

the recent issue of the V.A.C.C. *Journal*. Dr. Birrell referred to a young person who had just obtained his driving licence being able to purchase the most powerful car available. Surely the time has arrived when young people should prove their proficiency at driving a low-powered vehicle before they are permitted to purchase a more powerful vehicle. From your aeronautical experience, Mr. President, you will know that before a person can pilot a certain type of aircraft, he must have undergone training in that aircraft. This practice should be followed with the younger drivers so that they can be properly trained before they are able to purchase a powerful vehicle. The ease with which young and inexperienced drivers can obtain powerful vehicles is one of the causes of carnage on the roads. I return to my earlier point and ask the Government to examine the British priority road system so that when a driver sees a white line in front of him he knows that he must stop.

**The Hon. P. D. BLOCK** (Boronia Province).—It is with a great sense of honour that I support the motion for the adoption of an Address-in-Reply to His Excellency's Speech. At the outset, I congratulate those speakers who have preceded me, especially my fellow "maidens", as it were. I am the last of the new members to make his maiden speech. Particularly at this time, I am very conscious of the enormous traditions associated with this House and the responsibilities that rest upon me to uphold those traditions.

I take this opportunity of affirming my loyalty to Her Majesty the Queen and also that of the electors of the Boronia Province, and in passing of making mention of His Excellency the Governor, and Lady Delacombe. Recently, I had the privilege of being in Warburton when His Excellency and Lady Delacombe were attending civic functions and had spent the day visiting schools and meeting people. I joined the party

halfway through the programme and I had the opportunity of overhearing people speaking about the Governor. I should like to record that every comment referred to the pleasantness and the great dignity with which His Excellency undertook his duties and his great charm with children, which I think is one of the most commendatory things in anyone's nature. I understand that His Excellency will be retiring some time next year and I take this opportunity of wishing both him and Lady Delacombe well and many years of happiness in their retirement.

I should like briefly to discuss the province which I have been elected to represent with my colleague, the honorable Vernon Hauser, who so ably assists me in the duties that I have recently undertaken. The province covers about 1,040 square miles, which does not really compete in area with some of the country provinces. However, at last count the province comprises 199,000 electors. At the pace at which it is expanding, quite conceivably by the time I have completed my remarks, the enrolment will have passed 200,000.

It extends from well-established suburbs such as Clayton and Box Hill into areas which are rapidly developing such as Knox, where everybody except me is making millions of dollars, takes in areas such as Croydon and Ringwood, encompasses most of the Dandenongs and then sweeps up the Yarra Valley to such places as Healesville, Warburton and Marysville. From that description honorable members will realize that the province encounters many of the problems associated with newly-established areas, developed areas, and rural areas. It is with great enthusiasm that I undertake the duties associated with this vast and complex province.

It would not be appropriate for me to continue these remarks without referring to my predecessor, Sir Gilbert Chandler. Certainly, it is not for me to tell the House about Sir Gilbert, but honorable members may

be interested to know that Sir Gilbert Chandler entered this Chamber in the year in which I was born, 38 years ago, in 1935. Prior to that, his father had served this House for some sixteen years, so that the Chandler family has held sway in the province for more than half a century.

When I campaigned throughout the province, I did not encounter one person who had an unkind word to say about Sir Gilbert Chandler. This is most unusual for any man who has been in politics for 38 years. Sir Gilbert was not so much respected as loved and I wish both him and Lady Chandler many years of contentment and activity—Sir Gilbert is not the sort of man to just retire—in their retirement from the duties of this House and for a productive future in the years that remain, which I hope are many.

In his Speech, His Excellency said that the emphasis will be on quality of life, the protection of the environment, and the total welfare of Victorians. His Excellency went on to say that full attention will be given to the problems of the physically and mentally handicapped, the under-privileged and the elderly in the community. These statements indicate the direction in which the Hamer Government is going to move; it is a programme with which I most heartily concur and which I will support with my arguments and with my vote.

Victoria has been a burgeoning pioneer State for many years and has come of age only in recent years. Victorians are no longer wholly devoted to matters of subsistence, such as clothing ourselves, putting a roof over our heads and feeding ourselves and our children. These were the prime concerns of the pioneer spirits of this State. They are no longer a prime concern and it is to the credit of previous Governments and leaders that we have reached the stage when the bulk of our community no longer lives in extremes of privation.

However, I should like to look closely at the quality of life of some members of the community because there are areas of neglect and need to which the community has not yet turned the full light of its attention owing to its previous pre-occupation with more basic necessities.

