great public demand for recreational facilities at Eildon, I trust that the Government will reconsider the ban which has been imposed so that the requirements of the ordinary citizen and his family may be adequately met at the public boat harbor. I could refer to many other items in the Schedule, but I feel that I have given the Minister of Water Supply sufficient to answer for one day. Consequently,
I will take other opportunities as they present themselves to make reference to other matters.

Mr. BROSE (Rodney).—This is the usual loan application measure to authorize moneys required to cover plans made by our very big State Rivers and Water Supply Commission for its capital works. Honorable members, as they peruse the Bill and the memorandum supplied, will realize that the Commission is probably our greatest State undertaking, as it is entrusted with the very important function of providing water supplies for our rural areas. A study of our history over the years reveals that water has played the most important part in the development of our lands.

The schedule to the Bill sets out the sums required for the various works enumerated. I was intrigued to hear the Leader of the Opposition, who, of course, is a former Minister of Water Supply, state that he considered the schedule should be set out differently, I think it is as plain as it can be made. After all, we are dealing with big works, and the correct way to tackle these projects is to plan for the ultimate development and make provision for the total sum estimated to be required. Authority is asked for the expenditure of £12,200,000 to cover the total plans envisaged. Of course, financial and other considerations tie the Commission down to the expenditure of a smaller sum annually. Any businessman who is planning to build a house costing £5,000 and finds he has only £1,000 available for expenditure in the first year, does not curtail the plans he has made. I point out to the Leader of the Opposition that sub-clause (1) of clause 3 provides—

Notwithstanding anything in any Water Supply Loan Application Act in force before the commencement of this Act no money shall by virtue of any such Act be expended out of the Loan Fund for works and purposes relating to irrigation, water supply, drainage, flood protection or river improvement, except pursuant to and to the extent authorized by this Act.

That answers the query he raised concerning the sum of money to be allocated. Although £12,000,000 was asked for last year and only £7,000,000 or £8,000,000 was expended, the balance has gone back into the pool for allocation in this financial year. Sub-clause (2) of clause 3 relates to expenditure on sewerage works and provides—

(2) Notwithstanding anything in any Loan Application Act in force before the commencement of this Act no money shall by virtue of any such Act be expended under the Sewerage Districts Act 1958 for sewerage works in country districts or under the Latrobe Valley Water and Sewerage Acts except pursuant to and to the extent authorized by this Act.

Local authorities are assisted by Government grants in carrying out these important works, and it is left to the Minister of Water Supply, through the State Rivers and Water Supply Commission, to ascertain what portion of the expenditure shall be borne by the authority and what portion shall be borne by the State. It is not so many years ago that a formula was devised for the purpose of extending sewerage to smaller country towns. It will be remembered that the bigger towns in many cases were strong enough to finance their own works, and as the provision of water supplies and sewerage were considered to be so important it was decided to assist the smaller country towns to make provision for them. The formula was devised in 1944 and it enables the Government to assist the smaller places by making large grants and the bigger towns by making smaller sums available. I think all honorable members agree that the method is quite fair.

It gives me great satisfaction, as one who, as Minister in former years, was associated with the Commission to see many works which were held up in earlier years because of financial difficulty now reaching completion. The Leader of the Opposition has frequently mentioned over the years that the town of Maryborough,—I think it is in his electorate—was badly in need of additional water supplies. The new Tullaroop dam will be opened shortly, and that should safeguard the development of Maryborough. I congratulate the Government on the completion of this work, and hope that I shall have the opportunity of seeing the dam opened.
Castlemaine is another town that has been short of water supplies over the years and it is hard to realize how it has made the progress it has. A reservoir holding 1,200 acre-feet of water will be sited at Chewton, a few miles from Castlemaine, and that should give great relief to residents of Castlemaine.

Another development I am particularly interested in is the provision of a water supply for Cowes. I can remember a deputation of about 40 citizens describing the deplorable conditions existing at this important seaside resort as they were unable to obtain supplies of water from underground or any other nearby source. It was estimated that it would cost more than £200,000 to obtain water from the Bass hills. I am delighted to learn that provision will be made for £230,000 for this work and that at least £90,000 will be expended in this financial year. That should enable a good start to be made on this important project.

Development work is also to take place in the Otways, the source of water for Western District towns. Warrnambool is in need of additional water, and it was decided that something should be done in the headworks of the system to supplement the requirements of the area. I was in Warrnambool recently and saw great development taking place in that town due largely to the wonderful water supplies they have received from this system.

After hearing the Leader of the Opposition, I feel that I should say something about the position in the Central Highlands, although I perhaps should be the last person to do so as the Loddon flows through my electorate and many of the persons to whom he referred are my electors. However, I am very keen on decentralization, and I thought the Leader of the Opposition was, too. An industry is to be established at Bacchus Marsh and, as I have investigated the matter, I am happy with the proposal. Bacchus Marsh is a town that suffers from shortage of water supplies, and had the industry been located where adequate supplies of water were available, I am sure nothing would have been said. Apparently it was important that the industry referred to should use brown coal, and instead of taking the coal to the water it is proposed to take the water to the coal.

I am one of those who believe that any industry that can be founded in this State is of importance to Victoria and its people. Irrespective of its location, we should do all we can to foster and aid its development. I consider that the explanation given covers the whole situation. I understand that the company in question is providing the maintenance and annual expenditure involved in order to cover expenses for this year and for future years in the development of so great a scheme. A total volume of 1,000 acre-feet of water has been mentioned, but it may expand to 2,000 acre-feet of water at a later stage. The really important feature is that this water will be taken during the winter and spring flows of the river.

We people who are familiar with the river and the country through which it flows have seen some great floods in the Loddon during winter months. The State Rivers and Water Supply Commission has made provision for storages at a later stage so that the winter and spring flows can be saved instead of being allowed to run into the sea. I am not going to be either party political or parochial on this matter, and so I say that in my opinion there is nothing wrong with it. I would remind you, Mr. Speaker, of the developments that have taken place in the south-western areas of the State by drawing upon and diverting water in your own area to the north. The fact is that the north-west could not exist without water from some source, and when the water was drawn from your country no one objected. Similar comments could be made with respect to the Snowy river, so some of the arguments that we have heard are specious. I will always support the policy of which I have been speaking because, wherever water can be used to the best advantage, we should support every development in that direction.
Concerning the Elidon works, it is satisfactory that these have now reached a stage of almost total completion. This whole scheme is one in which I have been very deeply interested and with which I had a great deal to do during my term as Minister. There were many people who would have stopped that great project, but I personally realized its value even though I appreciated that many people were bound to suffer because of the decision which I had to make in regard to the extension of that great water storage. To-day the reservoir is practically at the stage of completion; it is now very nearly full and it represents a very great expansion in terms of acre-feet. This water serves not only the area which I represent but also other areas, so it is truly one of our great national works. We should be very proud of them because of the great development they have brought about and will continue to provide.

I know that some work is being carried out in the extension of water channels. These are part of a great project of putting water on to more and more land. The whole scheme is one of vast importance, and eventually the extensions through the various channels will be doubled. A few years ago, when I occupied the Minister's chair, it was estimated that those particular works were worth £18,000,000 a year. Last year the estimate totalled £47,000,000 a year, thus indicating the huge increase in value because we are now able to develop our land so much more. It must be remembered also that with the development of water distribution, we see the development of our towns. There is no better way of putting people on the land than by providing water requirements. Over the 40 years during which I have lived in my area, I have seen great expansions of that part of the State.

I could go on to mention the river improvement trusts, which again are of very great importance to this country and its people. However, I know that my Leader intends to devote special attention to that phase of the subject.

Mr. Brose.

I have seen the development of these trusts, and I know of no better way of spending the money of the State for the national good. I appreciate that contributions are made by the benefitting landholders, but the State itself is making a large contribution and one that must continue to be of great value to Victoria.

Only yesterday, at the offices of the Commission, I met Mr. Strom, our great engineer in river improvement trust works. These are an interest to which he has devoted almost a lifetime, including investigations in other countries in pursuance of his efforts to find an answer to the ways of our rivers—an answer that is not easy to find. We realize that every turn in the banks and the currents of every river provides its own problems. This outstanding officer retired yesterday at five o'clock, and I was glad to be in his office to have the opportunity of shaking him by the hand and thanking him for the wonderful work he has done in Victoria in his special activity.

There are in Victoria 137 waterworks trusts to which money has been given on loan through the Government instrumentality under which they operate. Here again we are providing something for the smaller places as well as the larger ones, which could not have had the benefits of civilization that they are now enjoying but for the establishment of the trusts. We can be proud to be associated with them. Their activities are carried on through the medium of the water Commission. But the trusts make their own propositions; they have their own engineers to carry those propositions forward. It is true that their various projects have to be approved by Mr. R. H. Richmond, who represents the interests of the State in these particular developments. He has to see that the money devoted to the trusts is not exploited but that each work is financial and in every other way sound.

With respect to irrigation, we see to-day as we travel around the country the results of the expansion of that special activity. I know that the Government is spending £1,800,000 this
year on distributing channels in which I personally am so much interested. There are big but not spectacular works going on at Tatura; these are providing improvements, and I only want them to be continued. A dam may be built and it may contain water, but that is not of much use to the State and its people until the water is turned into its channels and so distributed upon the land. I hope that the amount of £47,000,000 involved in our irrigation activities will be extended to a sum of £87,000,000. For every individual put on the land—as has already been said—eight others are employed usefully and successfully; these include school teachers, transport workers and various others connected with the development that takes place where irrigation serves an area.

I commend this Bill. It is really worth while. For myself, I congratulate the Minister and the great Department under him—one that I know so well and for whose officers I have great respect and admiration. We have had to say goodbye to many fine men over the years, but the water Commission is one of the great departments of the State of which we can so well be proud.

Mr. FENNESSY (Brunswick East).—The remarks of the Leader of the Opposition, supported by those of the honorable member for Rodney, impress upon us that this is a very important piece of legislation. It is such as comes before this House each year, and we all agree that water in this State—in fact, throughout the Commonwealth—is of the utmost importance to national development. Without water we should be in dire straits. I wish to add my word of praise to the State Rivers and Water Supply Commission. As a member of the Public Works Committee I am now familiar with the activities of that Department and realize the work and worth of its officers for the development of Victoria. I know, too, and I think this could be borne out by the experts in the Commission, that we have yet only scratched the surface in regard to the conservation of water. We have not fully exploited the possibilities of conserving surface and underground water. In addition, rain-making is still in the experimental stage. So far, we have concentrated our activities mainly on the conservation of surface water. Past events show that we have much to learn in regard to flood control. In an unusually wet season the rivers are flooded and that water runs away to the sea. Our present storage systems enable us to hold a certain amount of this water and to prevent some land from being flooded, but we have not yet reached the peak of efficiency. The water that is conserved is used for stock and domestic purposes and for irrigation.

Taken by and large, this Bill is important to the State because it has such a great impact on everything within the State. The Leader of the Opposition referred to the fact that it was important for industry in country towns to be assured of a constant water supply. If, in the future, as in the past, we allow water to flow into the sea and not be conserved for the benefit of this State, we are actually allowing money to be "poured down the drain." Recently I perused a report by Mr. East on the development and use of water resources in Victoria in which he made this pertinent comment—

Water may one day prove to be the limiting factor in the development of Australia.

That is most important and is borne out in a report which appeared in this morning's issue of the Age. That report states—

MEETING WILL URGE WATER RESEARCH PLAN.

A Victorian water research organization may be established at a meeting in Melbourne to-morrow of water authorities, engineers, scientists, pastoralists and industrialists.

The organization proposed would be the Victorian committee of the Water Research Foundation of Australia.

The executive director of the foundation (Mr. K. W. Eather) said last night there was an urgent need for further research into Australian water problems.

"There is growing concern that a shortage of water will develop into a major retarding factor in Australia's industrial expansion," Mr. Eather said.
As many Victorians wanted to see the foundation carry out research in Victoria, the foundation chairman (Mr. J. G. Beale) and the honorary director of research (Professor C. H. Munro) would put their proposals to the meeting.

Interested citizens and representatives of firms and companies concerned with development would be welcome at the 3 p.m. meeting in the library of Kelvin Hall, Mr. Eather said.

That report indicates that even the industrialists of this State are alive to the fact that it is important to conserve as much water as possible. Unless this is done, the development of Victoria could be retarded—not losing sight of the fact that what is good for Victoria is good for Australia. When we realize that outside interests are also conscious of the need to retain water behind earth-filled dams, then we appreciate just how important this Bill is. An idea of the wide ramifications of this measure can be obtained by perusing the schedule to the Bill which refers to loans to be made available to waterworks trusts, to Mildura trusts, to local governing bodies, to urban centres, to sewerage authorities, for Latrobe Valley works, for mountain areas water supplies, to river improvement trusts, for plant and machinery, for River Murray works, for the removal of Tallangatta township and for State works. That shows that it is a wide and not a limited Bill.

In this State we have an extensive system of irrigation which is fed by the various reservoirs. I know that what I am about to say is not new—probably it has been propounded in this House on numerous occasions—but only recently I was informed that in one irrigation area only one-fifth of the water reaches the consumer. The other four-fifths is wasted. That is a rather costly procedure, and makes the water dearer to the consumer.

Mr. Christie.—Where does that occur?

Mr. Fennessy.—In the Mallee. It has been said in the past that we should give consideration to piping this water from the reservoirs and abolishing the open-channel system. I think the time is opportune, even at this stage, for a start to be made in this direction. Are we to perpetuate the present system of open channels and thus lose four-fifths of our water, or are we to allocate some of the available funds towards the cost of piping water to farms in irrigation areas? I am quite certain that the Minister of Water Supply, despite all the heavy burdens of his office, must at some stage give consideration to this proposal. Unfortunately, like the underground railway project for Melbourne, it has been proposed but no work on it has ever been started.

I hope that, in the course of this debate, the Minister will give the House an indication whether his Department intends at some future date to provide for the piping of water into irrigation areas instead of conveying it by the open channel system. Certain theories are held to-day relating to what is commonly termed water harvesting—that is, the catching of rain that falls on a property, its storage, and its use. During a recent visit to New South Wales, in company with other members of this House, I saw the practical application of a couple of different theories. One was founded by Mr. Geddes, a lecturer at the University of Sydney. His proposition embraces the catching of all the water that falls in a certain catchment area on a property, its storage at the base of the water-shed area, and its use by pumping for spray irrigation. It is a very good system, which is working out extremely well. His ideas have been put into practice on his own property by the Sydney university. Near the university station, we also inspected properties on which farmers have adopted the same system, and they were growing excellent pastures. The application of this theory is creating increased productivity.

Another theory about water harvesting has been propounded by Mr. P. A. Yeomans, of New South Wales. His scheme is extensive, and I have no intention of discussing details. His ideas are similar to those of Mr. Geddes, but he catches the water in what he describes as the primary valley, holds it in an earth dam, and then pipes it to flood-irrigate the slopes of his property. The surplus water is caught and channelled to another dam some
distance down the slope, and so on. This process is repeated until the water reaches the lowest valley, where what remains is contained in another dam. All the members of the party who were with me were impressed by the manner in which the water is held on the farm and by the system of dams on the various slopes. Mr. Yeomans loses very little water, and he said. 

Reaches the lowest valley, where what remains is contained in another dam. Mr. East's statement is fair comment, but individual farmers with ideas on water harvesting are conscious of the fact that water which falls on the farm area can be utilized to the best advantage on that particular property. Although there are now only a few protagonists of this theory, as the idea catches on with more individual farmers we may eventually see the day when land and water utilization will serve the interests of the State in a far better manner than has been experienced in the past. 

In the early days of irrigation, the water authority's responsibility was confined to the supply of water only, leaving the utilization of it to the farmer. This, however, was far from satisfactory, for the use of water on the land presented novel problems for which the average farmer was not adequately prepared and, in fact, many landowners with large areas made very little attempt to use the water properly. 

Mr. East's statement is fair comment, but individual farmers with ideas on water harvesting are conscious of the fact that water which falls on the farm area can be utilized to the best advantage on that particular property. Although there are now only a few protagonists of this theory, as the idea catches on with more individual farmers we may eventually see the day when land and water utilization will serve the interests of the State in a far better manner than has been experienced in the past. 

I was interested in a statement by Mr. Thompson, chairman of the Soil Conservation Authority, published in the Herald of 2nd September. Under the heading “Soil Expert sees Mallee Threat,” the following report appeared:

Victoria's rain-starved Mallee was in grave danger of blowing away, the chairman of the Victorian Soil Conservation Authority, Mr. G. T. Thompson, warned to-day. 

Despite patchy rain, large areas of wheat land unsown after the Mallee's driest winter for 46 years were worrying the authority, he said. 

Large areas of fallow which had been worked by farmers had not been sown because of the lack of rain. 

“There is a real danger that soil will blow from these fallows and from other bare areas to an extent that will menace roads and other public utilities”, he said. 

The Authority would ask all Government Departments to report urgently on any soil movement threatening a public utility.

Organizations concerned were the State Rivers and Water Supply Commission, Country Roads Board, Victorian Railways and Walpeup, Swan Hill and Mildura shire councils.

Years of good seasons had lulled many farmers into a false sense of security. 

The younger generation of farmers did not realize the potential danger of a drought. 

In a single year before the establishment of the Authority the State Rivers and Water Supply Commission spent more than £300,000 clearing water channels filled by drifting sand.

That will continue during dry years until the idea of pumping water through pipes can be put into effect. I have great regard for the officers of the State Rivers and Water Supply Commission, who are prepared at all times to carry out all the work allocated to them, but, of course, when there is a shortage of money necessary works cannot proceed. It is the wish of the Opposition that as much money as possible shall be utilized for water conservation in this State. I commend the Bill, and hope the Minister will pay some attention to the matters I have raised, particularly that relating to the piping of water.

The sitting was suspended at 12.50 p.m. until 2.20 p.m.

Mr. J. D. MacDONALD (Burwood).—I support this Bill primarily because its objects are such that the money to be expended on water works trusts and river improvement organizations will make a contribution to the State. Perhaps it is unusual for a metropolitan member to speak on a Bill such as this, but I was privileged to be a member of the Public Works Committee for about five years and during that time I came into contact with and heard the evidence of Mr. Strom as a representative of the State Rivers and Water Supply Commission.
For that reason I join with my committee colleague, the honorable member for Rodney, in paying a tribute to a man who, as an officer of the Commission, has contributed a great deal to the welfare of Victoria. His reputation extends beyond the bounds of the State—not only throughout Australia but in New Zealand and countries farther afield. His reputation is one that has been to the credit of the State.

