Adjournment. [4 MAY, 1972.] Questions on Notice. 5981

the work of this House. I know that he was missed this week in the debates on matters which he would normally have dealt with for his party.

I should also say something about honorable members who, during the recess, will be travelling overseas representing the Parliament. I shall not mention them but all honorable members are delighted that they have been chosen. I know that they will have an educational and interesting trip. We shall be glad to see them refreshed when they return for what I hope will be a worthwhile session of Parliament, probably beginning in August.

The PRESIDENT (the Hon. R. W. Garrett).—Before I put the motion, I endorse the comments of the Minister of Public Works. This is not the normal time for full felicitations, but I thank everyone concerned for what has been a very successful sessional period—the officers of the House, honorable members, Ministers, and all who have helped the work of the House to such a great extent. I, too, express the wish that Mr. Tripovich will be quickly restored to full health. He has been missed in the past few days. As the Minister has said, Mr. Tripovich makes a great contribution to the work of the House. Possibly, the conscientious way in which he carries out his duty has contributed to his present illness.

I wish all honorable members a safe return to their homes, particularly those from distant places who have the farthest to go. I wish a successful trip for those going overseas. I also express the hope that all honorable members have successful times in their electorates during the recess and that they will return here happily for the next session to begin in the spring.

The motion was agreed to.

The House adjourned at 1.34 a.m.

Legislative Assembly.

Thursday, May 4, 1972.

The SPEAKER (Sir Vernon Christie) took the chair at 11.5 a.m., and read the prayer.

QUESTIONS ON NOTICE.

The following answers to questions on notice were circulated:

HOMES FOR THE AGED.

WAITING LISTS.

(Question No. 1,165)

Mr. WILKES (Northcote) asked the Minister of Health—

What is the waiting list for admission to each of the State homes for the aged as at 31st March, 1972?

Mr. ROSSITER (Minister of Health).—The answer is—

I refer to my answer to a similar question No. 1,078, printed on pages 4566 and 4567 in Hansard No. 17, parts of which have equal application to the figures which follow.

The most recent figures, as at 31st March, 1972, divided into two categories are, namely—

CATEGORY A: Those persons whose admissions is desirable because of financial and physical considerations; and

CATEGORY B: Those persons whose applications may be deferred.

<table>
<thead>
<tr>
<th>Category</th>
<th>A</th>
<th>B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metropolitan</td>
<td>441</td>
<td>58</td>
</tr>
<tr>
<td>Caulfield Hospital</td>
<td>450</td>
<td>860</td>
</tr>
<tr>
<td>Greenvale Village for the Aged</td>
<td>75</td>
<td>1,957</td>
</tr>
<tr>
<td>Kingston Centre (Cheltenham)</td>
<td>19</td>
<td>544</td>
</tr>
<tr>
<td>Mount Eliza Geriatric Centre</td>
<td>1,568</td>
<td>170</td>
</tr>
<tr>
<td>Mount Royal (Parkville)</td>
<td>233</td>
<td>89</td>
</tr>
<tr>
<td>Country</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alexander (Castlemaine)</td>
<td>150</td>
<td>101</td>
</tr>
<tr>
<td>Bendigo Home and Hospital for the Aged</td>
<td>224</td>
<td>587</td>
</tr>
<tr>
<td>The Gippsland Home and Hospital (Bairnsdale)</td>
<td>34</td>
<td>4</td>
</tr>
<tr>
<td>Grace McKellar House (Geelong)</td>
<td>96</td>
<td>392</td>
</tr>
</tbody>
</table>
FAIRLEA FEMALE PRISON.
EXPENDITURE ON CAPITAL WORKS. 
(Question No. 1,167)

Mr. WILKES (Northcote) asked the Minister for Social Welfare—

What moneys were spent on capital works, specifying improvements to existing buildings and new buildings, at Fairlea Female Prison in the financial years 1968-69, 1969-70, 1970-71 and what amount is proposed to be spent in the current financial year?

Mr. I. W. SMITH (Minister for Social Welfare).—The answer is—

1968-69 Nil.

1969-70 Install fire-protection system $555.84
Supply and install 50 horse-power steam generator 5,542.00
Supply and install washing machine 3,926.50
Supply and install oil tank 674.60

Total 10,698.94

1970-71 Erection of brick wall in store 265.00
Repairs and additions to officers' mess 683.00
Supply and lay linoleum to service areas 481.40
Fire-protection system 27.82

Total 1,459.22

(Due to the involvement of tendering, it would be inappropriate to provide details in relation to these works at this time.)

DENTAL BOARD. 
Funds.
(Question No. 1,280)

Mr. FELL (Greensborough) asked the Minister of Health—

1. What funds are available each year to the Dental Board and under what legislative provisions they are provided?

2. Whether funds available to the board are sufficient to carry out its functions?

Mr. ROSSITER (Minister of Health).—The answer is—

There is no legislative provision for funds to be allocated from the State Treasury for the purposes of the Dental Board of Victoria.

Registration fees for dentists may be fixed by regulation up to a maximum set by Part II. of the Medical Act 1958 and these fees are already at that maximum.

In addition all penalties imposed by a court for breaches of Part II. of the Medical Act are paid to the Dental Board and are applied with receipts from registration fees towards the board's expenses.

The maximum for fees that may be charged by the Dental Board are to be increased under legislation now before the Parliament. Without such an increase the Dental Board cannot operate. It is at present carrying out its functions using money borrowed with the approval of the State Treasury.

THE TREASURY. 
SOCIAL WELFARE: LIAISON WITH OTHER DEPARTMENTS. 
(Question No. 1,321)

Mr. BORNSTEIN (Brunswick East) asked the Treasurer.—

What specific steps the Treasury has taken since 30th September, 1969, to establish closer liaison with other departments concerned with any area of social welfare?

Sir HENRY BOLTE (Premier and Treasurer).—The answer is—

The Treasury has always maintained a close liaison with other departments concerned with any area of social welfare.

HOUSING COMMISSION. 
SOCIAL WELFARE: LIAISON WITH OTHER DEPARTMENTS. 
(Question No. 1,322)

Mr. BORNSTEIN (Brunswick East) asked the Minister of Housing—

What specific steps the Housing Commission has taken since 30th September, 1969, to establish closer liaison with other departments concerned with any area of social welfare?

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

The Housing Commission has always maintained a close liaison with other departments concerned with any area of social welfare.

For many years the commission has been represented on the Melbourne City Council Recreation Advisory Committee, the Executive Committee of the Victorian Council for the Ageing, the Family Welfare Council and the Victorian Council of Social Service.

As a result of a conference held in May, 1971, to discuss problems which mutually affect the Social Welfare Department and
the Housing Commission, procedures were laid down for liaison between the two authorities.

**NORTH CARLTON RECLAMATION PROJECT.**

(Question No. 1,364)

Mr. BORNSTEIN (Brunswick East) asked the Minister of Housing—

In view of a public statement by him on 18th November, 1971, that slum reclamation procedures will be directly complemented by urban renewal principles in respect of the earlier stage projects at Princes Street, Carlton, Brooks Crescent, Fitzroy, Nelson Road, South Melbourne, and Berry Street, Richmond, whether, in relation to the area bounded by Princes, Lygon, Lee and Drummond Streets, North Carlton—(a) notice in writing of such intention will be given to—(i) every public authority and council affected by the proposal; (ii) the National Trust; (iii) social ethnic or community groups; and (iv) the urban renewal advisory committee; if so, when; (b) the Housing Commission will consult with the responsible authority; if so, when; and (c) an urban renewal proposal will be prepared; if so, when?

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

In accordance with my public undertaking to effect as rapid as possible transition from slum reclamation to urban renewal principles, the Housing Commission will carry out in good faith all practicable means of applying the latter principles.

I would hope that the honorable member will equally co-operate in his approaches to these problems.

**BROOKS CRESCENT, NORTH FITZROY, RECLAMATION AREA.**

(Question No. 1,389)

Mr. BORNSTEIN (Brunswick East). asked the Minister of Housing—

Further to the answer to question No. 1277, whether the conclusion that any discussion in relation to the Brooks Crescent area, North Fitzroy, would be sub judice was based on legal advice?

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

My answer was based on a generally accepted principle.

(Question No. 1,390)

Mr. BORNSTEIN (Brunswick East). asked the Minister of Housing—

Whether he received legal advice to assure him that any action taken by the Housing Commission after 17th February, 1971, in respect of the Brooks Crescent area, North Fitzroy, was not sub judice, in view of the issue in the Supreme Court by Mr. Justice Newton on that date of an interlocutory injunction restraining the Housing Commission from submitting to the Governor in Council the recommendation that the Brooks Crescent area be declared a slum reclamation area?

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

The honorable member should understand that an interlocutory injunction is designed to prevent a proposed action pending subsequent decision by a court. My respect for the principle of sub judice therefore needed no legal advisory support.

**EDUCATION DEPARTMENT.**

**SOCIAL WELFARE: LIAISON WITH OTHER DEPARTMENTS.**

(Question No. 1,323)

Mr. BORNSTEIN (Brunswick East) asked the Minister of Education—

What specific steps the Education Department has taken since 30th September, 1969, to establish closer liaison with other departments concerned with any area of social welfare?

Mr. THOMPSON (Minister of Education).—The answer is—

Specific Steps

1. Joint Social Welfare Department—Education Department seminars were held in 1970 and 1972 respectively. Conference facilities were provided by Special Services Division (Education Department). Education Department teaching staff in Social Welfare Department institutions and Social Welfare Department officers at those institutions participated.

2. Close liaison has been established between Special Services Division (Education Department) and—

   (i) Youth Welfare Division - joint visits of Youth Welfare Division, director, and Special Services Division senior officers to youth training centres with resultant beneficial discussions.

   (ii) Training Division - acting director (now director) of Training Division has also made joint visits with Special Services Division senior officers to youth training centres.

   (iii) Family Welfare Division - discussions and negotiations are proceeding with senior officers in Special Services Division with a view to establishing a camp for socially handicapped children.

   (iv) Prisons - youth training centres and family welfare institutions are now visited regularly by the Supervisor of Education of Backward Children (Education Department, Special Services Division).
3. In institutions such as Pentridge special qualifications and experience are required and personal interviews for selection are now used in order to upgrade the quality of the teaching staff.

4. For the period under review much closer communication has been established on both the formal and the informal level.

5. The department has continued its representation on the Youth Advisory Council.

6. In November, 1971, an Assistant Director of Primary Education was nominated to represent the Education Department on the consultative committee set up recently by the Department of Health on pre-school education.

TEACHERS TRIBUNAL: RETROSPECTIVE SALARY AWARDS.

(Question No. 1,375)

Mr. W. J. LEWIS (Portland) asked the Minister of Education—

Whether the Teachers Tribunal has any powers to make retrospective salary awards; if so, whether the claim which has been before the tribunal since 1970 will be made retrospective and, if not, why?

Mr. THOMPSON (Minister of Education).—The answer is—

The Teachers Tribunal has no statutory power to make retrospective salary awards but can make recommendations to the Government on this subject.

TEACHERS: SALARIES: CLASSIFICATIONS.

(Question No. 1,376)

Mr. BROAD (Swan Hill) asked the Minister of Education—

How many teachers are employed in the primary, secondary and technical divisions, respectively, of the Education Department, indicating the salary ranges and classifications operative in each division?

Mr. THOMPSON (Minister of Education).—The answer is—

The teachers employed by the primary, secondary, and technical divisions, respectively, of the Education Department at 31st March, 1972, were—

<table>
<thead>
<tr>
<th>Classification</th>
<th>Men</th>
<th>Women</th>
<th>Total</th>
<th>Salary range</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIMARY DIVISION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special</td>
<td>310</td>
<td>185</td>
<td>495</td>
<td>8,318 -</td>
</tr>
<tr>
<td>Class I.</td>
<td>738</td>
<td>259</td>
<td>997</td>
<td>7,589 - 7,833</td>
</tr>
<tr>
<td>Class II.</td>
<td>2,045</td>
<td>972</td>
<td>3,017</td>
<td>6,254 - 6,982</td>
</tr>
<tr>
<td>Class III.</td>
<td>3,476</td>
<td>9,746</td>
<td>13,222</td>
<td>3,582 - 5,890</td>
</tr>
<tr>
<td>Total</td>
<td>6,569</td>
<td>11,162</td>
<td>17,731</td>
<td>3,582 - 8,318</td>
</tr>
<tr>
<td>*Temporary teachers</td>
<td>141</td>
<td>1,222</td>
<td>1,363</td>
<td>3,400 - 6,617</td>
</tr>
<tr>
<td>Sewing mistresses</td>
<td>47</td>
<td>47</td>
<td>94</td>
<td>1,275 - 1,457</td>
</tr>
<tr>
<td>SECONDARY DIVISION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal class (includes deputy-principal)</td>
<td>351</td>
<td>81</td>
<td>432</td>
<td>8,804 - 10,625</td>
</tr>
<tr>
<td>Senior teacher</td>
<td>576</td>
<td>170</td>
<td>746</td>
<td>7,650 - 8,561</td>
</tr>
<tr>
<td>Senior teacher</td>
<td>1,086</td>
<td>483</td>
<td>1,569</td>
<td>5,404 - 7,589</td>
</tr>
<tr>
<td>Assistant</td>
<td>2,318</td>
<td>2,864</td>
<td>5,182</td>
<td>3,582 - 6,982</td>
</tr>
<tr>
<td>Total</td>
<td>4,331</td>
<td>3,598</td>
<td>7,929</td>
<td>3,582 - 10,625</td>
</tr>
<tr>
<td>*Temporary teachers</td>
<td>1,014</td>
<td>2,472</td>
<td>3,486</td>
<td>3,400 - 6,617</td>
</tr>
<tr>
<td>TECHNICAL DIVISION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special (Includes deputy-principal)</td>
<td>351</td>
<td>17</td>
<td>368</td>
<td>7,621 - 11,050</td>
</tr>
<tr>
<td>Senior teacher</td>
<td>351</td>
<td>24</td>
<td>375</td>
<td>7,650 - 8,561</td>
</tr>
<tr>
<td>Senior assistant</td>
<td>860</td>
<td>124</td>
<td>984</td>
<td>5,404 - 7,589</td>
</tr>
<tr>
<td>Assistant</td>
<td>1,926</td>
<td>389</td>
<td>2,315</td>
<td>3,582 - 6,982</td>
</tr>
<tr>
<td>Total</td>
<td>3,334</td>
<td>554</td>
<td>3,888</td>
<td>3,582 - 11,050</td>
</tr>
<tr>
<td>*Temporary teachers</td>
<td>1,524</td>
<td>1,427</td>
<td>2,951</td>
<td>3,400 - 6,617</td>
</tr>
</tbody>
</table>

Note: The salaries quoted do not include allowances paid in certain cases.

* Temporary teacher may be employed on either a part-time or full-time basis. The figures given are the total number of persons.
STAFFING OF TEACHERS’ COLLEGES.
(Question No. 1,388)
Mr. GINIFER (Deer Park) asked the Minister of Education—
1. What is the Teachers Tribunal staffing ratio for teachers’ colleges with respect to—(a) staff to students; (b) professional officers to assistants; and (c) grade I. lecturers to grade II. lecturers?
2. In respect of each of the teachers colleges what is the number of—(a) students; (b) professional officers; (c) grade I. lecturers; (d) grade II. lecturers; and (e) assistants?

Mr. THOMPSON (Minister of Education).—The answer is—
It will take some time to collate the required information. The honorable member will be advised by letter as soon as possible.

DEPARTMENT OF HEALTH.
SOCIAL WELFARE: LIAISON WITH OTHER DEPARTMENTS.
(Question No. 1,325)
Mr. BORNSTEIN (Brunswick East) asked the Minister of Health—
What specific steps the Department of Health has taken since 30th September, 1969, to establish closer liaison with other departments concerned with any area of social welfare?

Mr. ROSSITER (Minister of Health).—The answer is—
The Department of Health in the fields of mental hygiene, tuberculosis and maternal and child welfare has, for many years past, employed social workers who are able to maintain whatever liaison is necessary. Insofar as working through municipal councils is concerned, the department deals officially with the senior administrative officer and the medical officer of health of the council who would handle social welfare problems at council level with the assistance of trained nurses or social workers employed by the council.

PARAMEDICAL SERVICES: GRANTS TO ORGANIZATIONS.
(Question No. 1,386)
Mr. LIND (Dandenong) asked the Minister of Health—
1. What States grants have been allocated to organizations involved in paramedical services in Victoria?
2. Which organizations have received an allocation of these funds, indicating the amount in each case?
3. What services are provided by each of these organizations?

Mr. ROSSITER (Minister of Health).—The answer is—
It is assumed that the honorable member’s question refers to money that may be made available from the Commonwealth Government under the provisions of the State Grants (Paramedical Services) Act of the Commonwealth.

Before money is paid by the Commonwealth under this Act, details of schemes to be operated by organizations have to be submitted by the State for approval by the Commonwealth Minister for Health.

REGISTRATION OF CHIROPRACTORS, NATUROPATHS AND OSTEOPATHS.
(Question No. 1,387)
Mr. LIND (Dandenong) asked the Minister of Health—
1. Whether any organizations representing chiropractors holding American qualifications are seeking registration in Victoria for such practitioners; if so, which organizations?
2. Whether any organizations representing naturopaths and/or osteopaths are seeking registration in Victoria, such registration to be independent of Australian Medical Association authority and control; if so—(a) which organizations; and (b) whether it is proposed to so register and control practitioners not recognized by the association in order that their patients may claim as taxation deductions fees paid and may make valid claims on hospital and medical benefit funds to which they subscribe?

Mr. ROSSITER (Minister of Health).—The answers are—
1. Yes; the Australian Chiropractors Association which recognizes only chiropractic qualifications obtained in chiropractic training schools in North America.
2. There are other bodies of chiropractors such as the United Chiropractors Association and the Blackmore group, the latter practising chiropractic and naturopathy. Representations for some form of recognition have also been made to me by an organization which calls itself the Australian Chiropractors, Osteopaths and Naturopathic Physicians Association.

I have invited and am examining representation from all associations but no decisions have been made as to any future action that may be taken.

Recognition of payments made to chiropractors, naturopaths and osteopaths for taxation deduction and medical benefits purposes are matters for determination by Commonwealth authorities.
Questions on Notice.

TUBERCULOSIS AMONG ABORIGINES.
(Question No. 1,393)

Mr. B. J. EVANS (Gippsland East) asked the Minister for Aboriginal Affairs—

Whether, in following up Aboriginal contacts of patients who have contracted tuberculosis, the Bairnsdale District Hospital sought the co-operation of the Ministry of Aboriginal Affairs; if so, whether this request was refused by the Ministry and, in that event, whether he will make representations to the Minister for Aboriginal Affairs to obtain co-operation with those responsible for undertaking this work pursuant to the Health Act 1958?

Mr. MEAGHER (Minister for Aboriginal Affairs).—The answer is—

There has not been direct contact between the Bairnsdale District Hospital and the Ministry of Aboriginal Affairs on this matter. However, there has been contact between officers of the tuberculosis services of the Department of Health and that Ministry concerning contacts of tuberculosis patients likely to be examined at that hospital.

It is understood that officers of the Ministry of Aboriginal Affairs are encouraging Aborigines to accept their responsibilities as citizens and, instead of conveying Aboriginal contacts of tuberculosis patients for examination, as has been the practice in the past, is encouraging such contacts to make their own way to a tuberculosis clinic for examination while at the same time giving whatever help is possible in finding transport.

This change in policy by the Ministry of Aboriginal Affairs is regarded as a sincere attempt by that Ministry to make Aborigines more health conscious and, consequently, it is supported by officers of the Tuberculosis Branch of the Department of Health.

SOCIAL WELFARE DEPARTMENT.
LIAISON WITH OTHER DEPARTMENTS.
(Question No. 1,326)

Mr. BORNSTEIN (Brunswick East) asked the Minister for Social Welfare—

What specific steps the Social Welfare Department has taken since 30th September, 1969, to establish closer liaison with other departments concerned with any area of social welfare?

Mr. I. W. SMITH (Minister for Social Welfare).—The answer is—

It has not been necessary to take any such specific steps.

Good liaison, communication and co-operation have long existed between the Social Welfare Department and other departments concerned with social welfare.

COMPANIES.
SPECTACULAR PROMOTIONS PTY. LTD.
(Question No. 1,357)

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

1. Whether he is aware that earlier this year an application to use the Fitzroy Cricket Ground for motor racing was made in the name of Spectacular Promotions Pty. Ltd?

2. If he will lay on the table of the Library the file of documents submitted to the Companies Registration Office for perusal on 28th January, 1972, as mentioned by him in reply to question No. 898?

Mr. REID (Attorney-General).—The answers are—

1. No.

2. It is not practicable to remove the documents from the Companies Registration Office, but if the honorable member will advise me of the information he requires from the documents, I will arrange for it to be furnished to him.

PUBLIC TRANSPORT.
TRAVEL CONCESSIONS FOR STUDENTS.
(Question No. 1,361)

Mr. WILTON (Broadmeadows) asked the Minister of Transport—

What tram and rail fare concessions are available to full-time students, indicating the extent of the concession provided?

Mr. WILCOX (Minister of Transport).—The answer is—

The information requested by the honorable member is shown on the statements which follow.

MELBOURNE AND METROPOLITAN TRAMWAYS BOARD SCHOLARS CONCESSION TICKETS.

Scholars concession tickets for travel on Melbourne and Metropolitan Tramways Board services to and from school are available to full-time students under the age of nineteen years who are not in receipt of any income.
The tickets are sold at the following prices per school term:

<table>
<thead>
<tr>
<th>Distance</th>
<th>Junior (Under 15 years)</th>
<th>Senior (Over 15 years but under 19 years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 or 2 sections</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>3 sections</td>
<td>9</td>
<td>12</td>
</tr>
<tr>
<td>4 or 5 sections</td>
<td>12</td>
<td>15</td>
</tr>
<tr>
<td>6 or 7 sections</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>8 or more sections</td>
<td>18</td>
<td>24</td>
</tr>
</tbody>
</table>

The extent of the concession provided by these tickets varies according to the distance travelled but on average junior tickets represent a reduction of 43 per cent and senior tickets a reduction of 62 per cent when compared with the cost of normal daily fares for a full term.

VICTORIAN RAILWAYS.

Statement Showing Rail Fare Concessions Available to Full-time Students.

1. To attend daily for tuition (country and suburban journeys).

Periodical tickets (weekly tickets excepted) are issued for travel between the station nearest the student's place of residence and the station nearest the school, college or university attended—

- Males and females under 15 years—One-third adult periodical fare.
  - Females 15 years and over—One-half adult periodical fare.
  - Males 15 years and under 18 years—One-half adult periodical fare.
  - Males 18 years and over—Two-thirds adult periodical fare.

Note: *For country journeys males and females 13 and under 18 years are granted half adult periodical fare less 15 per cent.

2. For travel during recognized vacation periods, viz. Christmas, Easter and terminal (end of school term).

Country and intersystem journeys:

- Under 16 years—Single tickets at one-third adult single fare. Return tickets at two-thirds adult single fare. 16 years and over—Single tickets at one-half adult single fare. Return tickets at single adult fare.

3. For travel at week-ends during the currency of term periods.

Country journeys:

- Under 16 years—Return tickets at two-thirds adult single fare. 16 years and over—Return tickets at single adult fare.

4. For travel between the stations nearest the school, college or university and the student's home to enrol at or when finally leaving.

Country and intersystem journeys:

- Under 16 years—Single tickets at one-third adult single fare.

5. To attend leaving and higher school certificate examinations and Education Department's training classes:

Suburban journeys—

Day return tickets at special arbitrary fares approximately 46 per cent adult fare.

Country journeys—

Month return tickets at half ordinary adult fare.

6. Party travel to attend education excursions, schools, sports and school excursions

Suburban journeys (minimum six students)—

- Special arbitrary fares—
  - Under 16 years—Return tickets at approximately 33 per cent adult fare.

Country journeys (minimum six students)—

- Under 19 years—Single tickets at one-third adult single fare. Return tickets at two-thirds adult single fare.
  - 19 years and over—Single tickets at half adult single fare. Return tickets at single adult fare.

Country journeys (minimum thirty-five students)—

- Under 19 years—Return tickets at special train fares.

Intersystem journeys (minimum six students)—

- Under 16 years—Single tickets at one-third adult single fare. Return tickets at two-thirds adult single fare.

Inter-system journeys (minimum thirty-five students)—

- Under 16 years—Single tickets at one-third adult single fare. Return tickets at two-thirds adult single fare.

Relaying:

(a) On main lines—$31,000 per track mile.

(b) On secondary lines—$21,000 per track mile.
Maintenance:

(a) On main lines—$2,000 per mile per annum for single track.
(b) On secondary lines—$1,500 per mile per annum for single track.

MENTALLY RETARDED CHILDREN.

GIPPSLAND CHILDREN IN INSTITUTIONS.

(Question No. 1,369)

Mr. AMOS (Morwell) asked the Minister of Health—

How many mentally retarded children resident in Mental Health Authority institutions and/or voluntary institutions come from that area of the State situated east of Dandenong to the New South Wales border?

Mr. ROSSITER (Minister of Health).—The answer is—

The answer to this question requires a search through many thousands of records held by the Mental Health Authority. The figure will even then only be a reasonable close estimate. The honorable member will be advised by letter of the results of the search.

DAY TRAINING CENTRES.

(Question No. 1,373)

Mr. SHILTON (Midlands) asked the Minister of Health—

Whether the Department of Health or the Mental Health Authority has any plans for the buildings of homes at day training centres for retarded children in order that such children from areas remote from these centres may receive training?

Mr. ROSSITER (Minister of Health).—The answer is—

The Mental Health Authority does not encourage the establishment of residential centres associated with day training centres largely because of the high cost of operating small residential centres and the consequent inadequacy of many of the services provided.

POLLUTION.

FALL-OUT OF WATER INSOLUBLE MATTER IN GIPPSLAND.

(Question No. 1,370)

Mr. AMOS (Morwell) asked the Minister of Health—

What are the recorded measurements of fall-out of water insoluble matter in the period from January, 1967, to January, 1972, for the areas of Morwell (west, central and east), Moe (north 1 and 2, central, and south 1 and 2), Traralgon (south, central, north east, north west and south east), Newborough, Yallourn North and the Shire of Narracan, respectively?

Mr. ROSSITER (Minister of Health).—The answer is—

The recorded measurements of fall-out of water insoluble matter for the period January, 1967, to January, 1972, are as follows with the results expressed in long tons per square mile per month:

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Margarine.

Production Quota.

(Question No. 1,382)

Mr. FELL (Greensborough) asked the Minister of Lands, for the Minister of Agriculture—

1. What action is proposed to relieve the current shortage in the supply of high grade polyunsaturated margarine which is being restricted by the production quota on manufacture?

2. Whether the Minister will review the quota in view of the increased demand?

Mr. BORTHWICK (Minister of Lands).—The answers supplied by the Minister of Agriculture are—

1. Temporary shortages of polyunsaturated margarine occur from time to time as a result of the distribution policies of manufacturers in Victoria and other States. The current shortages occurring in some parts of Victoria are considered not to be the direct result of manufacturing quotas in Victoria, and on the basis of past experience are not expected to last long.

2. Manufacturing quotas for table margarine are reviewed from time to time by the Australian Agricultural Council, and will next be reviewed at the August meeting of the council. No unilateral action by Victoria to increase quotas is contemplated.
DENTAL SERVICES.
DENTAL TECHNICIANS BOARD.
(Question No. 1,384)

Mr. FELL (Greensborough).—asked the Minister of Health—

Whether it is intended to establish a dental technicians board; if so, when, and what organizations will be represented on this board?

Mr. ROSSITER (Minister of Health).—The answer is—

It is proposed to introduce a new Bill in the spring session of 1972 to set up an organization to register dental technicians and to control the practice of persons registered.

While some consideration has been given to the composition of such an organization, a final decision as to that composition has not been made.

DENTAL LABORATORIES: DEALINGS WITH PUBLIC.
(Question No. 1,385)

Mr. FELL (Greensborough).—asked the Minister of Health—

What action has been or will be taken against dental laboratories which deal direct with the public?

Mr. ROSSITER (Minister of Health).—The answer is—

Part II. of the Medical Act 1958 and preceding legislation of similar import has since 1910 made it an offence for any person not registered with the Dental Board of Victoria to practice dentistry.

Although it is contemplated that in some cases this may be changed, any dental technician dealing directly with the public is aware of the risk of prosecution.

POISONS.

PUBLICATION ON LABELS OF TOXIC INGREDIENTS.
(Question No. 1,391)

Mr. AMOS (Morwell) asked the Minister of Health—

Whether, in view of the difficulty expressed by doctors and hospital staff in tracing toxic ingredients of substances involved in poisoning cases, he will recommend the inclusion on the label of all products which carry the warnings “dangerous” or “in the event of swallowing seek medical advice”, the names of toxic ingredients so contained?

Mr. ROSSITER (Minister of Health).—The answer is—

Preparations coming within the scope of the schedules to the Poisons Act 1962 are required to show the name of the toxic ingredient and its quantity contained in that particular preparation.

In addition, the preparation is required to be labelled—

"POISON OR CAUTION KEEP OUT OF THE REACH OF CHILDREN"

Substances named in Schedule Five to the Poisons Act 1962 which are exempted from many of the requirements of the Poisons Regulations are labelled—

"CAUTION KEEP OUT OF THE REACH OF CHILDREN IF SWALLOWED SEEK MEDICAL ADVICE"

and are also required to show the name of the toxic ingredient and its quantity contained in the preparation.

The name of any toxic ingredient is not required to be shown on the label of any substance listed in the schedules to the Labelling of Hazardous Household Substances Regulations unless such a preparation also comes within the scope of the Poisons Act 1962.

However, the Poisons Information Centre operated by the Department of Health has available information concerning the ingredients of a large number of commercial and household substances, the contents of many of which are trade “secrets”. This information is readily available to medical practitioners and this is regarded as a more satisfactory method of dealing with problems that may arise.

MINISTRY OF ABORIGINAL AFFAIRS.
SERVICES TO ABORIGINES: SALARIES OF DIRECTOR AND ASSISTANT DIRECTOR.
(Question No. 1,392)

Mr. B. J. EVANS (Gippsland East) asked the Minister for Aboriginal Affairs—

1. Whether, in view of the stated policy of the Minister for Aboriginal Affairs that Aborigines must stand on their own feet, there has been a reduction in the demand for Ministry services; if so, what plans exist to reduce staff and finance available to the Ministry or, if no reduction is planned, for what purposes such staff and finance will be used?

2. What salary and allowances are payable to the Director and Assistant Director of Aboriginal Affairs, respectively, indicating how and when adjustments are made?
Mr. MEAGHER (Minister for Aboriginal Affairs).—The answers are—

1. In the first place, the honorable member is incorrect in declaring that it is stated policy that Aborigines must stand on their own feet. I have repeatedly, in this House and elsewhere, indicated that Aborigines are encouraged, not pushed, to become independent.

In pursuing this policy, the demands on the Ministry have increased rather than decreased. Under the former system whereby many activities of Aborigines were regimented, it was possible to use few and relatively untrained staff. The handing out of material aid in its various forms required very little time or expertise. With the establishment, however, of the Ministry of Aboriginal Affairs in 1968, soundly based on social work principles, the demand for services from Aborigines and information for the community has increased considerably.

The changing emphasis to independence needs time-consuming counselling and consultation with Aborigines, as well as other services not previously provided.

It is obvious from the honorable member's ignorance of both the policy and the activities of the Ministry that he does not read the literature which he receives, as a member, from the Ministry. Reference to the literature, including the annual report, would reveal the extensive activities in home ownership whereby more than 80 Aboriginal people have been encouraged to participate in the scheme whereby they do become home owners; in the programmes of health education in association with the Department of Health; with voluntary and other Government bodies in the creation of an educational scholarship system which is recognised as a blue print for Aboriginal education; in co-operation and consultation with local government and other bodies in attacking the problem of unemployment and underemployment of Aborigines.

At this stage, there is no intention to either increase or reduce the staff of the Ministry.

2. The salary of the director is $15,600 per annum, and travelling allowances, where applicable, are paid in accordance with the Public Service Act. The assistant to the director receives $9,304 per annum, and travelling allowances are paid, where applicable, in accordance with the prevailing rates under the Public Service Act.

QUESTIONS WITHOUT NOTICE.

COMPANY TAKEOVERS.

Mr. EDMUNDS (Moonee Ponds).—Has the Premier seen newspaper reports that the former Prime Minister, Mr. John Gorton, has stated that the action of Victoria in intervening in takeover bids could lead to graft, and if he has seen these reports, is he aware that this could happen—

The SPEAKER (Sir Vernon Christie).—Will the honorable member put his question?

Mr. EDMUNDS.—The question is: Has the Premier seen these reports and, if so, will he take action to prevent this occurring, if it is a fact?

The SPEAKER.—Order! I cannot see that this is a matter of Government administration. The question is based on the press report of a statement allegedly made and the question calls for a reply on a hypothetical situation suggested by someone outside this Parliament.

Sir HENRY BOLTE (Premier and Treasurer).—By leave, this is something for the Parliament. I am doing this by leave on the basis that Mr. John Gorton is alleged to have said that the Victorian Parliament, not the Government, had passed certain legislation which would lead to graft, as occurs in the United States of America. That is what he is alleged to have said. I view that statement very seriously and I have conveyed my thoughts to the press, that I think the alleged statement is obnoxious to this Parliament and I will not accept such a suggestion. If action is necessary, I will team with honorable members of this House to refute such an innuendo.

The SPEAKER.—The Premier has spoken to the House by leave. I do suggest to the House that it is not an appropriate question for question time. If it is a matter for the House or Parliament then it should be brought up as a separate matter.
COMMONWEALTH SCHOLARSHIPS.

Mr. FORDHAM (Footscray).—In reply to a question earlier this session, the Minister of Education undertook to discuss with senior officers of his department a circular that discouraged some students from applying for Commonwealth scholarships. Can the Minister now indicate whether he has met with senior officers of his department and, whether a counter circular has now been forwarded to high school principals countermanding the earlier circular?

Mr. THOMPSON (Minister of Education).—I have had those discussions and I propose to have further discussions with the executive of the High School Principals Association. The view expressed was that there was no active discouragement expressed in the circular. However, this is open to debate. As I said on an earlier occasion, my view was that if any student wanted to sit for the examination he or she should be freely entitled to do so.

UNIVERSITY QUOTAS.

Mr. TURNBULL (Brunswick West).—In question No. 799 on the Notice Paper, I asked the Minister of Education a question concerning university quotas. I have not yet received an answer. I ask the Minister to hasten the reply because of its urgency.

Mr. THOMPSON (Minister of Education).—The answer can be obtained only from the Universities Admissions Committee. Questions such as this are forwarded to that committee. The answer will be forwarded to the honorable member as soon as it becomes available from the Universities Admissions Committee.

CONDITIONS AT PENTRIDGE GAOL.

Mr. WILKES (Northcote).—I direct a question to the Attorney-General, in the absence of the Minister for Social Welfare. Has the Attorney-General taken any action to examine a press statement of allegations made by a prominent Melbourne lawyer about conditions at Pentridge?

Mr. REID.—Which lawyer?

Mr. WILKES.—Mr. Frank Galbally.

Mr. REID (Attorney-General).—This is primarily a matter for the Minister for Social Welfare. No representations have been made to me for any investigation. The representations have been made in the press. Until someone makes a specific request to me, I do not propose to take any action.

GEMSTONE MINING.

Mr. W. J. LEWIS (Portland).—Is the Minister for Fuel and Power aware that blasting operations are taking place at Wannon Falls, near Hamilton, to obtain gemstones? If not, will the Minister make an investigation with a view to stopping this practice immediately?