There are festering sores within the community, and it will be to the everlasting credit of the Hamer Government if these sores are attended to and healed. I believe these matters will greatly concern the new Government. It is not necessarily to areas of great popular concern or interest that we must turn to find these running sores. I refer to areas such as education, transport, communications and health. Of course, these areas must be of concern to the people of the community and must be considered, but they are not the areas of which I speak. I refer more to the areas of minority, where the few are concerned—the few who do not have a loud voice to speak out and claim the attention of Government and persons who should be interested in their treatment.

We must turn to these matters and attend to them if we are going to live in a community with an easy conscience and with a feeling of well-being. We cannot see all around us things that need to be attended to, such as I am about to discuss, without feeling that their remedy is long overdue. I speak of issues of social welfare, concern for the physically and mentally deprived, the handicapped, the aged and the under-privileged. I think Sir Winston Churchill said that a civilization will ultimately be judged by how it treats the people least able to care for themselves. I totally agree with that statement.

I am one of those Liberals who wholly support the concept of a vigorous, free-enterprise society in which a person receives a reward in direct proportion to the benefit that his talent confers on a community. But I believe the success of this philosophy should bring about a

situation whereby we can underpin completely the needy within the community, and it is to this point that I turn my attention in this speech. The time has come when these problems must be confronted; we must look at them, hold them up and expose them to the public gaze. Having exposed them and, hopefully, having understood them, we must then treat them.

I wish to deal somewhat fully with the grievous subjects of crime and violence in the community. This is but one particular area and in the time allotted to me there is no way in which I can cover the whole range. Although this is an area which concerns us all, perhaps there are fewer advocates to discuss it or to involve the community in it. It is one in which I suppose every citizen is concerned, at least vicariously, through the medium of television, radio and, of course, the newspapers. We are concerned with such things as bashings, murders, holdups and rapes, and many of us can be victims of such events, quite innocently—even going home tonight. So this subject concerns each and every citizen. Yet despite their importance, strangely they are areas in which we have introduced the least possible innovation in dealing with them. We are satisfied rather with the ancient aphorism of our forefathers—"Catch the criminals—lock them up; if they hit us, hit them back." This edict has guided and still guides our philosophy towards offenders, but it is utterly discredited by modern knowledge of man's behaviour.

The disciplines of psychology, sociology, psychiatry, ethnology and genetics are constantly trying to understand and expose the way the human mind works and the way mankind has evolved. Behavioural sciences do exist! But these sciences have never commanded the sort of respect that the physical sciences command. It is quite certain that any of us would board an aeroplane tomorrow—if strikes permitted—and fly to any part of the world

*The Hon. P. D. Block.*

without understanding the science or what it was that sustained us in the air. Yet if similar innovations were introduced into the social set-up there would be public panic.

In this modern, scientifically-orientated, computerized, instant-communication world, we still retain the ancient barbarism of terror to maintain our system of criminal justice. I refer primarily to mental terror and not to physical acts which are perpetrated, although I am sure this occasionally happens. The current system is not only fearfully expensive, but it does not work; it does not do what it is supposed to do, which is to prevent the rise of the crime rate. The crime rate still increases, more violence is committed. To combat that violence, we introduce another type of violence, although modern behavioural science tells us that violence begets violence.

This is not the plea of the namby-pamby sentimentalist whose only concern for the criminal is to get him off. It is a well-studied belief which has a great body of evidence to support it from hard-headed realists who have concerned themselves with the findings and the study involved and who realize that the current methods do not solve but in fact enlarge the problem. There exists an enormous paradox in this area.

What about the victim? This is the constant and real concern of people who oppose the sorts of reforms which I am discussing. Concern for the victim and concern for future victims motivates those of us who seek to reform the systems currently adopted.

I will read an extract from a book by Dr. Carl Menninger, head of the Menninger Foundation of the United States of America, a recognized authority in the field of crime reform and an eminent psychiatrist. In his book, *The Crime of Punishment*, he states—

The more fiercely, the more inhumanely, the more ruthlessly an offender is treated—however legally—the more certain we are to have more victims. Don't forget

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the victim, but don't forget the next victim also, the one who is going to get hurt so long as the vicious cycle of evil for evil and vengeance for vengeance perpetuates the revolving door principle of penal justice.

Undoubtedly the modern system of "justice" embitters many men so that a high percentage of them commit further crimes. There is also no doubt that one of the great recurring nightmares of humanity is the nightmare of injustice, of being unjustly convicted by evidence which brings a person to a situation from which he has no escape. Franz Kafka, in his immortal novel, *Trial*, highlighted the sheer terror of a human being caught up in such a situation.