Whenever Mr. Strom came before the committee he explained various difficult matters, and wherever we went in the course of our inquiries—whether to a town, village or even a smaller centre—Mr. Strom was well received and appreciated for his advice and, as a result, our committee also was well received. The Public Works Committee is an all-party one and my fellow members will confirm what I say in putting on record our appreciation of the services which this officer has rendered. Unfortunately, in recent months Mr. Strom suffered severe illness. Nevertheless he insisted on returning to duty as soon as possible, knowing that his retirement was in the offing and desiring to lend his support and advice to the water Commission.

I wish to speak now in support of the views of the honorable member for Brunswick East on the problem of water harvesting and the conservation of water generally. The honorable member referred to the matter of farm dams, amongst other works. While the Government always has a certain amount of money to be spent upon water works and river improvements, it has become increasingly important that the farmer now does everything he possibly can in the direction of conserving water and extending pasture improvement. The costs of major capital head works are always considerable and, if for no other reason the intelligent farmer, who is perhaps in the majority, also displays his willingness to contribute to the provision of water supply, whether it is a scheme put forward by Mr. Yeomans, Mr. Geddes or any other officer of the Commission, or, indeed, any other person concerned with the conservation of water.

Mr. J. D. MacDonald.

The schedule to this Bill indicates the varying amounts of money made available by the Government to the large number of activities listed. Unfortunately, the works of the trusts are somewhat restricted by the limitation that has to be put upon expenditure itself. Under present regulations the amount contributed is based largely upon the fact that those contributing must receive some benefit from a river improvement scheme. The Government recently introduced a Bill with respect to payment for river works. That measure did not succeed, unfortunately, but out of experience gained throughout the country and in the course of every inquiry undertaken by the Public Works Committee, there was found a growing demand for something to be done along the lines proposed by that Bill. However, if the financial contribution is limited to those receiving the direct benefit, the amount of money that can be spent is bound to be restricted.

With the new appreciation of pasture improvement and of the conservation of catchments and river schemes, it is now generally recognized that greater amounts will have to be spent. Perhaps in the fairly near future the original purpose of that Bill will be revived; then, not only the Government but also the community will be able to contribute to the cost of many essential works. Because of the ultimate benefit to be gained by the State from increased production, I think the Government should contribute in greater proportion, but the man on the land himself realizes that nothing ever gained for nothing and that if he can see some benefit he should be prepared to contribute.

There are problems, as we know, not only in regard to catchments but also involving such factors as erosion. From the mere fact that somebody will benefit by any conservation scheme, it is right that he should contribute to its cost. But if the responsibility were spread a little more widely, a great deal more money might be available and much more work performed. I think we would find that the amount of money contributed by the Government would probably be increased if a greater share of
the total cost was borne by those individual citizens benefiting.

Any work done must be such as will be appreciated. In most instances care has been taken in regard to expenditure. Shire engineers are consulted on any particular work; in fact, they are normally the engineers to the trusts, and they do an excellent job. I hope that in the future this Parliament will be able to authorize the expenditure of more money for river control, because such work is so important. The Public Works Committee has inspected practically every river and catchment in the State, with the exception of those in the Mallee, and its members have some idea of what the problems involved really are.

When one sees the scars occasioned by the diversion of rivers and when one sees the siltation of streams under bridges and the like, the seriousness of the problem is realized as being State-wide. If we believe it is important to conserve not only water but also the land itself, that is something really worth while; and if all participate in making the required money available, instead of resolving the responsibility in terms of what the benefiting individual must contribute, the money spent will be of advantage to the State and to the individual as well. I do not blame the man on the land for looking at a proposition very carefully. The farmer of to-day is adopting an entirely different attitude from that of the past. He wants to conserve water, whether by farm dams or any other method.

We in Victoria need to conserve all the water possible, but we must examine the catchments, rivers and streams, their siltation, and indeed all the factors contributing to the usefulness or otherwise of any improvement scheme. So, I have pleasure in supporting this measure and in joining with the honorable member for Rodney in paying tribute to Mr. Strom, who has contributed enormously to the work done not only by the various committees but also by Parliament itself in furthering the activities of the water Commission as an instrumentality of the State whose prime responsibility relates to these problems.

Sir HERBERT HYLAND (Gippsland South).—This is the usual type of Bill that is presented to the House about this time each year. A perusal of Hansard will reveal that on each occasion on which a Bill of this type has been debated I have complained about the way in which the measure is drafted and about the lack of information supplied to the Minister by the State Rivers and Water Supply Commission. I am sure that the Leader of the Opposition and the honorable member for Rodney, both of whom are former Ministers of Water Supply, will agree with me that the notes supplied by the State Rivers and Water Supply Commission do not contain all the information to which this House is entitled. The opening paragraphs of the memorandum accompanying the Bill state—

This Bill is to give Parliamentary authority for the expenditure of loan moneys to the extent of £12,200,000 for the carrying out of works of country water supply, drainage, sewerage, flood protection and river improvement, as set out in the schedule to the Bill.

The amount allocated for such works for 1959-60 financial year is £7,800,000.

In the first instance, that statement is particularly misleading. Those honorable members who have not been in this institution for long and have not learnt all the “tricks of the trade” will send copies of the Bill to river improvement trusts and other organizations in their electorates and they will be under the impression that the amounts stated in the schedule will be allocated to them. However, that is not the case. Not even the Minister can say what amounts will be allocated to each trust. Although we have complained year after year, the Commission more or less says, “You can go and jump in the lake. What do we care about you? This has been good enough in the past, so it is good enough to-day.” Once again I lodge my objection because I do not think it is fair to members of Parliament and other persons interested in the supply of water, the improvement of streams and so on. We should be given as much information as possible because, as has been said by other honorable members who have
spoken during the debate, we must conserve all the water we possibly can. The storage of water is of vital importance to the development of this State. Unless it is conserved, it cannot be made available for domestic, agricultural and industrial purposes.

I firmly believe too much water is allowed to run to waste into the sea. It should be conserved and used to develop this State. Unless a move is made in the very near future to increase the storages available to the metropolitan area, there will be a serious shortage of water. The Melbourne and Metropolitan Board of Works has stated that when the population of Melbourne reaches 2,300,000, and that is expected by 1965, it will have to look for new catchment areas. A new dam will cost about £8,000,000 or £10,000,000 and such a project can be undertaken only if a long-range policy is adopted. So, it is high time that a long-range plan was put into effect to avoid restrictions which I am sure will be imposed in the metropolitan area in the very near future. Of course, people living in outer metropolitan suburbs already have difficulty in obtaining water during the summer months.

A former chairman of the Board visited Morwell a few years ago and he made no secret of the fact that the headwaters of the Thomson river in Gippsland would have to be used to provide additional storage for the metropolitan area. I assert quite definitely that that water will be required to enable the Latrobe Valley to continue developing. It is all very well to say that the Moondarra dam will be constructed at Gould at a cost of nearly £3,000,000 to augment the supply of water in the Latrobe Valley. When I was chairman of the Morwell Project Co-ordinating Committee, I was told that it would never be necessary to dam the Tyers river in the foreseeable future. However, that assertion proved to be false. The present Minister of Forests is chairman of the Latrobe Valley Development Advisory Committee, and he knows very well that the Valley will develop tremendously in the next few years. As an example I cite the Hazelwood power station which is to be built in my electorate.

Sir Herbert Hyland.

I assure the House that if the Melbourne and Metropolitan Board of Works proposes to use the watershed of the Thomson river for its future metropolitan supply, there will be trouble from Gippsland. It is up to the Board of Works to plan ahead and to say just what it proposes to do in regard to the water supply for the metropolitan area in the future. Members of the Country party are tremendously interested in the conservation of water for country areas, particularly for irrigation, town supplies, sewerage, and so on. We believe that if the Government is sincere in its desire to develop this great State, it should establish a worth-while advisory body to make recommendations in regard to future water supplies. I do not care who is on the committee, provided that it is an independent body. It is of no use taking evidence from interested parties because their evidence will be biased. It may be necessary to appoint experts from overseas to such a body because the experienced men in this State are too busy to undertake the work. I believe the position to be so serious that the Government should order a complete survey to be made. Unless such action is taken there will be a shortage of water in country districts and in the metropolitan area in the very near future.

The Leader of the Opposition chided the Minister that this is the first occasion in the history of the State Rivers and Water Supply Commission when no major job is being undertaken. Moondarra dam, Tullaroop and Castlemaine reservoirs are merely small jobs. The Government should institute a thorough investigation by competent persons and be prepared to pay them adequate remuneration for their services. Inquiries of different sorts have been made by the State Development Committee, the Public Works Committee, and officers of the State Rivers and Water Supply Commission, but I do not know of any comprehensive general review of the whole State that has been undertaken to show exactly what is occurring and the prospects for the future. The sooner this course is
adopted the better it will be for everybody. Extra water may not be needed during our lifetime, but those who follow will need it, and this is becoming increasingly apparent by the big growth that is taking place in our population.

It is of no use members of the Government saying, “Sufficient unto the day is the evil thereof. We have a majority in Parliament and we can do this, that and the other.” It is the general thing nowadays for the Ministerial bench to be vacant. If that had occurred when the Country party formed the Government, each member would have been “tuned up.” Every Minister would have been told to occupy his seat and do what he could to help the Government along. The present Administration is taking the line of least resistance, but the time is past when we should have to put up with this attitude.

It is a safe bet that the Government will take no action, despite the representations made by members on the question of the State’s water supply. If challenged, Government supporters will doubtless point to the construction of the Tullaroop dam, but that does not solve the problem for the whole State. The arguments put forward by members should not be brushed aside, and it will be useless for the Minister merely to say, “We shall see what can be done.” When a Minister announces that a proposition submitted in the House will be examined, with the object of ascertaining what can be done, before the Bill is transmitted to another place, we know it is “goodnight nurse,” and that nothing will be done. The Minister of Water Supply should inform the House whether a general inquiry is to be undertaken, and, if not, the reason why.

Information should be available regarding the future of water supply in this State. No country in the world has an abundant supply of water and, as time passes, more and more is used for irrigation. The Government boasts about the prosperity of Victoria, and water is the life-blood of the nation. I press the Minister to have a proper inquiry made—not merely a gimcrack investigation, but one by experts. Certain members seem to think that this debate is a joke, although they live in country districts. The Government party as a whole has not the slightest interest in country districts.

Mr. Rossiter.—You would not know.

The SPEAKER (Sir William McDonald).—Order! The Leader of the Country party will address the Chair.

Mr. Rossiter.—When did you live in the country last?

Sir HERBERT HYLAND.—What is that?

The SPEAKER.—Order! The honorable member will address the Chair, and interjections will cease.

Sir HERBERT HYLAND.—The honorable member for Brighton was chased down the street one day over the bread issue.

The SPEAKER.—Order! The honorable member will address himself to the Bill.

Mr. Rossiter.—We should like to hear him on it.

Sir HERBERT HYLAND.—I shall “have a go” at the honorable member any tick of the clock.

The SPEAKER.—Order!

Sir HERBERT HYLAND.—I should like to ascertain from the Minister of Water Supply—I would wager two shillings that he cannot tell me—whether all the loan money allocated to the State Rivers and Water Supply Commission last year was expended.

Mr. Mibus.—It was.

Sir HERBERT HYLAND.—Is the Minister sure?

Mr. Mibus.—Yes.

Sir HERBERT HYLAND.—The Minister has fallen into a trap. The Bill does not cover a period of twelve months. The amount provided under it is not meant to last until 30th June next, but until the next Water Supply Loan Application Bill is passed.

Mr. Mibus.—The amount of £7,200,000 to be made available to the State Rivers and Water Supply Commission under this Bill will be spent this year, and
the money made available to it last financial year was spent during that period.

Sir HERBERT HYLAND.—The Minister has much to learn. It is impossible for the funds made available in any period to be spent to the last penny at the expiration of the time. There must be continuity of work, and a certain amount of money must be carried over. More information should be supplied by the Minister. Loan funds are made available only from year to year, and the Loan Council plans its programme from the 1st July to the 30th June. The Minister has stated that all the money made available to the Commission during the past year has been spent, and, if that is the case, well and good.

The honorable member for Burwood referred to river Boards, a subject on which a lively debate took place in this Parliament not long ago. It was proposed that provision should be made for the levying of a rate, of up to 6d. in the £1, on country people throughout the State except those resident in the centre of the Mallee and in the metropolitan area, whether they were to receive any benefit or not. Judging by the actions of the Melbourne and Metropolitan Board of Works, the rate of 6d. in the £1 would soon be increased to 1s. in the £1. River Boards are “right out” so far as the Country party is concerned until a better explanation is given by the Government regarding its intentions. Rivers and streams should be tackled on a national basis. The headworks of all irrigation schemes are, in effect, nationalized. Persons using water from these storages over the years have not been called upon to pay any interest or sinking fund charges on them. Irrigators are required to pay for maintenance and other general charges, but not for the initial capital cost. The big Eildon dam cost approximately £24,000,000 to construct, and that sum was charged to the State’s general account and has not been taken into consideration in the assessment of water charges for irrigators.

Mr. WILCOX.—Land owners receive a very good accretion of capital from that.

Sir HERBERT HYLAND.—The land owners produce the wealth of this country. It was stated not long ago by the Chief Secretary that more money would be made available this year for waterworks trusts. In his second-reading speech, the Minister referred to this increase. When there are no big works under way and the money is there to be spent, it could be used in no better way than in assisting waterworks trusts.

An examination of the statistics reveals that the amount available for expenditure on water supply and allied works for the current financial year is £7,800,000, compared with an amount of £8,300,000 for the previous financial year. For the 1957-58 financial year, the amount set aside for these purposes was £7,200,000 and for the preceding years the relevant amounts were as follows:—1956-57, £7,500,000; 1955-56, £7,700,000; 1954-55, £9,500,000; and 1953-54, £8,400,000. It will be seen that the Government is performing the “crayfish” act and, instead of spending more and more money on water conservation, drainage and sewerage, the amount is continually decreasing. For the current financial year, £500,000 less than last year will be expended in this direction and, if a comparison is made with the 1954-55 financial year, it will be seen that £1,750,000 less is being spent this year.

The first part of the schedule to the Bill contains a list of the various waterworks trusts in the State and, beside the name of each trust, the proposed financial provision for the current financial year is shown. I should like the Minister to explain whether the amounts specified will actually be made available to the various waterworks trusts if they can submit plans to the Commission showing how the money can be expended. For example, will the Alexandra Waterworks Trust receive an amount of £32,000 during the current financial year?
The SPEAKER (Sir William McDonald).—Order! The Minister of Water Supply may answer the honorable member’s question at a later stage of the debate. In the meantime, I call upon the honorable member for Gippsland South to continue.

Sir HERBERT HYLAND.—I am endeavouring to obtain certain information which the Minister did not supply in his second-reading speech.

The SPEAKER.—At a later stage in the debate the Minister may reply to the honorable member for Gippsland South, if he wishes to do so.

Sir HERBERT HYLAND.—He will have a good deal of explaining to do. The schedule indicates that the proposed provision for the Colac Waterworks Trust is £150,000. If plans can be submitted for that amount of expenditure, will the Colac Waterworks Trust receive a grant of £150,000 during the current financial year? Further, I should like to know why an amount of only £5,000 has been set aside for the Lakes Entrance Waterworks Trust. Surely in these times, when there is so much talk of tourism and the need to induce tourists to visit this country, the amount of money made available to local waterworks trusts should not be continually decreased.

Mr. STONEHAM.—They are trying to force bore water on to the people down there.

Sir HERBERT HYLAND.—There is a difference of opinion on that question. Some of the local people say, “We signed up for bore water and we must put up with it for the time being.” Other local residents are seeking the implementation of the Nicholson river scheme. I hope the Government will stop playing politics as it has been doing by sending representatives down to Lakes Entrance to discuss this question with the local waterworks trust and neglecting to advise local members of Parliament of what it is doing in that regard.

I am delighted that the proposed provision for the Westernport Waterworks Trust amounts to £90,000. For years, the urgent needs of this trust were neglected and, as a result, the wonderful tourist resort of Cowes has been forced to put up with an atrocious water supply. Fortunately, as a result of a Country party conference held down there, the position will be improved.

An examination of the fifth part of the schedule reveals that the proposed provision for sewerage authorities amounts to £450,000. When replying to the matters raised by honorable members, I should like the Minister of Water Supply to indicate whether this money will actually be made available to the various sewerage authorities during the current financial year, or whether it will be necessary for them to wait until a similar measure is brought down next year before the requisite finance will be made available. An amount of £13,000 has been set aside for the Bacchus Marsh Sewerage Authority and £40,000 for the Yarram Sewerage Authority, but only £6,000 has been allocated for the Leongatha Sewerage Authority. Leongatha, which is a flourishing township, is going ahead with the installation of sewerage, and it must receive financial assistance in order to carry out the work. Unfortunately, however, out of a total of £450,000 set aside to assist the various sewerage authorities throughout the State, only £6,000 will be available to the Leongatha authority. If people are to be encouraged to live in country areas, they must be provided with the usual amenities such as electricity, water supply, sewerage, roads, and so on, that are available in the metropolitan area. The honorable member who speaks like a cow with hiccups wishes to know how long it is since I have been in the country. I do not know how long the honorable member for Brighton will remain a member of this House—the Brighton electorate is in the habit of changing its Parliamentary representative frequently.

The SPEAKER (Sir William McDonald).—Order! If the honorable member for Gippsland South was referring to the honorable member for Brighton, he must withdraw his remark.

Sir HERBERT HYLAND.—To which remark are you referring, Mr. Speaker?
The SPEAKER.—The honorable member for Gippsland South referred to an honorable member who spoke like a cow with the hiccups and I ask him to withdraw the expression.

Sir HERBERT HYLAND.—I am quite happy to withdraw, Mr. Speaker. The sixth part of the schedule refers to Latrobe Valley works and, under item No. 1, an amount of £1,300,000 is set aside for works of water supply. Naturally, I am interested in the Latrobe Valley works because the headquarters of the Latrobe Valley Water and Sewerage Board are in my electorate, at Traralgon. I should like the Minister to explain where this money will be spent. Furthermore, I should like further information on the proposed expenditure of £200,000 on works for the purpose of treatment or disposal of waste. Honorable members are entitled to have this information.

The eighth part of the schedule deals with the proposed provisions for river improvement trusts. Members of the Country party have been interested in this question for some time and, only recently, we had a deputation to the Premier seeking a better deal for river improvement trusts. We consider that the work performed by river improvement trusts is national in character but, unfortunately, an amount of approximately £9,000 a year must be expended by them on interest and sinking fund charges. Surely the State should assist the trusts to meet this expenditure. Some trusts are paying up to 70 per cent. of the rates collected in administrative charges and interest and sinking fund payments. When the Government promises to make available £5 for every £1 raised, it must be appreciated that it is difficult to raise the initial £1 because so much is being expended on interest and sinking fund charges. When a request for assistance was placed before the Government, the Premier said—

The Government has had under review the position of river improvement and drainage trusts. These trusts are doing a very important work in protecting and improving our rivers and streams and adjacent lands. In our first year of office we increased the basis of Government assistance on works carried out by the trusts by way of free grants from £2: for each £1 provided by the trusts; to £5 for each £1.