Mr. BALFOUR (Minister of Mines).—I am aware of this situation, but I will refer it to the Mines Department for appropriate action.

COMMONWEALTH SCHOLARSHIPS.

Mr. FORDHAM (Footscray).—I ask a question supplementary to my previous question of the Minister of Education. In view of the fact that applications for Commonwealth scholarships have now closed, will the Minister make representations to have the closing date of applications extended so that the position can be clarified for students in Victoria?

Mr. THOMPSON (Minister of Education).—If it becomes apparent that any student who intended to apply for a scholarship was actively discouraged from applying, I shall do so.

COURT LISTS.

Mr. HOLDING (Leader of the Opposition).—I direct a question to the Attorney-General. Is it a fact that...
there is now a backlog of approximately 700 cases awaiting trial, including 140 cases more than two years old? Does the Attorney-General propose to act on the request of Judge Norris who suggested that the cause of this backlog should be the subject of an internal investigation by the Law Department?

Mr. Reid (Attorney-General).—It is a little difficult to answer the honorable member's questions verbally. If he cares to place them on the Notice Paper or writes me a letter on the matter I shall give him a written statement. The Leader of the Opposition was not specific and did not state whether he was referring to criminal or civil matters. However, I inform him that the whole question of delay in criminal trials is receiving close attention at present. An additional County Court Judge, Judge Ogden, has been appointed to the bench, which brings the number of judges to a higher level than ever before. It is hoped that fairly soon a further appointment will be made to the County Court bench.

The preparation of briefs in criminal prosecutions is receiving close attention, and improvements are being made. The divorce jurisdiction is also receiving attention with a view to arranging that in future at least three judges will hear divorce cases. I have given a broad outline of what is being done. If the Leader of the Opposition requires to be informed about any details of arrangements, I shall be pleased to supply the information when the House is not in session.

RURAL UNEMPLOYMENT GRANTS.

Mr. Ross-Edwards (Leader of the Country Party).—Has the Premier and Treasurer been successful in devising a means whereby honorable members may be advised of grants made under the rural unemployment scheme?

Sir Henry Bolte (Premier and Treasurer).—Yes, following the suggestion by the Leader of the Country Party two or three weeks ago, it is now possible for the department to send a notification to all honorable members on the same day as the municipality concerned is informed of the grant. I am afraid that it cannot be done before the municipality is advised, but it will be undertaken simultaneously.

“CAREERS VICTORIA”.

Mr. Fell (Greensborough).—On 13th April, I asked the Minister of Education to investigate the financial plight of the University Appointments Board's publication Careers Victoria. I now ask the Minister whether he has investigated the financial problems that confront this excellent publication and whether he can advise the House on the action proposed to ensure that the magazine will continue to be printed.

Mr. Thompson (Minister of Education).—Investigations are proceeding and the honorable member will be notified by letter.

ANSWERS TO QUESTIONS ON NOTICE.

Mr. Amos (Morwell).—As Leader of the House, can the Chief Secretary give an assurance that questions which remain on the Notice Paper after the end of today’s proceedings will be answered by letter?

Mr. Hamer (Chief Secretary).—That is a reasonable request and a similar assurance was given at the end of the spring sessional period of this Parliament. I believe all questions then remaining on the Notice Paper were in fact answered by letter and the same procedure will apply to any questions remaining on the Notice Paper after today’s proceedings.

PRODUCTION OF FILE.

Mr. Lovegrove (Sunshine).—Following upon the previous question to the Chief Secretary, I ask
the Attorney-General: How will the Chief Secretary's reply operate in regard to a question that I have placed on the Notice Paper requesting that a file be placed on the table of the Library?

Mr. Reid (Attorney-General).—The honorable member for Sunshine has asked a question on notice seeking the production by the Registrar of Companies of the file relating to the incorporation of a company. I can comfort the honorable member by advising him that I discussed this matter with the head of my department before I came to the House today. It is not the practice to lay files of the Registrar of Companies on the table of the Library because this would cause severe dislocation of public business. I ask the honorable member to let me know the specific documents that he wants, and I shall arrange to let him have access to them or copies of them if necessary.

LAND AT WESTERNPORT.

Mr. Wilton (Broadmeadows).—Has the attention of the Minister of Lands been drawn to an article in today's Age in which it is alleged that the Government is attempting to force the Hastings Shire Council to accept an area of 190 acres which was purchased by John Lysaght (Aust.) Ltd. to replace an area of foreshore land sold by the Government to that company? If so, can the honorable gentleman inform the House what action he proposes to take to resolve the unsatisfactory situation which now obviously exists, and to resolve it to the satisfaction of the Hastings Shire Council?

Mr. Borthwick (Minister of Lands).—My attention has not been drawn to the press article. I think it would be some twelve months ago when John Lysaght (Aust.) Ltd. purchased land, as required under the Act, to replace foreshore land that was filled. The company actually purchased the land and handed it over to the Crown. This would be more than twelve months ago, and I am not familiar with the press report referred to.

COUNTRY RAILWAY LINES.

Mr. Ross-Edwards (Leader of the Country Party).—Can the Minister of Transport advise the House what steps or procedures will be undertaken before any country railway lines are closed following the recommendation contained in the Bland report?

Mr. Wilcox (Minister of Transport).—The Leader of the Country Party mentioned this matter to me yesterday and I am pleased to say to him and to the House that the position is as I outlined it with some precision when I made a Ministerial statement in the House. The best I can do is to repeat to the House what I then said, which was that before any rail line can be closed the procedure to be followed is that recommended by the board of inquiry, the report of which we have.

The first step would be a proposal by the railways; the second step would be for the proposal to be remitted to the investigating authority, and I shall quote the words of the report—

which, after considering all necessary data (including the financial savings resulting from the action proposed) and consulting all proper local interests on the spot, would make its recommendations.

This would include, if the proposed action was endorsed, the organizing of alternative services. I simply add that it would be quite clear to me, and I would see that it occurred, that where a proposal coming from the railways was referred to an investigating authority the honorable member concerned would be notified of that procedure.

DESIGN OF HIGH SCHOOLS.

Mr. Doube (Albert Park).—Is the Minister of Education aware that the Minister of Education in New South Wales has made a statement that his plan to build high schools like small
universities, with special faculty blocks for the studying of various academic disciplines, is likely to give his State a lead in Australian school design? Has the Minister considered this matter; if so, can he report his attitude to the House?

Mr. THOMPSON (Minister of Education).—In the design of our courtyard high schools and the subsequent design, which is a modification, that principle already has been adopted and has been welcomed by subject teachers in high schools.

PUBLIC SERVICE HOURS

Mr. B. J. EVANS (Gippsland East).—Can the Premier inform the House whether the experiment in the change of hours for the Public Service has proved successful and whether it is intended to maintain these hours throughout the winter months?

Sir HENRY BOLTE (Premier and Treasurer).—The information supplied to me has indicated that the change in working hours has been remarkably successful and very few officers have been inconvenienced. For the few who are inconvenienced an arrangement has been made whereby they may start later and finish at an appropriately later hour.

It is intended to conduct a further survey within two or three months when it is hoped there will be a clearer indication of the effect of the earlier start.

DIVORCE JURISDICTION.

Mr. TURNBULL (Brunswick West).—Can the Attorney-General briefly state what are the arrangements with the Commonwealth in regard to the divorce jurisdiction so far as it affects the judiciary and the use of Victorian courts?

Mr. REID (Attorney-General).—At this stage I am unable to give an answer to this question and, with all due respect to the honorable member, the question is rather vague because it involves arrangements for buildings and various other matters relating to allowances for salaries of judges, and so on. However, I may be able to furnish the honorable member with some information by letter while the House is in recess.

PUBLIC SERVICE HOURS.

Mr. TRESIZE (Geelong North).—Is the Minister of Housing aware of the inconvenience caused to tenants in Housing Commission areas as a result of Housing Commission offices closing at the same time as local industry and thus making it impossible for tenants to pay their rents at those offices? Will the Minister reconsider extending the period during which the offices are opened for collecting rents for perhaps half an hour after the normal time on at least one day a week? If not, why not?

Mr. MEAGHER (Minister of Housing).—That problem has not been referred to me before. I will investigate the extension of hours and advise the honorable member.

BLAND REPORT.

Mr. B. J. EVANS (Gippsland East).—I was advised this morning that an organization interested in purchasing copies of the Bland report had its cheque returned because copies were not available. Will the Minister of Transport indicate whether this is so and, if it is, advise the House of the steps that will be taken to make copies of the report available?

Mr. WILCOX (Minister of Transport).—I was not aware that the supply of copies was exhausted. This is most interesting, because the report has been a remarkable best seller; in fact, 1,400 copies were printed. I think the only remaining supply would be held at the Papers Room, which retains copies of the report for obvious purposes.

Three weeks or more ago I arranged for further copies to be printed when we knew what was happening, but I imagine that in that time, owing to the business of Parliament, the Government Printer has
not been able to fill the order. The matter is being attended to as promptly as possible.

FOUR-DAY WORKING WEEK.

Mr. EDMUNDS (Moonee Ponds).—In view of technological changes causing redundancy in some industries, will the Minister of Labour and Industry direct his department to investigate the successful trials of a four-day working week in some industries in New South Wales?

Mr. RAFFERTY (Minister of Labour and Industry).—The answer is, “No”.

DYSLEXIA.

Mr. FELL (Greensborough).—In view of a previous answer given by the Minister of Education, which related to specific learning difficulties, namely, children with the problem of dyslexia, which is the inability to correctly read, can the honorable gentleman advise what action it is proposed to take to provide tuition to these children in the north-eastern suburbs where there has been a drastic increase in the number of children who have this problem? Does the Minister intend to increase the staff of the Psychology and Guidance Branch in that area, where there are only two full-time teachers?

Mr. THOMPSON (Minister of Education).—This is a relatively new and very important area. In bygone days people who could not read were regarded as dunces, but today efforts are being made to try to ascertain the reason for it.

The complaints of some of the children have been diagnosed as dyslexia. There are various types of dyslexia. Some relate to environment and experiences in life, and others relate to the structure of the brain. It is a question of obtaining a correct diagnosis in the first place. We are trying to increase the staff in the north-eastern suburbs and other parts of Victoria to deal with this problem. I am prepared to examine the position in the north-eastern suburbs if the honorable member will furnish details of the problem that is worrying him.

WORKERS COMPENSATION.

Mr. AMOS (Morwell).—Recently, in answer to a question from me, the Chief Secretary indicated that the committee of inquiry into workers compensation was nearing completion of its investigations and that a report would be forthcoming. In view of the impending recess of Parliament, will the honorable gentleman give an undertaking that he will circulate copies of the recommendations made by the committee to honorable members?

Mr. HAMER (Chief Secretary).—The committee has made certain recommendations and is considering others. I will be glad to supply the honorable member for Morwell, and other honorable members who are interested, with a copy of the recommendations made to date, and any subsequent recommendation. All the recommendations will not be included in one report. As consideration of one group of matters is concluded, a recommendation is made.

LAND AT WESTERNPORT.

Mr. KIRKWOOD (Preston).—I direct a question to the Minister of Lands. It relates to a report in today’s Age of a statement by the President of the Hastings Shire Council, Councillor Nabbs, on land provided by Lysaght’s. Councillor Nabbs said that the foreshore should remain the property of the Government, held in trust for the people of Australia. Will the honorable gentleman give an undertaking that he will investigate the claims made to make sure that the foreshore at all times remains in the hands of the Government and, therefore, belongs to the people of the State?

Mr. BORTHWICK (Minister of Lands).—In some areas of Victoria, there are no permanent foreshore reservations. This situation usually applies in areas of swamp where it was obviously difficult for surveyors to fix high-water marks. Much of the area around Westernport is in that category. Although some areas are permanently reserved, there are
substantial areas where there are no foreshore reservations. I am sure that the honorable member would know that, where there are permanent foreshore reservations, they can be sold or leased only by authority of an Act of Parliament.

Mr. WILTON (Broadmeadows).—Will the Minister of Lands confer with the President of the Shire of Hastings with a view to determining whether the area of 190 acres purchased by John Lysaght (Aust.) Ltd. and surrendered to the Crown is located in the most advantageous area for the residents of the Shire of Hastings and the general public?

Mr. BORTHWICK (Minister of Lands).—There is a misunderstanding of the original legislation by the honorable member for Broadmeadows. John Lysaght (Aust.) Ltd. was required to replace public land but the Act did not specify where that land was to be supplied. The Act certainly did not state that it should be supplied specifically to the Shire of Hastings. I take it that the honorable member is referring to the exchange of land under the Act. From memory, the actual area of land was supplied about December twelve months ago. It is centrally situated within the Mornington Peninsula and it is in an elevated position. The Act requires that the land should be suitable for recreational purposes and, before I accepted the land, I had it inspected by the Secretary for Lands, the Surveyor-General, and the special duties officer of the Lands Department. Those officers certified that the land was eminently suitable for recreational purposes and this view was supported by a prominent golf course architect.

ILLEGAL FISHING AT NELSON.

Mr. W. J. LEWIS (Portland).—Has the Chief Secretary recently heard that, in the Nelson area, fish are being netted illegally? Will the honorable gentleman have an investigation made with a view to stopping this practice?

Mr. HAMER (Chief Secretary).—This matter has not been directed to my attention before. As the honorable member for Portland has been informed by me, there is to be a new appointment of a fisheries and wildlife inspector stationed at Portland. I will ensure that this matter is directed to the attention of the Director of Fisheries and Wildlife so that he can make it one of his first priorities.

ELDERLY DRIVERS.

Mr. TREZISE (Geelong North).—In view of the community's growing concern at the ever-increasing road toll, can the Chief Secretary inform me whether any consideration has been given to compiling a special register of elderly drivers to note whether they are under the control of doctors to ensure that a check can be kept on their driving ability?

Mr. HAMER (Chief Secretary).—The honorable member said that the road toll is ever-increasing. It has been falling since the beginning of last year.

Mr. TREZISE.—I said the ever-increasing concern.

Mr. HAMER.—The honorable member spoke of the ever-increasing road toll. It has been falling and so far this year it is still falling. The honorable member is quite right in his concern for elderly drivers. I believe this is a field that could be investigated further to determine whether there is a need for periodic checks of eyesight or hearing, or other physical infirmities. I am not aware that elderly drivers of this sort are involved in accidents to a greater degree than anyone else. The Road Safety Committee could well investigate this matter.

Mr. WILKES.—The Road Trauma Committee is investigating it.

Mr. HAMER.—That could be so. I will see what has been done and determine whether effective action can be taken.
PETITION.

ABORIGINAL AFFAIRS.

Mr. BORNSTEIN (Brunswick East) presented a petition from certain Aboriginal citizens of Victoria praying that the House takes such action in respect of Aborigines to provide immunity from eviction by the Ministry and the Housing Commission; pre-employment vocational training; free legal aid; and granting of land rights and compensation; and to establish all-Aboriginal regional councils and administrative and advisory bodies on education, finance, land rights and Ministry affairs. He stated that the petition was respectfully worded, in order, and bore 93 signatures.

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

PARLIAMENTARY COMMITTEES (TAKE-OVER OFFERS) BILL.

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

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

DENTISTS BILL.

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

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

FIREARMS (AMENDMENT) BILL.

This Bill was returned from the Council with a message relating to an amendment.

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

LOCATION OF FOURTH UNIVERSITY.

Mr. SHILTON (Midlands).—I move—

That this House express the view that the proposed fourth university be established outside the metropolitan area.

Honorable members should examine the situation of the New England University in Armidale in New South Wales which provides for the citizens of that State courses in external studies that are not available in Victoria. That is most important. The university has also assisted in the establishment of a completely decentralized and satellite town. Parliament should examine that concept in relation to the location of the fourth university and come to the conclusion that this is an opportunity not only of taking education to the country but of achieving decentralization and the establishment of

I do not propose to delay the business of the House for long because I am sure that all honorable members have studied with interest the report on the establishment of the fourth university and that honorable members representing country electorates will have received deputations and communications from country municipalities and other organizations urging that the university be established in a country area.

It is important that, before this sessional period is completed, Parliament should indicate to the people of Victoria, particularly those in country areas, that it rejects the concept of Melbourne unlimited and that section of the report by the Ramsay committee that the fourth university be established in the western or eastern suburbs of the metropolitan area. Parliament should inform the people that it believes not only in decentralization but in the future of education and to this end the fourth university should be established in a country area. I do not propose to canvass which area that should be. The various letters and submissions that I have received from councils in the country, although expressing the wish that their areas should be considered, point out that they do not want to be parochial and they would be happy provided that the fourth university were established in a country centre.
a satellite city. Parliament should divorce itself from the concept of Melbourne unlimited. If the suggestions in the report are accepted, there will be a programme of continuing neglect of the country by contributing to the enormous growth of the city area. For that reason, honorable members should look at it.

It is interesting to study the background. I remind honorable members that on 18th May, 1970, at an election meeting in Bendigo the Premier announced that if his Government were returned at the forthcoming election a committee of inquiry would be established to study the feasibility of constructing a fourth university in Victoria. At the same meeting the honorable gentleman commented on the Government's move to encourage and create rapid growth in five country centres, the names of which are known to all honorable members. The Premier also stated that regional headquarters of the Education Department would be established if the Liberal Government were returned to office.

History has shown it was then the intention of the Liberal Government if the committee of inquiry reported favourably to establish the fourth university in a country area. The Ramsay committee of inquiry was appointed, and at great expense many country towns and organizations in country centres made submissions to the committee of inquiry.

Mr. WHITING.—That is the other Ramsay committee?

Mr. SHILTON.—I refer to the current committee of inquiry headed by Sir Thomas Ramsay. The committee spelt out clearly the reasons why a fourth university should be established. The reasoning behind the report has been supported to some degree by an article which appeared in the Sun News-Pictorial on 23rd March, 1972. Under the heading, “Liberal Opinion”, the honorable member for Essendon made statements about the report of the Victorian Fourth University Committee. It is important that honorable members should note the final paragraphs of that article. The honorable member said—

It would also be a radical departure from past policies of the commission.

Co-ordination with our existing Victoria Institute of Colleges and teacher training colleges now operating in country areas, will be essential.

But a country-oriented multi-campus development—or development of a single-campus university outside Melbourne—must have wide appeal for the future of tertiary education in Victoria.

I agree with the sentiments expressed by the honorable member for Essendon, and, as they have been published in an article under the heading “Liberal Opinion”, members of the Opposition expect to receive support from the honorable member.

Mr. WHITING.—The honorable member only said it would have wide appeal, he did not state that he would support it.

Mr. SHILTON.—Irrespective of whether the honorable member said he supported it or not, that was the impression he was trying to create. It is the same type of impression that the Premier was trying to create at his election meeting in Bendigo on 18th May, 1970, when he spoke about setting up a committee to inquire into the need for a fourth university, decentralization, the encouragement of development in five major towns and the setting up of regional educational administration centres in country areas.

Members of the Opposition and doubtless members of the Country Party, together with members of the Government party, have received many statements from municipal councils. I have a letter from the Shire of Bacchus Marsh, which is located in an electorate represented in the Legislative Council by a Cabinet Minister. The letter is addressed to the Leader of the Opposition and states—

My council has received a copy of the report issued by the Victorian Fourth University Committee. The council views with
grave concern the fact that the report favours the establishment of the fourth university in the metropolitan area. The council feels a new university should be established in a country area within the State or at centres located throughout the State.

(Signed) B. E. LEECH,
Shire Secretary.

I have 63 letters from country cities, towns, boroughs and shires all expressing a similar viewpoint. In the interests of educational facilities generally, and because a country university would provide facilities for external study courses which could assist decentralization, the fourth university should be established in a country centre. It would be in the interest of this State if this Parliament expressed the view that it believed, irrespective of the recommendation of the report of the Victorian Fourth University Committee, which was circulated to members on 9th March, that it would work towards the concept of establishing a fourth university in a country district. Such an expression of opinion by Parliament would indicate that it rejected the notion that Melbourne is the only practical location for the university. If honorable members supported the establishment of a fourth university in a country area, those persons connected with the university would enjoy a better way of life. Parliament should give an indication of its intention in this regard.

Mr. THOMPSON (Minister of Education).—I do not want to delay the House for long at this stage, and I do not intend to argue all the points of view expressed by the honorable member for Midlands. For reasons which I shall outline I believe it would be premature to debate the motion at length now. The fourth university committee report was presented to the Government some two months ago. Its major recommendation was that a site on which to establish a university should be acquired immediately in the eastern suburbs of Melbourne and that consideration should be given to acquiring a further site in the western suburbs of Melbourne in the direction of Ballarat and Geelong—at a later date. As honorable members will appreciate, the immediate recommendation was the acquisition of a site in the eastern suburbs area.

For many of the reasons expanded by the honorable member for Midlands—no doubt other honorable members including the honorable member for Bendigo will say much the same thing—the Government considered that it should examine in depth all possibilities for the establishment of a fourth university either partly or wholly outside the metropolitan area. It therefore took the course of asking the Fourth University Committee to examine the possibility of establishing a multi-campus university situated both in Melbourne and in provincial centres with regional centres strategically placed in country towns for external studies; or a multi-campus university at sites in provincial centres along with similarly placed regional centres in the other larger country towns. The committee was also asked to compare the cost of those propositions with that of establishing a homogeneous or orthodox university in the metropolitan area.

The Government also authorized me to examine these proposals with the Australian Universities Commission. I am to meet the Chairman of the Australian Universities Commission on 17th May, together with the Federal Minister for Education and Science. Honorable members may ask: Why is this necessary? It is necessary because half the money for the establishment of this university will come from the Federal Government on the recommendation of the Australian Universities Commission.

A further question may be posed: What action is the Fourth University Committee taking to assess the costs of the proposals I have outlined? A
tremendous amount of work has already been done towards the work which is involved in the preparation of detailed estimates for adopting these general proposals. For example what would be the cost of establishing a university only in a provincial centre? What would be the cost of a multi-campus university established in various provincial centres? What would be the cost of a multi-campus university established in provincial centres making use of existing facilities, such as teachers' colleges and advanced colleges that are already established?

A tremendous amount of detailed work has been done in this field. I have received an indication from the Chairman of the Fourth University Committee that the information that the Government desires should be available by the end of May. I know that Dr. Turner, the statistician attached to the Fourth University Committee, is engaged almost full time on this work. For those two reasons in particular, the House should defer further debate on this motion.

I ask honorable members to allow the Government time in which to receive the detailed statistical information relating to the financial costs of the proposals for the establishment of the university or multi-campus university in provincial centres; to allow the Government to receive estimated costs to be prepared by the Fourth University Committee. When this information is available—I understand that will be in possibly four to five weeks' time—the Government will be in a position to reappraise the situation and, I hope, move towards the desirable objective of establishing some form of university education in country areas.

Mr. B. J. EVANS (Gippsland East).—The motion is supported by the Country Party, which has indicated firmly on previous occasions that it believes the fourth university should be established in a country area. It is difficult to decide which country area should be selected. Honorable members representing country electorates would not be foolish enough to turn this debate into an argument by suggesting their particular "neck of the woods" as an ideal site for a university. Doubtless every honorable member could submit good reasons for a particular area within his electorate and relate the amenities and facilities which could be provided.

The important principle that the motion seeks to establish is that Parliament should decide here and now that the next university should be established outside the metropolitan area. The motion does not attempt to define whether it should be a multi-campus university or a university established in one centre. These are factors which involve much research and investigation.

I reject the argument advanced by the Minister of Education that this is not the right time to argue the matter. For too long, the Government and the Parliament have delegated their responsibilities and passed the buck to some outside organization to make a decision which must, in effect, be a political decision. It is all very well to set up various committees of inquiry and request that they report on certain matters which are really matters for Government decision. Why should a Government that is elected to govern the State pass on its responsibilities to allegedly independent bodies for report before the Government acts?

Some years ago, a committee was appointed to inquire into decentralization in this State and it made a recommendation concerning five specific centres. Often, I have criticized the actions of that committee because I believe that it did not thoroughly examine the State before it recommended which areas should be favoured for accelerated development. Having been dissatisfied with the investigation, naturally I am not satisfied with the findings, and I never will be. Essentially, the whole of the State should be considered and not just those areas which for
various reasons the Government of the day considers it should look at. I have made the point previously that, to the best of my knowledge, the Decentralization Advisory Committee had a quorum in country areas only at the places which it eventually recommended for accelerated development. It appears that the matter was cut and dried before the committee made its investigations.

One of the suspicions that many country people have about committees is that they may not be as independent and as forthright in their investigations and recommendations as they might appear to be on the surface. The only way in which the community at large can express its view on these issues is through the ballot-box at election time. Therefore it is incumbent on the Government or any political party to state its decision clearly, and the Liberal Party in this State should say here and now whether its policy is that the fourth university should be erected in a country area. That is all that the motion is about.

Accordingly, I can see no reason to postpone a decision. The motion is clear, concise and to the point, and its fate will indicate to the people of Victoria whether this Parliament or individual members of it support the building of the next university outside the metropolitan area. Members of the Country Party have no doubts on this issue. We support the motion.

Mr. HOLDING (Leader of the Opposition).—I trust that the Minister of Education, whose speech I listened to carefully, will not use party discipline to force a deferment of a decision on the motion. That would be regrettable. The arguments advanced by the Minister can be summarized simply by stating that a number of technical and complex decisions on the nature of the university remain for discussion. It will have to be decided whether it will be an open university or a more orthodox closed-type university.

The principals of certain colleges affiliated with the Victoria Institute of Colleges argue with some considerable merit that it is necessary to develop to the full those colleges rather than build a more formal-type of university structure in the traditional sense. It is true that arguments are raging and they will continue to rage for some time. Ultimately, it will be the duty of the Minister and his advisers to work their way through the material and to make a decision on the nature of the institution that is to be established and its location.

These matters are outside the scope of the motion, which makes no pretence at resolving educational questions. What the motion seeks—and I believe Parliament is bound to do this—is an expression of view from the Parliament and from individual members on whether the proposed fourth university should be located outside the metropolitan area. When one examines the qualifications of some of the excellent persons who comprised the committee which investigated the proposal to establish a fourth university, there is no reason why any honorable member ought not express a view on the matters with the same efficacy and indeed the same interest as perhaps Mr. Perrott or Mr. Kerr, to name two members of that committee.

I do not propose to canvass at length the policies of my party; they are well known. For more than three years, the Labor Party has taken the view that to strengthen and develop education in this State, an open-type university should be based outside the metropolitan area. This will not only strengthen educational facilities directly in the region in which it is located but will, I hope, provide the basis for external study courses and adult training schemes throughout the State. Whether it is an extension of the existing institutes of advanced education or a
more orthodox university-type structure can be decided after the technical evidence has been fully weighed and examined.

It is appropriate that the Parliament and individual members should express their views. I invite the Minister to examine carefully the terms of the motion. It does not state that a university will be established; it simply says that this House expresses a view. Many views will be expressed to the Minister on this matter and undoubtedly some will be contradictory. Equally, the Opposition concedes that the ultimate responsibility for a decision rests with the Minister and with the Government, and it would be quite wrong to usurp that responsibility.

It is a legitimate and proper exercise for this House and the individual members within it, having had the benefit of some months of reading the report and thinking about it, to express their views, individually and collectively, to the Minister.

When the Minister examines all the evidence and the material, he may find that the Government cannot support or follow the views of the House. At the appropriate time, no doubt, the Minister will give frank, full and ample reasons why the Government adopts that position. It is the prerogative of the House, and it is indeed desirable, on an issue such as this, for views of individual members to be heard. I trust that the matter will not be approached along the traditional party lines. The proper course is for honorable members to express their views on this important educational issue in accordance with the way they see it. Honorable members do not pretend to be educational experts or to have the mass of information that is available to the Minister, but the motion proposes that this House should exercise its responsibility by doing no more than expressing a viewpoint.

The Minister will note that the motion asks the House to express a view on the proposed fourth university, which leaves open the nature of the structure and the educational concepts involved. The substance of the motion is that it is the view of this House that the proposed fourth university should be erected outside the metropolitan area. That is a simple proposition, about which Opposition members feel deeply. We believe that honorable members should express an opinion but that ultimately the Government must make a decision. Why should the only expressions of opinion which go to the Government at this stage come from a town council, from experts, from the Federal Minister for Education and Science, or from the Director-General of Education. All sorts of people in the community will be exercising their right to express a view. If it is good enough for a local council or experts to express a view, which will undoubtedly be considered by the Minister, surely it is good enough for the average member of this Parliament to express a view.

If the Minister seriously proposes to defer this matter, it will be necessary to call for a division. That step should not be necessary because if the motion is put to the House, the result could be taken by the Government only as the view of those members who vote for it. If the majority of members support the motion, that will be the view of the House and the Government will take it into account. The Government is entitled to have this view, just as it is entitled to have the view of everyone else.

Members of the Opposition feel deeply about the matter and we ask the Minister of Education not to divide the House artificially on the question by seeking an adjournment of the debate. The matter could be dealt with speedily without the need for a lengthy debate. I do not think any honorable member will
convince other members by speaking at length because most members have probably already made up their minds on the matter. Therefore, the motion can proceed to a vote and honorable members can express a view by registering a vote for or against the motion.

Mr. HAMER (Chief Secretary).—I move—

That the debate be now adjourned.

I suggest that the debate be adjourned until later this day. The matter before the House is of extreme interest to many honorable members. Indeed, the Leader of the Opposition has invited them to speak to the motion, and this applies particularly to country members of all parties. The House has a considerable programme to get through, including seven Bills which have yet to be transmitted to another place.

The House should now proceed with the programme and, if time permits, the debate on this motion can be resumed later. Certain views have been expressed, but the debate could go on for another four or five hours. That is why I have moved the adjournment of the debate.

Mr. HOLDING (Leader of the Opposition).—I do not want to delay consideration of matters listed on the Notice Paper, but I seek the assurance of the Chief Secretary that this proposed deferment is not for the purpose of just filling in time later but is for the purpose of allowing the motion to be fully debated and a decision taken. If the honorable gentleman will give an undertaking that the debate will proceed later today, and that honorable members will be given the opportunity of voting, I shall be happy to accept an undertaking in those specific terms. Otherwise, the Opposition will vote against the motion for the adjournment of the debate.

Mr. HAMER (Chief Secretary) (By leave).—I will not give an assurance in the terms suggested by the Leader of the Opposition. This matter is only one of many before the House, and it will take its place in the order of business. The progress of the House will largely determine whether the debate on this motion can be proceeded with. I am not prepared to give an undertaking of the type sought by the Leader of the Opposition. It depends on how the House deals with other business on the Notice Paper, which is of equal, lesser or greater importance.

Mr. HOLDING (Leader of the Opposition) (By leave).—I am bound to inform the Chief Secretary that the Opposition regards the lack of an assurance by the Government and the attitude adopted by the Chief Secretary as an attempt to stifle an expression of opinion by the Parliament. That is a serious matter, and I can assure the honorable gentlemen that it will affect the Opposition’s approach to the discharge of business on the Notice Paper.

The Opposition wishes to complete the remaining business, but it is not prepared to allow the Chief Secretary to use that as a basis for stifling an expression of opinion by this House. If the honorable gentleman believes that his use of this tactic will enable him to rush through the Notice Paper, he is sadly mistaken. I invite the Chief Secretary to take a vote now.

Mr. HAMER (Chief Secretary) (By leave).—I have listened to what the Leader of the Opposition has said. It sounded to me like a threat of some kind to which I will not respond. This matter has been placed on the Notice Paper at the very end of the session and now there is an attempt to displace all other matters on the Notice Paper.

Many honorable members would like to discuss the location of the proposed fourth university. Many cities and towns have made submissions to the committee which considered the establishment of a fourth university and honorable members would do less than justice to their electorates
if they were not given an assurance that the debate would be resumed. I appreciate the length of the Notice Paper and the trouble that the House will meet in completing the remaining business.

Mr. ROSS-EDWARDS (Leader of the Country Party).—It will be regrettable if this debate is adjourned without an undertaking being given that it will be resumed. I appreciate the length of the Notice Paper and the trouble that the House will meet in completing the remaining business.

However, members of the Country Party are anxious to hear the views of back-bench members of the Liberal Party who represent country electorates. We wish to ascertain where they stand, because the views of the Liberal Party members will largely determine the actions of my party during the coming recess. If the issue is avoided, and we are not informed concerning the views of back-bench members of the Liberal Party, we must assume that they are trying to avoid the issue. I ask the Chief Secretary to allow the debate to continue for one hour and I assure the honorable gentleman that I shall do my best to ensure that most of that time is taken up by the Liberal Party back-bench members.

Mr. WILKES (Northcote).—The Chief Secretary is adopting steamroller tactics to clear the Notice Paper for which the Government is responsible. The Opposition has co-operated with this lazy Government from the beginning of the sessional period, but in the first two weeks the Government had only sufficient work to allow the House to sit for six hours. The Chief Secretary now wants to steamroll his way through the Notice Paper in eight or nine hours. The Government does not care whether honorable members are forced to work all day and all night; it merely wants to get out of this place before breakfast tomorrow.

This important issue affects honorable members representing both country and city electorates, but after hearing only two speakers the Chief Secretary suggests that the debate be adjourned sine die. Members of the Opposition are not prepared to accept that, and I believe we are entitled to decide which is the most important matter before the House. Is it a matter dealing with booze or with gambling, or is it the matter of deciding on the location of a fourth university?

The Liberal Party members should be able to make up their minds whether the university should be in the country or metropolitan area, and honorable members on this side of the House will give them an opportunity of expressing an opinion. Members of the Opposition do not agree with the motion moved by the Chief Secretary because it means that nothing will be done about debating the location of a fourth university. We believe the House should continue the debate for one hour so that this important question can be resolved. I remind the House that an hour could be spent now in arguing about the rights of members of the Opposition and members of the Country Party in this debate. The Chief Secretary should accept the reasonable proposal to allow all honorable members to state whether they wish the university to be located in the country or the metropolitan area.

Mr. RAFFERTY (Minister of Labour and Industry).—The more I listened to the Deputy Leader of the Opposition, the more I became convinced that in moving the motion the honorable member for Midlands was engaging in a political gimmick. The Leader of the Opposition made a threat to the House and a threat to the Chief Secretary after my colleague had moved the adjournment of the debate and furnished ample and reasonable reasons for the motion. There are many items on the Notice Paper to be debated, some of which
are equally important as or more important than the matter raised by the honorable member for Midlands.

The House was told by the Leader of the Opposition that honorable members have had ample opportunity of examining this matter and getting their thinking straight, yet this motion was not moved until the dying hours of the session. The honorable member for Midlands has had plenty of time in which to study this matter and if the honorable member were genuine the matter would have been brought on months ago when, as claimed by the Deputy Leader of the Opposition, the House had no business before it. The Chief Secretary's proposal is a proper one, and I support it.

Mr. WILTON (Broadmeadows).—I oppose the motion moved by the Chief Secretary. I propose to examine the argument advanced by the honorable gentleman. In an effort to justify his action, the Chief Secretary said that honorable members required time to consider where the fourth university should be located. The Leader of the Opposition then stated that the Opposition was prepared to agree to the adjournment of the debate provided that the House received an assurance that the matter would be brought on later this day. The honorable gentleman then said he would not give such an assurance.

I challenge the Chief Secretary's sincerity in moving for the adjournment of the debate. The adjournment motion was a political exercise to enable honorable members in the Liberal Party, especially those who represent country electorates, to avoid facing the barrier and casting a vote. The honorable gentleman knows better than any other member of this House that the Government is attempting to conclude this session today, late tonight, or early tomorrow morning. That is the target that the honorable gentleman has set himself, and he knows that once this Parliament rises it will not be recalled until September. In the meantime Parliament will be prorogued and every item left on the Notice Paper will disappear and, as the honorable gentleman well knows, that will permit the members of his party to avoid the embarrassment of having to vote on this question.

