**Mr. BORTHWICK** (Minister for Conservation): The answer is—

1. The present authorized staff establishment and the actual staff strength for the Environment Protection Authority is as follows:

| | Authorized strength | Actual strength |
|---|---|---|
| Air quality .. | 48 | 42 |
| Water quality .. | 24 | 20 |
| Noise control .. | 21 | 17 |
| Investigations .. | 49 | 46 |

2. Mr. Paul Anthony Le Roy, the current holder of this position, was appointed Chief Technical Officer to the Environment Protection Authority with effect from the 26th November, 1976. Mr Le Roy holds the following qualifications:

Diploma of Applied Chemistry, Diploma of Chemical Engineering, Fellow of the Institute of Fuel, Associate of the Royal Australian Chemical Institute, Chartered Engineer, Chartered Chemist, and Chartered Fuel Technologist.

## METAL POLLUTION IN PORT PHILLIP BAY.

(Question No. 1991)

**Mr. CATHIE** (Carrum) asked the Minister for Conservation—

1. Whether the draft report prepared by the Environment Protection Authority on the results of the heavy metal sampling programme of sediments in Port Phillip Bay and input streams is completed; if so, whether the report is available; if not, when it is expected to be completed?

2. Following a workshop on heavy metals held in June, 1976, what investigations are being undertaken by the authority into heavy metal pollution on the bay?

**Mr. BORTHWICK** (Minister for Conservation): The answer is—

1. The report is currently being printed and should be available within the next few weeks.

2. The Environment Protection Authority has continued its on-going monitoring programme for the waters of Port Phillip Bay. In this programme, samples are collected from various depths in each of the nine segments of the bay on a stratified random sampling grid during cruises at approximately six-weekly intervals. Since June, 1976, three of these cruises have included sampling for the following heavy metals—

cadmium
lead
zinc
copper
chromium
arsenic
nickel.

The authority is also about to commence an intensive survey of total waste loads from the major water inputs to Port Phillip Bay. This survey will include the analysis of approximately twenty samples per week for the following heavy metals—

copper
zinc
lead
cadmium
mercury
nickel
chromium
arsenic.

# Legislative Council.

*Tuesday, April 26, 1977.*

The PRESIDENT **(the Hon. W. G. Fry)** took the chair at 2.13 p.m. and read the prayer.

## DEATH OF THE HONORABLE SIR JOHN GLADSTONE BLACK McDONALD.

**The Hon. V. O. DICKIE** (Chief Secretary): I move—

That this House place on record its deep regret at the death of the Honorable Sir John Gladstone Black McDonald, a former member of the Legislative Assembly, and its keen appreciation of the long and valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Assembly for the electoral district of Goulburn Valley from 1936 to 1945 and for the electoral district of Shepparton from 1945 to 1955; Minister of the Crown from 1943 to 1945 and 1947 to 1948; Deputy-Premier from 1947 to 1948; and Premier and Treasurer from 1950 to 1952.

The duty of moving this motion is one that falls to the lot of the Leader of the House when a former member of this Parliament passes away. The motion relates to the services of the late Sir John Gladstone Black McDonald. Honorable members will realize that this very fine gentleman was one of the two former Premiers of the State who until recently were still living, namely, Sir John McDonald and Sir Henry Bolte. Sir John McDonald retired from Parliament in the year when the Government of the Liberal Party under the Premiership of Sir Henry Bolte came into office.

Sir John McDonald came into the Legislative Assembly as member for the electoral district of Goulburn Valley. He was a member of that electorate from 1936 to 1945, and for the electoral district of Shepparton from 1945 to 1955. I entered this House the following year but as Sir John McDonald had been a member of this Parliament until 1955 his name was spoken of regularly because of the very fine contribution that he had made during the period that he was a back-bench member, and most certainly during the time he was a Minister and then the Premier of the State, which was going through a most difficult period. Sir John was Country Party Whip from 1938 to 1943; he became Leader of the Country Party in 1945, and held that office until 1955.

Sir John was Leader of the Opposition from 1945 to 1947, from 1948 to 1950 and again in 1952, and was an Honorary Minister in 1943. He became the Minister of Water Supply, a portfolio in which members of the Country Party have always been vitally interested, as have members of all parties, and was also Minister in Charge of Electrical Undertakings, as the present portfolio of Fuel and Power was known, from 1943 to 1945. Our colleague, Mr. Galbally, held that portfolio in the Labor Government while it was in office.

Sir John McDonald was President of the Board of Land and Works, Commissioner of Crown Lands and Survey, Minister of Water Supply and Minister of Soldier Settlement from 1947 to 1948. He was Deputy Premier from 1947 to 1948, Premier and Treasurer from 1950 to 1952, and died this week on 23rd April.

As I said, his rise to the position of Premier and Treasurer of Victoria indicates the abilities of this fine gentleman. I did not have much personal association with him, but those who knew him during his life have spoken in the past few days in the highest terms of Sir John's integrity in the positions he held. I have heard members of the National Party speak with reverence of the Cabinet meetings when Sir John was Premier and of the way he ruled the party with a rod of iron, which is necessary when one expects to receive allegiance from members.

Sir John gave loyalty from the top to the bottom and received it in return. For those reasons, in their early days many members modelled their Parliamentary careers on the contribution made by Sir John McDonald.

I regret having to move a motion expressing condolences at Sir John's death, but on behalf of the Government I extend deep regrets to Lady McDonald and his family on the passing of a fine husband and father who in the prime of his life gave nineteen years' service to the betterment of this State. No one could be critical of the way in which Sir John carried out the onerous task of being Premier of this State.

**The Hon. J. W. GALBALLY** (Melbourne North Province): The Labor Party supports the motion. Sir John McDonald was a remarkable man. He spoke with a rich Scottish burr that was always attractive to listen to, although usually he did not speak for long. He had a fine sense of humour. From 1950 to 1952 his Country Party Government was supported by the Labor Party.

Sir John introduced adult franchise into this House, thus correcting a 100-year-old injustice and, curiously, he was not thrown out by this House, but was defeated on an issue of electoral redistribution in another place. Of course, that did not occasion him, fine man that he was, any personal recriminations.

Unfortunately, after he left this House his health deteriorated, and it may be said with justification that this was a result of the anxious and sensitive attitude he took towards public affairs.

Sir John was a fine man and it was a privilege to hear him speak and to be in his company. The Labor Party supports the motion.

**The Hon. S. R. McDONALD** (Northern Province): On behalf of the National Party I support the motion and the remarks made by the Leader of the House and Mr. Galbally. I express the deep sympathy of my party to Lady McDonald and the members of the family of the late Sir John McDonald.

I knew Jack McDonald during my ten years in this place and also for some years before that. I have met few men who have had such a distinguished career in politics and who have made such a valuable contribution as he did. Sir John's integrity was above question. His Scottish ancestry was a feature of his character that made him a dour, hard-headed and strong-minded man. If one follows his record in politics and in the Victorian Parliament, one sees that he was a leader with fine attributes.

Sir John McDonald did not have an easy start in life and came up the hard way. That explains to some extent his attitude in public life and in politics. He saw service in the first world war and, as he died this year at the age of 78, I suspect that he joined the services before he was legally old enough to do so. Sir John's experience and knowledge of what happened to returned servicemen from the first world war certainly influenced his and his Government's attitude towards them after the second world war.

During his time as a fruit grower in the Goulburn Valley, Sir John was a leader in that industry, and was also a leader of the Shepparton Preserving Company.

Some notable projects were commenced while he was Premier and Treasurer. My colleague, Mr. Bradbury, who served with and under Sir John, will probably enlarge on those matters.

Victoria is the poorer for the passing of Sir John McDonald. As Mr. Galbally pointed out, he retired from Parliament because of ill health, and I have no doubt that the service he gave to Parliament and to the State of Victoria contributed to his ill health in later years.

Members of the National Party support the motion because we believe Sir John McDonald made a significant contribution to Parliament and to the State. We extend our deepest sympathy to Lady McDonald and Sir John's family.

**The Hon. A. K. BRADBURY** (North Eastern Province): I should like to add a few words to the remarks made by Mr. Galbally and Mr. McDonald in support of the motion moved by the Leader of the House. I had the privilege of serving under the late Sir John McDonald, and this was a tremendous pleasure, especially in the party room.

Mr. Stuart McDonald mentioned Sir John's record in the first world war. Sir John joined the services at the age of fifteen years, and saw service overseas. Unfortunately, like many others, from then on he suffered from a serious ailment which caused him to lose one lung during the war and made it difficult for him to carry on. However, in spite of this he was a man of vigour, a real doer of Scottish determination. Once he set his mind to achieving a goal, there was no turning back, no matter what odds confronted him.

Sir John died at the age of 78 years, and that indicates the early age at which he joined the armed services. As a result of his experiences in the first world war, Sir John realized that inadequate provision had been made for returned servicemen, and when he became Premier of Victoria he set about ensuring that returned servicemen from the second world war were justly recompensed for the service they rendered in the defence of this great country.

He played no small part in the establishment of the Soldier Settlement Commission, and particularly in opening up land for irrigation to enable returned soldiers from the second world war to be placed on land and given water rights so that they would have a chance of survival.

As my Leader said, Sir John was reared in a tough school. He often recalled his early experiences when he rode a push bike around delivering milk from his father's small dairy farm to earn a living.

On his return from the first world war he was fortunate enough to obtain a block of land, and he prospered on the land. We should pay homage to this man not just because he was a member of the Country Party, now known as the National Party, but because he was a leader and a Premier of Victoria who was not tagged as a member of a specialist party.

Sir John saw the need for the Royal Children's Hospital to be moved to its present site. He also realized the need to help those unfortunate people of whom the Minister of Health spoke last week, the mentally ill. It was during his term as Premier and that of the late Mr. W. O. Fulton as Minister of Health that the Mental Health Authority was reconstituted, and Dr. Cunningham Dax was brought to Australia to try to give these underprivileged people a chance to recover from their mental illness.

It was also during Sir John's term as Premier that the capacity of Eildon weir was enlarged from 300,000 acre-feet to 3 million acre-feet of water. This made the weir a tremendously valuable asset to the State, and made Victoria the leading irrigation State of Australia.

This indicates the foresight of the man. As Mr. Galbally mentioned, he was certainly backed by the Labor Party of the day when he introduced adult franchise in the Upper House. Victoria was the first State in Australia to do that and is still the only State in Australia which has accomplished it. As history shows, we owe a considerable debt to Sir John.

In 1953, when the Honorable Percy Inchbold died, I was confronted with a problem of preselection for two seats and I asked Sir John for his advice. He said, "The door knocks only once. Go for the North Eastern Province." He said that I would have to consider the fact that I was living well out of that electorate and, that, if elected, I would have to undertake to move into the electorate. I gave that undertaking. At the time I was living in Shepparton alongside Sir John. I owe a lot to his wonderful advice as Leader and friend in my early days in this Parliament. I join with others in expressing my personal condolences to his wife, Mary, and to his family on the sad passing of their father.

**The PRESIDENT (the Hon. W. G. Fry):** Members of the Legislative Council wish to convey to Lady McDonald their expressions of sympathy. Having read the obituaries one cannot help realize that the late Sir John Gladstone Black McDonald walked high among his companions. It was not my pleasure to know him personally; he was in this Parliament long before I came from the country to live in Melbourne. From what I have observed, he was a straight-shooter and said what he meant. He also had much personal courage. From the notices which I have read I have learnt that he faced up to things as everyone would like people to behave when adversity strikes. He concealed from his Parliamentary colleagues, and certainly from the public of Victoria, until he left Parliament the fact that he was labouring under the disability mentioned by Mr. Bradbury, that during the first world war he had lost a lung. It takes courage to carry on with such a disability. I am sure all honorable members would wish

me to convey their sympathy to his widow. I shall now put the motion moved by the Leader of the House.

The motion was agreed to in silence, honorable members showing their unanimous agreement by standing in their places.

## ANGLICAN CHURCH OF AUSTRALIA CONSTITUTION (AMENDMENT) BILL.

This Bill was received from the Assembly.

**The PRESIDENT (the Hon. W. G. Fry):** I have examined this Bill, and am of the opinion that it is a private Bill.

**The Hon. HADDON STOREY** (Attorney-General): In another place this Bill was also ruled to be a private Bill but was treated as a public Bill. I propose that the same procedure be followed in this House. I therefore move—

That all the private Bill Standing Orders be dispensed with, and that this Bill be treated as a public Bill.

On the motion of the Hon. HADDON STOREY (Attorney-General), the Bill was read a first time.

## PORTLAND HARBOR TRUST (FINANCIAL) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. D. G. CROZIER (Minister for State Development and Decentralization), was read a first time.

## *QUESTIONS WITHOUT NOTICE.*

### FUEL TANKER DRIVERS' DISPUTE.

**The Hon. B. P. DUNN** (North Western Province): I ask the Leader of the House what action is proposed by the Victorian Government to resolve the fuel tanker drivers' dispute which has crippled the whole of Victoria. What action is proposed to allow essential services in the State to continue? Will the Essential Services Act be used to ensure that fuel is again distributed throughout Victoria and if not, why?

**The Hon. V. O. DICKIE** (Chief Secretary): The Premier has already announced several actions which the Government intends to take to bring about an immediate resolving of the situation. The Premier has indicated that it is intended immediately to amend the Essential Services Act whereby provisions will be available in Victoria similar to those which the Labor Government introduced in New South Wales which eventually were successful in bringing an end to the petrol strike there. The Government intends to introduce an appropriate Bill in another place today.

Action which will flow from the amending of the Essential Services Act will be disclosed later this day. The initial action will be the amending of the Essential Services Act to give the Government powers similar to those which were available to the Government of New South Wales and which were instrumental in ending the petrol strike there.

### STATE GRANTS COMMISSION.

**The Hon. B. A. CHAMBERLAIN** (Western Province): Following the appointment of the members of the State Grants Commission, can the Minister for Local Government advise the House when the municipalities will be advised of the procedures under which that commission will operate and is it proposed that there will be public hearings to ascertain the needs of individual municipalities?

**The Hon. A. J. HUNT** (Minister for Local Government): The names of the chairman and commissioners have been announced but formal appointment has not yet taken effect and cannot take effect until the Public Service (Government Offices) Bill, which is now before the House, is

passed. The Government is anxious that this should take place as soon as possible. Meanwhile, Mr. Moye, prospective chairman of the commission, has been made available as required by the Commonwealth to assist in the preparation for the hearings. However, it will be appreciated that until he actually holds the position the hearings cannot commence. The procedures will be notified as soon as possible. There will be and must be hearing procedures pursuant to the Act.

## LAW ENFORCEMENT AGENTS.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): Last week the Attorney-General indicated that he would investigate matters which I raised during the debate on the motion for the adjournment of the sitting which concerned the suppression of names of law enforcement agents who had been charged with serious crimes before the Victorian courts. Having investigated the matter, is the Attorney-General now in a position to advise the House further?

**The Hon. HADDON STOREY** (Attorney-General): Last week I caused inquiries to be made in response to the question. Because I have not been near the office of the Attorney-General today, I have not ascertained the replies but I am sure I will have them by tomorrow, if the honorable member would care to ask further about them then.

## INDEXATION OF MUNICIPAL VALUATIONS.

**The Hon. K. I. WRIGHT** (North Western Province): In view of the recent statements by the Minister for Local Government regarding the Government's commitment to increase autonomy in local government, does the Minister regard various suggestions for indexation of municipal valuations as contrary to that policy as well as being incorrect in principle?

**The Hon. A. J. HUNT** (Minister for Local Government): I do not regard obtaining parity of valuations throughout Victoria as being a question relating to the autonomy of one local government body or another. Valuations must be accurate and truly comparable. Honorable members will recall the situation which once existed of municipalities fighting with each other to have the lowest possible valuations—those valuations were also used for the Melbourne and Metropolitan Board of Works—with a view to lower valuations resulting in lower rates for their residents. Valuations which bear no relationship to the true values are not desired; what is needed is consistency, accuracy and comparability of true market values. There is nothing inconsistent between that principle and what I said about autonomy of municipalities.

On the question of indexation of values, I indicated to the House that means would be sought of bringing values more nearly up to date in between the physical valuations by means of an indexation system. In seeking to achieve that objective municipal valuers, town clerks and indeed contract valuers will be consulted at every stage. I have already given an undertaking to that effect in an address to the municipal valuers' group. There is no thought of foisting some new system on them. Rather it is sought to obtain their full co-operation and to have full consultation with them in devising means of enabling the valuation system to work better and with greater equity for everyone. Meanwhile the Valuer-General is about to visit New Zealand, where indexation is already in operation, to examine the scheme there. On his return he will prepare a working paper which will be circulated for general comment.

## IONISING RADIATION EQUIPMENT.

**The Hon. I. B. TRAYLING** (Melbourne Province): Does the Minister of Health intend during the current session of Parliament fol-

lowing the tabling of the report some eighteen months ago, of the Osteopathy, Chiropractic and Naturopathy Committee inquiry into ionising radiation equipment, to introduce legislation to control the installation and use of ionising radiation equipment in Victoria?

**The Hon. W. V. HOUGHTON** (Minister of Health): The report of the Osteopathy, Chiropractic and Naturopathy Committee is being given careful consideration by the Government. I undertook to introduce during this sessional period of Parliament legislation which would deal with the matters referred to in the report. Regrettably, owing to the pressure of the Health Commission Bill, the proposed legislation has reached only the drafting stage. The report of the committee is under examination at present and I expect legislation to be brought forward in the next sessional period of Parliament.

## INDEXATION OF VALUATIONS.

**The Hon. F. S. GRIMWADE** (Bendigo Province): I direct a question to the Minister for Local Government, following the answer he has just given to a question relating to rating and updating of valuations. The honorable gentleman referred to indexation of values. Can the Minister make it clear whether this indexation relates to indexing on the consumer price index or indexing on valuation as determined by the Valuer-General?

**The Hon. A. J. HUNT** (Minister for Local Government): One of the factors that gave rise to problems in the metropolitan area this year was that the incidence of values had changed greatly over the previous four years. In certain suburbs which have become fashionable there has been an upsurge in values, whereas in the case of certain classes of commercial property values have remained virtually static or at the very least have risen in minor proportions when compared with the others.

After four years the result was a sudden change in valuations and hence in the rates. A more gradual change would not create such difficulties for people. Any changes through indexation ought to reflect actual changes in the movement of property values of a particular class in a particular area. That is what the indexation we have in mind will be designed to do, and it will in no way be related to the consumer price index. That would achieve nothing. It has to reflect movements in the relativities between particular kinds of property in particular areas.

## STERILIZATION CLINIC.

**The Hon. S. R. McDONALD** (Northern Province): My question is directed to the Minister of Health and concerns the sterilization clinic which is about to be operated by Dr. Wainer. Has the Minister had investigations carried out into the operation of this clinic? What are the findings, if any, of those investigations, and what will be the attitude of the Government towards the establishment of further similar clinics?

**The Hon. W. V. HOUGHTON** (Minister of Health): This question is under critical examination at the moment. As a matter of fact, the issue which the honorable member draws attention to has been concerning me for some time. I am unable to say, even to this House of Parliament what the present state is in relation to that clinic, but as soon as I can possibly do so I will make an announcement.

## INQUIRY INTO BOARD OF WORKS.

**The Hon. D. R. WHITE** (Doutta Galla Province): In view of the undertaking which the Minister of Water Supply gave to the House last week in connection with the inquiry into the Board of Works, can the honorable gentleman inform the House what the terms of reference of the inquiry will be?

**The Hon. F. J. GRANTER** (Minister of Water Supply): I cannot inform the House of the terms of reference. I believe they will be presented to the Executive Council tomorrow.

## PAPERS.

The following papers, pursuant to the directions of several Acts of Parliament, were laid on the table by the Clerk—

Mines Department—Report for the year 1975.

Third Party Insurance—Report of the Premiums Committee for the year 1975-76.

Victoria Law Foundation—Report for the year ended 30th September, 1976.

## POLICE OFFENCES (CHILD PORNOGRAPHY) BILL.

**The Hon. V. O. DICKIE** (Chief Secretary) moved for leave to bring in a Bill to amend Part V. of the Police Offences Act 1958 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

## AUSTRALIAN CONSTITUTIONAL CONVENTION.

The debate (adjourned from March 8) on the resolutions adopted by the Australian Constitutional Convention, Wrest Point, Hobart, 27th to 29th October, 1976, was resumed.

**The Hon. A. J. HUNT** (Minister for Federal Affairs): The motion before the House, and the motion I foreshadowed, provide an opportunity to consider both the resolutions of the third plenary session of the Australian Constitutional Convention held in Hobart from 27th to 29th October last year, and the issues arising which are to be put to the Australian people next month by way of referendum.

The convention was attended by delegations from all States, the Commonwealth, the Australian Capital Territory, Northern Territory, and representatives of local government.

The purpose of the convention was, and is, to produce proposals for constitutional reform which are shown to be acceptable to delegates who represent a broad background and spectrum of political opinion, in the hope that the consensus reached there will be reflected in subsequent success at referendum. Towards achieving this end, all agenda items discussed at the first convention in Sydney in 1973 were referred for examination and report to standing committees representative of Commonwealth, State, Government, Opposition, minority party and local government interests.

Most items at Hobart originated from these standing committees. Some had been discussed at the Melbourne convention in 1975, and resubmitted for further consideration by the more fully representative Hobart convention. The remaining few had been accepted as agenda items at the instance of individual delegates under a ruling of the executive committee.

There were 33 items on the agenda for the Hobart convention. Their purpose, and the manner in which they were dealt with, appear in the record tabled in this House on 7th December, 1976, and I will not discuss them in detail. Fourteen of these were, however, accepted in full and 2 were accepted in principle but altered in detail, 2 accepted after substantial alteration, 1 referred to a standing committee, 1 withdrawn, 1 discharged and 1 rejected outright. The remaining agenda items were not reached, and will appear on the agenda for the next plenary session of the convention.

I propose now to deal with seven topics considered by the convention which appear to be of particular or immediate significance.

1. RETIRING AGE FOR FEDERAL JUDGES—The Commonwealth Constitution, as interpreted by the High Court, requires that Federal judges

be appointed for life. This may be contrasted with the position in the States, where judges at present are required to retire at the age of 70, or, in the case of Victoria, at 72. The Commonwealth position has been criticized as inconvenient, particularly in the case of appointees to inferior Federal courts.

The convention adopted, by a majority of 71 to 15, a resolution in the following terms—

That the Constitution be altered to provide that—

(*a*) all justices of the High Court appointed after the date of the amendment shall retire on attaining the age of 70 years;

(*b*) all judges of the Federal Court other than justices of the High Court shall hold office for such period as Parliament provides, provided however—

(i) the maximum retiring age for such judges shall be 70 years;

(ii) their tenure of office shall not be reduced during their continuation in office;

(iii) the amendment shall not apply to judges appointed to Federal Courts prior to the date of amendment to the Constitution.

This proposition is now being submitted to referendum, and the Victorian Government fully supports it.

2. SIMULTANEOUS ELECTIONS—It is possible under the present Commonwealth Constitution for elections for the House of Representatives and the Senate to be held at different times. In fact, elections are often held simultaneously, but there are many occasions on which they are not. There have been several proposals in the past for a constitutional amendment to provide for simultaneous elections for both Houses. For example, a recommendation to this effect was made by the 1959 Joint Committee on Constitutional Review.

The Hobart convention resolved, without any division being called on the substantive motion, that the Constitution should be altered to ensure that Senate elections are held at the same time as House of Representatives elections. This issue will also go to referendum next month, and again the Victorian Government accepts the consensus of the convention.

3. THE RIGHT OF ELECTORS IN THE AUSTRALIAN CAPITAL TERRITORY AND THE NORTHERN TERRITORY TO VOTE AT REFERENDUM: Section 128 of the Commonwealth Constitution provides for the passage of a referendum to alter the Constitution by a majority of electors in the majority of States and by a majority of all electors voting. Consequently, electors in the two mainland territories are not entitled to vote in referendas.

The convention resolved by a majority of 81 to 10 that the Constitution should be altered to give electors of the Australian Capital Territory and the Northern Territory a vote at a referendum for the alteration of the Constitution. This would mean that the votes of Territory electors would be counted for the purpose of the over-all majority of electors, but not, of course, for the purpose of calculating passage of the referendum by a majority of States. This proposal too is being submitted to the public, and the Victorian Government supports it also.

4. FILLING OF CASUAL SENATE VACANCIES: The motion initially put to the convention sought simply to affirm—

the principle that a casual vacancy in the Senate should, in order to maintain the principle of proportional representation and the wishes of the people of the State at the relevant Senate election, be filled by a member of the same political party as the Senator whose vacancy is to be filled.

Sir Charles Court moved an amendment to confine this principle to a vacancy—

which occurs by reason of the death of a Senator or the disqualification or resignation of a Senator caused by bona fide illness or incapacity.

After debate the amendment was carried by 48 votes to 39 more or less on party lines.

Mr. Wilton then moved a further amendment on behalf of the Victorian delegation to add to the motion the proposition that —

the convention recommends that the Constitution be amended to provide that the person elected by the Houses of Parliament of the State should hold office for the balance of the term of the Senator whose place he is taking.

This amendment was carried on the voices.

Subsequently, the motion as twice amended was put to the convention and was carried 48 to 42. This was again largely on party lines, but the Tasmanian Labor members switched to vote with the ayes and the Queensland Government members switched to vote with the noes on this occasion.

The Referendum Bill incorporates the principles contained in the original motion and in the addendum moved by Victoria, but ignores the amendment successfully moved by Sir Charles Court, for which Commonwealth Government delegates themselves voted at the convention.

Victoria is disturbed at this omission, and believes that in departing from the consensus of the convention, and in doing so without consultation, the Commonwealth has itself damaged the prospects of a successful outcome.

Nevertheless, because the two major principles incorporated in the Referendum Bill are more vital than the modification which has been omitted, the Victorian Government supports a "Yes" vote at the referendum on this issue. It furthermore believes that an affirmative vote on the issues submitted to referendum is essential to advance the process of constitutional reform in this country.

5. INTERCHANGE OF POWERS: Section 51 (xxxvii) enables the Commonwealth Parliament to legislate with respect to matters referred to it by State Parliaments. This potentially useful power has seldom been used, partly because of legal doubts on such matters as whether a reference may be made for a limited term, or be revoked by the referring Parliament. There is no reciprocal power for the Commonwealth Parliament to refer matters to the States.

The convention resolved that the Constitution be amended in the form of a draft Bill for "an Act to alter the Constitution with respect to the interchange of powers between the Commonwealth Parliament and the State Parliament". This amendment would clarify the doubts surrounding the present power of the States to refer matters to the Commonwealth Parliament for a limited term or otherwise, and empower the Commonwealth to designate matters which are at present within its exclusive legislative competence as matters on which State Parliaments may in future legislate.

The striking fact is that this important motion, with its far-reaching implications, received virtually unanimous support, and passed as a resolution without division.

If the Constitution is altered in accordance with this resolution, one effect would be that the implementation of a number of other resolutions of the convention would be facilitated. I note particularly, on the one hand, the proposed references of power with respect to areas of family law and defamation by the States to the Commonwealth, and on the other, the proposals to enable the States to legislate more effectively with respect to Commonwealth places.

Furthermore, a constitutional amendment in line with the resolution would provide the flexibility to meet new and changing circumstances which a rigid Constitution presently lacks. It would also provide an invaluable tool for unravelling situations of legal complexity by agreement rather than through litigation, and for fashioning arrangements for the most effective and appropriate deployment and utilization of powers, on a short or long-term basis, to deal with crises and

difficulties of every description as they occur. It would provide the machinery too, for resolving, on a co-operative basis, those day-to-day problems of inter-governmental relations which arise from time to time in a Federal system.

The High Court decision in the seas and submerged lands case has, for example, left in its wake a gaping hiatus between formal power and administrative reality, together with practical problems which could at any time reach flash point. The Commonwealth has been held to have legal jurisdiction over the seas below low-water mark; yet it has no developed administrative structure in fields such as fisheries, ports and harbours, off shore oil drilling and marine pollution amongst many others. These, and others again, have traditionally been functions of the States which have developed administrative machinery accordingly; yet this machinery now lacks the backing of clear constitutional power. Under the amendment proposed by the convention, these problems could readily be overcome by simple transfer of appropriate powers from the Commonwealth to the States, without wasteful and unnecessary duplication of existing administrations.

Equally, the position of the Commonwealth in dealing with an urgent crisis—perhaps in a manner sought by all Governments—could be immeasurably strengthened by the reference from the States of the necessary powers for an agreed period.

The Victorian Government is highly disappointed that this vital reform has been omitted from the issues to be decided by the Australian people next month. The omission is particularly surprising in view of the wide general acceptance of the proposition. The power, and the opportunity it will provide to assist a Federal compact to operate more effectively and with an ever-increasing degree of co-operation, are needed now. That power, and that opportunity, will increasingly be required. We urge that the question be submitted to referendum as soon as practicable, and commit in advance our full support.

6. SETTLEMENT OF DEADLOCKS OVER MONEY BILLS BETWEEN THE HOUSE OF REPRESENTATIVES AND THE SENATE: The convention debated a motion that the Constitution be amended to remove the power of the Senate to block supply in any way. It also debated an amendment to the original motion proposing a particular deadlock procedure in the event that the Senate should use its powers to block Supply. The convention resolved by a majority of one that both the motion and the amendment be referred to Standing Committee D for consideration and report to the next plenary session of the convention. Standing Committee D is presently conducting this investigation. It should be noted that any resolution of this issue by a future session of the convention could well have implications which might later be argued in respect of the Houses of this Parliament.

7. THE ROLE OF LOCAL GOVERNMENT AND ITS PLACE IN THE AUSTRALIAN CONSTITUTIONAL STRUCTURE: The convention has grappled for some time with the problems of local government finance, the relationships between the three spheres of government and the expressed desire of local government representatives for constitutional recognition.

The Hobart convention expressly acknowledged " the fundamental role of local government in the system of government in Australia ". To facilitate fulfilment of that role, it—

(*a*) invited the States to consider formal recognition of local government in State constitutions;

(*b*) invited the Prime Minister to raise at the next Premiers Conference the question of the relationship which should exist between Federal, State and local government;

(c) requested Standing Committee A to study further and report upon the best means of recognition of local government by the Commonwealth.

Those three proposals are already being acted upon. Victoria is at present considering the practicability of express recognition in the Constitution Act, and the matter will be considered on an Australia-wide basis at the annual conference of Local Government Ministers to be held in June. Standing Committee A is already studying the best means of recognition at the Commonwealth level. The Premiers Conference this month referred the question of relationships which should exist between the three areas of government to the new Advisory Council on Inter-Governmental Relations for study and recommendation.

Progress towards the national consensus required to achieve worthwhile constitutional reform is a slow and arduous process. Nevertheless, solid advances were made at Hobart last year, and we all trust that more again will be achieved at the next session, due to be held in Perth later this year.

Meanwhile, the Victorian Government urges the Victorian community as a whole to vote " Yes " to all four questions at the forthcoming referendum in order to bring outmoded rules into line with today's needs and thinking, and to advance the cause of constitutional reform generally in this country.

**The Hon. J. W. GALBALLY** (Melbourne North Province): Constitutionally speaking, Australia is the man in the iron mask living in an iron cage. The man in the iron mask is we who are forced to put up with a cast-iron Constitution that defeats self-government because it denies self-responsibility. The iron cage is the 1900 or 1901 Constitution that no more meets the needs of Australia today than a car without petrol. The Australian Constitution has become Governments' best alibi in that the States blame the Commonwealth, the Commonwealth blames the States, and local government, for good measure, blames them all.

The greatest obstacle to constitutional reform in Australia comes from Government itself. One may think that is a harsh statement in view of the very commendable speech by the Minister for Local Government today, but how many years did it take us to get a Constitutional Convention going in this House? Madame Tussaud may not be justified in placing Government in Australia in the same evil chamber as Richard III., but certainly alongside the long Parliament which laboured for fifteen-odd years and produced nothing.

The Australian Constitution is an enactment that ought to be embalmed. Predictably, the present Prime Minister has accepted the need for constitutional reform with the same enthusiasm as a guest at a sixteenth century Italian feast would accept a chocolate meringue from Lucretia Borgia. The taste of constitutional reform is not that sweet.

The Labor Party joins with the Government in supporting these resolutions and urges the people of Victoria to vote " Yes " to the four proposals which will be put to them on 21st May. It is now my belief that the people of Australia have become aware of the need for constitutional reform, but that they are confused, and understandably so, about what changes are needed. This is partly because they do not understand the Constitution and how it works. Indeed, few people do.

The Commonwealth Constitution, with its associated conventions, is complicated enough, but put it together with the Statute of Westminster, which one looks to in the first place because our Constitution is a product of the Imperial Parliament, and the State constitutions with their Imperial trappings which still exist, such as the Colonial Laws Validity Act, and it becomes incomprehensible to the layman. Further,

the people are also confused by reason of the highly misleading, improper, and mischievous statements that are being made about the constitutional reforms. These mischievous statements do nothing more or less than undermine the constitutional structures.

How could anyone say that some of the proposals attack the independence of the judiciary and are a first step towards a dictatorship? The proposal concerning the retiring ages for judges has been accepted in all walks of life. It was during the 1930s that the retiring age of Supreme Court judges in Victoria was stipulated. That retiring age is now 72 years. In most other States it is 70, and that is the proposal of the Constitutional Convention. Who would want to be a Justice of the Family Court at the age of 80 and have to deal with divorce matters? Of course, there have been notable instances of judges well over 70 years of age who have been filled with wit and wisdom, but regrettably they constitute only a small minority.

It is true, as the Minister said, that the four proposals being put to referendum are comparatively minor. They are useful in their own way but it would be hard to describe them as reeking of fundamental constitutional reform; they do not. That is not necessarily bad, because in matters of constitutional reform it is necessary to tread warily like a cat on a carpet with six-inch pile, to make sure that no one's minor ambitions and selfishness are disturbed, which is illustrated by the proposals concerning the filling of casual vacancies in the Senate. Although they are minor, they should not be misrepresented. If these proposals do not pass, what on earth will?

The Minister has described the proposals, and I shall not weary the House by giving my own description of them. There are, however, one or two other points I wish to raise. I join in a mild criticism of the Commonwealth's approach to referenda based on the recommendations of the convention. Although the criticism is inspired by the actions of the present Government, it is aimed at all Governments, none of which has supported the endeavours of the convention as they might have done. All honorable members know that the convention is treated with some disdain by the Commonwealth Government. That Government is at the top of the ladder, as it would see the situation, and considers the convention to be interfering with its power. That is its main objection. It does not like anybody meddling in its affairs, whether he be a Federal or a State Parliamentarian. If constitutional reform is to be achieved in Australia we must eliminate that thinking. I believe that is what is behind the Commonwealth Government's refusal to accept the suggestion about the interchange of powers.

The Hon. A. J. HUNT: It was a very strange omission.

The Hon. S. R. McDONALD: And a very important one, in the light of recent happenings.

The Hon. J. W. GALBALLY: It is probably the most important of all, because it would have enabled the Commonwealth and the States to interchange legislative powers, either temporarily or for a set period, free from any legal or constitutional problems. That would be an enormous step forward. It would enable all kinds of imperfections in the operation of the Federal system to be rectified. The gaps in the Family Courts could be filled; the States could impose indirect taxes—about which the High Court has been troubled.

For instance, there is the law dealing with excise. Why can that interchange not be provided for? There is the confusion over offshore areas and the law relating to Commonwealth places, such as airports and post offices.

The Hon. A. J. HUNT: And even telephone booths.

The Hon. J. W. GALBALLY: Yes, even telephone booths. Those difficulties could all be cured. What is political about that, in making certain the uncertain? But this proposal, the most far reaching of all those agreed upon at the convention, has not been put. Why? No one knows, because no explanation has been given. Let us hope this deficiency will be rectified soon.

The Labor Party's support for these proposals is unqualified. When I read some of the nonsense going around Australia today as to why some of these proposals should be defeated, I am inclined to lose hope that we will ever be able to do anything to reform our cast-iron Constitution.

On the motion of the Hon. S. R. McDONALD (Northern Province), the debate was adjourned.

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

## PORTLAND HARBOR TRUST (FINANCIAL) BILL.

**The Hon. D. G. CROZIER** (Minister for State Development and Decentralization): I move—

That this Bill be now read a second time.

This Bill proposes amendments to the Portland Harbor Trust Act 1958 concerning the borrowing powers of the commissioners of the trust.

Firstly, it is proposed to increase the limit to which the commissioners may borrow moneys, including any advances which may be made by the Treasurer of Victoria from the Works and Services Account, by way of loan, from $25 million to $30 million. The existing limit of $25 million was fixed in 1968 and the trust's capital indebtedness now stands at $24·184 million, leaving an available balance of only $816,000 for further capital works.

Secondly, it is proposed to provide greater flexibility to the commissioners concerning temporary financial accommodation, particularly in respect of overdraft on bank account. At the present time, the commissioners, with the Treasurer's approval, may obtain such temporary financial accommodation up to a limit of $50,000. This limit has been unchanged since the originating Portland Harbor Trust Act of November, 1949. To meet the possible changing requirements of the commissioners in this matter, particularly those consequential upon the great increase in cost levels since 1949, the Bill proposes that, instead of prescribing a fixed monetary sum in the Act, the limit of temporary financial accommodation available to the commissioners at any time from a bank or banks, subject to the Treasurer's approval, be fixed by the Treasurer.

This proposal is in line with the current provision of the legislation relating to overdrafts for the State Insurance Office and that proposed for the State Electricity Commission in the Bill recently passed by this House.

As this is a simple Bill, it may save the time of honorable members if I explain its three clauses at this stage.

Clause 1 (1) and (2) state the short title of the proposed Act and name the principal Act. Sub-clause (3) makes provision for the Bill to come into operation on the day on which it receives Royal assent.

Clause 2 (1) proposes substitution of the amount of $30 million for $25 million in section 28 of the Act, to increase the limit to which the Treasurer may make advances, by way of loan, to the commissioners out of the Works and Services Account. Sub-clause (2) proposes amendments to section 31 of the Act to increase the limit to which the commissioners may borrow moneys and that of their total indebtedness through borrowings, except for a temporary excess to repay a loan, as provided under section 31 (1) (*d*) of the Act, from $25 million to $30 million.

Clause 3 proposes re-enactment of section 38 of the Act to allow the Treasurer of Victoria to fix the limit to which the commissioners may obtain temporary financial accommodation from any bank or banks at any time, rather than prescribing a monetary limit in the Act. I commend the Bill to the House.

**The Hon. A. W. KNIGHT** (Melbourne West Province): The Minister for State Development and Decentralization has succinctly explained the Bill to the House and, by doing so, has allowed the Labor Party to proceed immediately with the Bill. The Opposition has only one objection to the Bill, and it is similar to the objection raised when the House was considering a Bill to increase the overdraft limit for the State Electricity Commission.

Clause 3 proposes to allow the Treasurer to fix the limit to which the commissioners may obtain temporary financial accommodation instead of prescribing a monetary limit in the legislation. Members of the Labor Party have strong objection to that principle, which we have raised on prior occasions. We consider that Parliament should always be supreme in the setting of monetary limits. The Labor Party takes the Government to task in that regard.

I appreciate the problems associated with the development of the port of Portland and that the Portland Harbor Trust may have liquidity problems. Funds are necessary to make Portland happen—it will not happen under the Hamer Government. I commend the commissioners of the Portland Harbor Trust for their dedication and magnificent work to develop a deep water port suitable for the export of produce. Unfortunately, the Government has not backed them up by providing the necessary finance.

The Government has not supported the Minister for State Development and Decentralization and his colleague who represent that area to enable Portland to develop. I am familiar with the problems affecting the port, having had the privilege of taking part in a number of inquiries. If legislation is passed in another place, perhaps the problems may be overcome.

I commend the chairman and the commissioners of the Portland Harbor Trust and the officers and men who work so diligently for the trust. I attended the inauguration of the harbor trust before I became a member of this House, and therefore I am aware of the marvellous job that those men have performed.

As I have said, the only objection members of the Labor Party have is to clause 3 because we consider that this monetary limit should be fixed by Parliament and not by the proposed system which the Government seems to be adopting in this and similar legislation.

On the motion of the Hon. S. R. McDONALD (Northern Province), the debate was adjourned.

It was ordered that the debate be adjourned until the next day of meeting.

## ANGLICAN CHURCH OF AUSTRALIA CONSTITUTION (AMENDMENT) BILL.

**The Hon. D. G. CROZIER** (Minister for State Development and Decentralization): On behalf of the Attorney-General, I move—

That this Bill be now read a second time.

Its purpose is to amend the Church of England in Australia Constitution Act 1960 by altering the name of the church to the Anglican Church of Australia, and by altering the name of the trust corporation of the church to the Anglican Church of Australia Trust Corporation.

In accordance with section 67 of the constitution set out in the schedule to the 1960 Act, on 28th September, 1966, the general synod of the church passed a canon, No. 16 of 1966, providing for the alteration of the names of the church and of

the trust corporation as proposed in the Bill. Similar legislation has been passed in New South Wales and in Western Australia.

The change of name is not to take effect until all States and the Territories have given effect to the canon of general synod. For this reason clause 2 of the Bill provides for the later clauses to be proclaimed by the Governor in Council to come into operation on a day appointed by notice in the *Commonwealth Gazette* in accordance with clause 2 (4). A somewhat similar provision appears in section 10 of the 1960 Act.

Clause 3 (1) of the Bill proposes the amendment of the short title of the 1960 Act to " Anglican Church of Australia Constitution Act 1960 ". Apart from the saving provisions in clause 5, the other provisions of the Bill amend both the 1960 Act and the constitution set out in the schedule to the 1960 Act by altering references to the Church of England to references to the Anglican Church of Australia, and altering references to the Church of England in Australia Trust Corporation to the Anglican Church of Australia Trust Corporation.

I commend the Bill to the House.

On the motion of the Hon. A. W. Knight, for the Hon. H. A. THOMAS (Melbourne West Province), the debate was adjourned.

It was ordered that the debate be adjourned until the next day of meeting.

## HEALTH COMMISSION BILL.

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

Clause 2 (Commencement).

**The Hon. W. V. HOUGHTON** (Minister of Health): I move—

Clause 2, after line 29, insert—" (7) Section 57 shall be deemed to have come into operation on 1st January, 1977."

This amendment is consequential upon the insertion of a new clause 57 in the Bill. Its purpose is to make the clause retrospective to 1st January, 1977, thus enabling fees to be charged at both Fairfield and Heatherton hospitals from that date. This is as a result of the new Medibank arrangements under which patients may be privately insured.

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

Clause 3 (Interpretation).

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I move—

Clause 3, page 3, line 2, after " services " insert " and psychiatric and mental health services ".

This clause deals with the definition of health services as provided under the Bill. As has been explained by the Minister, that definition is not exhaustive and complete in any sense. The Opposition believes that psychiatric and mental health services are a key health area and ought to be included in this list. The interesting aspect is that those who work in this area of health believe they have been slighted by the Government's approach and attention to this area of the Bill. In a sense this amendment will lay at rest some of that uneasiness.

**The Hon. W. V. HOUGHTON** (Minister of Health): The Government does not propose to accept this amendment. Clause 3 does not set out to define the health services. Its purpose is to include some of the things that may be seen to be incorporated in health services, and some of those are listed in paragraphs (*a*) to (*j*) of the clause. It is certainly not an exhaustive list, as Mr. Landeryou points out. Furthermore, medical, hospital and nursing services in mental health are no different and ought not to be divided from medical, hospital and nursing services in physical health. One of my present aims is to remove the distinction between health care for those who are mentally ill and for those who are medically ill. To

nominate one without nominating the other would only perpetuate the differences that have grown up in these particular health fields.