The fact is that the prisons are full of people who consider that they have suffered an injustice; no matter whether they have been given what is in effect a fair trial under our system, they consider that an injustice has been committed on them. Under these circumstances we are breeding in them a festering desire to avenge themselves on the society which has treated them in this manner.

We do not treat the cause of criminality when we lock up the offender; we are not even deterring other offenders. Again this is an argument which is not supported by modern sociological science—the concept that to visit punishment on one offender deters another. I do not want to dwell on the morality of the argument that severe punishment perpetrated on one person makes another person less likely to commit an offence. There is no question in the minds of modern sociologists that there is little deterrent in punishing one fellow in order to deter another.

*The sitting was suspended at 6.26 p.m. until 8.4 p.m.*

The Hon. P. D. BLOCK.—Prior to the suspension of the sitting for dinner I was discussing deterrents and the way in which numbers of people within society and many people with whom I speak view the prime reason for continuing the prison system which we have, and

which I have termed savage punishments, meaning mental savagery, which we perpetrate on offenders in the belief that this in fact deters other people from committing crimes.

I pause on that point. In these discussions I find that frequently the people who are very close to the basics of life—people on the land, people who have been in the armed forces and who have actually been confronted with savagery or have faced the prospect of instant annihilation—tend to be the ones who think that savage punishments are an effective deterrent. I can understand this point of view and for people like us perhaps it could even be looked upon as being a deterrent to the people most likely to commit the crimes for which these punishments are to apply. I submit to the House, that many of the people who are caught up with these savage punishments are not deterred by the prospect of them. It is a fairly abstract potential for them. They do not understand, conceive or think about it before they commit the crime. It is we who sit here who would not like the idea of being in solitary confinement, the removal of which, I am pleased to say, is advocated in the Jenkinson report. We see these things in stark reality, but many people caught up in the system do not see them as a deterrent and do not consider them to be deterrents.

A large body of scientific evidence backs up my statement but I do not want to become over-tedious by presenting it to the House. In using these systems in order to deter crime, all we are doing is covering them with a band-aid. We look at the effect but we do not treat the cancerous cause of criminality. It is said that society demands of us that we perpetrate savage punishments as a sort of revenge ethic in society. This is understandable, but I put to the House the fact that we owe to our electors not only our actions in a

whole range of matters but also—Edmund Burke said it much more beautifully than I can—our judgment and when we in our wisdom see a wrong perpetrated in society it is our right to go into society and rid the public of that wrong.

I submit that there is no greater wrong perpetrated in our community than that which goes under the name of justice. It is with great respect that I call upon our new progressive Government, of which I am happy to be a supporter, to bring about this change in the criminal code so that we stop perpetrating this sort of ineffectual deterrent for crime and do something to strike at the root cause of crime.

The first reform that I would advocate as a result of my studies would be the abolition of imprisonment for matters of social deviation. Here, of course, I take all the so-called victimless crimes—the crimes of drunkenness, vagrancy, sexual deviation, drug addiction. We all have our own list of what we regard as these crimes. I understand that half the present population who are currently incarcerated in our institutions have committed no crime other than against themselves. These people should be treated for what is in fact an illness and not imprisoned for a crime they have committed against nobody other than themselves.

Prior to making this speech I studied the Crimes Act. Almost every law-abiding citizen would have great difficulty in wending his way through life without falling foul of the Crimes Act. Honorable members will know that if one stays a half hour longer in a bar because one is caught up in an interesting conversation, one can find oneself in prison the following day. Is it not time we did away with imprisonment for these crimes that are innocently committed? At the very least I submit this is so and I call to the attention of honorable members an alleged crime which is currently

before the courts. I understand the implications of any remarks I make on this so I will not go into great detail. A young lad had been imprisoned in Pentridge Gaol for fourteen days for allegedly committing a traffic violation and it is alleged that during that time he had to submit to sexual assault by not fewer than five of his fellow inmates. This is unforgiveable at the best of times and in the best of societies and that it should happen to an innocent person is reprehensible. I do not think anybody should have to suffer such an indignity, and that it should happen to a person who should never have been there in the first place compounds the tragedy.

Let us clear the prisons of these innocents. Prison benefits nobody if they are not doing constructive work. Let us at least give them the chance to work and repay in a tangible fashion the wrong they have done to society. Forced uselessness is not doing anybody any good. This is so clear and so obvious to me that I shall not stress it any further because I think, with great respect to honorable members, it must also be clear to them.