The Minister of Labour and Industry spoke of political gimmicks and accused the honorable member for Midlands of deliberately delaying the giving of notice of his motion until the dying hours of the session. The reason for any delay is that the honorable member has been hoping that the Government—and, in particular, the Minister of Education—would for once display some initiative and take Ministerial action to indicate to the community and the Parliament what it intends to do about the fourth university. For weeks honorable members have been expecting to hear an announcement by the Minister of Education on the location of the university; we even hoped at one stage that the honorable gentleman would have the courage to take steps to have legislation drafted and introduced, because if a fourth university is to be established legislation will have to be enacted. The Opposition was waiting for the Government to do something about the very detailed and extensive report it has received. Having waited this long, and having heard nothing, the honorable member for Midlands decided that the Government would do nothing and he then exercised his right to give notice of a motion which merely calls for Parliament to express a view.

I challenge the sincerity of the Chief Secretary in refusing to give the Leader of the Opposition an assurance that the debate will be resumed later this day. The honorable gentleman is doing that deliberately to prevent the members of this party from having to say “yes” or “no”.
The House divided on the motion for the adjournment of the debate (Sir Vernon Christie in the chair)—

Ayes .... 35
Noes .... 27

Majority for the motion .... 8

AYES.
Mr. Balfour Mr. Rafferty
Mr. Billing Mr. Reid
Mr. Birrell Mr. Rossiter
Sir Henry Bolte Mr. Scanlan
Mr. Borthwick Mr. Stephen
Mr. Burgin Mr. Stokes
Mr. Crellin Mr. Suggett
Mr. Dixon Sir Edgar Tanner
Mr. Evans Mr. Taylor
(Ballarat North) (Balwyn)
Mrs. Goble Mr. Templeton
Mr. Guy Mr. Thompson
Mr. Hamer Mr. Tretewey
Mr. Jona Mr. Wheeler
Mr. Loxton Mr. Wiltshire.
Mr. McCabe
Mr. MacDonald (Glen Iris) Mr. Smith
Tellers:
Mr. McLaren (Bellarine)
Mr. Maclehan (Gippsland South)
Mr. Meagher

NOES.
Mr. Amos Mr. Lovegrove
Mr. Bornstein Mr. Mutton
Mr. Broad Mr. Ross-Edwards
Mr. Curnow Mr. Shilton
Mr. Doube Mr. Simmonds
Mr. Edmunds Mr. Trewin
Mr. Evans Mr. Trezise
(Gippsland East) Mr. Turnbull
Mr. Fell Mr. Whiting
Mr. Fordham Mr. Wilkes
Mr. Ginifer Mr. Wilton.
Mr. Holding Tellers:
Mr. Kirkwood Mr. Lewis
Mr. Lewis (Dundas) Mr. McDonald (Portland)
Mr. Lind (Rodney).

PAIRS.
Mr. Dunstan Mr. Floyd
Mr. Hayes Mr. Clarey
Mr. Manson Mr. Moss.

It was ordered that the debate be adjourned until later this day.

CRIMES (AMENDMENT) BILL.

The debate (adjourned from the previous day) on the motion of Mr. Reid (Attorney-General) for the second reading of this Bill was resumed.

Mr. WHITING (Mildura).—With all that has happened in this House over the past few hours, one is not certain where one left off in this debate. This is largely a Committee Bill, because it proposes many unrelated amendments to the Crimes Act and two or three to the Justices Act. The major provisions appear to be general increases in penalties for a large number of offences. People seem to be conditioned to accept inflation throughout the country and therefore this could be considered to be penal inflation. Parliament must keep up with the times and increase penalties. This is a sad reflection on the educational system and our social attitudes to life.

There are grounds for more investigation and preventive work in this field. If more finance were available probably the Social Welfare Department would be the first to receive a bigger allocation of funds to engage advisers and counsellors in an endeavour to find the causes of crimes whose perpetrators are subject to increased penalties and longer gaol terms. I hope the Attorney-General and other Ministers will give serious thought to this question because measures are regularly introduced providing for increased penalties.

As the honorable member for Brunswick West stated last night, if a person is imprisoned the State is involved in a further cost. Whether the penalties have the effect of preventing crime, no one will know. Members of the Country Party believe that far more work should be done in crime prevention. Generally we agree with the provisions of the Bill.

It is worthy of note that a caravan has now been included in the definition of a dwelling house. One wonders why this definition was not amended some time ago because many people now make their permanent home in a caravan, sometimes on a nomadic basis and sometimes in a specific area in the country. The crime of breaking and entering is now made applicable to a caravan.
The major alteration is to the offence that is now known as the illegal use of motor cars. This crime is prevalent throughout the world. The consensus amongst members of my party is that the penalty provided for the new crime is too severe, particularly in the early stages. People who commit the offence of what will be known as larceny of motor cars should be educated or conditioned to think that if they commit the offence they will be confronted with a stiff gaol sentence. The maximum penalty of a term of imprisonment for five years is now being increased to gaol for seven years. The new crime of larceny of a motor car with intent to commit a felony carries a minimum gaol term of six months, which is a departure. It will be obligatory on the magistrate or the judge to inflict on an offender a minimum sentence of six months and a maximum sentence of not more than seven years.

Members of the Country Party are concerned about the provision that proof that a person charged used a motor car unlawfully shall be conclusive evidence that he intended permanently to deprive the owner of it. The new penalties seem severe. I agree with most honorable members that, because of the prevalence of the crime, stern measures must be taken. However, we are concerned at the sledge-hammer tactics used in this measure. A fine in lieu of a gaol sentence is included in the amendment of the Justices Act. There could be mitigating circumstances in a crime of larceny, and a magistrate or judge should have a discretion to inflict a smaller fine. The difficulty—maybe the legal profession will have to have a good look at this—is the provision that proof that the person charged used the vehicle without the consent of the owner shall be conclusive evidence that he intended permanently to deprive the owner of the property.

Provision is also made for a plea of rape with mitigating circumstances. In his second-reading speech, the Minister said that when a person pleads guilty to this charge the prosecutrix will not be required to go to court and give the details and face the embarrassment and the ordeal of a long trial. The Statute Law Revision Committee recently recommended a system known as hand-up briefs which does away with committal proceedings where a person intends to plead guilty. This proposal is an extension of that procedure, and the Country Party welcomes it. It should assist in some cases. In other cases, the accused will not plead guilty under any circumstances and a trial will have to proceed in the normal manner. The implementation of this provision will certainly save some young women from the horrible experience of going before the court. An accused who would not plead guilty to rape may plead guilty to rape with mitigating circumstances. This is a good addition to the Crimes Act.

Other provisions relate largely to increased penalties. One provision deals with arson or throwing or placing inflammable material against buildings. There has been a spate of such offences in the past two years. No doubt this provision will assist members of the Police Force to bring charges and will help to prevent this type of offence. Tremendous difficulties are involved in such cases and members of the Country Party support any proposal which will lessen the difficulty which confronts the police. Generally, members of our party support the Bill, with some reservations about clause 10 which we will discuss further in Committee.

Mr. BORNSTEIN (Brunswick East).—This Bill contains a series of fairly unrelated amendments to the Crimes Act, and therefore no specific theme underlies all the provisions. In fact, it could be said that the Government is moving in a certain direction in respect of the offence of rape but moving in another direction in regard to the offence of illegally using a motor car, which the Government
proposes to do away with and to substitute simply the offence of larceny of a motor car.

It is proposed that a jury may bring in a verdict of 'rape with mitigating circumstances. Members of the Opposition have no objection to this proposal and in fact welcome it, as they do any provision which introduces flexibility into the administration of the criminal law. It is regretted that this kind of flexibility which the Government is prepared to institute in this way for the offence of rape is not carried through to a whole range of other offences. Members of the Opposition particularly regret that, whereas the Government has been forward-looking in regard to the offence of rape, it is apparently taking a step backward in dealing with the offence of the illegal use or taking of motor cars. The measures proposed by the Government seem to be designed more to satisfy public opinion and prejudices on this issue rather than to come to terms with the real problem. Any Government worth its salt should be prepared to come to grips with problems which exist.

Penalties for the illegal use of a motor car have been increased on four occasions since 1930 and are about to be increased again by a new device, namely, the elimination of the offence of illegal use, which carries a maximum penalty of five years’ imprisonment, and the substitution of the offence of stealing or larceny of a motor car which will carry a maximum penalty double that for illegal use. When he explained the measure, the Attorney-General said—

"It is apparent that the number of crimes involving the taking of motor cars has steadily increased during recent years, and that the existing penalties have not proved to be a sufficient deterrent to persons committing such crimes.

So the Government’s narrow thinking is clear. It considers that the number of offences has increased because the existing penalties have not been sufficient deterrent. In other words, it believes offenders can be deterred by a variation in the penalty and by making it more severe. The Opposition does not agree with that contention, particularly in respect of the taking of motor vehicles."

It is clear from answers to questions given to both myself and the honorable member for Albert Park that a significant increase has occurred in the number of motor cars on the road. On 14th March this year in answer to a question on notice, the Chief Secretary informed me that in 1960 the number of motor cars registered was 853,207. Eleven years later, in 1971, the number was 1,461,485—almost a 100 per cent increase.

A week later, on 21st March, in answer to another question on notice, the Chief Secretary informed me that in 1960 the total number of vehicles, namely, cars, trucks and motor cycles reported stolen was 6,094 and that in 1971, eleven years later, the total number was 13,092. Although the number of cars on the road almost doubled in the period of eleven years the number of vehicles reported stolen has more than doubled. One could conclude that the incidence of this offence is increasing, particularly in view of the fact that the age group most responsible for this offence, namely, youths between the ages of fifteen and twenty years, have not increased in number in this State by anywhere near the same extent as have cars on the road or cars reported stolen.

Other interesting figures indicate that there are other reasons for the increase in this crime. There is a strange disparity between the number of convictions obtained for illegally using and stealing motor vehicles. The figures of the Police Department do not correlate with other figures which I mentioned earlier. I am indebted to the honorable member for Albert Park for allowing me to use figures provided in answer to a question which he asked on Tuesday of this week and which have not yet been published in Hansard. The Chief Secretary informed the honorable member for

Mr. Bornstein.
Albert Park that in 1966, 1,630 youths under the age of 16 years and 1,856 persons between the ages of 17 and 20 were convicted for illegally using and stealing motor vehicles. In the following year, 1,872 youths of 16 years of age and under, and 1,605 between the ages of 17 and 20 were convicted.

The sitting was suspended at 12.58 p.m. until 2.5 p.m.

Mr. BORNSTEIN.—Prior to the suspension of the sitting, I was attempting to explain why the Opposition had strong reservations about certain clauses in the Bill, particularly those relating to changes that eliminate the “illegal use” of a vehicle as an offence and replace it with the offence of simple “larceny”. I was also attempting to analyse general direction of the Government’s thinking, that by instituting more punitive measures there would be an effect on the incidence of the illegal taking of motor cars, irrespective of whether it is referred to as illegal use or theft.

I referred to figures provided in answers to questions on notice by the Chief Secretary which indicated that the number of cars on the roads in the past eleven years had nearly doubled. Other figures showed that the number of cars and other vehicles stolen in the same period had more than doubled. However, the figures of the number of convictions recorded by the courts for the offence of illegally using and stealing motor vehicles was not large. I point out that these are combined figures because, as the Chief Secretary explained in answer to a question on notice asked by the honorable member for Albert Park on 2nd May, 1972, the Police Department does not keep separate statistics on the illegal use and stealing of motor cars. The Opposition regards that as an unfortunate failing by the Police Department. It is considered that these statistics are vital, particularly when the House is required to deal with measures which will have grave consequences on many people.

Separate statistics are not available, but the statistics that are available show a wide variation in the number of convictions obtained in an eleven-year period. In 1966 the number of convictions obtained for illegally using or stealing motor vehicles against youths of sixteen years of age or under was 1,630—an increase of nearly 300 per cent over the previous year. The number of convictions remained relatively constant from 1961 to 1965. In 1967 they increased by 242 from 1,630 to 1,872. In 1968, for some inexplicable reason, they fell below the level of 1965 to 652.

Exactly the same pattern applies to the number of convictions against persons in the seventeen to twenty years age group, so this drop cannot be explained by the fact that perhaps more people in the higher age group were committing the offences than those in the lower age group.

I shall not refer to the figures in detail, but would appreciate it if the House would grant leave to have the tables incorporated in Hansard. The tables refer to the number of persons, indicating their age groups, convicted of illegally using and stealing motor cars in each of the eleven years from 1961 to 1971.

Mr. WILSHIRE.—Where do the figures come from?

Mr. BORNSTEIN.—They have been provided by the Chief Secretary. I seek leave of the House to have the tables incorporated in Hansard.

Leave was granted, and the tables were as follows:—

<table>
<thead>
<tr>
<th>Year</th>
<th>Number stolen</th>
<th>Number recovered</th>
</tr>
</thead>
<tbody>
<tr>
<td>1961</td>
<td>6,319</td>
<td>6,202</td>
</tr>
<tr>
<td>1962</td>
<td>6,793</td>
<td>6,709</td>
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</tbody>
</table>
Convictions for illegally using and stealing motor vehicles—

<table>
<thead>
<tr>
<th>Year</th>
<th>16 years</th>
<th>17-20 years</th>
<th>21 years or over</th>
</tr>
</thead>
<tbody>
<tr>
<td>1961</td>
<td>599</td>
<td>502</td>
<td>304</td>
</tr>
<tr>
<td>1962</td>
<td>685</td>
<td>516</td>
<td>415</td>
</tr>
<tr>
<td>1963</td>
<td>745</td>
<td>561</td>
<td>531</td>
</tr>
<tr>
<td>1964</td>
<td>770</td>
<td>737</td>
<td>530</td>
</tr>
<tr>
<td>1965</td>
<td>668</td>
<td>628</td>
<td>425</td>
</tr>
<tr>
<td>1966</td>
<td>1,630</td>
<td>1,856</td>
<td>648</td>
</tr>
<tr>
<td>1967</td>
<td>1,872</td>
<td>1,605</td>
<td>623</td>
</tr>
<tr>
<td>1968</td>
<td>652</td>
<td>719</td>
<td>302</td>
</tr>
<tr>
<td>1969</td>
<td>958</td>
<td>799</td>
<td>631</td>
</tr>
<tr>
<td>1970</td>
<td>1,046</td>
<td>869</td>
<td>770</td>
</tr>
<tr>
<td>1971</td>
<td>1,350</td>
<td>1,016</td>
<td>918</td>
</tr>
</tbody>
</table>

Mr. BORNSTEIN.—I thank the House for its indulgence. The decrease in the number of convictions in 1968 continued in 1969, and in 1970 and 1971 the numbers increased. There is no earthly reason why the number of convictions should show such a marked drop in 1968 and 1969.

I suggest to the Government that this measure has been prepared hastily and is ill-conceived. The Government has not had sufficient information available to it and the measure has been introduced as a camouflage to cover up the failure of the police to apprehend offenders who have been illegally using and stealing motor cars. The Opposition does not criticize the police for this failure, but places the blame fairly on the shoulders of the Government for not providing police in sufficient numbers and with proper facilities to enable them to carry out a programme whereby offenders can be apprehended. The Opposition believes potential offenders would be deterred if they realized that the police had a high apprehension rate and a high conviction rate for offences in these categories. In fact, exactly the opposite is true. This is a disturbing deficiency in the Government’s law and order programme.

Another fact that should be well known to the Government is that it is relatively easy for motor cars to be stolen, and it is interesting to note that the Government has not introduced another complementary measure which would compel the owners of motor vehicles to make it more difficult for their vehicles to be stolen. In fact, in a report published in the Melbourne Age of 7th March, 1972, reference was made to a top-level inter-departmental committee which included the Under-Secretary, Mr. J. V. Dillon; the Chief Stipendiary Magistrate, Mr. W. J. Cuthill; the Deputy Director-General of Social Welfare, Mr. B. A. J. Keddie; the Chief Commissioner of Police, Mr. R. Jackson and the Assistant Crown Solicitor, Mr. D. Yeaman, who had conducted an investigation into the illegal use of motor cars. The newspaper reported that the committee had made a recommendation on the basis of a 4 to 1 vote, with Mr. Yeaman dissenting, that the offence of illegal use should be dispensed with and that the charge should be one of larceny. I refer to an article written by Mr. John Jost, the former political reporter, in the Age newspaper of 7th March, 1972, which stated, inter alia—

Legislation aimed at cutting the stolen car rate also might:

- Require cars to be fitted with a locking device.

The Chief Secretary (Mr. Hamer) later said legislation would be introduced in Parliament during the current session.

He said the anti-theft device recommendation might not be included because “further investigation” was needed.

The Opposition would be interested to know whether that further investigation has been instituted and, if so, what will be the result. If the Government genuinely wants to reduce the incidence of the illegal
taking of motor cars, that would be one of the strongest measures it could take. Another would be to increase the strength of the Police Force and the facilities available to it to ensure that it was able to apprehend offenders and therefore increase the likelihood of these offences being reduced in number.

It is important that research facilities should be made available so that measures of this kind which will have serious consequences on many members of the community can be thoroughly researched and thought out. Given the sparse statistics and the little information available, it is obvious that the Government has not thoroughly researched its own ideas. The Attorney-General made no attempt to explain why it was necessary for the Government to propose this course of action or to justify it by way of argument.

The Opposition is critical of the Government because even the figures which are available show that most illegally used and stolen cars are taken by people in the lower age groups, by youths of sixteen years of age and under, and those between seventeen and twenty years of age. This is borne out by the figures compiled by the Police Force. It is a retrograde step to increase the maximum penalty from five years imprisonment to ten years for such young offenders. The Government seems to believe that savage penalties will act as a deterrent. I know of no proof, and the Government has offered none, that the imposition of heavier penalties will have any effect on the incidence of any crime.

Mr. Wiltshire.—Do not believe it.

Mr. Bornstein.—I challenge the honorable member for Syndal to produce such evidence. It just does not exist. Obviously, there is little co-ordination between the Law Department and the Social Welfare Department to attempt to understand the consequences of this measure if these penalties are to be put into effect. As all honorable members know, the institutions operated by the Social Welfare Department are at maximum capacity; in fact, most of them are overcrowded. One needs only to think of the unrest at Pentridge Gaol and other prisons to realize the effect of inadequate facilities and overcrowding of such institutions. It is regrettable that this co-ordination does not exist and that thought has not been given to the inevitable consequences of measures of this kind.

Several years ago a crime commission was established by the then President of the United States of America, President Johnson. The findings of the commission revealed a pattern which is just as obvious here as was is in the United States of America. In dealing with crime the emphasis is always on institutionalization of the offender after the crime has occurred. Little of any Government programme on crime is directed towards crime prevention. The commission found that 85 per cent of the law enforcement budget was spent on institutions and only 15 per cent on preventive measures and the provision of welfare services to assist people in every possible way not to enter into a life of crime or commit offences which will bring them before the courts.

The commission also found that in spite of the huge expenditure on institutions little was done to rehabilitate offenders with a view to ensuring that they did not return to the institutions after being released. In other words, the programme was a failure. The commission contrasted the expenditure on institutions with the expenditure on preventive services which had a far higher degree of success. The report of the commission is available in the Parliamentary Library.

A new provision in clause 11 indicates a lack of co-ordination between the Law Department and the Social Welfare Department. The Attorney-General said that the provision would compel the cancellation
of the driving licence of a person convicted of stealing a motor car irrespective of whether he is released on probation. Nothing could be more calculated to sabotage the work of the Probation and Parole Division of the Social Welfare Department. The purpose of probation is to encourage an offender not to repeat his offence. He is placed under the supervision of an officer of the division so that he can be encouraged not to commit crimes.

With an inflexible provision such as this, which makes it mandatory that an offender’s licence be cancelled or suspended, what will be the position of a person placed on probation who finds it necessary, in order to earn a living, to hold a driving licence? Obviously, the Government has not thought of the consequences of the provision. One aim of probation is to enable the person concerned to live as normal a life as possible. He should be supported by supervision so that when his probationary period is completed he will have learnt from his experience and will not appear in court again. I cannot understand how the Attorney-General could sponsor a provision of this kind with the support of the Social Welfare Department. I suggest that he has not consulted the Minister for Social Welfare. I urge that not only this provision but also the provision relating to the illegal use of motor cars be withdrawn.

The Bill changes the nature of the offence of illegally using a motor car but the Government has given no reason for the change. The taking of a motor car is different from the taking of many other types of property because most motor cars which are taken are not retained by those who take them. I defy any honorable member to point to any other offence of a similar nature in which property is taken in the same way—and to the same degree—and is not retained by the person who takes it.

Mr. Bornstein.

I strongly support the remarks of the honorable member for Brunswick West who said that what the Government has done is to institute a legal fiction. The honorable member precisely summarized the effects of the Bill. The Assistant Crown Solicitor, Mr. Yeaman, dissented from the decision of the five-man committee on the changing of the offence from illegal use to larceny. I have to rely on a press report, which I assume is correct, because the report of the committee has not been made public. Mr. Yeaman claimed that for a larceny charge to be proven, it had to be established that the offender intended to keep the car permanently.

The effect of this measure will be that, although it is obvious in many cases that there was no intent to keep the car permanently, those concerned will still be charged as if they had that intention. This will apply even when an offender is apprehended after the car has been abandoned. I realize that some difficulty could arise if an offender was apprehended while the car was still in his possession. It would then be difficult to determine whether he intended to keep it permanently.

The Government does not take the logical attitude. The attitude it takes is impractical and will place too heavy a burden on the shoulders of young people. These aspects of the measure are ill-considered and I strongly urge the Attorney-General to withdraw these provisions for further consideration so that all parties will have an opportunity of consulting with the Attorney-General and submitting proposals which will have general concurrence. That would be preferable to the situation in which both the Labor Party and the Country Party will oppose clauses of the Bill.

Mr. WILTSHERE (Syndal).—The honorable member for Brunswick East appeared to base his argument on a speech of the late John Cain:

Mr. Bornstein.
when he was Leader of the Opposition, because the honorable member used almost the same words and wept tears at the things that are done to the poor little fellows who steal motor cars. The honorable member showed abysmal ignorance of the progress that is being made in the prevention of theft by the use of steering locks on motor cars. He said that nothing has been done, but he would not know. The honorable member also said that the poor little fellows in question simply take the cars for joy rides. A motor car can cost anything from $200 for a cheap second-hand vehicle to $30,000, which is the cost of putting a Rolls Royce on the road today—not that there are many Rolls Royces on the road. With a couple of pieces of wire, I could start a motor car in about three seconds flat. The only way to prevent the theft of a vehicle is to do what the Government, in conjunction with other Governments, has done, namely, to provide inbuilt safety devices such as steering locks.

The honorable member for Brunswick East stated that because a person who illegally takes a car does not intend to keep the vehicle, it is not a crime. However, if I remove $5 from a person's pocket and spend it down the street, I do not retain it, but I have committed a crime. Similarly, if a person takes a motor car and later abandons it, he does not retain it, but he has certainly committed a crime. The honorable member referred to "H" division at Pentridge and also mentioned that the gaols are not large enough. Apparently, the honorable member feels that the young fellows who steal cars should receive a pat on the head and be told, "Don't do it again—not to my car anyhow". This was a stupid argument. The honorable member did not suggest an alternative.

Mr. BORNSTEIN.—What did I say about the police?

Mr. WILTSHIRE.—The honorable member said nothing constructive. He claimed that the Government had done nothing to minimize the problem. I am trying to point out what has been done. An investigation was made into the matter and recommendations were submitted. The Government has endeavoured to incorporate the recommendations in the Bill. Very few articles in the average home would exceed the value of a motor car, but if an intruder stole a trinket from the honorable member's home he would be very harsh on him. The honorable member said that stealing a motor car is not a crime. Of course it is a crime, and it can be prevented! To make no attempt to prevent the illegal use of motor cars is tantamount to turning back the clock twenty or 30 years; and it represents a failure to keep up with modern trends and to recognize what industry is doing to prevent the theft of motor cars. The honorable member for Brunswick East has not examined the problem; he has merely read an incorrect statement in a newspaper.

Mr. DOUBE (Albert Park).—The remarks of the honorable member for Syndal contributed little to the argument before the House. The Opposition does not object to the Bill except for the proposals contained in clause 10. This clause has been included in the Bill because the Government has the odd belief that severity of sentence will deter a likely offender, but absolutely no evidence is available to support this viewpoint. On many occasions in the past twenty years, the penalty for illegally using motor cars has been increased in the fond hope that the people who were likely to commit such an offence would not do so, but the number of offences has continued to increase. I submit that, irrespective of the penalty that is imposed, punishment will not produce the desired effect. An examination of the history of punishment in our society reveals that severity of punishment has never been proven to have a special deterrent effect.

Mr. CRELLIN. — The honorable member is anti-hanging.
Mr. DOUBE.—Of course, I am anti-hanging, and proud to be so. Unless the Government can produce evidence that severity of sentence will have the desired effect, the clause should be deleted from the Bill. The Government cannot supply a sound reason why a sentence of seven years rather than a sentence of five years should be imposed. The current punishment for the illegal use of a vehicle is five years. By increasing the sentence to seven years, the Government expects the number of crimes to decrease. No evidence has been adduced to show that the courts have ever exercised the power to impose the current maximum sentence of five years' imprisonment. If the courts do not use the power that resides in them to impose the maximum penalty, it is pretentious rubbish for the Government to increase the sentence to seven years. Fortunately, the people in the courts are more humane than the members of the Government. That is one saving grace. Following their usual practice, the courts will probably never actually impose this ridiculously heavy sentence.

Is there a difference between illegally using and stealing? The honorable member for Brunswick West pointed out that larceny requires an intent to deprive the owner permanently of his possessions. This is stated at page 32 of the book Criminal Law by Glanville Williams. An examination of the record indicates that the number of motor cars taken and later recovered is in excess of 80 per cent.

Mr. CRELLIN.—Have you no regard for the other 20 per cent?

Honorable members interjecting.

The SPEAKER (Sir Vernon Christie).—Order! The honorable member for Albert Park, unassisted.

Mr. DOUBE. — The honorable member for Sandringham has raised an interesting point which I hope to be able to answer shortly. However, I was emphasizing that a difference exists between illegally using a car and stealing a car, and that larceny requires an intent to deprive the owner permanently of something he possesses. Whether the property is returned in a damaged state is another matter. Provision is made in the Act to cater for that situation. Damage does not constitute intent of deprivation and that is the point with which the House is concerned.

The fact that between 80 and 90 per cent of cars illegally used are left on the roadside or in some other accessible place indicates that the person concerned did not intend permanently to deprive the owner of his property. If the person had taken the car away, sold it, cut it up or hidden it on property that he owned or on premises in which he had an interest, it could be said that there was a clear intention to keep the motor car. If a person intends to deprive an owner permanently of his car, it means that he is going to keep the car or dispose of it to someone else. The figures of the recovery rate of vehicles that are taken illegally disprove this point. It is ridiculous to suggest that a person who takes a car and leaves it so that it can be recovered has shown an intention to deprive. Therefore, on the evidence before it, the Government cannot say that such an act is larceny.

Another point that has been raised is that the illegal use of motor cars is a crime of the young male members of our society. Only a handful of girls have been involved in this type of activity.

Mr. REID.—That must upset Germaine Greer.

Mr. DOUBE. — The Minister's words would upset anyone who is sensitive towards the welfare of the community. The offence is committed mainly by people under the age of twenty years. The incidence of the crime is also negligible among persons who are over the age of 21 years. More than 50 per cent of offenders are in the fifteen to seventeen-year-old age group. The Government is
after these young people with a big stick in the fond hope that seven years in gaol at sixteen or seventeen years of age will benefit the offender or the community.

The measure is a relic from the dark ages. Because a person takes property worth $2,000 or $3,000 for ten or twenty minutes, the Government is demanding seven years of his life. Honorable members are dealing generally with a group of young and perhaps immature people. It is a backward step to say that anyone who drives a car without the owner's authority should be imprisoned for seven years. According to the Minister, the average price of a motor car is approximately $3,000. If a person uses a car valued at $3,000 for twenty minutes, the Government wants seven years of his life. What sort of justice is that? What sort of a scale is the Government using? It is the type of punishment that is still found in some of the more primitive countries in the Middle East where the punishment for a thief is to have his hands chopped off. It is a harsh, punitive approach to a problem and will not solve it. The Opposition has demonstrated that on every occasion when penalties have been increased there has not been a diminution in the offences committed.

Mr. Reid.—What is the honorable member suggesting in return?

Mr. Doube.—I am suggesting that the Government does not move further into that primitive area.

Mr. Jona.—What is the alternative?

Mr. Doube.—The alternative is to leave it the way it is. Members of the Opposition have not heard any honorable member opposite, including the Minister who introduced the Bill, give a reason why the penalty should be increased to seven years' imprisonment. If the increase in the number of offences committed continues as it is at present, in a couple of years the Government will be asking Parliament to increase the penalty to twelve years' imprisonment because the Government seems to have a belief that it can stop this type of crime in society by being tough. The Opposition has demonstrated with figures that this is not the approach to be adopted. I can see from the Government's approach that it is implacable and will insist on taking this stand. It has the final responsibility to do so. The crime of unlawfully using motor vehicles is usually committed by juveniles and the Government is proposing to put the juvenile into gaol. However, a gaol sentence has not been successful as a deterrent in stopping people from committing the crime.

In 1812 more than 200 offences were punishable by death. Most of those punishments have gradually been eliminated and today we live in a much more law abiding society. In those days even children were publicly executed in the faint hope that others might be deterred from committing crimes. Of course it never did. The Government is now endeavouring to return to that era by saying that brutality and terror will make these juveniles stop committing crimes. However, members of the Opposition have not been given any evidence by the Government that terror and brutality is the alternative. If I were asked for an alternative, I should say that one alternative must be the certainty of being caught. An examination of the available figures reveals that 13,000 vehicles were illegally used last year, and fewer than 20 per cent of the persons responsible were caught. Another alternative to prevent these crimes is that the Government must provide the Police Force with efficient methods to enable it to locate these offenders. I do not know whether the Police Department is using a computer to assist it in apprehending people who illegally use cars, but the Opposition suggests that it is necessary to make sure that the intending criminal knows that he is likely to be caught. If the Government believes it can stop the crime of illegally using
cars by increasing the gaol sentence, it will find that it is wrong and that such a sentence will not deter those people.

From investigations made into the efficacy of severe punishment it is clear that most criminals are deterred from continuing to commit crimes by the certainty of being caught. Of all the crimes on the statute-book, that of illegally using a motor car is the one for which there is less certainty of being caught. My alternative is to provide the Police Force with the proper equipment to ensure that there is more certainty of apprehending criminals after the commission of the offence.

Mr. MACLELLAN.—Does the honorable member suggest more road blocks?

Mr. DOUBE.—That is the sort of statement that would come from the honorable member for Gippsland West. I have been asked for an alternative and I am suggesting that an appropriate one is the certainty of being caught. That is important. This measure is a retrograde step and its only effect will be to put more young offenders between the ages of fifteen and nineteen years into gaol despite the fact that there has been no proof that a gaol sentence is a deterrent. I had hoped the Government would see the situation in the same light as members of the Opposition because what the Government is proposing will not help. That is the main point. It has told the Opposition that it hopes this amending legislation will act as a deterrent and that the crime rate will decline, but in the view of the Opposition the opposite will occur and a bewildered Attorney-General will come into the Parliament in a few years and ask for stiffer penalties. On those grounds the Labor Party is opposing clause 10.

Mr. JONA (Hawthorn).—Like other honorable members on the Government side of the House and like the vast majority of the people of this State will be, I am shocked and dismayed at the contributions to the debate made by the honorable members for Brunswick East and Albert Park. During the past couple of hours honorable members have heard attacks on the suggestions and proposals that have come forward from the Government to detect and deter what has been a very serious crime in Victoria. In debating the Bill, the Opposition has spent almost its entire time in referring to clause 10 and has been attacking the Government without making one reference to a most undesirable element in the community, the criminal. In fact, on this occasion it has been actively defending the criminal.

I shall analyse a couple of the arguments put forward by the honorable member for Albert Park. The honorable member said that increasing the penalties would not serve as a deterrent and that the greatest deterrent would be the likelihood of being apprehended for the offence. Honorable members know that there can be all sorts of detecting devices introduced to catch people for particular offences, but the honorable member for Albert Park knows very well that the offence of unlawfully using a motor car is particularly hard to detect with the normal devices that are available for crime detection.

The honorable member knows the sort of counter measures that would have to be employed. These include compulsory road blocks, and the invasion of a person's property to check the car in his garage. Those are the methods that the honorable member for Albert Park is advocating by inference. The honorable member said quite emotionally that the Government would imprison large numbers of 16, 17 and 18-year-old youths. The important point I make is that the honorable member for Albert Park is advocating by inference. The honorable member said quite emotionally that the Government would imprison large numbers of 16, 17 and 18-year-old youths. The important point I make is that the honorable member for Albert Park is correct only in respect of the youth of the offender. It is equally correct to say that the offence of illegally using a motor car is more prevalent than any other offence.
In a recent year—I think it was 1970—some 67 per cent of the persons who had been convicted of a crime in Victoria had previously been charged with an offence. The most significant thing about that figure is that 50 per cent or one in two of those offenders were under the age of 21 years and one in three under the age of seventeen years. The vast majority of people who have been involved in the prevalent offence of illegally using motor cars were under the age of 21 years. This figure is consistent with the general age pattern in this large area of criminal activity.

Mr. DOUBÉ.—I said that 50 per cent were under the age of seventeen years.

Mr. JONA.—Fifty per cent are under the age of 21 years, and one in three under the age of seventeen years. Obviously the under-seventeen age group is included in the under-21 age category.

MR. BORNSTEIN.—Why?

Mr. JONA.—I will tell the honorable member why. There has been an increase in the crime rate, because in the community today, with the degree of affluence that is accepted, together with the advent of hire purchase, young people are not subject to the discipline of saving as they were twenty years ago when they had to save money to buy a motor car. The vast majority of people who are stealing motor cars are not stealing them because they cannot afford to buy them, but because they wish to engage in an illegal activity associated with a motor car. Over a period of time they have stolen a sufficient number of various types of motor vehicles so that when they can purchase a car for themselves, they know what make to purchase. That is one of the reasons why there has been a growing increase in the incidence of illegal use of motor vehicles. It is very much associated with the fact that there is no discipline of saving required for when the offender ultimately wishes to purchase a motor vehicle.

If the honorable member for Albert Park is serious in his considerations of this subject, he would not refer to the legislation as inducing brutality and terror. The argument advanced by the honorable member for Brunswick East was directed along the same lines; that people who are subjected to brutality and terror under this legislation will not be deterred from borrowing someone's car which represents his life savings and in many cases completely wrecking it. Many owners do not get their vehicles back. The Opposition has the temerity to suggest that the offenders are innocent victims of our society and of this cruel Government and therefore we should be kind to them.

The honorable member for Albert Park should find out what the community thinks about the problem. People have been demanding higher penalties, and it is with a feeling of responsibility to the community that the Government has introduced the measure. The honorable member for Albert Park also puts himself in the position of a judge because he regards these young people as poor, innocent victims who happen to borrow a motor car. Every honorable member should realize that seven years is the maximum penalty and we hope the courts will exercise some discretion when dealing with offenders. Many serious offences are associated with the illegal use of a motor car, and it is clear that the existing penalties are not severe enough for such a serious offence.

