

remoteness, decreasing population and their basic reliance on a rural clientele whose income is seriously affected by seasonal conditions. A simple answer to the over-all problem is not easy to find, or to express in a few words other than to say that if more emphasis or consideration were given to the issues of freight, telephone charges and remoteness, the problems would not be so great. If we want Victoria to grow as a State, it is inevitable that the plight of the small business in rural Victoria must be given greater recognition than it is today. Those businesses must be helped.

Probably, the main reason that the Lowan electorate changed from Liberal representation to National Party representation was the Hamer Government's decision to close the Balmoral railway line. As a representative of the National Party, I appeal to the Premier and his new Government to reconsider the decision to close that line. The rail link between Noradjuha and Hamilton could become one of the most significant rail links in Victoria. The increased use of weedicides and pesticides is leading to greater crop yields in the Mallee and the Wimmera. There has been increased use of fertilizers and improved grain varieties have been developed by the Department of Agriculture. With the advent of lupins and other legume crops, the fertility of the soil is brought back even more quickly than in the past.

It is necessary to rebuild this line. With the availability and cost of petroleum fuel causing grave concern, the shortest possible route should always be taken. With new grain storages proposed for such sidings as Kanagulk, Toolondo and Carplac, and with further storages to be built at Portland, this line must be rebuilt. If the Government can afford underground rail loops, city freeways, a world trade centre, the Victorian Arts Centre, all in the city, it can afford this rail link.

Not only should the Government be looking at this link, it should be looking at a north-south link between Mildura and Portland as a means of expanding State development. It is also

Mr McGrath

interesting to note that the Labor Party, in its election policy, supported the retention and rebuilding of the Balmoral line. Again, I appeal to the Premier to reconsider the decision to close this line.

Finally, I support the honorable member for Ballarat South, who said that she found the image of politicians at this time was not good. I, too, have found this as I have travelled in my electorate—not concerning my predecessor but in respect of the image of all politicians generally. It is up to every member of the Victorian Parliament to serve honestly and with integrity. We will then command the respect of all the people whom we represent throughout Victoria.

Mr MILLER (Pahran)—Through you, Mr. Deputy Speaker, I congratulate the Speaker on his appointment to that position. As a new member of this Parliament, I have listened with interest to the speeches made by other new members, particularly the honorable members for Caulfield and Westernport who, unlike some of their colleagues, particularly the new members for Gisborne and Ballarat South, failed to pay any tribute to their predecessors, which is a curious situation.

I am the first Australian Labor Party member to represent the Prahran electorate in 24 years. The House can be assured that I will service my electorate with all the strength that I have. Certainly, I will ensure that its problems will be my first priority. As honorable members know, Sam Loxton held the seat of Prahran and was difficult to remove. This Government has also had a long innings and has also proved difficult to remove from office. In the 24 years that it has been in power it has made many promises but, for the first time in a Governor's Speech, honorable members have seen specific reference to a matter of major importance to me—the protection of human rights.

I should be fair and say that the Government has taken one or two legislative steps to protect human rights. I refer especially to the

Ombudsman Act and the setting up of the Ombudsman and, perhaps even more specifically, the Equal Opportunity Act. However, from listening to some of the comments and observations made by honorable members opposite, either they have not become aware of that Act or, if they have become aware of it, they have not read it, or, if they have read it, they have not absorbed it, especially when one listens to some of the comments made in respect to people of a different sex.

From His Excellency's Speech, I was interested to learn that new legislation will be introduced to deal with the protection of human rights. Obviously, such legislation will not be introduced in this session. When I drafted my speech, I noticed that there were about six Bills before Parliament, but none were of any importance to human rights. Those Bills dealt with such critical human rights matters as cattle, cattle compensation and borrowings of the Gas and Fuel Corporation. I am pleased that there are now a couple of additional Bills before the House, but none is of any major concern. Nevertheless, I welcome the human rights proposal, and I will examine carefully any proposed legislation introduced by the Government that is designed to promote or protect human rights.

However, I must remain doubtful about the Government's sincerity on this matter, especially as the Government has had more than six months in which to prepare human rights legislation. This matter should be of critical concern to every member in this Parliament and to all people in Victoria. Where is this proposed legislation that deals with the fundamental human rights, the dignity and worth of the individual?