A particular problem facing the trusts at the moment is the high redemption payment involved on short-term borrowings to finance their share of the cost of works. To assist the trusts in this matter the Government has decided that in future—

I emphasize those words—

where a trust has to borrow to finance its share of the cost of works the Government will make these funds available on a long-term repayment basis with interest at three per cent. This will more than halve the annual cost to the trusts of future borrowings. When the accounts of the trusts for the year 1959 are available, the position will be further reviewed.

The Premier has said, in effect, that in the future when these trusts decide to borrow, the Government will make funds available on a long-term repayment basis with interest at three per cent. Why mislead us? The trusts are now obtaining money at 3 per cent., which has always been the rate. The only difference is that the Premier mentioned a long-term repayment basis. We want more assistance for river improvement and drainage trusts if it can be obtained. Governments over the years may have erred in regard to these trusts, but the time is ripe to rectify the position. If the Minister will introduce legislation with this end in view, he will certainly have the support of the Country party and probably that of the Labour party. I have placed questions on the Notice Paper for next Tuesday seeking information in regard to the amount and the terms under which money was made available to various sewerage authorities mentioned in the Water Supply Loan Application Act 1958. I ask the Minister to provide more information when presenting a similar Bill next year than he furnished in his second-reading speech on this measure. All country members are interested, as you are, Mr. Speaker, in matters relating to waterworks and sewerage trusts in country districts. The Government should, in the future, make a full statement of what action it intends to take in relation to such matters. At present, the procedure is haphazard, and if a trust can borrow £10,000 from the State Savings Bank, the State
Superannuation Board or some insurance company it may do so, and the Government pays the interest in excess of three per cent. per annum. I think a Country party Government initiated the three per cent. interest rate, but that is not important because we claim that river improvement and drainage is a national job and that the trusts should be given every encouragement.

If the information which I seek is not forthcoming, I shall continue to place questions on the Notice Paper in an attempt to force some answer from the State Rivers and Water Supply Commission which, after all, is the "boss." If more information were contained in the Bill, we could send copies to our constituents so that they would know their entitlements. At one time I took the risk of sending copies of Bills to various people, but in no time I was in hot water because they would say to me, "You told us £10,000 would be available and we will get only £4,000." I trust that the Government will see fit to undertake a thorough investigation of all water supplies by a competent authority, irrespective of the cost of engaging that authority.

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

HEALTH (AMENDMENT) BILL.

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

That this Bill be now read a second time.

The Bill proposes two small but important amendments of the Health Act 1958. The first is to section 74 which is in the division relating to construction of drains. The section, as it stands, authorizes a municipal council to construct such drains as are necessary through or under any premises, after giving due notice to the owner of the premises. The council is required to compensate the owner of the premises, and to recover from the person or persons in whose interest the drain is formed both the cost of such compensation and the cost of making the drain.

The recovery of this money, though the amount does not in most cases exceed £30 or £40, can in individual cases cause embarrassment, and the section makes no provision for payment other than on a cash basis.

In modern subdivision, drainage works are usually carried out under powers conferred by the Local Government Act. The Health Act power is in practice only resorted to in the case of older subdivisions, particularly in cases where the absence of easements makes it necessary to invade private premises. The amendment as provided in this Bill enables any person to pay the amount he owes by quarterly instalments over a period of five years, bearing interest at a rate not exceeding 6 per cent. This is very similar to the provision in the Local Government Act relating to payment for the making of footpaths. The extension of the principle to Health Act drainage schemes was made at the suggestion of the Municipal Association of Victoria and has the approval of the Local Government Department.

The second matter dealt with in the Bill is to give power to the Governor in Council to make regulations in respect of the labelling of any substance, mixture or compound. Such regulations would, in conformity with the existing provisions of the Health Act, be prepared by the Commission of Public Health and could be expected to contain provisions prohibiting the use of words which could mislead, such as "harmless," "non-poisonous," and so on. The regulations may also require appropriate warnings or directions as to the appropriate antidote in case the product is accidentally swallowed.

Prior to 1933, the only legislative power that existed to control labelling was in connection with foods, drugs and substances. Disinfectants were included in this power. The passage of legislation relating to proprietary medicines enabled the control over labelling to be extended to any substance, mixture or compound where a claim was made suggesting that the products in question had curative properties. There still remained, however, a very wide
range of substances to which the provisions of both the foregoing enactments had no application. In this field there were ordinary household products like kerosene, furniture polishes, solvents, and detergents.

Recent experience has shown that this group has been responsible for more than 40 per cent. of accidental poisonings in children. Medicaments accounted for the majority of the remainder. These two groups are causing more than 80 per cent. of the total accidental poisonings in children. Paints, garden sprays, &c., comprise some 10 per cent. whilst drugs and germicides of all types were responsible for approximately 1 per cent. of the total.

The amendment before the House will not only enable regulations to be made in regard to the labelling of this group of substances, but permit further safeguards to be imposed in connection with the labelling of proprietary medicines.

On the motion of Mr. FENNESSY (Brunswick East), the debate was adjourned until Wednesday, November 11.

LANDLORD AND TENANT (AMENDMENT) BILL.

The debate (adjourned from October 13) on the motion of Mr. Reid (Minister of Labour and Industry) for the second reading of this Bill was resumed.

Mr. LOVEGROVE (Fitzroy).—This Bill is the third landlord and tenant measure to receive consideration by Parliament since the Government attained office in 1955. It represents, I suppose, the result of the accumulated experience of the 1955 and 1957 amendments to the Landlord and Tenant Acts and the administrative measures taken by the Government under that legislation. For the purposes of the Opposition's submissions, the Bill has been broken into two main parts. In the first, the Government adopts a principle previously applied to dwellings. It is proposed that, in certain circumstances, business houses can be declared special premises, brought under the control of the Act, and fairly rented by the Fair Rents Board. I think that is the main purpose of the Bill. The Opposition proposes to move an amendment to dispense with the principle of the declaration as special premises and substitute direct recontrol.

Clause 4 seeks to amend section 94 of the principal Act, and this refers to the control of vexatious interrogatories and other matters. The Opposition proposes to submit an amendment to eliminate paragraph (x) of sub-section (6) of section 82 of the principal Act.

Having given the Government due notice of the intentions of the Opposition, I think it proper to say that, with the important reservations to which I have referred, the Bill can be regarded, first, as a rejection of the recommendations made in the Eggleston report submitted to the Government in 1956. At that stage, it was recommended that business premises should be completely decontrolled in twelve months and that, for a further period of twelve months, tenants should have the benefit of certain protection by magistrates in "show cause" proceedings. In the 1957 measure, the Government, in its wisdom, saw fit to ignore the short-term control proposition of Mr. Eggleston and the proposal that tenants of business premises should be given two clear years during which they could make arrangements with owners or landlords, enter into leases, sell out their businesses or obtain alternative premises.

Although the Bill was submitted with the important reservation, as stated in the Minister's second-reading speech, that the Government still believed that the action taken in 1957 was correct in the terms of the Eggleston report, in effect, it is a tacit admission that, as in the case of dwelling premises, so in regard to business premises, certain owners are too rapacious unless precautions are taken to remedy the worst abuses.

The Opposition appreciates the motive behind the introduction of the Bill, but it joins issue with the Government how the particular owners to whom the Government takes exception can best be dealt with. We hold the view that, in
the experience bequeathed to the House in respect of the 1955 legislation concerning dwellings and in the 1957 legislation also, it would be preferable for the Government to adopt the principle of complete recontrol of business premises. In passing, I might point out that the second-reading speech on this measure did not reveal specific instances of abuse by owners and landlords, but the Minister observed that a certain rapacious section required more Government control.

Examination of the columns of the daily press reveals remarkable discriminations respecting rentals, some of which appear to be decidedly cheap, even as to certain premises within walking distance of this institution, while others seem to be remarkably dear. However, one of the worst examples is the experience of people who have undertaken to act as tenants or sub-contractors for the oil companies. Due to the multiplicity of oil outlets in Victoria and the intense competition amongst the various outlets for the different oil companies, it has become practically impossible for persons acting as tenants or sub-contractors to the companies to make a living, having regard to the ordinary living and working standards to which they are entitled and to those conditions which the laws of the State compel the companies to provide for their own employees. I suggest, therefore, that the Government should direct more of its attention to the circumstances in which certain oil distribution depots are being run.

The scandalous abuses of the trading hours legislation, which was partly modified by this Government but which is still being broken by many of those outlets, suggest that, as in the matter of trading hours, the companies seem to have very little commercial morality in their dealings with the unfortunate persons who man their depots. I hope that if this Bill is passed some advantage will be taken of it by those who have complained to members of the Opposition and, I assume, to members of the Government over the terms and conditions imposed upon them as tenants of oil companies.

In the absence of any other indication by the Minister, I assume that the procedure proposed to be adopted by the Government in regard to business premises will be similar to that taken in regard to dwellings—namely, the declaration of special premises. In the light of that experience, however, the Bill may not be adequate to meet the situation which the Government desires to meet. According to the Chief Secretary in reply to questions that I asked as to the declaration of special premises, since May of 1957, when the matter was first treated with some urgency by the Government, there have not been more than a dozen dwelling residences declared as special premises. That is despite the fact, according to the Chief Secretary, that extensive investigations have been carried out by the Rental Investigation Bureau. For instance, for the year 1957, 142 complaints and reports had been received and investigated, eleven of them relating to premises outside the metropolitan area and 131 to premises within it. Another 25 cases were in hand to be investigated. Of the total, 77 of the complaints had been the subject of adjustment of rents, presumably by agreement between the landlord and tenant or the lessor and lessee. Some difficulties had been experienced in having certain dwellings declared special premises, while still other difficulties had arisen in obtaining intervention in the form of determinations by the Fair Rents Board. For 1958, the Chief Secretary advised the House on the 18th March, 1959, the Rental Investigation Bureau, as the result of complaints, had investigated 297 cases and, of these, 91 rent adjustments had been made. But no indication was given by the Minister how many dwellings, if any, had been declared to be special premises, and I repeat that there have been not more than a dozen in the past two years since the adoption of this procedure by the Government.
I submitted a case which the Chief Secretary took up respecting the subletting of rooms in premises in Barkly-street, Carlton. Because the tenants, who were new Australians, had submitted to a good deal of duress, the Chief Secretary had the premises declared special premises and the tenants then approached the Fair Rents Board to determine a fair rental. Thereupon the Board reduced the room rents from approximately £3 to 30s. a week. When, however, the Board's decision had received the consideration of the owner and his legal advisers, there was an appeal to the Supreme Court. Another hearing ensued, and the Supreme Court decided to refer the case back to the Board for further consideration. After the Fair Rents Board had further considered the matter, it was taken again to the Supreme Court. Another hearing ensued, and the Supreme Court decided to refer the action to the Full Court. In the meantime, the Fair Rents Board had reiterated its earlier decision in regard to the fair rentals of these premises. Eventually the litigation was concluded in the Full Court by a decision which, I understand, in law confirmed the action taken by the Fair Rents Board but which did express in part certain reservations concerning the provisions of the legislation. In the case of D'Iacovo v. Lacanale, Petita and De Marco, the judgment delivered by Mr. Justice Lowe and Mr. Justice O'Bryan on 29th July, 1958—more than a year after the first declaration of these premises as special premises—included the following observations:—

The provisions of the legislation as to fixing fair rents are difficult to construe. The legislature has set up for the guidance of the Fair Rents Boards criteria which are not wholly harmonious and may produce contradictory results. This position seems to have come about from trying in the same determination to fix a standard rent for the premises and at the same time to fix it having regard to the comparative hardship to the particular lessor and lessee who are parties to the application. Obedience to the last injunction, if made the critical factor in the determination, could result in fixing a rent which is very far from an economic rent for the premises.

Mr. Lovegrove.

Their Honours then went on to deal with the case, and at the conclusion of the judgment stated—

We have not felt it necessary, for the purposes of this case, to discuss further than we have two questions to which Sholl, J. has devoted some attention, viz:

(a) the right of the Board on a proceeding of the present nature to add by affidavit reasons in addition to those expressed in its judgment for arriving at its decision and the power of this court to consider such additional reasons, and

(b) the true nature of the power exercised by the Board in making a determination and in particular whether it is proper to describe their function in determining a fair rent as the exercise of discretionary powers.

We regard both these questions as still open for discussion when a concrete motion raises them for decision. As to the former of these questions we agree with Sholl, J. that in the circumstances of the present appeal it was proper for the stipendiary magistrate to bring before the court the matters set out in his affidavit and for the court to consider those matters.

In our opinion the appeals should be dismissed.

That was the appeal by the owner against the original fair rent imposed after the premises had been declared. After the case had concluded, I wrote to the Attorney-General, who gave the matter a considerable amount of detailed and expert attention. The Government had already spent a considerable amount of money on the case. The costs had been taxed, and it cost the tenants £90. In reply to my letter, the Attorney-General said that in his view the result of the case did not disclose any need to amend the Landlord and Tenant Act. The honorable gentleman stated, further—

What will be the effect on rents by the decision remains to be seen. In my opinion, the only consideration which might have any effect on determinations in the future is that which demands that the rents of comparable uncontrolled premises be taken into account. Only time will tell how the matter works out. The situation will be watched by the Government and action taken to amend the section if it appears that the effect of taking into account comparable uncontrolled rents is to increase substantially the rents of controlled premises.
In regard to the opinion given by the Attorney-General—I believe, in the best of good faith—I make this observation: After subtracting from the argument the obvious impact of a progressive reduction in the area of controlled premises brought about by the other operations of the last amendment to the Landlord and Tenant Act, this method of endeavouring to stop certain sections of rapacious landlords from exploiting tenants of dwelling premises has not been successful. In fact, it has been distinguished, in my experience, by more failure than success. The result is that, in regard to dwelling premises, which have been freed from control and the rents of which have been raised extraordinarily in my area, and in many other areas of a different character—including some of the best residential areas in the metropolis—doubts have been cast on the effectiveness of the practice. First of all, the investigation, then an attempt to adjust, then valuation, and then consideration by the Government of the legal possibilities has demonstrated to my satisfaction that this is not the best way in which to deal with the problem. Leaving aside the importance of dealing with the problem in this way, because the Government has no legal authority—I seriously doubt whether it has any moral authority—to arbitrate between lessor and lessee, the costs of litigation are so frightening to the average tenant of a dwelling that, without any consideration of whatever benefits may accrue from this practice of declaring special premises, he hesitates and he is reluctant and frightened to undertake litigation of the type which may take him to a higher court of appeal and bankrupt him unless the Government is prepared to pay his costs.

Therefore, I think it can be said with some justification that despite the hopes expressed by the Government concerning the implication and the declaration of special premises in the case of dwellings, these hopes have not been realized and the whole practice has demonstrated the futility of such a procedure. So, when it comes to business premises, the Opposition suggests to the Government that this practice should be abandoned. That is not suggested because the Opposition is married to any rigid idea that controls must be applied for all time. In a wide area of business premises some of the charges seem to be remarkably low, whilst in other areas they have been extortionately high. I find it difficult to visualize the cost of litigation engaged in by people who choose to contest this type of legislation if the last practice followed by the Government regarding dwellings is to be extended into the field of disputes between the owners and lessees of business premises. If one questions the propriety of the Government in appointing an officer to act as a mediator without legal authority—an arbitrator, as it were, without any moral authority, but with only powers to persuade and threaten—and visualizes the introduction of that practice into relations between business people who own properties and business people who lease them, one cannot envisage anything but the greatest of difficulties.

I have adopted this line of argument because—in view of statements made by the Chief Secretary in the House on various occasions in reply to questions concerning dwelling premises, and in view of various debates that took place when amendments to the legislation were proposed in 1957—I assume this is the procedure that is to be adopted if the Bill becomes law. During the debate on the 1957 measure, the honorable member for Brunswick West proposed that, instead of the Governor in Council being empowered to declare special premises, authority should be vested in the Fair Rents Board. The Chief Secretary strongly contested the proposal on two grounds. One was that it would be physically impossible for the Fair Rents Board to deal with cases of this description in the country, and the other was that the Governor in Council—I use the term that is usually employed to describe the Cabinet in such circumstances—was the best informed authority to undertake the task.
In fact, that contention has not been borne out by the facts. In such cases, the responsible officer—I take him to be the officer in charge of the Rental Investigation Bureau—receives a complaint and an investigation is instituted. A valuation must be made, and after that one of three things can be done.

The authority concerned can attempt to arbitrate between the businessman who is the owner and the businessman who is the lessee. Alternatively, it can suggest to the Government that it should intervene and declare the premises to be special premises. Thirdly, it can advise both parties that it does not consider their case capable of solution by intervention under the proposal contained in this Bill. But, if it is desired to proceed with the matter and have the premises declared special premises, the usual procedure is that a valuation is made by the Government officer, through the Rental Investigation Bureau, then a complaint is made by one of the parties to the Fair Rents Board. After the Government has declared the premises to be special premises, another valuation has to be made by the two parties to the dispute, and eventually the matter is taken before the Fair Rents Board, which makes another valuation and assesses the fair rent on the capital value at the date of declaration.

It seems to the Opposition that this is a most unsatisfactory way of doing the job. The main ingredient in the inflated prices being charged for business accommodation to-day is that of the value of the land. When one measures the increase in living costs since 1956, when the basic wage, assessed in terms of the cost-of-living index, was £13 3s., until to-day, when the comparable figure is £13 19s., and compares that with the astronomical increase that has taken place in land values in Victoria, one has ample evidence why advantage is being taken of the situation by certain rapacious owners of business premises. Where land values have doubled, and trebled, as they have in certain parts of the metropolitan area, it is obvious that legislation of the type proposed is incapable of administrative success. For the reasons stated, the Opposition, whilst appreciative of the Government’s motives in presenting this Bill, believes that the amendments to be proposed by the Opposition would improve the measure.

The second amendment to be submitted by the Opposition will be sponsored by the honorable member for Brunswick West. It relates to interrogatories that are dealt with in section 94 of the Act, to which some correction is proposed by clause 4 of the Bill. It is suggested that if the Government accepts the first amendment that has been foreshadowed—for the recontrol of business premises, by the repeal of section 49 of the principal Act—consideration of the interrogatories may then not be as vitally necessary. Having regard to the fact that in the past ten years the grounds for repossession of premises have been expanded from 10 to 24—provision is made on the question of interrogatories of a vexatious or obnoxious character—and bearing in mind all the other provisions in the existing legislation which enable owners who have a case to obtain possession with the minimum of legal difficulties, the Government could well afford to give serious consideration to the complete recontrol of business premises as proposed by the Opposition.