The important question is whether we condone the illegal use of motor cars. Naturally, members of the Opposition do not condone this practice. As members of this House we should make it known to the public what the minimum penalty will be for those who illegally use motor cars. The honorable member for Brunswick East and his colleagues seem to be unduly sympathetic to
those who commit this offence. The honorable member would serve the community better if he informed people that illegal use of a motor car is a serious offence and what minimum penalties are prescribed, instead of defending, as members of the Opposition so often do, those persons who inconvenience honest citizens and interfere with their lives by depriving them of the use of their vehicles.

It is time that the legislation was strengthened and that Parliament took firm action about the serious offence not of illegally using a motor car, but of stealing a motor car because, although the offender may not intend permanently to deprive the owner of the vehicle, in many cases that is what occurs. The Government should be commended for introducing the legislation. In the years to come, I believe the Opposition will be condemned for its attitude to the Bill.

Mr. E. W. LEWIS (Dundas).—I almost pity the honorable member for Hawthorn for his attitude towards this problem. I suggest that the legislation will not be controllable, and if that is so it will not be worth the paper it is printed on. Members of the Government party have criticized the Opposition for not suggesting alternatives. I suggest that the Government should create an atmosphere in which youths can be more usefully occupied than they are today. In 1970 a Bill was introduced to provide for the allocation of $200,000 a year for sporting complexes throughout Victoria. The thought was good but insufficient money was provided and only five or six complexes can be completed each year. I wonder how many years it will take to establish sporting complexes in every town in the State.

Mr. WILTSHERE.—What has that to do with the Bill?

Mr. E. W. LEWIS.—The provision of sporting complexes will be a good way of keeping youths off the streets and preventing them from taking a motor car, or some other vehicle which can travel at 90 miles an hour and the sale of which provides an immense profit for some overseas investor. The provision of sporting complexes will enable youths to occupy their spare time.

The City of Hamilton has a sporting complex in the basket-ball stadium, but that is not enough. Fortunately, a young group in that community provides entertainment for the youth of the city, and last Saturday night 1,000 young people attended a function at which Billy Thorpe and the Aztecs appeared. The local police did not have one complaint during the night.

Mr. BURGIN.—How many cars were stolen?

Mr. E. W. LEWIS.—No cars were stolen and the police received no complaints. That is the point I wish to make.

The DEPUTY SPEAKER (Sir Edgar Tanner).—Order! I suggest that the honorable member is getting a little wide of the principle of the Bill.

Mr. TURNBULL (Brunswick West).—On a point of order, Government supporters have been asking for alternatives and the honorable member for Dundas is suggesting that an alternative is to provide some occupational therapy—if one may call it that—for the youth of the community.

The DEPUTY SPEAKER.—There is no point of order.

Mr. E. W. LEWIS (Dundas).—I have always thought that when a member is debating a Bill he may present a case in support of the contention that the measure under discussion will not solve the problem. That is how I have approached this debate. I should also like to refer to grants from the Municipalities Assistance Fund, the purpose of which is to provide sporting facilities for the youth of the State.
Mr. JONA (Hawthorn).—Mr. Deputy Speaker, I raise a point of order. The honorable member for Dundas is canvassing a wide area of social welfare and other activities which are unrelated to the Bill. I particularly direct attention to the fact that the Government has introduced a measure which it considers will help to alleviate the incidence of the offence by increasing penalties.

The DEPUTY SPEAKER (Sir Edgar Tanner).—There is no real point of order, but I ask the honorable member for Dundas to come to the point.

Mr. E. W. LEWIS (Dundas).—We are discussing the problems of youth.

The DEPUTY SPEAKER.—Order! I point out to the honorable member that the Bill relates not to youth but to people of any age who steal motor cars.

Mr. E. W. LEWIS.—Clause 10 is directed towards people who steal cars and I am confining my remarks to the youths who have been mentioned as the main offenders. Efforts should be made to reduce the number of cars stolen by young people. I submit that many offences occur because young people in the community have not enough to occupy their minds.

The suggested penalties will not deter youths from stealing motor cars. I would be upset if my car were stolen, but I am particularly upset at the Government for not providing alternatives to occupy the attention of persons who are the main offenders. Over the years, Governments have tried flogging, hanging and even transporting convicts, but crime continues. The conservatives in our society do not seem to consider the importance of keeping youths occupied with activities that will swing them away from undesirable acts. The Bill proposes to increase penalties instead of trying to cure the problem, which is aggravated by the growth of cities.

Mr. CRELLIN (Sandringham).—This measure is a reflection of the Government's concern for the problem of car stealing in our community. Some honorable members may call it illegally using or some other name, but it is still car stealing. I am disturbed at the attitude adopted by members of the Opposition. If they asked a person who had had the misfortune of having his car stolen what his feelings were, they might adopt a different attitude. If the owner is fortunate enough to get his car back, its condition is often not as good as when it was stolen—sometimes it is not even mobile.

It has not been suggested that the penalty of seven years' imprisonment should be a minimum. I hope the courts will use it as a maximum in the way that Parliament intends and will exercise discretion wisely. Little consideration is given to the person whose car has been stolen, not necessarily by the person who has illegally used it.

Mr. GINIFER.—That is a matter of community values.

Mr. CRELLIN.—I agree, but for many people a motor car is their most valuable possession, and its loss can create a traumatic situation.

Mr. TURNBULL.—Nobody denies that.

Mr. CRELLIN.—Nobody can deny that, and the Government recognizes the situation and by legislation is endeavouring to overcome the problem. However, all we hear is criticism. I only hope that Parliament passes the measure and that the courts get the message and use their discretion properly. The Opposition does not appreciate the community's deep concern at the stealing of motor cars. On the question of imposing a fairly heavy penalty, I remind the House that President Teddy Roosevelt once said, "Walk quietly, but carry a big stick", and this penalty could be the big big stick which is required to call a halt to these offences.
It has been suggested that the Government displays a lack of human interest, but I suggest that the Government has amply demonstrated that it is concerned to help young people and to guide them in order that they will be able to avoid being dragged into unhappy situations which could cause greater problems. The Government hopes to direct youth along the right track early in life so that they will not follow practices which have led to the introduction of this Bill.

I agree that being in court is a big deterrent, but I also agree to some extent that once a boy has been to court and he is released, in many cases he will be back in six months for a repeated offence. Unfortunately young people return to the courts. They are not getting the message, and that is a tragedy.

Many young people drive motor cars for the thrill and pleasure they derive from it, but unfortunately they drive cars belonging to other people and they do not give a great deal of thought to what might happen to the motor car. Perhaps it will be returned in its original condition, but very often it is returned with its engine ruined. In addition, as honorable members are well aware, many young people are killed in stolen motor cars, and that is the greatest tragedy of all. I am sure that no one wants anything like that to happen to young people.

The Government has no desire to fill the gaols with young people. Anyone who has been into a gaol, whether as a visitor or as a convicted person, knows what the atmosphere is like, and no one wishes to see a return to the conditions of 1812 when penalties imposed on convicts were incredibly harsh. It is important that young people should be given a sense of direction early in life.

Mr. FORDHAM (Footscray).—This is a most important measure because it raises the issue of our attitude towards giving direction and advice to the youth of the community. It is perfectly obvious that the approach of the honorable member for Sandringham typifies the attitude of revenge and retribution of the Government. The whole tenor of the Government's attitude is one of revenge and failure to face up to the real guts of the problem. The question is this: Why are thousands of youths in society from the age of fifteen years and upwards stealing motor cars? Instead of attempting to find an answer to that problem, the Government merely increases fines and terms of imprisonment. Anyone who has read the annual report of the Social Welfare Department will realize that increasing penalties is no solution to these basic problems. There has been no evidence put forward to show that the increased penalties and the attitude of
the Government will resolve the problem. No survey has been made of the problem. Has the Government tried to determine why youths take motor cars? It has not. The Government is blindly hoping that punishment will help, but there is no evidence to suggest that it will. It is a tragedy that the Government should approach such an important issue in this way.

There are two philosophies which have been revealed during this debate. The first is the compassion which is shown to the youth of our society by members of the Labor Party, and the second is the harsh rope and jackboot approach of the Government.

Mr. BILLING (Heatherton).—It has been interesting to hear the emotional approach of the Opposition to this measure. It is the usual practice of the Opposition to select one portion of a Bill and use it to launch attacks upon the Government.

It has been said that the Government is wearing jackboots, but I suggest that the honorable member for Footscray should show a little compassion for victims and not so much for deliberate offenders. With due respect, the honorable member's philosophy seems to have arisen from his early training—that it is the right thing to be able to do whatever one wishes with other people's property—although in saying that I am probably doing the honorable member an injustice.

An examination of this proposed legislation, particularly clause 10, shows clearly that the honorable member for Albert Park carefully omitted to refer to sub-section (1) of proposed new section 81. Instead, the honorable member concentrated on the extension of the penalty and he emphasized the punishment of imprisonment.

The honorable member was contradictory. At one point in his speech he said that the penalty should remain at five years as it is in the present Act, but he also suggested that the police should concentrate on apprehending offenders, which would result in more people going to gaol for five years. I fail to see the logic in that argument.

There is no doubt in the minds of members of the public that the taking of a motor car, whether it is called illegally using, stealing, or borrowing, is the taking of another person's property. Every honorable member will remember his early training. When he was barely as tall as his father's knees he began to learn respect for other people's property and that taking something that was not his was depriving someone else. I have no doubt that the failure to stop young people from clambering after other people's property gave birth to some of the social ills that exist in society today.

I sympathize with the honorable member for Footscray in his youthful search to try to find the solution to these problems, but I am sure that when his search is ended many years hence the fundamental principle which will emerge will be that Dr. Spock was definitely wrong. To overcome the problem of the use of different terms such as "taking", "borrowing", and "illegally using", proposed new section 81, as contained in clause 10, provides that it is sufficient evidence if the offender took the motor car without the consent of the owner.

Provision is also made for an offence of attempting to steal a motor car, and maximum penalties are provided. It is good that Parliament does not influence the judiciary and allows the courts to provide adequate punishment to fit the crime.

One of the most unfortunate features of the philosophy of the Opposition today is its attack on law and order. Members of the Opposition demonstrated that they condone and encourage young people to march against law and order. It is about time that some of the younger members of the Opposition realized that they will surely inherit the outcome
of their activities in future. They should take stock and ask whether it is right to illegally use motor cars, or to deprive someone else of his property.

The honorable member for Albert Park made great play of the illegal use of a motor car. Let him try the same sort of approach in Dunklings of Bourke Street, take a watch valued at $300 and as he goes out, toss it into Bourke Street and say, “I did not want this, I only wanted to look at it. I had no intention of taking it”. How would he fare? To go from the “sublime to the gor blimey”, to use the vernacular, if he took a 20 cent biro and went to the shop walker and said, “I did not mean to take it, I am only illegally using it”, how crazy would he be?

The Bill is an attempt by the Government to comply with a demand that has been made for years—to do something about the ridiculous situation of illegally using something to the value of $3,000 and classing it as stealing something worth 5 cents. The provisions of the Bill will bring home to the young people the real meaning of taking property that belongs to others. I agree with the honorable member for Dundas that there is a need to encourage young people to occupy their minds. But youth ought to do what we did in our young days, get off their lazy tails and do something for themselves.

Mr. SHILTON (Midlands).—One could be excused for thinking that, although the Bill amends a number of sections of the Crimes Act, it refers only to the illegal use of a motor car. I make my position quite clear; I do not believe that young people who have been described as offenders for illegally using motor cars should be molly-coddled. The Government is making one or two mistakes. Crime is not solved by increasing the statutory maximum penalty—that does nothing. From time to time offenders are brought before the courts not for first offences but for second, third or fourth offences, and they will commit the same crime again. I do not suggest that the first offender should be dealt with harshly. I should be happier if the Bill laid down a statutory minimum penalty binding on the courts for the second, third or subsequent offences.

The answer to crime is not to make life easier for the offender. We cannot blame ourselves as members of society because crime is on the increase, and we have not diverted the minds of youth to the straight and narrow. One cannot change the attitude of the individual or stop him from illegally using a car again, but one can relieve the public of the depredations of the offender by putting him in gaol. The honorable member for Brunswick East said that, from the 1968-69 period, the number of cars stolen had declined. Honorable members cannot get a true picture of the number of crimes committed from the statistics that are used by the Police Force. When an offence is reported to a police station, a modus operandi report is submitted. It has become the habit of a number of policemen not to put in a modus operandi report on the stealing of a motor car but to delay it until the car is recovered. The report would then be marked “Larceny of a motor car, since recovered, no offence”. It would still have been an offence of illegal use and if a modus operandi report had been submitted under that heading it would have been better. If the 1968-69 figures were properly examined it would be found that there was a difference of about 900 between the figures collected by the car squad and those available to the statistics bureau.

Ever since law has been considered it has been well known that one of the five essential proofs of larceny is that at the time of taking the taker had the intention of permanently depriving the owner of the use of the property. For some reason the Government has decided that one of these essential proofs should be taken away and that the offence of illegal
using should be larceny. Honorable members should seriously consider—I do not suggest that the Attorney-General has acted without consideration—any action to throw out a principle which has been tried and found true for many years in our civilization.

I could understand the Government's attitude if it were consistent and made complementary amendments to the Police Offences Act concerning the illegal using of bicycles or cattle. In one Act the offence of illegally using is to remain and in another Act the offence is to become larceny. I cannot accept it as a suitable alternative.

The Bill also includes a new provision for accepting a plea of guilty to rape with mitigating circumstances. If that plea is entered by the accused and accepted by the Crown the penalty is halved. I shall closely examine what that does. Seldom has anyone been sentenced to twenty years, or even ten years for rape.

Recently, a newspaper reported the conviction and imprisonment for three years of four young men for a pack rape. That is probably one of the worst offences in the statutes. I am not attacking the decision of the judge. The fact that the Crown has accepted the plea is tantamount to suggesting that the girl who was offended against in a single or a pack rape in some way contributed to that offence. It then becomes an attack on the girl's character. If it is rape, it is rape; if it is not rape, it is nothing. There is no in-between case. The introduction of something between denigrates the character of the witness by the "animals" in the community.

Mr. BIRRELL (Geelong).—It is good for the House that discussions such as this should take place occasionally. One provision in this Bill is probably the most popular step with the general public which the Government has taken. One can talk about football pools, and so on, and get divided opinions, but one rarely encounters anyone who wants the existing position relating to the stealing of motor cars not to be altered. There is almost unanimous support for the Government's proposal in this regard. The Bill takes note of a growing problem in the community. The real difficulty is how to deal with it. The general discussion on this point has ranged far and wide. I recall that, in the depression years, sociologists predicted that, when unemployment was reduced, crime would virtually disappear. However, as unemployment decreased, the crime rate shot up. The predictions of the sociologists turned out to be false.

Other people predicted that when the community was better educated crime would be reduced in proportion. This prediction has also not been fulfilled. One member of the Opposition mentioned the decline in family life as being a contributing factor. Undoubtedly, declining standards generally are partly responsible for the present situation, and the solution to the problem lies in that area. When permissiveness generally is promoted together with a disregard of the moral precepts, the crime rate must rise. According to press reports, one of the key features in The Little Red School Book is that the children should do what they want to do.

Mr. FORDHAM.—The honorable member should read a book before judging it.

Mr. BIRRELL.—I qualified my statement by referring to press reports. If that philosophy were followed, car stealing and other crimes would snowball; children in their formative years would think it was in order to take someone else's property and use it. Generally speaking, Parliamentarians are poorly placed to exercise their influence in the fields where the answer to the problem is to be found. I am pleased that an Opposition member mentioned family life because he was as close to the heart of the problem as any other speaker in this debate.
Mr. GINIFER (Deer Park).—I am prompted to reply to the honorable member for Geelong because, by interjection, I referred to community standards and family life. This aspect does not appear to have been thoroughly canvassed by the Government. Sufficient consideration has not been given to the question whether harsher penalties will prevent the illegal use or the stealing of motor cars.

Mr. FORDHAM.—Mr. Deputy Speaker, there is not a quorum in the House, as I think there should be.

A quorum was formed.

Mr. GINIFER.—One point overlooked by the Government is the desire of many people to improve their position within the community. Wage levels have been eroded to the extent that in many families it is necessary to have a second breadwinner, with the result that there is a two-pay packet economy. This results in problems related to the upbringing of children. The honorable member for Heatherton asked whether honorable members could recall being told, as small children, the difference between right and wrong and good and evil. This is the basis of the problems which now exist. The economic policies pursued by State and Federal Governments have applied economic pressures on family life with the result that many mothers now go to work with a consequent falling-off in family values and family development. This situation is being manifested by the emergence of a subculture which has not the same values which we as younger people were taught. It should not be necessary for parents to place the responsibility for the proper upbringing of their children on kindergarten or crèche supervisors. Unless the existing situation is examined and rectified, crimes such as the stealing of motor cars will continue.

I wish to refer to one aspect of the movement known as Women's Lib. Women should be entitled to be regarded as equals, but they have a responsibility, firstly to their families and, secondly, to the community if they are to make a worth-while contribution. It is up to us to ensure that family life in Australia is preserved. If this is done, many of the problems which are presently besetting society will be overcome. The solution is not to be found in increased penalties. If the arguments raised by the honorable member for Sandringham were accepted, corporal punishment would be re-introduced in schools. This is not the answer. Nor is the answer to be found in teachers replacing parents in their responsibility to inculcate into children proper family and community standards.

Mr. MUTTON (Coburg).—This Bill contains some good provisions, but others should be further investigated with a view to increasing penalties. I refer particularly to the provision relating to the illegal use or stealing of motor cars. Offenders are of three different types. The first is the person who takes a motor car for the purpose of joyriding. The second takes a car with the idea of removing it to a secluded spot where it may be dismantled and sold as spare parts. The third type is the individual who takes a car, uses it for joyriding and then deliberately destroys it.

Recently, in Broadmeadows court, three young men were charged with stealing a motor vehicle valued at $2,750. It was taken to a spot along the Merri Creek and deliberately destroyed. When they were brought before the court they were released on bonds on condition that they repay the owner the value of the vehicle at $1 each per week. It will take some time to repay the full amount. It seems to be ironical that if the same three persons stole goods worth $10 from a shop they could be sentenced to imprisonment for six months. Something is radically wrong with the law. I hope this Bill will rectify the situation in cases such as the one I have mentioned. As it stands, the law
does not go far enough to deter persons from taking and destroying motor vehicles. I certainly hope this Bill will have that effect.

A further point is that a person who steals a new motor car may have it in his possession for two or three days. When it is returned to the owner it might have no visible damage, but the owner might subsequently find that it has suffered from being driven at high speeds. This might have caused unnecessary wear which the owner would not have caused to the vehicle in perhaps three years. The effects of this wear and tear might not be discovered for some months. If the owner approached his insurance company regarding this damage he would learn that the company was not interested in his problem. Almost every day damage is caused to motor vehicles in this way, but the owner does not become aware of it until several months later. When a vehicle is stolen and is later recovered the insurance companies are not interested unless it can be proved that obvious damage has occurred to the vehicle. I urge the Government to consider this matter.

Mr. Fell (Greensborough).—I join with other members of the Opposition in highlighting the inadequacies of this Bill, especially the provisions which increase penalties. Throughout history it has been shown that penalties do not deter persons from committing offences. For the offences referred to in the Bill it is not necessary to prescribe harsher penalties. It would be better if the Government concentrated on enforcement of the existing penalties, especially for repeated offences. I doubt whether any honorable member would feel lenient towards a person who illegally used his motor vehicle. I do not support the use in legislation of the term "illegal use". I consider that when a motor vehicle has been taken from a person’s premises it has been stolen. It appears that under the provisions of this Bill the Government is seeking to hammer home increases in penalties and at the same time provide all sorts of loopholes which will allow people to escape the penalties.

Mr. Reid.—The Government is meeting the very objection raised by the honorable member.

Mr. Fell.—It is meeting one of them, but that is not sufficient. The Government is not meeting any of the other objections that have been raised and is not enforcing the existing penalties. Unlike other members of my party, I consider that when a motor vehicle has been taken from the owner it has been stolen. Recently my next-door neighbour had her Mini Minor car stolen. It was run for about half an hour and then smashed. She will receive from the insurance company a pay-out of $900. She still owes $800 on the vehicle because of the high terms charges which this Government has done nothing to reduce. If she is fortunate, she will probably receive $100 net. That is not justice. The Government should take action to protect car owners and should certainly take more positive action to minimize the stealing of vehicles.

 Increased penalties will have no effect. Thousands of these offences occur each year, but little action has been taken by the Government to curb them.

In my electorate, where the theft to which I have referred occurred last week, it was only because the crime involved a major collision that the police were able to locate the car quickly. In the majority of instances a stolen vehicle will be returned to its owner in a more or less damaged condition. There seems to be no safeguard against this.

The attitude of the Government towards the Police Force has contributed toward this unsatisfactory position. Only three policemen are on duty in the Greensborough area throughout the night, and only one divisional vehicle patrols the whole of the north-eastern suburbs. This is ridiculous. No member of the Government would dare to suggest that such a small
force can adequately cope with problems that arise in the north-eastern suburbs, and particularly in my electorate. It is more important to apprehend offenders than to increase the penalties for offences. The Government can no longer shirk its responsibilities. It has been doing so for the past seventeen years and gradually the position has worsened. The Government will not face up to the problem.

Clause 6 proposes an amendment to section 44 of the principal Act which relates to the crime of rape. I agree that either the crime is rape or it is not. If a case goes to court and the girl concerned alleges that she has been offended against, she has either been offended against or not. It is as simple as that. Therefore, I am unable to agree with this provision.

The Government has done little to stamp out lawlessness in the community. This Bill will not reach the crux of the problems it proposes to rectify. Its enactment will do nothing to minimize bank robberies, which in the past few months have considerably increased.

The DEPUTY SPEAKER (Sir Edgar Tanner).—Order! The matter referred to by the honorable member is not the subject of this Bill.

Mr. FELL.—I thank you for your guidance, Mr. Deputy Speaker. If the Government is interested in putting teeth into its legislation it should first enforce existing laws. Prevention is better than cure. I urge the Government to strengthen the Police Force.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Division Table).

Mr. TURNBULL (Brunswick West).—From what has been said about the illegal use of motor vehicles it would seem that most honorable members are of the same mind. The Attorney-General has provided a detailed explanation of the purposes of the Bill. I could speak to every clause in the Bill but, having regard to the time already spent on the measure, which is of immense importance to the public, I indicate that I shall confine my remarks to clauses 8 and 10, which my party finds offensive, and will vote against.

Mr. REID (Attorney-General).—I appreciate what has been said by the honorable member for Brunswick West, and his desire to shorten the Committee stage. The honorable member indicated that some members have expressed themselves vigorously on certain points, but on many of the matters contained in the Bill there is common agreement.

The clause was agreed to, as were clauses 3 to 5.

Clause 6—

After sub-section (3) of section 44 of the Principal Act there shall be inserted the following sub-section:—

'(4) If on the trial of any person charged with rape the accused person pleads that he is not guilty of rape but that he is guilty of rape with mitigating circumstances and the prosecutor for the Queen agrees to accept a plea of rape with mitigating circumstances the trial judge shall thereupon direct that an entry of "Guilty of rape with mitigating circumstances" be made upon the record in respect of the charge of rape and every such entry shall have effect as if it were the verdict of a jury upon the trial of the accused person on the charge of rape.'.

Mr. REID (Attorney-General).—I make it perfectly clear that at present there is no separate offence of rape with mitigating circumstances, nor is the Government seeking to set up an offence of this nature. When a man to be charged with rape is tried, if he pleads not guilty the first duty of the jury is to determine whether he is guilty of an offence. It has long been the practice, and it is written into the statute, that the jury may make a finding that the accused is guilty of rape with mitigating circumstances, in which case he receives a lesser penalty.
For some time, an endeavour has been made by the Crown prosecutors, with the concurrence of the judges, to apply this principle when the accused pleads guilty, so that the judge may find that he is guilty of rape with mitigating circumstances. The opening has been given to the accused to state that when he has pleaded guilty. As I indicated in my second-reading speech, doubts have existed whether that procedure is authorized by statute.

The purpose of this amending clause is not to introduce a new principle but to give authority to what has been attempted as a matter of practice but about which the Full Court has said there is no proper legislative authority. In view of the remarks made by two honorable members of the Opposition, I thought I should place that on record. There are two amendments to be made to this clause. I move—

That, in proposed sub-section (4) of section 44, the words "not guilty of rape but that he is" be omitted.

The reason for this amendment is that the Chief Justice, who has examined the Bill, thinks that the words proposed to be omitted tend to convey the impression that there is one offence of rape and another of rape with mitigating circumstances, whereas in fact there is but one offence of rape. The Solicitor-General supports this view and agrees with the amendment. I also move—

That, in proposed sub-section (4) of section 44, the word "shall" where first occurring be omitted with the view of inserting the word "may".

This amendment also arises from an observation of the Chief Justice, who suggests that the mandatory nature of the provision as it stands in the Bill would take the matter entirely out of the hands of the court if the Crown agrees to accept a plea of guilty. He feels that the court should have a discretion in the matter. The Solicitor-General has examined this proposal and has no objection to the amendment.

Mr. TURNBULL (Brunswick West).—I accept the explanation of the Attorney-General, and the Opposition makes no objection to the two amendments he has proposed.

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

Clause 7 (Definition of "dwelling-house").

Mr. MUTTON (Coburg).—In his second-reading speech, the Attorney-General said—

Clause 7 is designed to remove an anomaly in respect of breaking into a caravan in which a person is residing. As the Act stands, if entry is effected for the purpose of stealing, the only charge available is simple larceny. The definition of "dwelling-house" proposed to be inserted in section 71 of the principal Act will enable a breaking into a caravan, within the definition, to be dealt with as house-breaking or burglary, accordingly to the circumstances.

I should like to know whether the defining of a caravan as a dwelling house will have any effect on existing by-laws or the uniform building regulations. Years ago many people lived in caravans on their blocks of land while their homes were being erected, but municipal councils stopped this practice. Now that there is to be a definite interpretation of a caravan as a dwelling-house what will be the effect?

Mr. REID (Attorney-General).—As the honorable member has indicated, many people use caravans as a place of dwelling. If anyone breaks into that form of tenement, he is as much guilty of burglary or house-breaking as if he broke into a house, and he should be liable to the heavier penalties for those offences and not only to the lighter penalties applicable to a charge of larceny of the articles which may be taken from the caravan. The provision does not purport to override in any way local government provisions. The opening words of section 71 of the principal Act are—

For the purposes of this Division.
The division relates to larceny and similar offences. A caravan is now to be included within the definition of a dwelling-house. It is a definition for the purposes of the Division. It is a statutory document which justifies presentments in cases of people charged with larceny, burglary, or house breaking as the case may be.

The clause was agreed to.

Clause 8—

In section 74 of the principal Act for the words "five years" there shall be substituted the words "seven years".

Mr. TURNBULL (Brunswick West).—The Labor Party will vote against clause 8, because of its affinity with clause 10. The penalty of five years for larceny has stood for a long time and, as I pointed out earlier, there is provision for the more serious forms of larceny. The Labor Party mainly objects to clause 10 but, because of the affinity between the two clauses, it will also vote against this clause.

The Committee divided on the clause (Mr. R. S. L. McDonald in the chair)——

Ayes ... 37
Noes ... 22

Majority for the clause 15

AYES.

Mr. Balfour
Mr. Billing
Mr. Birrell
Mr. Borthwick
Mr. Broad
Mr. Burgen
Mr. Crellin
Mr. Evans
(Ballarat North)
Mrs. Goble
Mr. Guy
Mr. Hamer
Mr. Jona
Mr. Loxtom
Mr. McCabe
Mr. MacDonald (Glen Iris)
Mr. McLaren
Mr. Maclellan
Mr. Meagher
Mr. Rafferty
Mr. Reese

Mr. Reid
Mr. Rossiter
Mr. Scanlan
Mr. Smith
(Bellarine)
Mr. Stephen
Mr. Stokes
Mr. Suggett
Mr. Taylor
(Balwyn)
Mr. Templeton
Mr. Thompson
Mr. Trevin
Mr. Wheeler
Mr. Whiting
Mr. Wilcox
Mr. Wiltshire.

Tellers: Mr. Taylor (Gippsland South) Mr. Treheway.

Mr. Amos
Mr. Bornstein
Mr. Curnow
Mr. Doube
Mr. Edmunds
Mr. Floyd
Mr. Fordham
Mr. Ginifer
Mr. Holding
Mr. Kirkwood
Mr. Lewis
(Dundas)
Mr. Lewis
(Portland)

Noes.
Mr. Lind
Mr. Lovegrove
Mr. Mutton
Mr. Shilton
Mr. Simmonds
Mr. Turnbull
Mr. Wilkes
Mr. Wilton.

Tellers:
Mr. Fell
Mr. Trezise.

Mr. Dunstan
Mr. Clarey,

Clause 9 (Consequential amendment of No. 6231).

Mr. TURNBULL (Brunswick West).—Honorable members will notice the words "and illegal use" in the clause. Members of the Opposition do not propose to call for a division, but we will call for a division on clause 10, which deals with illegal use.

The clause was agreed to.

Clause 10 (Amendment of No. 6231 ss. 81, 82).

Mr. TURNBULL (Brunswick West).—I do not propose to repeat my previous remarks. It is clear that honorable members are agreed that the taking of motor cars, whether with felonious intent or for the purpose of illegal use, is a serious offence. No one has said otherwise. It is also agreed that this type of crime causes great inconvenience and may result in financial loss. I have not heard the Attorney-General or any member of the legal fraternity on the Government side inform honorable members whether a person has ever been sentenced to ten years for stealing a motor car. After all, that is a sufficient ceiling for this offence.

No member of the Government whom I have asked has known the present penalty. A member of the Police Force who took drugs was sentenced to imprisonment for five years. An examination
of the Crimes Act reveals that the penalty for child stealing is five years. That is not kidnapping but child stealing. The maximum sentence for car stealing is ten years. The maximum penalty for illegally using is five years. It has been said that offenders are given a bond. The Opposition does not give them bonds; magistrates and judges who are appointed by the Attorney-General do so. This may depend on the pleas which are made on behalf of these people. Honorable members are not responsible for the penalties imposed in courts. We are responsible for the maximum penalty which may be imposed on people who illegally use motor cars. Five years is a fairly long term of imprisonment.

If time permitted I would read the balance of Oscar Wilde's extremely accurate description of prison. I am informed that he was in prison for two years from 1899.

The Opposition objects to the legal fiction which is unheard of in the law calendar. Before a person can be convicted of larceny, an intention to deprive the owner permanently of the property must be proved. To permanently deprive a man of his goods does not mean to take them away and use them. The subject has been widely debated. There were twelve speakers from the Opposition and many speakers from the Government who were almost as good at putting their views. I said at the outset that this subject was debatable. The Government has put one point of view and the Opposition has put the other. It has been a fair debate. It was pleasing that so many honorable members expressed their views.

The Opposition suggests that this is a fictional piece of law. Surely most people prefer truth to fiction. A man should not be found guilty of a fiction. A fiction should not be incorporated in the law calendar. If the facts of the case fall short of larceny, the maximum penalty is five years' imprisonment. Any fair Christian person would consider five years to be sufficient in those circumstances. If the tribunal or the prosecuting police officer considered it was not sufficient, I imagine that the facts of that case could amount to larceny. For these reasons and the many other reasons stated by members during the debate, members of the Opposition oppose clause 10.

Mr. WHITING (Mildura).—I am not happy with two points in this clause. In giving reasons in his second-reading speech for the proposals contained in clause 10, the Minister stated that it was apparent that the number of crimes involving the illegal use of motor cars had steadily increased. Honorable members will agree with that. As reported at page 4951 of volume 18 of Hansard the Minister went on to say—

... and that the existing penalties have not proved to be a sufficient deterrent to persons committing such crimes.

I should like the Attorney-General to provide the Committee with evidence to show that existing penalties have not provided a sufficient deterrent. If the courts had been inflicting the maximum penalty that statement would be justified, but until that time arrives—the Attorney-General can correct me if it already has—it is possible that the argument of the honorable member for Brunswick West has a great deal of validity and that the term of imprisonment should remain at five years.

I refer to sub-section (2) of proposed new section 81. In this instance, the power of proof is very wide and could be subject to abuse by over-diligent members of the Police Force or other persons. Sub-section (2) states—

In any proceedings for attempting to steal a motor car proof that the person charged attempted to take or in any manner use the motor car without the consent of the owner or person in lawful possession thereof shall be conclusive evidence that the person charged intended to permanently deprive the owner of it.

Two points emerge. Under the definition of attempting to steal one could well imagine that any person,
possibly even a member of the Committee, could inadvertently step into a car of similar appearance to his own and, if the keys had been left in the car, even drive it away. This could be construed as attempting to steal. Even the mere fact of sitting in the car could be so construed. Under some circumstances it would be difficult to prove that the person was not attempting to steal; under the Bill the mere fact that he is sitting in the vehicle is conclusive evidence that he intended to permanently deprive the owner of it.

Members of the Country Party consider this provision to be very severe. The Attorney-General should examine the necessity for such a strong provision at this stage, and perhaps before the Bill goes to another place the provision could be amended or completely omitted. I agree that it is possible for this situation to occur, but the provision could be subject to serious abuse.

The other provision deals with the larceny of a car by making it a felony. No honorable member would quibble about that because a person who steals a motor car in the commission of another felony should be punished as strongly as possible. It is the offence of the attempted stealing of a motor car that concerns the Country Party.

Mr. DOUBE (Albert Park).—During the early part of the debate, the honorable member for Hawthorn insinuated that, generally speaking, the Opposition comes down on the side of the law breaker. I put it to the Committee that that is the greatest misrepresentation possible of the Opposition’s position. The Government has still failed to justify its action in introducing this substantial penalty. It has given no valid reason why it considers the penalty will lead to a diminution in the number of offenders. My colleagues and I do not understand the reason for the Government’s action. We are not on the side of the law breaker, but we are of the opinion that this proposal is wrong. The principle has not worked in the past. On at least five occasions the Government has told the Opposition that the law has to be harsher but the prescription of higher penalties has not worked. I refute the allegation made by the honorable member for Hawthorn. The worst aspect of the allegation is that he knows it is untrue, but he will deliberately say anything false to blacken the reputation of the Opposition. That is his true motive, and every honorable member knows it.

Members of the Opposition are sad about what is currently happening because soon more and more young people are to be put into gaol and they will be jammed in there for longer periods than hitherto for similar offences. Members of the Opposition believe that a five-year gaol sentence is sufficient, and no evidence has been produced to show that it is not. We stand by our attitude. An analysis of the figures that are available shows that about 30 young people a day take motor cars illegally. The Government should be attempting to find an alternative instead of wanting to return to the Port Arthur days.

An examination should be made of the reasons why of the hundreds of thousands of young people in our society something happens to about 30 of them to cause them to commit this offence. No honorable member can say that he is happy with the position or with the theory that the only way it can be stopped is to throw these young people into gaol. There has to be some other way of overcoming the problem. If all the offenders were apprehended and the courts carried out their duties and sentenced the guilty persons to gaol for the term proposed in the Bill, the cost to the community would be hundreds of thousands of dollars. The Opposition suggests that it would be better to ascertain why young people act in this way. Do they come from the well-endowed families? Are they from broken homes? Do honorable members know why young people commit these offences?
Mr. JONA.—Studies have shown all this.

Mr. DOUBE.—One thing the studies have not indicated is that these young people should be put into gaol. The Opposition wishes to suggest how this problem can be overcome. The Government will have to spend hundreds of thousands of dollars if these people are to be apprehended and gaoled. If they are thrown into gaol for a longer period, the Government will have to build more gaols and recruit more warders. The Government should look at the reasons why 30 young people a day commit this crime. The Opposition suggests that if there were qualified people or social workers in schools and municipalities, the Government would find out what is wrong.