Obviously, honorable members will have to wait until the spring sessional period for its introduction, because it certainly has not yet appeared before Parliament. I note the reference to human rights legislation in his Excellency's Speech was almost an afterthought, almost a casual aside. It appeared in the second last paragraph, the

fourth last line, a position obviously designed not to attract great attention. One must look carefully at the Government's proposed legislative programme to find any specific reference to it. Honorable members can be assured that, when the Labor Government comes into office, human rights will definitely be given high priority in any legislative programme.

My doubting of the sincerity of the Government's proposal is based on my familiarity with this Government and the Federal Government's track record on human rights. For years, Liberal Party representatives and, to a lesser extent, members of the National Party, have opposed any specific human rights legislation at both Federal and State levels. Attempts by the Whitlam Government to introduce a Bill of Rights in the early 1970s attracted the implacable hostility of many present and former Government and National Party members. They, too, opposed the introduction of such landmark legislation as the Commonwealth Racial Discrimination Act. True, in Australia we have cause to be thankful that many of our freedoms are generally more respected than is the case in many other countries, yet if we proceed from the 1972 proposals advanced by the Whitlam Government and examine other attempts to introduce human rights legislation in Australia honorable members can see that Liberal parties throughout Australia have generally opposed such legislation.

At the 1973 Constitutional Convention held in Sydney, one proposal dealt with the introduction of a Federal Bill of Rights. All Liberal Party and National Party delegates from this Parliament voted against that proposal, which does not augur well for the Government's present proposal. For some curious reason the Liberal Party has a pervading distrust of any sort of legislative enshrinement of human rights. Its collective mind seems to be seized by a form of intellectual paralysis when human rights legislation is suggested.

Moving from 1973 to 1975, when the Statute Law Revision Committee of this Parliament was charged with inquiring into whether a Bill of Rights should be incorporated into the Victorian Constitution, or as an Act in its own right, that committee heard evidence and testimony from several distinguished people, professors of law and others, on the desirability or otherwise of introducing such a Bill in Victoria. Judges from the Victorian Supreme Court were appalled, and they gave testimony—and certainly I appreciate the attitude of a number of judges—indicating that they may not welcome a Bill of Rights.

Nevertheless, that committee that was set up in 1975 has concluded its deliberations on the introduction of a Bill of Rights into the Victorian Constitution, but it has still not delivered its report to Parliament.

In 1977 the Federal Attorney-General, Mr Ellicott, introduced into the Commonwealth Parliament a Human Rights Commission Bill. That was two years ago, and that commission has still not been established. One of the major purposes of the proposed Federal Human Rights Commission was to examine Federal laws and practices and Territory laws and practices that might violate international human rights prescriptions.

The original proposal that was put up to establish a human rights commission was that it should examine State laws and practices that might violate human rights conventions. That also ran into the implacable hostility of members of this Parliament, particularly of the Liberal and National parties, and was emasculated.

The proposal to set up a national commission, Mr Ellicott said, was acceptable to the Government in its modified form, but the proposal to establish a Federal Bill of Rights was clearly unacceptable to the Federal Parliament.

At a seminar organized by the United Nations Association of Australia in Melbourne late in 1977 the Victorian

Mr Miller

Attorney-General was asked to comment on this proposed commission of human rights, and he would not support the proposal even in principle.

I have real doubts about the Government's integrity and its proposals to promote human rights legislation in Victoria. One has only to look at the history and track record of the Government and its spokesmen on human rights legislation to see why that is so. Statements like that of the Attorney-General have a chilling effect on proposals for the promotion of human rights in this State.

Apart from resisting specific legislative enactments that concern human rights, the very concept—the very term “human rights” is not part of the political rhetoric or the vocabulary of the Victorian Government. The concept of human rights certainly is freighted with ambiguity; it is an elusive concept and one with which many people have difficulty in coming to terms. Nevertheless we all have some conception—some instinctive understanding of what human rights means, while the content of human rights and their component parts may nevertheless remain obscure.

The term “human rights” defies an all-embracing definition. Attempts at ascribing detailed meaning to those words have often combined in single reference verbal substitutions for all rights that individuals enjoy, recommendations about what rights they should have or predictions on how they will acquire those rights.

“Human rights” remains one of the most controversial and normatively ambiguous terms in the English language, but because it is elusive, because it is a difficult term, it does not excuse the Government from taking legislative action and putting into effect administrative procedures to promote and protect specific human rights.

The Government has simply failed to recognize that in every major Government decision, every major piece of legislation, there is a human rights dimension. While the Government

maintains its myopic attitude towards human rights, they will continue to be neglected and ignored in this State.