At the beginning of this session I sat in the public gallery listening to honorable members in debate. This was before I had taken my seat. I heard the Minister for Local Government make a statement with which I heartily concur. That statement was that he would like a special session of Parliament to be set aside for de-legislation. If my memory serves me correctly the Leader of the Labor Party supported the Minister in this concept. Such unanimity flowing from both sides of the Chamber would seem to me to be admirable and I submit with respect that the very first legislation we should look at in our de-legislation session is the Crimes Act.

I turn now to the punishment of the criminal deviate. These are the people who actually cause damage and harm in our society to other

people. How should we treat them? Perhaps we should accept the fact, as the behavioural scientists tell us, that people who are criminally inclined are suffering from an illness. Perhaps we should consider the possibility of treating them rather than inflicting punishment on them.

Of course, there should be penalties for criminal acts and I am not proposing otherwise. It would be foolish for me to do so. These penalties should be swift and sure and should bear some relationship to the crime that has been committed. What is the use of locking people away for forging a signature on a cheque or for damaging someone else's property, or for stealing a motor car? Should we not expect these people to work in a system, perhaps under supervision, in a way in which they can constructively repay their debt or the damage they have done to society? Locking them away is not helping the victim.

I turn now to the victim and the people who say, "What about the victim?" This is the concept of the revenge ethic. We do not worry about the victim in the way we treat our modern criminals. We visit our punishments upon them and the poor victim is not thought of in this concept.

Recently a law was introduced to compensate certain selected victims. Surely we should create the situation where the person who commits the crime does something to repair the damage.

It is stated that more than 90 per cent of the people who are currently in our prisons do not constitute a recurring risk to society; yet we lock them away. How do we treat them? We currently give them a fixed sentence and send them to prison for 3, 5 or 10 years. At the expiration of that sentence, and after they have spent the time in a society which is most likely to bring about a situation within them which gives them a greater propensity for crime, we release them into society. At the end of their sentence under this revengeful attitude we release them back into

society ticking away like time bombs. This is not a sensible way to treat offenders in society. I remind honorable members of a case in New South Wales of a man named Lawson who committed a dreadful crime. He kidnapped five young ladies and sexually assaulted them. The evidence which was adduced left no doubt that the man was mentally unbalanced. He was gaoled for about eight years and released with ordinary remissions within five years. After a short time he committed two murders. The psychiatrists and other people who knew the man said subsequently that he should never have been released. What was done in that case? The man was placed on a determinate sentence and released at its conclusion, but nothing was done to ensure that he would not perpetrate further savagery on society. That is a foolish way to treat any offender.

Should not more be known about offenders? Should not their sentences be indeterminate so that they can be assessed to see how they will react after release? Should not the problem be treated rather than punishing the offender? Punishment does not act as a deterrent.

Modern behavioural science has given an insight into how the human mind will react. I cite as an example a rather ridiculous case concerning the M'Naghten rules, which in 1843 gave instructions on dealing with a person of unsound mind who commits murder. Great advances have been made in the past 130 years in the knowledge of the working of the human mind and the way people behave, but society still acknowledges the authority of the M'Naghten rules of 1843.

I have posed many problems, and certainly do not wish to resume my seat before I have offered some solutions. I should begin by tearing down some of our ghastly institutions, starting with Pentridge Gaol. Places such as this do not cure the criminal; they help to create crime. Great monolithic institutions in which

people are incarcerated for punishment are a danger to society, because people are released from them with a greater desire to commit crime than they had when they first entered. I should certainly construct small places of total security in which to keep people who are potentially dangerous to society, where they could be examined and treated. They would certainly not be places where pain, mental torture and barbarities such as solitary confinement are inflicted upon the offender, as is currently the case.

Behavioural science is in its infancy, but its study can help to assess whether a person will still constitute a danger to society when he is released from prison.

The greatest reform I could wish to advocate is that the present method of sentencing offenders should be changed. These are ideas that have been arrived at after a great deal of study. I should bring about a situation where courts, judges and juries were responsible only for discovering guilt or innocence in the offender. The sentencing would be carried out by a panel of trained people, such as sociologists, psychologists, cultural anthropologists, educators and even a judge with a great knowledge of criminal matters and of how to protect the offender's legal rights. Such a panel would examine the background, social environment, personal relationships and criminal potentiality of the offender. It would look at the whole man and try to decide how he should be treated to bring him back into society as a productive member. The prime concern of such a panel would be to ensure that society was protected from violent criminals. A person such as Lawson would not be released while still criminally insane or lacking control of his criminal propensities.