I have talked to people who have contact with young children, and they are concerned with the failure of society to recognize early symptoms of psychopathy. The word "psychopath" once connoted moral imbecility, and was applied to a person who was unable to determine right or wrong in the strict moral sense. School teachers say that some children do not take pen or pencil to school for day after day; they have no highs or lows in behaviour; and they can develop no definite attitude of joy or despair. These signs indicate that the child, even at an early age, is tending to develop an attitude which will cause him later in life to feel alienated. In his alienation he will become antagonistic, and some of his antagonisms will be relieved by reacting badly against society.

I am not dogmatic about this, but I suggest that this is an area worthy of Government investigation. The Government cannot give precise information about this aspect because it has not studied it as fully as it should, if at all. The solution is certainly not to send problem people to gaol when the root cause is the boredom of living in an urbanized society. Australia is highly urbanized; in fact in no other country in the world do more people live in cities than in Australia.

The ACTING CHAIRMAN (Mr. R. S. L. McDonald).—The honorable member is getting a bit wide of the Bill and I suggest he return to it.

Mr. DOUBE.—I was submitting alternatives, but I shall not pursue that line any further. I refute the allegations that have been made against the Opposition. Opposition members are concerned about this matter. We are certain that turning children overnight into felons—that will be done if the Bill is passed—is not the answer. In future any person who commits the offence of illegally using a motor car will be a felon and will suffer all the implications and disabilities implied in that word.

The Government might be certain that it is acting correctly by branding these people as felons, but that stigma will remain with them for the rest of their lives. Under this ridiculous Bill an offender will not only be liable to seven years' imprisonment but he will have the brand of felon indelibly stamped on him.

Mr. BORNSTEIN (Brunswick East).—In the two years in which I have been a member of this House, I have not previously heard so much abuse levelled by Government supporters at members at the Opposition. Never have I heard so much misrepresentation of an Opposition viewpoint. Because the Opposition objects to the removal from the statute-book of the offence of illegal use of a motor car, Government supporters, almost to a man, have accused Opposition members of taking the side of offenders and so supporting them in the commission of the offences. Those words may not be the precise ones used, but the implication is clear. The misrepresentations are absurd and the statements made to this effect are deliberately untrue.

A proper explanation supporting a change in the law has not been given by the Minister or by any Government supporter. At no stage during his second-reading speech did the Minister state why the Government was taking this attitude. He has not
explained, or even attempted to explain, why changes in the way proposed are to be made. One has only to study the Attorney-General's own words to realize that the Government has no explanation; that, as the honorable member for Brunswick West has pointed out, it is indulging in a legal fiction. When explaining the Bill the Attorney-General said—

It is apparent that the number of crimes involving the taking of motor cars has steadily increased during recent years, and that the existing penalties have not proved to be a sufficient deterrent to persons committing such crimes.

In view of the prevalence and serious nature of the offence of illegal use, it is considered that it should be dealt with as larceny.

That is not a satisfactory explanation. I do not agree that a change should be made or that a change will deter offenders. The serious offence of illegal use of a motor vehicle has been on the statute-book for some time, but that fact has not acted as a deterrent. It has not yet been determined in any country in the world—and particularly in Australia, where research facilities are at a minimum—that there is a correlation between offences committed and the severity of penalties. No honorable member on the Government side has made any attempt to explain that there is a correlation or to prove that if the penalty is increased, as the Government intends by a flick of the wrist, so to speak, it will have an effect on the number of offences committed.

I challenge any honorable member supporting the Government to produce any of the studies that Opposition members heard of, particularly by way of interjection, to show that the change the Government proposes by this Bill will have the desired effect. I ask the Attorney-General or any of his colleagues to state that he is not satisfied with the operation of the courts in its interpretation of the existing penalties provided for this offence for which at present a maximum of five years' imprisonment in certain cases is prescribed. If the Government is not satisfied with the way the courts deal with this matter, it should investigate that position rather than change the nature of the offences by a flick of the wrist or by sleight of hand. We have the absurd situation that the Minister, in explaining the Bill, said—

Sub-section (1) of proposed new section 81 is an evidentiary provision to the effect that proof of the taking or use of a motor car shall be conclusive evidence of intention to permanently deprive the owner of it.

That is the sort of thing that George Orwell wrote about in his novel Nineteen Eighty-Four, the kind of double-think that says black is white—and there is no justification for it. No proof has been offered in support of the proposal and the Opposition flatly rejects it.

Mr. TURNBULL (Brunswick West).—The Opposition objects only to proposed new section 81, but as it is incorporated in the clause with various other proposed new sections to which the Opposition offers no objection it is necessary for the Opposition to vote against the clause.

The Committee divided on the clause (Sir Edgar Tanner in the chair)—

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<th>Ayes</th>
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**AYES.**

Mr. Balfour
Mr. Billing
Mr. Birrell
Mr. Borthwick (Bellarine)
Mr. Broad
Mr. Burgen
Mr. Crellin
Mrs. Goble
Mr. Guy
Mr. Hamer (Balwyn)
Mr. Jona
Mr. Loxton
Mr. McCabe
Mr. MacDonald (Glen Iris)
Mr. McDonald (Rodney)
Mr. McLaren
Mr. Maclean
Mr. Meagher
Mr. Rafferty
Mr. Reese

**Tellers:**

Mr. Meagher
Mr. Evans

Mr. Stephen.
Mr. Amos 
Mr. Bornstein 
Mr. Curnow 
Mr. Doube 
Mr. Edmunds 
Mr. Fell 
Mr. Fordham 
Mr. Ginifer 
Mr. Holding 
Mr. Kirkwood 
Mr. Lewis 

(53)

Mr. Lewis (Portland) 
Mr. Lind 
Mr. Lovegrove 
Mr. Simmonds 
Mr. Trezise 
Mr. Turnbull 
Mr. Wilkes 
Mr. Wilton. 

Mr. Dunstan 
Mr. Lewis 
(Dundas) 

Tellers: 
Mr. Mutton 
Mr. Shilton. 

Mr. Mutton 
Mr. Shilton. 

Mr. Clary. 

Mr. Mr. Reid (Attorney-General).—
The amendments in the Bill were 
carefully considered by departmental 
oficers including senior officers of the 
Social Welfare Department. I appre-
ciate the comments made by the 
honorable member for Brunswick 
East, but I do not propose to suggest 
that any amendments be made in 
another place. If the honorable mem-
ber wishes to make further represen-
tations to me when the Bill has been 
passed, I shall be pleased to consider 
them. An Act of Parliament is 
always open to review. I stress tbat 
the provision was agreed to after full 
consultation with officers of the 
Social Welfare Department. 

Mr. Billing (Heatherton).—
I listened with interest to the pro-
position submitted by the honorable 
member for Brunswick East, and in 
the light of my experience over a 
number of years with persons who 
have been placed on a bond for 
various offences, I feel it has merit. 
If a penalty is not inflicted on a 
person, but he is released on a good 
behaviour bond, it is not too much 
to expect that he should be able to 
retain his driving licence. In view of 
the Attorney-General’s comments, it 
may seem strange that I should 
support the proposition, but I take 
the opportunity of expressing my 
opinion in the light of experience of 
persons upon whom penalties have 
been inflicted in the Magistrates 

and order. The Attorney-General 
could examine the matter—I do not 
suggest that it can be done before 
the Bill reaches another place because 
of the time involved—during the 
recess and then if the honorable 
gentleman remains convinced that 
the provision should be inserted, a 
further amending Bill could be 
introduced. It appears to me that 
this matter has not been discussed 
adegately with the Social Welfare 
Department. If the Minister for 
Social Welfare was present, he 
could indicate whether I am correct 
and how he views the provision. 
I appeal to the Attorney-General not 
to proceed with this sub-clause. 

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the opportunity of expressing my 
opinion in the light of experience of 
persons upon whom penalties have 
been inflicted in the Magistrates
Court. Now that the matter has been raised, I shall take the opportunity of examining it and placing my views, and perhaps those of honorary justices, before the Attorney-General.

Mr. TURNBULL (Brunswick West).—It had been my intention to comment on several of the points raised by honorable members, but the honorable member for Heatherton has expressed my views and I adopt his remarks. The whole idea of probation is that there should be no conviction. It seems strange that the man who drives a truck in the course of his employment can be unconvicted although he is deprived of his means of earning a livelihood. Probation is designed so as not to disturb a man in his way of life and to permit him to receive guidance so that at the end of the probationary period he will be an ideal citizen who is unstained by any conviction, although his licence may be endorsed. I commend the honorable members for Brunswick East and Heatherton for their contributions.

The clause was agreed to, as were clauses 12 to 14.

Clause 15, providing, inter alia—

After section 443 of the Principal Act there shall be inserted the following section:

"443A. (1) Where property is tendered in evidence during a preliminary examination for an indictable offence and the accused person is committed for trial with respect to the offence the Attorney-General, upon application made to him in writing, may give directions in writing that the property be released to the applicant.

(2) The release of property under subsection (1) may be subject to a condition that the property released shall be produced on demand at the trial and to such other conditions as the Attorney-General thinks fit.

(4) Directions given under subsection (1) shall not affect the legal title to the property.

Mr. REID (Attorney-General).—I move—

That, in sub-section (1) of proposed section 443A, the words "some accused person is committed for trial for an offence with respect to the property" be omitted.

The Crown Solicitor has examined the measure and considers that the words to be inserted add clarity, particularly in a case in which there are several people charged in connection with an offence. The words also meet the case of a person who is committed for trial on a different charge from that in respect of which he appeared before a magistrate.

The amendment was agreed to.

Mr. REID (Attorney-General).—I move—

That, in sub-section (2) of proposed section 443A, the words "on demand" be omitted.

The Crown Solicitor believes the words "on demand" are too abstract, because there is no provision for the issue of a demand and no power is given to any person or the court to make a demand. It seems that any condition specified under this sub-section might be the production of the property to the court unless notified in the meantime to the contrary by the Crown Solicitor. This can be left to the administrative arrangements which are in the rest of the clause.

The amendment was agreed to.

Mr. REID (Attorney-General).—I move—

That, in sub-section (4) of proposed section 443A, after the word "property" the words "or any legal right to possession of the property" be inserted.

A fair proportion of property stolen is not owned by the people from whose possession it is taken but is held under hire-purchase or a similar agreement. The sub-section should cover lawful possession as well as legal title.

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

The Bill was reported to the House with amendments, and the amendments were adopted.
Mr. REID (Attorney-General).—
I move—
That this Bill be now read a third time.

Mr. TURNBULL (Brunswick West).
—I was interested in the contributions of honorable members from both sides of the House in the second-reading debate. This is a matter of extreme interest to the community, and I hope that honorable members in expressing their views stress that the penalty for stealing a motor car is a term of imprisonment for ten years and the penalty for illegally using is imprisonment for five years. I say this because the press, which is the public media, does not publicize these matters. Judges should not be blamed for the imposition of penalties such as bonds and imprisonment, because they are merely administering laws which have been passed by this Parliament. As members of Parliament it is our duty, when discussing these offences with members of the community, to stress the severity of the penalties which are provided.

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

SPORTS PROMOTION BILL.
This Bill was received from the Council with a message relating to an amendment.

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

COMPANY TAKE-OVERS COMMITTEE.
APPOINTMENT OF MEMBERS.

Mr. REID (Attorney-General).—
By leave, I move—

That, contingent upon the enactment this session, of legislation to make provision with respect to the establishment and functions of a joint standing committee of the Legislative Council and Legislative Assembly with respect to take-overs of companies incorporated in Victoria, Mr. McLaren, Mr. Ross-Edwards, Mr. Taylor (Balwyn) and Mr. Wilton be appointed members of the committee.

The motion was agreed to.

COAL MINES (PENSIONS) BILL.
The debate (adjourned from April 20) on the motion of Mr. Balfour (Minister for Fuel and Power) for the second reading of this Bill was resumed.

Mr. WILTON (Broadmeadows).—
As the Minister indicated when introducing this measure, the need for the Bill has been brought about by the fact that the Commonwealth Government has again made an adjustment to social service payments to people receiving old-age pensions and it is necessary to make an adjustment to the pensions paid to retired miners who previously were employed at the State Coal Mine in Wonthaggi to preserve their relativity with Commonwealth payments. The Opposition does not oppose the measure. The Minister has also taken the opportunity of at long last recognizing the serious injustices many miners are suffering because of the low amounts that are available to aged pensioners. For many years, the allowance for dependent children was only 83 cents.

In December, 1971, the honorable gentleman granted an interview to representatives of the Wonthaggi Retired Miners Association, the honorable member for Gippsland West and myself. It was pointed out to the Minister that the amount paid for the dependent children was totally inadequate and had remained unchanged since 1942. The honorable gentleman promised carefully to consider the points put to him. I acknowledge my appreciation and that of the retired miners of the fact that he has considered the arguments and is bringing the amount up to that paid by the Commonwealth.

However, there is still no provision for retired miners to receive an allowance for dependent children who have reached the age of sixteen years. For many years I have said that the allowance should be paid for dependent children who are full-time students after having attained the age of sixteen years. A retired miner should be treated in the same way as other pensioners. My suggestion
would not involve large sums of money, and there would not be many children involved. I understand that there are only two children in this category. Such a provision would indicate that the Government was prepared to consider the miners on the same basis as they are considered by the Commonwealth Government. The Opposition does not oppose the Bill.

Mr. MACLELLAN (Gippsland West).—I join with the remarks of the honorable member for Broadmeadows. For many years the honorable member has interested himself in the subject of an increase in allowances for dependent children of retired miners and it would be welcomed by the pensioners at Wonthaggi. The other provisions of the Bill merely pass on the increases in the Commonwealth pensions.

I hope that the Government will take the opportunity of re-examining the whole scheme to raise the pensions to a level comparable with the New South Wales rates. The retired Wonthaggi miners feel a great sense of being ill-treated by the fact that although they worked in the same industry as their fellow miners and unionists in New South Wales, they are now discriminated against and they are paid weekly rates less than those paid to their New South Wales colleagues. The argument of the Treasury is that no large contributions are made—in fact, there are no contributors. From the point of view of the pensioners, we must see the justice of their claim. They feel that there should be no distinction merely because they worked for a Victorian state coal mining enterprise. Their years of service to Victoria should be recognized and increased payments should be made to them.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2, providing for increases in rates of pension.

Mr. BALFOUR (Minister for Fuel and Power).—I thank the honorable member for Broadmeadows and the honorable member for Gippsland West for their contributions to this small but most important measure. Both honorable members realize that, from time to time, the Government is willing to consider their representations, and over the years it has endeavoured to do what it can to assist those people who are in receipt of miners' pensions. I was pleased that the Government was able to accede to their request and change the allowance for children. I am willing to review the position to see whether the allowance can be extended to children over the age of sixteen years who are still receiving education on a full-time basis; although I should think that most of them at that age would have parents in receipt of Commonwealth social service benefits and would be able to get the allowance.

It was suggested that the pension paid to Wonthaggi miners should be brought up to the amount received by pensioners in New South Wales. The suggestion had been previously examined but it is difficult in Victoria because the sum of money available is being decreased year by year. Increasing amounts are being paid into the fund in New South Wales both by the miners and the companies. I understand that the contributions to the fund made by the New South Wales Government have not increased for a number of years. Coal mining there is a buoyant industry with considerable funds at its disposal and it is in a better position to pay higher pensions than are paid to the miners at Wonthaggi. Historically, when the Wonthaggi mine closed down, legislation was enacted, and at that stage I understand that the miners were reasonably happy with what was done for them. Changes take place from year to year and I am willing to examine the matters that have been raised.
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.

**MOTOR CAR (AMENDMENT) BILL.**

The debate (adjourned from April 18) on the motion of Mr. Hamer (Chief Secretary) for the second reading of this Bill was resumed.

Mr. WILTON (Broadmeadows).—The Bill, which is basically a Committee measure, introduces a series of unrelated amendments to the Motor Car Act. One amendment proposes to place a 50 cents surcharge on registration fees for private motor cars and those vehicles used by people connected with charitable organizations, trade unions and so on, and a $1 surcharge on commercial vehicles. It is proposed that the cost of number plates be increased from $2 to $2.50.

A further significant change relates to a motorist who is charged with being in charge of a vehicle on a highway without a licence. When he is brought before the court the motorist or the person charged will be required to prove that he previously held a licence. If he does this to the satisfaction of the court he will be subject to the lesser penalty of $100. If he is unable to prove that he previously held a licence, he will be liable to a minimum fine of $100 or a maximum fine of $400.

I have some reservations about the fixing of minimum penalties. However, as they already exist in the principal Act I shall content myself with placing on record that I do not support the principle that legislation should contain minimum penalties because that is a matter for the court. The principal Act provides a minimum penalty of $100 and a maximum of $400. The amendment does not change the existing situation in regard to minimum and maximum penalties; it merely places the onus on the accused instead of on the prosecution to establish that he previously held a driving licence, an endorsed driving licence or an international driving permit.

Another amendment relates to a person who wishes to surrender a driving licence. Driving licences are now issued for a period of three years. A person may wish to surrender his driving licence for a variety of reasons. Provision is made whereby a person whose licence still has some period to run may obtain a refund of one-third of the fee for each year of the remaining period. Could the Chief Secretary inform me whether this provision will cover the surrender of the licence of a deceased person?

The SPEAKER (Sir Vernon Christie).—I suggest that this discussion would be more appropriate in Committee. The Committee stage is designed for asking questions.

Mr. WILTON.—That is so, Mr. Speaker; I am glad that we agree on that point. My remark was prompted by a quiet interjection from the Chief Secretary which you may not have heard.

For some time past, a person who was injured by a motor car and wished to bring a claim against an unknown or unidentified person has had to apply to the Supreme Court for the appointment of the incorporated nominal defendant as administrator ad litem in that action. An amendment in the Bill will make it possible for a person or his representative to approach the incorporated nominal defendant and, if the incorporated nominal defendant is prepared to accept the appointment as administrator ad litem for the action, it will be much easier to bring an action against an unidentified person. Having had discussions with the honorable member for Brunswick West and the appropriate officer in the department, the Opposition offers no objection to that change. As I said at the outset, this is largely a Committee Bill. Members
of the Opposition do not oppose the amendments, but will raise further detailed matters in Committee.

Mr. TREWİN (Benalla).—Members of the Country Party support the Bill which proposes amendments to the Motor Car Act. The most important amendments from the point of view of the Country Party are those which increase fees on certain classifications of motor registration. Increased revenue will be made available to the Road Safety and Traffic Authority to continue its work in the interests of road safety. This authority has operated for about twelve months and has worked in conjunction with the Parliamentary Road Safety Committee. The results achieved from the deliberations of both of these bodies have brought about a reduction in the road toll. No doubt the additional funds allocated to the Road Safety and Traffic Authority will be spent on improved traffic control and traffic safety provisions.

The SPEAKER (Sir Vernon Christie).—Is this relevant to the Bill?

Mr. TREWİN.—It is proposed to increase fees for this purpose. It will be a worth-while contribution to the effective work of the authority. Roadworks are being undertaken in the metropolitan area and also in country areas, but a number of road accidents still occur. Municipalities throughout the State seek the installation of improved safety devices, such as school crossings, pedestrian crossings and traffic lights. Members of the Country Party support the Bill although they realize that the motorist must pay.

I do not think anyone will object to the proposals if he realizes that the money will be spent wisely. I have no doubt that the Road Safety and Traffic Authority will ensure that the additional finance will be spent in the most effective manner. When the authority was first established, I expressed the hope that its members would be experienced men and would go out and see the traffic moving. I know they are experienced, probably not so much in traffic matters but in their own particular fields. I have been informed that they do make investigations for themselves and study the problems of road traffic and the dangers which exist on the roads.

I suggest that a percentage of the additional finance to be raised should be paid to rural municipalities which are traversed by highways. Deaths are still occurring on the highways and there is room for improvement in safety devices to warn motorists of dangers. Members of the Country Party consider that the proposals are justified because the motoring public must contribute to the safety of the roads. Members of the Country Party support the Bill.

The motion was agreed to.

The Bill was read a second time and committed, pro forma.

Mr. HAMER (Chief Secretary) presented a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Fund for the purposes of this Bill.

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

The House went into Committee of Ways and Means.

Mr. HAMER (Chief Secretary).—I move—

That under and subject to the Motor Car Act 1958 as proposed to be amended by the Motor Car (Amendment) Bill, on the registration or the renewal of the registration of a motor car, in addition to any other fee payable, there shall be paid to and for the use of Her Majesty, her heirs and successors a surcharge of—

(a) 50 cents in the case of—

(i) a motor cycle;

(ii) a motor car referred to in paragraph (ba), (c) or (eb) under the heading "B. — Motor cars other than motor cycles — " in the Second Schedule to the Motor Car Act 1958; or
(iii) a motor car in respect of which the fee payable upon registration is the minimum fee specified in paragraph (g) under the heading "B. — Motor cars other than motor cycles — " in the Second Schedule to the Motor Car Act 1958; and

(b) $1, in the case of any other motor car other than a motor car—

(i) referred to in paragraph (d) or (e) under the heading "B. — Motor cars other than motor cycles — " in the Second Schedule to the Motor Car Act 1958; or

(ii) in respect of which no registration fee is otherwise payable.

The reason for this motion is the existence of clause 2 in the Bill which imposes a surcharge on the registration of motor cars and therefore raises an impost on the community.

The motion was agreed to, and the resolution was reported to the House and adopted.

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

Clause 1 was agreed to.

Clause 2 (Surcharge payable on registration of motor cars).

Mr. HAMER (Chief Secretary).— I thank honorable members for their reception of the Bill and for their comments on the Road Safety and Traffic Authority, which is trying hard with limited resources to do a good job for the community.

The honorable member for Broadmeadows foreshadowed a question in regard to clause 6, which I shall answer now. His question applied to refunds of portion of the driver's licence fee when the licence is voluntarily surrendered. The purpose of the clause is to make it easier to obtain a refund. The honorable member inquired whether this provision applied in the case of the death of a driver. The answer is, "No", because the relevant section in the principal Act applies only to the voluntary surrender of a licence. However, the same procedure is followed in the case of the death of a motorist if the widow, or administrator, or executor wishes to surrender the licence. An ex gratia payment of portion of the licence fee is paid from the Treasury. This situation often occurs.

I assure the honorable member that this is an automatic entitlement and I should like to see included in the Act a provision which will lay down exactly how this is to be done. At present there are complications in regard to probate, and so on.

Mr. EDMUNDS.— The person who is dead will not get the refund!

Mr. HAMER.— His executor may; he is quick! I hope to be able to produce some sort of solution to the situation.

Mr. WILTON (Broadmeadows).— I thank the Chief Secretary for making a point about the surrender of a driver's licence in the case of death. This matter should be tidied up, because at present it is left to chance.

In regard to the surcharge on registration fees, the Bill will provide that two rates will apply. For private motorists and others who are specified the surcharge is to be 50 cents and for commercial vehicles it will be $1. I am wondering how far we can go with this continual loading of costs on the motorist. There may be a strong argument to raise additional funds in this way if it is the only source from which funds can be provided to carry on the work of the Road Safety and Traffic Authority.

However, the matter goes much further than that. Statistics provided from a variety of sources indicate just how much the motorist contributes to the Commonwealth by way of excise and duty, and in contrast it can be seen what the Commonwealth pays back to the States for road works and traffic safety. In the year 1970-71 the motorist was already carrying a heavy burden. In addition to the capital cost of the vehicle, a motorist must meet operating costs, a significant portion of which finds its
way back to Government funds. During 1970–71 the Commonwealth obtained from motorists in Victoria a sum of $104·327 million in excise duty. Page 75 of the Commonwealth publication *Budget 1970–71* shows that grants received by Victoria under the Commonwealth Aid Roads Act in 1970–71 amounted to $49·820 million, which is less than 50 per cent of the amount levied on motorists of this State. A point is being reached where a more genuine effort must be made by the Commonwealth to reach a better understanding with the States on the use of funds that have been derived from levies on motorists at both Commonwealth and State levels.

I am not decrying the work that is being done by the Road Safety and Traffic Authority. I am interested in its research work because it is only through this sort of activity that we shall get to the heart of the problem. From my own observations when travelling around the community and in other countries I am sure that eventually we shall come to realize that portion of the funds will have to be diverted to the upgrading and improvement of our public transport system. The public transport system must become closely involved in road safety and the general welfare of the community, particularly in regard to the use of roads. If consideration is not given to this matter there will be ever-increasing traffic congestion on our roads. The installation of traffic lights is not the complete answer to road traffic problems. In fact, traffic signals often add to road congestion.

Mr. HAMER.—They are safety measures.

Mr. WILTON.—That is so, but they are not the complete answer, because they produce other problems. A set of traffic lights at an intersection may interfere with the flow of traffic and will not ensure that an intersection is safe. At one stage engineers and traffic experts considered that the construction of freeways would solve most of our traffic problems, but it is now accepted that this also is not the answer to the road traffic problem.

The amount of money now being taken from the motorist is reaching such a level that there will soon be a loud cry from the community. It is not reasonable that the Commonwealth should continue to extract huge amounts of money from the motoring public by means of excise and duty and use portion of this money for its own purposes. Part of the reason why in 1970–71 Victoria received only $49·820 million out of a Commonwealth levy of $104·327 million is the formula which the Commonwealth applies to reimbursements to the States. The formula is based not only on population and the number of registered vehicles, but on the area of a State. The formula reacts against the interest of Victoria, which is a small State, although its population is increasing at a rate faster than that of the other States. This increase in population is also producing further traffic congestion which is not being experienced in the other States.

A solid argument could be advanced by Victoria why there should be a serious re-examination of the formula applied by the Commonwealth. We can go on indefinitely increasing the surcharges on drivers’ licences, car registration fees, and so on, but this will not produce the large amount of money needed to cope with the problem. I am sure that the Chief Secretary agrees with me. By means of this Bill, the honorable gentleman is attempting to grapple with the problem, but I am sure he would be prepared to concede that the solution to the problem will require a large sum of money. The Chief Secretary is doubtless aware of the political complications that would ensue if the Treasury were to endeavour to obtain a larger sum of money in this manner. The honorable gentleman is restricted in his actions because of the political and financial prob-
lems. The surcharge of 50 cents will make a reasonable contribution, but it will not be sufficient.

However, my party accepts the position and in doing so it suggests that Victoria should approach the Commonwealth and inform it that the present formula, which was arrived at many years ago, is not good enough. I do not know to what minimum the Commonwealth is prepared to cut down, but it seems to me that a considerable amount of this money is being used for purposes not connected with road safety or road construction.

Although my party does not oppose the measure, it accepts no responsibility for it; it is a Government measure. However, I put it to the Chief Secretary that he and his Government should use every possible effort to bring about some suitable type of forum, whether it is by way of meetings of the Chief Secretaries of the States and the appropriate Commonwealth Minister, or in some other way. In any case, there should be an honest to goodness examination of this problem.

The Chief Secretary must concede that a slight increase in registration fees by the imposition of a surcharge of 50 cents on the registration of a vehicle will not get to the real problem. It will assist by providing some additional funds but the need is so great that they will not go far. The real way to tackle the problem is to stand up to the Commonwealth. It may be that the States must become a little brutal. That would probably not do the Commonwealth any harm. The actions of this Parliament in recent days have done no harm. In fact, they have lit a fire under the Commonwealth and there may be some action from it in regard to another matter.

If necessary, Victoria must cooperate with other States but, eventually, there must be talks with the Commonwealth on the better use of this huge sum of money for purposes of road safety. The public transport system must figure prominently in any over-all programme on road safety. Some of the excise money should be directed towards improving public transport. I am sure that I have the support of the Minister of Transport on this question.

The Road Safety and Traffic Authority is not concerned only with research. It makes cash payments to municipalities to subsidize the cost of installation of traffic signals, but portion of the cost of traffic lights and so on is borne by the municipal ratepayers irrespective of whether they are motorists. If it is reasonable to expect ratepayers to bear part of this cost, it is reasonable that portion of the money collected as Commonwealth excise on motor fuel should be directed towards the improvement of public transport. In any consideration of the whole question of road safety and traffic control the improvement of public transport is a most important factor for consideration, particularly in large metropolitan areas such as Sydney and Melbourne. This is recognized in overseas countries such as Japan, the United States of America and Canada. It particularly applies in the cities of Tokyo, New York and Los Angeles. The same attitude must be adopted here.

Mr. TREWIN (Benalla).—I support much of what was said by the honorable member for Broadmeadows. I hope that, if there are changes in the political field, the honorable member will present the same case just as forcibly next year as he has done today, whoever may form the Government in Canberra, to persuade them to do what he has suggested. It is easy to tell someone else what to do if one does not have any responsibility. If the honorable member has a responsibility next year, I hope he puts the same case for Commonwealth assistance to the States. I support him and I lend my support to the present Victorian Government in any effort to obtain from the Commonwealth a greater return from petrol
tax. It may be necessary to rewrite some of the arrangements in this field to assist in our roading in this State.

The purpose of the surcharge on registration to be imposed by clause 2 of the Bill is to protect the motorists, but motorists must ensure that they are not taxed off the roads when there is a vast sum of money which, as a matter of right, should be applied to meeting the cost of construction of roads and overcoming traffic problems. There is no doubt that the Commonwealth should make a greater financial contribution to road safety.

The research proposed to be undertaken by the Commonwealth committee on road safety is welcome, and I hope the work of the Road Safety Committee of this Parliament can be co-ordinated with that of the Commonwealth committee. In different States different road signs and markings are used, and the sooner they become uniform throughout the Commonwealth the better it will be for motorists.

This extra burden being placed on motorists is not equitable. I travel 1,000 miles a month in my car so I consider that the registration cost for each mile is very low. But the man who has the same kind of car and drives it only 100 miles a month must pay the same registration. The cost of his registration is more for each mile that he travels. Of course, I pay more than he does in petrol tax. The point is that the motorist should not be taxed off the road. Sooner or later there must be a contribution from the Commonwealth to the States in the public transport field.

Mr. HAMER (Chief Secretary).—For once, honorable members are unanimous. In answer to the enlightened comments of the honorable member for Broadmeadows and the honorable member for Benalla, I point out that we should have three objectives. The first is to get back the whole of the petrol excise tax. In other countries, the money raised by this type of tax is spent on the roads. The second is for Victoria to gain a more equitable distribution of the money from the Commonwealth on consideration not so much of the size of the State but of the number of road miles to be constructed and maintained and the traffic density on them. The third is to ensure that the grants which are made should be tied in a less stringent manner. At the moment, the moneys received can be used only for new road construction.

Most people connected with local government or road construction know that the burden of maintenance is ever-growing. Even after a road is constructed, it must be resheeted after seven years or so to keep it in good order but the Commonwealth money cannot be used for this purpose and funds must be derived from other sources, usually from the motorist. Commonwealth funds cannot be used for road safety, traffic signals, and the like, except on new roads. That is another limitation. Until we can bring about that Utopia, we must do our best, and the provisions of clause 2 are an attempt to provide more funds for a necessary purpose.

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

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

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

VICTORIA INSTITUTE OF COLLEGES (AFFILIATED COLLEGES) BILL (No. 2).

The debate (adjourned from April 27) on the motion of Mr. Thompson (Minister of Education) for the second reading of this Bill was resumed.

Mr. FORDHAM (Footscray).—Over recent years, a remarkable revolutionary change has taken place in tertiary technical education in Victoria. I am sure the change has not been readily appreciated by the people of Victoria, but its significance
is far-reaching. The formation of the Victoria Institute of Colleges has had tremendous ramifications for the development of tertiary education, particularly in the technical field. I commend both the State and Federal Governments for their foresight in promoting this worthwhile development. Financial responsibility, which is the subject of this Bill, has caused a minor complication. The opinion of the Crown Solicitor has been that the traditional financial responsibility between the Government, the individual colleges and the Victoria Institute of Colleges as an entity, is very much in the melting pot because of the reorganization.

The original concept of these educational institutions having a responsibility to the public has been seriously affected. The Crown Solicitor has come to the conclusion that a need exists for further legislation to clarify the situation. This is why the Bill is entitled the Victoria Institute of Colleges (Affiliated Colleges) Bill (No. 2). When the first Bill was introduced on 29th November, 1971, an attempt was made to rectify the difficulty that had arisen as a result of the adjustment in this sphere of tertiary education.

The difficulty with the earlier Bill was that it varied in two major respects from earlier provisions relating to tertiary education in Victoria. Firstly, the role of the Auditor-General was at considerable variance with the role envisaged in earlier measures. Secondly, there arose the question of the accountability to Parliament, a much treasured privilege which had been inherent in earlier provisions. No provision was made for this in the first attempt by the Government to rectify the difficulty. I acknowledge the difficulties that the Government has encountered. There were two essential problems. Firstly, I suspect that as the Auditor-General's office was grossly overworked, it was not keen on assuming responsibility for the auditing of the vast range of further technical institutions. Secondly, the Government was probably hesitant to intervene in the independence of the institutions. When the measure was last before the House, honorable members of all parties expressed concern on these two issues. They were not happy with the role envisaged for the Auditor-General or on the subject of accountability to Parliament. The Minister was wise in withdrawing the Bill and reconsidering it.

The Bill now before the House has been completely reconstructed on a model that applies to the various universities in Victoria and to the Victoria Institute of Colleges. The essential ingredients of the Bill require each institution to keep proper books of account and conduct a continuous internal audit. The provision is very important to those people who are interested in this profession and in the potential independence of individual colleges. It is in the interests of any major enterprise to maintain a continuous internal audit, constructed and organized by internal auditors appointed by the organization.

A similar provision applies to various institutes of technology. I hope they will appreciate this point of view. They will have their own independent adviser, a trained independent auditor. In addition, the Auditor-General is required to conduct an annual audit. He has the right of access to books and records of the various institutions. The extent of the role of the Auditor-General must depend on the accounting and auditing procedures adopted by the institute. I am sure that after consultation with the Auditor-General's office, appropriate procedures can be adopted, with no loss of independence to the institutes. They can have their own internal auditors and these procedures, if properly followed by qualified people, will be accepted by the Auditor-General as satisfying the requirements of the Act. An annual audit should be made of the annual accounts of each institution.
It is most important that reports and accounts should be laid before this Parliament. During the debate on the earlier measure, the honorable member for Balwyn referred to this matter as a prime requirement of the House. Wherever public moneys are involved, it is of the utmost significance that a financial report by qualified people outlining the financial affairs of the organization involved should be laid before Parliament.

Members of the Opposition consider that this amended Bill is a considerable improvement on the previous measure. The internal audit is regarded as significant. The role of the Auditor-General is now recognized as of paramount importance. So is accountability to Parliament, because Parliament can assist, as it sees fit, the performance, financial or otherwise, of each institution. Members of the Opposition have no hesitation in supporting the Bill, and look forward to the continuing prosperity of the various constituent parts of the Victoria Institute of Colleges.

Mr. R. S. L. McDONALD (Rodney).—The Country Party supports this measure, because it provides for the Auditor-General to be responsible for the audit of the books of account of the affiliated colleges under the Victoria Institute of Colleges Act. The Crown Solicitor considered that the Auditor-General did not have the power to carry out an audit and was not charged with the responsibility of checking the books of account of the affiliated colleges. As the Victoria Institute of Colleges will be expending millions of dollars in the forthcoming years, the provisions in the measure are along the right line and provide for the audit to be carried out by the Auditor-General. If the Auditor-General is too busy to carry out the audit of individual colleges he is still charged with the responsibility of carrying out an audit of the Victoria Institute of Colleges. The honorable member for Footscray has given the House a complete description of the provisions of the Bill. The Country Party supports the measure.