I move from that area of philosophy down to some more specific, concrete and valid human rights prescriptions with which we are all perhaps a little more familiar. Let us examine how the Government has either promoted or ignored human rights in Victoria, and look at some specific rights such as, firstly, the right to work. I shall consider the myth and the reality. The myth is that we all have the right to work. The reality, as we all know, and some chilling figures have been quoted by a number of speakers in Parliament, is that we now have the worst level of unemployment in Australia since the depression. Almost half a million people in Australia are out of work, and in Victoria over 100,000 people are out of work. The reality is very different from the myth.

In Prahran, although the figures are not quite as bad as they are in many other suburbs, the picture is still a bleak and sorry one. Figures released by the Commonwealth Employment Service show that for every single job vacancy in Prahran there are fifteen adults unemployed and looking for work, and for every junior position there are twelve unemployed and looking for work. Certainly these figures are not as bad as figures in some other suburbs, but the reality is that many people are out of work. These people are individuals—they are not statistics—but the Government is concerned only about statistics. It does not realize that behind every statistic is an individual, often with a family to support. The reality is that it is conscious Government policy to maintain a pool of unemployed—a calculated, cold and callous policy.

I move to another right that is accepted by all Australians, and that is the right of education, another right closely connected with or related to the right to work. The myth is that we all have the right to equality of educational opportunities. The reality is—and I shall take Prahran to give

some concrete examples—that with one exception, Melbourne High School, all the State schools and Catholic schools in the Prahran electorate have been classified as disadvantaged. All of those schools bear the hallmarks of Government neglect, indifference and lack of funding. The school buildings have been neglected by the Government. They are characterized by totally inadequate library facilities, insufficient migrant English teachers, cramped conditions, peeling paint, cracked walls and threadbare linoleum or bare floors. Indeed, in some of the schools where there are supposed to be sick bays, a mattress is placed in a corridor. It is a very sorry commentary on a Government that lauds itself as being one of the leaders in the world in education.

I must say, though, that when visiting all the schools in Prahran I have been most impressed with the self-discipline and dedication of the teachers there. When one considers the physical conditions and circumstances under which these teachers operate, one must recognize that all the teachers in schools in the Prahran electorate that I have mentioned are working under extremely adverse conditions.

I move on to an area that is perhaps quite familiar to all the lawyers in this House, and that is the right to a fair trial. The myth is that everybody is entitled to a fair trial, and our common law system is committed to the liberty of the individual. What is the reality? Reality is that the common law does not provide and has never provided adequate protection or defended the human rights of all individuals. That is particularly true if a person happens to be poor. It is especially so if one is not English-speaking and even more so if one is not legally aided or does not have legal representation. It is a crime in this State to be poor.

Section 5 of the Vagrancy Act 1966 still provides a penalty of up to one year's imprisonment if a person can be shown to be without legal means of support. So much for this Government's promotion and protection of human rights, in a country which is indeed lucky.

Australia is a wealthy country and Victoria is a wealthy State. Yet Victoria still has an historical anachronism that it is a criminal offence to be poor. This is a continuing disgrace. In reality, if one is a non-English speaking person and one goes into the courts of law in Australia, the common law does not provide one with adequate protection. Why is there not a statutory right to an interpreter in every court in every State of Australia? Why has this Government not enacted legislation to provide that every person who has difficulty with the English language, and in comprehending the arcane, difficult and murky procedures that compound the law, has access to the assistance of an interpreter?

The fact that the Government has cut back the funds that support the Royal Melbourne Institute of Technology's interpreters' course really gives the lie to the proposition that the Government is doing a great deal to promote and protect human rights. To a non-English speaking person, court delays add to the uncertainty of whether to seek legal advice. The occasional lack of sympathy or tolerance by some members of the judiciary compounds the problems and further erodes the myth of equality under the law. The provision of legal aid services has been further reduced by the State and Federal Governments. It is scarcely necessary to spell out in detail how close is the connection between the right to a fair trial and legal representation in courts of law.

I refer to a final concrete example, the right to vote. We should consider the great mythology advanced by the Liberal Government that the electoral process and common law protect fundamental freedom and human rights and the traditional theory articulated by Government spokesmen. The Government would have everyone believe that Victoria has a democratic system in which all qualified residents have an equal vote in determining who governs this State. The reality is summarized in an editorial in the *Age* of 2 June, 1979:

In practice for a century or more the value of one's vote has depended on where one lives.