On the motion of Sir HERBERT HYLAND (Gippsland South), the debate was adjourned until Tuesday, November 10.

ADJOURNMENT.

Mr. G. O. REID (Minister of Labour and Industry).—I move—

That the House, at its rising, adjourn until Tuesday next, at half-past Three o’clock.

The motion was agreed to.

The House adjourned at 3.50 p.m. until Tuesday, November 10.
**LEGISLATIVE COUNCIL.**

*Tuesday, November 10, 1959.*

The President (Sir Gordon McArthur) took the chair at 4.57 p.m., and read the prayer.

**WORKERS COMPENSATION ACT.**

**PAYMENTS TO WORKERS: CLAIMS FOR DAMAGES.**

The Hon. J. W. Galbally (Melbourne North Province) asked the Minister of Agriculture—

(a) Is the Government aware that many insurance companies are refusing to make weekly payments of workers compensation to workers injured in the course of their work unless the worker is prepared to sign a document forgoing his right to sue for damages?

(b) Is the Government aware that a worker who is compelled by the economic circumstances in which he may find himself placed to sign such a document is deprived of his right to sue for damages notwithstanding the clear negligence of the employer, such as where dangerous parts of machinery have been left unguarded, resulting in injury to the worker?

(c) Is the Government prepared to introduce legislation to amend the Workers Compensation Act 1958 along the lines of the Commonwealth Employees Compensation Acts, so that an injured worker will have the right to accept payments of compensation and also to sue for damages in the courts, provided that the sums received by him as compensation are deducted from the damages awarded to him by a court?

The Hon. G. L. Chandler (Minister of Agriculture).—The answers are—

(a) The Government has no information as to the practice of insurance companies in this matter.

In the case of the State Insurance Office it is the practice to require a worker to sign a form which contains, among other things, the following statement: "Please take notice that while in your employ I sustained injury as described below, and in respect thereof I elect to claim compensation under the above Acts" (that is the Workers Compensation Acts).

In no case has the signing of this document been held to constitute the exercise of the worker's option under sub-section (2) of section 5 so as to debar him from exercising his right subsequently to sue his employer for damages.

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In a case where a worker has a valid claim for compensation and also has a right to sue some person other than the employer for damages as set out in section 62, it is customary for the State Insurance Office to endeavour to obtain a written statement of the worker's intention. The obtaining of such a statement, while enabling the office to deal with the case in accordance with the worker's intention, does not, it is believed, prevent the worker who elects to claim compensation from his employer from subsequently suing some other person for damages.

(b) The Government is not aware of any such case, and the law is certainly not so applied by the State Insurance Office.

(c) The provisions of the relevant sections of the Victorian Act are to the same intent as the Commonwealth legislation. While the Victorian Act is not free from difficulties of interpretation, the Commonwealth legislation also needs modification to ensure clarity. Consideration will be given to suitable amendment.

**CLEAN AIR ACT.**

**MEETINGS OF CLEAN AIR COMMITTEE:**

**TECHNICAL ADVICE: BOILER OPERATOR’S CERTIFICATE.**

The Hon. Buckley Machin (Melbourne West Province) asked the Minister of Health—

(a) How many meetings have been held to date by the Clean Air Committee?

(b) Has any serious thought been given to policing the Clean Air Act 1958?

(c) Will the Commission of Public Health give consideration to the appointment of a combustion engineer to lead a team to detect trouble and give advice where necessary?

(d) Will the Minister give consideration to instituting a boiler operator’s certificate as in England, and encourage Government Departments and private industry to issue to their boiler operators copies of the *New Stokers Manual* issued by the National Industrial Fuel Efficiency Service, London?

The Hon. E. P. Cameron (Minister of Health).—The answers are—

(a) Fifteen.

(b) The Commission of Public Health, through the General Health Branch of the Department of Health, is policing the Clean Air Act 1958.

(c) Clean air problems are being investigated by officers of the General Health Branch; included in this number are engineers, chemists and medical officers, who furnish any available information or appropriate advice where necessary. When finance is available, the Department of
Health will give consideration to the appointment of the necessary professional and other officers to carry out the intentions of the Clean Air Act.

(a) A boiler attendant’s certificate has been issued by the Department of Mines in Victoria for many years. The Minister is satisfied that the above certificate meets the requirements.

A copy of the New Stokers Manual was shown to the Clean Air Committee at its last meeting by the State Electricity Commission’s representative on the Clean Air Committee, who was able to make it available for only a very short time. Neither the committee nor the Commission of Public Health is yet in a position to assess its contents. Arrangements are in hand to have a copy of the Manual forwarded from England by air mail.

GAME (DESTRUCTION) ACTS.

PERMITS ISSUED: GAME DESTROYED.

The Hon. I. A. SWINBURNE (North-Eastern Province) asked the Minister of Agriculture—

(a) How many permits to destroy native game by poisoning have been issued under the Game (Destruction) Acts during the past three financial years, to whom were permits issued, and in what areas?

(b) What numbers of game were destroyed?

The Hon. G. L. CHANDLER (Minister of Agriculture).—The answers are—

(a) During the past three financial years only two permits to destroy native game by poisoning have been issued.

Both permits were issued to the Director of Fisheries and Game; one with respect to the Forests Commission plantations at Allambie, Childers, Boolarra and Morwell River West, and the other with respect to the Forests Commission plantation at Loch Valley.

(b) It is not possible to provide actual figures of numbers of animals destroyed.

Because of the nocturnal and secretive habits of native game and the heavy nature of the scrub in which they live, native game are not seen in numbers either before or after poisoning. The effectiveness of the poisoning programme can be estimated only on a comparison of the intensity of the damage before and after poisoning.

TOWNSHIP OF MOE.

OVER-HEAD BRIDGES: LOWERING OF RAILWAY LINE.

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

(a) In view of the number of accidents and in the interests of safety, has the Government any plans for improvement to the over-head bridge at Moe?

(b) Would the Government consider the building of another over-head bridge to the west of Moe to take east-bound traffic, thus lessening the volume of traffic passing over the present east bridge, and utilizing that bridge in the main for west-bound traffic?

(c) Has the Government given consideration to the lowering of the railway line through the township of Moe to bring it to the same level as the lines to the east and west of the town?

The Hon. G. L. CHANDLER (Minister of Agriculture).—The answers are—

(a) No; the bridge was widened four years ago.

(b) Some years ago the council did propose a subway under the railway to the west of Moe for local traffic, but no proposals have been received regarding an over-head bridge.

(c) No consideration has been given to the lowering of the Moe railway yard.

DEPARTMENT OF HEALTH.

REGISTRATION OF PROPRIETARY MEDICINES.

The Hon. BUCKLEY MACBIN (Melbourne West Province) asked the Minister of Health—

(a) How many applications for registration of substances as proprietary medicines were received by the Commission of Public Health have not yet been considered and dealt with?

(b) What are the precise reasons for the delay?

(c) How many of such substances are sold as disinfectants, &c., thus bringing them within the regulations relating to foods, drugs, and substances and, because of the qualities claimed, also within the definition of proprietary medicines?

(d) When were the applications received for registration as proprietary medicines of "Dai-Zone," "White King," "Pineaire," and "Nu-Pine;" have any of these been registered, and if not, what is the reason?

The Hon. E. P. CAMERON (Minister of Health).—The answers are—

(a) 47.

(b) There is no delay. When the amending Proprietary Medicines Act was proclaimed, several thousand applications were received and the committee has now considered 10,000 applications for registration.

(c) There are no applications for registration of disinfectants included in the number referred to in (a) immediately above. Every proprietary medicine within the meaning of the Health Act must comply with the Food and Drug Standards Regulations. A disinfectant is not a proprietary medicine unless claims are made as to its curative properties.
(d) No applications for registration as proprietary medicines have been received in respect of the preparations nominated. Three of the preparations are not proprietary medicines within the meaning of the Health Act. Action will be taken by the Department of Health in respect of the other preparation.

ROAD TRAFFIC INQUIRY INTO ROAD TOLL: SENATE COMMITTEE.

The Hon. ARTHUR SMITH (Bendigo Province) asked the Minister of Agriculture—

(a) In view of the statement made by the Hon. A. G. Rylah in connexion with the proposal for the appointment of a committee to inquire into the road toll in this State, has the Government changed its attitude towards the inquiry being made by the Senate all-party committee?

(b) Is the Government satisfied that the Senate committee is competent to make a full investigation of this problem?

(c) Will the Government make available all possible facilities for the Senate committee to carry out successfully its inquiry while in this State?

The Hon. G. L. CHANDLER (Minister of Agriculture).—The answers are—

(a) No.

(b) The Government has not and does not intend to express any view on whether the Senate committee is competent or not to make a full investigation into road safety, but it has always taken the view that this is not a proper matter for the Senate to inquire into, as the control of traffic and matters associated therewith are State functions.

(c) The Government has already made available to the committee the services of the Solicitor-General, Sir Henry Winneke, Q.C., Superintendent R. H. Arnold of the Victoria Police Force, who at the time he appeared before the committee was Acting Chief Commissioner of Police, and the chairman of the Traffic Commission, Mr. J. D. Thorpe. All these gentlemen have gone to much trouble to place before the Senate committee information which they considered relevant to this inquiry.

The Government Statist, Mr. V. Arnold, who exercises both State and Commonwealth functions, has also appeared before the committee. The committee has also sought information with regard to education in schools on road safety, and the Government is making available the services of Mr. J. A. Cole, Assistant Chief Inspector of Primary Schools, to give evidence on this matter before the committee, if that is desired. The Government is not in a position to say whether the inquiry will be successful.

REGISTRATION OF BIRTHS DEATHS AND MARRIAGES BILL.

This Bill was received from the Assembly and, on the motion of the Hon. L. H. S. THOMPSON (Minister without Portfolio), was read a first time.

GAME (AMENDMENT) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. L. H. S. THOMPSON (Minister without Portfolio), was read a first time.

COAL MINES (PENSIONS) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. E. P. CAMERON (Minister of Health), was read a first time.

LIFTS AND CRANES BILL.

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

WATER SUPPLY LOAN APPLICATION BILL.

This Bill was received from the Assembly and, on the motion of the Hon. E. P. CAMERON (Minister of Health), was read a first time.

STATUTE LAW REVISION COMMITTEE.

TRUSTEE (MORTGAGES) BILL.

The Hon. P. T. BYRNES (North-Western Province) presented the report of the Statute Law Revision Committee upon the proposals contained in the Trustee (Mortgages) Bill, together with minutes of evidence and appendices.

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

LEAVE OF ABSENCE.

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

That leave of absence be granted to Sir Arthur Warner for a further six weeks on account of ill health.

The motion was agreed to.
The Hon. G. L. Chandler (Minister of Agriculture).—I move—

That this Bill be now read a second time.

This Bill proposes amendments to sections 15, 26, 58 and 72 of the Public Service Act 1958. Power is vested in the Governor in Council, in section 15 of the principal Act, for the appointment of deputies of members of the Public Service Board, in certain cases. A difficulty arises if the elected member of the Board is unexpectedly absent, as the Board is then unable to meet until an order of the Governor in Council appointing the deputy can be obtained. Provision is therefore made in clause 2 of the Bill, which amends section 15 of the principal Act, to enable the chairman of the Board, in the case of the temporary illness or temporary absence of an elected member, and at his request by writing under his hand, to appoint as deputy of such elected member the person who has been elected to be such deputy and such appointment may be extended, but no such appointment shall operate for more than ten consecutive days. Notice of every such appointment shall be published in the Government Gazette.

Clause 3 of the Bill amends subsection (2) of section 26 of the principal Act to provide that no person shall be appointed to the Administrative Division of the Public Service whose age is more than 24 years or such age under 30 years as the Public Service Board from time to time prescribes. The Board has reported that it is of vital importance to general efficiency within the Public Service that candidates of high calibre should be attracted to the Administrative Division. In the post-war years, the Board, faced with keen competition by private enterprise and other governmental authorities for the services of the limited number of candidates offering for such careers, had no alternative but to lower the standard of entry in an endeavour to recruit a sufficient number of appointees to meet immediate requirements. The prerequisite educational qualification for candidates for examination was lowered from the school Leaving Certificate to the school Intermediate Certificate and the competitive entrance examination, formerly held in conjunction with the university's secondary examinations, was conducted by the Board itself. It was also found expedient to set this examination at a relatively low level. A sharp improvement in recruitment has been evident in recent years and the Board, anxious to restore the standard of entry to the Public Service to a more appropriate level, proposes as soon as practicable to lift the minimum prerequisite educational requirement to the school Leaving Certificate. On the advice of a special committee of inquiry, the competitive entrance examination has already been revised.

In general consideration of recruitment to the Administrative Division, the Board from experience has also concluded that the present maximum age limit imposed on candidates is too low. It tends to restrict recruitment to persons whose education ceased on leaving school and to exclude such potentially valuable groups as university graduates and appropriately qualified persons who perhaps, after some experience in other fields, desire a career in public administration. It would be difficult at this stage, to determine the exact age at which the maximum could be fixed to best advantage, and it is for this reason that the maximum is set at 24 or such age under 30 years as the Board may from time to time prescribe.

Clause 4 of this Bill amends paragraph (a) of sub-section (1) of section 58 of the principal Act to make specific provision regarding the forfeiture of salary during the suspension of an officer. A similar provision was contained in section 58 of the Public Service Act 1946 before it was amended by section 3 of the Public Service (Amendment) Act 1955. It may be pointed out that it is the practice in the Public Service, when an officer is charged with a criminal offence, to prefer a charge against him under section 55 of...
the principal Act and suspend him from duty. If the officer is found guilty in the Criminal Court, the Board does not proceed with the charge under section 55, but imposes a penalty under section 58.

Clause 5 of the Bill amends the proviso to sub-section (2) of section 72 of the principal Act and provides that penal officers shall retire on attaining the age of 60 years, unless the permanent head certifies that they are not incapacitated by age for the discharge of their duties. At the present time, the current legislation applies similarly to attendants in mental hospitals; but, from experience over a number of years, the provision has proved unnecessary and thus the reference to attendants in mental hospitals is being deleted from the principal Act. The reference to penal officers in lieu of warders and attendants is occasioned by a recent change in designation of the officers concerned. I have endeavoured to make quite clear the purpose of this proposed legislation, which will facilitate the work of the Public Service Board. I commend the Bill to the House.

On the motion of the Hon. SAMUEL MERRIFIELD (Doutta Galla Province), the debate was adjourned until Tuesday, November 17.

SOLDIER SETTLEMENT (AMENDMENT) BILL.

The debate (adjourned from October 28) on the motion of the Hon. E. P. Cameron (Minister of Health) for the second reading of this Bill was resumed.

The Hon. ARTHUR SMITH (Bendigo Province).—This short Bill will amend the Soldier Settlement Act 1958. I agree with the Minister who, in his second-reading speech, stated that this could be termed a Committee Bill. It could also be regarded as a common-sense approach to the question of soldier settlement and an extension of the conditions applicable to settlers under the existing Act. Legislation dealing with soldier settlement has been on the statute-book for some years, and naturally, as time has passed, various Governments have found it necessary to amend the law to suit prevailing conditions.

The main purpose of the Bill is to permit a soldier settler to enjoy the same conditions as are applicable to settlers on single-unit farms. The proposal in the Bill, which will permit a settler to sublet portion of his land, will assist a settler who may wish to develop his holding but who does not have the necessary finance or equipment with which to do so successfully. It may be worth mentioning that this amendment could possibly lead to some actions being performed which are not in conformity with the intentions of the original legislation. However, the proposal should be given a trial, but the Minister of Soldier Settlement should keep a watchful eye on the situation.

Clause 6 contains another important amendment to the existing Act. It removes from the law the opportunity previously available to a returned serviceman to appeal against the proposed sale of a property to a person other than a discharged soldier, thereby upsetting the sale and resulting in his eventually becoming the owner of the property. The majority of ex-servicemen who desired to take up farming have now been settled on the land, and for that reason it is considered wise to remove the provision enabling servicemen to "upset" sales of property to non-servicemen.

I pay a compliment to the person responsible for the initiation of the first soldier settlement legislation. The settlement of returned servicemen under this legislation, which has been continued by successive Governments, has proved very successful. The Minister, when explaining the Bill, assured the House that the returned servicemen's league endorsed the proposals contained in this measure and, consequently, members of the Labour party trust that it will be given a speedy passage.

The Hon. D. J. WALTERS (Northern Province).—I join with Mr. Smith in paying a tribute to the Government
responsible for framing the original soldier settlement legislation. I understand that the Labour Government in 1946 was responsible and that Mr. Galvin was the Minister in charge of the relevant measure. When the original Bill was being debated, there was some opposition to the Government's proposals, although the opposition was simply a matter of degree. The Country party desired that an equity should be given to the returned serviceman settler instead of a lower rate of interest on his advances and, when speaking on that Bill—it was about thirteen years ago—I emphasized, by actuarial figures, that a settler would be better off paying the ruling rate of interest at the time and receiving a 25 per cent. equity in the property—provided that his block was valued correctly—than receiving the benefit of a lower interest rate. Notwithstanding my contention, Parliament at that time decided that a lower rate of interest should be accorded to the settler.

During the thirteen years that have elapsed since the passing of the current Act, very few amending Bills have been introduced, and the main principles of the legislation have not been altered. However, this Bill will amend one of the principles that have been observed in the settlement of returned soldiers. The Commonwealth Government decided that soldier settlement should cease on the 30th June, 1959. About 48 or 50 blocks of land purchased before that date are still available for allocation in Victoria. Apart from those, the scheme has virtually ceased. I think it is appropriate at this stage to look back and examine the results of the working of the principal Act, of which the Labour party and this Parliament can be justly proud.

I shall quote some figures compiled by Mr. Simpson of the Soldier Settlement Commission, which are interesting and worthy of being placed on record. Up to 30th June last, the total amount expended on soldier settlement in this State was £65,000,000. Of that amount, £53,000,000 has been spent on what is known as group or general settlement, while £12,000,000 has been spent on single-unit farms. Incidentally, Victoria is the only State that has undertaken settlement on single-unit farms, and the State has accepted the burden of doing so without Commonwealth assistance. In this form of settlement ex-servicemen have been settled on fully productive farms in districts that they preferred. A total of 3,250 soldiers have been placed on the land under the general scheme at an average cost of £16,307 per block, which is a very large amount. Single-unit farms, at an average cost of £4,138, have been allotted to 2,900 settlers. One of the reasons for the lower average cost of single-unit farms is that, under the Act, the applicants for such holdings were required to contribute 10 per cent. of the total cost of the farm, while in practice they contributed nearer to 20 per cent. or 25 per cent. In addition, under the general settlement scheme a proportion of the capital cost of properties has been written off.