The Government regards health services for the mentally ill as being at least as important, if not more important, than health services for those who are medically ill, I have said before in discussions on this Bill that of every 100 people in this community who are ill 40 are mentally ill.

The Hon. J. W. GALBALLY: I hope it does not apply to this Chamber.

The Hon. W. V. HOUGHTON: Some may say the proportion is a little higher than that at times.

The Hon. D. G. ELLIOT: There is a thin dividing line.

The Hon. W. V. HOUGHTON: Indeed there is. It is particularly important that the stigma of mental ill health should be removed as far as possible.

**The Hon. B. P. DUNN** (North Western Province): I can understand what the Minister is saying about mental health, subsequent treatment and so on. I commend him for his thoughts in that regard, but I fail to see how the insertion of the words proposed by Mr. Landeryou in clause 3 will actually perpetuate this. Members of the National Party believe psychiatric and mental health services are as distinct as is the care of pre-school children or other aspects which are outlined in clause 3. We therefore support the insertion of the proposed words. Psychiatric and mental health is an important part of health services and should be defined in clause 3.

The amendment was negatived.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I move—

Clause 3, page 3, line 8, after "services" insert "and environmental and industrial health services".

In my second-reading speech I pointed out the enormous cost to the community because of the absence of Government attention in the area of environmental and industrial health services. It is a major area of health care that should be the concern of the proposed commission and ought to be listed as one of the services in clause 3. The Minister has indicated that the list is not proposed to be exhaustive, but the new Health Commission, which will be charged with the responsibility of solving the problem, should be aware that this House considers that the provision of environmental and industrial health services is an obligation of the commission.

I reiterate that fourteen factories were visited by inspectors to investigate complaints about noise pollution. A total of 123 tests for deafness were taken by officers of the Department of Health. That seems to be an extraordinarily poor performance by the department. The insertion of the words proposed in the amendment would put the officers concerned and the Minister on notice that this House is concerned about this area which is costing the State millions of dollars.

**The Hon. W. V. HOUGHTON** (Minister of Health): For reasons similar to those given earlier, the Government does not propose to accept this amendment. There is no question that environmental and industrial health services are important, as are many other similar services that are not mentioned in the clause. The Government believes the health services listed adequately cover this point as well as many other points upon which similar arguments could be raised.

The amendment was negatived, and the clause was agreed to, as were clauses 4 and 5.

Clause 6 (Functions of commission).

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I propose the omission of this clause. As honorable members are aware, it is also proposed that a new clause be inserted if the Committee accepts my

proposal to omit this clause. Clause 6 relates to the functions of the commission. The functions appear to be very simple for such an important piece of legislation. Paragraph (*a*) of the clause states that one of the functions of the Health Commission will be—

the overseeing, supervision, maintaining and co-ordination of health services in Victoria; and

If the Government's performance over the past two and a half decades mirrored a care in all manner of health services to the community, one could have confidence. However, so far in this debate and in discussions within and outside Parliament there have been no assurances that there will be any improvement as a result of this administrative proposal.

As I indicated, I have circularized a proposed substitution for this clause which reads—

A. (1) Subject to the general control and direction of the Minister, the function of the commission is to promote, protect, develop, maintain and improve the health and well-being of the people of Victoria to the maximum extent possible having regard to the needs of and resources available to the State.

(2) Without limiting the generality of sub-section (1), the commission may—

(*a*) initiate, promote, commission and undertake surveys and investigations into the health-care needs of the people of Victoria, the resources of the State able to meet those needs and the methods by which these needs should be met;

(*b*) inquire into the nature, extent and standards of the health services and facilities required to meet the health-care needs of the people of Victoria and estimate the cost of meeting those needs and the numbers and classes of persons required to provide the services;

(*c*) plan and implement the provision of a system of health services that is comprehensive, co-ordinated and readily accessible to the people of Victoria;

(*d*) advise, report and make recommendations to the Minister in respect of such matters as it determines relating to the health of the people of Victoria;

(*e*) promote, provide and assist in the provision of health services in Victoria and where it so determines, expand and extend a health service;

(*f*) provide and assist in the provision of buildings and other facilities for health services in Victoria;

(*g*) advise and assist councils in relation to matters concerning health services.

(*h*) promote and facilitate the provision of social welfare services necessary or desirable to complement health services;

(*i*) promote and encourage voluntary participation by the people of Victoria in the provision of health services;

(*j*) promote, conduct and assist in the training of persons to be engaged or employed in the provision of health services;

(*k*) promote, conduct and assist in programmes for the rehabilitation of handicapped or disabled persons;

(*l*) promote and assist in the provision of domiciliary health services;

(*m*) promote, provide and assist in the provision of ambulance and similar services; and

(*n*) promote, provide and assist in the provision of medical and scientific research services in relation to health and health care.

B. The commission shall, not later than 3 years after the commencement of this section, make recommendations to the Minister for and in relation to the provision of health services in the State on a regional basis, including recommendations for the establishment of regional authorities to manage those services.

That is self-explanatory. I do not propose to address the Committee at length other than to say that if members of the Committee ignore our invitation to debate this proposal, members of the Labor Party will challenge them to debate the various issues on the hustings.

**The Hon. W. V. HOUGHTON** (Minister of Health): The Government does not intend to accept this proposal. Clause 6 is extremely important because it makes the functions of the commission subject to the directions of the Minister and brings them under the control of the Government of the day. It sets out briefly the functions which are overseeing, supervision, maintenance and co-ordination of health services in Victoria, and the functions conferred on the commission by or under any Act.

Mr. Landeryou has attempted to rewrite clause 7, which I do not want to discuss now. Mr. Landeryou has merely attempted to rewrite

that clause. The Government believes that, in all respects, the clause as drafted is better than the one to be proposed by Mr. Landeryou.

**The Hon. B. P. DUNN** (North Western Province): The National Party cannot support Mr. Landeryou's proposition. Clause 6 is a fairly wide and general provision relating to the over-all functions of the commission. As the Minister said, it relates to the fact that the commission will be under the direction of the Minister. It is necessary that Parliament should have some control over and some direct access to commissions and bodies set up by the Parliament.

It is dangerous to attempt to establish a complete list of functions, as Mr. Landeryou attempts because, during the second-reading debate, all honorable members agreed that the commission had to be free to look into the future of health services in Victoria. To spell out those functions in detail is dangerous in that some could be overlooked or it could limit the freedom which might be necessary for the promotion and development of further health services. The existing clause covers the situation.

The Committee divided on the clause (the Hon. W. M. Campbell in the chair)—

| | |
|---|---|
| Ayes .. .. | 27 |
| Noes .. .. | 8 |
| Majority for the clause .. .. | 19 |

AYES.

| | |
|---|---|
| Mr. Block | Mr. Hider |
| Mr. Bradbury | Mr. Houghton |
| Mr. Chamberlain | Dr. Howard |
| Mr. Crozier | Mr. Jenkins |
| Mr. Dickie | Mr. Knowles |
| Mr. Dunn | Mr. Long |
| Mr. Evans | Mr. McDonald |
| Dr. Foley | Mr. Saltmarsh |
| Mr. Gleeson | Mr. Stacey |
| Mr. Granter | Mr. Taylor |
| Mr. Grimwade | Mr. Ward |
| Mr. Guest | *Tellers:* |
| Mr. Hamilton | Mr. Reid |
| Mr. Hauser | Mr. Wright |

NOES.

| | |
|---|---|
| Mr. Galbally | Mr. White |
| Mr. Landeryou | |
| Mr. Thomas | *Tellers:* |
| Mr. Trayling | Mr. Elliot |
| Mr. Walton | Mr. Knight |

PAIR.

| | |
|---|---|
| Mr. Hunt | Mr. Eddy |

Clause 7 (Powers of commission).

**The Hon. O. G. JENKINS** (Geelong Province): It should be noted that the Bill in its original form as proposed in another place, contained little reference to contributions to Health Commission discussions on a regional basis. Honorable members will be aware that in several areas throughout the State discussions have been held and concern has been shown about this omission. A meeting was convened in Geelong early in February by the Barwon Regional Council of Social Development, at which approximately 70 people were present. They were interested in the need for a regional input in assessing local needs and the voluntary participation by the community in the delivery of health care in the Barwon region. Although the meeting did not deal with the fine detail of the Bill, much concern was expressed about the need for an amendment to make provision for the matters to which I have referred.

I am pleased that as a result of the meeting, discussions with Mr. Jack Johnson and Mr. Jack Bennie of the Department of Health, and submissions made to the Minister, clause 7 (3) has now been included in the Bill. The commission, in the performance of its functions, will have to take note of the needs of regions and seek advice on a regional basis when assessing needs, and also encourage voluntary participation by the community in the delivery of health care services.

It is ironic that, as a result of the heavy cost of providing health care services today, the services of volunteers are being sought more and more by hospitals and other health organizations throughout Victoria. In

Geelong a large number of volunteers and auxiliaries provide services for the hospital. I do not know the value in money terms of the contribution that the ladies make, but I know that a large number of the minor services that are appreciated so much by people in hospital are contributed by volunteers.

Voluntary auxiliaries are also attached to the ambulance services and I doubt whether the health services could be run as efficiently as they are without the contribution of so many volunteers.

I thank the Minister for the way in which he accepted the views that were put forward, not only by the meeting I mentioned but by other discussions held throughout Victoria. I am sure that as a result of the inclusion of clause 7 (3) the workings of the commission will be improved.

**The Hon. B. P. DUNN** (North Western Province): This clause is an important one, which members of the National Party have fought strongly to have accepted. Honorable members will recall the previous Bill. If that measure had been pushed through Parliament, as was originally planned, this is one of the provisions which would not have been included. Thankfully, the Government has agreed to include reference to the development of regions, the assessing of needs for various facilities and services in those regions and also voluntary participation. The National Party believes all those aspects are vital to our health services and have already been an important and significant part of the development of those services throughout Victoria.

Without volunteers and without the development of health services on a regional basis, it is obvious that country people would not receive the type of facilities that they require. When one considers the provision of specialized health services in the country one realizes that they must be developed on a regional basis where hospitals serve regions with expensive technically advanced equipment. The smaller hospitals provide the more basic form of care. People who live in country regions must have pathological and technical services available from a regional hospital. Just to have the words in the Bill will not achieve the desired regional development or the other related provisions. This is something on which the commission will have to work. The Government will have to make sure that the commission does this.

The Minister has power to relate to the commission the views of Parliament and to direct the commission to pay particular attention to certain areas of health. The National Party believes one of those areas is in the development of regional services and also in the encouragement of voluntary work in the health system. We are pleased that the Minister has taken note not only of the views put forward by Mr. Jenkins but also of the views consistently expressed by the National Party which has fought strongly for the inclusion of some goal towards regionalization in this Bill.

**The Hon. S. R. McDONALD** (Northern Province): When I spoke during the second-reading debate I raised much the same points that Mr. Dunn has just made. I pointed out that I thought this legislation, as it was introduced into another place, reversed the trend that the Government has embarked on, in terms of the breaking down of centralized authorities and the enabling of decisions to be made at regional levels. I quoted the examples of the Education Department, the Department of Agriculture and the Country Roads Board. I am sure every honorable member will agree that the changes that have taken place in those bodies in recent years have been commendable.

I also pointed out that the inclusion of clause 7 (3) is worth little unless a conscious and deliberate policy decision is taken by

the Government to put these principles into effect. I was pleased that the Minister agreed. I think he said that clause 7 (3) was only words, and that is all it is worth unless the Government makes conscious and deliberate decisions to carry out the intention or the concept that hospitals such as Geelong and other regions have put forward to the Minister and to the Government.

I shall be interested to hear the Minister's comments on clause 7 (3) in relation to what I have said. Has the Government any intention of following the lead given, not by the department but by the Government in decentralizing the administration of the Education Department and other departments? If this does not take place this Bill will be merely an exercise in vertical integration of another massive Government department, and, as I said earlier, that may have an undesirable effect on the ability and the desire of persons, particularly in country communities, to work for their community hospital.

**The Hon. W. V. HOUGHTON** (Minister of Health): Mr. Jenkins and the Geelong and Barwon regions were responsible for the inclusion of this provision in the Bill. Their representations were keenly examined and subsequently followed. It may interest the Committee to learn that I was advised that this amendment could not be introduced in this Chamber because it may involve the expenditure of some money. I should have liked Mr. Jenkins to move the amendment. However, there were many other representations from other members of Parliament about regionalization, and I am glad that the Committee appears to have accepted the amendment that was made in another place.

Mr. McDonald asked me to comment briefly on the matter of regionalization. Of course, the hospital system in Victoria has been regionalized for a long time. It is regionalized by the provision of services of a sophisticated nature, which is what Mr. Dunn was talking about, through base hospitals. Base hospitals have often been responsible at least for the supervision and provision, in a medical sense, of services in the smaller hospitals surrounding the larger base hospitals, such as the Wimmera and Wangaratta hospitals.

Medical services in Victoria have been regionalized in a very real sense for a long time. In addition, each large teaching hospital in Melbourne has had the responsibility of providing those services which could not be provided even by the base hospitals —services like brain scanners and other expensive equipment. Obviously every hospital in Victoria cannot have a brain scanner because they are worth about $1 million each. Victoria has only two so far. Other pathological and renal units, such as those at Prince Henry's Hospital and the Royal Melbourne Hospital, cannot be repeated in many regions. There is a blood testing unit at the Alfred Hospital which provides twenty tests on one sample of blood.

Sophisticated medical equipment can be used only if our hospitals are organized on a regional basis so that services may move from the smaller country town hospitals like Dimboola to Horsham and then on to one of the larger teaching hospitals in Melbourne. In that sense, services are regionalized and have been for a long time.

**The Hon. B. P. DUNN** (North Western Province): While discussing the regionalization aspect, there is a problem that concerns some of the base hospitals and which will have a bearing on the development of those hospitals under this clause. For example, the Wimmera Base Hospital serves a wide region around Horsham. Most of those communities have their own hospital to contribute to and support. Therefore, there is a severe strain on a base hospital for funds because although

it can raise considerable sums, the people have their own smaller hospital to contribute to and they give it preference because it is their basic point of health care and treatment. For example, I know that conditions at the Wimmera Base Hospital—it has been pointed out to the Minister on many occasions—are almost intolerable, particularly in the hot weather, because of the lack of air-conditioning. Although the hospital has developed, it has probably done so of necessity. Considerable attention must be paid to the needs of these hospitals, not only technical needs but also those in relation to cooling, bed space, and so on.

**The Hon. B. A. CHAMBERLAIN** (Western Province): I was uncertain whether I should raise an issue on this or a later clause, but in view of the comments about base hospitals, I shall raise the matter now. It relates to the provision of regional services.

In his second-reading speech the Minister referred to audiology services being available throughout early childhood services or in base hospitals. In my second-reading speech I dealt with a possible change in the status of an existing base hospital and I asked the Minister for an assurance that that would not happen without consultation with the hospital concerned. At the end of the Minister's remarks he invited honorable members to raise matters at the Committee stage. That is why I am doing so now. I refer to the position of Hamilton Base Hospital, with which the Minister is familiar as he recently laid the foundation stone for extensions to the hospital.

The Hamilton Base Hospital has received, indirectly through an officer of the Hospitals and Charities Commission, some intimation that the status of the hospital might change and that in future it might be regarded as a district hospital. The effect of this will be to limit its specialist services. The point arose in the context of audiology services. It was suggested that the Hamilton Base Hospital was on a short list for this service but because of the potential change in the pipeline this was not to be the case. If that is the position, I hope the Minister will quickly reverse that trend.

The honorable gentleman referred to the position of a base hospital and regional services. The Hamilton Base Hospital was the first centre to be appointed in the regional health plan in August, 1953, by the then Minister of Health, Mr. W. P. Barry, M.L.A., and the Chairman of the Hospitals and Charities Commission, Dr. J. H. Lindell. On the occasion of their visit to Hamilton they announced that Hamilton would be the first such centre in the regional health plan. Mr. Palmer, who was the Deputy Chairman of the Hospitals and Charities Commission, explained that it was the aim of the commission under the regional plan to provide, in the most economical manner in the country areas, a complete medical and hospital service equal to that available in the capital cities.

To do this the base hospital had been selected as the centre of the first region, and with the co-operation of the district hospitals some services could be centralized in the base hospital to avoid high costs, but the whole of the region would benefit and be developed by the creation of several health services. That was contained in the annual report of the Hamilton and District Base Hospital in 1954. That is the same rationale behind country medical services at present.

It is obvious, as the Minister pointed out, that each hospital unit cannot provide all the specialist facilities, but in centres like Horsham, Hamilton and Warrnambool, those services can be increased. With this information coming rather unofficially through the Hospitals and Charities Commission, it appears that the system as it affects Hamilton may change. I strongly urge the

Minister to prevent such a move. It could be suggested that the larger Warrnambool Base Hospital should provide the services for the region, but between Warrnambool and Horsham, there is a distance of almost 160 miles with several bush nursing centres and small hospitals, and it is obvious it would not work. If regional planning is to work I suggest to the Minister that the larger units must be reasonably spaced and that there cannot be vast gaps between resources.

The Hamilton hospital has been a teaching hospital for twenty years and has associated with it a private medical group which, I believe, is unique in this State. All the doctors are in one group and the specialist services are available. These services are of a high standard and provide a most important service to western Victoria. It is my view that the Hamilton and District Base Hospital deserves and requires all the specialist services, including audiology services, that are available to the larger hospitals generally. I ask the Minister to look at this seriously. I hope the unofficial information is incorrect. If there is any truth in it, I ask the Minister to take immediate action to see that those moves cease forthwith.

**The Hon. W. V. HOUGHTON** (Minister of Health): I have taken special note of Mr. Chamberlain's remarks. He is drawing attention to a specific problem. This debate is not the place to do that. Most base hospitals have a full range of specialist services, except some of the very exclusive and expensive services. However, it is the aim of the Hospitals and Charities Commission to see that the main specialist services are provided in all base hospitals.

If the Hamilton and District Base Hospital feels that it has a special case for the provision of audiology services, as Mr. Chamberlain indicated, that would be a fairly acceptable proposition, but a specific case about a specific hospital ought to be discussed specifically by us together.

**The Hon. S. R. McDONALD** (Northern Province): I wish to add to my earlier remarks. From the Minister's reply, it appears that he may have misunderstood my remarks by thinking that I was not satisfied with the present regional, medical and hospital services in Victoria. That is not the point of my comments. I was trying to get across to the Minister and the Government that with the formation of the new Health Commission, and with a clause giving additional powers to the commission in regard to hospital administration, there is a need to ensure that too much power does not emanate from a central administration in Melbourne. I suggested that there was a need to look at regionalizing administration to some extent.

**The Hon. W. V. HOUGHTON** (Minister of Health): I acknowledge the need for more regionalization of administration. Although a fair amount of administration is carried out through the base hospitals, there is a need to ensure that the commission does not become too centralized, particularly in respect of its administrative arrangements. Certain important powers and functions of the commission ought to be centralized, but a large number of others ought not to be, and probably administration is one of them.

**The Hon. D. M. EVANS** (North Eastern Province): Like other speakers I welcome this clause, particularly sub-clause (3), which concentrates on regionalization of hospital services. It is necessary to have major base hospitals in providing good medical services in country areas to avoid unnecessary waste of the more highly sophisticated services. The inclusion of this clause is one of the beneficial results from the deferral of the Bill from the spring sessional period to the present time. It is a good example of why it is necessary to examine closely

measures which are complex and which will effect sweeping changes to the law. The principles enshrined in clause 7 (3) will be given added force if real consideration is given to the amendment to be proposed by my colleague, Mr. Dunn, to the clause relating to hospital boards in country areas. I draw that to the attention of the Committee.

The clause was agreed to.

Clause 8 (Restriction or right of commission to acquire property and enter into contracts).

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I move—

Clause 8, sub-clause (1), page 4, line 40, omit "$20,000" and insert "$50,000".

Earlier this afternoon honorable members debated a Government amendment to the Portland Harbor Trust Act, and there is a need to amend this Bill similarly. I am not good at making predictions, but I venture to suggest that it will not be long before the Government brings before this House a measure to amend this clause. It seems to me a waste of the Minister's time, to restrict expenditure to $20,000 without the approval of the Minister. I wonder what sort of commission is proposed if it is to be restricted to $20,000 on the levels that exist today.

**The Hon. W. V. HOUGHTON** (Minister of Health): I find Mr. Landeryou's argument quite convincing on this matter, and I am prepared to accept this amendment and the other two amendments to clause 8.

**The Hon. B. P. DUNN** (North Western Province): The National Party also supports the amendment because of the value of $20,000 today. The amounts suggested by Mr. Landeryou in the three amendments are much more reasonable than those included in the Bill.

The amendment was agreed to.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I move—

Clause 8, sub-clause (1), page 5, line 4, omit "$20,000" and insert "$50,000".

Clause 8, sub-clause (1), page 5, line 8, omit "$10,000" and insert "$50,000".

The amendments were agreed to.

**The Hon. W. V. HOUGHTON** (Minister of Health): I move—

Clause 8, sub-clause (2), page 5, lines 10-13, omit this sub-clause and insert—

"(2) The Minister shall not give his approval under sub-section (1) to the acquisition of property, being public offices within the meaning of the Victorian Public Offices Corporation Act 1974, unless he has given to the Corporation constituted by that Act not less than 14 days notice of his intention to give such approval."

The purpose of this amendment is to ensure that in cases where the Minister's aproval is sought for acquiring properties within the meaning of the Victorian Public Offices Corporation Act 1974, the matter is brought before that corporation before the Minister gives approval to the acquisition. Honorable members who study the Victorian Public Offices Corporation Act will realize that as this clause is drafted, the power which that corporation could exercise over quite minor health establishments would be undesirable. The amendment will make it possible for matters of this type to be considered by Cabinet before decisions are made about them.

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

Clause 9 (Commission may not borrow moneys.)

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I move—

Clause 9, page 5, omit "shall not" and insert "may, with the consent of the Minister and the Treasurer".

This clause, which prevents the commission from borrowing money from any person, presumably takes a wide definition of the term "person". It is interesting to note that the Hospitals and Charities Commission guaranteed hospital borrowings of $17·5 million last year and expects that figure to be of the order of $20 million this fiscal year. I understand that most of this money has been

used for bridging-type finance. In other words, it is a hospital borrowing against next year's expectation of an allocation. It is quite extraordinary that the commission is to be prevented from borrowing money.

The New South Wales legislation, I understand, contained a similar provision to this clause and it was not long before the legislation was amended in 1975. The South Australian Act provides for similar borrowing powers as that proposed in my amendment. No satisfactory reason has been given why the Hospitals and Charities Commission should have the ability to authorize such borrowings while the new commission will be restricted.

It is also interesting to note that the Syme-Townsend report made no recommendation for such a restriction. I commend the amendment to the Committee.

**The Hon. W. V. HOUGHTON** (Minister of Health): I am not convinced by Mr. Landeryou's arguments on this amendment. The commission is a State instrumentality and is subject to Parliamentary approval for appropriations, and like any other Government departments and authorities it ought to be subject to the Loan Council. For that reason the Government intends to reject the amendment.

**The Hon. B. P. DUNN** (North Western Province): This is an example of the sort of restriction that will apply by bringing the commission under a Public Service structure. Basically, that is one of the reasons why the National Party has maintained that the commission should be a commission in its own right. Therefore, it is reasonable to allow the commission to borrow with the consent of the Minister and the Treasurer. Although the Minister says that that may not be possible under the existing provisions, it is my party's intention, at a later stage, to move an amendment which will make it possible for the commission to be guaranteed its own borrowing powers.

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

Clause 10 (Constitution of commission).

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I invite the Committee to vote against this clause, which outlines the composition of the proposed commission, but does not include precisely the recommendations of the Syme-Townsend report. Despite amendments made to the Bill since it was first introduced in another place, it is possible to have a majority of full-time commissioners whereas the committee of inquiry makes it clear that, in its view, the commission would benefit greatly from the experience and advice of those who are employed in the field and therefore the part-time commissioners should at all times comprise the majority.

Although it might be argued by the Government that, under the clause, it could be possible to have a majority of part-time commissioners, the amendment which I will propose, if the present clause is omitted, will for all time guarantee that there will be a majority of part-time commissioners. The clause that I will propose in substitution for this clause has been circularized to honorable members and therefore I do not propose to read it. The argument is clear. The Bill proposes that in certain circumstances, there could be a majority of full-time commissioners, whereas my proposal will guarantee that there will always be a majority of part-time commissioners.

**The Hon. W. V. HOUGHTON** (Minister of Health): The Government does not accept the proposal. The intention is that there will be the greatest flexibility concerning the numbers of full-time and part-time members serving on the Health Commission. It is the view of the

Syme–Townsend committee of inquiry that the number of part-time commissioners ought to exceed the number of full-time commissioners and it is the present intention of the Government in the early stages to have a chairman, two full-time commissioners and four part-time commissioners, leaving unappointed for the time being the positions of one full-time and one part-time commissioner.

The Government's plan is for the first appointment to be that of chairman. Then, in the light of his experience and knowledge, and in consultation with him, the Government will seek and appoint two other full-time commissioners. In the light of the knowledge and experience then gained, the other full-time commissioners and part-time commissioners will be appointed. It is expected that all the part-time members will be Victorian residents. I think that point was brought out during the second-reading debate.

The clause, which provides for a chairman and 1, 2 or 3 full-time commissioners and 3, 4 or 5 part-time commissioners, provides the maximum flexibility. As Mr. Landeryou said, the clause does make it possible for there to be more full-time commissioners than part-time commissioners, but that is not the intention of the Government. If the Government were to carry the reasoning of Mr. Landeryou's proposal to its ultimate conclusion, in the case of dismissal, illness or death of a part-time commissioner, it would be possible for the commission to be operating without a majority of part-time commissioners.

The Committee divided on the clause (the Hon. W. M. Campbell in the chair)—

| | |
|---|---|
| Ayes .. .. | 28 |
| Noes .. .. | 8 |
| Majority for the clause .. | 20 |

AYES.

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|---|---|
| Mr. Block | Dr. Howard |
| Mr. Chamberlain | Mr. Jenkins |
| Mr. Crozier | Mr. Knowles |
| Mr. Dickie | Mr. Long |
| Mr. Dunn | Mr. McDonald |
| Mr. Evans | Mr. Reid |
| Dr. Foley | Mr. Stacey |
| Mr. Gleeson | Mr. Storey |
| Mr. Granter | Mr. Taylor |
| Mr. Grimwade | Mr. Ward |
| Mr. Guest | Mr. Wright |
| Mr. Hamilton | |
| Mr. Hauser | *Tellers:* |
| Mr. Hider | Mr. Bradbury |
| Mr. Houghton | Mr. Saltmarsh |

NOES.

| | |
|---|---|
| Mr. Elliot | Mr. Walton |
| Mr. Galbally | |
| Mr. Knight | *Tellers.* |
| Mr. Thomas | Mr. Landeryou |
| Mr. Trayling | Mr. White |

PAIR.

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| Mr. Hunt | Mr. Eddy |

Clauses 11 to 21 were agreed to.

Clause 22 (Staff of commission).

**The Hon. B. P. DUNN** (North Western Province): I move—

Clause 22, page 8, line 35, omit "(1) Subject to the Public Service Act 1174".

This is really a test amendment because other amendments are contingent upon acceptance of this one. The amendment follows the principle which was outlined by the National Party during the second-reading debate and in other discussions on the Bill, that the Health Commission should be established outside the Public Service and not come under the restraints or the umbrella of the Public Service Act. The commission must be given as free a hand as possible to develop and pursue provision for the health needs of Victoria.

This view has been held by many sections of people working in the health field. They support the approach that, in this way, there will be an interchange and free movement of personnel in staffs within the commission and that the commission will be a futuristic health body. Various organizations which have contacted the National Party

support this view. The State Employed Psychiatrists Association has strongly contended that its members should not be in the Public Service, and the association has also supported the view that it should be an independent commission which is directly responsible to the Minister and to the Parliament.

I make it quite clear that the National Party has nothing against the Public Service, but it feels that if the commission does come under the Public Service Act, it would be the use of wrong terminology to call it a commission. The standing conference of health employee organizations, which represents a wide number of people employed in health services, also agreed with the need to establish this commission as a commission in its own right. The Victorian Association of Occupational Therapists makes comments along the same lines and supports the establishment of such a commission. There is a wide selection of people interested in the health field. During the second-reading debate we thoroughly canvassed arguments on this aspect and it is not my intention to go through them again in detail. The National Party believes this amendment should be accepted. The proposed clause is really a test as the other two proposed clauses are contingent upon this clause being accepted. If the Committee agrees to this clause, it will leave the way open for the establishment of a Health Commission outside the umbrella and control of the Public Service Act.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I share some of the concern expressed here and elsewhere over clause 22. I am not comforted by the amendment proposed by Mr. Dunn as it does not name who the employer should be. It is not good enough to provide an amendment which does not set out who the employer will be in the proposed Health Commission. This is an area in which I have had some experience and although I agree that there should be some degree of flexibility, I believe the name of the employer should be fixed. If Mr. Dunn's amendment is accepted it will open a whole range of imaginable demarcation disputes. Mr. Dunn has put his finger on the kernel of the problem, although I am not certain he has come up with the ideal solution.

When the new Sunshine Hospital is completed, people will be employed in the psychiatric area, the general health area and the intensive care area, but there will not be the same flexibility of staff one would imagine should exist in a hospital. One can foresee many demarcation disputes arising. Perhaps at a later stage I may be given the opportunity to expand that point more fully, but suffice to say at this stage that there will be many types of employees, and having had some experience in this area, I suggest that there could be future serious demarcation disputes, notwithstanding what Mr. Andrews of the Victorian Public Service Association has said. What honorable members have heard have been the views of groups with vested interests in the industry instead of the responsible views of the Government. I am not satisfied that those who have been responsible for drafting the legislation understand the practical problems which will confront the proposed Health Commission, and for that reason much of what Mr. Dunn and his colleagues elsewhere have said makes a lot of sense to me. However, I believe the amendment as drafted is somewhat silly in the sense that it does not nominate who the employer should be.

**The Hon. W. V. HOUGHTON** (Minister of Health): I can only repeat that the Government did not arrive lightly at the decision it made over this clause—I dealt with the various arguments during the debate on clause 1. One of the tests to be applied is the question of who pays. As the proposed Health Commission is to be financed by public revenue, the Government has decided that it

should be under the control of the Public Service Board which controls superannuation, conditions of employment and so on. Some of the critics of the decision to place the commission under the Public Service have not yet caught up with the new Public Service Act which makes it possible for the head of a department—the chairman of the proposed Health Commission will be head of a department—to appoint, to promote and to create offices. This can be done under the provisions of the Public Service Act and those who are aggrieved because they feel themselves to be not more senior but more competent than those appointed by the head of a department can appeal against the decision. That is only common justice. The head of a department is not now nearly as fettered as he was under the provisions of the Public Service Act before it was amended in 1975.

The Hon. W. A. LANDERYOU: What about the Melville Street Clinic and the time it had to wait to have a couple of interpreters appointed because of the Public Service Board.

The Hon. W. V. HOUGHTON: No, it was not because of the Public Service Board. That is a long story which I shall not narrate at this time. It is true that the Public Service Board is blamed for almost everything that goes wrong in the Public Service. Many of the problems which arose in the situation to which Mr. Landeryou referred should not be laid at the door of the Public Service. Of course, the board employs a large number of people and inevitably mistakes will be made. However, I am not convinced that the inexperienced organization which employs 10,000 people would necessarily make fewer mistakes than the Public Service Board which employs 30,000 people and has had 100 years of experience in determining conditions of employment, creating offices, hearing appeals and doing all those things which need to be done by a large employing body.

For that reason the Government does not accept the amendment. If it were possible to have the commission entirely independent of the Public Service and if it were possible to fund the expenditures of the commission by using special revenue sources, such as occurs with the State Electricity Commission or the Gas and Fuel Corporation, the Government would be only too glad for this to be done. Unfortunately, that is not the position and necessarily the commission will have to rely upon public revenue to fund its expenditure. The Government decided that as it had to rely on public revenue, the Health Commission should be under the control of the Public Service Board.

If the argument is used that there are limitations in the Public Service, the remedy is to improve the Public Service and make it work properly. That is the right way to go about it. The Government does not agree that groups or bodies with Government responsibility should be kept out of the Public Service merely because the Public Service does not work properly.

**The Hon. B. P. DUNN** (North Western Province): As I interpret his remarks, the Minister has come part of the way by stating that the Government did some soul-searching over this provision and thought that there was a degree of merit in the arguments put forward by the National Party. It is accepted that the new Health Commission will be established when this Bill is passed by Parliament but the Government should be considering the future needs of the commission. The Health Commission will probably serve Victoria for hundreds of years. Although there may be inconvenience and difficulty over its establishment at this stage, the commission should commence on the right track. If the Minister of Health feels that there could be merit in establishing the commission as a commission in its own right, should that not be done?

If it will serve Victoria in the future, as we hope it will, now is the time to accept that principle.

The Hon. R. J. LONG: How would you fund it, Mr. Dunn?

The Hon. B. P. DUNN: That is one of the problems we will have to talk about. I would hate to see the new Health Commission falter and flounder because there is a problem about financing it. By all means let us look at the financing of the commission, but in the meantime let us consider the principle behind the amendment proposed by the National Party.

**The Hon. D. M. EVANS** (North Eastern Province): I support the remarks of my colleague, Mr. Dunn. Many of the objections which I have heard regarding this Bill have revolved around this provision. The highly professional persons who are occupying senior positions in hospitals around the countryside have been disturbed over the fact that they will be members of the Public Service. These people, with expertise and a substantial record of achievement in the field of hospital administration and delivery of health services, have indicated this concern.

I have some concern in my mind over the position. My concern was increased when the Minister of Health indicated that he is also a little concerned in that he has not a strong or forcible view to put before Parliament today. He states that if the commission does not operate exactly as it should, perhaps we should amend the Public Service Act. The honorable gentleman was not concerned about the functioning of the commission but apparently he was concerned over the operations of the Public Service, which, if found lacking, could be improved by introducing an amending Bill. The Minister did not state that the commission would work; he stated that if it did not work, amendments would be proposed.

The Minister stated that the funds for the Health Commission were to be provided by the Government. However, many people in the community make financial contributions to the running of the hospitals in this State. Through their contributions to hospital benefits funds and Medibank, a large number of people contribute to the welfare of hospitals in this State. The amendment proposed by Mr. Dunn contains a good deal of merit and common sense.

The Minister is not certain that the present provision is the right way to get the Health Commission established. If experience revealed that it was not the right way and that these officers should come under the Public Service Act, that would be the time to introduce the provision. It should not be introduced now, when the Government is not certain of the way it is going.

**The Hon. W. V. HOUGHTON** (Minister of Health): I regret to say that, as usual, the National Party has not understood that I was talking about a principle—the principle of people employed in the Public Service and paid by public revenue. Mr. Evans said that I was saying this and that or had said something else. I could have said 1,000 things, but I can assure Mr Evans that I am certain this will work. The decision was made on a matter of principle; it was not made on a principle of uncertainty.

I said earlier that I was sorry that the Government was unable to establish a new Health Commission outside the Public Service. For the reasons I gave, we could not do that. Those reasons embraced matters of public principle which the Government examined and determined. There is no uncertainty about the position. I am sure the commission will work adequately under the provisions of the Bill.

**The Hon. A. K. BRADBURY** (North Eastern Province): I support the amendment moved by Mr. Dunn. Grave concern over clause 22 has been expressed throughout the

community, particularly by people in many of our institutions. The clause will make it mandatory for these people to be brought under the Public Service Act. As the Minister of Health knows, this will provide a big upheaval in the community, particularly as it affects the provision of some services. If the upheaval which has been predicted occurs, the Minister of Health need not come back to this Chamber crying and stating that as a result of what the Government has done it has created a real problem.

Many people who are employed in mental institutions and who do not come within the Public Service are doing a magnificent job. These people can work within the institutions only for a period of years because of the effect it has upon them. I spoke earlier today of Dr. Cunningham Dax whom I knew very well. He believed that because of the years he had spent in this service it was time to make a change and to move on. That could happen to many other people who work in those institutions. It is not in their best interests to be forced to be within the provisions of the Public Service Act. I support the amendment moved by Mr. Dunn and appeal to the Minister. Just because he is finding some difficulty in funding, that does not justify bringing these people within the provisions of the Public Service Act. Surely if there is some merit in the commission having a discretion in this regard, there must be ways and means of getting around the problem.

**The Hon. W. V. HOUGHTON** (Minister of Health): What an extraordinary contention, that the Health Commission will force people to work in the Public Service! There is no such intention. Anybody who wishes to resign can and will do so at any time. Further, under the provisions in the Public Service Act to which I have drawn attention—I believe I misled Mr. Landeryou the other day; the relevant section is 41K—professional officers in the commission will be able to opt for exempt employment and if they do so they will come within the provisions of the wages board determinations for junior and senior medical officers and under the determination of the Cullen award for visiting medical specialists. Those conditions apply throughout the hospital field. If anybody finds that the work in the new Health Commission is too full of stress he may easily transfer to the general hospital field or to any other field of health delivery.

The Hon. B. P. DUNN: And he will then be lost.

The Hon. W. V. HOUGHTON: What does Mr. Dunn mean?

The Hon. B. P. DUNN: He will be lost from the Health Commission.

The Hon. W. V. HOUGHTON: So what? I presume he will have gone into the community to service the community. I should not wish to stop anyone who resigned from the commission to serve in a hospital, a general health centre or some other field, or who may take advantage of the exempt provisions of the Act to transfer into some other health service.

The Committee divided on the question that the expression proposed by Mr. Dunn to be omitted stand part of the clause (the Hon. W. M. Campbell in the chair)—

| | | |
|---|---|---|
| Ayes | .. | 23 |
| Noes | .. | 13 |
| Majority against the amendment | .. | 10 |

AYES.

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|---|---|
| Mr. Block | Mr. Houghton |
| Mr. Chamberlain | Dr. Howard |
| Mr. Crozier | Mr. Hunt |
| Mr. Dickie | Mr. Knowles |
| Dr. Foley | Mr. Long |
| Mr. Gleeson | Mr. Reid |
| Mr. Granter | Mr. Saltmarsh |
| Mr. Grimwade | Mr. Storey |
| Mr. Guest | Mr. Ward |
| Mr. Hamilton | *Tellers:* |
| Mr. Hauser | Mr. Stacey |
| Mr. Hider | Mr. Taylor |

NOES.

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|---|---|
| Mr. Dunn | Mr. Trayling |
| Mr. Evans | Mr. Walton |
| Mr. Galbally | Mr. White |
| Mr. Knight | Mr. Wright |
| Mr. Landeryou | *Tellers:* |
| Mr. McDonald | Mr. Bradbury |
| Mr. Thomas | Mr. Elliot |

PAIR.

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|---|---|
| Mr. Jenkins | Mr. Eddy |

**The Hon. B. P. DUNN** (North Western Province): The next amendment is contingent on the first and I shall not continue with it.

The clause was agreed to.

Clause 23 (Health Advisory Council).

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I move—

Clause 23, sub-clause (7), page 9, line 19, after "office" insert "on the grounds of misbehaviour or physical or mental incapacity".

This clause goes to the question of the composition of the Health Advisory Council and in many ways its structure. The clause provides that the Governor in Council may remove a member of the council from office. The amendment seeks to remove any possibility of a political decision to remove a member of the Health Advisory Council on the ground of pure party politics. A restriction applies to the removal of commissioners of the Health Commission and to part-time commissioners and it is contradictory that it does not apply to members of the Health Advisory Council. It would mean that the Minister and the Governor in Council would be above suspicion in terms of removing somebody from the council. If there were a change of Government and I were Minister, I should have some hesitation in providing myself with the power—the Bill does not require that the reason be stipulated—to remove a member from the Health Advisory Council. It should be clear, of course, that a member may be removed on the ground of misbehaviour or physical or mental incapacity.

The Hon. R. J. LONG: Does that apply to his private life or to his official capacity?

The Hon. W. A. LANDERYOU: I cannot comment on Mr. Long's private life. I refer to the public behaviour of members of the Health Advisory Council as mentioned in clause 23 of the Bill.

**The Hon. W. V. HOUGHTON** (Minister of Health): The Government does not propose to accept the amendment. It is far too limiting on the powers of the Governor in Council to lay conditions on the reasons for which he may arrive at a decision to remove a member. The Minister and the Cabinet need to take political responsibility for any decisions which they make and if those decisions are bad, they will have to stand the political draught.

The amendment was negatived, and the clause was agreed to, as were clauses 24 to 30.

Clause 31 (Secrecy).

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I invite the Committee to vote against this clause. The Government has astounded me somewhat in its approach to this clause. I refer all members of the House who have followed the debate closely to the words of clause 31. They amount to a serious challenge by the Government to normal civil rights. It is purported that the purpose of the proposal is to protect patient information from being divulged outside various departments of the commission. Nobody suggests that that is not a noble and worth-while objective. The protection of patient information has the wholehearted support of the Labor Party. Indeed, the Government in another place has been invited to bring forward legislation specifically aimed at doing that.

My colleague in another place, the honorable member for Brunswick, referred the Government's attention to the fact that Hospital Benefits

Association records could be made available, that there was nothing at law to prevent the provision of that information and records being released to the public since the amendment to the Medibank legislation. That can hardly be all that the Government is concerned about.

What does concern the Government? I can only hazard a guess in terms of its real concern but the Government has a two-handed policy in regard to information concerning health services. The Government will not employ enough people within the commission to collate the data. If, when because of voluntary work, as a result of extra activities or as a result of Ministerial decisions, that information is collected and published, it is not made public. It seems extraordinary that up to this stage sufficient personnel have not been provided to collect the data and keep and publish adequate records, although the Minister has said in this debate that his intention as Minister is to have adequate data collected and adequate analysis made of that data. What is to happen? Let us put that to the test.

There was a great hue and cry by the Minister and his assistant on the valuable Syme-Townsend survey into health services in this State. That report was valuable, not only to the Parliament and the community but to those involved in health services. When the information was used in this House and in public and elsewhere, in terms of debate, the Minister of Health and his assistant have tried to squirm their way out of difficult situations. It seems to me that the Minister intends to have it both ways with a two-handed policy of not providing employees and, when documents are produced and released, he still complains that this clause aims to prevent that.

There was an incident of recent years when, as a result of national committees in the health field of managers of important hospitals in this State, such as the Alfred Hospital and the Geelong Hospital, a Government Bill was introduced to try to prevent the co-operation of those two managers with those national officials to prevent the information available in terms of those hospitals going to Canberra. That is an extraordinary and confused state of affairs. Although the Government says that it wants to collect the necessary data for the planning and provision of the type of health services we would all like to see, it says that this clause is necessary to prevent patient information from being publicly disseminated. In my view this amendment is aimed at protecting the Government from its own failure. If that is not its purpose, this clause should be withdrawn and the draftsman, draftswoman or other officers, in conjunction with all members of Parliament, should draw up an adequate legislative proposal which would prevent officers of the Health Commission from making public information relative to patients.

It could also deal with the Hospital Benefits Association situation with respect to information about patients, to which the honorable member for Brunswick in another place referred. It would be necessary to ensure the release of the type of information that is essential to this Parliament if it is to debate the subject adequately. Those involved in services related to the health field would then be able to debate the position with the members of the Opposition and Government Ministers, as well as publicly amongst themselves in a professional sense. That is not what is planned.

There is no sense in employing a man as chairman of the Health Commission and telling him that before he can release statistics or data he must have the permission of the Minister. It is equally foolish to tell the manager of a hospital that before he releases the casualty statistics associated with the previous Saturday night he must have the permission of the Minister.

The Government cannot hide behind the fact that it is publicly pretending that the reason for this clause is to protect patient information from getting into unscrupulous hands. It is yet another method to protect this Government and its shabby record.