Mr. McLAREN (Bennettswood).—It is indeed pleasing that the Bill makes provision for the Auditor-General to be involved in the audit of the books of account of the Victoria Institute of Colleges. I hope that when the accounts are presented, as provided by sub-section (3) of section 29AA, an adequate statement of the accounts of the individual colleges will be supplied with the audited accounts of the Victoria Institute of Colleges.

The fourth annual report of the Victoria Institute of Colleges merely provides a running account, but no break up of the various items, of the income and expenditure during the year. The accounts cover many millions of dollars. For example, the expenditure on capital items for the triennium 1967–69 totalled $12,624 million. In the current triennium 1970–1972, something like $82 million is to be spent on capital items but there is no indication in the present accounting how the money is to be spent. I trust that all these details will be included in the form which is prescribed in paragraph (d) of sub-clause (3) of clause 2 which relates to the accounts for the year. This would mean capital items as well as income that may be received and expenditure that is incurred during the period under review.

I suggest that the Victoria Institute of Colleges, in accordance with section 39 of the principal Act, present its statement of accounts at an earlier date than it has in the past. The section provides "as soon as practicable", and whereas the books of account closed on 31st March the statement of accounts was dated 30th August. I suggest there should be an early presentation of the statement to the Minister of Education and to Parliament.

The motion was agreed to.

The Bill was read a second time and committed.

Clause I was agreed to.
Clause 2 (New section 29AA inserted in No. 7291).

Mr. THOMPSON (Minister of Education).—I thank honorable members who have contributed to the debate. The arguments presented during the debate and the previous debate were on a high plain and are a credit to the institution of Parliament. I thank the honorable members for Footscray, Albert Park, Rodney, Bennettswood and Balwyn for their constructive suggestions. Their ideas have been incorporated in the Bill, which is now much better than the original measure. The forethought, imagination and experience of the honorable members concerned was evident in the comments they made.

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.

SUPREME COURT (CIVIL APPEALS) BILL.

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

Discussion was resumed of clause 2, providing, inter alia—

After section 19 of the Principal Act there shall be inserted the following section:—

"19A. (1) The Full Court in hearing and determining any appeal in civil proceedings in which there has been a trial by jury may notwithstanding any enactment or rule of law or practice to the contrary make any order or give any judgment on the appeal that it might have made or given if the proceedings had been tried without a jury and the findings or verdict of the jury had been the findings of the judge.

and of Mr. Turnbull's amendment—

That, in sub-section (1) of proposed section 19A, after the word "may," the words "if the parties consent and" be inserted.

Mr. TURNBULL (Brunswick West).—When the Bill was previously before the House on 18th April, the Opposition spoke against it and I formally moved an amendment after which progress was reported. The Opposition wishes to persevere with the amendment.

Mr. REID (Attorney-General).—The amendment moved by the honorable member for Brunswick West would provide for the procedure to be used on appeal with the consent of the parties. On the occasion when the amendment was moved I suggested that progress be reported so that the Government could give further consideration to the amendment. The original proposal came from the Solicitor-General, Mr. Murray, Queen's Counsel, who had considered, after discussion with the judiciary, that it would be a means of avoiding delays in the Supreme Court. I asked the Solicitor-General to give consideration to the amendment moved by the honorable member for Brunswick West. The Solicitor-General has discussed the matter with the Chief Justice and has also sought the opinion of the Bar Council. The opinions expressed by the Chief Justice and the Bar Council, as well as that of the Solicitor-General's own thinking on the matter, were opposed to the proposed amendment. However, I do appreciate the argument put forward by the honorable member for Brunswick West. The amendment has been given careful consideration, but in the circumstances, and for the reasons I have outlined, I regret that the Government cannot accept it.

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

The Bill was reported to the House without amendment, and the report was adopted.

Mr. REID (Attorney-General).—I move—

That this Bill be now read a third time.

Mr. TURNBULL (Brunswick West).—The Opposition has taken the view that the provision contained in the Bill will undermine or take away the common law principles of trial by jury. Proposed new section 19A, as contained in clause 2, provides, inter alia—

The Full Court in hearing and determining any appeal in civil proceedings in which there has been a trial by jury...

The new section then gives the Full Court the right to substitute its view for that of the jury if it considers that the jury verdict was wrong. In other
words, the Full Court has a discretion to substitute its own findings for that of a jury. The Opposition, which believes that it is not in the public interest to agree to a principle of this type, will call for a division on the third reading to demonstrate its attitude to the proposal.

The House divided on the motion (Sir Vernon Christie in the chair)—

Ayes 35
Noes 18

Majority for the motion 17

AYES.
Mr. Balfour Mr. Rossiter
Mr. Birrell Mr. Scanlan
Mr. Borthwick Mr. Stephen
Mr. Burgin Mr. Stokes
Mr. Crellin Mr. Suggett
Mr. Evans Sir Edgar Tanner
(Ballarat North) Mr. Taylor
Mr. Guy (Balwyn)
Mr. Hamer Mr. Taylor
Mr. Jona (Gippsland South)
Mr. Loxton Mr. Templeton
Mr. McCabe Mr. Thompson
Mr. MacDonald Mr. Trewin
(Glen Iris) Mr. Wheeler
Mr. McLaren Mr. Whiting
Mr. Maclellan Mr. Wiltshire.
Mr. Meagher Tellers:
Mr. Rafferty Mr. McDonald
Mr. Reeve (Rodney)
Mr. Reid Mr. Smith
Mr. Ross-Edwards (Bellarine).

NOES.
Mr. Curnow Mr. Lind
Mr. Doube Mr. Lovegrove
Mr. Edmonds Mr. Simmonds
Mr. Fell Mr. Turnbull
Mr. Floyd Mr. Wilkes
Mr. Fordham Mr. Wilton.
Mr. Ginifer
Mr. Kirkwood
Mr. Lewis (Dundas) Tellers:
Mr. Lewis (Portland) Mr. Amos
Mr. Lewis (Portland) Mr. Shilton.

PAIRS.
Mr. Dunstan Mr. Clarey
Mr. Hayes Mr. Holding
Mr. Manson Mr. Trezise
Mr. Smith Mr. Mutton
(Warunambool) Mr. Wilcox Mr. Bornstein.

The Bill was read a third time.


The House went into Committee of Supply for the further consideration of the Supplementary Estimates for the year 1971-72.

MR. WILTON (Broadmeadows).—The Opposition has no objection to the Supplementary Estimates. As the Premier and Treasurer explained to the Committee, since the introduction of the last Budget, adjustments have been made in the salary scales applicable in the hospital field. To ensure that the Government has Parliamentary approval to meet further increases in salaries which may be decided by the appropriate tribunal, the Premier has introduced Supplementary Estimates for $8 million. Circumstances such as these arise from time to time and it is reasonable that the Treasurer should act to ensure that the Government can meet the liabilities resulting from decisions of wage-fixing tribunals.

MR. R. S. L. MCDONALD (Rodney).—The Country Party supports the allocation of moneys proposed in the Supplementary Estimates. It is far better that money should be made available for the administration of the Department of Health than be spent on the proposed Melbourne underground rail loop. The Treasurer is on record as saying that he would rather have hospital services maintained at their present standards than to expend money on the proposed underground rail loop, which has been estimated to cost $140 million.

MR. AMOS (Morwell).—When honorable members make representations on behalf of local hospitals, they are usually told that no additional finance is available and that the Treasurer, in his wisdom or otherwise, has decreed that a certain sum will cover the cost of a number of services during the forthcoming financial year. If that is so, where is the $8 million referred to in the Supplementary Estimates obtained?
The motion was agreed to, and the resolution was reported to the House and adopted.

WAYS AND MEANS.

The House went into Committee of Ways and Means.

Mr. RAFFERTY (Minister of Labour and Industry).—I move—

That, towards making good the Supply granted to Her Majesty for the service of the year 1971–72, the sum of $8 million be granted out of the Consolidated Fund of Victoria.

The motion was agreed to, and the resolution was reported to the House and adopted.

SUPPLY (SUPPLEMENTARY ESTIMATES) BILL.

Leave was given to Mr. Rafferty (Minister of Labour and Industry) and Sir Henry Bolte (Premier and Treasurer) to bring in a Bill to carry out the resolution of the Committee of Ways and Means.

Mr. RAFFERTY (Minister of Labour and Industry) brought in a Bill to apply out of the Consolidated Fund the sum of $8 million to the service of the year 1971–72, and moved that it be read a first time.

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

Mr. RAFFERTY (Minister of Labour and Industry).—I move—

That this Bill be now read a second time.

Mr. WILKES (Northcote).—Can the Minister advise whether notes on the Supplementary Estimates are available for circulation? That is the usual practice.

Mr. RAFFERTY (Minister of Labour and Industry) (By leave).—The Premier initiated this matter, and the explanatory notes are published in Hansard at pages 5234 and 5235.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3 (Sum available for the purpose voted by Legislative Assembly).

Mr. WILTON (Broadmeadows).—I direct the attention of the Minister of Labour and Industry to a question posed by the honorable member for Morwell, who seems to be concerned about the source from which the sum authorized by this Bill is to be derived. Can the Minister indicate whether the Government is hanging its hopes on revenue obtained from football pools?

Mr. RAFFERTY (Minister of Labour and Industry).—I remind the honorable member that this Bill was initiated on a message from the Governor and that the source of the revenue is the Consolidated Fund.

Mr. WILTON.—Is that in addition to the pools money?

Mr. RAFFERTY.—Pools are not mentioned. This sum was recommended by the Governor on a message. The Consolidated Fund is the source. This is simply a supplementary appropriation.

The clause was agreed to.

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

ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION BILL.

The message from the Council relating to the amendment in this Bill was taken into consideration.

Mr. HAMER (Chief Secretary).—Clause 18 of the Bill transmitted by this House to the Council provided, inter alia—

(1) Notwithstanding anything to the contrary in this Act the Minister may compulsorily acquire any land other than land established as an aboriginal reserve and on which aborigines are living when he is informed by the Advisory Committee that there is a unique and irreplaceable relic on, in or under the land which is in danger of loss or damage.

In the debate in this House the honorable member for Benambra raised the question of some form of appeal in cases where it was reported to the
Minister that a certain area contained an archaeological relic and the owner of the land wished to resist compulsory acquisition of that part of his land to enable the relic to be preserved.

When the measure went to another place, I had this proposition examined. To meet the wishes of the honorable member for Benambra, an amendment was drafted, and the following expression was inserted at the end of sub-clause (1):

"has notified the owner of the land in writing that he has been so informed, and has allowed time for an appeal to be lodged with the Appeals Committee as hereafter in this section provided or, if an appeal has been lodged, has considered the report of the Appeals Committee on the appeal.

( ) The owner of any land who receives notice from the Minister under sub-section (1) may within fourteen days after receiving the notice appeal in writing to the Appeals Committee appointed for the purposes of this section on one or both of the following grounds:

(a) that the relic is not so unique and irreplaceable that it is necessary compulsorily to acquire the land;
(b) that having regard to the nature of the land or any purpose for which it is used the land should not compulsorily be acquired.

( ) The Appeals Committee shall consist of

(a) a stipendiary magistrate nominated by the Minister who shall be Chairman;
(b) the Protector; and
(c) a person experienced in land conservation nominated by the Minister.

( ) Any appeal under this section shall be sent to or lodged with the secretary to the Advisory Committee who shall act as secretary to the Appeals Committee.

( ) the appeals committee—

(a) may regulate its own proceedings in the hearing of an appeal; and
(b) shall report its findings to the Minister".

This amendment was unanimously accepted by another place. It interpolates a form of appeal between an imminent decision by a Minister compulsorily to acquire land and the actual decision. That is what the honorable member for Benambra sought. It allows a breathing space and an opportunity for a second look at the matter to be taken by independent people. I move—

That the amendment be agreed to.

The motion was agreed to.

**TAXATION APPEALS BILL.**

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

Mr. HAMER (Chief Secretary).—I move—

That the amendments be agreed to.

The amendments are all of the same character, although they occur in four different clauses in the Bill. They result from a discussion of the Bill when it was previously before this House. The honorable member for Bennettswood raised a question concerning the period of time allowed for a citizen to lodge an appeal under various circumstances, and he was supported by the honorable member for Moonee Ponds. I undertook to look at the question in the course of the transmission of the Bill to another place. As a result, amendments were drafted, moved and accepted in another place. They extend the period in which a citizen may lodge an appeal from 30 days to 60 days. At the same time the commissioner has agreed to continue to operate within the 30-day period, so this is an advantage to the taxpayer. The amendments fulfil the wishes which were expressed by honorable members in this House.

The amendments do some justice, because it is true that unless a taxpayer has a very rapidly moving lawyer or accountant or someone else advising him, he may easily go over the 30 days before he is in a position to know whether he ought to lodge an appeal—particularly if it is a matter of going to the Supreme Court on a matter of law, because counsel are often the slowest of all. This extension of the period is of advantage.

Mr. Hamer.
Mr. EDMUNDS (Moonee Ponds).—The Opposition agrees with the Chief Secretary, and commends the honorable gentleman for the consideration that he has given to the matter raised by the honorable member for Bennetttswood and the Opposition concerning an extension of the period from 30 to 60 days. Difficulty has been experienced in the past with appeals lodged under Commonwealth legislation during the Christmas period, and it seems to me that this is a very sensible amendment.

The motion was agreed to.

JUSTICES BILL.

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

Mr. REID (Attorney-General).—The Council made two amendments to clause 2 of the Bill. Firstly, in paragraph (d) of sub-section (2) of proposed section 42B, after the expression "(d)" the following words were inserted:

"a copy or reproduction of the information relating to the offence with which he is charged and".

Secondly, the following expression was added to the clause:

"42p For etc. . . . Evidence Act 1958".

"42p For the purposes of section 42s and section 42c "statement" includes any affidavit referred to in Division 9 or Division 10 of Part IV. of the Evidence Act 1958".

I shall deal with these amendments together. Originally, sub-section (2) of proposed section 42B related to the use of statements in lieu of oral evidence, and concerned copies or reproductions of all documents which the informant intended to tender in evidence. In my second-reading speech, I gave an undertaking that, if necessary, the Bill would be amended to conform with the report of the Statute Law Revision Committee. This has been done, and it has been assented to by all parties. The Government agrees to the second amendment of Mr. Tripovich, which is consequential. For those reasons I move—

That the amendments be agreed to.

The motion was agreed to.

CONSUMER PROTECTION BILL.

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

Mr. RAFFERTY (Minister of Labour and Industry).—The Council made the following amendments to the Bill:—

1. Clause 41, lines 34-35, omit "or expedient".
2. Clause 43, page 31, line 37, omit "linings" and insert "lining".
3. Clause 68, line 23, omit "of" and insert "or".
4. Clause 69, line 31, omit "requested" and insert "required".
5. Clause 69, line 32, omit "or convenient".

They are minor amendments, and I propose to deal with them in globo.

The omission of the words "or expedient" in clause 41 brings the clause into line with the recommendations made by the Subordinate Legislation Committee on the regulation. The Government has accepted the amendment. The amendments made in clauses 43 and 68 are to correct misprints. The amendments to clause 69 are references to the regulations. Therefore, I move—

That the amendments be agreed to.

The motion was agreed to.

ENVIRONMENT PROTECTION (AMENDMENT) BILL.

The debate (adjourned from April 27) on the motion of Mr. Borthwick (Minister of Lands) for the second reading of this Bill was resumed.

Mr. WILTON (Broadmeadows).—Much has been said in recent years in this House about the environment and the quality of life. Some time ago, Parliament enacted the Environment Protection Act, which was said to provide Victoria with the answer to many of the problems concerning the poisoning of the atmosphere, the polluting of streams and the despoliation of the countryside.

It has been found that, on the granting of a licence, or approval of the conditions attached to a licence
or the renewal of a previously sus­
pended licence, parties other than the
applicant or the licensee could con­
sider themselves aggrieved but no
machinery was available for people to
appeal. The Government has conceded
that this is a deficiency in the prin­
cipal Act, and the amendment will
enable an appeal to be made to a
properly constituted tribunal. The
Opposition considers that this is
realistic.

For some reasons best known to
itself the Government has decided
that it would not be a bar for a per­
son to be appointed to the authority
to be a shareholder in an industrial
undertaking. No satisfactory explana­
tion has been given to the House why
it is desirable that a member of the
authority could have up to 1 per cent
of the shares in a company that is
listed on a recognized stock exchange
in Australia. The authority will con­
sist of only three persons who will re­
quire to have certain qualifications.
The principal Act provides that two
shall be experts in environmental con­
trol. I do not know how one becomes
qualified.

Mr. WILTON.—I was attempting to
establish that the principal Act laid
down certain criteria. The Bill amends
the principal Act in several ways, and
one provision deals with the mem­
ers of the authority. I was coming
to the point that the Minister did not
go into any detail in his explanation
to show why the Government found
it necessary to change the situation
whereby a member of this authority
could hold up to 1 per cent of the
shares in a company listed on a recog­
nized stock exchange in Australia.
The Opposition will not accept this
situation.

Members of the Opposition take the
view that this authority will have
extensive powers over the operations
of industrial undertakings. It will
have to issue licences and be respon­
sible to the Government of the day
for ensuring that the terms and con­
ditions which apply to those licences
are carried out. It will have to deal
with appeals not only from indus­
trial organizations but also from
members of the community. There­
fore, members of the authority
should be completely aloof from
any industrial organization in any
form. This is a principle of long
standing which applies to members
of the judiciary. It has always been
accepted that a judge who finds
himself even in the remotest way
involved in a matter before his court
automatically disqualifies himself
from judging the case.

Mr. BORTHWICK.—Members of the
authority do not hear appeals.

Mr. WILTON.—The Minister might
care to split hairs by saying that the
authority will not deal with appeals,
but it will deal with applications
from industrial organizations which
seek licences and it will have to
control their day-to-day operations.
It will be responsible to the appro­
priate Minister and must ensure that
the terms and conditions of licences
are complied with. The Government
is setting a dangerous precedent by
including this provision in the prin­
cipal Act. I see no necessity for it.
No evidence has been presented to
the Parliament by the Minister to the effect that the Government is having difficulty in recruiting the sort of persons who are required to become members of the authority. Therefore, although members of the Opposition will not oppose the second reading of the Bill, because we support some aspects of it, in Committee we will vote against clause 4 and seek to have it deleted from the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

Clause 4 (Member not disqualified by holding limited shares in public company).

Mr. WILTON (Broadmeadows).—As I indicated in the second-reading debate, this clause is not acceptable to members of the Opposition. It provides—

After section 10 of the Principal Act there shall be inserted the following section:—

"10A. A person shall not be disqualified from becoming or being a member of the Authority under paragraph (k) in section 10 by virtue only of being a shareholder in a company listed on a recognized stock exchange in Australia if he does not hold more than one per centum of the total number of shares issued by the company."

We cannot see any reason why the principal Act should be amended as proposed. As I said earlier, the Minister has not indicated to the Committee that the Government is having difficulty in recruiting the sort of person whom one would expect to be interested in becoming a member of this authority. It is also considered that it is a dangerous precedent, although I do not suggest that any member of the authority will not discharge his responsibilities to the State in a manner befitting his position. An old cliche which seems to be appropriate at this stage is that justice must not only appear to be done but it must also be seen to be done.

The authority is comprised of three persons, two of whom must be experts in environmental control and one must be a top administrator. It is not beyond the Government’s powers to recruit the sort of person whose services will be needed on the authority without this provision being inserted in the principal Act. It is a bad principle and a bad practice, and the Opposition intends to vote against the clause.

Mr. BORTHWICK (Minister of Lands).—The Government will support the retention of the clause. In fact, if the amendment as proposed in clause 4 were not made, any financial interest no matter how minor could debar the most talented person from becoming a member of this important authority. To be appointed he would have to rid himself of any financial interest. I point out to the Committee that the limitation is 1 per cent of the total number of shares in a company. It might be said that 1 per cent of the shares in Broken Hill Proprietary Co. Ltd. would be an enormous interest, and that would be true. However, I very much doubt whether a person with that financial backing would be interested in becoming a member of the authority. The Government considers that, acting in the widest possible interests of this authority, it would be wrong automatically to debar from the authority the very man who might be needed to head or be involved as a member of the authority.

The honorable member for Broadmeadows mentioned the judiciary as having to be completely free. I appreciate that situation, but the Environment Protection Authority is an administrative body which makes administrative decisions. Under the Act, the Environment Protection Appeals Board acts in the judicial sense in appeals from administrative decisions of the authority. Outside the judiciary, what public servant is required to divorce himself from all financial interest in any company within Australia to hold his position? Many senior public servants heading departments and
commissions are not required to debar themselves from the normal minor type of investment which possibly most people in the community have today. The Government considers that it would be too restrictive and too limiting to select persons who could demonstrate that they had no financial interest, regardless of how insignificant that interest might be.

Mr. SIMMONDS (Reservoir).—The Minister advanced a good reason why the clause should be rejected by the Committee when he said that a 1 per cent interest in Broken Hill Proprietary Co. Ltd. would be a significant interest. The Environment Protection Authority will deal with organizations engaged in the aluminium and steel industries, and I should imagine that a 1 per cent interest in Comalco or Alcoa and other similar organizations would be significant. In view of the fact that the authority has to deal with problems involving the control of industrial waste, a person from such an industry might find it convenient to seek representation on the authority. The Committee cannot do no other than reject the clause.

Mr. KIRKWOOD (Preston).—The Minister said that an interest of 1 per cent should not debar a person from becoming a member of the Environment Protection Authority. An interest of 1 per cent could be the basis by which the straight and narrow concept of members of the authority could be twisted. If it is good enough for the Government to demand that unpaid municipal councillors should have no interest in matters which they consider, surely it is good enough for paid public servants to conform to the same rule.

Mr. FELL (Greensborough).—This clause points up the difference between the philosophy of the Liberal Party and the philosophy of the Labor Party. Liberal Party philosophy recommends the retention of this clause and considers that it is in order for a person to have a conflict of interests and to own a 1 per cent interest in a company. That 1 per cent shareholding could be in a company such as Ampol or Mobil, and would certainly constitute a marked conflict of interests if the shareholder were a member of the authority. Many petrol companies contend that they are vitally concerned with protecting the environment, but they are some of the worst offenders. They spend millions of dollars in advertising campaigns. In the future, it could be found that a shareholder of a large company was a member of the Environment Protection Authority. There should be no chance of this occurring. The possibility is repugnant and therefore the clause must be thrown out.

As the honorable member for Preston pointed out, if it is good enough for local municipal councillors to be controlled so that they have no right to participate in any debate affecting any financial interest which they may have, it is good enough for any public servant or any member of a public authority also to be subject to such a requirement. Although the appointment may be considered to be a minor one by the Government it is important, in the interests of the State, that there should not be a conflict of interests. If a person wished to become a member of the authority he should be allowed to do so provided that he divested himself of his interest in any company which may be affected by the activities of the authority.

Mr. WHEELER (Essendon).—I am amazed at the contributions which have been made to this debate by Opposition members, who seem to have a suspicion that a person having a vested interest in some company will be appointed to the authority. This attitude seems to cut across the views already expressed by the Opposition. The greatest contributors to pollution in this State are householders. If the thoughts that have been expressed by members of the Opposition were carried to their extreme, a stage
would be reached where it would not be possible to appoint anyone to the authority.

Mr. EDMUNDS (Moonee Ponds).—The Government proposes to amend what was considered to be a unique proposal when it was included in the principal Act. I refer to paragraph (k) of section 10, which provides that—

A member of the Authority shall not during his term of office have any financial interest in or be a shareholder of any company business or undertaking licensed or required to be licensed under this Act.

For some reason the Government wishes to change this unique principle. If the person which the Government has in mind to appoint to the authority is so important, he should exercise his public duty and divest himself of any financial interests so as to ensure his impartiality when acting as a member of the authority. After all, what is 1 per cent of a company's shareholding? The Environment Protection Act is probably the most important piece of legislation to be introduced by this Government during its term of office. Hence, the Government should reconsider this clause because it proposes to amend one of the most important provisions of the Act, which was agreed to by all honorable members only a short time ago.

Mr. AUREL SMITH (Bellarine).—Members of the Opposition contend that the Environment Protection Authority should be denied the services of an expert person because he may have a small shareholding in a public company. In this day and age an ever-increasing number of members of the public, including members of the Opposition invest money on the stock exchanges. The Opposition believes that because a competent person may have a shareholding in a public company of only 1 per cent the authority is to be denied the use of his services.

The Opposition also appears to imply that many people will be bending over backwards to be appointed to the authority. It could well be that the Government will have to approach people with expertise to join the authority and who will be expected to give their time and services to its activities. I reject outright the argument put forward that a member of the authority should be disqualified because he is a comparatively small shareholder in a public company.

The Committee divided on the clause (Mr. Jona in the chair)—

| Ayes | 34 |
| Noes | 19 |

Majority for the clause .. 15

AYES.

Mr. Balfour Mr. Ross-Edwards
Mr. Birrell Mr. Rossiter
Sir Henry Bolte Mr. Scanlan
Mr. Borthwick Mr. Stephen
Mr. Burgin Mr. Stokes
Mr. Crellin Mr. Suggett
Mr. Evans Mr. Taylor
(Ballarat North) (Balwyn)
Mr. Guy Mr. Taylor
Mr. Hamer (Gippsland South)
Mr. Loxton Mr. Thompson
Mr. McCabe Mr. Trewin
Mr. MacDonald Mr. Wheeler
(Glen Iris) Mr. Whiting
Mr. McDonald (Rodney) Mr. Wiltshire,
Mr. Maclellan
Mr. Meagher
Mr. Rafferty
Mr. Reese
Mr. Reid

Tellers:

Mr. McLaren Mr. Smith
(Bellarine).

NOES.

Mr. Amos Mr. Mutton
Mr. Curnow Mr. Shilton
Mr. Doube Mr. Simmonds
Mr. Edmunds Mr. Trezise
Mr. Fell Mr. Wilkes
Mr. Floyd Mr. Wilton.
Mr. Fordham TELLERS:
Mr. Ginifer Mr. Lewis
Mr. Kirkwood (Dundas)
Mr. Lind Mr. Lewis
Mr. Lovegrove (Portland).

PAIRS.

Mr. Dunstan Mr. Clarey
Mr. Evans Mr. Turnbull.
(Gippsland East)
Mr. Hayes Mr. Holding
Mr. Manson Mr. Bornstein.

Clauses 5 to 11 were agreed to.
Clause 12, providing for the insertion in the principal Act of a new section 66A.

Mr. WILTON (Broadmeadows).—This clause proposes to insert in the principal Act a new section 66A, which will give the authority power to—

(a) designate any protection agency or agencies to be the agency or agencies having jurisdiction and control over the place and to be responsible therefor either wholly or to the extent limited by the Authority;

It will also provide the authority with power to—

(b) specify the actions or measures to be taken by the designated agency or agencies for the management and control of the place or for abating or reducing any condition of pollution;

In other words, it will enable the authority to delegate its powers to what is to become known as a protection agency. The new section will also give the authority power to—

(c) direct the designated agency or agencies to construct, maintain, and operate such works, facilities and equipment for abating or reducing pollution as are specified by the Authority;

(d) apportion, whether wholly or in part, between all persons or bodies having any responsibility in relation to such place the cost of carrying out any directions given under paragraphs (b) and (c).

I must now refer to sub-section (1) of section 4 of the principal Act which contains a definition of “protection agency”. This definition states—

“Protection agency” means any person or body, whether corporate or unincorporate, having powers or duties under any other Act with respect to the environment or any segment of the environment in any part or parts of Victoria.

I should like to sound a warning to the Minister that local government will be caught again by the actions of the Government, which has a brilliant record for amending legislation to make local government responsible for a whole variety of matters which are not really its responsibility. The insertion of new section 66A in the principal Act will give the authority wide powers enabling it to approach a protection agency, which could be a municipality, and dictate to the municipality what work will be done. It can specify the actions and measures to be taken by a designated agency. It can direct an agency to construct, maintain and operate any work that the authority considers should be established by the agency. It is authorized to apportion the cost wholly or in part.

Sir HENRY BOLTE (Premier and Treasurer).—Mr. Acting Chairman, I raise a point of order. All honorable members have a copy of the Bill and are qualified to read. I fail to see why the honorable member for Broadmeadows should be reading something we can read ourselves.

The ACTING CHAIRMAN (Mr. Ginifer).—There is no point of order.

Mr. WILTON (Broadmeadows).—Thank you, Mr. Acting Chairman, for your ruling. The point I make is that when the provisions of the clause are inserted in the principal Act it could well be within the power of the authority to force a municipality to carry out a variety of works because the municipality could become a protection authority. The municipality could be forced to meet the costs. The Government has a history of riding on the backs of the municipalities.

I sound a note of warning that local government will need to keep a close watch on this. Otherwise, it will find that the Government is passing the buck to it again. The Government’s sincerity will be proved in time. If what I suggest does not eventuate, the Government will have to ensure that the authority has enough money to carry out the measures it is authorized to undertake through the protection agencies, unless some machinery is set up to provide the protection agencies with finance to carry out the directions of the authority. If
it comes to the level of local government, it could well be that the ratepayer will "cop" it again, as he has in the past.

The clause was agreed to.

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

MELBOURNE AND METROPOLITAN BOARD OF WORKS (RECONSTITUTION) BILL.

The debate (adjourned from April 27) on the motion of Mr. Balfour (Minister for Fuel and Power) for the second reading of this Bill was resumed.

Mr. GINIFER (Deer Park).—The Labor Party opposes this Bill. Because of the huge responsibilities now undertaken by the Melbourne and Metropolitan Board of Works, the board should no longer be vested with the delegated powers it now has. Apart from its original functions relating to sewerage, drainage and water supply, the board is now responsible for major road and freeway construction, foreshore protection, and other matters. The board should be restructured so that it consists of three or five full-time commissioners. At present, the board comprises a full-time chairman and 52 commissioners who undertake the great responsibilities entrusted to the board by the Parliament. However, commissioners are selected more for their availability than for their ability or experience as municipal councillors.

The only member of the board who has any detailed knowledge of its day-to-day workings is its full-time chairman. The 52 commissioners are distributed among six or seven committees which deal with sewerage, water supply, officers and servants, planning, the metropolitan farm, and finance. Under the standing orders of the board, there are eleven or twelve commissioners on each of these committees, which are concerned with the detailed work of the board. The committees make recommendations to the board, which becomes a rubber stamp for the committees. In effect, important decisions are taken by a minority of the members of the board, and the board must have sufficient confidence in the committees to approve the recommendations made to it.

By their very nature, the committees are, to a large degree, dependent upon recommendations made by officers of the board who deal with the various aspects of the board's affairs. The Board of Works meets of an afternoon, and it is because of this that availability is the main criterion in the selection of municipal council representatives on the board. Those selected either are self-employed or are employed by an employer who is willing to allow a commissioner time off for board meetings. I pay tribute to a former Minister of Education, Sir John Bloomfield, because, when I represented the Shire of Altona on the Melbourne and Metropolitan Board of Works, I was a school teacher, and I was able to discharge my responsibilities only because of the good grace of the Government and the Minister of Education. I was allowed half a day off each fortnight without loss of pay to attend board meetings.

The ratepayers of many municipal councils are industrial workers who return Labor Party councillors and it could be expected that they would have the same kind of representatives on the Board of Works. However, because of the socio-economic groupings of some municipal councils, that type of representation is not possible.

As I have indicated, the Labor Party believes the board should be restructured with three or possibly five full-time commissioners who would have close contact with the day-to-day workings of the board. Each would be familiar with a particular facet of the functions of the board. The board should be
responsible to the Minister for Local Government and, through him, to the Parliament. Because of the million dollar projects which it must undertake, the stage has been passed at which the board should be responsible to local government. The board is only indirectly responsible to municipal councillors who are directly responsible to the ratepayers.

When the Labor Party has wanted to discuss the activities of the Board of Works in this House, it has been ruled that, because the board operates under delegated responsibility and is not directly responsible to the Minister and the Parliament, the House has no power to scrutinize its decisions.

Mr. R. S. L. McDONALD (Rodney).—Members of the Country Party support the submissions of the Labor Party, but we suggest that the commission should consist of only three members. The State Rivers and Water Supply Commission has only three members and for many years it has functioned as it should function. Provided that these people are qualified there is no reason why there should be five members. I congratulate the councillors for the excellent job they have done in the past on the Board of Works, but they have only endorsed what has been put to them by the chairman, who is a full-time and qualified man.

Mr. KIRKWOOD.—And a member of the Liberal Party.

Mr. R. S. L. McDONALD.—He could be a member of any party he wishes; it makes no difference. Both the chairman and the Melbourne and Metropolitan Board of Works have done magnificent work. Rather than increase the number of board members to 53, it would be preferable to limit it to three. It would be almost impossible for a board of 53 members to have a meeting at which all members were present, and come to a reasonable decision on any matter, whereas with three members this could be done. For many years it has been suggested that the Board of Works should be comprised of only three members. If this suggestion were adopted, the board could work effectively. Accordingly, the Country Party endorses the proposal that the board should consist, not of 53 members, as proposed by the Government, but of three.

Mr. WILKES (Northcote).—History has a habit of repeating itself in this Chamber. Although I do not object to the suggestion of the honorable member for Rodney, I recall that on a similar occasion some years ago in this Chamber when the Opposition moved an amendment whereby the Board of Works should be constituted of three members, the late Sir Herbert Hyland moved an amendment to the effect that the board consist of five members. However, on this occasion the Opposition has no objection to a board of either three or five members. The Opposition has no objection to a smaller board of three members because it would be a tremendous improvement on the cumbersome board that exists at present. The Government will regret its decision if it does not accept the suggestion. Every time a Bill of this type is introduced, the Government backs away from its responsibilities because it has not the intestinal fortitude to do something about the ever-increasing cumbersome Board of Works.

As the honorable member for Deer Park said, the business of the Board of Works is carried out largely by committees. Without the committee system, little business would be transacted by the board. The Government has had several brushes with the Board of Works and on occasions the board has frustrated the legislation of the Government. The Government should be the first to acknowledge that a reconstruction of the Melbourne and Metropolitan Board of Works is needed in the interests of the community. The board should not be vested with the powers of highway construction, bridge construction and maintenance. These functions should be the responsibility of the Country Roads Board.
It is a peculiar situation, and a sheer waste of money, that the Country Roads Board—the senior road-con­structing authority in Victoria—must compete with the Melbourne and Metropolitan Board of Works. Engineers in the Country Roads Board, trained and skilled in road works and bridge construction, are competing against similar engineers in the Melbourne and Metropolitan Board of Works. It becomes a matter of status and of who is right in the planning of highways in the State. The Government should recognize the fact that two authorities are doing the same work. The prime functions of the Melbourne and Metropolitan Board of Works are clearly and concisely water reticulation, drainage, sewerage, and nothing else. A board consisting of 52 councillors is not needed to carry out those functions. The sooner the Government realizes this the better it will be.

The Country Party and the Opposition are in agreement on this issue. It would be in the best interests of Victoria if the Government accepted an amendment that may be moved by the honorable member for Deer Park, who is in charge of the Bill for the Opposition.