Mr Miller

Victoria has a badly gerrymandered system with fundamental inequalities built into it. The principle of one vote, one value is not even given lip service by the Government. At least the members of the National Party are honest about it. They do not purport to support the principle. The Government should be honest, too, and support human rights.

The need for reform of the electoral system is abundantly clear. In the Legislative Assembly the number of voters represented by each member of Parliament varies from 36 973 in Wantirna to 25 746 in Polwarth. That is a difference of over 12 200 between electorates. The differences in the Upper House are even more staggering. In the Dootta Galla province, 132 345 people elect one representative each three years and in North Western province 81 230 people elect one representative. If the Government is serious about introducing human rights legislation, and if it is really committed to this principle, it will set up an electoral inquiry to consider redressing those fundamental inequalities of the system.

The right to vote is closely tied in with an informed electorate. How can an electorate be informed if an individual Minister or the Government refuses to grant access to files or to make information available to individuals? It is heartening that the Federal Government at least has taken the first step by introducing legislation designed to provide some kind of freedom of information. It has been characterized as freedom from information, but at least the Federal Government recognizes that there is a problem and it is prepared to introduce watered-down legislation.

I urge the Government to let the people of Victoria see its commitment to human rights by introducing a Bill designed to provide freedom of information to all Victorians so that Ministers can be seen to be accountable and that a Ministry of Housing or any other Ministry is required under State legislation to provide all the information

that is available. One of the fundamental requirements of human rights legislation is the right to know, which of course involves the right of all individuals to be informed, of the activities of the Government.

The keystone to any Government's legislative programmes should be the promotion and protection of human rights. Without a commitment to human rights or to human dignity there is pragmatism or expediency. Over the past few weeks the Government has provided classic illustrations of both those aspects. I instance the pillage of the past; many historical buildings have been torn down in the name of progress. Government departments have squandered millions of dollars of taxpayers' money on land of doubtful use at best and of marginal value at least. Much of the millions of dollars that have gone into the payment of that land have gone into the hands of third parties or developers. Those millions of dollars have not been spent on houses, schools, kindergartens or on employment opportunities and policies to which this Government also says it is committed. No human rights programme would countenance the squandering of millions of dollars of money on those sorts of things.

In conclusion, I suggest that the Governor's Speech was remarkably lacking in vision. Victoria needs a vision that puts human rights at the pinnacle. If the Government is to commit itself to promoting and protecting human rights, it should immediately implement proposals and actions. For instance, why does the Government not introduce as a short-term measure the dissemination and the distribution of "Your Rights", a useful publication by the Victorian Council of Civil Liberties? As a long-term measure, why does the Government not introduce into the curricula of schools civil liberties and fundamental freedom courses so that individuals are more aware of their rights and of the benefits they have as Victorians?

Why does the Government not revamp Parliamentary procedures? The committee system is a disgrace. There are several Standing Committees. As one honorable member said, they are called

Standing Committees because they never sit. The committees include the Company Take-overs Committee, the Conservation of Energy Resources Committee, which is important, the Privileges Committee, the Public Accounts Committee, the Standing Orders Committee, the Statute Law Revision Committee, which is certainly important, and the Subordinate Legislation Committee. If the Government is serious about promoting and protecting human rights, it should set up some decent committees. The present committee system should not be used as a vehicle for patronage. Committees should be organized so that they bring to this House decent and respectable proposals for the promotion of human rights.

Why has the Government not initiated legislation to amend the Vagrancy Act by removing the arcane provisions that still prevail? Why has the Government not introduced into Victoria a Bill of Rights? Why can the Victorian Government not be daring and lead the way by being the first State in Australia to introduce that Bill? Why can the Government not show its Federal counterpart the need for the introduction of such legislation? I also support proposals to establish a national commission on human rights. I mentioned that before, and I urge all members of the Government to examine the proposed legislation carefully and consider the setting up in Victoria of a State commission on human rights. I look forward with keen interest to the proposed legislation that the Government is to introduce concerning human rights. You may be assured, Mr Deputy Speaker, that if the proposed legislation is clearly designed to promote and protect fundamental freedoms and basic human rights it will have the support of all members of the Labor Party.

We need a vision for Victoria and I submit that only the Labor Party's policies and programmes will provide that vision. Without a fundamental commitment to human rights, the vision will remain an abstraction.

On the motion of Mr WEIDEMAN (Frankston), the debate was adjourned.