The information of which the Minister spoke in response to my comments in the second-reading debate is essential for proper and adequate planning. Compilation of it is also essential if those in the health field are expected to implement Government policy and care for the sick and needy in the community. They should know what the statistics are. It seems incredible that the Government has not thus far accepted the invitation issued to it to withdraw this clause and draft either a new clause or new legislation to protect the interests of patients. Members of this Parliament and the community generally who are involved in hospital and health services should be allowed publicly and privately to debate with members of the Labor Party and the Government what is needed. The Government should not hide the facts and prevent them from being made public nor should it try to persuade me that it is acting under the guise of protecting the dissemination of patient information.

**The Hon. W. V. HOUGHTON** (Minister of Health): I do not believe these provisions are understood. There is nothing strange about that because when a politician sees the marginal note "Secrecy" for a clause of a Bill his ears go straight up because secrecy is thought to be undesirable. There is a special case in this Bill for secrecy, or at least confidentiality. It might have been better if the marginal note for the clause had been "Confidentiality". It was realized that members of the Health Advisory Council are not subject to the constraints which are placed on members of the commission or under the constitution.

Just as section 92 of the Hospitals and Charities Act imposes confidentiality on management and employees of hospitals, clause 31 imposes a duty of confidentiality on the commission and its employees. Section 406 of the Health Act imposes a duty of confidentiality for a specific purpose. Clause 31 also imposes on commissioners and others who have access to departmental files a duty to preserve confidentiality. This is required of them even if they leave the commission. Confidentiality is considered as absolutely necessary because of the nature of the material to which they have access. This includes information on individual persons and information on particular processes in the pharmaceutical field.

The Hon. W. A. LANDERYOU: Hospital Benefits Association employees have the same access. You have done nothing about that.

The Hon. W. V. HOUGHTON: No, they do not have the same information. They have access to information on individuals but there is an obligation on them not to transmit that information freely to other people.

The Hon. W. A. LANDERYOU: Where is the legal obligation?

The Hon. W. V. HOUGHTON: I do not know where the legal obligation is. At any rate, I do not propose to have information that ought to be confidential, in the interests of health services in this State, made freely available to the public through members of the Health Advisory Council. That could happen if this provision were not included in the Bill. Clause 31 (3) is designed to protect the activities of consultative councils which operate in the health field on important matters, such as maternal and infant mortality and deaths under anaesthesia. The sort of information provided to consultative councils obviously would not be forthcoming. Doctors giving information about death under anaesthesia of their patients have to be willing to go to a consultative council and provide information on those matters. If

they thought for a moment that the information would be freely transmitted to the public, it would be a tremendous setback to the planning that the Government needs to do and the statistics that we need to have.

The Hon. W. A. LANDERYOU: Are you going to release that information?

The Hon. W. V. HOUGHTON: The statistics are available and are released. The Minister is asked to release them and from time to time does so. There is no secrecy about what is happening. Members can constantly ask, both by questions on notice and questions without notice, precisely what is happening. I do not think I have ever refused to provide any information but I do not intend to provide information about the various matters of which we are now talking, such as what may have been the cause of a child's death or what may have been the cause of death under anaesthesia.

The Hon. R. J. LONG: It has to concern the affairs of another person.

The Hon. W. V. HOUGHTON: Furthermore, the provision of confidential information and other aspects make it possible for people to come forward with information that we would not otherwise be able to obtain. I draw attention to the fact that similar provisions are contained in the New South Wales Act. The Opposition has referred to various provisions of the New South Wales Act that we have not included in our Act. I have told honorable members what we have included. I should have thought that hospital benefits and confidentiality are matters for Commonwealth legislation.

The Hon. R. J. LONG: The patient authorizes the Hospital Benefits Association to seek information in that regard.

The Hon. W. V. HOUGHTON: For those reasons, the Government proposes to retain the clause.

**The Hon. B. P. DUNN** (North Western Province): There is clearly a need for a clause of this nature in the Bill. Possibly, if it were not included it would be argued that it should be there. The National Party believes there must be some degree of secrecy and confidentiality in these dealings. Hopefully it will not limit the flow of information within the commission itself, between the employees and the various people throughout the hospitals and the establishments throughout Victoria. If that flow of information is restricted it would have an adverse effect. Basically, the clause affects the supply of information to people outside the commission and that is clearly necessary. Therefore, the National Party does not intend to support Mr. Landeryou's amendment.

The Committee divided on the clause (the Hon. W. M. Campbell in the chair)—

| | | |
|---|---|---|
| Ayes | .. | 27 |
| Noes | .. | 7 |
| Majority for the clause | .. | 20 |

AYES.

| | |
|---|---|
| Mr. Block | Mr. Hunt |
| Mr. Bradbury | Mr. Jenkins |
| Mr. Chamberlain | Mr. Knowles |
| Mr. Crozier | Mr. Long |
| Mr. Dunn | Mr. McDonald |
| Dr. Foley | Mr. Reid |
| Mr. Gleeson | Mr. Saltmarsh |
| Mr. Grimwade | Mr. Stacey |
| Mr. Guest | Mr. Storey |
| Mr. Hamilton | Mr. Taylor |
| Mr. Hauser | Mr. Wright |
| Mr. Hider | *Tellers:* |
| Mr. Houghton | Mr. Evans |
| Dr. Howard | Mr. Ward |

NOES.

| | |
|---|---|
| Mr. Elliot | Mr. White |
| Mr. Knight | *Tellers:* |
| Mr. Landeryou | Mr. Thomas |
| Mr. Walton | Mr. Trayling |

PAIR.

| | |
|---|---|
| Mr. Dickie | Mr. Galbally |

Clause 32 (Commission to be deemed to be an employer for the purposes of Part III. of the Labour and Industry Act 1958).

**The Hon. W. V. HOUGHTON** (Minister of Health): I invite the Committee to vote against this clause.

The Health Planning Committee has examined the provision and has discovered certain difficulties involved in establishing the appropriate tribunal in the manner sought. Various complications arise involving the Labour and Industry Act and it is proposed that the clause be omitted and a redrafted clause be inserted at a later stage.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I understood the Minister to say that clause 32 is to be omitted and that at a later stage a new clause will be inserted. I should like to know when that later stage will be.

**The CHAIRMAN (the Hon. W. M. Campbell):** This could well be one of the occasions to which I referred last week when I indicated that an honorable member moving an amendment will have to refer to a proposed new clause, the insertion of which will be moved at a later stage. It would be in the interests of the Committee to discuss proposed new clause AA now.

**The Hon. W. V. HOUGHTON** (Minister of Health): The new clause to be proposed is in these terms—

AA. For the purposes of Part III. of the Labour and Industry Act 1958, notwithstanding anything to the contrary in that Act—

(*a*) the Commission shall be deemed to be an employer of persons employed in a scheduled hospital within the meaning of the Hospitals and Charities Act 1958 or in—

(i) an institution (not being a scheduled hospital) within the meaning of that Act; or

(ii) any other institution providing health services—

that is wholly or mainly supported by grants in aid from Victoria or the Commonwealth and is declared by the Governor in Council to be an institution to which this section applies; and

(*b*) a medical practitioner engaged by the session or otherwise under a contract for services in a scheduled hospital or an institution referred to in paragraph (*a*) shall be deemed to be a person employed in the scheduled hospital or institution.

Clause 32 was examined closely and, following representations from many interested bodies subsequent to the deferment of the consideration of the Bill from the last sessional period, it has been redrafted to deem the commission to be the employer of persons employed in the scheduled hospitals and institutions as specified in paragraph (*a*) and to deem a medical practitioner to be an employee in such hospitals or institutions.

Both State and Commonwealth revenue is used to cover deficits in public hospitals and other institutions and where the spending of such public revenue is controlled by the board or committee of management it was felt that the commission ought to be able to appear as an employer to argue the case for or against changes in conditions of employment. The amendment is considered to be a suitable manner in which to achieve that result.

Paragraph (*b*) is designed to make it possible for the Government to establish a wages board for medical practitioners engaged by the session or otherwise under a contract of service, if it is decided that that is a desirable objective in the future.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I take issue with the Minister's closing comments. I refer honorable members to the Labour and Industry Act, section 23 (3) (*a*) of which provides—

The representatives of employers shall be *bona fide* and actual employers in the trade concerned or shall have been so within one month of their appointment or re-appointment or shall be officers of an association or organization of employers connected with the trade.

That section and the proposed new clause deal with the constitution of wages boards. It would be extraordinary if the committee were to accept willy-nilly an amendment which gives the Government the right to place representatives on wages boards. I have spoken in this Chamber on previous occasions about my attachment to the Victorian wages

board system and it would not only be disastrous in effect, but would be a major departure from past practice to accept such an amendment.

A wages board should be constituted of employee and employer representatives who are bona fide connected with the trade. Just in case I did not understand the phrase correctly, I looked up "bona fide" in Radin's *Law Dictionary*, second edition. According to that dictionary it means "good faith without fraud or deception and without knowledge of fraud or wrong-doing." The definition contained in the Oxford dictionary is "genuine or sincere".

The Labour and Industry Act implies that to be an employer representative one must be a bona fide and actual employer and that is the established practice. Although it can be argued, as Mr. Dunn suggested, that a completely new structure should be adopted, that is not the Government's intention. The Government has already indicated that on the one hand Public Service conditions and rates of pay can apply and that, on the other hand, the conditions and wages structure of a Victorian wages board determination can apply. To deal with that problem the Government seeks to give the community and the Minister authority to determine who should be an employer representative on a wages board. The Labour and Industry Act already provides sweeping powers to determine who a representative should be if there are competing interests. The Minister is able to decide who should represent employer or employee organizations on a particular board.

The Government is suggesting that it should have the right to determine the composition of the employer representatives on the wages boards concerned, and there are fourteen wages boards involved in the health field. It is interesting to read what Mr. Hookey, the president of the hospital administrative officers' organization, said on this subject.

He pointed to the complexity of the administration of health care and, in particular, to the need to take strong steps quickly to reduce the problems which are likely to arise in industrial relations. Given what in many ways are the sad personnel and industrial problems in health administration, that criticism of the organization covering hospital administrative officers agrees with the simple proposition I put.

The Government is trying to set itself up as an employer nominee on Victorian wages boards. By their very structure the wages boards have three employer representatives and a chairman who must answer to the Government every five years, because that is the period of his appointment. So there can be employer representatives and, indeed, a chairman of a wages board who could be intimidated by the presence of a member—apart from the chairman—appointed to the board by the Minister himself. That person would speak with the authority of the Health Commission and therefore of the Minister, the Government and this Parliament. Unless he wants to write his resignation, no wages board chairman would take on the Government representative.

If the Health Commission were unhappy with the decision of any one of these fourteen or so wages boards, the Minister, or any other interested party, could take the determination to the Industrial Appeals Court. A wages board could consist of employer representatives directly involved in health care, such as hospital managers on the one hand, and representatives of the hospital service unions on the other hand, with an independent Government-appointed chairman, with the decisions of the board being subject to appeal to the Industrial Appeals Court. But that is not provided for in this clause. It provides that at that initial low level, the court of first instance, the Government will

have the right to nominate representatives because, for the purpose of this Act, the Government is calling itself the employer. Therefore, the Minister of Labour and Industry will determine who the representatives will be. Obviously he will determine that the Health Commission will have a representative on the wages board, and that representative will speak for the Government. There will be an extraordinary set of circumstances. The Government will be directly represented at the court of first instance, in addition to appointing the chairman and members of the Industrial Appeals Court to which it can appeal if it does not like the decision of a wages board.

The Government should think again about this. If it really wants to adopt that approach, it will create more problems than those which already exist in the health field today.

**The Hon. W. V. HOUGHTON** (Minister of Health): We are considering a unique situation. We should first consider the definition of "employer". The employer is usually the person who pays the wages. In the hospitals field, the boards of management pay salaries according to determinations of wages boards for both junior and senior medical staff. Is it not likely that the very high salary levels may be due to the fact that hospital boards of management have no real interest in keeping working conditions and salaries down to a reasonable level because they do not pay the bills? They can go along with the union representatives on a wages board in deciding what should be the current salary, emolument and kickback for a particular position.

*Honorable members interjecting.*

The Hon. W. V. HOUGHTON: Why should they make a responsible decision? All they do is send the bill to the State Government and the Federal and State Governments pay it.

This is a unique situation. This provision will enable the commission to be deemed to be "an" employer, not necessarily "the" employer. It will not prevent hospital boards of management from appointing representatives as employers of salaried staff or any other people working in hospitals, but it will enable the organization which pays the bill, if it wishes to take advantage of the provision, to have some say in the considerations which ought to be brought to bear in setting wages and conditions. That is why the Government presents this proposal.

We have a long way to go in this field. The problems have not yet been sorted out and will not necessarily be cured by this clause. But it will go some way towards solving the problem of very high costs and medical salaries in hospitals. It does not matter whether people pay the Medibank levy or are privately insured, it is they who meet the costs and the Government wants to keep the costs to the community within reasonable bounds. It feels this is a way to start to solve that problem.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): The Minister has missed the point. As I understand the Premier's announcement, we have a wages and prices freeze in this State. It will not be necessary for the Government to be represented on any prices board, of course, but we have effectively had a wages freeze for two years, and during that period real wages have been reduced at least twice.

The Hon. W. V. HOUGHTON: Not hospital salaries.

The Hon. W. A. LANDERYOU: Certainly they have been reduced. Whether people work under national awards or wages board determinations, they have been subjected to the nine points of the guidelines attached to the wage indexation decision of 30th April, 1975. Not one wages board in Victoria has moved

wages one cent outside those guidelines. I challenge the Minister to prove me wrong in that assertion.

It is absurd for the Government to say that it wants to act at the first stage when wages are set and that, at a wages board hearing the Government representative can say that, because of the headaches of Mr. Fraser and Mr. Hamer, the wages should be set at a certain standard. In effect, the Government is saying that is not good enough for parties who are interested only in resolving industrial problems and who are not worried about the over-all economic problems to come together and tell the Commonwealth and State Governments what they should pay. But that is not the position. The Government has the right to appeal to the Industrial Appeals Court on any one determination or on all of them. The Minister merely has to sign a document to refer the matter to that court.

If the Government is genuinely concerned to preserve the wages board structure in Victoria, it should not appoint a direct representative of Cabinet as an employer's representative on a wages board. No union official would argue in that context. They would all be at Festival Hall telling the members of their union, "Hamer's stooges are sitting on the wages board telling us what we should do". I am not suggesting that this is the only proposal open to the Government. But, if this is what the Government wants, the Minister should suggest that progress be reported and draw up a different amendment providing that the Government should have some say on a wages board. This clause will allow people to be appointed to wages boards who intimidate the other members. Any trade union representative, let alone any hospital manager or representative of a hospital board of management, who will be appointed by the Government when it is all said and done will know that that member is putting Government policy.

As I understand it the Premier still supports the proposal for a wages and prices freeze and, as I have said, indexation has frozen wages and on two occasions has effectively reduced real wages. So time is on the side of the Government. What I strongly oppose is the right of the Government to directly appoint an employer representative on a wages board. This is an extraordinary state of affairs. If it is the policy of the Government to introduce a new type of wages tribunal, it should do so under clearly defined legislation, not by a clause in this Bill which attempts to get around half the problems referred to by Mr. Dunn in relation to the Public Service, by making the commission an employer in its own right. This clause will not work. It represents what I suggest is an unintentional threat but nevertheless a real threat to the wages board structure in Victoria.

**The Hon. D. G. ELLIOT** (Melbourne Province): Before the Minister answers the most penetrating statements of Mr. Landeryou, I ask him to comment on his rather cynical remark about hospital administrators. As I understood what he said, he was suspicious of the intentions or the reactions of the high level administrative staff of hospitals in passing on wage rises and costs because ultimately the Government had to pay the bill. He used what seems to me to be—as it apparently seemed to be to Mr. Landeryou—an astounding statement which suggests that there could be kickbacks. I want the Minister to make an unequivocal denial of that; I hope I misunderstood what he said. If I understood him correctly, I want him to explain his statement. Hospital administrators are the most responsible people to be found anywhere in the community. The Minister should take the opportunity to deny what I suggest he said or to give some further explanation of his assertion.

**The Hon. W. V. HOUGHTON** (Minister of Health): I am glad Mr. Elliot brought up this matter. The question

is how "kickbacks" should be defined. It was an unfortunate word to use and a few people made that plain. When I referred to kickbacks, I meant emoluments or conditions, such as the provision of a motor car. Some people may casually call that a kickback. Perhaps I had better withdraw the remark and just call them emoluments, because I certainly do not impute dishonesty to any of the hospital boards of management or their employees. I have as much regard for them as Mr. Elliot has.

Mr. Landeryou challenged me to say whether there has been an instance of getting around the guidelines of indexation.

The Hon. W. A. LANDERYOU: Name one wages board in Victoria that has moved outside the guidelines.

The Hon. W. V. HOUGHTON: Mr. Landeryou has named one; I can point to another. I should dearly like to take up the challenge, but I will not do so. I propose that clause 32 be postponed.

The clause was postponed.

Clauses 33 to 37 were agreed to.

Clause 38 (Chairman of Health Commission to be permanent head of department).

**The Hon. B. P. DUNN** (North Western Province): The amendment proposed to omit clause 38 and was consequential upon the acceptance of the earlier amendment proposed to clause 22, and as it was unsuccessful, I do not propose to proceed with it.

The clause was agreed to.

Clause 39 (Staff of Mental Health Authority).

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I move—

Clause 39, sub-clauses (2), (3), (4) and (5), page 15, lines 9–25, omit these sub-clauses and insert—

(2) The Mental Health Act 1959 is hereby amended as follows:—

(*a*) Sections 16, 17 and 18 shall be repealed;

(*b*) In section 20—

(i) in sub-section (1) for the words "in the Branch" there shall be substituted the words "for officers and employes in State institutions";

(ii) in sub-sections (3) and (4) for the word "Authority" there shall be substituted the word "Commission"; and

(iii) in sub-section (5) for the words "in the Branch" there shall be substituted the words "as an officer or employe in a State institution";

The position of mental health officers has in the past been the cause of considerable conflict. The State-Employed Psychiatrists Association—and that includes all the members of the association—was so concerned about this clause that it paid for the publication of a newspaper advertisement pointing out to the public and the Government its objections to the clause.

Notwithstanding the Minister's earlier comments about the Melville Street clinic appointment, the Public Service Board has a fairly sorry record in respect to appointments. No comfort can be taken from the recent amendment to which the Minister referred, because the clinic appointment is a classic example of the Public Service Board's blunders. The Minister said that the Public Service Board has lifted its game since the 1974 amendments, but nothing could be farther from the truth in respect of the Melville Street appointment. Advertisements were published for two positions of interpreter-translator, and in answer to a question of mine of longstanding the Government today indicated that there are no other interpreter-translators in the Department of Health or, for that matter, anywhere else.

The advertisements sought people qualified in languages that were not required. No discussion took place between the Public Service Board

and the medical officer in charge of the Melville Street clinic prior to placing the advertisements.

Even since 1974, in this one instance that concerns the fortfolios of particular interest to me—ethnic affairs, and the Ministry of Health —the Public Service Board has more than messed up the advertisements and the applications.

It is extraordinary that advertisements for two positions as interpreter-translator were placed without consultation with the organization—in this case the Melville Street clinic —on what type of personnel was wanted and what qualifications were required. None of that occurred; the advertisement was simply placed, and when the matter was first raised the Minister indicated that this was a result of a survey that he had released. However, the survey had nothing to do with the requirements of the Melville Street clinic but was confined to the requirements of Royal Park Psychiatric Hospital.

Although I should like to believe the Minister, because he is very persuasive, I do not think the track record of the Public Service Board since 1974 has been marvellous. An incident occurred in the past few months of the Public Service Board not lifting its game but kicking the ball almost out of bounds.

My proposed amendment suggests that the Government has taken the opposite viewpoint to that taken in the Syme-Townsend report. Although the clause proposes that all doctors employed in the psychiatric field should come under the jurisdiction of the same body, the Government has fumbled the ball, to put it kindly, with respect to the Melville Street clinic, and to recommend that those doctors should come under that jurisdiction is in direct contradiction to the recommendations of the Syme-Townsend report, which is supposedly the basis of the Bill.

**The Hon. W. V. HOUGHTON** (Minister of Health): This amendment proposes to set up a division within the commission which will have a responsibility that may take it outside the oversight of the Public Service Board. I assume that is the general principle under which the amendment is predicated.

The Public Service Board has come in for a fair amount of criticism; it is a popular kicking horse. In fact, if a careful examination were made, it would be found that the Public Service is a pretty efficient organization, and has been much more efficient since the amendments were made to the Act in 1975.

The Hon. W. A. LANDERYOU: God knows what it was like prior to that.

The Hon. W. V. HOUGHTON: One shudders to think, but I have already said during the debate and will not repeat *ad nauseam*, that often the problems lie not within the Public Service, but because it is the nearest dog to kick, people give it a good hearty kick.

Often positions advertised by the Public Service Board may be for employees in the paramedical services that are hard to find, such as physiotherapists, occupational therapists, chiropodists, and workers in allied health fields who are frequently in short supply. Departments complain that they cannot get them and say it is the fault of the Public Service Board, but of course, that is not so.

At present the salaries of medical officers in the Mental Hygiene Branch of the Department of Health are fixed on the recommendation of the Mental Health Authority and approved by the Governor in Council. There is a whole plethora of ways in which conditions in the medical field are fixed both inside and outside the Department of Health.

Sooner or later—I hope it will be sooner—drastic action will have to be taken in this regard. The Bill will help to bring within the control of the commission the salaries of people employed within the commission, but particularly those employed

outside the commission. The way in which salaries are determined for medical officers and other people in the health field is not properly determined and perhaps that is the fault of the Government.

What the Government has to do and is in the process of doing, is trying to set right the present difficult situation. As I said, the Public Service Board comes in for a lot of criticism. It has indicated its willingness to use the exemption provisions of the Public Service Act, particularly for the employment of doctors, and at the moment many doctors are employed in the Public Service and they have not signified their wish to leave the Public Service.

This provision follows on from the argument which the National Party has put about employment in the Public Service. The proposal is, if the amendment is accepted, to establish some sort of division which is in the commission and yet not in the commission. We do not believe it is appropriate, particularly in view of the undertaking the Government has given, to exempt employment under the Public Service Act.

**The Hon. B. P. DUNN** (North Western Province): Again, the Minister of Health has rejected a clause because of some problem—as he puts it—which was not clearly defined. It is like the rejection of the amendment proposed by the National Party to establish a commission.

**The CHAIRMAN (the Hon. W. M. Campbell):** That has been dealt with.

The Hon. B. P. DUNN: Yes; this is a similar provision that goes part of the way towards what would have been achieved if that amendment had been accepted. One problem could have been solved, even if a few others existed. The National Party believes the proposed clause goes part of the way towards achieving what we wanted. Widespread representation has been received from doctors and people employed in the Mental Hygiene Branch and they specifically, like workers in other sections, of whom I spoke earlier, do not wish to come under the provisions of the Public Service Act. Sufficient reason why this should be so has not been advanced.

Admittedly problems will occur because these matters are never easy to work out, but the commission that is being set up will serve the State for hundreds of years in the future, so a good job should be made of it. Amendments should not be rejected because of some undefined general problem created by the Minister. The State-Employed Psychiatrists Association has stated clearly what it wants; it wants an independent commission responsible directly to the Minister and to Parliament, and it does not want to come under the terms of the Public Service Act.

In a letter to the Leader of the National Party from psychologists employed by the Mental Health Authority who met at Parkville earlier this year, the writer said—

> They unanimously urge that psychiatrists be appointed and employed by the Health Commission under similar conditions to those proposed for medical personnel, consistent with the recommendations of the report of the Committee of Inquiry into hospital and health services.

One could quote further evidence of representations that have been made. The National Party will support the amendment moved by Mr. Landeryou because it goes part of the way towards achieving what the National Party wanted. If the Minister had accepted the earlier proposed amendment, the whole situation would have been covered completely. Obviously difficulties will occur under the new commission because employees may not be happy at being under and allied to the Public Service. I do not want the Minister to misconstrue this as a knock at the Public Service. The National Party has not attacked the Public Service in the House today, but believes it would be better if the

Health Commission were established in its own right. This proposal goes part of the way towards that, although perhaps it is only a minor substitute for the original idea.

**The Hon. W. V. HOUGHTON** (Minister of Health): Neither Mr. Dunn nor any other honorable member has informed the Committee what there is about section 4 (1) (*k*) of the Public Service Act that is not going to make unhappy people happy. If they opt for employment under that exempt provision, they would be subject not to the conditions of the Public Service but to the conditions of the Hospitals Superannuation Board and wages board determinations. This is what they want to do, or say they want to do.

The Hon. B. P. DUNN: This is what you told them.

The Hon. W. V. HOUGHTON: I have told them this at conference after conference.

The Hon. B. P. DUNN: They do not seem to be very happy.

The Hon. W. V. HOUGHTON: It will be interesting to ascertain how many people opt for the exempt provisions of the Public Service Act. That will be the proof of the pudding.

The Committee divided on the question that the sub-clauses proposed by Mr. Landeryou to be omitted stand part of the clause (the Hon. W. M. Campbell in the chair)—

| | | |
|---|---|---|
| Ayes | .. | 22 |
| Noes | .. | 12 |
| Majority against the amendment | .. | 10 |

AYES.

| | |
|---|---|
| Mr. Crozier | Mr. Knowles |
| Dr. Foley | Mr. Long |
| Mr. Gleeson | Mr. Reid |
| Mr. Granter | Mr. Saltmarsh |
| Mr. Grimwade | Mr. Stacey |
| Mr. Guest | Mr. Storey |
| Mr. Hamilton | Mr. Taylor |
| Mr. Hauser | Mr. Ward |
| Mr. Hider | |
| Mr. Houghton | *Tellers*: |
| Dr. Howard | Mr. Block |
| Mr. Jenkins | Mr. Chamberlain |

NOES.

| | |
|---|---|
| Mr. Bradbury | Mr. Trayling |
| Mr. Dunn | Mr. Walton |
| Mr. Elliot | Mr. White |
| Mr. Evans | |
| Mr. Landeryou | *Tellers*: |
| Mr. McDonald | Mr. Knight |
| Mr. Thomas | Mr. Wright |

PAIRS.

| | |
|---|---|
| Mr. Dickie | Mr. Galbally |
| Mr. Hunt | Mr. Eddy |

The clause was agreed to, as were clauses 40 to 45.

*The sitting was suspended at* 6.22 *p.m. until* 8.4 *p.m.*

Clause 46 (Scheduled hospitals).

**The CHAIRMAN (the Hon. W. M. Campbell):** Each party has an amendment to the same part of this clause. Therefore, to maintain the *status quo*, I call on the Minister.

**The Hon. W. V. HOUGHTON** (Minister of Health) : There is a considerable problem with regard to clause 46. I should like the opportunity to hear the arguments of the National Party and the Labor Party before arriving at any conclusions on what to do about this clause.

The CHAIRMAN : In those circumstances I think it would be appropriate to call on a member from each party who has prepared an amendment to speak to clause 46 but not to move the amendment.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province) : Perhaps I could begin by posing a question to the Minister. It might affect my remarks. As I understand the Government's proposed amendments, once two years have passed it will be impossible to move from Table A to Table B. If the Minister could indicate whether that is the intention of his amendment, I would be in a better position to discuss the matter.

**The Hon. W. V. HOUGHTON** (Minister of Health) : Two years from the time the Health Commission succeeds to the Hospitals and Charities Commission is the period that will be allowed for hospital

boards of management to bring their committees into line with the provisions of the Bill. It may be another three years after that before the majority of boards or committees of management coming under the provisions of the Bill—assuming the Bill is passed in its present form—are appointed by the Governor in Council. Therefore, it could be five years plus, whatever time it takes for the commission to succeed to the Hospital and Charities Commission, before the effect of that provision is felt. It may not be two years plus but five years plus.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province) : The Minister has indicated that he wants to hear the principal argument on the proposed amendment to this clause. As I understand it, the difference between the amendment which the Government proposes and that which I propose is that my amendment would maintain that flexibility forever ; that is, a hospital or institution may move from Table A to Table B at any time. That is the substance and the import of my amendment.

There are a number of other matters to which I should like to address myself, but at this stage, in order to assist the Minister, I indicate that that is the principal thrust of my argument.

**The Hon. B. P. DUNN** (North Western Province) : Mr. Chairman, I do not know to what length you intend to allow us to discuss our views on clause 6.

**The CHAIRMAN (the Hon. W. M. Campbell) :** The whole of the clause is now before the Committee.

The Hon. B. P. DUNN : Thank you for your guidance, Mr. Chairman. The amendments of the National Party to clause 46 are designed to create another table in the Fifth Schedule. This is to implement the principle whereby hospitals and other institutions which wish to, and with the consent of the Governor in Council can, become a hospital or institution under Table C of the Fifth Schedule, and that table is to be exempted from the provisions concerning the appointment of hospital boards and committees as outlined in the Bill. Also, those institutions are to be enabled to adopt and maintain an election by contributors as under the Hospital and Charities Commission Act. That is the basis of the amendments of the National Party to this clause.

In order to do that, there must be created firstly in clause 46 another table in the Fifth Schedule. Then later, in clause 53, the National Party's amendment makes provision for institutions that so desire to opt into Table C of the Fifth Schedule. The reasons for that were canvassed by me at the second-reading stage. I find it incredible that a Liberal Government is adopting what is really a socialistic policy, of Government appointments to hospital boards of management. It means in effect that the Minister will have the power to appoint hospital committees and boards throughout Victoria. The Minister says that he does not have that power, but the Bill clearly spells out that the Minister can appoint people who have been nominated by hospital committees or boards, or he can appoint any other person to fill a vacancy or position on a hospital board.

In the minds of members of the National Party that is against all principles of encouraging local incentive. It will take the control away from the local level, where it should be, and give the Minister power to elect these hospital committees and boards. The Minister will be able to appoint anyone to serve on hospital boards and committees at Warracknabeal, Swan Hill or elsewhere.

Members of the National Party have received wide representations from all over Victoria on this matter, and I am sure the Minister has been bombarded by hospitals concerned about this fact. Clearly the people want to have the power to

elect their hospital boards. In his second-reading speech the Minister said that there were a lot of hospitals which never had elections, and a small number had very few. The principle is that if they want to have an election they can do so. The right is there, and that gives them control over their local hospital.

One of the things that stand out in a country community is the hospital, as also do the schools. Hospitals receive great support from the community and surely it is in the interests of the Government and the Health Commission, and in the interests of health services, to ensure that that local interest and involvement continues. How can it continue if the Minister is to appoint hospital committees and boards? Whom will he appoint—Liberal Party sympathizers? If people on hospital boards are Liberal Party sympathizers, will they rock the boat if there are any changes needed in health services? If they do, the Minister has the right to strike them off the particular hospital board.

If Mr. Chamberlain read the Bill he would find out what we are doing. I shall explain it later. The National Party is creating a schedule whereby hospitals and institutions—by institutions we include community health centres—will retain the election system. The provision for community health centres has not been clearly outlined in this Bill, and I should like the Minister to explain that.

An alarming situation will develop in Victoria whereby the Government will be able to appoint people to boards—whether they are primary producers, hospitals or whatever. What a ridiculous situation! How would it be if Parliament were nominated and not elected? Surely it would not then be considered as an elected body representative of the people, just as a hospital board of management would not be considered to be representative of the community if it was appointed by the Minister. A situation of political patronage will develop whereby it will be possible for the Government to put its own political sympathizers into authority at the community level. Although the Government may use that power responsibly—and it may be a long while before there is a change of Government—a future Government could stack the side with people of its own political affiliation. The National Party has received comments from hospitals throughout Victoria. The National Party treats this clause particularly seriously, and I propose to quote from a cross-section of the comments received by me as National Party spokesman on health. The Colac District Hospital writes, *inter alia*—

> We note with interest your proposed amendment which would allow individual hospitals to hold contributor elections if they wish. My committee supports this view and is disappointed that the amendment was not accepted during the Assembly debate.

From the Donald District Hospital, I received the following—

> The committee of management members are concerned with the principles relating to the appointment of members and they do support any move which will preserve the existing systems which ensures contributors' participation in the administration of the hospital. Without this direct participation, it is felt the local community will become less interested in hospital affairs. It is considered that any lessening of local involvement in hospitals would be a retrograde step as the standard at present existing in this hospital is undoubtedly due to the extent of local interest and support.
>
> The committee welcomes any moves by your party to ensure the contributors continue to have the right to appoint members of the committees of management.

These are important letters from people who know the situation and whom this Bill will affect.

**The CHAIRMAN (the Hon. W. M. Campbell):** How many letters do you have?

The Hon. B. P. DUNN: About six.

The CHAIRMAN: May I respectfully suggest that Mr. Dunn should make his own speech and not quote from seven or eight different letters. You have already read two and it

may be sufficient from now on to say that you have other letters in a similar vein which support what has already been said.

The Hon. B. P. DUNN: I was summarizing the letters and quoting only the relevant parts. I had put the view of the National Party and, as representing the people of the State, I thought their views should be aired.

The CHAIRMAN: Perhaps you could cover the situation by just naming those hospitals which have written to you?

The Hon. B. P. DUNN: I could name some of them and perhaps briefly quote a couple of lines from their letters.

The Manangatang District Hospital has also informed me that it wants provision for contributor elections to continue. The hospital's comments are along the same lines as others I have quoted. The Camperdown District Hospital stated that the committee of management is concerned about the proposal to provide for the appointment of hospital boards by the Minister and not by election by contributors; it feels that representation should be by local appointment, and that the rights of the community served by the hospitals should be adequately preserved in this regard.

The Latrobe Valley Hospital, through its acting manager, said that it was concerned about the provisions of the Bill and that it had made its views known to the Government but apparently the Government has not had regard to those or other representations. The Corryong District Hospital advises me that it has forwarded a letter to Mr. Lieberman.

The Hon. D. G. ELLIOT: Who is he?

The Hon. W. V. HOUGHTON: He is the Liberal Party member who won the former National Party seat of Benambra in northern Victoria.

The Hon. B. P. DUNN: Perhaps he will not represent the Benambra electorate for too long if the Health Commission Bill goes through in its present form. In those circumstances, many back-bench members of the Government party will be embarrassed and, when attending hospital annual meetings they will cop what they deserve because of their silence on this matter. If they remain silent on this clause, members of the Government party will be seen in their true colours.

There are sufficient members in this Chamber to "roll" the Government. Members of the Liberal Party should be prepared to stand up and be counted. I have demonstrated how the local people feel.

They are some of the reasons why the National Party will be proposing the amendment which is a perfectly feasible and workable alternative which the Minister could hardly refuse. If the amendment is accepted, it will be possible for a hospital to have its committee of management appointed as proposed by the clause or, by seeking inclusion in the Fifth Schedule, to have elections of contributors.

The Hon. N. B. REID: How many hospitals did you write to and how many replies did you receive?

The Hon. B. P. DUNN: I am waiting for Mr. Reid's comments on this clause.

**The CHAIRMAN (the Hon. W. M. Campbell):** The Committee is also waiting for Mr. Dunn's comments.

The Hon. B. P. DUNN: I was provoked into that, Mr. Chairman. I have already expressed my views on a couple of occasions in this debate and also during the second-reading debate. I trust that the Minister will accept my party's proposed amendment which will guarantee local control—not complete control because that is covered by other provisions of the Bill—and local involvement. If this is a truly liberal Government, it should accept my proposal.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): The Minister has requested the views of the National Party and the Labor Party on this clause. Perhaps I should draw attention to the fact that I have a number of amendments to propose to the clause. Mr. Dunn has referred particularly to the provisions which appear on page 18 of the Bill. It might be helpful to the Minister if I indicate my party's attitude to the clause.

The Labor Party agrees that there is a need in some respects for the Government to have this power in regard to centralized large suburban hospitals concerning the composition of boards of management and the like, but it is beyond my party's comprehension why the Government should want this power, particularly in rural areas. In one amendment which has been circulated in my name, it is clearly indicated that my party wants consultation with the committee of a scheduled hospital and we would seek that to be included as an obligation to consult. In essence, that summarizes my party's view on the matter, without going into the extended version, as I will when the Committee is debating the particular amendment.

**The Hon. B. A. CHAMBERLAIN** (Western Province) : As Mr. Dunn suggested, all members of this Chamber have received representations from various hospital committees on this clause. In most cases, they have overlooked the problem of providing an alternative to this sort of provision. The concept of contributor election is artificial because, in most cases, a contributor is somebody who has contributed $2 and therefore is entitled to vote. That is not the criterion on which to elect a board of management. Many sections of the community contribute to a hospital, particularly in country areas, where the contributors include the board of management itself plus various support groups, as well as local service clubs, the Red Cross, and many other groups in the community. Many of these groups contribute to the welfare of the hospital without necessarily donating money.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province) : On a point of order, I understood the Minister to indicate that he would postpone consideration of this clause but that he sought the views of the spokesman for the National Party and the Labor Party. Mr. Chamberlain, like most other back-bench members of the Government, has had the opportunity to speak with the Minister in other areas and, if the Minister is prepared to postpone the further consideration of this clause, it would seem that Mr. Chamberlain is simply wasting the time of the Committee.

**The CHAIRMAN (the Hon. W. M. Campbell):** There is no point of order because, although it has been suggested by the Minister that each of the other two parties should put its case before the Committee, it is also pertinent for any other member of the Committee to have the same rights to participate in this discussion.

The Hon. W. A. LANDERYOU : Is the Committee debating the clause?

The CHAIRMAN : The Committee is debating clause 46, as I reminded Mr. Dunn earlier this evening.

**The Hon. B. A. CHAMBERLAIN** (Western Province) : I would have regarded those comments as rather sanctimonious but, in view of the misunderstanding, I shall not make that remark. What I am saying in no way prejudices the further consideration of this matter. I was making the point concerning the sheer difficulty of finding a criterion or basis of franchise. I suggested that the concept of contributor is artificial and is just as easily manoeuvrable, as we have seen in a particular hospital election in western Victoria at present, as any other system that the Minister might be proposing. There is no magical

answer, and anything that the Minister comes up with will be a compromise. Mr. Dunn should recognize that the present system is far from perfect when one considers various hospital elections.

The Hon. A. K. BRADBURY: Have you any complaints about the present system?

The Hon. B. A. CHAMBERLAIN: Yes, I have, and it just does not work when the system is under fire. Members of my party have received representations from hospitals on this point. It is interesting that Mr. Dunn, who is the spokesman for the National Party on health matters, circularized most major hospitals in Victoria and only six replied to him.

**The Hon. B. P. DUNN** (North Western Province): On a point of order, I said that I was quoting from a representative sample of the letters, and I am sure that the Committee would not have wished me to read all of the correspondence.

**The CHAIRMAN (the Hon. W. M. Campbell):** That is a point of explanation and not a point of order.

**The Hon. B. A. CHAMBERLAIN** (Western Province): Perhaps Mr. Dunn would like to table all the letters and then we could do our own assessment.

The Hon. A. K. BRADBURY: You table yours, Mr. Chamberlain!

The Hon. B. A. CHAMBERLAIN: The only one I have in my hand is from the Camperdown and District Hospital and Mr. Dunn has already summarized what is in that letter. Mr. Dunn received six letters from the whole of Victoria, so how big an issue is it? The present system is full of holes and is subject to abuse. We want a better system than that. Whether it is the one proposed by the Minister, only time will tell.

**The Hon. K. I. WRIGHT** (North Western Province): I speak in support of the amendment moved by Mr. Dunn.

**The CHAIRMAN (the Hon. W. M. Campbell):** At this stage there has been no amendment moved. The Committee is merely discussing clause 46 and not proposed amendments.

The Hon. K. I. WRIGHT: Thank you, Mr. Chairman. Some doubt has been cast by previous speakers on the attitude of hospitals to the election of committees. On Sunday last I attended the official opening by the Chairman of the Hospitals and Charities Commission of a new and renovated hospital building in Manangatang. I suppose there was a fair representative sample of hospital committees and executives at that opening and without exception the ones to whom I spoke were strongly critical of the system of election which has been proposed by the Government in this Bill.

Honorable members will realize that only too often it takes quite a long time for provisions contained in a Bill to seep through to the community. People are only now starting to realize the dictatorial and unfair nature of the proposals for the election of hospital committees. They have asked members of the National Party to oppose the proposals as strongly as we can. I explained that the Bill had passed through the Legislative Assembly and was in the final stages in the Legislative Council, but I did promise them that through our spokesman, Mr. Dunn, we would do all we could to oppose this obnoxious provision in the Bill.

**The Hon. S. R. McDONALD** (Northern Province): I shall refer to two matters concerning clause 46, but first I wish to comment on what Mr. Chamberlain said. I am sorry that he is not present to hear my reply to his insult to my party, and to Mr. Dunn in particular, as he implied that Mr. Dunn had only six replies from hospitals on this issue. I wish to record that in my electorate—if Mr. Reid were here he could substantiate this—we have attended meetings at

Echuca, Cohuna, Kyabram, and Rochester hospitals where the point of view put forward by Mr. Dunn tonight was expressed. I have also received correspondence from the Bendigo Hospital and Home for the Aged. Mr. Reid will be familiar with that correspondence also. I can see that I am about to incur your displeasure, Mr. Chairman, but I wanted to place on record that I object strongly to Mr. Chamberlain's insinuations.

Having disposed of that point, I suggest that Government supporters have missed the real point at issue in clause 46. I referred to this briefly in my second-reading speech and said that I would revert to it in Committee. Clause 46 proposes the insertion into the Hospitals and Charities Act of a new section 63c which gives the new Health Commission certain powers over the administration and operation of hospitals in Victoria.

I do not intend to go through the proposed new section in detail, as it covers almost one complete page of the Bill, but it states in quite an amount of detail the type of direction to which the committee of a scheduled hospital may be subjected by the new Health Commission.

I was surprised and amazed to read in the explanatory memorandum on page 4 that the proposed new section 63c—

> enables the commission to give directions to a scheduled hospital and to the committee of a scheduled hospital and requires such hospital or committee to comply with those directions.
>
> The areas in which such directions may be given are restricted.

It amazed me that the areas in which the new Health Commission may give directions as outlined in proposed new section 63c are considered to be restricted.

The point I take up with the Minister of Health is that section 21 of the Hospitals and Charities Act outlines the area in which the commission shall be responsible and, to some extent, outlines the same areas in which the Hospitals and Charities Commission shall be able to direct existing hospitals in the schedule. I shall not go through the section in detail, but I have discussed this matter with the hospitals I mentioned earlier which are concerned that they could be subjected to much more detailed direction in the everyday running or administration of their hospitals than they are under section 21 of the Hospitals and Charities Act. I invite the Minister of Health to outline his views on that point.

I come to the crux of the matter I mentioned earlier today concerning the development of a centralist attitude in the new Health Commission when it is formed. The word "centralist" may not be the best word to use but I am sure the Minister of Health fully understands what I mean. There is concern in the country, and possibly in city hospitals, that under the new Health Commission they will be subject to more direction than they have experienced in the past.

I suspect that one of the reasons why the new commission has been given this power of direction, and also the power to change the method of election and appointment of hospital committees, is that although the commission does not need the additional power in country areas, it needs it with some of the larger metropolitan hospitals.

The Hon. W. V. HOUGHTON: Why is there a difference?

The Hon. S. R. McDONALD: Without going into too much detail, to some extent in the past, because of their sheer size and the amount of finance involved, some city hospitals have not been as responsive to the wishes of the Hospitals and Charities Commission as have country hospitals.