At present, many councillors are jockeying for a position on the Board of Works as a commissioner. I suppose commissionership has some benefits. After all, there is the chalet at O'Shannessy reservoir! I have not visited the chalet for fifteen years. If I express a view I stand by it and I have never accepted the hospitality of the commissioners of the Board of Works to visit the board's chalets since I have been a member of Parliament. Whether the commissioners are entitled to a facility of this type is not the question before the Chair. I am merely pointing out that it should not be an influencing factor in determining whether the present structure of the Board of Works is to be maintained. The Government should be prepared to establish a committee to examine whether the Board of Works should be reduced to a workable com­mission of three members, as suggested by the honorable member for Rodney. The Government should then con­sider the proposal to divest the board of some of its responsibilities. It is not suggested that the representa­tion of the ratepayers should be reduced. It could not be said that the people of Victoria are inadequately represented by a commission of three on the State Rivers and Water Supply Commission, the Melbourne Harbor Trust or any other authority. Many ratepayers are not conversant with the membership of the board; it is merely decided by the municipal councils. The board should be reduced to a workable size. Therefore, I support the suggestion of the honorable member for Rodney.

Mr. KIRKWOOD (Preston).—I agree wholeheartedly with the views expressed by the honorable member for Deer Park that the Board of Works should consist of three or five commissioners. If the board is to be constituted as at present the matter should be examined on a population basis, and a different process of representation should be adopted. People are more important than vested interests. Most of the board's money is being spent in the eastern suburbs of Melbourne, across the Yarra River from my electorate. The board's capital works develop­ment in the northern suburbs is a most trivial piece. Very little money is being expended by the board on road works in this area. When com­pared with the Country Roads Board, the Board of Works seems to be most incompetent, and the City of Preston will verify my assertion. The method by which the board elects its commissioners through the local councils should be altered. If the Government proposes to proceed with the Bill, it should display some sensibility and change the present status of the commissioners.

Mr. FELL (Greensborough).—I wish to refer to two aspects of the Bill. Firstly, I agree wholeheartedly
with the idea of decreasing the number of commissioners on the cumbersome Board of Works. It is a ridiculous situation. Before I was elected as the representative of the Greensborough electorate, I was extremely interested in Parliamentary debates, and I remember the Premier publicly stating that it was about time the Government scrapped the Board of Works. It is regrettable that the Premier is not present to hear the views expressed by members of the Labor Party and the Country Party. As usual, the honorable gentleman would have been put on the spot by some of the profound statements that he has made from time to time. If the Premier were asked to comment ‘On the Bill, members of the Liberal Party would have difficulty in sustaining their present attitude to it.

Secondly, I believe the work of two important authorities should not be duplicated. Planning, road construction, water supply and many other services are currently duplicated, which imposes an unnecessary burden on the taxpayers and ratepayers of the community. The Government should re-organize the existing structure so that one road-making authority is responsible for both metropolitan and country roads. A single water board should cover both metropolitan and country areas, and sewerage and drainage should naturally come under the same authority. If the various authorities were permitted to work efficiently, a colossal saving to the community would be effected. If the resultant savings were injected into public works, the people would derive much benefit from the improved position. Under the existing legislation, members of the public have no control over their representatives on the Board of Works. Consequently, they feel remote from the board. Members of a democratic society are accustomed to electing representatives who are responsible for their actions. With the Board of Works, however, it is a case of all care and no responsibility. This is also adopted by the Liberal Government.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2—

In sub-section (2) of section 4 of the Principal Act for the expression “fifty-two” there shall be substituted the expression “fifty-three”.

Mr. GINIFER (Deer Park).—The Opposition will ask the Committee to negative clause 2 with the view of inserting a new clause, the purpose of which will be to reconstitute the Board of Works as a three-man commission. At the appropriate time, I shall move that in sub-section (2) of section 4 of the principal Act a new expression “two full-time members appointed by the Governor in Council” be inserted. If the amendment were accepted, the sub-section would then read—

In addition to the chairman, the board shall consist of two full-time members appointed by the Governor in Council.

I do not intend to comment further on my amendment which I foreshadowed during the second-reading debate.

Mr. WHITING (Mildura).—As was mentioned earlier in the debate, the Country Party supports the proposal for a three-man commission to replace the honorary council representatives who now constitute the Board of Works. It is obvious that at some future time it will be necessary to increase representation on the board beyond 53 members. Because of the growth of certain municipalities, which will soon become eligible for representation on the board, the membership of the board must continue to increase in number.

The Country Party does not criticize the actual work carried out by the board but, as has been pointed out by the Opposition, council representatives on the board are to a large degree only rubber stamps. Probably,
the members do not serve their own councils to any great extent with the knowledge and information that they take back from board meetings. Information concerning decisions of the board could be adequately supplied to the municipalities by the board by means of letter. The Country Party will support the foreshadowed amendment to be moved by the honorable member for Deer Park. On two or three occasions, the Premier has threatened to "sink the board and appoint a commission". Under the circumstances, the Country Party hopes the honorable gentleman is still in that frame of mind and that the Government will support the amendment which the honorable member for Deer Park has foreshadowed.

Mr. BALFOUR (Minister for Fuel and Power).—I listened with great interest to the comments of honorable members during the second-reading debate and to the explanation of the foreshadowed amendment to be moved by the honorable member for Deer Park. The Government will not accept the amendment.

Mr. WILKES.—Why?

Mr. BALFOUR.—In the present circumstances, the board should continue to operate under its existing constitution. It is remarkable that during the second-reading debate no honorable member stated whether it would be good for the municipalities of Croydon, Lillydale and Sherbrooke to have representation on the board and no honorable member mentioned that the cities of Camberwell and Moorabbin were losing a representative. The main purpose of the Bill is to enable three important and newly emerging municipalities to have representation on the board. It is not the intention of the Government, particularly at this late stage of the sessional period, to enter into a full-scale debate on the constitution of the Melbourne and Metropolitan Board of Works. The Opposition's foreshadowed amendment almost suggests the deletion of the board. The Government proposes that three municipalities which up to date have not been represented on the board shall, by agreement of the other municipalities in the area, be granted representation in the future. That is the main purpose of the Bill.

Mr. GINIFER (Deer Park).—To make it clear in the minds of honorable members, I emphasize that the Opposition intends to oppose clause 2, with the view of substituting the new clause that I foreshadowed. The new clause, if adopted, will constitute the board as a three-man commission.

The Committee divided on the clause (Mr. A. T. Evans in the chair)—

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
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<td>23</td>
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Majority for the clause 7

Ayes.

Mr. Balfour
Mr. Birrell
Mr. Borthwick
Mr. Burgin
Mr. Crellin
Mr. Dixon
Mr. Guy
Mr. Hamer
Mr. Jona
Mr. Loxton
Mr. McCabe
Mr. MacDonald
Mr. McLaren
Mr. MacLelllan
Mr. Meagher
Mr. Rafferty
Mr. Reese
Mr. Reid
Mr. Rossiter
Mr. Scanlan
Mr. Stephen
Mr. Suggest
Mr. Taylor
Mr. Taylor (Balwyn)
Mr. Thompson (Gippsland South)
Mr. Wheeler
Mr. Wilcox
Mr. Wiltshire.

Tellers:

Mr. Billin
Mr. Smith.

Mr. Amos
Mr. Bernstein
Mr. Curnow
Mr. Doube
Mr. Edwards
Mr. Fell
Mr. Fordham
Mr. Ginifer
Mr. Lewis
Mr. Lewis (Dundas)
Mr. Lewis (Portland)
Mr. Lind
Mr. Lovegrove
Mr. McDonald (Rodney)
Mr. Ross-Edwards
Mr. Shilton
Mr. Simmonds
Mr. Trewin
Mr. Trezise
Mr. Whiting
Mr. Wilkes
Mr. Wilton.

Tellers:

Mr. Kirkwood
Mr. Mutton.

Noes.
The remaining clauses were agreed to.

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

TATTERSALL CONSULTATIONS (AMENDMENT) BILL.

The debate (adjourned from April 27) on the motion of Mr. I. W. Smith (Minister for Social Welfare) for the second reading of this Bill was resumed.

Mr. WILKES (Northcote).—The Bill has been transmitted from another place and it proposes the removal of the restriction on the publishing in a broadcast of information relating to a consultation, and empowers the promoter to sell tickets in consultations by means of automatic vending machines. I presume that the machines will be similar to those used by the Totalizator Agency Board. The Opposition sees no hidden deterrents in the measure and offers no opposition to its passage.

Mr. TREWIN (Benalla).—On behalf of the Country Party, I echo the sentiments which have been expressed by the honorable member for Northcote. I note that the vending machines can be placed only in locations approved by the Treasurer. I suppose the main problem will be that the purchaser may lose his ticket. So long as the agencies which have been serving the public for many years will continue to have the opportunity of doing so, the proposal to allow the promoter to sell tickets by means of vending machines is reasonable.

The motion was agreed to.

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

PARLIAMENTARY COMMITTEES (TAKE-OVER OFFERS) BILL.

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

Mr. REID (Attorney-General).—For the clarification of honorable members who are perhaps studying the amendments which have been made by another place, I point out that the reference in amendment No. 4 to page 2 refers to the typed copy of the Bill and not to the printed copy that is now before honorable members. In sub-section (4) of proposed new section 44A, the Council omitted the words “Take-over Offers” in the reference to the committee and inserted the word “Takeovers”. This amendment merely corrects an incorrect reference. I move—

That amendment No. 1 be agreed to.

The motion was agreed to.

Mr. REID (Attorney-General).—The second amendment made by the Council was to omit sub-section (5) of proposed new section 44A and insert the following sub-section:

(5) Four members of the committee shall form a quorum save when the committee meets for the consideration of its report or for the purpose of voting upon any request to the Governor in Council when the quorum shall be five.

The amendment varies the quorum provision by requiring a quorum of five when the committee considers its report or votes upon a request to the Governor in Council. I move—

That amendment No. 2 be agreed to.

The motion was agreed to.

Mr. REID (Attorney-General).—In proposed new section 44B, the Council omitted the words “Governor in Council” and inserted the word “Attorney-General”. This amendment confers the power to make a reference to the Parliamentary committee on the Attorney-General in place of the Governor in Council. It is thought to be more in accord with the constitutional conventions to confer the power upon a
responsible Minister, particularly the Attorney-General, who is bound to
act in a judicial manner in exercising
his functions. I move—
That amendment No. 3 be agreed to.
The motion was agreed to.

Mr. REID (Attorney-General).—
Amendment No. 4 made by the Coun-
cil was to insert the following sub-
section to follow sub-section (3) of
proposed new section 44c:—
“( ) The committee shall have power
to send for persons, papers, and records.”
By this amendment the committee
will be empowered to summon per-
sons and obtain documents. It is a
usual power given to Parliamentary
committees. I move—
That amendment No. 4 be agreed to.
The motion was agreed to.

Mr. REID (Attorney-General).—
Amendment No. 5 made by the Coun-
cil was to insert in sub-section (2) of
proposed new section 44e after the
words “Governor in Council”, where
first occurring, the words “after
considering a request from the Com-
mittee”. This amendment makes it
clear that the Governor in Council
can only make a stay order when a
request for the order has been made
to him by the Parliamentary com-
mittee. I move—
That amendment No. 5 be agreed to.
The motion was agreed to.

DENTISTS BILL.
The message from the Council re-
leting to the amendments in this Bill
was taken into consideration.

Mr. ROSSITER (Minister of
Health).—I understand that I am to
be permitted to move the amend-
ments in globo and not seriatim.
The Council made the following
amendments:—
1. Clause 1, line 12, omit “Part V.—Dental
Technicians ss. 29-42”.
2. Clause 1, line 13, omit “VI.” and insert
“V.”.
3. Clause 1, line 13, omit “43” and insert
“29”.
4. Clause 1, line 14, omit “VII.” and insert
“VI.”.
5. Clause 1, line 14, omit “44-54” and in-
sert “30-40”.
6. Clause 1, line 15, omit “VIII.” and insert
“VII.”.
7. Clause 1, line 15, omit “55-57” and in-
sert “41-43”.
8. Clause 1, line 16, omit “IX.” and insert
“VIII.”.
9. Clause 1, line 16, omit “58” and insert
“44”.
10. Clause 1, line 17, omit “X.” and insert
“IX.”.
11. Clause 1, line 17, omit “59” and insert
“45”.
12. Clause 2, sub-clause (4), omit this sub-
clause.
13. Clause 3, page 2, lines 34 and 35, omit
all the words and expressions in
these lines.
14. Clause 3, page 2, line 38, omit “VI.”
and insert “V.”.
15. Clause 3, page 3, lines 4 and 5, omit all
the words and expressions in these
lines.
16. Clause 3, page 3, lines 12 and 13, omit
all the words and expressions in these
lines.
17. Clause 7, line 11, omit “(other than
matters in Part V.)”.
18. Clause 7, line 15, omit “(other than the
provisions of Part V.)”.
19. Clause 9, line 15, omit “VIII.” and in-
sert “VII.”.
20. Clause 9, line 29, omit “50” and insert
“36”.
21. After Clause 28, omit the heading “Part
V.—Dental Technicians”.
22. Clause 29, omit this clause.
23. Clauses 30-34, omit these clauses.
24. Clause 35, omit this clause.
25. Clause 36, omit this clause.
26. Clauses 37-42, omit these clauses.
27. Clause 44, page 22, insert the following
sub-clause to follow sub-clause (1):—
“( ) A dentist shall at the request
of a patient supply an
itemized account.”
28. Clause 44, sub-clauses (2), (3), and (4),
omit these sub-clauses.
29. Clause 45, line 20, omit “44, 46 and 50”
and insert “30, 32 and 36”.
30. Clause 47, page 22, lines 35 and 36, omit
“or dental technician”.
31. Clause 47, page 23, lines 2 and 3, omit
“or dental technician”.
32. Clause 50, page 23, line 36, omit “45”
and insert “31”.
33. Clause 51, lines 6 and 7, omit “48 and
50” and insert “34 and 36”.

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34. Clause 52, page 25, omit paragraph (g) and insert the following paragraph:

"(g) the mechanical construction renewal or repair of artificial dentures or dental prostheses by a dental technician dental mechanic or apprentice in dental mechanics in compliance with the directions and under the supervision of a dentist registered under this Act."

35. Clause 53, line 28, omit "49" and insert "35".

36. Clause 58, sub-clause (1), paragraph (a), line 27, omit "dental technician".

37. Clause 58, page 27, lines 14–18, omit all the words and expressions in these lines.

38. Clause 58, page 27, after paragraph (g) insert "shall be guilty of an offence".

39. Clause 58, page 27, after sub-clause (1) insert the following sub-clause:

"(a) is guilty of an offence under paragraph (a) of sub-section (1) shall be liable to a penalty of not less than $10 nor more than $200 for every such offence and after conviction for an offence shall be liable to a penalty of $10 for every day during which such contravention is continued; or

(b) is guilty of any other offence under sub-section (1) shall be liable for a first offence to a penalty of not more than $500 or to imprisonment for a term of not more than 6 months and for a second or subsequent offence to a penalty of $1,000 or to imprisonment for a term of not more than 1 year."

40. Clause 58, page 27, omit sub-clause (2) and insert the following sub-clause:

"(2) Any proceedings for an offence against this Act may be taken by any person authorized by the Board either generally or in a particular case and in such proceedings no proof of an authority having been given shall be required until evidence is given to the contrary."

41. Clause 58, page 27, line 31, after "paid" insert "to the Board."

42. Clause 58, page 27, lines 32, 33, 34 and 35, omit all the words and expressions in these lines.

43. Clause 59, page 28, sub-clause (4), omit this sub-clause.

I move—

That the amendments be agreed to.

The amendments which were made in another place and which are now being considered in globo in this House remove Division V. of the Bill which was sent from this House to another place.

Under the Bill certain dental technicians known as advanced dental technicians would have what is known as chairside status. Since the Bill has been in another place the Government has discussed with Parliamentary Counsel the manner in which provision can be made that advanced dental technicians would have the requisite training in clinical procedures and other matters which are needed to bestow chairside status. Parliamentary Counsels were of the opinion that it would be necessary to include in the Bill in another place a completely new section, which would be section 6.

Mr. Wilkes.—It is complicated.

Mr. Rossiter.—Yes, it always has been, and it always will be. The new section 6 will give effect to the Government's policy of having advanced dental technicians trained and, rather than obfuscate the whole matter towards the end of the session, the Government has decided that the whole of section 5 should be removed and that in the spring sessional period a measure will be introduced which will give effect to all the principles underlying the approach of this place—principles which have been expressed by honorable members of all parties—concerning dental technicians and their chairside status. It is also proposed to establish an advanced dental technicians qualifications board which, under the new Bill that the Government will introduce, will have the power to lay down the qualifications required of a dental technician. Dental technicians suitably qualified will be registered and will be enabled to enjoy chairside status.

The present situation regarding dental technicians is that the status quo will be maintained until the spring meeting of Parliament. The measure under discussion now relates to dentistry and no other
profession. In due course the Government will introduce a measure relating to dental technicians and to no one else. It will be analogous to Bills that have been passed in relation to optometrists, masseurs, and physiotherapists, all of whom are within the paramedical sphere. They assist members of other professions with their technical skill. I believe I have stated the Government’s intention quite clearly.

Mr. LIND (Dandenong).—This Bill has gone backwards and forwards through this Parliament for a long time, and for one period it went into the limbo of the lost. It was reintroduced, and the Minister of Health assured the House that he would propose certain amendments and arrange for certain propositions to be advanced in another place. The House waited a long time for that to happen, but when amendments were passed in another place the Bill was emasculated. It was divided into two sections. I do not say that I or other Opposition members disagree with that, because that was what I proposed in the first instance.

I accept the Minister’s assurance that in the spring the Government will introduce a Bill which will encompass dental technicians in their entirety. I also accept the honorable gentleman’s statement that the status quo will be maintained in the meantime, and I hope discussions which have taken place by honorable members on both sides of the House will be taken into consideration when the Bill is being drafted so that an acceptable measure will be produced. I hope the introduction of the measure will afford dental technicians an opportunity of achieving what they believe they are capable of achieving.

I agree with the Minister’s point of view on optometrists. They have gained in strength and academic qualifications over the years. My colleagues and I believe dental technicians are capable of doing the same but we think that impossible standards should not be set.

Mr. ROSS-EDWARDS (Leader of the Country Party).—Parliament has been discussing this matter for some eighteen months with the Bill going backwards and forwards. This House finally reached agreement on the Bill, but when it was transmitted to another place the Minister performed a remarkable somersault—so much so, that I am surprised at the generous way in which the Opposition has treated the honorable gentleman. After eighteen months, the Minister still has not attempted to solve the problem.

Mr. Wilkes.—Parliament has an assurance from the Minister now.

Mr. ROSS-EDWARDS.—Yes, but honorable members do not know the details. Another aspect is that although the Minister has given certain assurances, the legal position of dental technicians between now and when the projected Bill is passed is in grave doubt.

Mr. Rossiter.—It always has been.

Mr. ROSS-EDWARDS.—Yes, and it will continue. Legislation was promised. For years dental technicians have been operating illegally, but it appears now that the Government will shut its eyes to them and let them carry on their operations for another few months. It is a most unsatisfactory state of affairs. It seems to me that the Minister does not know what he is going to do, and it will be interesting to see if that supposition is borne out at the spring sitting.

Mr. MUTTON (Coburg).—I was impressed to hear the Minister say that the Bill in its present form relates wholly and solely to dentists and to no other profession, and I am pleased that the honorable gentleman has foreshadowed the introduction of a single Bill which will relate only to dental technicians, provided that they meet certain requirements which are to be determined by a board which is to be established under the provisions of the Bill.
This Bill was first introduced into this House in 1970; it was held over until March, 1971; it was reintroduced in September, 1971; and it was held over until March, 1972. It is common sense to recognize two professions which work so closely together—the dentists who extract the teeth, and the dental technician who makes the dentures.

I applaud the Minister's action in the final stages of this session in informing the House of the intentions of his department. If a Bill such as that described by the Minister is introduced, it will give immense satisfaction to dental mechanics and to people who find it difficult to pay high prices for dentures. A denture may be obtained from dental technicians for between $50 and $60.

The SPEAKER (Sir Vernon Christie).—Order! The honorable member should discuss the amendments.

Mr. MUTTON.—I support the amendments.

The motion was agreed to.

FIREARMS (AMENDMENT) BILL.

The message from the Council relating to an amendment in this Bill was taken into consideration.

Mr. HAMER (Chief Secretary).—The Council amended clause 8, by inserting after the expression “(i) in sub-section (1)—in sub-paragraph (i) of paragraph (m) the following expression:

after paragraph (c) there shall be inserted the following paragraphs:—

“(d) in the case of a licensed guard agent or watchman—by having in his possession and using only for starting or finishing races or both a shotgun the property of the club;

(db) in the case of an authorized officer appointed for the purposes of the National Parks Act 1958—by having in his possession or carrying a firearm (other than a pistol) issued to him for the performance of his duty and during the actual course of that duty;”

When this measure was before the House I undertook to examine some suggestions made by honorable members for exemptions for certain classes of people. They have all been examined and, as a result, three exemptions have been inserted in the Bill. They relate, firstly, to a licensed guard, agent or watchman who at times must carry a shot-gun; secondly, to the starter or judge of yacht races or rowing races; and thirdly, to an authorized officer appointed for the purposes of the National Parks Act, who must carry a firearm for the purposes of his duty. The exemptions are self-evident and are justified. I move—

That the amendment be agreed to.

Mr. WHITING (Mildura).—When this matter was debated in this House a proposal was put forward that consideration be given to an exemption for veterinary surgeons, stock inspectors and other people who are occasionally required to destroy injured stock. They should not be placed under a restriction by the provisions of this Bill. Will the Chief Secretary indicate whether consideration has been given to these people?

The SPEAKER (Sir Vernon Christie).—Order! I suggest to the honorable member for Mildura that we are now discussing an amendment. The honorable member is not relevant in canvassing a further amendment, the time for which was when the Bill was before this place.
Mr. WHITING.—The Minister gave an undertaking that he would investigate the matter I raised. I ask him to give an indication whether it was considered or not.

Mr. HAMER (Chief Secretary).—The honorable member for M'ildura mentioned veterinary surgeons, but they do not appear in the amendment. I do not know whether or not it was an oversight. I give an undertaking to look at the position with a view to introducing a future amendment. It is not a serious matter and I can promise some administrative action until the matter can be straightened out. The people concerned would require firearms for purposes other than shooting injured animals and no great hardship would be caused in the meantime. I am not aware why they were not included in the amendment. I shall investigate the matter and introduce a suitable amendment in future.

The motion was agreed to.

SPORTS PROMOTION BILL.

The message from the Council relating to an amendment in this Bill was taken into consideration.

Mr. HAMER (Chief Secretary).—The Council omitted paragraph (c) of clause 12 and inserted the following paragraph:

( ) For sub-section (2) of section 4 of the Principal Act there shall be substituted the following sub-section:

"(2) Without affecting the generality of the last preceding sub-section it shall be a condition of a licence in respect of—

(a) a Consultation that not less than sixty per centum; and

(b) a football pool that not less than fifty-eight per centum—

of the total amount subscribed to the Consultation or pool shall be paid by the promoter by way of prizes in respect of—

(c) two or more of those Consultations or football pools that not less than sixty per centum; and

(d) two or more of those football pools that not less than fifty-eight per centum—

of the total amount subscribed to those Consultations or football pools shall be paid by the promoter by way of prizes in respect of those Consultations or football pools.

This amendment is consequential upon the adoption by this House of an amendment relating to 2 per cent of the football pools being applied to development of Australian rules football. It was overlooked that there should be a consequential amendment to reduce the amount to be paid out in prize money from 60 per cent to 58 per cent. Therefore, I move—

That the amendment be agreed to.

The motion was agreed to.

WESTERN PORT (STEEL WORKS RATING) BILL.

The message from the Council relating to the amendments in this Bill was further considered.

Discussion was resumed of the Council’s amendment No. 2—

Clause 2, sub-clause (1), omit this sub-clause and insert the following sub-clause:

‘( ) In this Act “the land” means the land described in the First and Second Schedules to the agreement set out in the Schedule to the Western Port (Steel Works) Act 1970.’

and of Mr. Wilcox’s motion—

That amendment No. 2 be agreed to.

The House divided on the motion (Sir Vernon Christie in the chair) —

| Ayes | 33 |
| Noes | 23 |
| Majority for the motion | 10 |
The debate (adjourned from April 20) on the motion of Mr. Wilcox (Minister of Transport) for the second reading of this Bill was resumed.

Mr. WHITING (Mildura).—This Bill contains a number of unrelated amendments to the Local Government Act which is probably the most frequently amended of the statutes. The Minister of Transport might point out to the Minister for Local Government that it is almost time for the Act to be reprinted. Some sections have been omitted by previous amendments and one has all sorts of problems when one tries to find a particular reference. A reprint should be carried out in the near future.

Members of the Country Party have no quarrel with many of the amendments. The proposal contained in clause 9 will enable a municipality to contribute, alone or with an adjoining municipality, to tourist bureaux, tourist facilities, and so on. The Country Party has no objection to that provision because in many instances adjoining municipalities have similar interests in tourist activities, and it is a good move that they should be enabled to contribute to joint ventures.

The Country Party is not happy about social services being provided from the funds of a municipal council, although we do not disapprove of this service being carried out with special funds made available for the purpose by the Commonwealth Government. The provision of social services is a Commonwealth responsibility, and therefore it should provide the funds. Ratepayers should not be expected to finance work which rightly belongs to the Commonwealth. Perhaps the Commonwealth Government could make finance available to the State to be passed on to the municipalities, or a direct grant could be made to municipalities by the Commonwealth. I prefer the former arrangement because the Country Party considers that this procedure should be followed in all circumstances.

Members of the Country Party do not object to municipal councils providing infant welfare centres, home help services and the like, for which provision is made in the Bill. A municipal council does not receive any direct contributions from anywhere to assist it in these projects. Money should be made available for this purpose; it should not be taken from the rate revenue. The Commonwealth Government has a responsibility to provide such services. One service which comes to mind is meals-on-wheels which in some areas is provided by voluntary
workers such as Rotary and similar service organizations. Where voluntary help is not available, the local municipalities sometimes undertake this worth-while service to the aged people in the community. I fore-}
shadow that at the appropriate stage, I will move an amendment to omit paragraph (e) of sub-section (1) of proposed section 244, as contained in clause 9, simply because members of the Country Party consider that the Commonwealth Government should provide funds for social services which should not be a burden on a municipality.

The provisions contained in clause 12 make it mandatory for any person who desires a copy of the valuation of his property to make a request in writing to the council and to pay a fee of $1. Many people such as estate agents, who have vested interests, constantly take up the time of council officers by seeking valuations which are helpful to them in their business. They are saved a great deal of work if they can obtain the information from the council. They use council valuations for their own business purposes. The Country Party considers that that situation should not be allowed to continue and that a fee should be charged for this service.

At present a ratepayer may examine the rate book of a council if he desires to do so. The Country Party is not happy that it is proposed to discontinue this practice. It has been said that in many cases, although it will not be mandatory, a council will allow ratepayers to inspect the rate book if they wish. If the matter is left to the municipalities, because of the amount of work which the council officers are required to perform, in most cases they will not have the time to make this service available. The Country Party considers that council officers should be obliged to make the rate book available for inspection by ratepayers when requested. This has been the position since municipalities were first established, but in this Bill it is proposed to remove that right.

Clause 29 relates to the Uniform Building Regulations, the application of which is optional in some areas of the State at present. It is now proposed that the regulations will have effect over the whole of the State. Objections have been raised to the proposed application of the regulations to outbuildings on rural properties. The council of the Shire of Swan Hill has made representations and has pointed out that the fee for a permit under the Uniform Building Regulations for a 14-square house will be approximately $14. In some instances, the building inspector will be required to travel a round trip of about 100 miles to inspect the building, and he may have to make this journey two or three times during construction. Thus, the council will be out of pocket on the deal. This is an unfair requirement which smacks of an empire building project on the part of the Minister for Local Government.

The Country Party requests that an exemption be granted for parts of a municipality outside cities and towns. This is not an unreasonable proposition. The Minister has said that the application of the Uniform Building Regulations throughout the State is necessary in the interests of building safety. Although we do not disagree with the requirements of the regulations, it seems odd to apply those regulations to homes on farm properties, perhaps miles from a town or a large centre of population. Most farm buildings could not be said to be in a dangerous condition, although many of them were erected about 100 years ago. I agree that, because of all sorts of problems confronting the building industry, the Uniform Building Regulations should apply to areas where high-rise flats are constructed.

The exemption provisions which the municipality previously had are removed by this Bill and in this respect Victoria is rapidly becoming a socialistic State. It is difficult to believe that the Minister for Local Government should be taking a step such as this, which places certain municipalities at a disadvantage.
I do not quarrel with other provisions in the Bill, but I reiterate that in view of the size of the Local Government Act and the fact that so many amendments have been made to it, efforts should be made to consolidate it as soon as possible. Everyone who has dealings with local government throughout the State would value a consolidated Act.

Mr. E. W. LEWIS (Dundas).—I do not profess to understand the Local Government Act, which is extremely complex and probably needs to be consolidated, but I direct the attention of the Minister to certain problems faced by municipalities in old gold-mining areas. Permissive occupancy on unused Crown land has created a number of problems. I should like the Minister for Local Government, when again framing amendments to the Local Government Act, to consider providing protection to towns in gold-mining areas where permissive occupancy of Crown land still obtains.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6299 s. 17).

Mr. WILCOX (Minister of Transport).—I have taken note of the suggestions from both sides of the Chamber that the Local Government Act should be consolidated so that it could be followed more easily by the many people, as well as municipal councils, who have to deal with it, and I will bring the matter to the attention of the Minister for Local Government.

Mr. KIRKWOOD (Preston).—I favour the establishment of boards at which an ordinary person can be represented. Lawyers should be restricted from appearing before such bodies unless they have the approval of the particular board. It is my considered opinion that boards which have been set up to provide justice for the ordinary man have been ruined because the legal fraternity tend to argue the law rather than the facts that affect people in a local area.

The clause was agreed to, as were clauses 3 and 4.

Clause 5 (Amendment of No. 6299 s. 181).

Mr. KIRKWOOD (Preston).—Although the Labor Party will not oppose this clause, it is with some trepidation that I notice that the onus of proof has been changed from the normal concept expected under British justice. I hope that at some future time the Minister will take action to have this aspect of the clause reversed.

The clause was agreed to, as were clauses 6 to 8.

Clause 9, providing, inter alia—For section 244 of the Principal Act there shall be substituted the following section:—“244. (1) The council of any municipality (including the City of Melbourne and the City of Geelong) may apply out of the municipal or town fund any sum of money for or in connection with—

(e) the provision of any social services for the benefit of the people of the municipality;

Mr. WHITING (Mildura).—I move—

That paragraph (e) of sub-section (1) of proposed new section 244 be omitted.

Although I do not disagree that social services are already provided by municipalities, payment for those services should be provided by the Commonwealth Government. If this provision is omitted from the Bill, it may highlight the position and influence the Commonwealth to provide funds for this form of municipal activity.

I have no disagreement with many of the services already provided by municipalities, but strong pressure should be applied on the Commonwealth to supply funds for social services within municipalities which have been providing these services out of their own generosity for many years without recognition from anyone but the ratepayers.
Mr. WHEELER (Essendon).—I am unable to agree to the amendment put forward by the Deputy Leader of the Country Party, although his sentiments are appreciated. The Commonwealth will not accept this responsibility, but some of the requirements of municipalities cannot be allowed to suffer.

Many services that are financed from municipal revenue are accepted, appreciated and valued by the recipients. At present a ceiling of 3 per cent applies to this expenditure, but paragraph (e) of sub-clause (1) of the proposed new section 244 will lift the ceiling to an unlimited amount. I hope municipalities will not go overboard and offer unlimited services to the community.

One of the problems is that municipalities may overstep the mark in the provision of social services. Many municipalities provide a housekeeping service, a home-help service, meals-on-wheels, elderly citizens' centres, child-minding centres, and playgrounds, and now some are going even further. A few days ago, I heard of a municipality that was proposing to provide a child-minding centre for working mothers. This is all very well, but it is of no use municipalities providing this service and then making representations to the State and the Commonwealth Governments for money to subsidize them.

Originally many of the services now provided by municipalities were voluntarily entered into, perhaps as a vote catching medium. When these people are elected to the council they find that the promises they made are expected to be carried out, but that the municipalities are in financial difficulties because of the services already provided. The administration of municipal affairs is not taken seriously by many councillors today. Some councillors do not realize that the provision of these services is a costly drain on municipal revenue. However, they still offer the services to the community and then have to appeal for help.

Mr. WHITING.—If the honorable member supports the amendment municipalities will be protected.

Mr. WHEELER.—They should not offer services if they are unable to provide them under the 3 per cent ceiling. Therefore the ceiling must be lifted, as proposed in the Bill. I hope municipal councillors are not tempted to over-spend their rate-payers' revenue.

Mr. McLAREN (Bennettswood).—I have some sympathy with the amendment moved by the Deputy Leader of the Country Party, but I should rather express concern on the source of finance for the services which could be made available under paragraph (e) of sub-section (1) of the new section 244 proposed to be inserted in the principal Act by this clause. It is that paragraph which is the subject of the amendment. The Treasurer should consider whether the State will make grants to provide social welfare services at a local level or whether, as the Deputy Leader of the Country Party has suggested, an approach should be made to the Commonwealth for funds for this purpose.

There is no limit on amounts which may be spent under the proposed new section. Previously, under sub-section (7) of section 246 of the principal Act, a municipal council could spend up to 3 per cent of its revenue. I am sure that any responsible chairman of finance of a municipal council would be worried about whether local pressures would allow him to provide adequate finance from the rates.

There is a reference to this problem in an article by Shirley Horne and L. J. Tierney, entitled *Local Government in Victoria: Welfare Roles*, which is published in the December, 1971, issue of *Public Administration*, the journal of the Australian Regional Groups of the Royal Institute of Public Administration. In the article, at pages 363 and 364 of the journal, the authors say—
However, to markedly increase welfare services from local revenue would lead to an increase in regressive taxation, unless at the same time, some existing local functions could be transferred to other levels of Government.

I have previously referred to statements made by the secretary of the Municipal Association of Victoria, Mr. Fagan. In an article published in the Municipal Journal in 1970, Mr. Fagan made a statement to the effect that local government had difficulty in facing its problems under the charter already given to it by the Parliament, and that to add further services without providing finance would increase its difficulties.

Although the Government has decided that this new provision increasing the responsibilities of local government should be introduced, Parliament, as the responsible body, must keep a close watch on the extent of expenditure, as there is no restriction on the amount which can be spent from local taxes. Parliament must face up to the questions which will come from local government about the financing required for the services which local government will provide as a result of the passage of this measure, instead of their being provided by the Social Welfare Department of the State or through social services at the Commonwealth level.

Mr. KIRKWOOD (Preston).—The position regarding social services must be laid right on the line. This is a municipal contribution which has been accepted by the vast majority of councils. I do not defend the State Government or the Government of the same ilk in Canberra, but there must be a realistic attitude to social welfare. Anyone who listened to speakers from the Liberal Party and the Country Party could assume that neither the State nor the Federal Government assisted municipalities with subsidies in any way. Although I agree that the subsidies are not great enough, it is a fact of municipal life that municipalities receive subsidies from both State and Federal Governments.

Only recently, the Commonwealth Government extended its subsidies for social welfare services within the States, particularly maintenance subsidies for elderly citizens' clubs. The maintenance subsidy available is four-fifths of the net cost to the council, up to a maximum of $2,000 a year, with the exception of hot meals and meals-on-wheels services. This is subject to the subsidy for any item being limited to not more than 25 per cent of the maximum maintenance subsidy available, which at present is $500.

The Commonwealth Government has recently provided statistics on subsidies under the State grants home care scheme to assist municipal welfare officers. The information was set out only on 3rd March, 1972, so it is understandable that some honorable members might not be aware that these subsidies are available. They are small, but they are most acceptable. However, I hope the same circumstances do not apply as those which applied when the Commonwealth subsidy of 10 cents a meal for the meals-on-wheels scheme became available. At that time, the State subsidy was reduced. I hope the State will maintain its subsidy and that the Commonwealth subsidy will be additional, to bring the total subsidy over the present ceiling, which is inadequate.