After purchasing large estates the Soldier Settlement Commission acted on sound lines by agisting or running stock on the land pending its subdivision and allotment to settlers. As a result, a profit of £1,100,000 was made and paid into Consolidated Revenue. To a certain extent that amount has offset the loss suffered by the State in writing off values and in paying the difference in interest rates. In the thirteen years following the first world war, about 12,000 soldiers were settled on the land, and there were approximately 6,000 failures. Under the present general or group scheme, 206 settlers have left their blocks, but of that total only twenty-one were put off their properties for failing to observe the conditions of the lease or for misdemeanours.

The Hon. ARCHIBALD TODD.—What was the reason for the large number of failures after the first world war?

The Hon. D. J. WALTERS.—There were many reasons for that, which would take a good deal of time to traverse. However, I shall discuss that point briefly later. Under the present scheme, no failures have occurred in the case of single-unit farms. Of course,
some settlers have sold their blocks, and some have paid for them in full. Generally, the figures relating to the scheme reflect the highest credit on the legislation, on its administration, and on the settlers themselves. A total of 11,268 persons were originally granted classification certificates. Of that number 6,150 were settled on the land, leaving 5,118 who were not allocated a block. Only 500 of those remaining classified applicants have shown any interest during the last two years in being settled. They will not now be allocated blocks, but possibly only 40 or 50 of them are really desirous of going on the land. Up to the 30th June last, the amount of £10,448,000 had been written off after the liabilities of settlers had been adjusted and purchase leases had been granted. Under the agreement made between the States and the Commonwealth in 1943, the Commonwealth Government should have contributed half of that amount, but so far it has contributed only £3,519,000.

The Hon. R. W. MACK.—Does the Commonwealth Government admit liability?

The Hon. D. J. WALTERS.—Over the years there has been a general disagreement on how much should be written off. The States have taken a far more liberal view on this matter than the Commonwealth. I suppose it is possible that Victoria will not receive the approximate amount of £2,000,000 that is outstanding by the Commonwealth. An interest rate of 2 per cent. was fixed in the principal Act for repayment of loans by settlers. Many people consider that that represented a great concession to returned soldiers, but it should be remembered that when the Act was passed in 1946 the Commonwealth short-term loan rate was 2 per cent., while the long-term rate was 3½ per cent. Thus settlers were given an advantage of approximately 1 per cent. Of course, over the years interest rates have risen considerably. I point out that it is not the duty of the State to repatriate soldiers; it is the duty of the Commonwealth. However, a large percentage of the burden has been borne by the State. In fact, the State pays the difference between the concessional interest rate of 2 per cent. payable by the settlers and the rate of around 4 per cent. which must be paid on moneys borrowed. The State is bearing the entire cost of single-unit farms, in respect of which the amount involved for interest concession is approximately £7,000,000.

The Hon. R. W. MACK.—Is that the cost of interest?

The Hon. D. J. WALTERS.—Yes. It relates to the repatriation of returned soldiers, which matter, I repeat, has nothing to do with the State. Since the inception of the scheme, the cost of the concessional interest for both single-unit farms and general settlers has been £2,664,450. That amount has been borne by the State.

The Hon. P. V. FELTHAM.—How does that compare with the amount of £7,000,000 which you previously mentioned?

The Hon. D. J. WALTERS.—That sum is the estimate of what it will cost the State for single-unit farms when the scheme is brought to finality. The note prepared by the Soldier Settlement Commission reads—

Cost to the State of the concessional interest in single-unit farms cases—£7,000,000 still owing—cost to State now 2½ per cent.

So, the rate of interest that the State is paying is roughly 4½ per cent. These figures have been given to me by Mr. Simpson, chairman of the Commission, and I thought they would be of some interest to members and to those persons who read Hansard, as the end of the soldier settlement scheme is at hand. The information furnished emphasizes strongly the tremendous burden that the State has voluntarily accepted, whereas it should have been borne by the Commonwealth. What has been achieved is a credit to the settlers and to the framers of the original Act. However, much credit must be given to Mr. Simpson, his fellow commissioners, and his officers who administer the Act. I have had the experience of soldier settlement being administered by Government servants who were most unsympathetic. For the
benefit of Mr. Todd, I would say that one of the minor reasons for the failure of soldier settlement after the 1914-18 war was the completely unrealistic and unsympathetic attitude of Government servants towards soldier settlers and their problems. There could be no question about that. From the experience of the first soldier settlement scheme in this State, we learned to avoid many troubles in subsequent activities of a similar nature.

In Mr. Simpson, who was once connected with the adjustment of farmers' debts—the Labour party appointed him—we have a man who thoroughly understands farming and who has a realistic, practical outlook. Moreover, he picked as his officers men who had a similar approach. A lot of credit must be given to those men for their most favourable interpretation of the legislation and their stretching of the Act in every possible way. I believe Mr. Simpson will shortly reach the statutory retiring age but I hope the Government will retain him in his present position as long as possible, provided that he wishes to remain. I submit that the success which has been achieved in soldier settlement, and the service Mr. Simpson has rendered to the settlers and to the State warrant some very tangible recognition on the part of the Government.

Sympathetic interpretation of the legislation has been one of the major factors in the real success of the soldier settlement scheme—an aspect that was lacking in regard to the settlement of soldiers after the 1914-18 war. After they had been placed on the land, prices of primary products dropped continually until the depression years were reached, and we all know what happened during that period. However, the depression was only one reason for the failures that occurred. I am of the opinion that, irrespective of economic conditions at that time, the scheme could not have succeeded. One of the principal reasons for the success of the present scheme—apart from its administration—during the past twelve or thirteen years has been that the farming community in Victoria has enjoyed wonderful seasons and very good prices, so that any man with a reasonable amount of farming ability could not have failed.

I wanted to make those remarks because it is possible that the subject of soldier settlement will not be discussed again in this House for some considerable time. Nevertheless, I am not as favourably disposed towards the Bill as Mr. Smith is. Under clause 2, a settler will, subject to the approval of the Commission, be permitted to sublet or share farm his property, or portion of it, during the interim lease or purchase lease period. I am very pleased to see that provision included in the measure, because my colleague, Mr. Mansell, and I suggested a similar amendment to the closer settlement Bill that was before this Chamber six or seven months ago. Our suggestion was considered by the Government and evidently it has been found by the Soldier Settlement Commission to be satisfactory. No one can contend that that concession will not be of some help to the settlers concerned.

Clause 3 covers only a minor amendment, while clause 5 is aimed at correcting an anomaly with respect to advances made under section 83 of the principal Act. Clause 6 will have the effect of repealing section 124 of the principal Act relating to the consent of the Minister being required to the sale of farming land other than to a discharged soldier.

The clause I wish to discuss particularly is clause 4, which proposes that a new section shall be inserted in the principal Act to follow section 73. That section relates to a Crown grant being made to a settler of land comprised in a purchase lease. The proposed new section provides that a Crown grant may be given in certain cases upon execution of mortgage. It has been claimed in some quarters that this is giving to the settler a great advantage and that the Commission and the Government are being very generous. Possibly, in many cases, they are. If a soldier settler wishes to leave his farm to take up business in, say, a town, or wishes to leave his farm because he has acquired other property and wants to live away from his farm and to put in a
share-farmer, or alternatively, to sublet his soldier settlement farm, I do not think much objection could be taken, although some people would think that action would not be in accordance with the spirit of the Act.

Possibly the original legislation had a flaw in it. There was no stipulation that a settler must live on and work his block after the initial six-year period. Under the settlement scheme following the 1914-18 war, a period of occupancy of twelve years was required before a soldier settler became entitled to sublet his farm or put in a share-farmer so that he could live somewhere else, provided that the requisite payments were made to the Commission. In 1954, and again, I think, in 1956, Orders in Council were made to put into the purchase lease an agreement that the settler must remain on his block; he could not sublet it, nor could be share-farm it. That provision was not included in the original legislation. The settler had to live on his block or in close proximity to it, and he could not sublet or share-farm it.

Under this Bill, if a settler wishes to go off his block for some reason and sublet or share-farm it, he will be enabled to do so provided that he gets a new mortgage, which he will have to pay off within twenty years. The relevant interest rate will be 5 per cent. per annum. In some cases that procedure may be justified. I do not propose to argue against it. However, it is useless to contend that returned soldiers are quite happy with this Bill, because many of them are not. I wish to say very definitely that none of the disgruntled soldiers has approached me, but from my knowledge and experience of the settlement of ex-servicemen I realize that a grave injustice can be done if this measure is passed in its present form.

It is claimed in some quarters that the settlers have a tremendous concession in the interest rate of 2 per cent. which is applicable to them. As I said before, it was not originally much of a concession at all but owing to the rise in interest rates it has become a concession. But what are those men on the land for? The Government has made a deal with them. They went to the war and were promised repatriation. The majority of the men who obtained blocks had a priority in regard to war service. The closer a man had been to the front line the higher was his priority. Accordingly, the majority of the settlers who are now on the land are men who actually saw active service. When servicemen returned from the war the Commonwealth Government said, in effect, "You are not going to lose anything as a result of your four, five or six years of fighting." Accordingly, many ex-servicemen were taught trades under rehabilitation courses, whilst others had sums of money up to £1,000 advanced to enable them to start up in business. This was all with the view of putting the men into approximately the same position as they would have been had they not gone to the war.

The Hon. R. W. Mack.—I was given £10 worth of books.

The Hon. D. J. Walters.—They were regarded as Mr. Mack's tools of trade because he is a practising accountant. I do not think the Commonwealth Government penalizes a returned soldier who wishes to sell a war service home that he has obtained, nor does it instruct men who have been placed into business under the repatriation scheme that they must either remain in that particular business or be charged a higher rate of interest on the money that has been advanced to them. Similarly, Mr. Mack will not be asked to give up the books which were provided for him by the Commonwealth Government if he ceases to be a practising accountant.

A bargain was made, and after men were settled on the land, an amendment to the legislation was made by the Governor in Council, because it is clean as regards this matter. A provision was inserted in the Act to the effect that, if the settlers were to obtain the
full benefit that the State and Commonwealth Parliaments intended, they must remain on and work their blocks until paid for in 55 years.

The Hon. E. P. Cameron.—Or until paid for earlier.

The Hon. D. J. Walters.—The Minister of Health must bear in mind that if settlers pay for the blocks earlier, they will not receive the full benefit of their repatriation rights.

The Hon. E. P. Cameron.—They will have the use of money at a cheap rate of interest.

The Hon. D. J. Walters.—It is easy for the honorable gentleman to talk about cheap interest now, but it was not so cheap when the settlers first received their blocks. I realize that the Minister is thoroughly experienced on all soldier settlement matters and is sympathetic to the settlers. It has been reported in the press that the Minister of Soldier Settlement has stated that all the settlers would be in good health and able to work well in 25 to 30 years’ time. I point out that most of the men who have obtained blocks are aged between 30 and 40 years, and that active service often takes many years from a man’s life.

The Hon. E. P. Cameron.—Look at you and me!

The Hon. D. J. Walters.—We are the exceptions that prove the rule. I have been “through the mill” and realize what is involved. As a returned soldier, Mr. President, you know that the war disabilities suffered by many men show up in after years, and that frequently they require treatment at the Heidelberg repatriation hospital or elsewhere. Last week, I travelled on a train from my electorate in company with a former serviceman who wore a badge denoting that he was totally and permanently incapacitated and who had been on a farm although he was not a soldier settler. A soldier settler who becomes totally and permanently incapacitated because of his war service, and desires to retain his farm, must either live on it or refinance it.

The Hon. R. W. Mack.—Can he not employ a manager?

The Hon. D. J. Walters.—If the settler is not living on the farm, it is better for him to enter into an arrangement with a share-farmer, who has a solid interest in the property, than to employ labour.

The principle of share farming is excellent. Thousands of successful and even wealthy persons made their start as share farmers by milking a few cows or by growing wheat on someone else’s land. A settler who becomes ill must remain on the property and employ labour if he is to obtain all the benefits prescribed by the legislation. Is that the spirit of the Soldier Settlement Act or the desire of the Commonwealth Government in the repatriation of returned soldiers? A settler who has become ill should, with the consent of the Commission, be permitted to live away from his block and sublet it or share-farm it under the old conditions—that is, interest at the rate of 2 per cent. and repayments over 55 years.

I pass to another consideration. When an ex-serviceman dies, leaving a widow, under the existing legislation, if she is to retain the block, she must live on it and employ labour. It may be that she has a young family and that the school is some distance away, a fact which adds to her difficulties. I do not mean to be derogatory to women when I say that the average farm employee does not enjoy working for a woman. The alternative to the employment of labour is the refinancing of the farm over a period of twenty years at the ruling bank rate of interest. Is that fair? In my opinion, the interests of women so placed should be protected by the Commission. If the deceased settler had a son, he would be in the same category. I appeal to the Minister to consider this question. I have spoken to Mr. J. A. Cashmore, land settlement officer of the Returned Sailors Soldiers and Airmen’s Imperial League of Australia, regarding this problem, and there seems to be a certain degree of haziness over this in returned soldier circles.

The chairman of the Commission, Mr. Simpson, informed me that sympathetic consideration was given to settlers
who were physically or mentally ill, and that they were allowed up to twelve months in which to recuperate. Would any Government dare to put a sick or mentally ill soldier off his block in less than twelve months? It would be indecent for action of that nature to be taken. Under the Act and the regulations made thereunder, the Commission is not bound to extend any latitude in this regard; in fact, it has no authority to do so. A period of twelve to eighteen months may be allowed for a settler to recover from illness, but an indefinite period cannot be permitted. The legislation could be amended to permit subletting or share-farming under the conditions of the original lease in cases of hardship, thus enabling an incapacitated settler or his widow or his family to live away from the block but still retain the property and derive an income from it. The Commission has inspectors in every district, and cases of this nature could be watched carefully to ensure that the properties did not deteriorate.

I should like the Minister of Health to furnish me with an explanation on another subject. The Act specifies that the extra interest to be charged in cases to which I have referred shall not be more than the rate applicable to the settler's credit account, which records sums paid to the Commission in excess of the normal annual commitments.

The Hon. E. P. Cameron.—Generally, it is during the currency of the interim lease.

The Hon. D. J. Walters.—At any time, a settler can pay to the Commission any amount of money he chooses in excess of the usual payments. This is placed in a credit account, and on it interest is paid “at the same rate as is payable on Commonwealth Government bonds of the longest term appertaining to the last Commonwealth loan raised” before the previous 30th June. The Act states that interest shall be charged at a rate of not more than 4½ per cent. I should like to hear the Minister’s explanation on this question.

I am worried about what might happen if the functions now exercised by the Soldier Settlement Commission are entrusted to the Lands Department, as is favoured by the Labour party. I have had bitter experience of unsympathetic treatment from Government servants who administered the 1914-18 soldier settlement legislation in both the State Rivers and Water Supply Commission and the old Closer Settlement Commission. The present chairman of the Soldier Settlement Commission, Mr. Simpson, may retire in a year or two, and his successor may have different views on many questions. No matter what hardship arises, unless the legislation is amended, it will be impossible to help many persons. I appeal to the Minister to report progress when clause 4 is reached at the Committee stage with the view of holding a consultation with members of the Country party and of the Labour party. An attempt could be made then to frame an amendment to cater for cases of extreme hardship arising from the sickness or death of a soldier settler.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

Clause 4 (Crown grant may issue in certain cases upon execution of mortgage).

The Hon. E. P. Cameron (Minister of Health).—Like most other honorable members, I am always very interested to hear Mr. Walters discussing soldier settlement. As on previous occasions, we enjoyed his address to-day. Invariably, I pay him the compliment of saying that nobody understands the problems of soldier settlers better than he does. However, at the same time I do feel that on this occasion, perhaps, we should examine some other sides of the question. As Mr. Walters pointed out, many soldier settlers who took up blocks after the first world war failed. At that time, regulations controlling the scheme were much tighter and that prevented many men from gaining full benefit from the scheme and obtaining equity in their farms, but other factors also contributed to the
failures. In many cases, the classification of the men as suitable for obtaining blocks was carried out under a much looser system than applies to-day. In some cases, blocks too small in area were allotted to the men and also, as Mr. Walters said, adverse climatic conditions and low prices caused by the economic depression played a big part.

Learning from the experience of the previous scheme, Governments set out after the 1939-45 war to settle former soldiers under more just and hopeful conditions than was the case from 1918 onward. An undoubted living area was allotted to each applicant, and the conditions imposed were such that each had a reasonable prospect of success. Interim leases granted before full values were fixed carried the men along, admittedly in a somewhat uncertain way. However, at the same time they had the hope, which was later confirmed, that a final settlement of their indebtedness would be arrived at on a reasonable basis that would give them a good equity in their blocks. Bountiful seasons were encountered and good prices obtained for primary produce. Consequently some of the settlers were able to almost complete paying for their blocks before the final lease was actually issued. Exceptionally high wool prices were obtained in the 1950-51 season, and those men who were running sheep were able to amass some reserve capital which was placed to their credit. We have now reached the stage where many of the settlers are well placed and others have an excellent prospect of making good.

Mr. Walters, in his keen interest in soldier settlers, pointed out that ex-servicemen wishing to operate businesses or enter professions were assisted under the Repatriation Act. I consider that we must have some thought for those men who were given grants to buy bags of tools to enter trades or were assisted to qualify for professions. I acknowledge, however, that they were not called upon to return any money advanced to them for those purposes or to pay a high rate of interest on any loans granted to them. Nevertheless, it must be conceded that if they died the training they received could not be regarded as an asset to be left to their widows. Even in the case of businesses, the capital values involved are small and any profits gained on selling would not be very great and would not provide sustenance for a widow and family. Consequently, the responsibility for such widows and families was rightly placed upon the Repatriation Department, which was created to take care of sick ex-servicemen, and the widows and orphans of deceased members of the Forces.

We have now reached the stage where we should consider whether soldier settlers should be placed in a different category from other ex-servicemen. Is it so unfair that a man who for his own purposes, or because of physical incapacity, does not wish to carry on his farm, should have the option of selling his equity to an outsider? If that course is adopted, is it then unfair that the buyer should have to pay interest at 5 per cent? On the other hand, if a soldier settler desires to farm in a different locality and thus improve his prospects, is it unfair that he should be called upon to pay the normal rate of interest for any financial assistance he requires?

Far be it from me to be accused of not having full sympathy with soldier settlers or with Mr. Walters's outlook. He expresses the viewpoint of all sincere ex-servicemen and of those who have sympathy with returned soldiers. Whilst I cannot agree with his contentions, I am loath at this stage to refuse opportunity to examine them. If Mr. Walters cares to act as a representative of the Country party—perhaps Mr. Smith could represent the Labour party—in a consultation with the Minister of Soldier Settlement, perhaps this legislation could be reconsidered in an endeavour to provide means to meet Mr. Walters's proposals without being unfair to other classes of ex-servicemen. Consequently, in order to provide an opportunity for discussions to take place, I suggest that progress be reported on this clause until later this day.