I seek your guidance, Mr. Chairman. I want to refer to a matter that I raised in the second-reading debate

and which has been raised with me by the Bendigo Hospital and Home for the Aged. It relates to financial assistance under several Federal Acts which precludes organizations which are conducted or controlled by persons appointed by the Government of the Commonwealth or of the State. Is it appropriate for me to raise that matter while the Committee is dealing with clause 46, or shall I wait until clause 53 is reached?

**The CHAIRMAN (the Hon. W. M. Campbell):** It would be better dealt with under clause 53. Even if it were not, it would occur after the amendment which may be proposed by either one of three parties, so perhaps Mr. McDonald could deal with it after the amendment has been considered.

The Hon. S. R. McDONALD: I accept your guidance, Mr. Chairman.

I invite the Minister of Health to inform me whether he considers that proposed new section 63c gives the new Health Commission a greater power of direction over the administration of hospitals than applies at present under section 21 of the Hospitals and Charities Act?

I support Mr. Dunn's remarks about the opposition of many country hospital committees to a change in the method of appointment or election of hospital committees. I will not say how many letters I have received on this subject as I may be "picked up" by a member on the Government side and asked whether I am telling the truth. However, I have been contacted by mail, telephone or personally by virtually every hospital in the Northern Province and, generally speaking, their attitude has been consistent with that put forward by Mr. Dunn.

**The Hon. D. M. EVANS** (North Eastern Province): I support the comments of my National Party colleagues on this issue. On many occasions recently I have had conversations, telephone calls and letters from people involved with hospitals throughout the North Eastern Province. Perhaps I could name a few. I received a letter from the Benalla hospital and a telephone call from the president, Mr. Maurice Evans. I have had conversations with many people connected with the Wangaratta District Base Hospital and recently with someone from the Kiewa and Upper Ovens Health Service, the Mooroopna Base Hospital, Shepparton City Council and other groups throughout the State. All of those people were in favour of retaining the present method of election of their hospital boards. This has developed into an important issue because it affects the activities of people connected with hospitals in particular districts. They have taken time to inform me that they do not favour the selection or the election of hospital committees.

Mr. Chamberlain said that it did not matter what method was used, and that if it was not a success it could be changed. Mr. Chamberlain was in favour of the Government proposal for the appointment of hospital committees. A few moments ago I saw on the floor of the beautiful foyer of this building the words . . . "in the multitude of counsellors there is safety." That is the aim of this Parliament, and we could say that in the multitude of counsellors, perhaps there is some safety for the hospital committees.

I appeal to the Minister of Health to reconsider his decision on this issue, simply because people who are interested in hospital and health care have taken time to consider the Bill and do not favour the Government's proposals.

I ask the Minister and the Government to reconsider and to listen to the many people throughout Victoria who have contacted the honorable gentleman and have indicated their deep concern over the direction in which this clause is taking health care in Victoria.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province) : I take issue with a comment by the Minister of Health. I am not sure whether he has my understanding of the problem in respect to the city based hospital as against the small hospital in the rural areas or whether I do not have his understanding of the problem.

A recent example of the type of difficulty which my colleagues in the corner party have been trying to describe was the campaign by the Right to Life group. As a result of its approach to many people who supported its view—I respect its view on abortion—the group was able to recruit many subscribers to the Royal Women's Hospital and an election was forced for the first time in about 80 years. The dust had to be pushed off the rule book to find out what the procedure was and nobody of senior status could explain how the board members in this old, well-respected institution were elected.

That is not the position in the small hospital which is not only an integral part of the community but attracts many people who give unflinchingly of their service in terms of time and energy and people who are well known in the community. They are elected because of those qualifications. In many ways that cannot be said about some of the city or metropolitan hospitals. That is the difference between the point of view that has been put and the view I have been espousing.

I concede that the Minister should have the authority in the end. After was something wrong? Why could all, Victorian taxpayers will pick up the tab, as the Minister has been saying in relation to other clauses, but in rural Victoria in the smaller hospitals which to a large extent are managed successfully, efficiently and competently by the local people, why would the Minister need to exercise power—he might want to reserve that power—unless there was something wrong? Why could it not be best handled by the local community? There is a big difference between the Royal Melbourne Hospital and the Mooroopna Base Hospital. One can be efficiently and locally managed, whereas the other needs to serve the broad metropolitan area. As the Minister said, in the hospitals in the metropolitan area there are complicated machines which serve the interests of the entire State. There is considerable difference between the functions of both types of hospitals. It is in that context that the Minister must understand the submission that has been made to him.

**The Hon. B. P. DUNN** (North Western Province) : I am greatly concerned that because of a bad experience in one or two isolated instances the Government is contemplating legislation to restrict people who have played their part in the health service facilities of this State. Because of a few attempts to stack the vote at contributor elections, and so on, it is proposed that the rest of the hospitals in Victoria should suffer. If the Government designs legislation which deals with a small minority and takes away the right of the majority, it is a sad day for democracy in Victoria and it is a very unwise Government that lets such a provision be adopted.

The amendment is fair in every respect. It gives the Minister the power or control where he wants to keep certain hospitals under his power of appointment and it gives the country hospitals and institutions that wish to do so, the opportunity of opting out and retaining their contributor elections. That is fair to everybody. It is hoped that the situation will not be reached where a couple of instances will force the Government to change the whole legislation to the detriment of the health system of Victoria.

**The Hon. A. K. BRADBURY** (North Eastern Province) : I support Mr. Dunn. If Mr. Chamberlain had been doing his work as a member

he would have achieved the same result as Mr. Dunn and other members of the National Party have achieved from the hospitals in their electorates.

The Hon. W. V. HOUGHTON: He invited it; I have the telegram.

The Hon. A. K. BRADBURY: Almost without exception every hospital in the North Eastern Province, including Corryong, Wodonga, Rutherglen and Wangaratta, has shown the same desire. The Minister well knows the Wangaratta District Base Hospital. Last Sunday week he was there to open a new wing. I am sure the honorable gentleman was impressed as he stated he was, with the interest and enthusiasm displayed by the hospital committee. I remind the Minister that if he takes away this right of the local contributors to elect members to the hospital committee, he will destroy the initiative of the people to get in behind these hospitals.

I also remind the Minister that although the tremendous financial assistance provided by the Hospitals and Charities Commission is greatly appreciated, were it not for the interest and initiative of the local hospital committee in raising funds, many Victorian hospitals including hospitals in the metropolitan area, would lack many facilities that they enjoy today. Surely on an important issue such as this, the Minister should consider the views of the people concerned. At Wangaratta the Minister said, "There will be no change; you will nominate your own members." The honorable gentleman must have thought he was talking to a lot of people who go out skinning rabbits on Oxley Flats. He thought they were still living in the dim, dark ages.

The people were not very receptive of the Minister's suggestion that there would be no change. The president of the hospital committee, when opening the afternoon's proceedings, clearly laid on the line to the Minister the desire of the country people. The Minister asked, "How many times have you had an election?" What a naïve question to ask!

The Hon. W. V. HOUGHTON: What is the answer?

The Hon. A. K. BRADBURY: They still had their democratic right if they wished to avail themselves of that opportunity. How many times do people vote at non-compulsory municipal elections? What percentage of the people vote at those elections? It is possibly only 22 per cent or 24 per cent. However, they still have the right to vote if they wish to avail themselves of it. That principle applies to hospital committees and the contributors.

Mr. Chamberlain mentioned a contribution amount of $2. It is not a matter of how large the contribution is, but rather a matter of the interest that is generated around the hospitals. At Wangaratta every year the whole month of October is devoted to activities by people and organizations to raise funds for the October hospital appeal. Now the Government proposes to take away the incentive of those people who wish to have a say in the election of the people who will represent them on their board of management. Of course, the Wangaratta District Base Hospital may not have had an election for many years.

The Hon. W. V. HOUGHTON: The Government does not propose to do that.

The Hon. A. K. BRADBURY: The people of Wangaratta have been well satisfied with the committee of management that they have had for many years. On the day the Minister visited the hospital at Wangaratta a new wing, the Neil Stewart Wing, was being named after a man who had given more than 40 years of service to the hospital as a member of the board. Those are the kinds of people concerned.

Mr. Dunn, by means of the amendment, asks the Minister to give the people the option if they wish to

have it, of electing the board of management of the hospital. The people should be given that incentive to have a direct say if they choose to do so.

**The Hon. D. G. ELLIOT** (Melbourne Province): I am mightily impressed by the vocal and sincere representation of the sons of the soil in connection with their local hospitals. Honorable members can always expect at the drop of a hat, that this will be so, as local representation is precious to members of the National Party, as it is to members of the Labor Party. Frankly, in many cases, it is even more so.

Mr. Dunn is worried about Warracknabeal, apart from the rest of his electorate, and Mr. Bradbury is worried about Wangaratta and surrounding towns. However, in fairness to the Minister—it is unusual for me to speak on his behalf—the honorable gentleman has intimated that he is prepared to postpone consideration of this clause either for consideration or for some other purpose and rather than climb on the bandwagon, because it is obvious that this matter will receive much local publicity in Wangaratta and possibly in the *Wimmera Mail-Times*, the Committee should hear what the Minister has to say before discussion continues.

**The CHAIRMAN (the Hon. W. M. Campbell):** The Minister was called first and at the request of the honorable gentleman the views of the other two parties were sought. I believe that was a reasonable request. The Committee granted the Minister that request.

The Hon. D. G. ELLIOT: I stand corrected but state that it is time that the House heard from the Minister.

**The Hon. W. V. HOUGHTON** (Minister of Health): As usual, I could not agree more with Mr. Elliot. I am grateful for the opportunity which the Committee afforded me and I hope honorable members have appreciated the contributions that have been made on this matter. However, those contributions were made not on clause 46 which the National Party seeks to amend, but on clauses 51, 52, and 53.

The Hon. B. P. DUNN: They are contingent upon clause 46.

The Hon. W. V. HOUGHTON: They are contingent and there is an excuse.

Clause 53 deals with the appointment of hospital boards of management. Most of the debate has centred around that clause. I shall repeat again, although there is no point in doing so because the National Party will not take notice, that boards of management in all hospitals will continue in the same manner as they have always operated because most of them have never taken advantage of the provisions of the Hospitals and Charities Act for the election of boards of management. The Wangaratta District Base Hospital last had an election for a board of management in 1946—31 years ago. How often have members said in this Parliament that laws that are no longer used ought to be removed from the statute-book?

In the past ten years the Ararat and District Hospital has held no elections; the Benalla and District Memorial Hospital has held no election; the Gippsland Base Hospital has held no election; the Central Gippsland Hospital has held no election; the Kyneton District Hospital has held no election; the Kaniva District Hospital has held no election; the Healesville and District Hospital has held no election; the Daylesford District Hospital has held no election; the Warrnambool and District Base Hospital has held no election; the Timboon and District Hospital has held no election; the Geelong Hospital has held no election; the Seymour District Memorial Hospital has held no election; and the Bacchus Marsh and District War Memorial Hospital has held no election. These are a

few of the 192 hospitals in Victoria which have had no elections of committees of management.

The provisions of this Bill will give boards of management of hospitals greater power to appoint those whom they wish to the committee, which is what they have always done. They have always said, "There is Joe Blow, who has just retired from the bank. He has been a good fellow in community affairs. He knows accountancy and is a competent manager, so we want him on the hospital committee", and he has been appointed to the committee. We do not need an election under the Hospitals and Charities Act. Hospitals will do the same thing; they will still ask the Minister to request the Governor in Council to appoint the man they want to the board of management.

The Government does not intend to, and could not, alter the present system, because of the number of members of the Liberal Party who represent country electorates—many more than the National Party members represent.

It is not the intention of the Government to alter the present system whereby local community control of local hospitals will change. Not only would it be political suicide but it would be ridiculous to do so. If it would be political suicide it is a wonder that members of the Opposition do not let us go ahead: it is a wonder that they object to this legislation.

Hospital boards of management will be able to say to the Minister that they would like him to appoint a local man, perhaps a retired bank manager, a good member of the community. They do that on their own initiative now. Of course the Government would agree.

The Hon. W. A. LANDERYOU: What happens if the Government says "No"?

The Hon. W. V. HOUGHTON: If we say "No" we will have to bear the political consequences. It is ridiculous to suggest that we are going to pack hospital boards of management with Liberal Party sympathizers.

Mr. Landeryou raised the situation of a large Melbourne public hospital, the Royal Women's Hospital, and the problems it has had recently with an association which sought to swamp the list of contributors. I wonder what the Wangaratta hospital would say today if the party representing the Calithumpians had swamped the hospital with contributors at $2—it does not cost much to gain control of a contributors' election—and they decided that they were going to put their representatives on to that board of management. I wonder what the reaction of the Wangaratta hospital would be to that situation.

The Hon. W. A. LANDERYOU: They would probably thank them for the money.

The Hon. W. V. HOUGHTON: They might thank them for the money but they would be singing a different song when they were appointing boards of management. They would be in favour of this provision.

The Hon. D. G. ELLIOT: What if there is another incident similar to that at Healesville where there is an acting up in management as there is not the right management because of the clique in charge?

The Hon. W. V. HOUGHTON: There is in Victoria—I will not name the place—at present a hospital that presents the same problems experienced at Healesville many years ago. I have been strongly urged to hold a committee of inquiry into that hospital, but with the experience of Healesville hospital behind me I would no more do that than fly to the moon. The Healesville inquiry involved appearance by counsel at enormous expense. I do not think the accounts have been paid yet. Something like $60,000 or $70,000

in fees to counsel was involved to settle a dispute which was not settled.

The Hon. H. R. WARD: Some of the hospital management are not in favour of an inquiry because of the problem you mentioned about Healesville.

The Hon. W. V. HOUGHTON: I have made that point. I am glad they agree. I have not been bombarded, as suggested by the National Party, by requests from hospitals to do what they suggest. On the contrary, of the 190-odd hospitals in Victoria I have received very few representations. It is no wonder the National Party has received a lot of representations, because Mr. Dunn, the National Party spokesman, said that this could open a whole area to political patronage. It may involve local communities in improving the efficiency of their health services. Members of the National Party say that they feel more local involvement is needed, not less. So does the Government. This is the way we propose to do it.

The Hon. J. W. GALBALLY: You are only trying to stonewall your own Bill.

The Hon. W. V. HOUGHTON: I do not think so. I am trying to respond to representations that have been made on this clause. The Labor Party has a good proposal on clause 46 which I would be grateful to have the opportunity of studying a little more carefully. As the National Party also has an amendment to clause 46, and as it is contingent on certain other provisions in the Bill, I should like to bring it back to the House, perhaps tomorrow. Therefore I suggest that progress be reported.

**The Hon. S. R. McDONALD** (Northern Province): I raised the matter of the direction that the new commission can give to hospitals. Can I ask that question again?

**The Hon. W. V. HOUGHTON** (Minister of Health): I think the commission has more power over hospital boards of management than it had previously. The Syme-Townsend committee of inquiry carefully looked at this and its conclusions are in the report for everyone to read. They ought to be mentioned during the course of the resumed debate on the clauses of the Bill. To put it briefly, Syme-Townsend said that the contribution of $2, while welcome—we welcome it, particularly because it involves people in the local communities in their hospital — nevertheless represents a minute proportion of the financial contribution to hospitals. The Government does not want to interfere with that and does not intend to interfere.

The Bill will encourage local involvement in hospitals. If that end can be achieved—as it will be—this is the most appropriate way to do it. The Syme-Townsend report was firm in its conviction about this recommendation, which was made by two men who had no political axe to grind. Sir Lance Townsend is a most competent man in the profession and knows health services backwards. Sir Colin Syme is an administrator of superlative ability. They came to a firm conclusion having regard to deficits of the scheduled hospitals, although they changed their minds slightly. They said at first that all hospital committees of management should be appointed by the Governor in Council but, on reflection, they arrived at the conclusion that only those hospitals which are totally supported by public funds ought to have their boards of management appointed by the Governor in Council.

The Hon. D. G. ELLIOT: How many of those are there?

The Hon. W. V. HOUGHTON: Quite a number. We can go through the schedules. The Government does not intend to accept another schedule to this Bill.

Progress was reported.

## MARRIAGE (AMENDMENT) BILL.

The debate (adjourned from April 19) on the motion of the Hon. Haddon Storey (Attorney-General) for the second reading of this Bill was resumed.

**The Hon. J. W. GALBALLY** (Melbourne North Province) : This Bill would not have been necessary if we had agreed to the interchange of powers under the Commonwealth Constitution. The States have handled divorce in the past and, as honorable members know, matrimonial causes is a matter for the Federal Government. Many years ago the Commonwealth stepped into that field and the question has arisen and has caused concern to the Supreme Court judges as to how the provisions of the law should be applied.

A distinguished committee of the Chief Justice, Mr. Justice Barber as he was then, Mr. Justice Crockett, Mr. Justice Murphy and Mr. Justice Harris inquired into section 131 of the Marriage Act. They arrived at the solution which is contained in a long submission, which I am grateful to the Attorney-General for having put in my hand—a submission which the Government has now accepted. If the interchange of powers had been adopted it would not have been necessary to introduce this Bill.

Marriage and divorce have traditionally been undertaken by the States since Federation and have been done quite well. Now, of course, we have a great army of Federal judges on family law. That seems very good, but are we going to have them in all the country provinces like Ballarat, Bendigo, and the Latrobe Valley where Supreme Court judges go as a matter of course and where a divorce used to be issued to the petitioner in the twinkling of an eye? Now the activity is all congregated in Melbourne.

If the Federal Government had any sense of responsibility for the demands and the sacrifice of the taxpayer it could have simply conferred on the States responsibility for divorce and matrimonial causes. That has been the situation ever since Federation and they have been doing that job, but now we have another army and difficulties have already arisen which this Bill hopes to solve to a minor degree.

We offer no opposition to the measure except to say that, if wise government had prevailed in the Commonwealth and in the States, this burden on the taxpayers would have been avoided.

**The Hon. S. R. McDONALD** (Northern Province) : The Minister and Mr. Galbally outlined the reasons for this amendment to the Marriage Act. With the involvement of both the State and Federal Governments in divorce, under the family law legislation, some difficulties have arisen. As the Attorney-General said—

> The provisions of section 161 of the Marriage Act and the relevant provisions of the Family Law Act differ substantially, and for this reason different results may occur, depending on whether the application is made under the Marriage Act or the Family Law Act.

I shall not go into the matter in detail. It is fair to say that a committee appointed by the Chief Justice consisting of Mr. Justice Barber, Mr. Justice Crockett, Mr. Justice Murphy and Mr. Justice Harris, have advised the Government on this. I am grateful to the Attorney-General for making a copy of the report available to me—no doubt he made a copy available to the Opposition.

Earlier today, in discussing the constitutional function, the Minister for Local Government and Mr. Galbally mentioned the referral of powers from the States to the Commonwealth and vice versa. The ability to refer powers in that way would certainly have helped in this complex situation. It is to be hoped

that that is something which may be achieved in the future. As it is not possible now, something should be done in the meantime. The National Party knows of no reason for not supporting the Bill. An anomaly exists and the quicker it is removed the better.

The motion was agreed.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of principal Act).

**The Hon. HADDON STOREY** (Attorney-General) : I thank Mr. Galbally and Mr. McDonald for their support of the Bill. Mr. Galbally commented on the developments in the Family Law Court. It is true that it has features different from those which pertained to the Supreme Court in the past; they explain its creation as a separate court. It has counselling facilities and informal procedures which are intended to facilitate the granting of divorces. One of the most remarkable features of that court is that, in the period of only twelve months or so for which it has been in existence, the number of judges has reached almost half the number of judges of the Supreme Court. Who knows how many there will be in another twelve months!

It is also true that this measure deals only in a minor way with problems caused by differences between the Family Law Act and the Property Law Act of this State and the effects of the High Court decision in the case of *Russell* v. *Russell*. There are more extreme measures to be considered. I inform honorable members that the Standing Committee of Attorneys-General has asked the officers to report to the next meeting on the alternatives of a reference of powers to the Commonwealth in this area so that the Commonwealth family law jurisdiction may be complete or, alternatively, the creation of a State family law court having both Federal and State jurisdiction in this area. In the meantime, this Bill represents one small step which it is hoped will resolve some of the problems encountered in the Supreme Court. I thank members of the Committee for their support of the Bill.

The clause was agreed to.

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

## GEELONG GRAMMAR SCHOOLS AMALGAMATIONS BILL.

The debate (adjourned from April 19) on the motion of the Hon. Haddon Storey (Attorney-General) for the second reading of this Bill was resumed.

**The Hon. I. B. TRAYLING** (Melbourne Province) : This Bill gives legal effect to the amalgamation of three schools, Geelong Church of England Girls Grammar School—better known as the Hermitage—Geelong Church of England Grammar School — commonly known as Geelong Grammar — and Clyde School. The Labor Party does not oppose the Bill. Happily, the policy of my party coincides with my views on this subject and members of the Labor Party are glad to see the introduction of the co-educational system for the three schools concerned.

**The Hon. S. R. McDONALD** (Northern Province) : The Minister has outlined the reason for this Bill. It provides legislative approval for an agreement made between Geelong Church of England Grammar School — Geelong Grammar — Geelong Church of England Girls Grammar School—usually known as the Hermitage—and a third school conducted at Woodend by a company known as Clyde School—usually known as Clyde.

The Minister's explanatory speech occupies less than a page in *Hansard*. Taking account of the nineteen pages of the Bill with the schedules and the agreement, and the notes

attached to the Bill, one could be tempted to say, in relation to the length of the Bill that the Minister's speech was the shortest ever heard. Nevertheless, the Minister has explained why the Bill is necessary and the National Party supports it. It wishes the three institutions every success in this project.

There are certainly some outstanding former students of Geelong Grammar who are members of this Parliament. I am not too sure about former students of the other institutions, but certainly former students of Geelong Grammar have made outstanding contributions in politics and other fields.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Interpretation).

**The Hon. HADDON STOREY** (Attorney-General) : I am not too sure whether Mr. McDonald was congratulating or chastising the Minister for delivering a short second-reading speech. However, in deference to his remarks I point out that it seems appropriate, in the case of a private Bill which is technical and which is designed to give effect to a legal agreement, that the time of the House should not be taken up with an unduly long dissertation on its various clauses.

The Hon. S. R. McDONALD : I quite agree.

The Hon. HADDON STOREY : I thank Mr. McDonald. For that reason I have adopted the practice, wherever possible, of having notes on the clauses printed and attached to the Bill rather than taking up the time of the House in analysing the clauses in detail in the explanatory second-reading speech.

Of course, the Bill is important to the schools concerned, and it is well worth the support of all parties. Like Mr. McDonald, I wish the schools well in the future.

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.

## AUSTRALIA AND NEW ZEALAND BANKING GROUP BILL.

The debate (adjourned from April 21) on the motion of the Hon. Haddon Storey (Attorney-General) for the second reading of this Bill was resumed.

**The Hon. D. G. ELLIOT** (Melbourne Province) : The title of this Bill is self-explanatory. It is interesting to note the number of subsidiaries of the Australia and New Zealand Bank and that although the bank is incorporated in the United Kingdom, it is now anxious to promote itself as an identity "down under", which includes New Zealand as well as Australia.

I have always been a keen supporter of Australian companies, and prefer them in every respect, if possible, to overseas companies. Nevertheless, I must admit that I have banked with the Australia and New Zealand Bank for about 35 years, so how could I do anything other than state on behalf of the Labor Party that it does not oppose the Bill?

**The Hon. S. R. McDONALD** (Northern Province) : The National Party supports the Bill. I am also a client of the Australia and New Zealand Bank and I thought I may make a longer contribution to the debate than Mr. Elliot in the hope that it may influence my bank manager to be more sympathetic the next time I want an increase in my overdraft limit.

As the Minister said in his introductory speech, this Bill is unique in that the parent company, the Australia and New Zealand Banking Group Ltd., which has taken over a number of other companies named in the Bill, now desires to remove its domicile from the United Kingdom

to Australia. This is the first time I can remember seeing complementary legislation in this Parliament between the Victorian and British Parliaments, and that feature alone makes the measure unique.

The Bill simply gives power to the company to be incorporated in Victoria and to have a domicile or office in this State. Like Mr. Elliot, I am pleased that this is to occur. It is certainly a step in the right direction and to some extent reverses the trends that have occurred on other occasions.

The Australia and New Zealand Bank makes a substantial contribution in the banking field in Australia. I do not know whether it is listed in order of importance with the other banks, but it is certainly of importance. With those remarks, I indicate that the National Party supports the Bill.

The motion was agreed to.

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

## MELBOURNE WHOLESALE FRUIT AND VEGETABLE MARKET TRUST BILL.

The debate (adjourned from April 19) on the motion of the Hon. A. J. Hunt (Minister for Local Government) for the second reading of this Bill was resumed.

**The Hon. A. W. KNIGHT** (Melbourne West Province) : The intention of the proposed legislation has been ably stated by the Minister for Local Government. It was introduced as a result of investigations carried out by the State Development Committee.

The Labor Party does not oppose the Bill and wishes it a speedy passage through the House.

**The Hon. S. R. McDONALD** (Northern Province) : I shall not make a long speech on this Bill, as my colleague, Mr. Wright, intends to discuss it in some detail. I have long been interested in the Melbourne Wholesale Fruit and Vegetable Market and have twice had the experience of going out there in the early hours of the morning—at about 2 a.m. or 3 a.m.—to inspect the operation of the market on behalf of fruit and vegetable producers in my electorate. I can assure honorable members that it is a worth-while and educational experience to see how the produce is brought to Melbourne and later bought and sold.

The Bill provides for the establishment of a market trust to operate the Melbourne Wholesale Fruit and Vegetable Market. The reason for this change is that there has been a long history of involvement in this field by the Melbourne City Council and there has been some dissatisfaction with the operation of the market.

The introduction of the Bill raises the important issue of the future of the Newmarket sale-yards for the selling of stock because the same principle that is incorporated in the Bill could be applied to those sale-yards.

The Bill contains a number of clauses, and I want to mention some that are of considerable importance to the National Party.

Clause 4 provides for the establishment of the trust, and clause 5 outlines the functions of the trust which are—

(*a*) the controlling, maintaining and management of the Melbourne Wholesale Fruit and Vegetable Market;

(*b*) the controlling, maintaining and managing of the market land ; and

(*c*) such other functions as are conferred on it by or under any other Act.

The powers of the trust are outlined in clause 6. When it is established and becomes operative it will have a number of important matters to consider. One is the taking over and payment of compensation for the original markets. I do not know what the cost of the market will be

but obviously it will be many millions of dollars. That is one of the matters to which my colleague, Mr. Wright, desires to refer.

The Bill is of tremendous importance to the fruit and vegetable producers in Victoria and in New South Wales. Considerable amounts of fruit and vegetable produce go to the markets in New South Wales. It is also important to the consumer of fruit and vegetables in the metropolitan area and across country Victoria, and to the rather peculiar and complex range of operators between the producer and the consumer. One would need a long time to go into that in detail.

Members of the National Party are generally in favour of the proposed legislation. We believe it is a step in the right direction. I make the point, as I did before, that this may well set the pattern for the future operation of other markets such as the Newmarket sale-yards. The Minister might like to comment on this during the Committee stage. As I have indicated, the National Party generally supports the Bill, but my colleague, Mr. Wright, wishes to make some additional remarks.

**The Hon. K. I. WRIGHT** (North Western Province) : The proposed legislation follows the report of the State Development Committee on the administration and operation of the Melbourne Wholesale Fruit and Vegetable Market. I pay tribute to the members of the committee who presented that report. The Legislative Council members on that committee were the Honorable Alex Knight and the Honorable Arthur Mansell. The members from another place were Messrs. Simmonds, Stephen, Templeton and Wiltshire. I particularly pay tribute to the work of my former colleague, Mr. Mansell, who devoted much of his time to the work of the committee. He travelled all the way from Mildura to give a lot of time and thought to the work of the State Development Committee in this State and interstate.

The main recommendations in the report of the State Development Committee were, firstly, that the administration and operation of the new Melbourne Wholesale Fruit and Vegetable Market be removed from the control of the Melbourne City Council and vested in a market trust. This recommendation has been carried out. The second recommendation was—

> That the said market trust comprise three members to be appointed by the Governor in Council, including a full-time chairman, who would also be chief executive officer.

That recommendation has been varied. Three members will be appointed by the Governor in Council, but an additional three members will be nominated by the Minister from a panel of names submitted from the various organizations using the market. I understand that there are some 50 of these. The manager and secretary will be appointed.

The third recommendation deals with the market trust and the provision for the land on which the market stands, also assets, rights, debts and liabilities which will be transferred from the Melbourne City Council to the trust. The fourth recommendation states—

> That to assist the market trust, an advisory committee of seven members, with purely advisory functions, be constituted with representation from merchants, commission agents, retailers, producers, consumers, the Melbourne City Council and the Department of Agriculture.

This recommendation is to be put into effect after the trust has been set up. The fifth recommendation is that provision be made for a joint finance committee to be constituted to determine what assets, rights, debts and liabilities should be transferred to the market trust. It goes on to outline who will comprise the joint finance committee. In every way this recommendation has been followed in the Bill.

The sixth recommendation states—

> That the site value of the Queen Victoria Market be determined on a date to be fixed in legislation and that such part of its value

as would enable annual debt servicing charges on the new wholesale market to be reduced by a minimum of fifty per cent (50 per cent) be applied thereto.

I can see no mention of that recommendation in the Bill, but the Minister in his second-reading speech said this would be done and that the new trust would probably commence operation on 1st October, 1977. The Minister went on to say that, so far as practicable, the other recommendations had been carried out. Recommendation No. 14 is one that has not been carried out. It states—

That a direct rail link to the wholesale market be established.

I commend further consideration of that aspect to the Minister.

Recommendation No. 17 states—

That stricter control over the hours of trading be enforced.

Last year my Leader, the Honorable Stuart McDonald, and I spent the night at the market investigating the various problems and discussing them with the people who use the market. We discovered that there was widespread discontent with the fact that between 9 p.m. and 12 midnight people bringing produce to the market, growers and so on, could not be admitted to the market. There is an unseemly situation whereby long lines of trucks are parked waiting to come into the market after midnight. On the other hand, those growers who may have a shorter distance to travel and who have been able to get into the market before 9 p.m., are not permitted to sleep in their vehicles or in their stands while waiting for the selling period to commence after 5 a.m.

Recommendation No. 19 states—

That interstate growers who wish to market their own produce at the Melbourne Wholesale Fruit and Vegetable Market be permitted to do so without discrimination.

I think that also is a fair recommendation.

Regarding the financial arrangements, it is interesting to note that on 9th April, 1976, the *Age* newspaper contained an article which stated under the heading, "City Faces Rate Loss in Market Takeover"—

Melbourne's wholesale fruit and vegetable market is certain to be exempt from rates when a State Government trust takes it over—and the present owner, Melbourne City Council, is angry.

The chairman of the council's markets committee, Cr. Ralph Bernardi said yesterday, the city would lose $157,000 in rates under the immunity plan.

Under new values due this year, he said the loss of rate revenue from the market could rise to $210,000 a year.

He accused the State of moving to take over the market "without paying an agreeable compensation" to the ratepayers of Melbourne.

On the other side of the coin, the *Age* newspaper of 8th November, 1976, under the headline "Stalls Lose Council $900,000" stated—

Melbourne City Council will lose almost $900,000 this year in running the fruit and vegetable market in Footscray Road.

By the end of this financial year, the council will have lost more than $2·4 million administering the market since 1969.

Obviously, the council suffers a considerable operational loss each year and this more than offsets the rate loss. I shall not say much more on the Bill except to reiterate that it is essential that every large city should have a good market in which fresh vegetables, fruit and produce can be purchased. By the same token, it is essential that every producer and farmer should have such an outlet as this market for his produce.

It is true that in my electorate most of the grapes are made into wine or dried. Some of the fruits have been transported to Melbourne for winemaking by private individuals and there has been difficulty in selling the produce. The area that was made available not far from the new market is not being used by the growers because they cannot induce the buyers to go there. They have been endeavouring to sell their produce in Peel Street, as they did in years gone by. They face penal action by the council to move them from that area.

Members of the National Party support the proposed legislation. We feel that when it is formed the trust will have a better chance of providing an efficient market which will operate on a more satisfactory financial basis than under the control of the Melbourne City Council. At the same time, I commend the Melbourne City Council for the service that it has provided in the past.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Division into Parts).

**The Hon. A. J. HUNT** (Minister for Local Government): I thank honorable members who spoke for the interest they have taken in the measure and the study that they have clearly given to it. At this stage only two matters require comment. The first is the suggestion that the Melbourne City Council will somehow be suffering through loss of rates from the formation of the new market trust. Clearly that claim will not bear analysis for one moment. The Melbourne City Council has been performing a public service through the conduct of the market. It has been doing so at a loss and without receiving rates from the market site. The transfer of the market to the trust will make no difference with respect to rates. The council was not receiving and will not receive any rates. So that position has not changed, but at least the council will be relieved of the loss that is currently taking place. To that extent, the council will clearly be better off.

Of course, losses that have been incurred in the past will be taken into account one way or another. I am not suggesting that every claim of the city council will be met, but at least the losses that have been incurred will be discussed by the finance committee which will be appointed under clause 40 of the Bill. The whole purpose of that finance committee will be to ensure that the financial arrangements on changeover are mutually fair to the public of Victoria and the Government which represents it, and also to the Melbourne City Council and its ratepayers. Therefore, it can be fairly said that the issue has been laid to rest.

The chairman of the Melbourne City Council's market committee, Councillor Bernardi, has raised a subsidiary issue on the matter of finance. That is, the power of the new market trust to compete, not on the wholesale section, but on the retailing of fruit, vegetables and flowers. Clause 29 of the Bill contains a power for retail sales to be permitted at the wholesale market, if appropriate. I assure the Committee that that is not a general power and it is not intended to be. It is a reserve power which will be utilized only if the circumstances warrant it. I assure the Committee and the Melbourne City Council that it certainly will not be utilized to compete unfairly with the magnificent development which the Melbourne City Council is proposing by way of a restored retail market on the Queen Victoria Market site. The Government certainly recognizes the importance of that project and appreciates the need to assist and protect the city council in its undertaking there.

I am sure that members of the Committee, in particular those who have studied the Bill, will have noted that there are safeguards written into that provision in that there must be joint consultation between the council, the Minister of Agriculture, the Minister for Local Government and the market trust, before any subsidiary retail developments at the wholesale market site could be approved. There is certainly no desire and no intention to make things difficult for the prospective, improved and restored operations at the Queen Victoria Market site.

I thank honorable members for their favourable comments on the Bill. The Government believes it will be a marked advance in the marketing of fruit and vegetables and primary produce generally at the wholesale fruit and vegetable market.

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

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

## CO-OPERATIVE HOUSING SOCIETIES (LEASEHOLD SECURITIES) BILL.

The debate (adjourned from April 21) on the motion of the Hon. V. O. Dickie (Chief Secretary) for the second reading of this Bill was resumed.

**The Hon. D. R. WHITE** (Doutta Galla Province) : The Opposition does not oppose this measure. It proposes to amend the Co-operative Housing Societies Act to enable a society to provide a loan to a person with collateral on Crown land which is leased for a period of 50 years or more.

It is a measure which the Labor Party believes the Government should extend to areas apart from that covered in the Bill. The Labor Party believes it is an excellent measure and supports it.

**The Hon. K. I. WRIGHT** (North Western Province) : The National Party supports the Bill. It is an excellent measure, and my party will not impede its progress in any way, except that I have one query to make in Committee.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3 (Amendment of No. 6226 s. 34).

**The Hon. K. I. WRIGHT** (North Western Province) : In the Mildura district there is a system called "college leases". One property in fifteen in the original subdivision was set aside as leasehold, and the rentals from these leaseholds are payable towards the maintenance and erection of school buildings. My question to the Minister is whether the operations of this clause can be extended so that the tenants of these leases can use co-operative housing society loans to erect their homes. This is all-important because in normal circumstances banks are reluctant to lend money for this purpose. The tenants of these allotments hope this extension will be permitted.

**The Hon. V. O. DICKIE** (Chief Secretary) : I am not in a position at this moment to reply to the issue that Mr. Wright raised. I am well aware of the college leaseholds because during my term as Minister of Housing this matter was resolved satisfactorily. I will most certainly direct the matter to the Minister of Housing, and if it cannot be included under this provision I shall see that it is looked at so that it can be included in a further amendment at an appropriate time, but not in this measure.

The clause was agreed to.

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

## GEELONG WATERWORKS AND SEWERAGE (AMENDMENT) BILL.

The debate (adjourned from April 21) on the motion of the Hon. F. J. Granter (Minister of Water Supply) for the second reading of this Bill was resumed.

**The Hon. J. M. WALTON** (Melbourne North Province) : This is a small measure. As the Minister rightly explained in his second-reading notes, it is mostly machinery in nature. It deals with the Geelong Waterworks and Sewerage Act and

with tenders, borrowing powers, minimum rates and special rates, and corresponds with similar Acts. The Opposition does not oppose the Bill.

**The Hon. D. M. EVANS** (North Eastern Province) : The National Party regards this Bill simply as a machinery Bill to bring into line with current practices various charges by the Geelong Waterworks and Sewerage Trust and various rating matters. The National Party supports the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6263 s. 30).

**The Hon. F. J. GRANTER** (Minister of Water Supply) : I thank the two honorable members who spoke briefly on this Bill. As they said, it contains a number of clauses which assist the Geelong Waterworks and Sewerage Trust and the Geelong area in particular. Mr. Jenkins informed me that he wished to speak on the Bill. Unfortunately he is not present. On his behalf, I say that he commends the Bill to the House. He is a great supporter of the Geelong area, like his predecessor the Honorable Geoff Thom, who never allowed a Geelong Bill to pass without saying something on it.

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.

## YOORALLA SOCIETY OF VICTORIA BILL.

The debate (adjourned from April 21) on the motion of the Hon. W. V. Houghton (Minister of Health) for the second reading of this Bill was resumed.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province) : In his second-reading speech, the Minister explained adequately the purposes of the measure, and the Labor Party offers no opposition to it.

**The Hon. B. P. DUNN** (North Western Province) : This Bill, to facilitate and effect the amalgamation of the Yooralla Hospital School for Crippled Children and the Victorian Society for Crippled Children and Adults, also has the support of the National Party. Members of the party commend the outstanding contribution made by these two organizations. We wish them well in their amalgamation and in their future operations.

The motion was agreed to.

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

## MELBOURNE UNDERGROUND RAIL LOOP (AMENDMENT) BILL.

The debate (adjourned from April 6) on the motion of the Hon. D. G. Crozier (Minister for State Development and Decentralization) for the second reading of this Bill was resumed.

**The Hon. D. R. WHITE** (Doutta Galla Province) : The Opposition does not oppose this measure—in fact, it would describe it as a fine piece of Socialist legislation. The only problem is that it affects only one half of a block whereas it should include the eight blocks from Spring Street to Spencer Street. If the entire area had been included, that would have been a means of paying for the underground rail loop. It is a fine piece of planning and Socialist legislation which could be extended to other areas such as Geelong, the Mornington Peninsula and the Dandenongs. The Opposition does not oppose the Bill.

**The Hon. A. K. BRADBURY** (North Eastern Province) : The National Party does not oppose the measure which is mainly to permit the redevelopment of the area around

the proposed Museum station on the underground loop. The development will be in the best interests of the people who use the station. Provision has been made that, in the event of severe flooding, the station will be protected.

The only aspect of the Bill about which the National Party is not happy is the restrospective provisions in clause 3 which provide that the authority may purchase or acquire certain lands in the city of Melbourne and that the section shall be deemed to have effect from 1st January, 1977, which presupposes that already some purchases have been made without the Bill being passed. The National Party does not like that type of retrospective provision and Parliament being more or less a rubber stamp for something that already has taken place. However, in the interests of the underground rail loop, which we hope is well on the way to completion and will provide a greater facility for the travelling public to the heart of the city of Melbourne, the National Party supports the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3 (Authority may purchase or acquire certain land in the city of Melbourne).

**The Hon. C. A. M. HIDER** (Monash Province) : I have been provoked to speak on this clause because of the comments by Mr. White that he believed this to be good Socialist legislation. No doubt, he was looking at clause 3 when he made that statement. I seek from the Minister an outline of the Government's intentions on this clause which certainly gives the authority power of compulsory acquisition.

I point out to the Committee that the emphasis in the clause is related to purchasing and one would assume that in purchasing property negotiation is the main ingredient. The most recent annual report of the Melbourne Underground Rail Loop Authority, for 1975-76, at page 17, discusses the questions of land acquisition and the Latrobe Street designated areas. In the interests of the Committee and of Mr. White, one will see that in those references, emphasis was placed on negotiations and that in fact no necessity was required to refer any acquisitions to the Land Valuation Tribunal. Presumably, the matters were resolved to the satisfaction of property owners and it was not necessary to use the full powers of the law to acquire this land.

I seek from the Minister some indication of the Government's policy relating to the acquisition of areas that could well be suitably developed by private enterprise and an assurance that, only in the event of private enterprise being unable to comply with the plans and proposals indicated by the studies that have already been made in the area, will the Government use what Mr. White describes as Socialist legislation; that only when negotiations fail, will the Government use the power of compulsory acquisition. I seek an assurance that negotiation and purchase is preferable.

**The Hon. D. G. CROZIER** (Minister for State Development and Decentralization) : I think I can assure the Committee and Mr. Hider that his interpretation of clause 3 and the powers implicit in that clause is absolutely correct. When explaining the Bill, the Leader of the House stated that the necessity for compulsory acquisition by the authority had been minimal. As most honorable members are aware, because of the tunnelling construction used, except in the area of the Museum station where the loop is at a fairly shallow level, there has been little need for the authority to acquire land.

In terms of the powers implicit in the clause, which apparently have caused Mr. White some interest and

have evoked the retort by Mr. Hider, I re-emphasize that, in giving the authority power of acquisition, it is the intention of the Government that the power would be considered and used only as a final power. That has been the pattern to date.

As the Leader of the House, and his colleague in another place explained, up to now the necessity for the authority to acquire land has been minimal but because of the desire of the authority, which desire is fully endorsed by the Government, for complementing the need for development in this area, and because of the different nature of the construction of this part of the development, it is considered desirable for this power to be there and that is exactly the intent of clause 3.

**The Hon. J. V. C. GUEST** (Monash Province) : I ask the Minister for State Development and Decentralization for a further assurance. Clause 3 is aimed at compulsory acquisition for significant development which is bound to take place within the next 5 or 6 at most 10 years. However, looking further to the possibility of comparable legislation and bearing in mind that in perhaps 20 or 30 years' time there might be a Socialist Government which could invoke the powers given in such legislation, could the Minister assure the Committee that in that case, rather more stringent wording will be placed in the Act to prevent such a future Government misusing these powers?

**The Hon. D. G. CROZIER** (Minister for State Development and Decentralization): I assure Mr. Guest that although I would agree that the contingency of a change in Government is a long way off it should be the responsibility of a Government of our philosophy to ensure that there are no means by which the process of socialization could be inadvertently assisted. Therefore, there is an ongoing obligation on the Government party to consider carefully the wording of any such powers, implicit or expressly stated, in any Act, similar to the powers contained in a clause such as the one now under consideration.

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

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

## TATTERSALL CONSULTATIONS (GOLD LOTTERY CONSULTATIONS) BILL.

The debate (adjourned from April 20) on the motion of the Hon. V. O. Dickie (Chief Secretary) for the second reading of this Bill was resumed.

**The Hon. A. W. KNIGHT** (Melbourne West Province) : The tenets expressed in the Bill are contrary to the beliefs of the Labor Party and for this reason the party opposes the measure.