Offenders should be treated as individuals, not as mass statistics. It should not be said that because a person has committed a certain offence he should be treated in a

particular way. Each human being is an individual and should be treated as such. The best way of doing this is to appoint a panel of people who are expert in their respective fields to deal with the offender.

The extendable arms of such a panel would be upgraded. The probation and parole services carry out valuable work, but they are considerably underpaid and understaffed. Officers of these departments can help to rehabilitate offenders after their release so that they can become productive members of society. The current penal system in Victoria is the most costly that could be devised, because it creates recidivism, where people have a greater desire to perpetrate crime after they leave the institution than before they entered it.

The suggestions I have made are revolutionary and nobody is going to rush out and adopt them immediately. I suggest them only as the gleam of an idea. If offenders could be treated rather than punished, justice would be served within the present system. Such a system would break up the remorseless, anonymous grinding up of men to satisfy the revenge ethic which I mentioned. The present methods are a public ritual of a theatrical character where the scientific principle is lost in the drama. Wretched handling of offenders, from beginning to end, is part of a daily morality play without the benefit of clergy.

It is no longer good enough to follow ancient customs and rituals unencumbered by reason. One must treat the root cause of modern neuroses such as the unchallenging, dehumanized dreariness of man, living in the machine age where he is caught up in an endless charade playing out his existence and then blindly striking out in pain at the system which causes him to feel this way. Such people must be helped, and that is what I am pleading for today.

There should be a review of the entire criminal code and its

operation and effects on those who become entangled in it. Segregation from humanity is not the way to help people become better human beings.

**The Hon. I. A. SWINBURNE** (North-Eastern Province).—I support the motion moved some weeks ago by Mr. Hider, seconded by Mr. Ward, and supported by several other members. I congratulate the new members on their contributions. The last new member to speak has just resumed his seat. These honorable members have approached the House with their thoughts. I hope that as they participate in debates in the Chamber, they will express their views so that they can be debated to the benefit of the people of Victoria. I remind them all that they have had their free wicket, and from now on they will be treated like other honorable members, open to interjections and side issues at the discretion of the President. The new members have shown that they are men of ability with their own thoughts and that they will make significant contributions to the debates. Honorable members will discover as debates proceed whether they agree or disagree with the views of new members.

The Speech which was delivered by His Excellency the Governor on 19th June, following the State election, will be remembered for the things that it did not contain rather than what it did contain. His Excellency's Speech is the opening gambit for the Government of the day. I will have more to say about that in a few moments.

I join with other honorable members in expressing to Her Majesty the Queen my loyalty and that of the constituents whom I represent. I hope there will be many more years of Monarchy in Australia and that we will have the opportunity of receiving a visit from Her Majesty the Queen in the near future so that we can express our loyalty to her.

I sincerely thank Her Majesty's representative, His Excellency the Governor, Sir Rohan Delacombe, and

his good lady, for their work as Her Majesty's representatives in Victoria. As other honorable members have said, the State has never had a more friendly couple than Sir Rohan and Lady Delacombe carrying out vice-regal duties. The manner in which they have gone out into the highways and byways to see the various organizations and to meet people has provided great support for the principle of the Monarchy. Sir Rohan and Lady Delacombe show that they are interested in the work the people are doing.

No person has a better knowledge of what is going on in Victoria than His Excellency the Governor. He has amazed many people by his knowledge not only of what is being done in a particular locality but who is doing it. He has a photographic memory of what has happened in Victoria and he recalls it from time to time. As our young people and children grow older they will always remember that the Queen's representative came into their area, spoke to them and joined in their interests. I trust that Sir Rohan and Lady Delacombe will be spared for many years in their retirement to be great ambassadors for Victoria in the Mother Country. I wish them well for the remainder of their term of office and for a happy retirement.

The Governor's Speech sets out the policy of the Government and it is to be noted for what is not in it rather than for what is in it. It will go down in history as a document that has told us little of what has happened. Earlier tonight Mr. Knight referred to the slogan, "Hamer makes it happen". We were looking forward to seeing some great things happen.

**The Hon. J. M. TRIPOVICH.**—It is early in the spring yet!

**The Hon. I. A. SWINBURNE.**—It is now getting towards the end of September and there are only six weeks' sitting time between now and Christmas. We know that this House is floundering waiting for something