Progress was reported.

The Hon. E. P. Cameron.
The debate (adjourned from October 27) on the motion of the Hon. L. H. S. Thompson (Minister without Portfolio) for the second reading of this Bill was resumed.

The Hon. J. W. GALBALLY (Melbourne North Province).—This is, as I understand from the Minister and from a reading of the measure, largely a machinery Bill. Certain difficulties have arisen in the parole system under the Crimes Act in the same way as difficulties arise with all new things, whether they be motor cars or Acts of Parliament. The Bill merely tidies up some minor defects which have become apparent, and I see no objection to the measure. The Bill provides that if a person who has been sentenced by a Judge comes before that Judge on another charge, the Judge shall be required to fix a minimum term of imprisonment. He is not required to do that under the existing legislation. The amendment seems reasonable and adequate, and I suppose it is natural enough that when the original legislation was drafted that point was overlooked. There are other machinery provisions in the Bill that do not seem to suggest that any obstacle should be placed in the way of its passage. In those circumstances I raise no objection to the measure.

The Hon. P. V. FELTHAM (Northern Province).—The new parole system has been operating for about two years, and it appears to be working well. Certainly the Judges have become used to the system and the new method of fixing sentences, with a minimum term named at the time. Apparently the Parole Board is working efficiently and has submitted at least one of the reports that it is required to submit under the existing Act. In that report it pointed out that some amendments were required to the Crimes Act, and this Bill is to bring into force the amendments suggested in the report of the Board.

One of the matters that the Parole Board has to report upon relates to those prisoners who are serving not a fixed term, but are held during the Governor's pleasure, in cases of insanity. Under the existing law, unfortunately, the Parole Board is required to report only on one class of insanity of prisoners, whereas there are three different classes of insanity of prisoners named in the Act. Under section 393 there are those insane persons who are found by a jury to be not fit to be tried. Under section 420 there are those prisoners who, having been tried, have been found not guilty by a jury on the grounds of insanity. Further, under section 569 there are cases of people who have been found on appeal by the Full Court to be insane persons. The legislation dealt only with section 420, and, by an amendment in the Bill, the Parole Board will now be required to report upon all three separate classes of insane persons who are being held in custody during the Governor's pleasure.

A typographical error is being corrected by clause 2. The words “such custody” should have read “safe custody.” There can be no quarrel with that amendment. Further, in clause 2 there is an amendment which provides that a report shall be delivered by the Parole Board on those persons who have been sentenced to capital punishment but whose sentences have been commuted. The report shall include not only those whose sentences have been commuted to life imprisonment but also those whose sentences have been commuted to any other term of imprisonment. It appears that there are persons whose sentences of death have been commuted to something less than life imprisonment.

Possibly the most important provision in the Bill is contained in clause 3. The present Crimes Act requires a Judge, when he is fixing a minimum sentence in the case of subsequent offences where a prisoner is already serving a period of imprisonment with a minimum term, to fix a new minimum sentence which will cover all the offences. It has been found that that is an unworkable provision, because at the time of sentence very often His Honour is not in possession of all the facts that would be available to the Parole Board. The new provision provides that the Judge shall
The Hon. R. W. MACK.—When the Judge is not aware of these facts, is he prejudiced in any way in passing the minimum sentence?

The Hon. P. V. FELTHAM.—What happens is that the Crown Prosecutor endeavours to place before His Honour all that is known about the prisoner's prior offences, the sentence he is serving and the minimum term previously imposed. Owing to particular gaol requirements about good conduct and various days off for this and that, it has happened that the Crown Prosecutor has not been able to place a precise statement before the Judge as to whether the minimum term has just expired or is about to expire. Apparently there have been cases in which confusion has arisen in the minimum term pronounced by the Judge when aggregating the minimum term for the offences.

It has been thought wiser to pronounce sentence for the new crime with a minimum term attached to it. Then it is for the Parole Board, in its wisdom, to determine how much above the minimum sentence the prisoner shall serve for each of the offences for which he has been found guilty. A code is laid down and appears in clause 3. It sets out the order in which the minimum terms are to be served. Honorable members will notice that the first is any term or terms in respect of which no minimum term was fixed, and that would cover a case of a man who had been sentenced before the parole provisions came into force. Then the clause deals with the minimum terms which he has to serve and the order in which he has to serve them. That seems a logical provision, but I would not be certain that we have covered all the eventualities. We can only hope that the proposed new provision will be an improvement on the system now operative, and that it will prove to be watertight and satisfactory.

Clause 4 contains a provision that deals with cases where Judges have pronounced sentences, which they are entitled to impose, of up to ten years for persistent offenders. Under the Crimes Act, the Judges are required to lay down a minimum term for these prisoners. It has been found, however, that some Judges have failed to fix a minimum term for persistent offenders, and it is feared—apparently by the Government—that there may be a failure in the future to fix minimum terms. So, clause 4 provides that in any case where a minimum term has not been fixed for a persistent offender, it is open to the Parole Board to apply in certain cases to the Full Court and in other cases to a court of general sessions to fix a minimum term. I think that is the substance of the Bill. It comes to us on the recommendation of the Parole Board, and my party supports it.

The Hon. R. J. HAMER (East Yarra Province).—The most remarkable thing about this Bill is its brevity. The parole system was introduced two years ago, and after two years' experience it has been found that only a few small amendments are required to bring about the smoother working of the system. That is probably a tribute to the original law and to the way in which it has been administered by the Parole Board and by the courts. As Mr. Feltham has pointed out, the two main amendments are brought forward as a result of this experience, and I think it can be said that in some respects they result from the inexperience of the courts. Taking the last one first, there have been cases in which the courts have failed to fix minimum terms, and that has made it impossible for the Parole Board to do anything for the person concerned. There have been cases in which the court has fixed a minimum term which is not in conformity with the Act. There again, it has been impossible for the Parole Board to function properly. The purpose of the last clause of the Bill is to make it possible for some minimum term to be fixed on application to the Full Court, so that the
Parole Board can consider every prisoner's case with a view to giving him just and humane treatment.

The other difficulty has arisen from the fact that each court must deal with each case individually, and it is difficult for one Judge to deal with a series of offences over which he did not preside at the trial. It is difficult for him to have placed before him all the facts that should exercise his mind in fixing minimum sentences. When a prisoner has been charged before different courts and receives different sentences, it is difficult to determine in what order he shall serve his sentences and in what period it can be deemed that the minimum sentences have elapsed. It is hoped that these difficulties will be overcome by fixing the order in which any prisoner is to be deemed to be serving his sentences and the period within which his minimum sentence is deemed to have elapsed. All these difficulties will be cleared up by this Bill, and the Parole Board will have a wide scope to consider each case on its merits and to decide at what point it is proper to release a prisoner on parole.

The second annual report of the Board was presented to Parliament to-day, and it makes interesting reading. It clearly demonstrates that these experiments in penal law in Victoria have been a great success. The Minister in charge of the Bill commented that in the past year 648 persons have been released on parole by the Board, and in that period only 32 have had their paroles cancelled. That is a low number, and I think it reflects the care with which the Parole Board has exercised its functions. A further 148 had their paroles cancelled by reconviction. Adding those two groups together, the total is only 180 out of 968 who have actually been released on parole in the two years that the legislation has been operating. That, I think, would be regarded as a good result in any country.

I should like to direct attention to one factor in the report. It is quite obvious that the success of the scheme must depend largely upon the number and calibre of the parole officers. These are men of high attainments. They must hold university degrees and must have had special training so that they can deal with the parolees, advising and helping them in obtaining employment and in rehabilitating themselves. It must be part of the task of these officers to ensure that the parolees do not return to prison.

When the new system was first put into operation, there were only six parole officers, but the report states that six more have been trained and have taken up their duties. It is important that they should not be required to handle too many cases. The report indicates that in the past the burden on the parole officers has been too heavy. There have been up to 300 cases for each officer—far too many for them to handle effectively.

Although most persons who are released on parole have no trade or occupation, and must therefore seek employment in the labouring categories, in almost every case it has been possible to find them jobs. That has been brought about partly through the cooperation of employers, of whom a large number are prepared to give parolees a chance, and partly through the co-operation of the Commonwealth Employment Service. In only a very few cases have men relapsed into crime through being out of a job. That is creditable not only to the Parole Board, but also to the community, who are prepared to co-operate to such an extent as the report indicates.

The critical period is the two or three months after a man's release. It is then, if there is going to be a relapse, that it is most likely to occur. It is most important at this stage for the parole officers to keep closely in touch with the parolees in their employment to ensure that they are adjusting themselves and are not going to slip back.

In all the circumstances, this second report is a cheerful document. I conclude by commenting on what the Board says as to a better attitude in the community both to itself and to the
Grimes (Sentences and Parole) Bill.

parolees. The Board reports a gradual growth of confidence in itself and it very modestly adds that that is due to the just and humane way in which it has acted. Because the Board has been sympathetic to the prisoners, they too learn to have faith in it and they see that it can help them. Moreover, the procedure of the Board has become an accepted part of our penal administration. It has succeeded in building up self-confidence and in earning the confidence of those people with whom it deals.

Going hand in hand with this parole procedure is an educational and training programme in the prisons to fit men for the jobs they hope to get while on parole. It is very encouraging that such co-operation is being obtained from the men themselves. Obviously, a good deal has depended upon that attitude—upon their willingness to be trained and to learn a trade and take full advantage of it. For these reasons, this report is an encouraging one and I think the Bill, to the extent that it will overcome difficulties and encourage the Parole Board, is very much to be commended.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

Clause 4 (Saving in respect of certain sentences and provision for application to Full Court or general sessions in respect of minimum terms).

The Hon. L. H. S. THOMPSON (Minister without Portfolio).—In connexion with this clause, there was some doubt expressed as to when the court was obliged to fix a minimum sentence. Section 534 of the Act lays down that a minimum sentence must be fixed in cases in which a sentence of more than twelve months' duration is being imposed, and it may be done where the sentence is less than one of twelve months.

The Hon. P. V. FELTHAM (Northern Province).—Clause 4 inserts a new clause 537A to follow section 537 of the Crimes Act, and, although section 537 deals with persistent offenders, in its terms the proposed new section is wide enough to cover all cases of crimes where a Judge has failed to fix a minimum sentence. My remarks in the course of the second-reading discussion might have been taken to mean that this power was limited to cases of persistent offenders. It is not so limited in the Bill.

The clause was agreed to.

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

SUPERANNUATION BILL.

The debate (adjourned from October 28) on the motion of the Hon. E. P. Cameron (Minister of Health) for the second reading of this Bill was resumed.

The Hon. J. W. GALBALLY (Melbourne North Province).—This measure looks innocent enough, and the House will pass it in a few minutes. But I believe the time has come when we must examine superannuation and see where we are heading. In 1926, when State superannuation was first introduced, it was felt to be a desirable objective that the public servant should retire on something like 50 per cent. of his salary. That was a laudable object, and the intention then was that public servants should pay one half and the State the other half of their superannuation. But what has happened?

I notice in the Estimates for this year that an amount of £4,200,000 is to be provided by the State; and that does not include the payment of £800,000 to the Police Pension Fund. So the taxpayer this year is expected to find about £5,000,000 for the State public servants. At this rate, on an actuarial basis, it will amount to nearly £6,000,000 in 1965 and to something of the order of £10,000,000 by 1970. That will be £10,000,000 out of a State Budget, which is currently running at something like £160,000,000—I am just informed.

In addition to providing that sum for State public servants, the taxpayer is also expected to make his contribution to the Commonwealth by way of social
service taxation. Where is it all getting to? The original conception was never this. It was never intended that the proportion to be found by the Government would be something like a ratio of five to two, which is the current figure. That is to say, for every £2 provided by the public servant the State contributes £5, and when we talk in terms of millions of pounds, that is a rather substantial sum. I see the Minister of Transport (Sir Arthur Warner) here this evening. He will be able to tell us that in his private enterprise structure the payment of such a proportion by the employer compared with that paid by the employee would never be tolerated. And it is only tolerated in this community because the taxpayer does not know anything about it.

In the Estimates of Expenditure for the current financial year, it can be seen that an amount of almost £5,000,000 is to be found by the taxpayers of Victoria for public servants. Additionally, the taxpayers are called upon to contribute for the payment of Commonwealth social services, age and invalid pensions, and so on. Government members may contend that that is a desirable situation—it may be the Utopia that the Premier has sought—but we should know where we are going. If the present trend continues, the superannuation scheme in Victoria will break down of its own weight within the next ten years.

Unfortunately, there are in the community to-day, a number of retired State employees who did not take out more than a couple of superannuation units, and who are now on the bread line. If, by Act of Parliament, their superannuation payments were increased they would no longer be eligible for the age pension, because they could not satisfy the means test.

This Bill represents a further illustration of the "mad cap" finance policy of the Government, which is proceeding on a day-to-day basis, continually putting things off. If this continues, the whole economy of the State will be in an appalling mess within the next few years.

The Hon. P. T. BYRNEs (North-Western Province).—I take it that Mr. Galbally supports the Bill; so does the Country party. It would appear from an examination of the scale of units of pension contained in clause 3 that a person receiving an annual salary of £715, which would be about equal to the basic wage, is entitled to contribute for eleven units of pension. In other words, he would receive a pension of £500 10s. 0d. a year, or a little over £9 10s. 0d. a week. A retired person who had not contributed to a superannuation fund could, having regard to the fact that his wife also would be eligible for a pension, receive between £9 and £10 a week from the Commonwealth Government. A person employed in the Public Service receiving only the basic wage would still be required to pay a certain amount of tax into the Federal Government's coffers towards social service benefits, and so on. A public servant who is contributing to the State Superannuation Fund would relieve the Federal Government of the responsibility of maintaining him upon retirement and, probably, he is indirectly assisting the State Government too.

The Hon. R. W. MACK.—Very indirectly.

The Hon. P. T. BYRNEs.—That is so. The State receives a good deal from the Federal Government. For many years now, almost every Government has found it necessary to amend the superannuation scale of units of pension to provide some measure of justice to State employees. Originally, the establishment of a superannuation fund was a good idea—it is still a good idea to have superannuation funds—but, in many instances, a retired public servant, who receives a salary of only £700, would be better off receiving the age pension. The Bill is a machinery measure and the Country party supports its second reading.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.
Clause 2 (Inclusion in interpretation of officer of certain permanent employees of Hospitals and Charities Commission and Rural Finance Corporation).

The Hon. E. P. CAMERON (Minister of Health).—In addition to increasing the maximum number of units available to a number of officers of the Public Service, the Bill proposes to extend the provisions of the Superannuation Act to cover certain officers of the Hospitals and Charities Commission and the Rural Finance Corporation. I was surprised to hear Mr. Galbally bring into the debate the matter of police pensions, which has nothing whatsoever to do with the scheme to which this measure relates. It should be appreciated that the officers of the two authorities who will, when this Bill becomes law, be embraced by the superannuation legislation, have served, and will continue to serve, the State for many years. The Bill is designed to provide justice to them so far as superannuation benefits are concerned. There has been no opposition to the Bill, and I trust that it will pass without further delay.

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

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

CRIMES (PENALTIES) BILL.

The debate (adjourned from October 27) on the motion of the Hon. L. H. S. Thompson (Minister without Portfolio) for the second reading of this Bill was resumed.

The Hon. J. W. GALBALLY (Melbourne North Province).—Bills of this type are familiar to this House under the régime of the Bolte Government, which adopts a "go'lem-and-increase-the-penalties" philosophy. Whenever the press raises a cry about driving under the influence of liquor, which I regard as a serious offence, or about car stealing, the Government is very sensitive to the opinions expressed, and its immediate reaction is to say, "We will get Parliament to deal with the matter; we will increase the penalties."

The first part of the Bill increases the maximum penalty on a first conviction for illegally using a car from one year to three years' imprisonment. Presumably, the increased penalty will deter car thieves, but I seem to have heard that argument before. This is the third time the Government has introduced a measure increasing terms of imprisonment for car thieves. So far, apparently, the Government has had little success in dealing with the problem.

What is the problem with which we are now dealing? There does not seem to be much doubt that car stealing—I hesitate to use the expression "illegally using a car"—is a crime frequently committed by young lads. It is a crime with which every country of the Western civilization is confronted. It has caused much anxiety in America, in Britain, in Scandinavia and on the Continent, where there has been a good deal of examination of the problem. It is a crime of modern times which grew up with motoring. Speaking broadly, it is a crime that is generally committed by young lads in groups of three or four. It is not to be confused with the operations of the professional car thief, who steals a car, alters the number-plates, paints the body a different colour, and obliterates the engine number and substitutes another, and so on. That is not the problem that is being dealt with. For every one of those professional operators there are more than 100 young lads who illegally take motor cars.

The incidence of this crime has increased enormously. I do not know whether it is because of the increased proportion of car owners in the community or simply because there are more cars about. There has been a good deal of research—not in this community—on the subject, but no clear conclusions have been reached. However, on the evidence it seems that this is the type of crime that is indulged in by young men who seek to exhibit their independence. It is a bid for the feeling
of power that a car gives them. In some quarters it has been thought that it is a crime characteristic of anti-femininity.

The Hon. D. J. Walters.—Perhaps Mr. Galbally would explain that.

The Hon. J. W. Galbally.—I am thinking of a young man who grows up under the shadow of his mother's skirts. Like the little bird who falls out of the nest and then finds its wings and flies away, the young man sees a motor car and takes it to show his independence. That is not completely characteristic of the offence, but some people who have done a good deal of research on the matter have proffered that as a suggestion. The incidence of this crime is enormous, and apart from being a crime it is one of the greatest social nuisances of the twentieth century—the fact that one parks a car and then someone takes it away and, perhaps, even smashes it up. How can the culprits be dealt with? Are they all to be sent to gaol? It is true that most criminals start their career by stealing cars. Nearly all the men with violent records in the community started off in that way. Not all car thieves go on to become professional criminals resorting to brutality in its various forms, but a considerable proportion of them do. In other words, the taking of a car is perhaps the first step on a career against the law, which often leads to long terms of imprisonment and even death.

I do not think any statistics on the subject are available in this country, because we have not been able to do any reliable research into the matter. However, statistics compiled by authorities abroad seem to indicate that these young men do not come from any particular class in the community. They do seem to be young men who are high-spirited. In other words, the sex offender and the socially maladjusted are apparently not attracted to the crime of taking a motor car. It is a crime of the extrovert rather than of the introvert. It is done by the fellow who likes to meet his cobs and have a game of billiards at a saloon. He sees a car outside and goes off in it. It is a crime of the mob rather than of the lone wolf. Those seem to be the characteristics associated with this crime in the countries where some research on the problem has been carried out.