**The Hon. S. R. McDONALD** (Northern Province) : The Bill will amend the Tattersall Consultations Act. The National Party is not satisfied with the reasons in support of the Bill advanced by the Chief Secretary. In fact, for several reasons, the Bill does not justify the support of the National Party. It brings honorable members back to the fundamental issue which was discussed and debated at some length on the Tabella legislation last week. On that occasion I expressed a point of view which I believe is still valid, namely, that in Victoria we have gone as far as we can go in introducing methods of gambling as a means of increasing the revenue of the State. The funds available for gambling are finite and limited and if this Bill is passed, although some investments may be made in the gold lottery consultations, we will find that the amount invested in other forms of gambling will decline.

The Bill is designed to achieve two things. Clause 2 (*b*) enables a gold lottery consultation to be held.

Earlier in the Bill, there is provision under which the Treasurer is given the power to prescribe any particular consultation as a gold lottery consultation. I am not convinced that there is need for the principal legislation to be amended to include that power. At present it is possible for Tattersall consultants to conduct a number of different consultations. If it is desired to conduct a consultation having the same prize money with the same value of the ticket sold as outlined in the Minister's second-reading speech, I suggest that calling the consultation a gold lottery consultation, which to me appears to be a gimmick, is presently permitted under the principal legislation.

As the Minister pointed out, one of the objectives of the Bill is to provide funds to be paid into a fund to be known as the Historical and Community Projects Fund. The money in that fund will be used to finance historical and community projects of a certain nature and these are briefly outlined in the Bill. It is fair to say that they are not outlined in any detail.

Under the principal Act, the present arrangement is satisfactory whereby 31 per cent of the total amount subscribed to a consultation is used to finance hospital projects or services in Victoria. No honorable member could argue that that arrangement has not been satisfactory and should not continue. However, the Bill proposes a departure from that principle, and instead of the revenue being devoted for those purposes, it will be devoted to the construction of historical and community projects.

Irrespective of whether there is a need to describe the lottery consultations as proposed, the end result of the Bill represents a departure from the long-established procedure which has been established since 1953 when Tattersall consultations commenced operations in Victoria.

The new procedure will enable funds to be used for certain purposes, and I invite the Minister when he replies, if he can do so, to state exactly which community projects may be selected. I do not believe it is possible to describe these in detail in the Bill but it is possible and not beyond the wit of a Minister to outline them during the Committee stage.

For those reasons, the National Party does not support the Bill. It does support the present historical and community projects already established in Victoria. It is known that many historical projects, including one or two in my province, are in financial difficulty. Nevertheless, the National Party is concerned that the end result of the Bill will be to transfer funds away from the original purpose of Tattersall consultations—that is, the financing of hospital projects and services. The National Party believes that is not justified.

**The Hon. H. R. WARD** (South Eastern Province): I wish to emulate Mr. McDonald and refer to the likely end result of the Bill. I shall deal particularly with the clause which relates to those funds which will be available for the Historical and Community Projects Fund. Until now a portion of the amount subscribed to a Tattersalls consultation has been paid to the Treasury for distribution between the Hospitals and Charities Fund and the Mental Hospitals Fund. Under this Bill it is proposed that a portion of the amount subscribed to a gold lottery consultation shall be used for the establishment of historical or community projects, additions to established historical projects or community projects, and the maintenance and staffing of historical projects or community projects.

At present the funding of historical projects is a drain on the Treasury. Quite a number of such projects have developed through the assistance of community organizations which have

virtually conducted house-to-house collections to help them get under way. However, because of the incidence of inflation, many projects are finding it difficult to raise the necessary funds. I am concerned about the funds which can be made available.

One of these projects, which has been established in Wonthaggi—I refer to the old coal mine settlement —does require funds. The Treasury has found it difficult to provide the necessary funds to restore this old settlement which could be a wonderful tourist attraction. Unfortunately, the project has been allowed to run down and it will require a tremendous amount of money to restore. The availability of funds generated from gold lottery consultations will mean that money could be siphoned off to assist those people who are prepared to help in the establishment of the Wonthaggi fauna and flora reserve located on the old coal mine area.

The Hon. S. R. McDONALD: Siphoned off from where, Mr. Ward?

The Hon. H. R. WARD: Siphoned off from the Historical and Community Projects Fund. The people who will participate in these lotteries will purchase tickets, knowing what they are doing.

I refer now to a project in Mr. McDonald's area which has experienced many problems in financing its operations. The Echuca wharf project also requires funds which could be supplied by means of this Bill. Money has been guaranteed for that project over a period of time but once again inflation will get away with the money and the scheme will not be completed in the anticipated time.

Another project in the Shepparton area requires assistance. If it is to develop, money must be provided from somewhere. Having received the suggestion, the Treasury will continue to provide funds.

In the Gippsland area there are two developments, the Moe village and Coal Creek development. Recently $10,000 was provided from tourism funds through the courtesy and support of the Minister to keep those projects alive. Once again money is required from another source. These two projects are good examples of areas which the fund proposed under this Bill could support.

Tourist undertakings such as those named in this Bill must be provided with finance from somewhere. It has always been important to encourage tourists into country areas, but if additional attractions are not provided the people will stay away.

The Coal Creek development requires finance not only from the community but from people who want to contribute towards a particular fund. It is desired to take up the whole valley with works that will attract tourists. It is also desired that the Aboriginal people in the area should be employed. Money is required for that purpose and cannot be obtained from just one source.

Clause 3 of the Bill relates to the maintenance of tourist projects. Too often they are museums of junk.

**The Hon. A. W. KNIGHT** (Melbourne West Province): Mr. President, I raise a point of order. Some of the information that Mr. Ward has been giving has not been made public evidence and is privileged to the State Development Committee. I ask that he refrain from giving that information.

**The PRESIDENT (the Hon. W. G. Fry):** The point of order is well taken. If Mr. Ward is divulging information on matters which are under investigation by the committee, he should desist from doing so. Mr. Ward should not develop further information which is privy and of which he has knowledge because he is a member of the committee.

**The Hon. H. R. WARD** (South Eastern Province): I take your point, Mr. President, but once again I do

not take much notice of the situation. Having a wide knowledge of the history of this State and having travelled throughout it, I do not think the point of order would necessarily reflect that situation.

**The PRESIDENT (the Hon. W. G. Fry):** If Mr. Ward persists in taking that line I shall ask him to take his seat. He will take notice of the rulings of the Chair or he will withdraw his remarks.

The Hon. H. R. WARD: I was not reflecting on the rulings from the Chair. I return to the comments I was making on the Bill. Historic projects are in many cases rusting heaps of machinery lying around districts. I refer to the ones in my area of which Mr. Knight, who raised a point of order, has no knowledge.

**The Hon. A. W. KNIGHT** (Melbourne West Province): I raise another point of order. The honorable member is defying your ruling, Mr. President. It is a slight on the Chair. The remarks are a personal affront to me and I ask that they be withdrawn.

**The PRESIDENT (the Hon. W. G. Fry):** I have no knowledge of what is being done by the committee but I have an intimate knowledge of much of the information about which Mr. Ward is speaking simply because I have travelled around the State and have seen the things to which he refers. The House must differentiate between what is common knowledge and what has been gained by confidential information before a committee. As I have no knowledge of what the committee has heard, I appeal to Mr. Ward not to divulge information that has been given to him through the committee.

**The Hon. H. R. WARD** (South Eastern Province): I give that undertaking. I am talking about general knowledge. Any person who has graduated from primary school would know it. The Government realizes the run-down state of some of these tourist projects and the desperate need for money for maintenance and restoration work. These matters are well known and have been reported time and again in newspapers. I commend the Bill for its aims. The three points mentioned by the Minister in his second-reading speech are very important because this money is urgently needed.

The Swan Hill Folk Museum also needs money. That project began some years ago and has been one of the success stories in Victoria. However, it is constantly in need of funds to promote the surrounding areas and to provide the services required by tourists. It cannot provide all the funds that are necessary; neither can the Minister of Tourism nor the Treasury. The funds provided as a result of this Bill will help develop that area.

Other projects in Victoria require money for development. In the past many honorable members have asked for assistance, often for private or historical projects. The funds provided through this Bill will ease the pressures. The Bill ought to receive the unanimous support of the House. I believe the comments that have been made about the syphoning off of funds from the hospitals have no validity. I hope the House will support the Bill.

The House divided on the motion (the Hon. W. G. Fry in the chair)—

| | |
|---|---|
| Ayes .. .. | 24 |
| Noes .. .. | 13 |
| Majority for the motion .. .. | 11 |

AYES.

| | |
|---|---|
| Mr. Block | Mr. Jenkins |
| Mr. Campbell | Mr. Knowles |
| Mr. Crozier | Mr. Long |
| Mr. Dickie | Mr. Reid |
| Mr. Gleeson | Mr. Saltmarsh |
| Mr. Granter | Mr. Stacey |
| Mr. Guest | Mr. Storey |
| Mr. Hamilton | Mr. Taylor |
| Mr. Hauser | Mr. Ward |
| Mr. Hider | |
| Mr. Houghton | *Tellers:* |
| Dr. Howard | Mr. Chamberlain |
| Mr. Hunt | Dr. Foley |

NOES.

| | |
|---|---|
| Mr. Bradbury | Mr. Trayling |
| Mr. Dunn | Mr. Walton |
| Mr. Elliot | Mr. White |
| Mr. Galbally | Mr. Wright |
| Mr. Knight | *Tellers:* |
| Mr. McDonald | Mr. Evans |
| Mr. Thomas | Mr. Landeryou |

PAIR.

| | |
|---|---|
| Mr. Grimwade | Mr. Eddy |

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6390).

**The Hon. F. J. GRANTER** (Minister of Water Supply): Mr. Knight and Mr. McDonald have indicated their parties' opposition to the Bill and Mr. Ward supported it wholeheartedly. Mr. McDonald asked what these special projects might be. I envisage, under the title of "historic community projects", such projects as Sovereign Hill, Ballarat, the Swan Hill Pioneer Museum, the Stawell project and the Dai Gum San project at Bendigo and projects at Warracknabeal, Wonthaggi, Korumburra and many other centres throughout Victoria.

I have heard Mr. Elliot speak in this House on these projects and say how they are deprived of funds and how necessary it is for the Government and the State to promote these worthy projects. Perhaps too many have been allowed to develop and that is why the gold lottery consultations are proposed. Funds cannot be obtained for them from the Ministry of Tourism or the Treasury. This proposal has the support of the Government.

I know the problems which have been encountered by the Dai Gum San project at Bendigo. Some years ago I was involved in raising funds to import the Sun Loong dragon to Bendigo. I know the value of the Chinese procession on Easter Monday in Bendigo. The dragon has given the procession new life and it is hoped that the Chinese people will play a big part in the Dai Gum San project. In fact, I know they will.

Mr. McDonald has mentioned that I opened the fund-raising effort in the White Hills Technical School for this project. That was a success.

The Hon. S. R. MCDONALD: I understand that the Minister is the biggest contributor.

The Hon. F. J. GRANTER: I do not know whether I hold that record. Nevertheless, because of inflation, this project is finding it hard to get off the ground and unless something like this is made possible to enable funds to be raised it will not proceed. I support the Bill.

**The Hon. S. R. McDONALD** (Northern Province): I have listened with interest to the enthusiasm shown by Mr. Ward and of his trip around Victoria discussing the wide range of historical projects that are under way at present. I have also listened to the Minister following a similar vein. Both Mr. Ward and the Minister appeared to overlook the fact that clause 2 (*a*), (*b*) and (c) refer to historical projects or community projects. I wonder if Mr. Ward, the Minister, or anyone on the Government side of the Chamber can outline what type of community project might be involved. That is a different issue from spending the funds from this source on community projects.

The Hon. R. J. LONG: It is defined in the Bill.

The Hon. S. R. McDONALD: I am aware of that, but I should like to take it a step further and ascertain whether the Minister or anyone else can cite an example. A dozen examples of historical projects have been mentioned, but none relating to community projects. I should be interested to hear from the Minister, Mr. Ward or Mr. Long.

The clause was agreed to.

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

*The House adjourned at* 11.10 *p.m.*

## *QUESTIONS ON NOTICE.*

### INTERPRETER-TRANSLATORS IN PUBLIC SERVICE.

(Question No. 328)

**The Hon. W. A. LANDERYOU** (Doutta Galla Province) asked the Chief Secretary, for the Premier—

(*a*) How many qualified interpreter-translators are currently employed in the Public Service, and in what departments?

(*b*) What are the salary levels for qualified interpreter-translators?

(*c*) On what basis does the Government recognize a person as a "qualified" interpreter-translator?

**The Hon. V. O. DICKIE** (Chief Secretary): The answer supplied by the Premier and Treasurer is—

(*a*) At present, there are no persons employed in the Victorian Public Service classified as interpreter-translators. Two positions at the Melville clinic have been recently advertised.

The Premier's Department employs five interpreters in the Community Services Centre.

The Chief Secretary's Department employs a special duties officer as an interpreter and translator.

(*b*) The salary ranges approved for the two classifications are as follows—

Interpreter-Translator Grade I.—$8,689-$9,856.

Interpreter-Translator Grade II.—$10,172-$11,118.

(*c*) Interpreter-Translator Grade I.—

Qualifications—A proficiency level in at least two languages one of which is English, at a sufficient standard to satisfactorily complete a test conducted by or on behalf of the Public Service Board.

Interpreter-Translator Grade II.—

Qualifications—A proficiency level in at least two languages one of which is English, equal to that in the mother tongue. An appropriate diploma in interpreting-translating; or satisfactory completion of a test conducted by or on behalf of the board.

### COUNTRY AND DECENTRALIZED INDUSTRIES.

(Question No. 427)

**The Hon. D. R. WHITE** (Doutta Galla Province) asked the Chief Secretary, for the Premier—

(*a*) How many country industrialists associated with country industries, who live outside the metropolitan area, have been appointed to the Victoria Promotion Committee and, if there are no such representatives, why?

(*b*) Who are the members from industry and commerce who have been appointed to the Premier's advisory committee in the area of industry and commerce, and how many of them are associated with decentralized industries and live outside Melbourne and Geelong?

(*c*) In view of the Premier's announcement of trade missions to be sent overseas next year, how many representatives of country and decentralized industries have been invited to associate with such missions, and what are their names?

**The Hon. V. O. DICKIE** (Chief Secretary): The answer supplied by the Premier and Treasurer is—

(*a*) One member of the Victoria Promotion Committee resides outside the metropolitan area. Consideration is being given to the appointment of additional members from the country.

(*b*) The representatives of manufacturing industries on the Manufacturing Advisory Council are—

Mr. P. R. Demaine, President, Victorian Chamber of Manufactures.

Mr. A. C. Robbins, President, Metal Trades Industry Association (Victorian Branch).

Mr. O. J. Whelan, President, Victorian Employers Federation.

The organizations which these members of the committee represent are all State-wide bodies with an interest in promotion development in all parts of Victoria.

(*c*) I have not made such an announcement.

### BOARD OF WORKS TRADE WASTE AGREEMENT.

(Question No. 460)

**The Hon. A. W. KNIGHT** (Melbourne West Province) asked the Minister of Water Supply—

Is he aware of the setting up of a working party by the Victorian Chamber of Manufactures to deal with the new trade waste agreement of the Melbourne and Metropolitan Board of Works; if so, has any

submission been made to him by this body for reduction in the new charges and what is the basis of the submission and what action does he contemplate recommending to the board?

**The Hon. F. J. GRANTER** (Minister of Water Supply): The answer is—

(*a*) Yes.

(*b*) No submission has been received yet.

## McLEANS ROAD, BUNDOORA.

(Question No. 474)

**The Hon. D. R. WHITE** (Doutta Galla Province) asked the Minister for Local Government—

Will he ascertain and inform the House whether the Whittlesea Shire Council proposes to undertake the sealing of McLeans Road, Bundoora; if so, when, and why has this work been delayed, particularly as it is the only access road to a rapidly-expanding residential development?

**The Hon. A. J. HUNT** (Minister for Local Government): The answer is—

The matter has been discussed with the shire secretary of the Shire of Whittlesea, who advises that work on the sealing of McLeans Road, Bundoora, will commence during the current municipal year.

I will advise the honorable member further upon receipt of more detailed information from the shire.

# Legislative Assembly.

*Tuesday, April 26, 1977.*

The SPEAKER **(Sir Kenneth Wheeler)** took the chair at 2.36 p.m., and read the prayer.

## DEATH OF THE HONORABLE SIR JOHN GLADSTONE BLACK McDONALD.

**Mr. HAMER** (Premier and Treasurer) : I move—

That this House expresses its sincere sorrow at the death of the Honorable Sir John Gladstone Black McDonald and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as member for the electoral district of Goulburn Valley from 1936 to 1945 and for the electoral district of Shepparton from 1945 to 1955; Leader of the Opposition from 1945 to 1947, 1948 to 1950 and in 1952; Honorary Minister in 1943; Minister of Water Supply and Minister in Charge of Electrical Undertakings from 1943 to 1945; Commissioner of Crown Lands and Survey, Minister of Water Supply and Minister of Soldier Settlement from 1947 to 1948; Deputy Premier from 1947 to 1948; and Premier and Treasurer from 1950 to 1952.

There is no doubt that today we are recording our sorrow at the death of one of Victoria's great leaders. It is so long since Sir John McDonald was in this Parliament that not many members who are here can remember him, but he certainly left an enduring mark on the Parliament. From what I have read about him and from my contact with him since he retired from Parliament, I would say he was an extremely forceful and natural leader.

Indeed, that was reflected by the fact that, within a couple of years of being elected as the honorable member for Goulburn Valley, he became the Country Party Whip and held that position for five years, from 1938 to 1943. He quickly rose to become Leader of the then Country Party, in succession to Sir Albert Dunstan, in 1945 and held that position for ten years. As is obvious from the record of his service which I have recounted to the House, he held a succession of Ministerial portfolios and eventually became Premier and Treasurer in the last Country Party Government in this State.

Following his retirement from Parliament, Sir John continued as an active member of the community, as a director of the radio and television station in the Goulburn Valley, and also as a director of the Shepparton Preserving Company. He was a great leader of the community in many fields and was a highly respected person. I had the pleasure of being in his company on quite a number of occasions and I found him extremely stimulating and one who was

always thinking about the wider issues than those of his own life and the community in which he lived. He had a truly wide perspective, which is what made him a leader.

From all I have read about him and from what I have learned from people with whom I have spoken about him, Sir John was a fine local member, which of course we all aspire to be. He stood up for the principles in which he believed, particularly the welfare and progress of the country people of Victoria, from which he never deviated and for which he was justly famous.

I cannot speak of his personal qualities because I did not know him sufficiently intimately, but on behalf of members of the Government party I express our respect and admiration for his achievements as a great Victorian and our sadness that it is necessary to record his passing after a long illness and a long retirement following his service in this House.

Sir John died on 23rd April, at the age of 78, which is a fine, long life. He leaves a widow, two daughters and a son. To them and other members of his family I express the sympathy of members of the Government party and record, as his family would feel, pride in a man who served his country, his State, his electorate and his friends extremely well.

When such a person dies we do well to look back and realize that from time to time people rise from the community who are immediately worthy of respect and in whom other people recognize the qualities of leadership. Those people are listened to with respect and usually seem to get their own way. Sir John was such a man and, in paying this tribute to him, we record our admiration for his achievements and our sorrow at his passing.

**Mr. HOLDING** (Leader of the Opposition): I second the motion moved by the Premier. One has only to look at the record of Sir John McDonald to realize that he was a man of extraordinary capacity and talent. It is probably true that during the period in which he was in the Victorian Parliament the Parliament itself was much more politically volatile than it is now, and was at the same time the instrument of many outstanding personalities. Within that framework not only did Sir John McDonald give effective leadership to his own party and hold Ministerial position, but he also held the positions of Leader of the Opposition and, finally, Premier. All Parliamentary institutions and those who work within them well know that it takes a man of no small calibre to operate in the way in which Sir John McDonald clearly did.

Some of the older members of the Labor Party who were recalling Sir John's period of service this morning indicated that he was a man of outstanding leadership qualities, whose word could be relied upon, and who finally quitted this Parliament through ill health. After a period of ill health he continued to serve the community as best he could, which was very ably indeed.

All communities can, from time to time, take real pride in those outstanding individuals who emerge, espousing with capacity and diligence the cause they hold dear. Such men leave their mark on the affairs of men and the community. All honorable members will agree that Sir John McDonald was such a man, and members of the Opposition endorse the motion moved by the Premier and we express our condolences and sympathy to members of Sir John's family.

**Mr. ROSS-EDWARDS** (Leader of the National Party): I am privileged to have the opportunity of supporting the motion, moved by the Premier and seconded by the Leader of the Opposition, paying tribute to the late Sir John Gladstone Black McDonald. He was a great Leader of the Country Party, a great Victorian

and a great Australian. He had what is known today as a hard background and an interesting one. He came to Australia from Scotland at the age of thirteen, in 1912, with his widowed mother, two sisters and a brother. The family settled at Shepparton East. Sir John often told how, at the ages of thirteen and fourteen, he delivered milk because he and his brother had to keep the family.

Sir John went to the first world war whilst he was under age; he was then fifteen. He was wounded during the war. When he came back to Shepparton East, he became a fruit grower and a leader in the fruit growers' organization, and entered Parliament in 1936. He remained a member of Parliament until 1955 when, ironically, the seat of Shepparton was abolished in a redistribution. Most of the area was then represented by his friend and colleague, the Honorable G. C. Moss.

Sir John McDonald was a dynamic, energetic, sometimes stubborn, dedicated, and generous man. He was indeed a leader. Not only did he lead a minority Government in this Parliament but his party was the smallest of the three when he was Premier between 1950 and 1952. That was no mean feat in those turbulent days in Victorian politics.

Two things which were done during that period will serve as lasting memorials to Sir John McDonald. They were very different from each other. Sir John was a tremendous supporter of an increase in irrigation. He would talk water at the drop of a hat. He was determined to see the big Eildon dam built and, during his period of office all the plans were made. Only a few days before he lost office—I think things might have been hurried up a bit—the contract for the building of the Eildon dam was signed. That meant that the new Labor Party Government, which came into office in 1952, had the obligation of finding the money to complete that great project which has meant much to north and north-western Victoria. It will be a lasting memorial to him.

The other memorial to him is also important, but, as I said, very different. It was the bringing to Australia of Sir Cunningham Dax, to create the Mental Health Authority which has done so much for the mentally ill of this State. At that time, mental health care in Victoria left a lot to be desired and it was Sir John McDonald who took that initiative to improve the situation.

Shepparton and the Goulburn Valley, in particular, owe a lot to Sir John. It is not by accident that that area has consistently grown as fast as any other country area in Victoria. It should be remembered that the growth of the area was really based on water in the early stages and, as I have said, Sir John had a tremendous amount to do with making sure that adequate water was supplied to the drier parts of the State.

No present-day member of Parliament has a complete political background unless he has known and spoken to some of the leading political figures of Victoria during the 1940s and 1950s. Then, there was a completely different political atmosphere from what we know today. In those days, to survive, one had to be a good politician and to know one's politics. It was my privilege to have known Sir John well and to have been his friend.

Sir John lived his life to the full, as the Premier said, not only as a politician but as a local citizen and a leader in his community. In recent years I have not known any man who was so sick and who continued to survive. He suffered every conceivable illness. I believe it was sheer determination which kept him alive. Again and again I thought his time had come, but he seemed to rally his strength, although I do not know where he got it from. As I have said, he was a determined man, and on those occasions he managed

to overcome his physical illnesses and to carry on to achieve more and more.

To his family, Lady Mary McDonald, his daughters Heather and Mary, and his son John—who carries on the family orchard property—my party and I extend our deepest sympathy. We pay tribute to a very great Australian.

**Mr. THOMPSON** (Minister of Education) : As the only member on the Government side of the House who sat in this Parliament with Sir John McDonald, I wish to support the remarks of the previous speakers. I first met Sir John McDonald in 1941 when I was in the Goulburn Valley as a schoolboy fruit picker. My colleagues and I could not help but be greatly impressed at that time by the tremendous interest Sir John took in our welfare. I well remember his relating the story of his arrival from Scotland at the age of thirteen years.

I met him again some fifteen years later when he was a former Premier and the member for the Goulburn Valley district in this House. He had an outstanding Parliamentary career. He was Minister of Water Supply, Minister of Lands, Minister in charge of Electrical Undertakings, Deputy Premier for a year and then Premier of Victoria for two and a half years.

He had a deep and abiding interest in the welfare and development of the Shepparton district, fruit growing, and in the promotion of the canning industry. The successful development of that area during his years of representation and thereafter was in large measure due to his drive and initiative.

He was a man who was highly respected by members on both sides of the House because of his record. As a soldier he displayed great courage ; he was a most dedicated serviceman and was severely wounded, which was the only reason why he arrived back in Australia before the first world war ended. I believe he suffered for the rest of his life to some degree because of the injuries he suffered during the first world war.

Sir John McDonald was a formidable character. People listened to him. He was a great fighter for Victoria and displayed a tremendous interest in the development of irrigation. He was a man of great integrity and high principles. He was determined and courageous and he also had a high sense of public service. We extend to Lady McDonald and his children our deepest sympathy.

**Mr. DOUBE** (Albert Park) : As one of the three members in this Chamber who had personal experience of Sir John McDonald—the other two being the honorable member for Bennettswood and the honorable member for Dandenong, who was then the member for Mildura—I wish to add to what has been said by the Leaders of the three parties.

When I came into the House in 1950 Sir John was an experienced politician and an able Leader. The fact that he then led this State as Premier with only thirteen members behind him is an indication of his ability.

There are several things I should like to mention about him. One has been mentioned already, that he brought into existence the Mental Health Authority. Following the disclosures in the Kennedy report, which indicated that the mental hospitals of Victoria were in a bad state, the Mental Health Authority was established. It can be said that that authority has served this State very well.

Perhaps the most notable action taken by Sir John was to introduce a Bill abolishing the limited franchise of the Legislative Council. Previously, only a limited number of voters could vote for the members of that House. I remember the occasion particularly well because

the Australian Labor Party had been fighting for this principle for many years.

Sir John McDonald had a substantial interest in the welfare of mentally handicapped children. His Government made the first payment to day centres for mentally retarded children, a payment similar to that then paid to kindergartens. I recall approaching him with his then Minister of Health, Mr. Fulton, after a visit that we made to the Oakleigh Retarded Children's Day Centre and he quite willingly agreed to make the first subsidy available. I also met Sir John at the formation of the retarded children's centre in his area. I think it was then called the Goulburn Valley centre.

Sir John was a redoubtable man, an expert politician—the sort of politician that it was very difficult to get on top of. He served as Premier of this State with the backing of the Labor Party. His Government was in office for two years during which a great deal of work was done. It is a matter of regret that it did not continue longer, but I pay tribute to him. He and his partner, the late Mr. Keith Dodgshun, were a formidable Leader and Deputy Leader—perhaps in the old style, but they were certainly respected throughout the land.

I pay my tribute to Sir John McDonald's memory, and also offer my condolences to his widow and sorrowing relatives.

**Mr. McLAREN** (Bennettswood): I wish to add my personal regrets at the passing of a great Australian in Sir John McDonald. I first had the opportunity of meeting him when I entered this House almost a third of a century ago—it sounds a long time. At that time Sir John had taken over as Leader of the Country Party from another outstanding Australian and great politician in Sir Albert Dunstan. The two made a formidable pair in this House in a period which, as other members have said, was in many ways completely different from the House as members now know it. It was a time of great turbulence, when there were splits within parties and an opportunity for individuals to come to the top. Sir John did come to the top and he showed his outstanding ability.

I always found him to be a most courteous man who was prepared to assist anyone in the House. He was a strong Scottish character, dour in some respects, but a strong and vigorous debater. He was difficult to defeat because when he made a point he stuck to it. He was strong in terms of his country interests. He emphasized country development and assisted country people, particularly in regard to the development of water supply. This has been mentioned and is well known. He was a determined man who got what he considered to be the best for Victoria and for Australia.

I pay my personal tribute to Sir John who made a valuable contribution to this country and enjoyed the respect of all Victorians. I extend my condolences to his family.

**Mr. LIND** (Dandenong): I should like to add my condolences to the words that have already been spoken. I was a member of this House for a short time when Sir John McDonald was a famous politician. He controlled this State almost with a rod of iron. The honorable member for Bennettswood used the word "dour" to describe Sir John. I think of all the adjectives used today, dour was the one which best fitted his character.

My late uncle, Sir Albert Lind, who was his deputy for a long time, was a great personal friend of Sir John. I know there is still great friendship between the Lind and the McDonald families. When we were on the other side we always found that Sir John was a worthy opponent but a most fair man. His death, even at the ripe age of 78 years, must be a grevious loss to members of his family.

**The SPEAKER (Sir Kenneth Wheeler):** I join with other honorable members in expressing condolence and sympathy from this House. I did not have the pleasure of meeting Sir John McDonald, so I can speak only from the record that I read this morning. He served this State and this House for almost twenty years. He entered this House as a back-bench member, held many portfolios and finally became Premier of the State. Nothing could be better said about the man than that he served not only his party but also his State well.

He was knighted for his services to this State. Any person who reached the standard of respect that Sir John reached well deserved recognition from His Majesty, as the monarch was at that time. At receptions I have attended in this place Sir John's name has often been mentioned as a stern and strong Leader. Politics certainly are different today from what they were when Sir John entered Parliament. That was more or less a hard slogging era, but today politics are more demanding and more complex. Because Sir John reached the position that he did I can do nothing better than to express to his widow, Lady McDonald, and to his family, the sympathy of this House.

The motion was agreed to in silence, honorable members signifying their unanimous agreement by standing in their places.

## ADJOURNMENT.

**Mr. HAMER** (Premier and Treasurer) : I move—

That, as a further mark of respect to the memory of the late Honorable Sir John Gladstone Black McDonald, the House do now adjourn until four o'clock this day.

The motion was agreed to.

*The House adjourned at* 3.3 *p.m.*

The SPEAKER **(Sir Kenneth Wheeler)** took the chair at 4.4 p.m.

## ABSENCE OF MINISTER.

**The SPEAKER (Sir Kenneth Wheeler):** I have been advised that the Minister of Labour and Industry will not be present during question time.

## *QUESTIONS WITHOUT NOTICE.*

## MERRI CREEK FLOOD.

**Mr. WILKES** (Northcote) : Has the Treasurer had any request for financial assistance from victims of the Merri Creek flood at Easter? If so, to what extent does the Treasury intend to reimburse those who suffered personal hardship because of that flood?

**Mr. HAMER** (Premier and Treasurer) : I have not personally heard of any such application, but the victims of that flood would come within the category of persons to whom personal-hardship compensation would be applicable. If they suffered loss of personal possessions, furniture, carpets, clothing and the like, they would be eligible for relief and they should make application to their local council. Such applications are always sympathetically considered.

Mr. WILKES : They must go through their local council?

Mr. HAMER : Yes. So far as I know, no applications have been lodged yet, but some may be on the way.

## STATE BUDGET.

**Mr. ROSS-EDWARDS** (Leader of the National Party) : Is the Treasurer familiar with the technique of zero budgeting which was used by President Carter during his governorship of Georgia? Does the Treasurer have any plans to use this technique when forming Victoria's Budget for 1977-78?

**Mr. HAMER** (Premier and Treasurer) : We have been using a similar technique for quite a while, as Ministers who seek additional staff for

the expansion of their departments will be able to tell honorable members. It is required that Ministers and the Public Service simply do not apply for what they want, but justify each additional position not merely in its own slot but in relation to other jobs which may become obsolete and where other officers can be placed. I do not think anyone is under any illusion that they need to do that. Each new position must be fully justified and an indication must be given of where corresponding savings can be made. I do not know whether this is exactly what President Carter did as Governor of Georgia, but I am familiar with the technique of zero budgeting and I think, to a large extent, Victoria applied it.

## TOW TRUCKS.

**Mr. BILLING** (Springvale): Has the attention of the Assistant Minister of Health been drawn, by the ambulance services, to an unethical and confusing practice of a small number of tow-truck operators, operating under the sign of the Royal Automobile Club of Victoria, who paint their vehicles with the same type of paint and in the same fashion as ambulances? If not, will he take up the matter with his colleague, the Chief Secretary, to determine whether this confusing practice can be done away with?

**Mr. JONA** (Assistant Minister of Health): I understand that there was a letter to the editor of one of the newspapers this morning on this subject—I think it was the *Age*. I have not read the letter in the newspaper but it was mentioned to me this morning. There is I believe, a committee under the aegis of the Hospitals and Charities Commission which is concerned with the standards of civil ambulances in Victoria. It ensures not only that they are of an adequate standard and properly equipped, but also that they have some form of distinctive design so that, in emergencies, they will have some right of priority. It is a great pity if any other organization—a tow-truck organization or any other —should seek to create confusion by copying the distinctive design which ambulances have used for some time. It is not possible for the Hospitals and Charities Commission, or the Department of Health, to take action against tow-truck operators, but, as the honorable member suggests, this may well come within the province of the Chief Secretary, and I will discuss it with him.

## NATIONAL SEWERAGE PROGRAMME.

**Mr. HOLDING** (Leader of the Opposition): Is the Treasurer able to inform the House whether Victoria has been able to particularize the State's view of what it would need from the Commonwealth under the national sewerage programme, and the order of the flow of funds it would need from the Commonwealth so that it could maintain an effective sewerage programme and enable the construction industry to plan ahead on a firm basis? If so, can he inform the House of the amount which Victoria believes it needs from the Commonwealth, and can he further inform the House what is the present response of the Commonwealth Government to that request?

**Mr. HAMER** (Premier and Treasurer): I invite the Leader of the Opposition to put that question on notice so that I can provide an accurate answer. However, I should like to comment as well. When the sewerage programme was drawn up a year ago, it was drawn up on the basis of a programme prepared by the Melbourne and Metropolitan Board of Works and other urban sewerage authorities in the State setting out, first of all, what they thought they could spend and how quickly they could achieve total sewerage in the urban areas of Victoria. It was also based on the assumption that the funds available

from the Commonwealth Government for sewerage works would at least continue and could escalate in accordance with inflation, if not increase. That was a reasonable assumption to make, and on that basis it would have been possible to complete the sewerage of Melbourne, for instance, by 1982.

As the Leader of the Opposition will be aware, the actual funds available from the Commonwealth Government for sewerage were not only not increased but actually were decreased and cut almost in half from about $35 million last year to $17 million this year. On that basis it is impossible to maintain the original programme. I shall have to obtain figures from the Board of Works and other urban authorities, escalated for inflation, before I can give an accurate answer to the Leader of the Opposition. I shall do that and let him have the answer if he will put the question on notice.

## FENCING DESTROYED IN BUSH FIRES.

**Mr. WHITING** (Mildura): Further to the replacement of fences in burnt out areas of Victoria, can the Premier inform the House whether he will give consideration to accepting proposals on an estimate basis in view of the manpower difficulties of physically completing the building of fences before 14th June this year?

**Mr. HAMER** (Premier and Treasurer): I should like to give some consideration to that idea of the Deputy Leader of the National Party. It might be necessary to do something more than merely obtain an estimate—for instance, obtain a quotation or something of that sort, even if the physical work was not done. As the honorable member is aware, the reason for asking that application be made by a certain date is to enable the Government to deal with this matter during this financial year, if possible. Here again I would need to examine whether it would be possible to make a commitment on fences not yet constructed, but I will do so and give the honorable member an answer.

## SUSPENSION OF JOCKEY.

**Mr. REESE** (Heatherton): Has the Minister for Youth, Sport and Recreation or the Victoria Racing Club, or both, considered the report of the independent Queen's Counsel on the case of jockey Darby McCarthy and, if so, with what result?

**Mr. DIXON** (Minister for Youth, Sport and Recreation): The Victoria Racing Club has considered the report from Mr. J. D. Merralls, Q.C., and the result is that the suspension of Mr. Darby McCarthy has been lifted.

## UNEMPLOYMENT IN RURAL AREAS.

**Mr. WILTON** (Broadmeadows): In view of the unsatisfactory situation concerning unemployment in rural areas, will the Premier approach his colleague, the Minister of Water Supply, with a view to mounting a long-term programme of piping water from the River Murray for stock and domestic water supplies as a public works programme which could be extended over a period of time, thereby helping water conservation and providing employment in country areas?

**Mr. HAMER** (Premier and Treasurer): What the honorable member for Broadmeadows is talking about is a very massive programme, which I agree should ultimately be undertaken and which the Government has undertaken at Millewa, for instance, to pipe water supplies. It is a long range and massive programme. It should not be linked with any short-term effort to relieve immediate unemployment in country areas.

The schemes mentioned by the honorable member should certainly be examined and implemented as resources permit. The Government will take other measures to try to relieve unemployment in specific areas.

## SPEEDWAY RACING.

**Mr. HANN** (Rodney): I ask the Minister for Youth, Sport and Recreation, in view of the serious and tragic accident that occurred at the week-end on a speedway track at Wahgunyah, whether he recalls that I wrote to him more than twelve months ago asking him to meet a deputation from the Victorian Speedways Council with a view to establishing that organization as the parent consultative body to control speedway racing in Victoria and to be responsible for speedway tracks in Victoria, and with a view to the Department of Youth, Sport and Recreation setting safety standards for speedway tracks in Victoria.

Can the Minister advise why he has not been able to meet that deputation and whether he will do so immediately with a view to some action being taken by the Government to set safety standards and regulations for these tracks in Victoria?

**Mr. DIXON** (Minister for Youth, Sport and Recreation): The question of speedway safety is one——

Mr. AMOS: For the Department of Health?

Mr. DIXON: Yes, the Department of Health is involved. The question of road safety in general terms is one for the Road Safety and Traffic Authority in conjunction with the Police Department. No doubt the police have investigated the matter referred to by the honorable member.

In answer to the question whether it is a matter for the Department of Youth, Sport and Recreation, I believe the honorable member will be aware that the department makes grants for recreational purposes, either through the parent body or through the Municipal Association of Victoria. I would be prepared to consider matters raised along those lines at this stage.

I am surprised that the honorable member has apparently received no satisfactory reply on whether I would see a deputation from the body to which he referred. I would certainly see such a deputation, but the question of the actual safety of the speedway could probably be more appropriately handled by the departments to which I referred.

## STATE TAXING POWERS.

**Mr. EDMUNDS** (Ascot Vale): Can the Premier and Treasurer inform the House the stage reached in negotiations between the Commonwealth and State Governments, particularly the Victorian Government, on the proposed transfer by the Commonwealth Government of some taxing powers to the States?

**Mr. HAMER** (Premier and Treasurer): I believe I have dealt with this matter in a Ministerial statement which is to be debated later this day. I have nothing to add to it.

## RACING SUSPENSIONS AND DISQUALIFICATIONS.

**Mr. STEPHEN** (Ballarat South): Has the attention of the Minister for Youth, Sport and Recreation been drawn to a recent article in the press attributed to the Victorian Racehorse Owners Association advocating that suspensions and disqualifications be heard by an independent tribunal? Has any consideration been given by the Minister and the Government to the owners' proposal?

**Mr. DIXON** (Minister for Youth, that the existing procedure for Sport and Recreation): My attention has not been drawn to that proposal. It is Government policy appeals is adequate.

## MILPARINKA SPECIAL SCHOOL.

**Mr. DOUBE** (Albert Park): I ask the Minister of Special Education whether the Milparinka Special

School, which was established on temporary premises at the former site of the Good Shepherd Convent in Beaconsfield Parade, Albert Park, has been told that it must leave the site by the end of June. Further, is it not a fact that although the Minister promised in December of last year that when the school left the convent site it would be going to permanent premises, it is now destined to move into temporary accommodation at the Parkville site of the Milparinka Special School?

**Mr. SCANLAN** (Minister of Special Education): The answers are, "Yes", and "Yes", but I point out that if there has been any difficulty in obtaining permanent accommodation for the Milparinka Special School at Richmond located in South Melbourne it is because of certain differences of opinion between the Middle Park Primary School, the principal of the school and the South Melbourne City Council, and this has delayed the Government's ability to provide accommodation.

## TRANSPORT REGULATION (VALIDATION OF CAR POOLING) BILL.

**Mr. JONES** (Melbourne): I refer to the Transport Regulation (Validation of Car Pooling) Bill which I introduced in the spring session, a copy of which was sent today to the Premier and the Minister of Transport. In view of the urgent need to conserve fuel, as a matter of public policy will the Government either take over my private members' Bill or at least enable it to be debated, voted on and enacted before the end of this Parliamentary session?

**Mr. HAMER** (Premier and Treasurer): I think that question should be directed to the Leader of the House. I will consider the matter.

## ANALGESICS.

**Mr. ROPER** (Brunswick): I ask the Assistant Minister of Health for the Minister of Health whether the Victorian Government has put any views or position forward to the National Health and Medical Research Council concerning the sale of analgesics and if so, what recommendations did it make and is it the intention of the Minister and the Department of Health to support the recommendations that have been made by the National Health and Medical Research Council concerning the sale of analgesics?

**Mr. JONA** (Assistant Minister of Health): The subject of analgesics has been given consideration by the National Health and Medical Research Council for a long time and a recent report of the council referred to the attitude expressed in Victoria on analgesics. This matter is still being considered by the Department of Health and the Commission of Public Health. I ask the honorable member to put the question on notice and to specify the dates and times on the submissions to which he refers.

## NEWMARKET SALE-YARDS.

**Mr. GINIFER** (Keilor): Has the Minister of Agriculture received a departmental report relating to the transfer of the Newmarket sale-yards and does the report make any recommendations on the transfer or does it indicate that the decision on the transfer might be taken on political judgments? Is the Minister prepared to table the document so that the public may be aware of its contents?

**Mr. I. W. SMITH** (Minister of Agriculture): I answered that question last week and the answer is still the same.

## REFERENDA QUESTIONS.

**Mr. LACY** (Warrandyte): Is the Premier able to inform the House of the Victorian Government's attitude to the four referenda questions?

**Mr. HAMER** (Premier and Treasurer): The Victorian Government supports all our referenda proposals.

## DISADVANTAGED SCHOOLS.

**Mr. FORDHAM** (Footscray): Can the Minister of Education explain to the House the reasons for his extraordinary and unprecedented decision to intervene in the deliberations of the Supplementary Grants Committee when determining the disadvantaged schools to be listed for the coming financial year in Victoria by adding, after the committee had finished its work, a further criterion which dealt with capital works needs of certain schools, a decision which resulted in two schools in the Minister's electorate being added to the list?

**Mr. THOMPSON** (Minister of Education): Yes, I can answer the question. Some of the most disadvantaged schools in Victoria are so because of the most unfortunate or inadequate sites on which they are built. I did not name the schools concerned, but I suggested that the committee might consider using as a factor in measuring disadvantage the environment in which the school is forced to operate. As a result of that suggestion certain schools were named as disadvantaged on the basis of the unsatisfactory or sub-standard buildings and sites that they occupy. I did not name the schools.

## KOOYONG TENNIS COURTS.

**Mr. CAIN** (Bundoora): Is the Minister aware that the five synthetic courts built at Kooyong tennis courts on a grant from the Department of Youth, Sport and Recreation —they cost $35,000—were built over porous tennis courts which were perfectly good for playing?

**Mr. DIXON** (Minister for Youth, Sport and Recreation): The answer is, "Yes".

## NEWPORT POWER STATION.

**Mr. SIMPSON** (Niddrie): I ask the Minister for Fuel and Power whether as it seems likely that a new site will be chosen for what was known as the 500-megawatt power station, and as that would necessitate a renegotiation of an agreement——

**The SPEAKER (Sir Kenneth Wheeler):** Order! What the honorable member is asking is quite hypothetical. I should like him to rephrase the question.

Mr. SIMPSON: If a renegotiation is to take place with Esso-BHP, as a result of an alteration of the site for the 500-megawatt power station, can such a renegotiation of the agreement be done during the "freeze", period and thus prevent the possibility of Victorians losing millions of dollars?