The Labor Party cannot accept the Country Party amendment to omit paragraph (e) from sub-section (1) of proposed new section 244, which is to be substituted for the present section 244 of the principal Act. Not even country municipalities would be prepared to accept this. It might be the intention of the Deputy Leader of the Country Party to inflict some hardship on the community in the hope of forcing the Commonwealth Government to cover completely the financial aspects of these social welfare services. In this day and age, that would be quite impractical because too many people depend on locally provided services.
If the honorable member wants to bring pressure to bear, I suggest he brings it to bear through his Federal colleagues. He should persuade them that the Commonwealth should pay higher subsidies to the States for the provision of municipal welfare services.

The field covered is very wide and all councils are aware that it is important to assist the community at large. This particularly applies to the elderly, the incurably ill, and the like. These people are the responsibility of municipalities, but I concede that the financial responsibility for providing services for them rests squarely on the State and Federal Governments, even though the actual provision of the service should at all times be left to the municipality.

Mr. FELL (Greensborough).—I endorse the remarks made by the honorable member for Preston. Welfare services should be provided to the community by that section of government which is closest to the community—local government. No municipal council would challenge that statement. Only the Liberal Party would disagree with it. However, more money should be spent by the State and Federal Governments on these services. If the Government is reluctant to leave the administration of social welfare with the bodies close to the people, it has a miserable attitude to the problem.

Social services should not be denied to those in need because of lack of publicity of their availability. The policy of the Labor Party is that social welfare services should be administered by local government. Members of local communities know what is going on. No bureaucratic authority in Melbourne could be expected to know what goes on in suburban municipalities, let alone what goes on in country areas. Members of the Liberal Party and of the Country Party who represent country areas would be well advised to obtain the views of councillors in their electorates to find out what they think. If they are alien to me on this point, they are alien to the wishes of the municipalities in their electorate.

Mr. BILLING (Heatherton).—I support the remarks of the honorable member for Greensborough in sounding a note of warning about expenditure by municipalities on social services. Every right-thinking citizen who pays his social services tax, his income tax, and his municipal rates, is of the opinion that the responsibility to provide finance for welfare services falls squarely on the Commonwealth Government. I remind the honorable member for Greensborough that what counts is not what local councillors think but what the ratepayers and residents think. More and more ratepayers are becoming concerned at increases in rates which result from local vote catching and the provision by municipal councils of social services which should be provided by the Commonwealth Government.

There is no argument about the fact that social services must be provided. The argument is about who should provide the money and where the money should be spent. Parliament should review this matter. There may be extravagant expenditure because of the authority being given to municipal councils to provide social services which should be provided by the Commonwealth Government. The responsibility for providing finance for these services falls squarely on the Commonwealth Government.

Mr. WILCOX (Minister of Transport).—The Government cannot accept the amendment proposed by the Deputy Leader of the Country Party. The matter has been canvassed very carefully and the Government is not able to accept the amendment.

The amendment was negatived.

Mr. TREWIN (Benalla).—This clause indicates the wide responsibilities of the municipalities and the councillors who serve on them. Paragraph (i) of sub-section (1) of
proposed new section 244 refers to the establishment of a university or a university college and the purchase of land for this purpose. Although municipalities are given the authority to make provision for amenities in a wide field, we must ensure that sufficient finance is available so that the ratepayers are not taxed out of existence. The ratepayers are also taxpayers of the State and the Commonwealth. The municipalities can impose a tax only on what a person owns; it cannot put a tax on what he earns. Therefore, the more established a person is in a community, the greater the tax he must pay. Municipalities should not be placed in such an embarrassing position that the ratepayers are taxed excessively.

The clause was agreed to.

Clause 10 (Amendment of No. 6299 s. 251).

Mr. JONA (Hawthorn).—This clause provides for a degree of retrospectivity to apply when land which is not rateable properly under the Act subsequently becomes rateable. It was the intention of the Government that retrospectivity should apply only to rateable property which hitherto had not been rateable, and where the usage of the property changes retrospectivity should apply.

As the clause is drafted it appears that retrospectivity might also apply to properties for which no rates have been payable in the past and where subsequently, as a result of a judicial decision, it is found that the properties are in fact rateable. Consequently, under these circumstances, it appeared that there would be no alternative but for the retrospectivity provision to apply. Over the past year or two, a number of local authorities have sought clarification through the courts on whether properties which were previously exempt from rates were in fact rateable. The municipalities were under the impression that if the properties were to be rated, the rates would be applicable only from the date of the judicial decision. I should like an unqualified assurance from the Government that retrospectivity will not apply in cases where properties are found to be rateable by judicial decision. I understand this was the Government’s intention.

Mr. KIRKWOOD.—Why cannot they pay for their own religion?

Mr. JONA.—An important principle is involved here. The honorable member for Preston asked why they cannot pay for their own religion. Some of the ratepayers concerned are church organizations, and some are not. In the case of one well-known charitable organization, whose properties are the subject of legal proceedings, the application of retrospectivity, as a result of a court decision, will set the organization back to the extent of $25,000. This matter cannot be treated lightly. The intention of the Government must be made quite clear, and the people concerned must be told whether it is intended to bring them within the scope of the legislation. It is fair to apply retrospectivity to premises whose usage changes, because obviously the nature of the usage is designed to provide for some sort of income.

I seek an assurance from the Government. I should like the clause to be amended. In fact, I was under the impression that an appropriate amendment was to be moved. I am tempted to move an amendment, but I prefer to rely on the Minister to have an amendment specifically prepared along the lines of the assurance given by the Government. Although the assurance will be honoured by the Government, it appears that the Government is unable to give an assurance that section 251 of the principal Act, as amended by this clause, will not apply between now and when a future amendment may be submitted to the House.

Honorable members interjecting.
Mr. JONA.—Country Party members are being facetious, but I regard the matter as most serious. I seek an assurance from the Minister that if any of the organizations are penalized as a result of this clause between now and a future sessional period when the Act is subsequently amended, the amending measure will contain a retrospective provision.

Mr. KIRKWOOD (Preston).—The Labor Party can find nothing wrong with the clause. In my opinion, when charitable organizations or churches must pay five years back rates to a council when selling properties which have previously been exempt, it is just that time has caught up with them. The residences of practising ministers of religion also come within the ambit of the clause. Until the past financial year, ministers of religion did not pay municipal rates, although library services, sports fields and other facilities were available for their children, and the streets in which they reside were cleaned and their garbage was collected. Why should the community subsidize individual ratepayers? Those who adhere to a particular faith, and not the community, should meet the costs involved. In my opinion, this clause is correct. I see no reason why the ratepayers should carry any more bludgers than they do now.

The CHAIRMAN (Sir Edgar Tanner).—Order! I ask the honorable member for Preston to withdraw his unparliamentary remark.

Mr. KIRKWOOD.—I withdraw the word “bludgers”.

Mr. WHEELER (Essendon).—The honorable member for Preston used an unfortunate expression in respect of people who are providing a worth-while and valuable service to the community.

The CHAIRMAN.—Perhaps the honorable member for Essendon would prefer to speak after the suspension of the sitting for supper.

The sitting was suspended at 12.11 a.m. (Friday) until 12.43 a.m.

Mr. MACLELLAN (Gippsland West).—My concern with clause 10 is with the position that arises when a Government authority acquires part of a church or charitable organization site and forces a change of land use by the church or charity that occupies it. Perhaps I can give an illustration. When widening a road, the Country Roads Board may require part of a site which is occupied by a church or charitable organization and therefore acquires portion of the property, thus forcing a change of use of the rest of the site because the balance remaining is insufficient to allow the church or charitable organization to carry on its pre-existing use. Under the terms of clause 10, it appears that when this occurs a church or charitable organization could be required, through no fault of its own, to change its activities on the site in question and thus be forced to pay five years’ back rates.

I consider that it would be quite unconscionable if a Government authority by its action caused a five-year back-payment of rates on a church or charitable organization property which would not otherwise have been payable. I ask the Minister in charge of the Bill to give an undertaking that this matter will be studied with a view to making sure that situations such as this do not arise.

Mr. WILCOX (Minister of Transport).—The matter raised by the honorable member for Gippsland West relating to clause 10 will be studied to see if there is any possibility of the difficulty he envisages. I cannot see that there would because, as the honorable member said, it would be quite unconscionable and out of accord with the intention of the clause.

I assure the honorable member for Hawthorn that this clause will apply only where there is a change of use. That is the important aspect. I have been informed by the Minister for Local Government that he asked for an amendment to be drafted to
cover the objection raised by the honorable member for Hawthorn. Parliamentary Counsel advised the Minister that an amendment was unnecessary. I assure the honorable member for Hawthorn that I have discussed the position with the Minister for Local Government and that as a result of my discussions I am sure that if any church or other charitable organization finds itself, by some remote possibility, in difficulty, the Minister for Local Government will investigate the position again.

Mr. Wheeler (Essendon).—The honorable member for Gippsland West contended that a church whose property had been compulsorily acquired by the Country Roads Board could be liable for payment of back rates. I do not think this situation would come within this clause because it would not then be rateable property. The land acquired would become non-rateable property, so no penalty would apply.

Mr. Jona (Hawthorn).—I thank the Minister of Transport for the assurance he has given. I assume that if redrafting was found to be necessary, this would be embodied in another Bill. I make it clear that I dissociate myself from the remarks of the honorable member for Preston when he accused ministers of religion of being bludgers on the community.

The Chairman (Sir Edgar Tanner).—The honorable member for Preston withdrew the remark.

Mr. Kirkwood.—If the honorable member for Hawthorn wants me to put it on record again, I am quite happy to accede to his wishes.

The clause was agreed to.

Clause 11 (Amendment of No. 6299 s. 254).

Mr. Kirkwood (Preston).—Now that a flat 5 per cent has been agreed to in another place, the Opposition finds very little to oppose in clause 11. I am pleased that the submissions of the municipal valuers have been acceded to by the Minister for Local Government. However, the municipal valuers still share some concern over sub-clause (2) of the clause. The Commonwealth Institute of Valuers is also concerned about the sub-clause as is illustrated in this statement—

Valuations in force at the present time in the metropolitan area were made at the level of values existing as at 31st December, 1965. The Minister fixed 31st December, 1969, as the date at which valuations currently being made and which will come into operation on 1st October this year, shall be assessed.

The municipal valuers consider that the sub-clause is not explicit and does not go far enough following the recent Supreme Court decision handed down by His Honour Mr. Justice Barber in the case of Scott v. The City of Castlemaine. In his judgment, His Honour stated that anything occurring after the fixed day must be ignored. The valuers consider that the Government has failed to close this loophole, which will mean a loss of millions of dollars in rate revenue to municipalities. The submissions of the municipal valuers have been submitted to the Minister for Local Government. I understand that investigation of issues relating to valuations takes time, but I trust that the Minister, for the benefit of local government, will see merit in the suggestions put forward by the Municipal Valuers Association.

Mr. Mutton (Coburg).—This clause proposes an amendment to section 254 of the principal Act, to change the system of valuation that has been in force for many years. It provides for the net annual value to be fixed at a flat rate of 5 per cent of the capital improved value of farm land, single-unit houses used only for the tenants' use, and other occupied flats and home units. In his second-reading speech, the Minister specifically mentioned own-your-own flats and stated that these properties were to be valued at 5 per cent of the capital improved
value, even when occupied by tenants. This will be of benefit to many people, particularly elderly pensioners who live in very old houses.

The net annual value system of valuation is unacceptable in certain instances because it causes the house rental to be based on a higher valuation. As an example, I cite a house in Caulfield which has a capital improved value of $12,000 and commands a rent of $30 a week whereas in Coburg, for the same type of house with a capital improved value of $12,000, an owner would be lucky to get $15 a week.

The purpose of the Bill is to iron out that anomaly. The Government is to be complimented on its foresight in proposing this amendment. The only snag, which will be apparent to honorable members who have had experience as members of municipal councils is the period for which people will get the benefit of this flat rate of 5 per cent. It is obvious that if there is to be a reduction in revenue municipalities will smartly increase the rate. I am concerned about the position of the Melbourne and Metropolitan Board of Works. The Minister has made an explanation about its means of raising revenue. The board obtains its valuations from municipalities and uses the net annual valuation system. What will happen when the board is suddenly confronted with a loss of revenue? The only way in which the amendment can be of any specific benefit to a ratepayer will be if the rates are frozen for twelve months. Undoubtedly, when the Board of Works finds that its revenue is decreasing, it will increase its rates and ratepayers will receive no benefit from the amendment.

The provision looks all right on paper and when people read the press reports, or are lucky enough to be able to read Hansard, they will probably gain the impression that they are to receive a substantial benefit, but this will depend on the municipal council and the Board of Works not increasing their charges. When a Bill relating to the Board of Works was before honorable members earlier today, the multiple representation of the Melbourne City Council was queried. The reason for this multiple representation is that one-third of the board's rate revenue comes from the Melbourne City Council area.

I compliment the Government on having had the foresight to introduce this amendment, and my only doubt is for how long the public will receive a benefit. I was hoping that the Government might go a little further and benefit ratepayers for at least twelve months by freezing rates for that period.

Mr. BIRRELL (Geelong).—Basically, the honorable member for Coburg is correct. This clause emanated mainly from the Geelong area where in 1969-70 the Valuer-General gave instructions that in the revaluation then being undertaken more emphasis should be placed on the rental which property could command rather than the market value. The result was that properties in the poorer sections of Geelong were valued at a considerably higher level. In some cases, the net annual value increased by from 8 to 10 per cent.

In an industrial centre such as Geelong, new Australians are willing to pay $20 a week in rent for low-valued properties which produce only $12 in rent. With the appreciation of a rental system, the valuations of these properties went sky high. Accordingly, a request was made to the Government to provide for net annual values fixed at 5 per cent of the capital improved value irrespective of the rental income.

Honorable members who have been involved in this system will applaud the amendment. However, I also sound a note of warning that a municipal council has to obtain revenue from some source and therefore a higher rate will be struck somewhere along the line to make up the deficiency. I do not know how this can be overcome.
Mr. FELL (Greensborough).—Most honorable members who have spoken to this clause could have expressed concern about payments and how they will be met by the community. Honorable members should face the reality that all types of rates are flat-rate taxes and as such are undesirable and should be eliminated. Parliament should be looking for a new system by which all taxation is levied on a system similar to uniform Commonwealth taxation because in many instances the people who use municipal services do not contribute towards their costs. The Chief Secretary, who is a former Minister for Local Government, will be aware that most services provided by municipalities are not financed by the community generally but merely by the ratepayers.

A system should be devised whereby those who use the services should contribute towards the cost. Any Government worth its salt must further investigate the matter with a view to pulling local government finances out of the mire in which they are at present.

The clause was agreed to.

Clause 12 (Council to furnish valuation of rateable property on payment of a fee).

Mr. KIRKWOOD (Preston).—Many members of the Opposition have received correspondence from progress associations objecting to this clause. The Opposition can find nothing wrong with the provision that a fee of $1 shall be charged those who want a valuation certificate. Estate agents always pass on their costs, so there is nothing wrong with their being charged a fee. I understand that the right to inspect the rate book will remain, although the provision regarding the inspection of the roll was altered a few years ago. A person who wants a valuation certificate is probably bringing a case against a council decision anyway, and it is only right that he should pay for the privilege.

Mr. WHITING (Mildura).—Members of the Country Party are not happy with parts of this clause. During the second-reading debate, I mentioned that we were not unhappy that estate agents and persons interested in obtaining a valuation of a property should have to pay a fee. My party would have been much happier if provision was made enabling an individual ratepayer to obtain a valuation certificate concerning his own property without the payment of a fee.

Our main concern relates to the amendment to section 302, which provides that the estimate and the rate shall be open for inspection by ratepayers, who may take copies. In both sub-sections (1) and (2) of section 302, it is proposed to delete reference to the rate so that now only the estimate will be open for inspection by any interested person. Because of the way in which the sub-clause (2) is worded, we will vote against the clause.

Mr. BILLING (Heatherton).—I agree with sub-section (1) of proposed section 265A and that some fee should be paid by people who are interested in land development. I take issue with sub-section (2) of the proposed section because of its effect on the individual ratepayer. Having made representations on behalf of many ratepayers to the effect that they should be able to make inquiries concerning their own properties, I am disappointed that the Government has not provided that they should not have to pay a fee. This service should be afforded to the ratepayers by the municipalities. I presume that the point can be answered partially by saying that the valuation appears on the rate notices, but on many occasions, between the issuing of a rate notice and the striking of a new rate, the valuations are amended, nearly always upwards, so that the council can obtain additional revenue. Further representations will be made to the Minister for Local Government by ratepayers.
within my electorate for consideration to be given to the matter when a further Bill to amend the Local Government Act is being prepared.

Mr. TREWIN (Benalla).—Municipalities are defined as rural, rural-urban, and so on. Undoubtedly, information is sought for various reasons and estate agents could become a real nuisance to municipal officers. I would not hesitate to impose an excessive fee in those circumstances. As a ratepayer in a rural municipality, I have never availed myself of the opportunity of seeking this information. If, during a revaluation of a municipality, a person seeks to compare the valuation of his property with that of a similar property I do not believe he should be burdened with even a search fee or the necessity of writing a letter. This privilege has existed for ratepayers ever since local government came into existence. It is all very well to say that a ratepayer becomes a burden upon the municipal officers, but I believe the officers are employed to render service to ratepayers who, in effect, are their employers. Ratepayers should be entitled to search the rate notices to obtain information they require and so should those who seek information for their business operations or for use in discussions with others, but the latter should be prepared to pay.

Mr. WILCOX (Minister of Transport).—The Government will examine the question of the payment of a fee by a ratepayer who seeks to obtain information about his own valuation. I remind the Committee that this provision was recommended by a committee representing the Valuer-General and the Municipal Association of Victoria.

The clause was agreed to, as were clauses 13 to 17.

Clause 18 (Amendment of No. 6299 s. 555c).

Mr. KIRKWOOD (Preston).—I should like a provision to be inserted in this clause to empower councils to cart to the local tip vehicles which are left on vacant land and are unclaimed.

Mr. FELL (Greensborough).—There is a need for control over the dumping of car bodies on railway, municipal and Board of Works property. These lands are not covered by this Bill. In the McLeod area a colossal amount of car dumping takes place. There are more than 50 car bodies in the area which is surrounded by institutions and property which come under the jurisdiction of three different departments. If land controlled by those departments were to be included in this clause, the car bodies could be removed immediately.

The clause was agreed to.

Clause 19 (Amendment of No. 6299 s. 569a).

Mr. MACLELLAN (Gippsland West).—When I first sighted clause 19 I was concerned about its application in rural areas. It speaks of dividing land into two or more parts, and I wondered what would be the effect upon a farmer who wished to divide a single certificate of title into two allotments, one for each of his sons or members of his family. I approached Parliamentary Counsel on this question, and I am still not completely satisfied that counsel was confident that the provision will be satisfactory when it is combined with the principal Act.

If the municipal council makes a request, a farmer dividing a small farm into two titles may not be able to escape making a further contribution for the larger part of the land. That would defeat the purpose of the Act that the subdivider of land must make a contribution for recreational purposes. It is not good enough to look at this section only in terms of
profiteering in the outer-suburban areas of Greensborough. It must be looked at in terms of rural areas.

In the Shire of Hastings a person who divides his farm into two allotments could be required to surrender 5 per cent of the farm for recreational land, and I ask the Minister to study this matter to make sure that when this amendment and the principal Act are taken together there is not an obligation of this sort. It will not be satisfactory if large areas escape because of a small request by a council or if a farmer who is undertaking a normal family arrangement is faced with surrendering 5 per cent of the farm simply because a council said it needed more recreational land in the future.

I ask the Minister to examine this matter carefully to ensure that the Bill achieves the policy of a contribution for residential and development areas and not farms.

Mr. MUTTON (Coburg).—This clause does not refer to the minimum area of land in respect of which 5 per cent must be surrendered. In years gone by, when I was a councillor, the yardstick was an area of 1 acre, but this amendment does not contain any guidelines to assist municipalities concerning the minimum area to which the surrender of 5 per cent should apply. The other point I wish to make is that when the Housing Commission acquires land it should have to make the same contribution of 5 per cent of the land.

The clause was agreed to, as were clauses 20 to 28.

Clause 29 (Part to have effect in every municipal district in Victoria).

Mr. WHITING (Mildura).—The Swan Hill Shire Council objects to this provision, because it includes every part of every municipality throughout the State. If a council is to police the building regulations successfully, its officers will be expected to travel large distances to inspect residences that are being constructed on land miles from populated centres. It is my opinion, and that of the shire council, that there should be exemptions in these circumstances, especially for large municipalities. I ask the Minister to examine the matter.

The clause was agreed to.

Clause 30 (New section inserted).

Mr. KIRKWOOD (Preston).—I invite honorable members to vote against this clause.

Mr. WILCOX (Minister of Transport).—The honorable member's proposal cannot be accepted.

The clause was agreed to.

Clause 31—

At the end of paragraph (o) of sub-section (1) of section 926 of the Principal Act after the words "making of that direction" there shall be inserted the words "or in the opinion of the referees the by-law is inconsistent with a planning scheme or interim development order under the Town and Country Planning Act 1961 or a permit granted thereunder".

Mr. DIXON (St. Kilda).—The Brighton City Council has made representations to the Minister for Local Government concerning this clause. It is of the opinion that local government is being overridden in this matter by building regulation authorities. I hope the Minister will consider the suggestion made by the City of Brighton that the clause should read in this way—

The referee shall not have power to make any direction that a by-law shall not apply unless a planning scheme has been issued or there has been a direction by a planning tribunal that such will be issued.

I trust that the Minister of Transport will direct the attention of the Minister for Local Government to this matter.

Mr. KIRKWOOD (Preston).—The letter from the Brighton City Council mentions planning schemes which are not within the ambit of the powers of the Uniform Building Regulations, but I point out that in this case the clause refers only to "the by-law". A planning authority is successful only when...
it is not restricted too much. If it is restricted unduly, as it appears to be in Brighton, it cannot succeed.

The area of this or any other city should be utilized to a reasonable level. Why should the remainder of Melbourne carry burdens for those who are more able to bear them because of the local policy concerning flats? Consequently, the cost to the ratepayer for the normal services of the Board of Works, light, gas and so on, would be much lower. The site requirements should be embodied in a planning scheme and people would still have a choice. However, at present there is no choice in the City of Brighton. I reject this philosophy because in the opinion of members of the Labor Party the ratio of areas on a unit basis should be modified to come into step with the rest of the State.

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.

ADJOURNMENT.


Sir HENRY BOLTE (Premier and Treasurer).—I move—

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

Mr. ROSS-EDWARDS (Leader of the Country Party).—Can the Premier give some indication at this stage when it is likely that the House will meet again in the spring?

Sir HENRY BOLTE (Premier and Treasurer).—Following the normal practice, Parliament will be prorogued and any item remaining on the Notice Paper will be obliterated. The House should meet again in the first or second week of September.

The motion was agreed to.

Sir HENRY BOLTE (Premier and Treasurer).—I move—

That the House do now adjourn.

Mr. SUGGETT (Bentleigh).—I direct the attention of the Minister representing the Minister for Tourism to the activities of certain tourist agencies. I refer to Travel House of Australia Pty. Ltd., and in particular to a subsidiary known as Club International Pty. Ltd.

One of my constituents made travel arrangements with this company on the understanding that if the arrangements were discontinued the deposit would be refunded. This person has not been able to contact the company. Today I rang the office of Club International Pty. Ltd., and received a recorded message that the number had been discontinued. I then rang what appears to be the parent company, Travel House of Australia Pty. Ltd., and spoke to a lady there. When I stated my business she said, “You had better speak to one of the managers. Could I have your telephone number?” I asked whether she could connect me straight away but she said that she could not do so and that she would get a representative of the company to ring me. She refused to give me the telephone number and stated that she was not allowed to do so. I received no reply from Travel House of Australia Pty. Ltd., which indicates that there is something bogus about the organization.

I mention this matter because it has been referred to in another place and in the Federal Parliament in Canberra. The public of Victoria should be warned against risking their savings by paying deposits for unsatisfactory travel agreements. Despite any previous agreement, if they do not wish to continue with the arrangements they will have great difficulty in obtaining a refund. People should be careful before
entering into any arrangements with a company which has not been fully recommended.

Mr. FELL (Greensborough).—I direct the attention of the House and of the Minister representing the Minister of Agriculture to a problem which is entirely dependent on Government administration. It is a current problem throughout the metropolitan area and it relates to the procurement of high quality polyunsaturated margarine, which many people are advised by medical practitioners to eat. The farmer may not like this, but the people's health is important. Many people in the community eat this margarine in preference to other similar products because of claims that are currently being made within the medical profession regarding cholesterol in the blood. What action does the Government intend to take to ensure that, in line with free enterprise, these products will be freely available in the stores and not restricted by the quota system which is causing the present shortage?

Sir HENRY BOLTE (Premier and Treasurer).—I should like to reply to the honorable member and assure him that the Government will do nothing to assist his cause because I believe the major primary industry of the State is dairying. If the honorable member and his party are anti-dairy, they have no future. The future of the State lies in primary production in which dairying plays a tremendous part and that is a final and complete answer.

The motion was agreed to.

The House adjourned at 1.35 a.m. (Friday).

Parliament was subsequently prorogued by proclamation in the Government Gazette.
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Yarragon Lands Exchange Bill, 2896.

Wiltshire, Mr. R. J. (Syndal).
Crimes (Amendment) Bill, 6012.
Education Department—Primary school adjacent to Monash High School, 4425.
Housing Commission—Land at Mount Waverley, 1635.
Land Tax Bill, 1736.
Motor Vehicles—Mulgrave by-pass road, 4424.
Primary Industries—Farm incomes, 4423.
Public Works and State Development Committees Bill, 3644.
State Rivers and Water Supply Commission—Use of waters by amphibious aircraft, 5805.
Supply, 4422.
Unemployment—Incidence, 4423.
Victorian Railways—Suggested take-over by Commonwealth Government, 1716.
Rulings and Statements as Acting Chairman of Committees—
Debate—Motion making appropriation from Consolidated Fund, 1159. Relevancy of remarks, 1163, 1165, 1166, 1170, 2409, 3349, 3351. Personal explanation, 1169. Tediou repetition, 3349. Item on Notice Paper not to be discussed during Supply debate, 4962. Scope of debate on Supply, 4962. Members to address Chair, 5373.
Rulings and Statements as Acting Speaker—
Debate—Interjections, 1091.

Wonthaggi Sewerage Authority—Transfer of land, 3270.
Wool Industry. (See “Primary Industries —Wool Industry.”)

Workers Compensation Bill—Introduction and first reading, 4510; second reading, 4748, 5506, 5629; Committee, 5637, 5841; third reading, 5856.

Yarra Bend National Park—Freeway works, (qn.) 2893. (See also "Eastern Freeway Lands Bill.")

Yarragon Land Exchange Bill—Appropriation resolution 1817; introduction and first reading, 1817; second reading, 2283, 2896; remaining stages, 2896.

Yooralla Hospital School for Crippled Children—Land at Broadmeadows, (qn.) 4716.

SESSION 1971-72.

BILLS PASSED BY BOTH HOUSES.

Aboriginal Lands (Amendment) Bill.
Adoption of Children (Amendment) Bill.
Agricultural Colleges (Amendment) Bill.
Apprenticeship (Amendment) Bill.
Appropriation Bill.
Archaeological and Aboriginal Relics Preservation Bill.
Bees Bill.
Brotherhood of St. Laurence (Incorporation) Bill.
Building Societies (Special Advances) Bill.
Buninyong (Recreation Reserve) Land Bill.
Chiropodists (Registration) Bill.
Closer Settlement Bill.
Coal Mines (Pensions) Bill.
Coal Mines (Pensions Increase) Bill.
Commonwealth Places (Administration of Laws) Bill.
Companies Bill.
Consumer Protection Bill.
Co-operative Housing Societies (Indemnities) Bill.
Country Fire Authority (Amendment) Bill.
County Court (Jurisdiction) Bill.
Crimes (Amendment) Bill.
Crimes (Powers of Arrest) Bill.
Daylight Saving Bill.
Dentists Bill.
Disposal of Uncollected Goods (Amendment) Bill.
Dookie Agricultural College Land Bill.
Eastern Freeway Lands Bill.
Eastern Railway Construction Bill.
Educational Grants (Amendment) Bill.
Education (Teacher Registration) Bill.
Environment Protection (Amendment) Bill.
Essendon (Recreation Ground) Land Bill.
Evidence (Boards and Commissions) Bill.
Evidence (Documents) Bill.
Exhibition (Borrowing Powers) Bill.
Farm Produce Merchants and Commission Agents (Employment) Bill.
Films Bill.
Films (Amendment) Bill.
Firearms (Amendment) Bill.
Flinders Street Station Area Redevelopment Bill.
Game Bill.
Geelong Harbor Trust (Amendment) Bill.
Gift Duty Bill.
Gift Duty (Rates and Rebates) Bill.
Government Buildings Advisory Council Bill.
Grain Elevators (Amendment) Bill.
Groundwater (Amendment) Bill.
Harbor Boards (Amendment) Bill.
Health Services (Fees and Penalties) Bill.
Hire-Purchase (Form) Bill.
Housing (Amendment) Bill.
Instruments (Amendment) Bill.
Judges Salaries and Allowances Bill.
Juries (Compensation) Bill.
Justices Bill.
Justices (Civil Proceedings) Bill.
Labour and Industry (Amendment) Bill.
Labour and Industry (Shop Trading Hours) Bill.
Land (Amendment) Bill.
Land (Greyhound Racing) Bill.
Landlord and Tenant (Amendment) Bill.
Land (Surrenders) Bill.
Land Tax Bill.
Latrobe Valley (Amendment) Bill.
Legal Profession Practice (Amendment) Bill.
Leo Cussen Institute for Continuing Legal Education Bill.
Liquor Control (Amendment) Bill.
Local Government Bill.
Lotteries Gaming and Betting (Pre-Post Betting) Bill.
Lutheran Church of Australia Victorian District Incorporation Bill.
Magistrates' Courts Bill.
Marine Bill.
Melbourne and Metropolitan Board of Works (Amendment) Bill.
Melbourne and Metropolitan Board of Works (Reconstitution) Bill.
Melbourne Harbor Trust (Amendment) Bill.
Melbourne Land (Royal Melbourne Institute of Technology) Bill.
Mercy Private Hospital (Guarantee) Bill.
Mildura Irrigation and Water Trusts (Amendment) Bill.
Milk and Dairy Supervision (Amendment) Bill.
Moonee Ponds (Queens Park) Land Bill.
Motor Car (Amendment) Bill.
Motor Car (Breath Tests) Bill.
Mt. Hotham Alpine Resort Bill.
National Parks (Amendment) Bill.
Newhaven Land Bill.
Nurses (Amendment) Bill.
Parliamentary Committees (Take-over Offers) Bill.
Pay-roll Tax Bill.
Poisons (Amendment) Bill.
Poisons (Amendment) Bill (No. 2).
Police Offences Bill.
Police Regulation (Amendment) (No. 2) Bill.
Police Regulation (Chief Commissioner) Bill.
Portland Harbor Trust (Amendment) Bill.
Public Authorities (Contributions) (Amendment) Bill.
Public Service (Amendment) Bill.
Public Works and Services Bill.
Public Works and State Development Committees Bill.
Racing (Amendment) Bill.
Racing (Totalizator Commissions) Bill.
Railways (Amendment) Bill.
Railway Works and Services Bill.
Revocation and Excision of Crown Reservations Bill.
Revocation and Excision of Crown Reservations Bill (No. 2).
Road Traffic (Amendment) Bill.
Road Traffic (Penalties) Bill.
Scaffolding (Amendment) Bill.
Seamen's (Amendment) Bill.
Select Committee (Ansett Transport Industries) Bill.
Sewerage Districts (Amendment) Bill.
Soldier Settlement (Amendment) Bill.
Sports Promotion Bill.
Stamps Bill.
Stamps (Bookmakers' Statements) Bill.
Stamps (Gifts and Settlements) Bill.
State Electricity Commission (Newport Power Station) Bill.
State Forests Works and Services Bill.
Statute Law Revision Bill.
Statutory Salaries Bill.
Stock Diseases (Composite Licences) Bill.
Summary Offences (Amendment) Bill.
Sunday Entertainment (Cinematograph Films) Bill.
Supply (Final Supplementary Estimates) Bill.
Supply (July to September) Bill.
Supply (October to December) Bill.
Supply (Supplementary Estimates) Bill.
Supply (Supplementary Estimates) Bill (No. 2).
Supreme Court (Civil Appeals) Bill.
Tattersall Consultations (Amendment) Bill.
Taxation Appeals Bill.
Trustee Companies (National Trustees) Bill.
Trustee Companies (Sandhurst and Northern District Trustees Executors and Agency Company Limited) Bill.

Vegetation and Vine Diseases (Amendment) Bill.
Vermin and Noxious Weeds (Allowances) Bill.
Veterinary Surgeons (Amendment) Bill.
Victoria Institute of Colleges (Affiliated Colleges) Bill (No. 2).
Water (Amendment) Bill.
Water Authorities Accident Insurance Bill.
Water Supply Works and Services Bill.
Western Port (Steel Works Rating) Bill.
Wheat Marketing Bill.
Workers Compensation Bill.
Yarragon Lands Exchange Bill.

Total: 144.

BILLS INTRODUCED INTO BUT NOT PASSED BY ASSEMBLY.
Accommodation Tax Bill.
Constitution Bill.
*Family Courts Bill.
Lands Tribunal Bill.
Moorabbin Land (Special Grant) Bill.
*Parliamentary Commissioner (Ombudsman) Bill.
Parliamentary Officers Bill.
*Race Relations Bill.
Teaching Service (Teachers Tribunal) Bill.
*The Constitution Act Amendment (Reduction of Voting Age) Bill.
Trustee Companies (New Zealand Insurance Trustee Company Limited) Bill.
Unordered Goods and Services Bill.
Victoria Institute of Colleges (Affiliated Colleges) Bill.
Wills (Interested Witnesses) Bill.

* Private Member's Bill.

Total: 14.

BILLS INTRODUCED INTO AND PASSED BY ASSEMBLY BUT NOT PASSED BY COUNCIL.
Door to Door Sales Bill.
Town and Country Planning (Amendment) Bill.

Total: 2.

BILLS INTRODUCED AND PASSED BY COUNCIL BUT NOT PASSED BY ASSEMBLY.
Nil.
BILLS INTRODUCED INTO BUT NOT PASSED BY COUNCIL.

*Abolition of Capital Punishment Bill.
*Crimes (Inhumane Punishments Abolition) Bill.
*Crimes (Sentences) Bill.
*Egg Industry Stabilization Bill.
*Information Storages Bill.
*Labour and Industry (Equal Pay) Bill.
*Local Government (Powers) Bill.
Newmarket Sheep Sales (Repeal) Bill.

*Privacy (Control of Personal Information) Bill.
*Reduction of Voting Age Bill.
*Right of Privacy Bill.
*Vagrancy (Amendment) Bill.
*Wrongs (Industrial Accidents) Bill.

Total: 13.

Grand Total: 173.

* Private Member's Bill

SUMMARY.

| Bills passed by both Houses | 144 |
| Bills introduced into but not passed by Assembly | 14 |
| Bills introduced into but not passed by Council | 13 |
| Bills passed by Assembly but not by Council | — |
| Bills passed by Council but not by Assembly | 2 |

Total number of Bills introduced: 173