To come into this House and say, “A year's imprisonment is not enough; give offenders three years” is a very amateurish approach to the solution of a most difficult problem. It has been said that the answer is that cars should be made burglar-proof. I do not know about that. I suppose we would have to rely upon car manufacturers to solve that problem. In other quarters it has been asserted that the young car thief represents the Ned Kelly of to-day. More than 100 years ago, Ned Kelly, early in his career, saw a high-spirited horse and could not resist the temptation to ride it. There seems to be some historic justification for the assertion that he started off as a horse thief. Whether that is a proper assessment of the modern problem, I should not like to say.

The Minister who introduced the Bill stated that the distinction between car stealing and illegally using was a very fine one. A friend of mine, a lawyer of some distinction, asked me why I did not ask the Minister whether he had ever taken a ride on another boy's bicycle at school. I hesitated to say that because I know the coals that one heaps on one's head once the suggestion is made to a lay audience that there is in fact a very big distinction between car stealing and illegally using. I have hesitated to import that into the discussions to-night. In Britain they do draw the distinction, and it is still drawn here.

The Hon. L. H. S. Thompson.—Sometimes it is a bit fine.

The Hon. J. W. Galbally.—I think that is a fair assessment of the position, but in many cases the distinction is not fine; in a number of instances the crime is clearly not larceny. I am not for one moment suggesting that we should not deal with this problem. It is a very great social evil which brings others in
its wake. Young fellows get into a car, and then drink and perhaps maim or kill someone. The proposed manner of dealing with the problem is unworthy of the Government. The idea that when a great social evil exists a Bill should be introduced to increase the penalty from imprisonment for one year to imprisonment for three years is wrong. That has never worked in any country in the world. I am not suggesting that I have the answer. Of course, I have not. No country has been able to find it. This is a problem that has grown up during the past twenty years.

The Hon. D. J. WALTERS.—It must work. If car stealers are put in gaol, they will not be able to steal more cars.

The Hon. J. W. GALBALLY.—What a magnificent solution! I think Mr. Walters's comment was intended as a joke, and I accept it in that way. The other provision of the Bill is a familiar one. It proposes to increase the monetary penalty on conviction for reckless driving or driving under the influence from £30 to £100. The way inflation is increasing under this Government, I concede that such a provision is well justified.

The Hon. P. V. FELTHAM (Northern Province).—It has been part of the policy of my party for a number of years, as determined by our conferences, that the illegal use of motor cars should be treated in the same way as the stealing of cars. I have no hesitation in informing the House that my party supports clause 2 of the Bill, which provides that the maximum penalty for illegally using a car on the first occasion shall be increased from imprisonment for twelve months to imprisonment for three years. I emphasize the word “maximum,” because I think it is the experience of every honorable member who reads about cases of illegally using cars, or who attends courts where such cases are tried, that it is a very rare thing for anything very serious to happen to a person who steals or illegally uses a car for the first time. My own experience is that illegal users are generally young lads who are sent home on a bond. It is very rarely that these young people are penalized heavily on the first occasion. I do not want to criticize magistrates. I have no doubt that they hear everything that is to be said for the boy, and that, possibly, it is put in the same persuasive way that Mr. Galbally has submitted his views to the House to-night. In any event, the offenders get a very fair deal from magistrates. My party and I are quite happy that there should be a maximum of three years' imprisonment to deal with those cases where there is nothing to be said in favour of the boy. I would be very happy indeed if the Government introduced legislation which declared that illegally using a motor vehicle should be deemed statutory stealing. We would be quite happy to support such a measure. Making the offence stealing would give it the odium it deserves. It does not necessarily mean that the offender would get more or less punishment than his offence merited when his case was brought before the court.

As Mr. Galbally has stated, there is often a fine distinction between illegally using and stealing. If, as so frequently happens, a stolen car ends up as a wreck against a tree or in a ditch, who is to say what was the ultimate object of the youth who took it? The police feel that, unless they can definitely establish that the offender had the intention of permanently depriving the owner of the car, the only safe charge is that of illegally using. There seem to be many such cases in which the offender had no intention of ever returning the car to its lawful owner.

The Hon. P. T. BYRNEs.—Have you ever heard of a person being charged with illegally using a horse?

The Hon. P. V. FELTHAM.—Perhaps that aspect could more properly be discussed under a racing measure. This measure is an attempt by the Government to impress upon the community and upon Parliament the gravity of the offence, and so the Country party is supporting clause 2. We shall also, of course, support clause 3, upon which I wish to comment. In the Crimes Act—and repeated in clause 3 of the Bill—driving under the influence of liquor and
reckless driving are classified as virtually the same offence, and they carry the same penalty. I see a great difference between the offence of drunken driving and that of driving recklessly. I have never in my experience known a person to be wrongly convicted of drunken driving. The courts are very astute to see that all the evidence is clearly before them that a man was actually drunk before he is found guilty, either in the first court or in a later court. But I do believe that, from time to time, some people are convicted of reckless driving when all of the facts of the case indicate that the charge should have been dismissed. A decision as to what is and what is not reckless driving often depends upon the view of a particular magistrate.

I shall cite one particular case, but there must be many others. A motor car driver, who had a blameless record and a well-earned reputation as a careful driver, was travelling down the Hume Highway to Melbourne on a Saturday afternoon and he was forced to travel for many miles behind a transport which crawled slowly up each hill and travelled rapidly on the down grades. After some considerable time the driver of the car decided to pass the transport, which he did at a speed exceeding 50 miles per hour. He passed it widely and, in doing so, got into the gravel on the wrong side of the road. A police constable stationed on a motor cycle nearby was having a pleasant afternoon with nothing of interest happening. He pursued the car driver and subsequently charged him with reckless driving. The facts as I have narrated them are those that were presented to the court. Despite the fact that there were no other vehicles on the road for at least half a mile, the magistrate convicted the unfortunate offender of reckless driving and suspended his licence for twelve months.

I put it to the House that there are many cases where magistrates have convicted persons of reckless driving when no such offence was committed. In this measure, that driving offence is classified on the same basis as drunken driving, in which circumstances a man could be so drunk as to be unable to stand up or get into his car. Such a person could be involved in a collision and become a menace to the community at large. I emphasize that those two offences carry the same penalty. My suggestion is that the Government should examine the question of comparative penalties for reckless or dangerous driving and driving under the influence of liquor. I regard the latter offence as being far more serious than the former because of the facts necessary to establish it and the view that might be taken by a court, whether a man is driving dangerously or not.

The Hon. R. W. MACK.—I take it you are not arguing that drunken driving is a greater offence than reckless driving but rather that one is harder to prove than the other.

The Hon. P. V. FELTHAM.—I suggest that although a dangerous driver may do as much damage as a drunken driver, in the determination whether a man is driving dangerously or recklessly there is a wide difference, in a court, between that offence and drunken driving. Some recognition of that difference should be made in the penalties that are provided in the legislation. However, having made that suggestion, I inform the House that the Country party supports all the clauses of the Bill and will support the passage of the measure.

The Hon. C. H. BRIDGforD (South-Eastern Province).—This Bill represents a further attempt by the Government to do something constructive about the accident rate on the roads, and particularly about accidents caused by drunken drivers. It is true that this is a very serious problem about which the Government is trying to do something effectual. It is equally true that while people drive vehicles weighing up to 2 tons, at speeds of 60 miles an hour and over on congested roads, with a minimum of tuition, some accidents and deaths are inevitable. While the drinking of alcohol is a part of our social custom, some of these drivers will become under the influence, but I fear that we shall never be able to prevent that state of affairs. There must be
some level of accidents which must be accepted. Indeed, we have done very well in comparison with other countries and other standards.

Some of the propaganda that has been used on both sides of this argument has been unfactual, and it is time we reviewed the situation and ascertained how we stand in comparison with other States. Let us examine some of the statements that have been made in this propaganda war. The first one is that we should accept the fact that Australia is not too bad. It is not the best, but it is far from being the worst. We rate about fourth best among the countries of the world. There are many more countries behind us than there are in front of us. It is also suggested—indeed, it has been actively and openly stated—that Victoria is particularly bad; that we have real carnage on our roads. That, again, is untrue. The ratio of deaths to car population in Victoria is the second best of the Australian States. On that basis, we are not doing too badly. Statistics reveal that, year by year, Victoria is showing a slightly greater rate of improvement than is being shown in other States.

Another statement that is frequently made is that it is impossible to obtain convictions under the present conditions, and that the conviction rate is only 10 per cent. That figure has been widely used by people who are apparently responsible spokesmen. There again it is probably worse than an untruth, inasmuch as it is a half truth. The figure is used in a calculated manner, with the intention of deceiving the public. The truth is that the ratio of convictions before magistrates is about 80 per cent., and the ratio of convictions over all is about 60 per cent. That is quite high for any crime, and probably about the same as the ratio for burglary, arson or assault.

The next statement I wish to mention is put fairly frequently, namely, that blood-alcohol tests would assist in obtaining convictions, and that, if they were insisted upon, the guilty would not escape. That claim does not seem to be justified, either. Victorian records reveal that, of 85 people tried before juries, 34 agreed to have blood tests, and that of those 34 only twelve were convicted. Of the 22 who were not convicted, all had a blood-alcohol content of over 0.10 per cent., and all but three had a blood alcohol content of over 0.15 per cent. However, the juries acquitted them.

The next statement frequently made is to the effect that compulsory blood tests have had great success in other countries. Again, that is untrue. Statistics reveal that we in Australia—and, particularly, in Victoria—have a much better record than have many other countries in which blood tests are claimed to have brought successful results. I refer to Germany, Denmark and Sweden. Sweden, in particular, uses blood tests rigorously, and in that country the maximum level is quite low, being 0.08 per cent. Yet, Australia's record is considerably better than that of Sweden.

The Hon. P. T. Byrnes.—The penalties are high in Sweden, are they not?

The Hon. C. H. Bridgford.—Yes. Indeed, the permissible level of blood-alcohol is low in that country, but the record of accidents there is higher than it is here. So, our final result is better than that of Sweden.

The Hon. D. J. Walters.—In relation to the number of cars on the roads?

The Hon. C. H. Bridgford.—Yes. There have been a few public statements made which have had the obvious intention of deceiving people. In short, they have been dishonest. They have related the number of accidents to the number of the population. By the use of such methods, it could readily be proved that the Eskimos are the best drivers in the world because they have no car accidents at all!

A statement has been made to the effect that there is a world-wide move towards compulsory blood tests. At the present time, we are trying to ascertain the position in that regard. Dr. Bowden, the Government Pathologist, who is still travelling overseas, has
furnished the Government with an interim report, following his visit to America and Canada, and in that report he states—

No support anywhere was found for compulsion or a compulsory blood alcohol programme.

The next point relates to a letter which was written to the Herald by a Liberal member of Parliament who should have checked his facts more carefully. It was to the effect that "The Coroner's court shows that over one half of fatal cases show a positive blood count." This is another half truth, because the example cited related to a specially selected group. Blood tests were made only in those cases in which it was thought that alcohol would be found. Even then, over 50 per cent. had less than 0.10 per cent. of blood-alcohol; 67 of the 197 drivers examined had no blood alcohol, which was rather surprising. Accordingly, the over-all figure was actually 11 per cent.—not 50 per cent.

I have endeavoured to demonstrate that some statistics have been dishonestly used. One can only assume that, if a check were made at the source, it would become clear that only half truths were being stated. Whatever the case may be in favour of blood tests, the position has not been assisted by the half truths and distortions of the truth that have so far been published. Statements such as these remind one of a crazy clock that strikes thirteen. Not only can you not believe it, but you must doubt anything else it says.

The next subject to which I desire to refer is the statistics of the Police Accident Appreciation Squad, because they are widely quoted, and understandably so. The formation of this squad was preceded by an unprecedented campaign by senior officials of the Police Department, who apparently had free access to all available graphs, photographs and statistical data, and who evidently were given sufficient leave of absence to conduct this work; presumably, they did it with the approval of the Chief Commissioner. Statements made in that campaign were more enthusiastic than accurate and, very reasonably, it was soon pointed out that many of the statements being made were, in fact, not true. The Police Accident Appreciation Squad was then set up, apparently with the idea of challenging the previously accepted statistical information. The statistics that have been produced by this squad must, for reasons which I shall state, be open to some suspicion.

First, it was set up with the specific purpose of producing a particular set of facts, and some prejudice would be inevitable. Secondly, all accidents are quite complex. There is no simple way by which one can say anything happens. A vehicle runs off the road and hits a tree at night, and it may be that the road was wet, that the driver was travelling too fast, or that the brakes were faulty—there could be one of half a dozen different causes or a combination of several. Anybody who has the selection of the seven members of the squad must be in a strong position to influence the final results elicited. A person prejudiced against speed would put the cause of an accident in the speed column, a person prejudiced against alcohol would put the cause in the alcohol column, and so on; there could be some bias in the selection made by the squad.

The next possible bias arises from the fact that the squad can visit officially only an infinitesimal number of accidents. Probably, about 1,000 different accidents of one sort or another occur every day in Victoria, including minor accidents, such as vehicles in collision involving scraped mudguards, and so on. The most that the squad can visit is perhaps three or four. There could be a prejudice in the final results by the selection of the accidents which they attend. In other words, if they are directed to investigate accidents in which alcohol is presumed to be present, they will find out that alcohol causes accidents. It could be proved that accidents are caused by people who have blue eyes by the squad going only to accidents involving persons with blue eyes!

The fourth reason why the statistics of the squad must be viewed with suspicion is that the only figures made
available to the public that I have seen, deal with only one cause of accidents, and that is alcohol. Of course, there are others, including speed, inattention, and so on, but, if they have received the attention of the Police Accident Appreciation Squad, they have been submerged by the figures that the squad has produced on the question whether alcohol was present or was not present, whether deaths ensued from it, and so on. The figures finally produced reached the light of day in a way that is rather curious. I hope my facts are right on this point! I honestly believe them to be so. Nobody seemed to be able to get these figures. Plenty of people asked for them, because they wanted to criticize, or challenge, or merely examine them. As far as I know, the first time they were ever made public was when they were given in a television debate by the spokesman for one particular side. The next time I saw them made public was in a series of newspaper articles, but it seemed that they were being filtered out judiciously to those who maintain one particular point of view.

The reason why we should be most suspicious is that the squad is producing figures which are different from anything ever produced anywhere before and different from other figures produced by the police. They are different from any figures produced in any other State as to the causes of accidents; they are different from statistics produced in any other country; they are different from anything that has ever been produced before in Victoria; in fact, they are different from the statistics that probably are at present being produced by the 400 or 500 policemen who daily investigate all the other accidents which happen and who come up with different answers as to the causes of accidents.

Finally, why should we accept opinions when we have another source of unchallengeable authority—the facts elicited in the courts, particularly the Coroner’s Court, where proceedings are conducted in public with viva voce evidence, cross examination, and so on? For all the reasons I have stated, we should take the statistics of the Police Accident Appreciation Squad with reserve; we should not accept them as being final, absolute and reliable statistics.

I have said enough on the things which are being said and which we think are either not true or are open to challenge. I should like to say a few words now about some things which are found to be true but which do not seem to be stated very widely. I should like to give them some publicity and express the hope that they will be quoted more widely than they are now. I refer particularly to the researches of Dr. McCallum, of the Police Scientific Bureau, who conducted some experiments in which he related the blood alcohol count of various people tested with the amount of alcohol that each had drunk. I have the results extracted from his figures, which were published in the Medical Journal of Australia of August of this year. I shall quote four sets of figures. The first showed that if two subjects drink the same amount of beer at the same time and in the same way—all the conditions are the same—the maximum blood alcohol reading of one can be more than twice that of the other. For the benefit of those particularly interested, the authority for that is Table 1, subjects 3 and 59.

In the figures I have just mentioned, the tests were made when the maximum concentration had been reached. Of course, in practice there is no way of knowing when that is reached. A blood test is taken when a man is found in an accident or when he is arrested, and the police do not know whether he has reached the maximum concentration, whether he is still on the way up, whether he is at the peak, or whether he is on the way down. The test could be made at any time between the cessation of drinking and the reaching of the maximum or thereafter. Let us take two subjects of the same body weight, numbers 27 and 28, both of whom drank as much as they could as quickly as they could—that was the experiment. At the cessation of drinking, No. 27 had a
blood count of .037, and it rose to .071. No. 28, at the cessation of drinking, had a blood count of .1 and it rose to .147. The difference between those two figures represents a ratio of four to one, and one could be adjudged guilty and one not guilty, if there were an arbitrary level. No. 27 drank eight beers and No. 28 drank ten beers. Adjusting No. 27 proportionately—that is, to give him two more beers than he was able to drink—his concentration becomes .046 at the cessation of drinking, and .097 at maximum concentration.

The Hon. P. V. Feltham.—What was the time limit?

The Hon. C. H. Bridgford.—There was none in the test, but I intend to deal with the time factor, and the remarkable differences that exist between different persons from the time of imbibing until maximum concentration is reached. The remarkable thing about the person who could drink only eight beers—even after the figures are corrected to place him on the basis of ten beers—is that he starts at .046 and does not get above .097, which is still below the minimum punishable level. I do not think anybody would like to drive with him. In the case I have referred to, there were two subjects of the same body weight drinking the same amount of beer, and the possible variation in the blood alcohol count was almost precisely three to one.

The third example touches the question that Mr. Feltham raised, and it is a very interesting subject. It deals with the critical question of the time at which the test is taken. Two subjects, No. 38 and No. 44, both drank fifteen beers in 100 minutes. No. 38 had a concentration of .128 at the cessation of drinking and .182 at maximum concentration 118 minutes later. No. 44 had a concentration of .15 at the cessation of drinking and .183 30 minutes later. If both were blood tested after 30 minutes, No. 44 would be liable to conviction and No. 38, assuming his rise to be pro rata, would not. If tested after 118 minutes, the position would be reversed. No. 38 would be liable to conviction and No. 44 would almost certainly—although there are no figures available—have eliminated sufficient alcohol to escape. There is no way of the man himself, let alone the police, knowing his particular tolerance.

The fourth example I wish to examine deals with variations in the same person. The same person can give different results according to changes of circumstances. Subject No. 44 had a very interesting time. He participated in four experiments. In the first, he drank fifteen beers starting slowly and finishing fast; secondly, he drank fifteen beers, starting fast and finishing slowly; thirdly, he drank the equivalent of fifteen beers in whisky; and fourthly, he drank fifteen beers together with the taking of food. I will not weary the House with the figures, but the possible ratio on the same man under the same circumstances was 38 per cent.—the difference between the lowest he could register and the highest was 38 per cent. I have outlined four cases extracted from Professor McCallum's figures, and I think they are perfectly factual. These experiments could well be cumulative in geometric progression. A man who normally shows a high blood test for less alcohol could be tested at such a time when his alcohol count, which is normally high, had reached its highest point, and it could be on one of those conditions of drinking, that is, on an empty stomach, on which he has even for himself a higher than normal test. The tests only attempted to relate blood alcohol to the quantity drank, and did not attempt to relate the amount drunk to drunkenness which, of course, no laboratory test can show.