**Mr. BALFOUR** (Minister for Fuel and Power): I am at a loss to understand the honorable member's question. Until the final report is available we will not know what is to happen. I agree with you, Mr. Speaker, that the question is a little hypothetical.

## POULTRY VIRUS.

**Mr. FOGARTY** (Sunshine): I direct a question of the Minister of Agriculture. Is it a fact that there has been another recent severe outbreak of infectious laryngeal tracheitis virus within the poultry industry in Victoria? If so, is it the second severe outbreak this year, and what action has the Government taken to ensure that this outbreak may be controlled by methods other than inoculation?

**Mr. I. W. SMITH** (Minister of Agriculture): I ask the honorable member to put the question on notice. I am not aware of the details to which he refers.

## LALOR HIGH SCHOOL.

**Mr. WILTON** (Broadmeadows): I ask the Minister of Education whether he has received a report from the departmental officer who visited the Lalor High School for the purposes of carrying out an investigation under the direction of the Minister. If so, is he prepared to make a copy of that report available to me?

**Mr. THOMPSON** (Minister of Education): No, I have not yet received a report, but I shall be pleased to make it available to the honorable member when I do so.

## COFFEE WHITENER.

**Mr. SKEGGS** (Ivanhoe): I direct a question to the Minister representing the Minister of Health. Has the Minister's attention been drawn to the fact that an artificial whitener, known as Coffeemate, manufactured by Carnation Co. Pty. Ltd. is prohibited from sale in Victorian supermarkets, and yet is readily available in other States? Will the Minister cause an inquiry to be made with a view to the lifting of that ban in Victoria?

**Mr. JONA** (Assistant Minister of Health): I shall be happy to have that matter investigated. I am not sure whether it comes within the ambit of the Department of Health or the Department of Agriculture. I suspect that it comes under the jurisdiction of the Minister of Agriculture, and perhaps if the question were redirected to him the honorable member might receive an answer.

## URBAN LAND COUNCILS.

**Mr. EDMUNDS** (Ascot Vale): Is the Minister of Housing aware of reports that the Commonwealth Government is to cease providing Commonwealth funds to urban land councils and, in particular, the Victorian Urban Land Council? If so, can he inform the House when these funds will cut out and how much money is yet to be provided to ensure that the Urban Land Council can continue to operate for the rest of the financial year?

**Mr. HAYES** (Minister of Housing): The Urban Land Council can continue for the rest of this financial year. I think the honorable member's question refers to the likelihood of funding in the following fiscal period. That matter has yet to be determined between both Governments. Certainly the Victorian Government would not expect the same level of funding next year as has been the case in the past.

## COFFEE WHITENER.

**Mr. SKEGGS** (Ivanhoe): I redirect to the Minister of Agriculture the question I asked previously. Has the Minister's attention been drawn to the fact that an artificial whitener which is used in coffee and known as Coffeemate and manufactured by the Carnation Co. Pty. Ltd., is prohibited from sale in Victorian supermarkets but is readily available in other States? If so, will the Minister review the situation with a view to lifting that ban in Victoria?

**Mr. I. W. SMITH** (Minister of Agriculture): I am aware of the situation. It is the Government's policy to ban imitation milk in Victoria. If the Carnation company or any other company likes to colour it any other colour than the colour of milk it can produce this product, but so long as it insists on imitating milk and so long as I have a say in the matter, it will never be able to do it in Victoria.

## GOVERNMENT PRINTING WORK.

**Mr. ROPER** (Brunswick): I wish to ask the Premier a supplementary question following his reply to a question asked by me on 8th March last in regard to printing work being carried out overseas on behalf of Government departments and instrumentalities. In his reply, the Premier stated that departments and instrumentalities had been circularized for the information and that an answer would be supplied to me as soon as the information was available. Can the Premier now indicate whether the survey has been concluded and, if not, when he expects it will be concluded?

**Mr. HAMER** (Premier and Treasurer): The answer to the first question is, "No". The answer to the second question is, "I will have to make some inquiries".

## LOSS OF DEVELOPMENT RIGHTS.

**Mr. JONES** (Melbourne): Can the Minister for Planning inform the House of the terms of reference given to Mr. J. A. Gobbo, Q.C., on the question of compensation for loss of development rights in the central business district?

**Mr. HAYES** (Minister for Planning): The terms of reference were publicized widely when Mr. Gobbo and his confrères were appointed in February, 1976, as I recall it. I will supply the information to the honorable member for Melbourne.

## BUSH FIRES.

**Mr. HANN** (Rodney): I direct my question to the Premier. In view of the serious bush fires in the Western District recently, will the Government give consideration to making vorax available freely to landholders to destroy or reduce high levels of grass around homes and farm buildings in the area? This would enable them to reduce the level of high grass risk which was the major cause in the burning down of many of the buildings.

**Mr. HAMER** (Premier and Treasurer): Surely the landowner has some obligations. I believe the majority of landholders already undertake burning off around their homes or adopt other appropriate methods with a view to reducing damage by bush fires. I do not think the Government should come to the aid of private landholders and provide them with materials with which to protect their own property.

## DISADVANTAGED SCHOOLS.

**Mr. FORDHAM** (Footscray): I wish to ask a supplementary question of the Minister of Education following my earlier question. Will the Minister lay on the table of the Library the file relating to the additional criteria given to the Supplementary Grants Committee and the reports of the building officers concerned?

**Mr. THOMPSON** (Minister of Education): I should be delighted to do so. The honorable member made representations from his area in Footscray about these two schools which happen to be in Malvern. I might add that they are both on the one site. If there are any other two schools in Victoria occupying a smaller site, I should be pleased to hear about it.

## RACING SUSPENSIONS AND DISQUALIFICATIONS.

**Mr. TREZISE** (Geelong North): Is the Minister for Youth, Sport and Recreation aware that, although the Victorian Racehorse Owners Association is at present satisfied with the way in which the Victoria Racing Club operates and the way the stewards operate, it is demanding that it should have an independent appeals tribunal? Will the Minister be prepared to receive a deputation or will he arrange for at least officers of his department or a committee of his party to discuss the matter with the Victorian Racehorse Owners Association?

**Mr. DIXON** (Minister for Youth, Sport and Recreation): I am prepared to receive a deputation.

## SHIP BUILDING REPAIRS.

**Mr. CAIN** (Bundoora): Is the Minister of Public Works aware that a number of ship repair firms and unions engaged in the industry are most anxious to establish a ship repair facility at Nos. 12 and 13 South Wharf? All that is required is a minimal expenditure by the Melbourne Harbor Trust to strengthen the wharf to enable ship repairs to be carried out.

**Mr. DUNSTAN** (Minister of Public Works): The answer to the first question is, "Yes". The answer to the second question is that the minimal expenditure required by the Melbourne Harbor Trust would be $1 million.

## PAPERS.

The following papers, pursuant to the directions of several Acts of Parliament, were laid on the table by the Clerk—

Legal Profession Practice Act 1958—Report of the Victoria Law Foundation for the year ended 30th September, 1976.

Mines Department—Report for the year 1975.

Third Party Insurance—Report of the Premiums Committee for the year 1975-76.

## MINISTERIAL STATEMENT.

### PREMIERS CONFERENCE.

The Ministerial statement relating to the Premiers Conference on 12th and 13th April, 1977, made by Mr. Hamer (Premier and Treasurer) on 20th April, was taken into consideration.

**Mr. HOLDING** (Leader of the Opposition) : The Ministerial statement by the Premier really relates to two matters. The first is concerned with the proceedings of the Premiers Conference, and at page 2 of the statement there are references to general issues such as the financial arrangements between the Commonwealth and the States, local government finance, road funds, education, housing finance and costs, and the national sewerage programmes.

In respect of all of those matters it is clear from the statements made by the Premier in answer to questions today that much of the happy enthusiasm which once prevailed at a national level in the Liberal Party about the new Fraser federalism had disappeared by the time of the Premiers Conference in 1977. It is also clear that what was contemplated by the Prime Minister was a cut-back in the flow of funds to the State, something which the Premier is reluctant to face up to. If the States are to increase their level of public financing of vital community projects, the Prime Minister will agree, but he demands that the States must provide the finance by increasing their own taxes and asserts that they will not receive a greater share of Commonwealth taxes.

The Premier has made it clear that this concept of shared income tax, whatever support there may have been for the principle in the past, attracts little support in its implementation. As a result of the Premiers Conference, that raises an interesting question. If there are to be no direct grants from the Commonwealth for major projects such as housing, roads, and sewerage, and Victoria is not to implement what is described by the Premier as stage 2 of the new Fraser federalism, where is the State to obtain its funds?

The second aspect of the Premier's statement is the one which all honorable members will want to discuss at greater length. It deals with what has become known as a prices-wages freeze. The concept was raised by the Victorian Premier at the Premiers Conference amid a great glare of publicity as some sort of economic panacea and answer to the problem which bedevilled the community. Australia has the highest inflation on record and the highest post-war unemployment, and a Commonwealth Government which has no coherent anti-inflation policy. It was prepared to adopt this concept as a substitute for a proper economic philosophy providing broad guidelines for State and Commonwealth Government actions and leading to an effective economic recovery.

I make it clear at the outset that the Labor movement in Victoria was fairly cryptic about the concept of a wages and prices freeze. The first reason is that under our system of industrial tribunals wages form one of the few factors or commodities which are already subject to effective control. It is an economic reality, but one which the Government never seemed to appreciate, that particularly since indexation was introduced, wage movements have followed price movements. The whole

thrust of indexation and the whole concept which the Australian Conciliation and Arbitration Commmission has acted upon is that it had to be proved that there was an upward movement in prices related to the consumer price index and that, once that was done, almost as a straight exercise in mathematics, there would be a corresponding increase in wages.

Mr. RAMSAY: In the minimum wage!

Mr. HOLDING: Is the honorable member a businessman? I do not want to become involved in an exercise in semantics. Any honest employer recognizes that under our system of industrial tribunals, wage levels and increases in the minimum wage follow price movements.

Mr. WEIDEMAN: Not this time.

Mr. HOLDING: If that is not the position, I should like to hear the honorable member explain later how the facts differ from what I have put. The Minister for Conservation says that this is a doctrinaire approach. The honorable gentleman should study how the Australian Conciliation and Arbitration Commission operates and what it uses as criteria. This is the height at which I put the argument: To the extent to which there is any control in the economic process there is a degree of control over wage movements by our industrial tribunals. Where there is virtually no effective control is in the area of prices.

In its programme at the last State election the Labor Party said that if it formed the Government it would, for a period of twelve months, freeze existing local government rates and charges by important Government instrumentalities, such as those for gas and electricity, as part of an economic strategy to help combat inflation. That view was rejected by members of the National Party and members of the Liberal Party, who said that there was no sense in that type of economic approach. It was only about eighteen months ago that the Labor Party put forward that programme in some detail. It promised to create a prices justification tribunal which would report to the community and create an ongoing mechanism to record and, to some extent, control price increases. That policy, including the proposal for that mechanism, was rejected out of hand by the Government, which said that it was not practical. Within eighteen months of the Opposition's having postulated that position, the Premier of Victoria, who twelve months ago had rejected the proposal, was saying that what was needed was a wages and prices freeze. I do not believe, and the Labor movement does not believe that a wages and prices freeze would be a real alternative to a programme of tax cuts, particularly cuts in indirect taxation, a selective public works programme to boost employment and a co-ordinated regional programme to provide more jobs.

All political parties and all members of Parliament are entitled to put forward their proposed economic strategies, but what should be said about the proposal right from the outset is that if it had any merits or strengths, the major ones were that at least it provided a basis on which those involved in Government at State and Federal level, employer groups, and trade union groups could come together to try to produce a consensus on an approach to the economic disasters that are now facing the community.

In the spirit that would provide some minimal benefit, the Labor Party indicated that it would support a conference of all the relevant parties, and to that extent the Opposition wholeheartedly supports the action of the Premier and the Victorian Government in associating themselves with the call for a national summit conference on measures to overcome Australia's problems. That ought to be made clear, and if it is

made clear, at least the Parliament of Victoria will be speaking with one voice.

The Premier is entitled to support that proposition, and the Opposition believes, as does the Premier, that only good can come from a gathering which has already received endorsement from the Australian Conciliation and Arbitration Commission, national employer and employee associations and the Premiers of three other States. I do not know whether such a conference will produce any outstanding decisions, but at least there has been a call for a national conference and it has received the support of all the groups I have mentioned.

At the same time as giving its support to the decision of the Premier on this matter, the Labor Party repudiates the suggestions of the Federal Minister for Business and Consumer Affairs, Mr. Howard, and the Minister for Primary Industry, Mr. Sinclair, that the Victorian Premier, in endorsing that call for a national conference, has, to use their somewhat abusive terms, "done another Newport" or "gone to water".

Statements of that kind made in the political context in which they were made are utterly against the economic interests of Australia and certainly unworthy of the high offices of the Ministers who made them. However, they can be seen as statements made by desperate men; men who came into public office on the basis that they were skilled managers; men who posed as being able to get the country on some sort of economic foundation.

Just as their economic philosophy has failed and is in tatters, their policy on federalism has failed and is in tatters—within eighteen months the Victorian Government was saying, "Don't ask us to implement stage 2; we do not know where the money is coming from"—and so one sees two Federal Ministers turning to rend the Premier of Victoria in a scathing attack.

They suggested that the Victorian Premier had sold out their perceived views on Australia's economic destiny simply by endorsing the views of the President of the Australian Conciliation and Arbitration Commission, the President of the Australian Council of Trade Unions and responsible employer groups in the community that a national conference ought to be called.

However, because the Fraser Government is hell-bent not on producing answers to existing economic ills but in a massive exercise of union-bashing, when the Premier of Victoria indicated that he would go along with this fairly mild proposition that a national conference ought to be called, it believed that that entitled the Premier to be abused in the terms used by the Federal Ministers to whom I referred because his statement did not suit their political strategy.

It is fairly rare in this House for members of the Opposition to support the Premier of Victoria, but we will stand by him in his call for a national conference and will support the view that has been put, as I said, by such widely diverse groups as the President of the Australian Council of Trade Unions and the President of the Australian Conciliation and Arbitration Commission. However, the Opposition rejects and condemns the statements made by the two Federal Ministers, Mr. Howard and Mr. Sinclair. I should like to know whether honorable members opposite are also prepared to condemn them.

Mr. MACKINNON: Do you support a wage-freezing principle?

Mr. HOLDING: I certainly do not support, nor have I ever supported a wage-freezing principle. Perhaps if some of the gentlemen who hold important positions in this community could be brought to a conference,

it could be pointed out to them that the one ingredient that is the subject of control is wages. There is no control of profits, of rents or of prices of major items, and those are the commodities which by virtue of the spiralling costs produce the situation whereby the average trade unionist, the average worker earning $150 a week, almost automatically goes through the exercise that because of the formula laid down, he goes to the arbitration commission, which says that because there has been a movement in indexation, for which he was not responsible, he is entitled to receive an increase. At this stage he is not even receiving the full entitlement.

It is perfectly clear that the proposals for a wages and prices freeze are dead and buried as a direct result of the public disillusionment that arose from the lack of forward planning of the Federal Government and of effective planning at a State level, and from Federal Ministers contradicting one another in their public statements. Above all, to the average citizen, the wages and prices freeze is clearly dead from the evidence of continually rising prices of items on the supermarket shelves.

It has been said that a week is a long time in politics. I ask the House to consider what has occurred in the course of one week following this statement about a wages and prices freeze. The Prime Minister said on 20th April that so far as he was concerned it was the broad view of the Government that there ought to be no exceptions to the freeze. That is fair enough, but how can that statement be reconciled with that of Mr. Ian Sinclair, a responsible Minister in the Fraser Government that—

> For perishables price restraint is just not possible.

In addition there are products which have a seasonal availability that determines the seasonally variable price. It would be difficult to apply a freeze to these products. That is the first exception to the Prime Minister's general policy.

In an article in the *Australian Financial Review* of 15th April it was stated—

> Mr. Jim Fleming, Managing Director of the food chain Jewel Food Stores Pty. Ltd. said yesterday the company had contacted about 100 suppliers asking them to reconsider imminent price rises. Mr. Fleming said almost every company had advised Jewel that they would not do so. These manufacturers included Cadbury, Schweppes, Lifesavers and Bushells.

Also, in the *Australian Financial Review* of 15th April it was stated that—

> Woolworths said it would not accept cost price increases except on perishables. However, the company added, there would have to be exceptions. These included tea, coffee and chocolate and products with price increases "already in the pipeline" and "indent items where costs are beyond our control."

An advertisement in the *Sun-News-Pictorial* of 20th April for Foodland Stores stated—

> We, the nominated independently owned food stores, licensed stores and supermarkets commit ourselves to a voluntary programme of price crusade and undertake to responsibly freeze prices of those products where such action is possible. Where control of costs is out of our hands as in the case of tea, coffee, cocoa or chocolate, together with fresh meat and produce, we will endeavour to . . . keep increases . . . to a minimum.

Mr. ROSS-EDWARDS: That is fair enough.

Mr. HOLDING: The Federal Government talks about a wages and prices freeze, but when it comes to a price freeze on products except the basic commodities that the average Victorian has to take into his home, it is the constant escalation of the price of meat, foodstuffs and rent which produces such difficult economic circumstances for the average family.

Mr. JASPER: The average farmer is not getting $150 a week.

Mr. HOLDING: There may be many farmers who do not earn $150 a week, but that is not the fault

of the average consumer or the average trade unionist, and the sooner members of the National Party realize that the average trade unionist earning $150 a week is the customer of the primary producer, the better. If the honorable member who interjected attends a meat or cattle auction he will see that it is not the average worker earning $150 a week who is buying cattle or putting in collusive bids; it is the collusive tenderers representing the companies that are purchasing.

The honorable member knows that is true, but his colleagues have never raised it in Parliament. For years they have gone along with the situation where many farmers are deprived of a just return for their labour; they do not receive a proper price for the commodities they produce. However, justice for farmers is not produced by reducing the wage level of the farmers' customers. If honorable members in the corner understand and realize that, they may understand that if the wage of a man earning $150 a week and trying to keep a wife and three children is increased by a tribunal to $155 a week, the additional $5 a week will be used on basic commodities before he even starts.

That is the economic reality, and the sooner honorable members in the corner realize that, the sooner they may try to provide justice to primary producers instead of misrepresenting the interests of the people whom they purport to represent in this place.

In *Hansard* of 21st April the Premier is recorded as saying—

> No wage or price freeze, whether voluntary or compulsory, has ever sought to control the price of commodities which are traded in market conditions on a daily and seasonal fluctuation basis. It is simply not possible.

The Executive Director of the Grocery Manufacturers Association, Mr. Bernard Holt, was reported in the *Australian Financial Review* of 22nd April as follows—

> There is no price freeze.

The point I am making is that when the average citizen, with his knowledge of what is occurring on the shelf of the supermarket, compares those statements, he knows a price freeze is not a reality. It is not occurring and it is not about to occur.

Mr. MACKINNON: You do not believe there is no price freeze!

Mr. HOLDING: Even the honorable member's own Premier has indicated his view of that. I repeat, for the benefit of the honorable member, that last week the Premier told this House—

> No wage or price freeze, whether voluntary or compulsory, has ever sought to control the price of commodities which are traded in market conditions on a daily and seasonal fluctuation basis. It is simply not possible.

What the Premier, the Executive Director of the Grocery Manufacturers Association and the Minister for Primary Industry have done in effect is to pull the rug out from under the dishonest Prime Minister and to expose, as one more cynical and heartless deceit, his statement about a price freeze to which there are no exceptions. The Prime Minister is the only person in Australia who is caught by his statement that there will be no exceptions to the price freeze. No one believes that statement. His Ministers, his political colleagues and the Premier of Victoria do not believe him. The people who are in a position to produce price freezes in the retailing and manufacturing areas not only do not believe the Prime Minister but have also made public statements indicating that this is just not on.

The argument about a wages freeze comes at a time when the average Victorian family man on average weekly earnings is now at least $7.80 a week worse off in purchasing power after two years of wage indexation. The effect of wage indexation has been a general lowering in the living standards of the average Victorian worker. The people

of this State have a right to some long overdue action against inflation and unemployment, but at the same time they have a right to expect such action to be taken on the basis of a genuine equality of sacrifice.

Mr. ROSS-EDWARDS: Wages, salaries and everything else have to be fixed.

Mr. HOLDING: The Leader of the National Party has been present in Parliament when judges, public servants and honorable members have had their salaries increased. At that stage the proportion of the increase bore absolutely no relationship to the living standards of someone earning $150 a week. Honorable members should be candid when referring to freezing wages. The impact of freezing wages on the social life of a Parliamentarian or a public servant who is earning $20,000 a year does not create the same economic burdens as it does on a man who is earning $150 a week. When members of the Government party talk about wage freezes, they refer to wage freezes on those sections of the community which more than any other group in the community are the victims of inflation and unemployment. That is the economic reality. If sacrifices are to be made, they should start at the top. When the Leader of the National Party talks about sacrifices he always visualizes them as beginning with the lower levels of the community.

Mr. ROSS-EDWARDS: That is not true, and the honorable member knows it.

Mr. HOLDING: That has not been borne out by the honorable member's position over many years. Members of the Opposition believe there should be genuine equality of sacrifice but it will certainly not be brought about by the so-called prices and wages freeze. It is to the credit of the Premier of Victoria that he recognizes that a national agreement on such measures depends on a national consultation in which all the groups concerned can play their parts. The Parliament of Victoria will speak for all the people of the State if it endorses the stand taken by the Premier in the face of destructive and unfair abuse from Federal Ministers of his own political persuasion. I shall be interested to hear whether the Leader of the National Party endorses the attitude of the Premier.

Members of the Opposition believe the House should make its contribution wholeheartedly to the unity of the Conciliation and Arbitration Commission, the Australian Council of Trade Unions, and other peak employee and employer groups and the Premiers of four of the six States against divisive tactics on the part of the Prime Minister and his dwindling band of opponents to the concept of a national conference. That is the only issue.

Honorable members can talk about prices and wages freezes, but what occurred in Australia last week means that Parliament is talking about this concept as a concept. We are talking about whether we as a Parliament believe there ought to be a national conference along the lines suggested by the Industrial Commission, the Premiers of Victoria, New South Wales, Tasmania, South Australia and most responsible employer groups; or whether we accept the narrow, cynical and destructive view of the Prime Minister and a few of his dead-beat Cabinet colleagues. That is the choice.

I suppose it can be said that a national conference will not necessarily produce an effective policy for combating inflation and unemployment. It is highly likely that that is so, but unless there is a national conference or some basis on which the parties can be drawn together so that an agreement can be produced, there will be no national consensus on the matter. Therefore, the choice for Parliament is clear. Prices are not frozen. They are moving up every day. That is obvious when one

goes into any supermarket. Wages are already frozen to some extent as a result of the industrial processes, but there is some evidence of that breaking down.

There has been a clear call for a national conference by responsible leaders, and that call has been soundly condemned by the Prime Minister and a number of his Federal Ministers—certainly not all but enough to indicate that the national leadership of the Liberal Party and of the National Party will use their not inconsiderable influence and power to reject the concept of a national conference. That is the only choice available in the options open to this Parliament. Honorable members must make up their minds whether they are prepared to support the stand taken by the Premier—I presume he speaks for the Government in his support for the concept of a national conference—or whether they are prepared to bow to the somewhat abusive and derisive statements which have emanated from the Prime Minister and a number of his Federal Ministers.

I make it clear that members of the Opposition support the Premier's stand on this matter. We will use our best endeavours to do what we can to bring about a national conference. At the same time we condemn, as the ultimate exercise in political cynicism, the approach taken by the Prime Minister and those of his Federal colleagues who have used their important positions to oppose the calling of a national conference. I do not know what a national conference will produce. At present, this country needs a total economic strategy. There is no way in which we will ever get that from the Fraser Government. The calling of a national conference may produce sufficient agreement so that an economic strategy can be worked out which will have the consensus of the major economic groups. At present there is no effective leadership from the Federal Government, and it should be soundly condemned by this Parliament for leading the people of Australia, particularly the people of Victoria. further into the economic mire. Perhaps the calling of a national conference will be the first step in the economic recovery of Australia and Victoria.

**Mr. ROSS-EDWARDS** (Leader of the National Party) : I welcome the Ministerial statement of the Premier because it provides honorable members with the opportunity of debating the economic problems facing Australia. As I pointed out during the Grievance Day debate last Thursday, these opportunities do not occur very often. Many important issues are not discussed by Parliament, and I welcome the opportunity for debate on this occasion.

The voluntary agreement to support the principle of freezing prices and wages is admirable. The man in the street applauds the move because he understands that inflation is not only eroding the financial structure of Australia but is also threatening the social structure of the nation. If inflation continues at anything like its present rate in this country, the democratic, free-enterprise system may well collapse. Unfortunately, some people would welcome the collapse of the democratic, free-enterprise system.

However, I find it somewhat surprising that the Premier should have made a Ministerial statement and followed it a day or so later by a major press statement advocating fresh initiatives of which no mention was made in the Ministerial statement which honorable members are debating today. I refer to his call for a national convention and for a reduction in sales tax amounting to approximately $100 million. I presume that was intended as a trade-off to the unions in return for the unions hopefully agreeing to wage restraints, because these two initiatives were not referred to in the Ministerial statement. I shall not take the matter further except to say

that the total economic management of the nation is first and foremost the responsibility of the Commonwealth Government.

I welcome the statement that the Premier wants to reduce taxation levels, but taxation levels can be reduced only by taking a careful look at Government expenditure. That includes total government expenditure, whether Commonwealth, State or local government. I asked the Premier a question about zero budgeting with this debate in mind. The matter I was probing was that in budgeting we should look at all government levels from the beginning, because there is always a tendency in all Government budgeting to look at last year's Budget and proceed from there. The time has come to examine the basis of some of the departments or sections of departments and to ask ourselves whether they are required any longer or whether their purpose has disappeared.

Mr. FORDHAM: Have you a suggestion?

Mr. ROSS-EDWARDS: Yes.

Mr. FORDHAM: To cut probate duty?

Mr. ROSS-EDWARDS: Yes, that would provide a lot of free-enterprise initiative to the nation.

Mr. WILKES: And less revenue, too.

Mr. ROSS-EDWARDS: No, it would eventually give more revenue. If this plan put forward by the six Premiers—and I emphasize six Premiers—and the Prime Minister is to work, the genuine goodwill and support of the President of the Australian Council of Trade Unions, Mr. Hawke, is needed. The Premiers of New South Wales, South Australia and Tasmania gave an undertaking that they would like to see it work and would try to make it work—and that included wage freezing, let there be no misunderstanding about that.

Mr. ROPER: There ought to be price freezing.

Mr. ROSS-EDWARDS: Of course there ought to be price freezing, but we heard the Leader of the Opposition say he would not have a bar of wage freezing. The Premiers of New South Wales, South Australia and Tasmania gave their goodwill and support, but unfortunately the same undertaking cannot be got from Mr. Hawke. The public want it to work on a voluntary basis. Sadly, it cannot work without the co-operation of the trade union movement. It must have their support. Therefore, legislation will be necessary at both Commonwealth and State levels to make it work.

This will not be good news for the Opposition—the most important factor is to control inflation and to reduce the real level in wages. That has to be done as a start. The trouble started in 1974. Wages went right through the roof, and this country is paying the price today for what happened then. The automatic quarterly wage increases are adding to the problem. The quarterly increases are putting up the prices of every item people buy in the shops. The real value of wages will have to be reduced. It has been reduced, as the Opposition acknowledges, in recent months, but to a small extent. As the Leader of the Opposition says, the measures will have to apply to all sections of the community. I have never had any quarrel with that.

Mr. AMOS: Are you going to knock back yours?

Mr. ROSS-EDWARDS: Of course I will knock it back if it applies to all sections of the community. I hope the honorable member for Morwell will have the courage to do the same.

**The SPEAKER (Sir Kenneth Wheeler):** Order! The honorable member for Morwell will cease interjecting.

Mr. ROSS-EDWARDS: One of the results of inflation in this country is that people have lost their capacity to buy. They have become so used to inflation that they will walk into a shop and pay any price for an article. They have lost price consciousness. Whatever the price is, the average person pays it.

Mr. WILKES: There are people in the community who cannot afford to do that.

Mr. ROSS-EDWARDS: I agree, but too many of them are buying items without shopping carefully and going without other items. The point I make is that all sections of the community have to bear the responsibility equally, but the Opposition maintains that the trade unionists should not have to be subject to a wage freeze at all. That is utter rubbish. They have to bear the responsibility as well as anybody else.

Mr. FORDHAM: Reduction in real income is what you want.

Mr. ROSS-EDWARDS: There has to be a reduction in real income in the beginning to give the ordinary worker a real increase. For him to be given a real increase in wages, inflation has to be stopped.

**The SPEAKER (Sir Kenneth Wheeler):** Order! the honorable member for Morwell and other honorable members will cease interjecting. I do not want to keep reminding them.

Mr. ROSS-EDWARDS: The person who suffers most from inflation is the trade unionist. Therefore, I hope he and the Opposition have the sense to realize that some sacrifice has to be made in the early stages to get an ultimate benefit. That is probably not understood.

Income tax powers are mentioned in the Premier's statement. It is in the interests of the States in the long term to accept these powers.

Mr. HOLDING: The Premier is not too keen about it at the moment.

Mr. ROSS-EDWARDS: He has not said in the statement that he would not accept those powers. Acceptance of these powers does not necessarily mean that taxes have to be increased. They can be decreased.

Mr. HOLDING: A State cannot be run on powers. It needs money.

Mr. ROSS-EDWARDS: If there is to be true federalism, the States must have the right—whether they use it or not is another matter—to impose taxation if they feel it is in the best interests of the States. It is not a popular political move. People run away from the responsibility, but they must have the right to do it. All State parties for years have complained about the fact that the right to tax was taken from them. This was done many years ago, at the time of the second world war. The States cannot have it both ways. If they want to increase their income, they have to accept the odium of imposing taxation.

In conclusion, I believe the time has come for a united effort to curb inflation. I regret to say that it is very doubtful, with the present attitude of the Opposition and the trade union movement, that there will be a voluntary freeze on incomes, and this is one important part of the package. It must be remembered that prices cannot be frozen without wages being frozen. One cannot come without the other. The Opposition does not like it, but regrettably it is true.

**Mr. THOMPSON** (Minister of Education): This is one of the most important matters this House has discussed in recent times. I do not intend to take a party political attitude as I believe inflation is a problem which merits the combined action of the people of Australia. That was the view taken by six State heads of Government and the Prime Minister at the recent

Premiers Conference. It was an unprecedented action for six Premiers —three representing Labor and three representing non-Labor Governments —to come together in unison and say, "It is a problem of the greatest magnitude. Let us combine together to tackle it in co-operation so we can achieve something positive, so we can cure Australia of its greatest internal malaise." Few people would argue that inflation is not the greatest internal problem Australia faces.

How serious is it? Over the past decade inflation has been at the level of 120 per cent. In the ten years prior to that decade just past, it was not 120 per cent but 20 per cent. In other words, the problem has become six times as great over the past decade as it was in the previous decade. That in itself indicates that drastic action must be taken. Whom does inflation affect mostly? It affects a wide variety of people. First of all, and perhaps most of all, it affects young potential home owners. The *Age* last week published an interesting article indicating that the cost of housing and land as a package deal has risen since 1972 from $14,000 to $36,000.

Since 1970 interest rates on State Savings Bank home ownership loans have grown from 7 per cent to 10 per cent. It has been necessary to increase the maximum loan from $7,500 to $19,500. The effect on the home owner who has just purchased a home has been that the instalments have increased from $12 to $42 a week. This means that there has been an increase in payment of 234 per cent over the space of six years, whereas the average weekly earnings have risen by 144 per cent during the same period. In other words, we are getting further and further behind in that very important area.

In the area of employment there has been a marked rise in unemployment since the inflationary spiral got under way four years ago. In February, 1974, the percentage of the labour force unemployed was 1·66 per cent. That percentage rose by up to 4·97 per cent in the space of one year. That was the period when inflation was most marked in Australia.



The average employer has been fighting to meet the wages bill. Many of them have had to borrow additional capital from outside merely to pay wages. At times during years when inflation has been higher than 12 per cent, they have certainly had to borrow to pay wages instead of financing schemes of expansion.

A high standard of living is dependent upon industrial expansion which at least, in part, necessitates secondary industries achieving expanding markets overseas.

How can they do this at present? In the past five years exports of motor vehicles in Australia have dropped from a total value of $130 million to $75 million. This was during a period when it was expected they would be expanding.

In a recent survey of the footwear industry, it was ascertained that in Manila the average wage of footwear workers is $10 a week. I am not suggesting that that figure should be emulated, but here it is $190 a week. Our textile and automotive industries for similar reasons are finding it increasingly difficult to compete in Asian and other overseas markets. Increased costs of production are also affecting the export of agricultural machinery. People on fixed incomes are obviously markedly affected by inflation. Those on superannuation pensions wince every time there is a rise in the cost of living because they know that that will mean less in real purchasing power in their weekly pensions. Further, they see the capital that they have put aside for the twilight of their lives rapidly diminishing in value.

During inflation, people tend to put more into savings banks than during periods of relative stability.

During stable times, people usually put 10 per cent of their wages aside in savings banks, whereas at the moment they are putting 17 or 18 per cent into savings banks. This also has a depressing effect on consumer industries.

One of the great dangers is that inflation is like an infectious disease in that it provides its own impetus for growth. When the currency depreciates in actual value, devaluation action is taken by the Government, which in turn increases the prices of imports. This has an adverse effect on the ability to control inflation which continues on its own galloping path. This is one of the greatest menaces of inflation.

The next question is: Can a voluntary wages and prices freeze in fact work? There have been various reports of what has happened in a number of countries around the world. The *Australian Financial Review* this week contains a survey of the major countries which have tried in some way to control inflation, some with a marked degree of success, such as West Germany, and some with no success, such as Italy. In 1971, President Nixon announced without any warning a voluntary wages and prices freeze.

Mr. EDMUNDS: And it failed.

Mr. THOMPSON: It did not actually fail. When it was introduced, inflation in the United States of America was running at 4·58 per cent and, within twelve months of the freeze being introduced, there was quite a spectacular drop in the inflation rate down to 2·87 per cent. With overseas oil prices increasing at the end of that period, inflation did rise again.

However, the Victorian Government has never contended, nor has the Premier, that a wages and prices freeze is the panacea. Such a freeze would provide a breathing space, a gap during which other action could be taken. If a wages and prices freeze had been introduced last year, instead of inflation in that period being 10·8 per cent it would have been about 7·5 per cent. That in itself would have been a tremendous contribution to the Australian economy. It is quite significant that the voluntary wages and prices freeze in the United States of America resulted in a drop in the inflation rate from 4·5 per cent to 2·8 per cent during the space of twelve months. If it had been a failure, as the honorable member for Ascot Vale suggests, surely President Carter would not once again be introducing a voluntary wages and prices freeze.

The *Herald* of 14th April on the leader page contained comments by Kenneth Joachim, who is the *Herald* writer on economics, in which reference was made to the action taken by President Nixon in 1971. The article states, *inter alia*—

> "The time has come", he told the American people, "for decisive action to break the vicious circle of spiralling prices and costs."
>
> A year later, when some of the dust had settled, economic observers were calling the "Nixonomics policy" a qualified success.
>
> The Nixon Administration pointed to inhibited growth in inflation and unemployment rates as its major achievements.
>
> Inflation, which had been increasing at 3·8 per cent a year in the quarter before the "freeze", had been slowed to about 2·5 per cent by the second quarter of 1972.
>
> In addition, productivity was reportedly rising, economic recovery had accelerated somewhat, and the gross national product had also increased by 8·9 per cent by the second quarter of 1972.

On the same page is an article by Robert Gilmore, who is another expert in economics. He refers to the New Zealand situation and his comment was—

> In New Zealand runaway inflation is receding. The country has only marginal unemployment and it remains superficially prosperous. The Muldoon Government can therefore claim that its wage and price freeze works.

These expert opinions and the fact that President Carter is again instituting a voluntary wages and prices

freeze similar to the one introduced by the Nixon Administration in 1971, are surely strong evidence to suggest that a voluntary wages and prices freeze can be successful in providing a breathing space, a halt to inflation.

The Government is well aware of the difficulties that may arise during the final weeks of a freeze to ensure that there is no explosion which might take the country back to its original position. The six State heads of Government in Australia and the Prime Minister made the statement that there would be another meeting to discuss the economic situation and to examine what additional measures would be necessary towards the end of the freeze period.

From the details I have given, it can be seen that inflation is the real economic enemy of Australia internally and that drastic action needs to be taken. I have indicated that a plan was submitted at the Premiers Conference which would provide for such action to be taken voluntarily. This will involve the co-operation of people throughout Australia as a whole regardless of whether they are employers or employees, are in local government, State government, or the Federal government. There was a united decision to take the sort of action that has proved successful in other parts of the Western World.

It would be a great pity if a plan such as this, which was conceived in good faith with positive and worth-while intentions, should founder through some party political arguments or some statements made or not made by Mr. Hawke. The situation is far too serious to be decided in the light of such statements or in the absence of such statements. The plan will not achieve all that one hopes, but, when considering the seriousness of the situation and the evidence available, it could provide an effective breathing space and have the effect of reducing inflation down to a single figure within twelve months, which would be an achievement in itself and would set Australia on the way to economic recovery.

The Victorian Government is prepared to play its part to the utmost to make that possible, and moved on the day following agreement, to freeze wages and prices. It also contacted employer and employee organizations. The Government is prepared to carry out its part of the bargain and implement a worthwhile plan, one which could prove to be historic, to move Australia along the road to economic recovery. This can be achieved only by maximum co-operation from all Australians. Only by this means will the plan succeed. I believe the man in the street and particularly the housewife, who is charged with the task of balancing the weekly budget, strongly support any reasonable plan with a chance of success. That is all that the Government asks—a chance to implement a plan which, in the light of overseas experience, the Government believes will have more than a reasonable chance of success.

**Mr. SIMMONDS** (Reservoir) : The Deputy Premier ought to apologize for the manner in which he has presented the position and described the plan. Honorable members are asked by the Premier and his deputy to believe that the statement which was the culmination of the Premiers Conference constitutes a plan to deal with the economic plight of the community. I shall analyse what the Government has put. By achieving a sort of pause, the people who put the Fraser Government into power would have us believe that this will improve the unemployment position, which is at a record level today. There is also a record level of inflation, which is being shared with the high level of unemployment.

What happened in 1976 with regard to prices, profits and wages? During 1976, wages rose by only 11 per cent and in the same period prices increased by 14 per cent and

profits by 33 per cent. Therefore, it is quite clear that, in 1976, there was a transfer of the sector of production which normally goes in the payment of wages to the payment of profits and dividends. There can be no argument about that. In this situation, there was an agreement for restraint by the trade union movement on the basis of indexing wages as against price movements, but price movements have continued.

These movements are measured by the consumer price index and wages are adjusted quarterly by the Australian Conciliation and Arbitration Commission on the basis of price movements which have already taken place. The clear understanding of the trade union movement and the workers was that the agreement would provide for automatic adjustment of wages in accordance with price movements, which, in itself, would provide some check on those people who are able to manipulate prices by decisions which are not subject to challenge or investigation, but simply by operating a price-fixing mechanism. They have continued to adjust prices upwards without any supervision and have continually forced upon the community the situation whereby, to maintain purchasing power, adjustments have had to be made to the wage structure.

The Federal Government chose to wreck the Medibank scheme and provide for the payment of a levy to cover health and hospital insurance. Following a 17·5 per cent depreciation in the value of the Australian dollar, the position was reflected in prices in the community as a result of Government action. Now the Government is saying that it needs an agreement to achieve a wages and prices freeze. The Government has proved that it is not concerned about prices—only about wages. It proved this by its intervention in the Australian Conciliation and Arbitration Commission on the day before the Premier made his statement in the House. That intervention did not relate to the voluntary wages and prices freeze. It was a request to the commission to impose a compulsory freeze not only on wage movements which were due for the January-March quarter, but also in respect of any industrial agreement or dispute which was in the course of settlement before the commission. What was being said by the Federal Government was that regardless of what was taking place in the industrial relations field and regardless of disabilities, no money adjustments should be made in an effort to settle disputes.

Mr. LIEBERMAN: Those are your words?

Mr. SIMMONDS: I refer to what was put to the Australian Conciliation and Arbitration Commission by Mr. Morling, who was representing the Fraser Government. He was told by the commission that it had the task of implementing Federal legislation through Federal awards. Mr. Morling said—

> I have mentioned, pending the, as we would hope, reaching of agreement, that further consideration of part heard cases and new applications be deferred while the necessary agreement is being sought.

Mr. Morling was asked for how long this deferment was being sought but he could not give a time. When he was asked whether he was asking for an indefinite freeze on the determination of all cases by the arbitration commission, he said that was the position of the Federal Government.

The question being asked by the arbitration commission was: Did it affect wage increases or was it only with respect to money increases? The difference is that a money increase is paid for a disability and this could be relevant to the final decision. If it was only a money increase, it could flow into other awards and there would be no compulsion to freeze as the conditions must flow

into Federal awards. When Mr. Morley was asked about this he replied—

> Increases which would flow into labour costs in one form or another.

He also stated—

> Changes in conditions which would flow into money costs—we would submit the deferment of decisions in matters relating to those issues would be consistent with the initiatives we have briefly outlined to the commission.

The Federal Government was using a statement attributed to the Premiers and the Prime Minister at a national conference which supposedly dealt with Commonwealth-State relations and which, as an afterthought, came up with the idea of imposing a voluntary freeze on wages.

Mr. Dalton, who was representing the State of Victoria, when asked what he thought of the Commonwealth view, said—

> If the commission pleases, the State of Victoria and its instrumentalities generally support and endorse the statements made on behalf of the Commonwealth.

The arbitration commission did not adopt that view and decided that it would disturb a whole range of industrial relations in this State. It decided to continue hearing part heard cases and to continue functioning under the Act. As a result of assuming independence and failing to respond to pressure exerted by the Fraser Government, the arbitration commission has maintained a degree of independence in the matter so far. How long it will resist these pressures is problematical.

I now invite honorable members to consider what has occurred as a result of the delay in the quarterly consumer price index case covering the period from October to December. The decision of the arbitration commission was to increase all adult wages by $5.70 from the first pay period after 31st March, 1977. However, although price increases from December, 1976, to March, 1977, have been considerable, they will not be considered until May—in fact, the "robbery" which took place in that three-month period was quite substantial.

The average adult male wage at 31st December, 1976, was $193.50, and the weekly loss based on 6 per cent for that three-month period ended 31st March, 1977, was $11.60. If the Australian Council of Trade Unions claim figure of 8 per cent is taken, the loss for this period has been $15.50 a week. That is the penalty which this freeze is going to impose on the work force. The average adult female earnings in December, 1976, amounted to $149.40 and following the 8 per cent claim by the unions —the claim was for the full 6 per cent to compensate for the consumer price index figure in the October to December period plus 2 per cent lost during previous quarters—the loss was $12 a week over that three months' period. With the male average weekly wage figure at $193.50, the loss for the three months' period to March 1977, was $15.50 a week. That is the loss which is being incurred by the work force in carrying out what is actually a wage freeze outside the indexation guidelines.

I now invite honorable members to consider the effect of these increases on the minimum wage. The national minimum wage of $100.70 was increased by $5.70 by the decision of the commission. The increase would have been $6 if the wage had been increased by 6 per cent and $8 if it had been increased by 8 per cent. A worker on the minimum wage now receives $106.40.

The average "going rate" for a toolmaker as determined by the Metal Trades Industry Association was $168.20 and that was increased by $5.70 following the decision of the arbitration commission. The increase would have been $10.10 if the increase awarded had been 6 per cent or $12.50 if the increase

awarded had been 8 per cent. Again there is a massive loss by the adult male work force—a loss of $10.10 by each adult male worker, which represents a total loss of $35 million a week or $1,838 billion a year. That is the figure which is being transferred from the wage earning sector to the private earning sector based on 8 per cent of March, 1977, average weekly earnings.

If honorable members who are interjecting are concerned about profits they should examine the profit figures of 25 companies. The results of these 25 companies have been taken from the financial pages of newspapers during the past month. Broken Hill Proprietary Company Ltd. had a net profit of $43·8 million for six months. Siddons Industries Ltd. had a profit of $1·158 million, which was up by $125,000. Waltons Ltd. had a profit of $5·238 million, which represented an increase of $1·883 million, and so it goes on. I could quote many companies; for instance, Imperial Chemical Industries of Australia Ltd., had a profit over the twelve months of $21·1 million, which was an increase of $5·9 million. Utah returned a profit of $181 million over twelve months, which was an increase of $80 million. That is where the transfer of resources is taking place.

Honorable members may be wondering why the Prime Minister could not back the call of the Premier for tax cuts. I quote from the *Sunday Press* of 24th April, 1977, part of an article written by Claude Forell, who is not recognized as a supporter of the Australian Labor Party. He wrote—

> Because Mr. Fraser, against the advice of most of his economic advisers, decided to give away $2,000 million worth of tax concessions to companies.

Those are companies to which I have been referring and which are making enormous profits because of the wage freeze which has taken place.

Now let us look at the other side of the picture—to what the Premier said about voluntary price control. I invite honorable members to consider the proposition that if the Premier could institute a national conference to achieve a price control situation in which prices were stabilized, then because of wage indexation there would be a nil growth in wages because wages reflect the price movements which have already taken place.

I have already stated that the October to December wage adjustment, which was paid at the end of March, reflected price increases which took place from October to December. In effect, the workers waited six months to obtain compensation for price movements which eroded the purchasing power of their wages and now they are being asked to agree to a wage freeze which will prevent their obtaining adjustment for the price movements in the January to March quarter.

Mr. JASPER: What about productivity?

Mr. SIMMONDS: The honorable member for Murray Valley will be interested to know that in the past twelve months productivity increased by 4·6 per cent. During the same time wages decreased by 4 per cent, whereas profits increased by 3 per cent. The whole picture is one of a transference of the income of wage earners to the income of the people who employ the wage earners.

If we are to look at the problem as it affects the manufacturing sector, we should examine the situation with respect to the capacity of the Premier and his colleagues in Canberra to make decisions. In the *Financial Review* of 22nd April, 1977, an article stated that the "Victorian Premier had 'Done another Newport'". If "doing another Newport" means that the Premier has awoken to the fact that he cannot impose a voluntary wage freeze and should be doing something about

prices, thus acknowledging that Newport should not have been built, the Opposition endorses the proposition, because if the Premier "did another Newport", he would do a service to the State. The Premier would be carrying out a great service to the State if he did something about prices in the every-day trading markets, because there is no greater area affected than that of food marketing. In the *Financial Review* of 22nd April, 1977, under the heading "Food Czars: 'There is no freeze'", there is an article by Valerie Lawson which stated—

> Many companies within the supplier-marketer-retailer chain are becoming restless and increasingly unwilling to hold the prices in expectation of a Government announcement on exemptions, if any.

Everybody is confused about what the proposition for a voluntary price freeze may mean. Does it mean that prices are frozen and that pressure will be exerted on those people who move prices, or is it to be that the freeze may be adjusted without recourse to any controls whatsoever? Let us examine what the Executive Director of the Grocery Manufacturers Association, Mr. Bernard Holt, has said. I quote the following report—

> "There is no price freeze". Mr. Bernard Holt said no explanation on the price freeze implementation had been received by the association despite its many phone calls and telegrams to the Minister for Business and Consumer Affairs and the Prime Minister's Department over the last week. He said it was "crazy" that retailers maintain they would not accept stock from manufacturers at new prices granted very recently by the Prices Justification Tribunal, especially when retailers themselves had failed to mark increases on stock before the announcement of the freeze. Mr. Holt said manufacturers wanted to co-operate, but in a sensible way.

No doubt the "sensible way" is that the retailer will continue to mark up the price rises which have occurred and which will affect all the retail outlets in the State. The classic example of a price increase is the Golden Circle can of pineapple juice which was 30 cents one day and 34 cents a couple of days later after the Premier had made his statement. A whole range of commodities have been covered with new price labels, and who knows but that next week they may have another new price label?

It is beyond question that there is no intention to discuss in a sensible or rational way the carrying out of a resolution which the Premier says is designed to deal with the effects of inflation and to help overcome unemployment.

Is the Premier prepared to enter this Chamber and state that he would support the holding of a national conference on prices? If he will not indicate that, I suggest that there is no way in which he will achieve co-operation from the work force in this State if he will not impose a freeze on prices which have been charged since early this year and which have been increased recently. Is the Premier to continue his present stance but at the same time ensure that interest rates, land prices and rents are pegged?

What does the Government propose to do about the areas that are the responsibility of the Minister? During the past week honorable members have heard the attitude of the Government on land control. What does the Government propose to do about the 17·5 per cent charge which was imposed by the State Electricity Commission because it desired to build a 1,000-megawatt station at Newport? The Newport Review Panel now says that the decision was wrong, that the station should not be built at Newport and should be only a 500-megawatt station. Its members are now running around the State looking for a suitable site for the power station. That is the position. By building a 500-megawatt station instead of a 1,000-megawatt station there would be a saving of between $120 million and $128 million.

**The SPEAKER (Sir Kenneth Wheeler):** Order! Can the honorable member relate the building of Newport power station to this Ministerial statement?

Mr. SIMMONDS: The Ministerial statement indicated that the Government was looking for a voluntary price freeze. Is the Government prepared to review the 17·5 per cent tariff increase in electricity charges and to make some restoration to purchasers of electricity in the interests of maintaining stability of price in that area? There is no guarantee that following a freeze in other areas, the State Government will not increase charges for electricity, gas and so on.

The Managing Director of Nestle Co. (Australia) Ltd., Mr. H. Marchant, admitted that his company had no idea of what action to take. Mr. Andrew Caro, of Reckitt and Colman, said that the freeze had been badly handled. He asked whether manufacturers should go to suppliers and then to those companies' suppliers requesting that price rises not be passed down the line. He was not impressed by retailers' freeze announcements, adding, "It's great for retailers to put their hands on their hearts and say they are going to carry the costs. It is a disastrous situation".

The retailers have indulged in a massive and expensive advertising campaign in the newspapers saying that they are all in favour of the price freeze. They have told manufacturers back along the line that they will peg the prices which they pay them. The manufacturers are caught. Goods imported from overseas are not subject to controls and must be assembled and placed on the market. The manufacturers must carry the extra costs. One does not have to be an Einstein to work out that that is not on.

It is clearly evident from the Premier's statement that this debate is not about the economy, price control or wage control; it is really about the failure of Liberal Governments in this State and in Canberra to honour their election undertakings to restore the economy, to defeat inflation and to do something about unemployment.

If an attempt is made to continue with the proposition of freezing wages and of allowing prices to continue to escalate, it is certain that the purchasing power and capacity of the wage earner to buy the goods and services being produced will be further restricted and any prospective recovery will be ultimately delayed. Great pressures will develop to restore the purchasing power of wages. There is no question that the people who represent the work force will be obliged to continue to work for the restoration of purchasing power, to maintain the ability of workers to pay the costs associated with living.

At the same time there will be a continuation of the pressures against the people who represent the workers in this way and of the claim that they are the criminals. This Government, and more particularly the Federal Government, blames people other than itself for its failure to solve the economic crisis. State and Federal Ministers describe the unemployed as dole bludgers and the employees as having too great a share of the national cake. If any advance is to be made towards a just society, it will be based on the proposition that those who produce the goods and services in the community should have an increasing share so that they may live a better life and so that their families may be properly educated and have adequate health care services.

The Premier's statement does not provide for the maintenance of the existing services in this State. The Government now has to provide the funds which were previously provided by direct grants from the Federal Government for sewerage, health and education works. The State Government is also required to

provide and maintain a level of services which is regarded in this society as desirable and necessary. Its failure to do this has been brought about by its subservience to those who support it. That is reflected in the Government's desire to transfer from the wage earner to the owners and profit-making forces a greater share of the production and consequently greater power. This whole question may resolve on the question of where the power resides.

It is no solution for this Government to pretend that it is talking about volunteers when it is seeking a degree of compulsion over wage earners and is providing little enforcement on the price setters and profit makers who exploit wage earners.

I understand the dilemma of the Premier who has behind him some of the most reactionary forces of any Parliament in the Commonwealth. Perhaps at the end of the conference in which some people are firmly trying to resolve the problem, someone may come up with a fair and reasonable proposition based on co-operation and consensus. That is what the industrial relations legislation is all about. However, that type of situation cannot be brought about with a big stick or with a philosophy enforced by industrial bullies. The Premier perhaps understands that better now than when he introduced the Vital Projects Bill. At least the honorable gentleman has learnt something.

However, his friends in Canberra, with whom he was pleased to be photographed and to support at the time of the Federal election, have deserted him to the extent that they are now saying, "If you want to look after the needs of Victoria, find in the best way you can the funds which were previously made available by the Federal Government". The Premier will have to find that money from the supporters of the Government who put it into power on the basis of maximizing profit. The honorable gentleman will not obtain it from his friends in the Federal sphere because the Fraser Government is determined to bring about a decline in the manufacturing sector of this State and to divert capital to mining and to exploiting the natural resources of the country in the interests of its masters, the multi-national enterprises which exploit those resources.

**Mr. LACY** (Warrandyte): The honorable member for Reservoir has seriously misled the House in the development of his argument on the growth of real wages in the past few years. His argument was that real wages have been reduced. The truth is the exact opposite. I instance a metal industry fitter classification with which the honorable member for Reservoir will be familiar. The latest national wage decision means that wages for this classification have been increased since 1974 by $57.90 a week, whereas over the same period if the consumer price index movement had been fully applied, which is what the unions are now claiming, the increase would have been only $44.90, allowing for the 1974 national wage increase.

It can therefore be seen that the total movement in wages since 1974 has been greater by $13 a week than it would have been if full indexation had been granted. Wage and salary earners have been enjoying a continuing advantage over indexation. The full bench of the Conciliation and Arbitration Commission could have brought down a no-increase decision at the recent hearing last month and wages would still have been way ahead.

It is evident from the Premier's statement that the Premiers and the Prime Minister agreed on three substantial matters—they agreed to five matters but three of them are more substantial. Firstly, they agreed that restraints on prices and wages were urgently needed if Australia was to overcome

its current economic problems; secondly, they agreed to commit themselves to making an approach to the Australian Council of Trade Unions and other employee organizations to seek a voluntary commitment to a 3-month pause in wage and price increases; and thirdly, they indicated that immediately following agreement on the proposals in principle by all parties, including the Australian Council of Trade Unions and the employer organizations, they would be party to an approach to the Conciliation and Arbitration Commission and the Prices Justification Tribunal for the implementation of the general pause. Those were the three main commitments in the document that was signed by all heads of Government. I shall confine my comments to those three points because they represent the first non-partisan national economic policy that this country has ever seen.

Since 13th April every relevant employer organization, including manufacturers and retailers, has responded positively to this national economic consensus. Indeed, of all the nineteen Parliamentary parties of the seven Parliaments of this nation, only one party and one party leader has not been prepared to endorse the prices-wages freeze. Mr. Burns, Leader of the Opposition in Queensland, when asked whether he would endorse the freeze, said that he would do so.

*The sitting was suspended at 6.15 p.m. until 8.3 p.m.*

Mr. LACY: Before the suspension of the sitting for dinner I was beginning to appeal to the wisdom, better judgment and commonsense of members of the Opposition to try to get them to reconsider their position in respect to the Premier's statement of the commitment he sought and the heads of Government sought through their agreement on the 13th April. I was challenged by the honorable member for Footscray at that point to indicate the attitude of the Leader of the Opposition in Queensland Mr. Burns. The point I was making was that of the nineteen Parliamentary parties in the seven Parliaments in Australia, only one has rejected outright the call for a wages-prices freeze and that is the party holding the Opposition benches in this House.

To substantiate the point I made concerning Mr. Burns, which was challenged by the honorable member for Footscray, I quote from the *Australian* of 20th April in an article entitled "Wednesday Conference" where Mr. Burns was being questioned. He was asked—

> Do you think the freeze can work?

Admittedly Mr. Burns is sceptical about that proposition, but after he expressed that scepticism he was asked—

> But you have endorsed it?

His answer to that was—

> Yes. I have said we will give it a go.

That is precisely all that is being asked of the Australian Council of Trade Unions and the Opposition in this House. The Deputy Leader of the Opposition may not have been present at the time I interjected on the speech of the Leader of the Opposition and asked him specifically, "Do you endorse the proposal?" His answer was, "No, I do not". That answer clearly puts the Leader of the Opposition and all members of the Opposition in the position of being the only Parliamentary party in Australia that rejects the proposal for a wages-prices freeze. Every other Parliamentary party has expressed the view that it ought to be tried. Indeed, Mr. Whitlam said, in similar words to Mr. Burns, that if the seven heads of Government can all agree on such a thing, it deserves a fair trial.

Mr. Speaker, that is the only thing that is being asked of the President of the Australian Council of Trade Unions. That is the only thing being asked of the whole Labor movement. The only thing being asked of members of the Opposition is that they

agree to the proposal in principle. They are being asked if they are prepared to work to see if the freeze can be successful; that they are prepared to add their support to and endorse the proposal. In the Federal sphere, the Whitlam faction has endorsed the freeze and the Hayden faction has rejected it, but in Victoria there has been a rare display of unity or was it acquiescence.

The Leader of the Opposition issued a statement on behalf of his colleagues and not one of his colleagues has dissented from that statement. The Leader of the Opposition was asked whether he supports the comments by Mr. Vella, the Secretary of the Trades Hall Council. The Leader of the Opposition said that the decision of the Trades Hall Council was understandable.

On page 6 of the *Herald* on Friday, 15th April, the Leader of the Opposition gave his thoughtful response to the proposal, because the honorable member had had two days in which to make up his mind about what the reaction of the Opposition was to be to the call by the seven heads of Government to a wages-prices freeze. The article in the *Herald* stated—

> Mr. Holding said yesterday the Opposition would co-operate in the plan to the extent of drawing attention to the "inevitable price increases" during the freeze.
>
> He said Labor was offering to set up teams of "price cheat" spotters to help police prices.

That was the response of the Opposition—the only response. Are members of the Opposition going to sit by and silently endorse their official position, as the Leader of the Opposition has outlined it in his statement? They are out on a limb because they are in fact representing the only group of people whose support is needed to have this proposal adopted by every major and significant organization and group of organizations in the Australian society.

There is a magnificent display of unity by the Opposition on this issue. The rest of the statement made by the Leader of the Opposition was negative. It was miserable. It was small minded and un-Australian. It was not in accordance with the proposal for a freeze which had been foreshadowed, and was in the terms which had been foreshadowed 24 hours earlier by Mr. Halfpenny and Mr. Carmichael. Is there any one member on the Opposition benches who is prepared to stand up and indicate that he endorses the freeze proposal? Is there any member of the Opposition who is like Mr. Whitlam and is prepared to give it a trial and like Mr. Burns the Leader of the Labor Party in Queensland who is prepared to give it a go?

I cannot believe that although half of the members of the Opposition are absent from the Chamber now, every one of them would refuse to endorse that simple proposal in principal. We do not expect them to be rash in their consideration of it. Indeed, no one would think any less of them if they changed their minds and now supported the proposal for a wages-prices freeze. If they came out and supported Mr. Wran in New South Wales, Mr. Dunstan in South Australia, Mr. Neilsen in Tasmania, Mr. Whitlam in Canberra and Mr. Jamieson in Western Australia and Mr. Burns in Queensland, no one would be concerned if they changed their mind. Indeed, their standing in the eyes of the electorate in Victoria would go up immeasurably. The point is that this freeze is urgently needed. Members of the Opposition should be prepared to support it because they are in a position to add some weight to the call for support of it. They should add their commitment to the freeze and support the approach to the arbitration commission and the Prices Justification Tribunal to help apply the freeze.

I appeal to them to reconsider their views because I am concerned that they might continue to endorse, by

their silence, their Leader's statement of their opposition to the freeze and I cannot believe that they share that opposition. Their co-operation is needed to the extent that it will encourage support by those with whom they have direct relationships, and by those from whom they have support in the community. The Premier deserves due credit for his initiative in this matter. What is demanded is something more than mere cheap political stunts at a local level that involve a few extra-curricula activities by local branches of the Labor Party with a view to the next State election. What is called for is a national non-partisan economic policy, the first such policy that this country has seen for many years.

Surely there are some members of the Opposition who are prepared to dissociate themselves from this cheap political gimmickry and to say that enough is enough and that they support the national economic consensus. More than that I call on them to say that they support the expressed views of the union membership, because the union membership indicated in a survey recently taken what their view of a wages-prices freeze was. The survey was referred to in the *Australian* on Monday, 18th April, 1977. The survey was conducted by George Patterson Pty. Ltd. and consisted of 1,000 in-home questionnaires in Sydney and Melbourne. The survey was conducted in late March and early April before the Premiers Conference. I quote the results—

> The poll found 76 per cent of unionists and 74 per cent of non-unionists supported a freeze because they believed it would peg prices and wages.
>
> Only 4·5 per cent of unionists and 3 per cent of non-unionists thought a freeze would not be a good idea.
>
> Seventy-eight per cent of unionists and 77 per cent of non-unionists said the freeze would not fuel inflation and affect their spending. Only 11 per cent of unionists thought they would spend less.
>
> The poll concluded from the interviews that unionists were not opposed to the idea of freeze on either economic or personal grounds.
>
> The poll found that 95·5 per cent of unionists and 98 per cent of non-unionists understood what a price-and-wage freeze meant.

I endorse and support the words of the Premier in his recent statement on radio station 3XY in a talk he gave on Sunday, 17th April. During that statement on the prices and wages freeze, in referring to unions, the Premier said—

> Before they reject this scheme let the union leaders consult their membership, let them consult their wives and families. Nobody really benefits from inflation. The whole economic life of the community is infected and weakened by it.

Clearly, that is the responsibility of members of the Opposition and of the trade union movement. The only indication we have is that union members generally support the proposition that the Premier managed to persuade the heads of Government to agree to on 13th April.

There is one certain way to keep inflation raging in double-digit figures for the next few years, one absolutely effective way to keep the jobs of innocent workers in jeopardy and to keep those who are unemployed out of the work force, one economically unchallengeable method of preventing the Australian economy from recovering from its parlous state—that is for those in a position of influence in Government and in the unions to do nothing about it. There is only one thing worse than doing nothing; that is to deliberately set about undermining the efforts of those who are trying to do something by putting forward the negative, miserable, half-hearted and knocking statements of the type we have heard from the Opposition. The pessimistic sort of statements which the Opposition and the unions have made in their responses to the Premier's initiative reflect the elements of the campaign which has been waged by the trades and labour councils in nearly every State and by the Opposition in Victoria.

It is first said that the freeze will not affect many of the items in the weekly domestic budget and therefore will not work. That is drawing

a general conclusion because of problems related to a small proportion of the total number of categories of goods and services provided. The fact is that the general conclusion is not supportable. It is suggested that it is not possible to overcome the difficulties which are obviously inherent in these proposals and which everybody recognizes. The attitude which is demanded of members of the Opposition by the spirit of the proposal is that they must recognize the problems and indicate a willingness to join in an attempt to overcome them.

The other main point made by the knockers of the freeze proposal is to assert that a freeze has not worked overseas and to conclude that it will therefore not work in Australia. I should like to add to the examples referred to by the Deputy Premier. Last year, in Denmark the labor unions and the employers voluntarily decided to persuade the Government to oversee a freeze proposal. That was done. The result was that inflation in Denmark came down from double figures to under 5 per cent within the year. Canada instituted a prices and incomes freeze policy in October, 1975. As a result, Canada's inflation rate was reduced from 10·8 per cent in 1975 to 5·9 per cent in 1976. Admittedly, it has since increased by 1·1 per cent to 7 per cent. But it is still 3·8 per cent lower than it was before the freeze was instituted. Even the honorable member for Brunswick was prepared to admit that the price freeze was partially successful in the United States of America.

Surely partial success is worth striving for in Australia's present economic circumstance. There is no certainty in economics. If partial success in the wages and prices field of the economy leads to partial success in reducing unemployment it is worth "giving it a go", as Mr. Burns said, and worth "giving it a try", as Mr. Whitlam said.

The Premier was not prepared to sit by—as the Opposition is—and do nothing about the crippling level of inflation and the crippling level of unemployment in this country. He was prepared to take the initiative and to pursue rational economic objectives without respect to partisan politics. In the face of the efforts of those who want to sabotage the prices-wages freeze by not endorsing it, the Premier is willing to try to find a way through the opposition of the unreasonable members of our society who are committed to its destruction. In his straightforward endeavours, which are supported by most members of unions, to do something about the situation and for his willingness to pursue that proposal, the honorable gentleman should have the support of all honorable members of this House.

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

That the debate be now adjourned.

The House divided on Mr. Rafferty's motion (Sir Kenneth Wheeler in the chair) —

| | | |
|---|---|---|
| Ayes | .. | 48 |
| Noes | .. | 26 |
| Majority for the motion | .. | 22 |

AYES.

| | |
|---|---|
| Mr. Austin | Mr. McKellar |
| Mr. Balfour | Mr. Mackinnon |
| Mr. Billing | Mr. McLaren |
| Mr. Birrell | Mr. Maclellan |
| Mr. Borthwick | Mrs. Patrick |
| Mr. Burgin | Mr. Plowman |
| Mr. Coleman | Mr. Rafferty |
| Mr. Collins | Mr. Ramsay |
| Mr. Cox | Mr. Reese |
| Mr. Crellin | Mr. Scanlan |
| Mr. Dixon | Mr. Skeggs |
| Mr. Ebery | Mr. Smith (*South Barwon*) |
| Mr. Evans (*Ballarat North*) | Mr. Smith (*Warrnambool*) |
| Mr. Francis | Mr. Stephen |
| Mr. Guy | Mr. Suggett |
| Mr. Hamer | Mr. Templeton |
| Mr. Hayes | Mr. Thompson |
| Mr. Hudson | Mr. Vale |
| Mr. Jennings | Mr. Weideman |
| Mr. Jona | Mr. Williams |
| Mr. Kennett | Mr. Wood |
| Mr. Lacy | *Tellers*: |
| Mr. Loxton | Mr. McArthur |
| Mr. McCabe | Mr. Richardson |
| Mr. McClure | |

NOES.

| | |
|---|---|
| Mr. Amos | Mr. McInnes |
| Mr. Cain | Mr. Mutton |
| Mr. Cathie | Mr. Roper |
| Mr. Doube | Mr. Simmonds |
| Mr. Edmunds | Mr. Simpson |
| Mr. Evans | Mr. Stirling |
| (*Gippsland East*) | Mr. Trewin |
| Mr. Fogarty | Mr. Trezise |
| Mr. Ginifer | Mr. Whiting |
| Mr. Hann | Mr. Wilkes |
| Mr. Holding | Mr. Wilton |
| Mr. Jasper | *Tellers*: |
| Mr. Jones | Mr. Crabb |
| Mr. Lind | Mr. Culpin |

PAIRS.

| | |
|---|---|
| Mr. Dunstan | Mr. Kirkwood |
| Mr. Leiberman | Mr. Ross-Edwards |

**Mr. THOMPSON** (Minister of Education): I move—

That the debate be adjourned until tomorrow.

**Mr. WILKES** (Northcote): On the question of time, I echo the words of the Leader of the House by saying that this is one of the most important debates in this session of Parliament. If we accept his words and those of the Premier, the Opposition is entitled to know when the debate will be resumed. It is expected to deal with Commonwealth-State financial relations in addition to the freeze proposals of the Prime Minister and the Premiers. The Opposition is entitled to have something more definite than "tomorrow". Members of the Opposition want to know whether the Government intends to regulate the business of the House to provide an opportunity for the debate to be continued so that honorable members can decide whether the substance of what the Premier has put is acceptable or not. The Leader of the House should give some indication of when the debate will be resumed, as he must realize the importance of that to the Opposition.

**Mr. THOMPSON** (Minister of Education): Because of the completely irresponsible strike action with which we are now saddled, it has been necessary to cut short the debate on this motion tonight. I think honorable members will appreciate that. It would, however, be the intention, provided that adequate progress is made, that next week Government business will give a further opportunity for honorable members to enter the debate. I shall be happy to have discussions with the Deputy Leader of the Opposition and the two parties to achieve this aim, if possible.

The motion was agreed to, and the debate was adjourned until next day.

## FUEL EMERGENCY BILL.

**The SPEAKER (Sir Kenneth Wheeler)** announced the presentation of a message from His Excellency the Governor in accordance with the requirements of section 63 of the Constitution Act 1975 recommending that an appropriation be made from the Consolidated Fund for the purposes of a Bill to make provision with respect to the production, supply, distribution, sale, use and consumption of fuel during a state of emergency, to amend the Essential Services Act 1958, and for other purposes.

**Mr. HAMER** (Premier and Treasurer): I declare this Bill to be an urgent Bill, and I move—

That the Bill be considered an urgent Bill.

Approval of the motion being put was indicated by the required number of members rising in their places, as specified in Standing Order No. 105 (*a*).

**Mr. HOLDING** (Leader of the Opposition): Mr. Speaker, may I address you?

**The SPEAKER (Sir Kenneth Wheeler):** Order! Under Standing Order No. 105, there can be no debate on the question that has just been put. I should be surprised if honorable members can hear me because I am trying to make myself heard above the noise. I am trying to rule on a very important procedural matter. It is not becoming for honorable members to be chatting around the Chamber.

**Mr. WILTON** (Broadmeadows): On a point of order, I wish to register the strongest objection to the Government's obtaining a message from His Excellency the Governor as a device to bring before the House a matter which it claims to be urgent.

The SPEAKER: Order! There is no point of order.

Mr. WILTON: You have not heard me. How do you know there is no point of order?

The SPEAKER: Firstly, there can be no debate on the motion; and, secondly, Standing Order No. 105 (*a*) states—

> On the reading of a Message from the Governor recommending an appropriation in connexion with any Bill . . . a Minister may declare that the Bill is an urgent Bill.

Therefore there is no point of order.

The House divided on the motion (Sir Kenneth Wheeler in the chair)—

| | | |
|---|---|---|
| Ayes | .. | 57 |
| Noes | .. | 20 |
| Majority for the motion | .. | 37 |

AYES.

| | |
|---|---|
| Mr. Austin | Mr. McCabe |
| Mr. Balfour | Mr. McClure |
| Mr. Billing | Mr. McInnes |
| Mr. Birrell | Mr. McKellar |
| Mr. Borthwick | Mr. Mackinnon |
| Mr. Burgin | Mr. McLaren |
| Mr. Coleman | Mr. Maclellan |
| Mr. Collins | Mrs. Patrick |
| Mr. Cox | Mr. Plowman |
| Mr. Crellin | Mr. Rafferty |
| Mr. Dixon | Mr. Ramsay |
| Mr. Dunstan | Mr. Reese |
| Mr. Ebery | Mr. Scanlan |
| Mr. Evans (*Ballarat North*) | Mr. Skeggs |
| Mr. Evans (*Gippsland East*) | Mr. Smith (*South Barwon*) |
| Mr. Francis | Mr. Smith (*Warrnambool*) |
| Mr. Gude | Mr. Stephen |
| Mr. Guy | Mr. Suggett |
| Mr. Hamer | Mr. Templeton |
| Mr. Hann | Mr. Thompson |
| Mr. Hayes | Mr. Trewin |
| Mr. Hudson | Mr. Vale |
| Mr. Jasper | Mr. Weideman |
| Mr. Jennings | Mr. Whiting |
| Mr. Jona | Mr. Williams |
| Mr. Kennett | Mr. Wood |
| Mr. Lacy | *Tellers:* |
| Mr. Lieberman | Mr. McArthur |
| Mr. Loxton | Mr. Richardson |

NOES.

| | |
|---|---|
| Mr. Amos | Mr. Roper |
| Mr. Cain | Mr. Simmonds |
| Mr. Cathie | Mr. Simpson |
| Mr. Doube | Mr. Stirling |
| Mr. Edmunds | Mr. Trezise |
| Mr. Fogarty | Mr. Wilkes |
| Mr. Ginifer | Mr. Wilton |
| Mr. Holding | |
| Mr. Jones | *Tellers:* |
| Mr. Lind | Mr. Crabb |
| Mr. Mutton | Mr. Culpin |

PAIR.

| | |
|---|---|
| Mr. Ross-Edwards | Mr. Kirkwood |

**Mr. HAMER** (Premier and Treasurer): I move—

> That the time allotted in connection with the Bill be as follows—
>
> (*a*) for all stages of the Bill up to and including the second reading until 10.45 p.m. this day;
>
> (*b*) for the remaining stages of the Bill until 11.15 p.m. this day.

**The SPEAKER (Sir Kenneth Wheeler):** Who seconds the motion?

**Mr. THOMPSON** (Minister of Education): I second the motion.

**Mr. HOLDING** (Leader of the Opposition): On the question of time, I refer the Premier to conversations I had with him privately on this matter. As one who has spent not an inconsiderable period of his lifetime in industrial tribunals, I know that Parliaments are not effective industrial tribunals, and Parliaments governed in the atmosphere that already exists in this House are even less effective. At the time when this matter is being introduced in this way, parties under our industrial system have a responsibility.

Mr. DUNSTAN: Industrial anarchy.

Mr. HOLDING: I should like that interjection from the Minister to appear on the record. At a time when those in the community who are entrusted on behalf of the trade union movement and of the oil industry——

*Honorable members interjecting.*

**The SPEAKER (Sir Kenneth Wheeler):** Order! During this debate honorable members are allowed only

10 minutes each to put their case and they should be afforded protection, which I shall endeavour to provide. In addition, they ought to be heard in silence.

Mr. HOLDING: At a time when those entrusted by the industrial procedures of this nation, which have been established by the Parliaments of this nation, are locked in negotiation in the hope of finding a solution——

*Honorable members interjecting.*

Mr. HOLDING: When the honorable member who is interjecting can run a petrol refinery himself, perhaps we may try to resolve these problems in the heady atmosphere of this type of debate, but until he attains that qualification he had better learn that in the final analysis it is the people who are technically qualified to run those refineries who can turn them off.

At present, there is a little more than a week's supply of fuel in the refineries. What we have to do if we are being sensible and prudent is to ensure that we do not take any irresponsible action in this heady, union-bashing atmosphere.

**The SPEAKER (Sir Kenneth Wheeler):** Order! How many times must I appeal to honorable members to cease interjecting! If I go to the extreme of naming honorable members, I am sure they will be embarrassed. Interjecting continually does nothing for the individual or for this institution. I ask honorable members to adhere to the rules of debate in this place.

Mr. HOLDING: I am making a plea to the Premier and to the House that until the industrial processes of the community, and they are legal processes, have been fully exhausted precipitate action at a time when the parties are involved in negotiations will destroy the possibility of the strike being negotiated and settled. I do not believe that is the Premier's intention and I do not believe it is honorable members' intention that the situation should not be resolved. In the final analysis, the process by which resolution can take place is still being undergone. At present the State is suffering from a strike which has produced a fuel shortage and which is causing considerable inconvenience in the community.

**Mr. BIRRELL** (Geelong West): On a point of order, Mr. Speaker, this is a reply to the Premier's speech.

**The SPEAKER (Sir Kenneth Wheeler):** Order! I do not uphold the point of order. The Leader of the Opposition is endeavouring to prove the point that the time available is not sufficient.

**Mr. HOLDING** (Leader of the Opposition): Precisely. I am pointing out that not only is this the wrong time but it is probably the most imprudent time possible, because if honorable members knew anything about industrial disputes, they would know that it is a function of Government——

The SPEAKER: Order! I cannot allow the debate to develop into a general debate on industrial issues. The Leader of the Opposition is well aware of that. It is a matter of time, and that is the argument.

Mr. HOLDING: I want to make a simple point. Of course, Parliament is paramount but a fine line has always been recognized in this Parliament, on many occasions to the disadvantage of the Opposition, that Parliament will not involve itself in debate when the subject-matter is *sub judice*. I am not invoking the rule of *sub judice* in the traditional way. In this situation the industrial process has by no means exhausted the techniques available to it and this Bill certainly will not assist what is already a difficult and complex industrial situation.

Firstly, I believe this is absolutely the wrong time for the Bill to be introduced into this place. Secondly, we are dealing with a complex piece

of legislation and we are giving ourselves less than two and three-quarter hours in which to deal with it. The Government is placing itself in a situation in which this action will mean that the proposed legislation—it is not simple legislation—cannot be adequately and properly considered and its details thrashed out. More importantly, introducing this amending legislation at this time in this way will seriously interfere with the due processes of the law and with the role of those tribunals which under our system honorable members might think are slow and incompetent and even that they do not work.

*Honorable members interjecting.*

Mr. HOLDING: It is perfectly clear from the reactions of Ministers that they do not want to compromise the dispute but to get into a situation of industrial confrontation as quickly as possible. Sufficient time has not been given to the programme that has been outlined by the Premier. I believe in his interests the Government should simply conclude this debate tonight at the second-reading stage.

**The SPEAKER (Sir Kenneth Wheeler):** Order! The honorable member's time has expired.

**Mr. WILKES** (Northcote): The Government's record in this Parliament on what it terms urgent Bills is a shabby one. On other occasions, the Government has determined that proposed legislation shall be regarded as urgent without Parliament having even seen the Bill. The Government is attempting to direct Parliament's attention to a Bill which it has never seen. Parliament can be excused for not knowing what the Bill is about or what it contains, because the Government has not even shown the Parliament the courtesy of circulating the Bill and saying that this is what it wants declared as urgent and this is what it wants debated in two and a half hours. It is absolutely outrageous for the Government to suggest that two and a half hours is sufficient time to debate a Bill that nobody has seen. Members of the Opposition do not know what the amending measure contains. If we listen to the rabble on the back bench—these great revolutionaries on the Government back benches—who want to see industrial chaos, because that is what it is all about——

The SPEAKER: Order! Surely honorable members can contain themselves. If they wish to make a contribution to the debate they can rise in their places and receive the call. If they do not wish to do that, I ask them to cease interjecting.

Mr. WILKES: If the intention of the Government to debate this measure in the Chamber tonight is not an inflammatory attempt to upset the discussions already going on before the arbitration commissioner, which are designed to resolve a dispute, would it not be proper to allow the dispute to be settled or the discussions to be concluded tonight before the Bill is debated, whatever it is about? I do not know what it is about.

**The SPEAKER (Sir Kenneth Wheeler):** Order! The honorable member for Gisborne will cease interjecting.

Mr. WILKES: If the Bill is desired to amend the essential services legislation——

The SPEAKER: Order! Decisions and directions that are given in this place appear to be taken as a joke. I order honorable members to cease interjecting. If they are named, they must put up with the consequences.

**Mr. GUY** (Gisborne): I raise a point of order, on your ruling, Mr. Speaker. While I accept that——

The SPEAKER: Order! At that stage the direction was given to all honorable members.

**Mr. WILKES** (Northcote): Only the members of the Government party have been privy to the contents of the proposed legislation. I doubt whether the back-bench members of the National Party have seen it. The Premier should have thought about it before he started his proceedings. It is true, and I can say confidently that no one understands what the measure is about because they have not seen it. Therefore, honorable members are debating by proxy at present the question of what the legislation may contain and whether more time should be allowed for the debate. The Bill is intended to amend the essential services legislation. I do not have to remind you, Mr. Speaker, of the sordid history of that legislation. It was first introduced into this House more than twenty years ago. Honorable members are familiar with the attempts and threats that were made to proclaim the legislation and the effect that had on industrial relations in this State under this miserable Government.

I suggest to the Premier that he allows the concluding stages of the proposed legislation to be debated tomorrow after the discussions that are now taking place before the arbitration commissioner to ascertain whether a satisfactory solution can be reached. If a solution can be reached, where would it leave this Government if it pushed the Bill through tonight, intending to impose sanctions on workers in this State? I can only assume that it is intended to impose sanctions similar to those that apply under the Essential Services Act that has not been proclaimed for the very reason that we are asking you, Sir, and this stupid Government to allow the latter stages of the Bill to be dealt with tomorrow. It is unbelievable that a Government could be as stupid and inept as this Government has been in solving industrial problems in this State.

The Premier has made two attempts to solve the dispute which have been aborted by the stupidity of the people representing the Premier. Rather than compounding that situation, the Premier should have learnt from it and allowed the proper processes of industrial law to proceed. The Government should not force the legislation through and pay no regard to the discussions that are proceeding. In the interests of proper industrial relations, if for no other reason, the appropriate time to debate the Committee stage of the measure would be tomorrow. Parliament will not necessarily solve any industrial dispute tonight.

Mr. ROPER: It will make it worse.

Mr. WILKES: As the honorable member for Brunswick says, it will make it worse and inflame the dispute. Why should the Government do that? Does the Government not understand the situation? I can understand back-bench members of the Government taking this attitude because they have had no experience in debating industrial matters in this Parliament. Surely the reactionaries on the Government back-bench would be prepared to learn by the Government's own mistakes in its previous record in industrial matters in this State. I should be delighted to hear whether the Minister of Labour and Industry believes this measure should be proceeded with in indecent haste, as the Premier proposes. Members of the Labor Party oppose that principle in the interests of proper industrial relations in Victoria and will vote accordingly.

**Mr. EDMUNDS** (Ascot Vale): The House is debating whether an element of Government legislation ought to be rammed through the Parliament by 11.15 p.m. Anybody who understands the process of lawmaking within the Parliament of Victoria will appreciate that whatever occurs in this place has to be sanctioned by another place, and that

place will be well finished its business by 11.15 o'clock tonight. Whatever occurs here will not be debated in any shape or form in another place tonight.

This measure covers a sensitive, delicate area—that of industrial negotiations—and at the moment the parties involved in the matter before the tribunal are at a very sensitive stage. The other day the Government briefed to appear on its behalf somebody who initially made a grand error. I suggest that whatever the Government proposes—the Opposition has not seen what the Government is proposing—ought to be reconsidered.

The people involved in the dispute have provided vital and essential services with the means of carrying on. The police and the Premier's Department today announced in the newspapers where people who are associated with vital and essential services may obtain fuel. That, in my view, is related to time, because what the Government intends to do, as near as can be assessed, is to bring in, heavy-footedly and indelicately, and with a great deal of haste, legislation which will get in the way of the satisfactory arrangements which have been provided in the community.

It is all right for the reactionary element on the Government side to make a great deal of noise about an industrial dispute. I do not intend to involve myself in that, but in Parliament the Opposition has a responsibility to the community at large, as has the Government, and I believe when the House is dealing with sensitive legislation such as the essential services legislation, adequate time and consideration ought to be given to the processes of Parliament.

The Government is attempting tonight to put through this House a piece of legislation that will give the Government a certain degree of muscle. I submit that the Government already has that power if it desires to exercise it. The Government must have had legal opinion prior to bringing before the Parliament a further measure. I believe it is unwarranted, and the Government should consider the Opposition case and provide extra time. Certainly the Government can introduce whatever it is, so that the community at large, the media and the Opposition can consider the case on its merits or demerits, but it should not put the measure through the Parliament at this stage. The media will not even be able to inform the public tomorrow morning what has occurred.

I ask the Government to reconsider the motion that the time allotted for all stages of the Bill up to and including the second reading be until 10.45 p.m. and for the remaining stages until 11.15 p.m. It will make no difference to the Government if at 10.15 p.m. the House adjourns the debate or goes into the Committee stage to enable the community at large to see what the Government has in mind. It will give the media an opportunity to examine the matter in great detail, as it so often does, to decide whether it is warranted. The Opposition has put forward a very sensible suggestion and the further stages of the Bill ought to be considered tomorrow.

**Mr. McINNES** (Gippsland South): I reject the arguments of the Opposition. The proposition the Opposition is putting forward is that we, as the Parliament of Victoria, responsible to the people of Victoria, should stand idly by so that we do not in some way become involved with a matter which is before the Australian Conciliation and Arbitration Commission and which is *sub judice*. First of all, we are not sure that the tribunal will be attended by all the component parties.

Mr. FORDHAM: It is meeting now.

Mr. McINNES: Some people have a habit of walking out when it does not suit them. I am sure the tribunal is well qualified to give a decision

when dealing with the narrow confines of the arguments put to it. As has been stated in the press, people with terminal illnesses, people with certain other medical problems, and in fact the whole population of Victoria, are disadvantaged. The Government should act quickly and let its views be known promptly to the community at large. I believe the debate ought to go on immediately.

**Mr. FORDHAM** (Footscray): I believe this procedure is nothing less than a disgrace to the Government and to the Parliament for which we all endeavour to work so hard. It is yet another indication that has been far too prevalent in recent years, of the way in which the lunatic fringe in our society, particularly in the Liberal Party, runs the affairs of this Government. It has been found repeatedly in recent years that when the Government is under pressure the back-bench members of the Liberal Party determine Government policy and important matters of principle. It must be of concern to you, Mr. Speaker, as the custodian of the rules and procedures of this House—it is certainly of concern to the Opposition, and I have no doubt to thinking members of society—that these backwoodsmen are able to gain such control over the Government as they have with this measure.

You and I know, Mr. Speaker, that the Government is not united in bringing forward this measure. It is using the guillotine procedure, yet member after member talks about lawful principles, about the Parliamentary process, and how important it is, and that members of Parliament should be given the opportunity of considering in detail important matters of principle. However, when it comes to this principle, it is found that members of the Government party are not interested in the Parliamentary process, or in having the community consider this measure. The honorable member for Gisborne no doubt is one of these people.

Simply because the Government is reacting to the pressure by the lunatic fringe that runs the Government these days—that is obvious—there is no justification why the Government should act in what can only be described as indecent haste in this matter. The Government is deliberately hell-bent on taking action which can only inflame the situation.

**The SPEAKER (Sir Kenneth Wheeler):** Order! the honorable member may not debate the Government's measure. He may speak on time only.

Mr. FORDHAM: Yes, Mr. Speaker. Every member of the House must realize that, firstly, by imposing a time limitation and, secondly, by putting it as a matter of principle, the Government can only negatively affect the industrial situation. The Government is refusing to allow the Opposition time to consider the Bill properly and to present the views of what must be at least nearly 50 per cent of the community as indicated by support at election times. The honorable member for Burwood, who is interjecting, is very loud and big in the voice, but very dense in the head. The whole concept of the Parliamentary process is based on the existence of a Government and an Opposition, and on having two sides of a case put forward. How can we, as an Opposition, put forward the merits of the case as we see it? Obviously we see the matter differently from the Government.

Once again, as was ably said by the Leader of the Opposition, the Government is showing itself to be completely out of touch with the matter in hand, and cannot handle the situation. The record of the Government in industrial relations—I do not intend to dwell on this—is one of simply using the hammer. It uses the hammer in Parliament when it is convenient to do so, and now it is going to use the hammer

on the workers of this State. There is saliva coming out of the lips of members on the back benches. They see the opportunity of being able to hit members of the working class in this State simply because they have found there are countervailing forces in our society that have to be taken into account. In this argument on time, all the Opposition is asking is that the Government recognizes quite simply——

Mr. KENNETT: Debate the Bill!

Mr. FORDHAM: We would debate the Bill all night if we had the chance. The Government, not the Opposition, has put a time limitation on the Bill.