There is reference to researches by Gettlter and Freireich. Some experiments on this subject indicate that if drunkenness can be measured by chemical tests, it is the brain alcohol that is relevant, not the blood alcohol. The total possible variation is given at about seven to one, so that possible error can be multiplied by seven. However, it is open to doubt whether this can be established by tests. I suppose the researches of Professor McCallum, which are quite
hard for a layman to read, are somewhat comforting to the man in the street, because they confirm what any person in his right senses knows—that alcohol affects different persons in different ways and even affects the same person in different ways on different days.

When blood tests have been voluntarily taken and put before juries, the juries have not been very impressed with this evidence and only twelve persons out of 34 were convicted. All of those convicted had a test well above .19. It is possible that the voluntary blood tests have had the reverse effect of that intended. It is not difficult for a defending counsel to establish, on the basis of the figures I have quoted, that there is little or no connexion, or a very remote or a wide one, between the amount of alcohol drunk and the amount of alcohol in the bloodstream. Once that has been broken down, the tendency is for the rest of the evidence to collapse.

I have been told by a barrister who practises a little in this jurisdiction that if one is able to discredit a blood test, which is not terribly difficult, the whole case collapses. Perhaps guilty persons escape punishment in that way. It is again quite clear that if, as we are suggesting, blood tests are put before juries as supplementary evidence to be considered along with the other evidence, apparently not much harm will be done. An accused person is put to the extent of hiring first-class counsel to tear down the blood test argument. The only trouble about that seems to be the cost. However, if we go further and say that, as juries will not convict people, we will put it in other hands, we are treading on dangerous ground. That is a suggestion that is widely canvassed. It is dangerous because once we get away from the tradition that we can be punished for crimes only if twelve of our fellow citizens think we ought to be, we shall be placed in the position of being punished by officials. As a race we have fought against that possibility throughout the centuries. This suggestion, which is widely canvassed and publicized, could give only a result which would be absolutely and completely arbitrary.

No matter where we set the level, some who are under the required level but who are, in fact, unfit to drive will be, in effect, given a permit to do so. For example, if the level is .10, then No. 27, who drinks as much as he can as quickly as he can, has a blood test between .037 at the cessation of drinking and .071 at the termination of the test. On the other hand, a level of .10 is for the subject No. 3 the equivalent of only six 7-oz. glasses of beer. Such an arbitrary level would mean that literally dozens of motorists who were driving sensibly and who had committed no offence would become subject to punishment. The selection of the victims would then lie with the police, and that is simply too much power for them to have.

In case anybody claimed that I had selected only the examples which suited my argument, I extracted some further figures. I have taken the figures of all those experiments in which persons drunk twelve beers each, as this was the most frequently occurring figure. There were nine such examples. The first example was a person whose reading was .104 to .166, and was guilty all the time. The second showed .053 to .138, each side of the border line; the next .124 to .154, guilty all the time; the next .085 to .098, never guilty; the next .124 to .156, guilty all the time; the next .093 to .120, sometimes guilty, sometimes not; the next .070 to .115; the next .048 to .170; and the last .052 to .111.

All we can say at the moment on these tests is that the method is not too accurate and we should display a great deal of hesitation before we think of placing the liberty of our fellow citizens in the balance on such an inaccurate test.

The Hon. P. V. Feltham.—Does Professor McCallum suggest that the test itself of the amount of alcohol in the blood is always accurate?

The Hon. C. H. Bridgford.—No, he does not. Some persons can give a different result under different circum-
stances, and two persons of identical age, build and habits can show variations of over three to one.

The Hon. R. J. Hamer.—But the readings in the tests are accurate?

The Hon. C. H. Bridgford.—So far as I know, that was not in doubt. There was no suggestion to the contrary in this report. The Government has also been making other inquiries on this matter through an equally reliable source, Dr. Bowden. His final report is not yet to hand, but a preliminary one was received after his visit to America and the following extracts are noteworthy—

In Canada the compulsory taking of samples of blood or breath is prohibited and the fact of refusal to submit to such a test is not admissible as evidence.

In New York despite the implied consent legislation the accident rate has been less favourable in 1959 than it was in 1958.

The high conviction rate appears to have had very little preventative value on the accident rate.

The old established juristic principle that no subject should be compelled to incriminate himself is generally and strongly supported.

If the aim is conviction and punishment, it can be achieved in other ways.

If the aim is to lessen driving after drinking, then the evidence is that compulsion would not succeed.

If the aim is to reduce the number of accidents, then the evidence is that compulsion is not effective.

It is clear that blood tests are not reliable. It would solve all our problems if they were. It is also apparent that if they were reliable, they would have been in universal use by now, as they are not new. When a decision is finally made by the Government, it will be based on thorough scientific and factual investigations. In the meantime, I hope we will not be pushed around by these rather unfactual statements and propaganda that so far have surrounded this question.

The Hon. Archibald Todd (Melbourne West Province).—This small Bill proposes to amend two sections of the Motor Car Act, and its consideration carries my mind back to the period when I was a member of another place. With a flourish of trumpets the Government introduced a Bill which it claimed would put a stop to the stealing and illegal use of motor cars. Penalties were increased to ten years' imprisonment for stealing cars and up to three years for illegally using. Strange as it may seem and despite the Government's confidence at that time, the result has been an increase in both stealing and illegally using cars. Consequently, the increased penalties decided upon by the Government have not been very successful up to date.

As Mr. Galbally pointed out, there are different degrees of the offence of illegally using cars. It must be acknowledged that a great problem exists to-day concerning unattended motor cars and their unauthorized removal. We were considered to be rather impudent when we suggested on a previous occasion that motor car manufacturers and the owners of the vehicles had some responsibility to the community to endeavour to check this plague. We suggested that the motor car companies should devote some of their great profits to research for the purpose of producing an efficient locking device that would prevent cars from being moved by unauthorized persons. That suggestion was rather "pooh-poohed" by the Government, but some kind of approach was made to the motor car manufacturers. However, they were not interested, as it would have meant reducing their profits.

As members of Parliament, we are entitled to try to find ways and means of curbing these crimes other than by the imposition of substantial and increasing penalties. I suggest that youths who take motor cars without authority, often merely to get behind the wheel of a motor car and speed away, are not worried about what penalty might be involved. If they were interrogated before they committed the offence, probably it would be found that they were unaware that they were laying themselves open to the possibility of being sentenced to a term of imprisonment for three years. I do not think the mere increasing of the maximum sentence to three years will do anything to eliminate the practice of illegally
using cars. One popular brand of motor car was notorious for the fact that it could be entered easily by moving the clip on a small side window. Apparently the maker concerned has now put a proper locking device on the window which prevents its being opened with a piece of wire or a file. That is a step in the right direction, but it is not sufficient. Other devices are available which can be attached to the steering column, and these are designed to prevent a car from being used. Recently the car of the honorable member for Melbourne in the Legislative Assembly was stolen on two occasions, but because of the presence of a locking device on the steering column it could be taken only a short distance and was rapidly recovered by the police. The provision of such locking devices could be an added deterrent to the illegal usage of cars.

Apart from the joy-ride, there are persons who illegally use cars for the purpose of visiting country towns and robbing the local stores. On the other hand, persons living in country towns steal motor cars, come to the metropolitan area, rob shops and then return the cars to the vicinity from which they were taken. Further, there is the individual who takes a car, removes the radio and other valuable articles, and then drives the car into a river. If the persons responsible for the damage to a car were made to pay the cost of repairs, it would possibly act as a greater deterrent than the threat of imprisonment. Mr. Feltham has mentioned that many magistrates are rather lenient towards offenders, and release them on bonds. On the other hand, some magistrates may not be lenient, and it is possible that a young man who was not really bad but who took a car for a joy-ride could be imprisoned for a first offence. Members of my party will not support the clause which increases the maximum penalty for a first offence for illegally using a car.

A further provision, with which I find no fault, proposes to increase penalties from £30 to £100. Members of my party do not support in any way the drunken or the reckless driver.

There are varying degrees of reckless driving. I was interested in the case quoted by Mr. Feltham in which he alleged that the driver was harshly dealt with. I cannot agree with him, because possibly there were passengers in the car whose lives were endangered by the car being driven in the gravel on the wrong side of the road. In the case of the Crown v. Ashman, Mr. Justice Barry stated—

Recklessness involves that the person charged adverted to the risk involved in his conduct but nevertheless persisted in it indifferent to the possible injurious consequences, and the state of the accused's mind is therefore relevant where reckless conduct is alleged.

Strange as it may seem, Mr. Galbally was the defending counsel in that case. Honorable members who care to stand on the front steps of this building will see many examples of reckless driving. My party offers no opposition to this clause, because we believe the monetary penalty should be a deterrent for such offences.

Often, temptation to steal cars is put in the way of people. Recently, in front of Parliament House, a rather ornate car was left with the door open, inviting someone to steal it. If it had been stolen, I would have said that the owner had contributed by his carelessness.

The Hon. G. W. Thom (South-Western Province).—I support this Bill, and disagree with Mr. Todd, because I believe the increased penalties are necessary. Illegally using a car is a major offence and should be punished accordingly. One tends to forget the value of a car which is used illegally and also the damage which can be sustained. The public interest, which is the basic motive for the introduction of legislation, should be taken into account. Most accidents can be attributed largely to lack of judgment, and one wonders whether the emphasis which has been placed on liquor as a contributing factor, as Mr. Bridgford said, is not being exaggerated. I would be interested to learn whether the ratio of accidents per car population in Victoria is out of proportion to the number of accidents in those States in which hotels are open till 10 p.m.
Blood tests, and so on, should be considered carefully. In the past eighteen months I have travelled 34,000 miles by car without being involved in any accident. However, I have seen many instances where major accidents could have occurred owing to lack of judgment on the part of drivers. More police attention should be given to reckless driving. Whether the consumption of alcohol is a prime contributing factor, I am not prepared to say. I have witnessed many errors of judgment before noon which could not be attributed primarily to alcohol. I have noticed drivers passing on crests of hills and in other ways showing a complete want of judgment and road courtesy. The accident problem should be considered in its correct perspective. We must punish with the utmost severity illegal users of motor cars and persons who drive recklessly whether or not they are under the influence of alcohol. I support the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Maximum penalty on first conviction for illegally using motor cars increased).

The Hon. L. H. S. THOMPSON (Minister without Portfolio).—Mr. Galbally made two criticisms of the change introduced by this clause. His first point was that the amendment is an amateurish one. I do not propose to enter into an argument with Mr. Galbally on the subject of professionalism and amateurism. That can be left to the L.T.A.V. However, I do point out that some experts, including the Reverend Father Cornelius McCormack, the highly respected head of the Morning Star Boys' Home, requested that the Government give serious consideration to increasing maximum penalties. Secondly, Mr. Galbally suggested that the approach was to throw all the offenders into gaol and leave them there to rot. The Government has given a great deal of attention over the past few years to developing the Victorian prison training system. Prisons like those at French Island, Langi Kal Kal and Bendigo are very different places from what they used to be. The escape rate at Langi Kal Kal, as I have mentioned previously, has dropped from ten a year to one escape in three and a quarter years, which seems to illustrate the effectiveness of the system.

The clause was agreed to.

Clause 3 (Maximum penalty on first conviction for reckless driving or driving under the influence of intoxicating liquor or drugs increased).

The Hon. L. H. S. THOMPSON (Minister without Portfolio).—I have noted Mr. Feltham's comments in regard to grouping reckless driving with drunken driving. They have given us food for thought, and I shall ask the Government to give consideration to the suggestions that he put forward. I thank Mr. Bridgford for his extensive survey of some of the statistics being put forward in regard to drunken driving. In particular, I thank him for pointing out that the accident rate in Australia and in Victoria is not unduly high. I am indebted to him also for his comments on the McCallum series of experiments which help to explain why the Government has been cautious in not rushing into a compulsory alcohol-blood testing programme.

Mr. Bridgford mentioned also the information which has been furnished by Dr. Bowden in interim reports and which shows that to the best of his knowledge compulsory blood tests overseas have not led to a reduction in the accident rate. He also raised the question of the figures produced by the Police Accident Appreciation Squad. They were the figures announced by me recently when I was Acting Chief Secretary. The Police Accident Appreciation Squad does visit a limited number of accidents in this State. It concentrates its activities on the serious accidents in the metropolitan area. Obviously, there are times, such as Friday and Saturday nights, when it is physically impossible to visit all the accidents in the metropolitan area.

The figures issued showed that the members of the squad considered that alcohol was a major factor in 53 per cent. of the accidents; that it might
have been a major factor in 11 per cent.; and that in 36 per cent. it had nothing to do with the accidents. It may be said that the accidents visited were not typical accidents, but I should say they would be typical of the serious accidents occurring in the metropolitan area. Admittedly, there is room for error. If a different group of people had assessed the evidence, they might have produced a different set of figures. However, I do not believe the squad set out specifically to prove that alcohol was a major factor in stepping up the accident rate.

One or two comments were made on the figures I used in my second-reading speech, when I referred to an experiment conducted in Toronto. Those figures were quoted from an article giving a report of a James Forrest lecture by Dr. W. H. Glanville, C.B., C.B.E., D.Sc., Ph.D., Director of the Road Research Laboratory, in England. The exact words of the report were—

Another set of observations have been taken in Toronto of the alcohol content of the blood of drivers involved in accidents. In addition, similar observations have been taken in respect of drivers who pass the scenes of accidents immediately afterwards. In this way it was possible to find the alcohol content of the average driving population at the same time and place as the accident. By this statistical device it was shown that the accident rate to a driver was increased about ten times if he had more than 0.15 per cent. of alcohol in his blood, compared with his rate if he had less than 0.05 per cent. Facts of this kind should be of value in basing road safety measures on factual and rational grounds.

I believe the validity of the experiment depends on how it was carried out, and the Government has asked Dr. Bowden to obtain further information in regard to this experiment. My own personal view, after spending 50 hours on the road on Saturday nights, is that I am not in the least surprised that people with a blood-alcohol content of .15 per cent. are ten times as accident prone as other drivers. The point was raised as to why these figures differed so much from previous figures. In my second-reading speech, I mentioned that the accent used to be placed on putting down one factor as the cause of an accident. If a car travelling at 60 miles an hour ran off the road and hit a tree, the superficial explanation was that the car hit the tree. If it went further, the explanation was that it went off the road or that it was travelling too fast. There was no tendency to explore the blood-alcohol content of the driver or to discover whether he was suffering from a heart disease. In other words, the approach was a superficial one.

In recent years, accidents have been investigated in greater detail, and it has been established that there is a multiplicity of factors involved in accidents. The form devised by Mr. Arnold and Mr. Thorpe will, the Government expects, throw some light on the problem. On the information available at present, I would not care personally to estimate the percentage of accidents caused by alcohol or the percentage in which it has been a major factor. From my own personal experience, I would say that it is a major factor in our road accidents, particularly at the week-ends. It is for this reason that the Government has introduced stiffer penalties for drunken drivers in this Bill.

The Hon. C. H. BRIDGFORD (South-Eastern Province).—In his second-reading speech, the Minister in charge of the Bill quoted statistics that showed that people with a blood-alcohol content of .15 per cent or over were ten times more likely to have accidents than other persons. The point immediately raised is what statistical method was used to reach that conclusion. As a mental exercise I have been trying to work out how it could be reached. I cannot be said that a person is accident prone until he has an accident and then he must be given a blood test. Then to relate it to the general population, the other 999 drivers must be tested because for all we know they may have a blood-alcohol content of .15 per cent. as well. We do not know what method was used and Dr. Bowden is to investigate the experiment. I shall be interested in the result.

The second point I raise is that statistics so far obtained relating to accidents in Victoria are, I understand, prepared from police reports. The previous method of putting an accident down.
to a single cause may be faulty, but that is the form recommended in 1935 by a conference of statisticians in the British Empire. Although criticism might be applied to it, the system has stood for a long time. We are still faced with the question that, no matter what the Police Accident Appreciation Squad finds, we will ultimately be forced into the position of deciding whether we are to accept its findings or those of the rest of the world, because they are in direct conflict. There is one other selection that the squad could make, and that is the time the investigation is made. I understand that the investigations are carried out normally on Saturday nights, and there is in that time a special bias in selection.

The Hon. L. H. S. Thompson (Minister without Portfolio).—When I referred to the Toronto experiment, I should have mentioned that observations were taken of other drivers who passed the scenes of the accidents immediately afterwards. The Government is asking for further details, because it is an extremely important experiment.

The Hon. C. H. Bridgford (South-Eastern Province).—When the Minister refers to observations, I presume that the only possible observations would be blood-alcohol tests.

The Hon. L. H. S. Thompson.—That is true.

The Hon. C. H. Bridgford.—I understand from what Dr. Bowden has said that compulsory blood tests are not permissible under Canadian law. I was wondering how they get the information in regard to the other 999 drivers.

The clause was agreed to.

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

ADJOURNMENT.

RAILWAY DEPARTMENT: FREIGHT CONCESSION ON FODDER.

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

That the House do now adjourn.

The Hon. P. T. Byrnes (North-Western Province).—I wish to direct the attention of the Minister of Agriculture to the position that exists in the western part of the State, in the southern part of my Province, and in an area extending to Casterton where a dry period is being experienced. In fact, it is more or less a drought. The farmers have been unable to conserve fodder. Fortunately, the market for stock has been good and a good deal of the stock is being sold.

On behalf of the small farmers in this area—most of them are dairy farmers and some soldier settlers—I have been asked to request the Minister to investigate the possibilities of reducing the railway freight on fodder being brought into the area. If these small farmers have to dispose of their dairy cattle, the replacement costs next year will be excessive and they will have lost their existing herds. Had it been a normal year, the farmers would have had a reserve of fodder and would have been able to keep their stock. However, they have no reserves and they will have to bring fodder into the district to maintain their herds. I should be pleased if the Minister would examine this matter to find out whether it is possible to reduce the freight rate on fodder consigned to this area. I point out that similar action has been taken in the past.

The Hon. G. L. Chandler (Minister of Agriculture).—The matter mentioned by Mr. Byrnes was considered last week. The people in the area of which he has spoken are experiencing a very dry period and they have no extensive surplus of fodder at the present time. It is true to say that, whilst the position is serious, no representations have been made to me, apart from what Mr. Byrnes has just said.

The Hon. P. T. Byrnes.—I have here written requests, asking me to bring the matter before you as the Minister of Agriculture.

The Hon. G. L. Chandler.—I can only add that, apart from this present request and a question asked by Mr.