Not one decent argument has been put forward on why this time limit should be imposed. It is in the interests of the Parliament that the time be extended. The proposal put forward by the Leader and the Deputy Leader of the Opposition that the debate should continue into tomorrow is in the interests of the Parliament itself and of the dispute that has precipitated this situation. The Government's action will not help the situation; it will make it much worse.

I believe the Government ought to have discussions with all parties in the Parliament, as well as yourself, Mr. Speaker, before taking precipitate action on a fundamental issue such as this, but there was no attempt to discuss with other parties the question of time, the introduction of the Bill, and the debate on it. The use of the sledgehammer is to be deplored. It is not in the interests of the Parliament. It is not in the interests of the dispute. It shows how much the Government is out of touch with the industrial situation, and with the community at large.

**Mr. THOMPSON** (Minister of Education): Standing Order No. 105 (*a*) is designed to allow speedy consideration of an urgent measure and never has there been a better case than in this instance. Never have I known people in Victoria to be more stirred up about anything than they are at this moment. In visiting service stations and attending football matches over the week-end, time and again people have stopped me and asked what the Government was going to do and could it act quickly. I spent the whole of Saturday on the telephone listening to people saying things such as this and even at 11 p.m. I was got out of bed by someone who telephoned to say that a parent had died in western Victoria, that they were out of petrol, that they could not get some, and asking what I could do about it. At that stage it was very difficult to help them, and their reply was, "It is a disgraceful situation; surely the Government can do something about it". I do not wish to delay the House, but the people of Victoria desire speedy action and the Government intends to give them that speedy action.

**Mr. SIMMONDS** (Reservoir): The Government's action tonight is clearly an attempt to carry out its economic policies by passing legislation on industrial matters which will not produce the results which the Government claims it is interested in pursuing. The House is discussing the time-table for the debate, but Victoria has had difficulty with petrol supplies because of the action of the Federal Government in intervening in what was basically a domestic dispute between the oil companies and the union.

**The SPEAKER (Sir Kenneth Wheeler):** Order! I corrected other honorable members and I ask the honorable member for Reservoir to relate his remarks to time.

Mr. SIMMONDS: I understand the terms of the debate, but the question ought to relate to what is happen-

ing at this time in this dispute and what effect the legislation proposed by the Government will have on the discussions that are taking place in the dispute. I simply make the point that the dispute would have been well and truly settled in the usual manner had the normal conciliation processes been allowed to take place. This sort of thing has happened every time in the past but, on this occasion, it has not been allowed to happen because the Prime Minister is concerned to have a confrontation with the trade union movement.

**The SPEAKER (Sir Kenneth Wheeler):** Order! The honorable member must come back to the question before the House. I cannot allow the honorable member to develop an argument on the general issue.

Mr. SIMMONDS: By introducing the Bill tonight, the Government is suspect about genuinely seeking a settlement of the dispute. That is the only interpretation that anybody with a knowledge of the industrial scene in this State could place on the timing of this debate and the time that is being allowed for it. The limitation of time will prevent any of the parties to the dispute from seeing the Bill before it is passed. Even members of this Parliament have not had any opportunity to have informed discussions on the ramifications of the measure.

The Premier knows full well that the Essential Services Act is opposed by the trade union movement. He knows that this opposition has existed and has continued to exist. The Bill is apparently an extension of that legislation and most certainly the men who will be in a position to determine when work will resume will bear in mind the attitude of the Government as reflected by this measure.

The SPEAKER: The honorable member for Reservoir knows perfectly well that he cannot continue the debate along the lines he is now traversing. The honorable member must come back to the question, which relates to time. I cannot hear the honorable member further unless he accedes to my request.

Mr. SIMMONDS: In respect to limitation of the debate, every honorable member on the Opposition side of the House will want to make a contribution, but will be prevented from so doing because of the action of the Government in limiting the debate. I should be interested to hear the views of some of the rabble opposite who are so concerned and vocal on this occasion. I should be interested to know whether they will support the proposition that the debate ought to be extended so that they will have the opportunity to participate in it.

There should be plenty of opportunities for this Parliament to discuss the Bill effectively. There is no reason why the debate should be limited because, as the Premier has already indicated, the Bill has to go to another place. That House will not be sitting later tonight and there is no reason why there should not be adequate provision for the debate in this House. At least, the Premier would then have the opportunity of hearing the views of members on this side of the House who have a knowledge of industrial relations. If the honorable gentleman is introducing the Bill in full knowledge of the facts, it is on his head. If the honorable gentleman is doing it in ignorance, he is entitled to be informed.

**Mr. LIEBERMAN** (Benambra): The Bill has an air of urgency about it. Who can argue that for the past two weeks this State has not been held to ransom and that the people of Victoria are being deprived of

the services they require? Who can argue that the right of the individual is under attack at the moment? The arguments put by the Opposition have been inflammatory and have been designed to divert the attention of this House from the real issue, which is that the essential services in this State are under attack and that a law is required to protect the precious right to work. Therefore, the elected members of this House are required to pass that law as a matter of urgency.

**Mr. WILTON** (Broadmeadows): The Leader of the Opposition, the Deputy Leader of the Opposition and other honorable members have put forward reasoned arguments to the Government on the motion. In all forms of the British democratic process, Governments have ensured that in matters of this nature the Parliaments in question have had adequate opportunity to debate measures to the fullest extent.

The rather heavy-handed way in which the Premier has attempted to approach this measure seems extraordinary. One can only assume what it contains because members of the Opposition have not had the privilege of examining what the Government has decided. In an attempt to preserve the dignity of this Parliament and to preserve the democratic rights of all members of this House and not just those who are privileged to belong to the group which has the greatest number, I move, as an amendment—

> That the expression "10.45 p.m. this day; (*b*) for the remaining stages of the Bill, until 11.15 p.m. this day" be omitted with the view of inserting in place thereof the expression "2 a.m. tomorrow; and (*b*) for the remaining stages of the Bill until 4 a.m. tomorrow".

If the Government is genuine in believing that it is essential for the Parliament to pass the Bill at this sitting, and if it has any regard for the democratic rights of the minority groups in the community, it ought to be prepared to support the amendment.

**The SPEAKER (Sir Kenneth Wheeler):** Is the amendment seconded?

**Mr. GINIFER** (Keilor): I second the amendment.

**Mr. REESE** (Heatherton): I support the original motion and reject completely the irresponsible amendment moved by the honorable member for Broadmeadows. On the question of time, the Premier is well interpreting the wishes of the people at this time. They are sick of being held to ransom by a small group of unionists who are irresponsible and have no regard for the community or their fellow workers and who obviously have the support of honorable members opposite.

The honorable member for Reservoir said that the House ought to have regard to what is happening at this time. I have regard for what is happening and at this time essential services in this community are without access to adequate fuel and hospital services are unable to get supplies of linen because of the decisions by the Transport Workers Union. Doctors in this community are without access to adequate fuel and have been in this situation over the past week-end. More importantly, there are people in the community who are unable to move around in the performance of their duties and are unable even to get to their places of employment. All these things justify the decision of the Premier to set the times that he has for the consideration of this Bill.

**Mr. GINIFER** (Keilor): As the seconder of the amendment, I point out that the measure which the House will be debating has not been seen by many honorable members. If we are given adequate time, as suggested by the honorable member

for Broadmeadows, for all honorable members to participate in the debate, it may well be that questions which occur to members on this side of the House can be drawn to the attention of the Government and perhaps we can suggest some means of resolving the industrial dispute. A settlement will not occur in the atmosphere of the proposal to invoke the Essential Services Act because anyone who knows anything about the reaction of the trade union movement to the essential services legislation, or even the mere mention of it, knows that this is sufficient to provoke a psychological impediment in negotiations and conciliation.

On that basis, I appeal to the Leader of the House to accede to the request of the honorable member for Broadmeadows and support the amendment because, only in this way, can adequate discussion be held on the wider horizons, and perhaps some of the reactionaries on the Government side of the House may well see the adverse effects that this type of legislation may have. Nothing will be achieved by forcing this type of legislation through the Parliament in such a brief time.

**Mr. COLLINS** (Noble Park): I reject the amendment. How much time does the Opposition, which is a responsible party in this Parliament, believe the community can afford? How long can the community in my electorate, which is a working-class electorate, afford to sit down and wait for the Government to act? They can no longer afford the time because they have to meet payments on their homes. What happens to their hire-purchase agreements and other commitments? Their time is up because they have to meet their commitments. All the Opposition is doing is wasting time.

The Government has made a decision. There is total agreement by all sections of the Liberal Party, and God bless this party for the different point of view that it represents. We have made a decision and we go along with that decision, which is more than the Opposition can do. If members of the Opposition had the courage of their convictions, they would have challenged Mr. Hodgson before he walked out.

**The SPEAKER (Sir Kenneth Wheeler):** Order! The honorable member cannot debate the meeting with Mr. Hodgson or any other person. The honorable member is expected to debate the question of time.

Mr. COLLINS: People in my electorate have clearly stated that the time has arrived to take a stand on this issue, and I shall do that any time, anywhere. It is time this Government and this Parliament decided to do something, and we will stick by this Bill. Time is up.

**Mr. JONES** (Melbourne): The last time the House went through this exercise was when that tremendous piece of legislation, the Vital State Projects Bill, was debated on 17th November, 1976. Honorable members can remember how essential that was! The Government said it could not wait. It was so important that we could not hold up the progress of the State, so it had to go through. Where is that legislation now? There was a vital difference between the debate tonight and the debate on the question of time on 17th November. We had at least seen the Bill on that occasion, because the Premier had given his second-reading speech first.

The extraordinary thing on this occasion is that Government supporters know the nature of the Bill to be introduced but honorable members on this side of the Chamber, with the possible exception of the members of the National Party, do not know what is in the Bill, whether it is a long Bill or a short Bill. We do not know whether it contains two or three clauses or 30 clauses. How

is it possible for the House to make a rational decision on the amount of time which can be allocated to discuss the Bill unless honorable members have seen it?

*Honorable members interjecting.*

Mr. JONES: Honorable members are saying that if we bring this question to a vote we can see what is in the Bill. That is the very issue we are arguing about—how much time we are entitled to have to debate a Bill which we have not seen. The Deputy Premier stated that the Government was taking decisive action. What I suggest is not so much decisive action but action which is likely to bring about the desired result. Of course we want petrol to be flowing again, but the actions of the Government over the past few days has not suggested that it is looking for an amicable solution to the problem.

Presenting a Bill at the very time that the arbitration commission is still sitting is itself a provocative act. Then to insist that the Bill be passed and go on to that other place before the arbitration commission has finished its deliberations is foolish almost beyond belief, even for this Government. It is the worst conceivable time for the Bill to be introduced and I suggest that the House ought to accept the amendment proposed by the honorable member for Broadmeadows. It would mean a long night, but at least we would have the opportunity before a final vote is taken to know what progress has been achieved in the arbitration commission. It is an ominous foretaste of what we can expect in the later debate if we are continually to hear inflammatory remarks such as those made earlier, for instance, that the Transport Workers Union is preventing essential services from being provided. If we are to make the most valuable use of the time available for debate we must narrow the range of that debate and try to avoid using inflammatory language and tactics which only exacerbate the dispute, thus making it likely to extend beyond the bounds of this State and become a national dispute.

**The SPEAKER Sir Kenneth Wheeler):** Order! The honorable member cannot anticipate what may happen. The question before the House is one of time.

Mr. JONES: The cutting down of time allowed for this debate is itself inflammatory. The Government knows perfectly well the reaction it will provoke from the Opposition.

Mr. GUY: You are predictable in that regard.

Mr. JONES: Yes, and in many ways much the same thing happened with the Vital State Projects Bill and with the argument advanced by the Government on that occasion. Events eventually occurred about the proposed Newport power station which did not make the proclamation of that legislation necessary. I confidently predict that it will be repealed before very long. In this case the Government ought at least to accept the compromise offered by the honorable member for Broadmeadows, a typicially statesmanlike gesture, and give the House the chance to debate what may be an extremely long and complex piece of legislation. If the Government wants the Parliamentary system to work, it should not hold the Parliament in contempt.

**Mr. DUNSTAN** (Minister for Public Works): I would say that this is the first time in the history of Victorian politics that the people of Victoria have seen Her Majesty's Opposition as yellow——

**The SPEAKER (Sir Kenneth Wheeler):** Order! The debate is on the question of time. I ask the Minister of Public Works to debate that question and not to comment on other matters.

Mr. DUNSTAN: I use the word "yellow" because for the past 57 minutes Her Majesty's Opposition,

representing in this case fewer than 300 industrial scabs, does not want to debate proposed legislation which has been introduced on behalf of 3·5 million people.

Mr. WILKES: We do not know what is in the legislation.

Mr. DUNSTAN: The honorable member knows what is in it.

The SPEAKER: Order! The debate is on the question of time.

Mr. DUNSTAN: On the question of time, which we have now been debating for 58 minutes, in this case the yellow Opposition does not wish to debate the contents of the Bill. One does not need to be a Rhodes scholar to know what is in the legislation, because it is obvious. It has been obvious ever since a fortnight ago that we have been reaching this critical stage and anybody, knowing of this vital and critical legislation, would know that the past hour has been wasted because the Socialists and the yellow funk are opposing what the Government is doing on behalf of 3·5 million people.

The SPEAKER: Order! I ask the Minister for Public Works to debate the question before the Chair.

Mr. DUNSTAN: On the question of time, the Government has shown today that it is time—it is overdue; we should have done this last week. This Bill was introduced and debated by everybody in an attempt to solve the most critical crisis I have seen occur in this State in the past 21 years, perhaps the gravest crisis since the second world war finished in 1945, because the Government is facing industrial warfare, industrial action and industrial anarchy. It is time we got on with the Bill tonight in an attempt to solve the crisis which is facing the State of Victoria and which has been caused by fewer than 300 industrial, yellow scabs.

**Mr. ROPER** (Brunswick): That was a most interesting speech by the Minister of Public Works. He seems to forget that he used the same form of words when the breathalyzer legislation was put through.

**Mr. GUY** (Gisborne): On a point of order, Mr. Speaker, the House is debating the question of time and I ask you to direct the honorable member for Brunswick to keep to that question.

**Mr. ROPER** (Brunswick): On the point of order, the Government also used the gag on the breathalyzer legislation, and that was the matter to which I was referring. The point I was making about the speech of the Minister of Public Works is that it is fine to talk about people being yellow or blue or red, but the simple fact is that what the Opposition is debating on this occasion is the question of how much time is required properly to debate a major Bill. I draw to the attention of Government supporters a matter that I suspect they have not examined. On the first occasion the Essential Services Bill came before the Victorian Parliament—

**The SPEAKER (Sir Kenneth Wheeler):** Order! Time has expired. To the motion proposed by the Premier, the honorable member for Broadmeadows moved an amendment—

> That the expression "10.45 p.m. this day; (*b*) for the remaining stages of the Bill until 11.15 p.m. this day" be omitted with the view of inserting in place thereof the expression, "2 a.m. tomorrow; and (*b*) for the remaining stages of the Bill until 4 a.m. tomorrow".

I shall first put the amendment, that the expression proposed to be omitted stand part of the motion. Those in favour of the amendment should vote "No."

The House divided on the question that the expression proposed by Mr. Wilton to be omitted stand part of the motion (Sir Kenneth Wheeler in the chair)—

| | | |
|---|---|---|
| Ayes | .. | 57 |
| Noes | .. | 21 |
| Majority against the amendment | .. | 36 |

AYES.

| | |
|---|---|
| Mr. Austin | Mr. McCabe |
| Mr. Balfour | Mr. McClure |
| Mr. Billing | Mr. McInnes |
| Mr. Birrell | Mr. McKellar |
| Mr. Borthwick | Mr. Mackinnon |
| Mr. Burgin | Mr. McLaren |
| Mr. Coleman | Mr. Maclellan |
| Mr. Collins | Mr. Plowman |
| Mr. Cox | Mr. Rafferty |
| Mr. Crellin | Mr. Ramsay |
| Mr. Dixon | Mr. Reese |
| Mr. Dunstan | Mr. Richardson |
| Mr. Ebery | Mr. Scanlan |
| Mr. Evans (*Ballarat North*) | Mr. Skeggs |
| Mr. Evans (*Gippsland East*) | Mr. Smith (*South Barwon*) |
| Mr. Francis | Mr. Smith (*Warrnambool*) |
| Mr. Gude | Mr. Stephen |
| Mr. Guy | Mr. Suggett |
| Mr. Hamer | Mr. Templeton |
| Mr. Hann | Mr. Thompson |
| Mr. Hayes | Mr. Trewin |
| Mr. Hudson | Mr. Vale |
| Mr. Jasper | Mr. Weideman |
| Mr. Jennings | Mr. Whiting |
| Mr. Jona | Mr. Williams |
| Mr. Lacy | Mr. Wood |
| Mr. Lieberman | *Tellers:* |
| Mr. Loxton | Mr. Kennett |
| Mr. McArthur | Mrs. Patrick |

NOES.

| | |
|---|---|
| Mr. Amos | Mr. Lind |
| Mr. Cain | Mr. Mutton |
| Mr. Cathie | Mr. Simmonds |
| Mr. Culpin | Mr. Roper |
| Mr. Doube | Mr. Stirling |
| Mr. Edmunds | Mr. Trezise |
| Mr. Fogarty | Mr. Wilkes |
| Mr. Fordham | Mr. Wilton |
| Mr. Ginifer | *Tellers:* |
| Mr. Holding | Mr. Crabb |
| Mr. Jones | Mr. Simpson |

PAIR.

| | |
|---|---|
| Mr. Ross-Edwards | Mr. Kirkwood |

The House divided on the motion (Sir Kenneth Wheeler in the chair)—

| | | |
|---|---|---|
| Ayes | .. | 57 |
| Noes | .. | 21 |
| Majority for the motion | .. | 36 |

AYES.

| | |
|---|---|
| Mr. Austin | Mr. McCabe |
| Mr. Balfour | Mr. McClure |
| Mr. Billing | Mr. McInnes |
| Mr. Birrell | Mr. McKellar |
| Mr. Borthwick | Mr. Mackinnon |
| Mr. Burgin | Mr. McLaren |
| Mr. Coleman | Mr. Maclellan |
| Mr. Collins | Mr. Plowman |
| Mr. Cox | Mr. Rafferty |
| Mr. Crellin | Mr. Ramsay |
| Mr. Dixon | Mr. Reese |
| Mr. Dunstan | Mr. Richardson |
| Mr. Ebery | Mr. Scanlan |
| Mr. Evans (*Ballarat North*) | Mr. Skeggs |
| Mr. Evans (*Gippsland East*) | Mr. Smith (*South Barwon*) |
| Mr. Francis | Mr. Smith (*Warrnambool*) |
| Mr. Gude | Mr. Stephen |
| Mr. Guy | Mr. Suggett |
| Mr. Hamer | Mr. Templeton |
| Mr. Hann | Mr. Thompson |
| Mr. Hayes | Mr. Trewin |
| Mr. Hudson | Mr. Vale |
| Mr. Jasper | Mr. Weideman |
| Mr. Jennings | Mr. Whiting |
| Mr. Jona | Mr. Williams |
| Mr. Lacy | Mr. Wood |
| Mr. Lieberman | *Tellers:* |
| Mr. Loxton | Mr. Kennett |
| Mr. McArthur | Mrs. Patrick |

NOES.

| | |
|---|---|
| Mr. Amos | Mr. Lind |
| Mr. Cain | Mr. Mutton |
| Mr. Cathie | Mr. Roper |
| Mr. Culpin | Mr. Simmonds |
| Mr. Doube | Mr. Stirling |
| Mr. Edmunds | Mr. Trezise |
| Mr. Fogarty | Mr. Wilkes |
| Mr. Fordham | Mr. Wilton |
| Mr. Ginifer | *Tellers:* |
| Mr. Holding | Mr. Crabb |
| Mr. Jones | Mr. Simpson |

PAIR.

| | |
|---|---|
| Mr. Ross-Edwards | Mr. Kirkwood |

**Mr. HAMER** (Premier and Treasurer) moved for leave to bring in a Bill to make provision with respect to the production, supply, distribution, sale, use and consumption of fuel during a state of emergency, to amend the Essential Services Act 1958, and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

**Mr. HAMER** (Premier and Treasurer): I move—

That this Bill be now read a second time.

This is a stand-by, a reserve, measure. The Government sincerely hopes that it may never have to be invoked. It is intended to place this, or any future Government, in a position where, if a fuel emergency should arise in this community, the Government has adequate powers to ensure fuel supplies for the people of Victoria.

The Government has a duty to ensure the maintenance of essential services, and in a modern industrial society one of the absolutely indispensable services is the distribution of fuel. As things stand now, those fuel supplies are in jeopardy, and in many cases have ceased altogether. Although adequate supplies have been made available for a number of essential services, including the police, fire and ambulance services, and from a limited number of outlets for key medical people, the increasing shortages are now beginning to affect a wide range of other services no less vital to the health and welfare of the community and even to its safety.

The Royal District Nursing Service has a vital task in bringing domiciliary services to many house-bound people, some of them very ill. The meals-on-wheels services are a crucial prop to many elderly people. Both have had to restrict their work, and in some areas it is about to stop. Farmers are running short of fuel, and many growers of perishable produce have petrol for only a few days to bring their food supplies to market. Distribution of meat will only be possible for two or three more days. Public transport, including the private buslines, will be running out of fuel by the end of this week.

The situation is worse in some country areas. Fuel for hospitals and essential medical staff at Ballarat, Moe, Leongatha, Lakes Entrance, Stawell and Rainbow is running perilously low. Many rural fire brigades are down to their last full tank of petrol, some country Red Cross blood bank services are short, and so even are the police in some areas. The most strenuous efforts are being made to overcome these shortages in essential services, but without doubt others will appear.

I want to stress that the shortages are not confined to petrol, but apply to all petroleum supplies, including diesel fuel and liquefied petroleum gas. The inconvenience of the petrol shortage is now felt by every citizen of Victoria, but far more important is the threat to employment through industry stand-downs, and the inability of many people to get to work. Already many thousands have had to be stood down, and many thousands of others are threatened with a similar fate this week. The loss of jobs and of production is intolerable, but all nine major employer organizations have felt impelled to apply jointly to the arbitration commission for the insertion of stand-down provisions in the transport workers awards.

The cause of all this hardship in the community is the action of tanker drivers of the Transport Workers Union in striking in support of a log of claims. These claims have been before the arbitration commission for some time, and the majority have already been arbitrated.

The Victorian Government is not a party to the dispute. A Federal union is involved, and a Federal award. I make it clear that, throughout, the Government has supported a solution to the dispute through the arbitration system. We still hope that common sense will prevail and that the arbitration commission will be enabled to produce a decision which will bring this strike to an end.

The introduction of this Bill is not to be taken as in any way derogating from our commitment to the arbitration process, but we have had to consider what action would be open to us to protect the community, if in the end the arbitration process failed to provide a solution to the issues and a deadlock resulted.

The Government has examined the Essential Services Act, which was designed to deal with the loss of essential functions in the community, but not specifically with the kind of situation we now face. We have studied a Bill introduced into the New South Wales Parliament recently to deal with a similar crisis, and we propose to adopt the substance of that Bill for inclusion in this measure.

This Bill is designed to vest in the Government all powers necessary to ensure the production, distribution and sale of fuel during a state of emergency. It is based on the powers conferred on the New South Wales Government and its energy authority by Part VI. of the Energy Authority Act 1976 of the State of New South Wales. However, the provisions of the New South Wales legislation have been extended to make it clear that the powers extend to the requisitioning of any land, plant or equipment that may be necessary to ensure production, distribution and sale of fuel and to provide for a workable administration in relation to any such emergency action.

Whilst the Act comes into force upon the day upon which it receives the Royal assent, it will have no real operation until the Governor in Council is satisfied that any kind of fuel is or is likely to become unavailable to meet the reasonable requirements of the community and that a state of emergency exists, or is likely to exist, and makes a proclamation accordingly. This is the same basis upon which the New South Wales provisions can be made to come into effect. Such a proclamation will remain in force for not more than seven days but without prejudice to an issue of another proclamation either before, at or at the end of that period.

The power of the Parliament to control the exercise of these emergency powers is specifically preserved by the legislation. Either House of Parliament may by resolution revoke a proclamation and any 20 members of the Assembly or 30 members of the Parliament, all or any of whom are members of the Council, may cause an emergency meeting of the Parliament to be summoned.

Clause 4 of the Bill sets out the powers that the Minister may exercise in relation to the production, supply, distribution, sale, use or consumption of a fuel to which the period of emergency relates. It should be noted that the powers extend not only to the fuel itself but to services, which are defined to mean anything done or necessary or expedient to be done for or with respect to the production, supply, distribution or sale of the relevant fuel.

Clause 5 makes it clear that every body and every person to which or to whom any direction, prohibition, or requisition is addressed must comply. It also enables any such direction, prohibition or requisition to be addressed to bodies and persons generally or particularly in writing or verbally or by publication.

Clause 6 authorizes the Minister to delegate any of his powers and functions under the Act. This is, of course, essential having regard to the power conferred upon the Minister to requisition any land, plant or equipment used in the production, distribution or sale of fuel.

Clause 7 makes it clear that directions, prohibitions or requisitions under the Act may have general or limited application, but determination of any direction, prohibition or requisition will not affect their operation or effect during the time they are in force.

Clause 8 makes provision for compensation to be paid to any person who suffers loss, damage or injury for which he is not otherwise entitled to be indemnified in respect of any direction, prohibition or requisition made under the Act.

Clause 9 is an offence which provides for a penalty of not more than $1,000, which is the same as the penalty provided by the New South

Wales legislation in section 35. Clause 10 appropriates such amounts as may be required for the purpose of the Act out of the Consolidated Fund.

Clause 11 makes some important amendments to the Essential Services Act 1958. In paragraph (*a*) amendments are made to the definition of "essential service" to make it clear that the Act can apply to services of any type which are essential and whether or not they are provided by the Crown. This will make it clear that the powers of that Act can be applied where essential services are being provided by private enterprise.

The next amendment will enable a proclamation under the Essential Services Act 1958 to exclude certain provisions of that Act in relation to any particular essential service during a period of emergency. The next two amendments will bring the essential services legislation into line with the other proposals in this Bill by allowing either House of the Parliament to exercise the powers that can now only be exercised by both. The last amendment brings the monetary penalty under that Act into line with the penalty that is proposed under this Act and was adopted under the New South Wales legislation.

I have said that this is emergency legislation, designed to be used only in the circumstances of a fuel emergency in Victoria.

We hope, as does every citizen in this State, that the arbitration processes now in progress will bring about a resolution of the issues between the oil companies and the Transport Workers Union. If so, this legislation will not be needed. We have complete confidence in the arbitration commission, and the issues are properly before it. We strongly desire a successful outcome to the very strenuous efforts which the commission has been making to settle the dispute.

I have also said that the Government will not intervene or interfere in the industrial relations situation as between the Transport Workers Union and the oil companies. This is a matter to be dealt with by the arbitration commission. However, the Government cannot stand idly by and watch community life in the State grind to a halt. Conciliation and arbitration processes are often necessarily drawn out over lengthy periods of time. This can be tolerated when no acute hardship is being experienced but the situation becomes intolerable when community health, welfare and safety are put in jeopardy.

In this instance, there is clearly a gap in the law which it is right and proper for the Government of the State to step in and fill. This the Government proposes to do.

**Mr. HOLDING** (Leader of the Opposition) : It is an odd and indeed novel way for the Premier to conclude his speech on the introduction of this Bill by asserting that it is not the intention of the Government to interfere in the industrial processes of our community. This Bill not only interferes with the industrial processes of the community but also interferes so overtly, clumsily and ineptly with a dispute that may well have been in the course of settlement by 8 o'clock tonight, that by tomorrow morning, once this Bill has been passed, it will extend what was a very narrow and relatively simple set of issues between a group of transport workers in the oil industry and the oil industry itself and to a point where the initial cause of the dispute is not the main issue but this legislation is.

A prime example in that respect was the Essential Services Bill. In that case the same clumsy approach and the same attitude to industrial confrontation was adopted when this community was on the brink of a confrontation which could have brought the State to its knees, and members of the Opposition and the trade union movement had to produce formulae to unravel the mess that the Government had got itself into.

Part of the problem of discussing industrial relations with honorable members supporting the Government is that not only they do not understand or comprehend it but they approach it initially always on the basis that right always rests on the side of the employers, and, no matter what the merits or demerits of the work force are, if they are on strike they have no merits at all. The first thing honorable members ought to do before they contemplate passing legislation of this kind is to examine the facts in issue.

Mr. WILLIAMS: What about the public interest?

Mr. HOLDING: I shall be happy to look at the question of public interest. It is not in the public interest for the Premier to say that we do not want to inflame the situation when a responsible Minister of the Crown has described responsible workers in this State as yellow scabs. It is time that kind of terminology was abandoned. It is that sort of concept and attitude which prevails among senior Ministers of this Government. It will do nothing to solve the problems. In this Parliament the Government has to accept some responsibility for statements made by Ministers of the Crown. It is wrong for a responsible Minister to act in this Parliament, as one Minister did in an industrial and already difficult situation, under the pretext of supporting legislation to resolve all our problems.

The real attitude of the Government is shown by that of the Minister who described as yellow scabs men who are not criminals but who are honest working men. They do not have the benefit of travelling everywhere in chauffeur-driven cars as do honorable members opposite.

How is the community affected by this situation? What are the issues? The causes of this industrial dispute are comparatively simple. First of all, there has been a growth of technology in the whole system.

Mr. BILLING: $18,000 a year!

Mr. HOLDING: Let me deal with that as one of the more enlightened small "l" liberal attitudes on the Government benches—$18,000 a year. If that figure is accurate, all that the Premier has to do is to pick up the phone and say that the Government will keep these men in jobs at $18,000 a year and the matter will be settled. I have tried to point out to the Premier and to the House the difficulty and even the impossibility of using the Parliament of Victoria as some kind of industrial commission, but in response there is only that inane, stupid comment from the honorable member. What does he know about the position? Does he believe these men have gone on strike because they are earning $18,000 a year? He probably thinks they are being driven to work in Ministerial cars.

I provide some information for the benefit of honorable members who are now placing themselves in the position of our industrial tribunals. I began by saying that the dispute arose from the growth of technology in the industry and the size of petrol tankers. Unless these men knew what they were doing, they could wreck an inner-urban community or destroy a reasonably sized country town. So this matter should not be dealt with lightly. We should be grateful that these men have some knowledge of and capacity for what they are doing.

Having regard to their responsibilities, does any honorable member believe these men are grossly overpaid when they receive $165 a week for a 35-hour week and, on the average, their take-home pay is $114 a week. Let us narrow down this great confrontation to its essential issue. In the circumstances I do not regard a claim by the men against their employers—who are amongst the largest corporations in the world and who are making record profits—for an additional

$5.70 a week as being heinous, irresponsible, or likely to force Esso, Ampol, Shell or any other oil company into bankruptcy.

Mr. JONA: We are not arbitrating on the claims.

Mr. HOLDING: The problem faced by Ministers and other honorable members on the Government benches is that, for the first time, their minds have been directed to the industrial issues involved. The claim for $5.70 is one ingredient of the dispute.

**Mr. JONA** (Minister of Immigration and Ethnic Affairs): I raise a point of order, Mr. Deputy Speaker. The Leader of the Opposition is debating the merits of the claim. It is not the role of this House, nor was it the intention of the Government, to arbitrate on these claims. The view of the Government, which the Premier clearly expressed, is that legislation should be enacted to make available some instrument to alleviate the situation in the community—which is so serious at present that lives are at stake—which can be used if, in time, that becomes necessary. That is the issue in this measure. I ask you, Sir, to rule that the Leader of the Opposition is out of order in debating the claims and suggesting that this House should arbitrate on them.

**The DEPUTY SPEAKER (Mr. McLaren):** Any speaker in this debate should adhere to the provisions of the Bill. I have been following what the Leader of the Opposition has been saying, and I take it that he is leading up to the Bill. I have accepted what he has said up to date. There is no point of order, but I ask the Leader of the Opposition to address himself to the Bill.

**Mr. HOLDING** (Leader of the Opposition): I am endeavouring to remind the House that the industrial issues are exceedingly narrow and are particularly related to the nature of the industry which is now in a state of confrontation. Of course, this is a question of judgment. I can understand the oil companies being concerned with the problems of flow-on and all the rest of it. But, considering the responsibilities of these men, no honest person could say that what they are demanding is beyond reason, beyond argument and without justice.

Mr. THOMPSON: That is a matter for the umpire.

Mr. HOLDING: I agree that it is a matter for the umpire's decision. From the moment this matter was brought into this House, I have expressed my fears resulting from the ignorance of the Government in the whole field of industrial relations and its desire to back up the attitude of the Prime Minister in the course on which he is embarking. The issues are as simple as this: When this Bill was introduced tonight, the Premier and other members of the Cabinet were aware that the matter was even then—and, so far as I am aware, it is even now—the subject of negotiation and in the process of coming to the umpire's decision. But every time a Minister interjects he indicates the Government's complete ignorance of how the industrial processes operate.

There have been dozens of cases in this Parliament when motions for the adjournment of the House to discuss important public matters have been put forward and Ministers have taken points of order that the matters were *sub judice*. The high-water mark was reached when a motion was ruled out of order on the basis that the subject was before a conciliation and arbitration commissioner who was not even exercising the functions of a court. That is written into the precedents of this Parliament. It has been stated that, although a commissioner may not be exercising the responsibility of a court, Parliament will not say or do anything which could advantage or disadvantage any of the parties to the proceedings.

We are now asked to believe, not by these guilty men but by these foolish and stupid men, that two parties are involved in an industrial negotiation, there has been a stoppage of work, the negotiators on both sides are tough and able men, but that this Bill will have no effect on the outcome. Can honorable members not imagine it being said by one party to the negotiations that if it sits back and does nothing for 24 hours the Government of Victoria will enter the dispute on its side? Does anybody believe that sort of comment would be beyond the wit and wisdom of the oil companies —the men who have been buying and selling Governments with great skill and capacity in nation after nation?

The cut and thrust of industrial negotiations is for a slice of the economic cake; that is what it is all about.

Mr. CRELLIN: While everybody else sits back and suffers.

Mr. HOLDING: The honorable member has made a point which should be dealt with, and I will come to it. But no one on the Opposition benches believes that, if Parliament passes this Bill, it will have no effect on the parties and will not affect the discussions in any way. The Bill has been introduced by the Government for the very reason that it hopes it will have some effect. It is hoped that its implications and the fears that it will strike into the hearts of members of the trade union movement will cause some return to work.

Members of the Government do not understand that, at 8 p.m. today, there was a narrow industrial dispute in an industry which has a history and tradition of tough negotiations and in which 400 drivers were making claims which were eminently reasonable. But, if this measure is enacted, that will not be the position at 8 p.m. tomorrow.

From the discussions I have had I believe the dispute was close to a settlement—all honorable members hope for that result—but, at that stage, the bumblefooted Government decided to kick the trade union movement. Malcolm Fraser uses the bludgeon, but the Minister of Public Works and other members of the Victorian Government are like the members in the old-time packs who slipped in the boot on the side where they could not be noticed. This happened at a time when the dispute was narrowing and close to a settlement. There are some hopeful signs emerging from the discussion and the Premier knows that. The Minister of Transport has had experience of settlements of this type. He knows that the nature of negotiations is that at 9.45 a.m. everybody believes that nothing will be given away, but that at 10 a.m. everything is resolved. That is essentially the nature of our industrial processes.

But while this narrow dispute is being dealt with by industrial processes, the Government has produced the Bill which, by its very nature, within the next 48 hours will involve every trade union in this State. They will all condemn the measure and commit themselves—not because at this stage they are involved in the dispute—to defend the Transport Workers Union and any other union against the Government and any attempt by it to implement these provisions. If Government supporters do not understand that, they do not understand the trade union movement. That is the political and industrial reality.

The honorable member for Sandringham, who is interjecting, is easily threatened; he has been threatened by the perverts on Sandringham beach, by the Vietnamese, and by the Viet Cong. If he wants to be threatened by the trade union movement, that is his prerogative. He can

arm himself with his bayonet and rifle and police dog and lock himself away.

Mr. CRELLIN : That is a personal insult.

**The DEPUTY SPEAKER (Mr. McLaren) :** Order! The Leader of the Opposition will return to the Bill and disregard interjections, which are disorderly.

**Mr. CRELLIN** (Sandringham) : On a point of order, this Bill is urgent and important, but I find some of the remarks of the Leader of the Opposition directed towards me to be offensive.

The DEPUTY SPEAKER : Order! The honorable member for Sandringham should indicate which remarks he finds offensive.

Mr. CRELLIN: The Leader of the Opposition referred to certain activities which have been the subject of much discussion in my electorate in relation to certain undesirables, and I find those remarks offensive.

**Mr. HOLDING** (Leader of the Opposition) : I do not know what words I used to the honorable member; if I offended him, I think the Bill is more important than that, so I withdraw whatever I said.

The point I have established is that the very nature of the proposed legislation will ensure that the trade union movement is unified, and what is now a narrow stoppage, which could well be at the point of settlement, could be extended in a way which would produce an industrial confrontation the like of which Victoria has never seen and, I hope, will never see.

Honorable members opposite talk about democracy, liberty, and the Anzac tradition. The average Australian is very much a part of that, and the average trade unionist is not going to be bullied and deprived of his rights or stood over by this or any other Government.

Mr. BIRRELL : Or by trade union tactics.

Mr. HOLDING : What the honorable member does not understand is that the history of the trade union movement is not one in which the movement has been handed its living conditions and wages on a plate as an act of magnanimity by grateful employers.

It is not the first time that trade union officers have been sent to gaol; it is not the first time they have been threatened with penal provisions and it is not the first time that legislation of this sort has been proposed, but never in the history of the Commonwealth has legislation of this kind worked to solve an industrial dispute.

The remarks that have already been made by the Minister of Public Works and by some back-bench members indicate that the Government is concerned to produce industrial confrontation and is spoiling for a fight and an exercise in power. If that is so, let them say so and we will all know where we are.

Honorable members do not have to believe me because they will read about it in the papers within the next 48 hours. I assure them from my own lengthy experience of the trade union movement that its reaction to this legislation will be uniform; it will be hostile, and there is no way in which it will stand by and see one union or one unionist made subject to the provisions of this Bill. I ask honorable members to look at the history of the movement that is an essential part of the tradition, the political freedoms and the history of this State.

Mr. BIRRELL : The community will not put up with standover tactics.

Mr. HOLDING : One can get to the silly question of who is standing over whom. Honorable members ought to be thinking about the results that can be produced. It is a difficult exercise, but not beyond the mind of

man, to find another 400 tanker drivers to deliver fuel, but the minute that occurs the refineries will close.

Mr. CRELLIN: Is that another threat? That is hypothetical.

Mr. HOLDING: Of course it is hypothetical, and honorable members may reject it, but that statement is based on my own knowledge, background and view of the trade union movement. The honorable member for Reservoir and every other member on this side of the House who has any knowledge of the trade union movement will confirm my view.

It then starts because one is dealing with technically complex structures, and those structures can be tied up quickly the minute half a dozen men say, "We will not work in that situation" and then the community is placed in a dreadful bind. If honorable members think there are industrial problems now, they are nothing compared with the industrial problems that will occur if this proposed legislation is passed.

I believe the measure is ill-considered. It smacks of the approach which is running through the Federal Liberal Party; it smacks of the attitude of the industrial bureau; it smacks of the jackboot and the whip and is seen as a legitimate exercise in trying to normalize industrial relations.

Mr. DUNSTAN: Similar legislation was passed at the instigation of the New South Wales Labor Government.

Mr. HOLDING: Not in this context; the Minister is in error, but I have not much time to explain. The legislation that was introduced in New South Wales was not introduced in the light of an industrial situation which was in any way comparable to this. It was related to other matters that the New South Wales Government was concerned about.

The context in which this proposed legislation was introduced is that of an existing industrial dispute which is still in the process of negotiation, and I am dreadfully concerned that this precipitate action of the Government may well and can have the result of destroying the basis of that negotiation. That is my first and major concern.

My second concern is that the Bill as it is drawn goes much too far, and many arguments on this can be advanced during the Committee stage.

It is one thing to ensure that petrol supplies to the community will be maintained. At present one of the significant issues which will confront the community is the question of uranium mining. This is not only an issue within political parties. I am sorry to raise matters which may be unpalatable to the tiny minds of honorable members opposite who are interjecting. Already one prominent Victorian member of the Liberal Party in the Federal Parliament has left his party on that issue. There is clear evidence that certainly strong and differing viewpoints are held on that subject in my party. This will be a matter of major debate within the Australian community.

The Bill gives substantial powers to the Government. Having regard to the importance of the forthcoming debate on uranium I do not believe any Government ought to be given a power under which a Minister of the Crown, by declaring an emergency, can compel people to mine uranium.

The Premier has said that he hopes the extensive powers given to the Government under the Bill will never be exercised. I tell him that the powers in the Bill are so widely based that any attempt to exercise them in a normal industrial situation will reduce the community to a state of industrial anarchy.

Mr. BILLING: That is what it is now.

Mr. HOLDING: Perhaps those arguments could have been developed at greater length by the Min-

isters if they had been prepared to give the House a little more time to debate all the issues. Many members of the Opposition who would like to join issue and argue the merits and demerits of the Government's proposal will not be able to do so. All members of the Opposition will be gagged and will not be able to speak in the second-reading debate, and neither will Government supporters.

I have sat here until 4 a.m. on other occasions and listened to arguments on matters of far less importance and consequence than the principles of this Bill, but the Government has adopted a procedure which will mean that the only statements that can be made effectively on the proposed legislation will be confined to the Premier's second-reading speech and to my contribution. Perhaps one of the spokesmen for the National Party will be able to get into the exercise during the Committee stage.

One may ask why this is so, and the answer is that honorable members have been told that this legislation must be passed, that the Government does not intend to use it but that it believes if it does not use it it will not have any effect in the prevailing industrial situation.

The Bill is falsely postulated because it ignores the fact that there was an industrial dispute of essentially narrow confines; certainly it had widespread ramifications in its effect on the community, but at all times the trade union movement was ready to see that enough supplies of petrol were available for emergency services.

It is extraordinary that certain people have acquired 44-gallon drums full of petrol and sold them at outrageous profits in various parts of the State and people have been told that there are not enough supplies for the family doctor or the local hospital. The fact is that the trade union movement gave a guarantee that it would ensure as far as practicable that emergency supplies of petrol were maintained.

The Government would have been better advised to include in the Bill a structure to see that those emergency supplies were obtained and that, instead of certain people being able to sell petrol on the black market at outrageous profits, proper emergency supplies could have been made available to various groups in the community that need it.

This Bill makes the basic, tragic mistake—I hope it will not be tragic for the people of Victoria—of trying to substitute a Chamber of this Parliament for the due process of our industrial legal tribunals. It makes the mistake of allowing the Government with both feet and very little intelligence to enter firmly in the middle of an industrial dispute, when that dispute for the first time in many weeks was showing signs of coming close to a negotiated settlement.

The proposed legislation goes too far in its implications but it will not solve this industrial dispute. If it has any effect, its only effect will be to magnify and extend the dispute and create further areas of industrial confrontation within the community, whereas the original somewhat narrow dispute may well have been resolved within the next 24 hours.

**The SPEAKER (Sir Kenneth Wheeler):** Order! The time for the debate up to and including the second-reading stage has expired.

The House divided on the motion (Sir Kenneth Wheeler in the chair)—

| | |
|---|---|
| Ayes .. .. | 55 |
| Noes .. .. | 21 |
| Majority for the motion .. .. | 34 |

AYES.

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|---|---|
| Mr. Austin | Mr. McArthur |
| Mr. Balfour | Mr. McCabe |
| Mr. Billing | Mr. McClure |
| Mr. Birrell | Mr. McInnes |
| Mr. Borthwick | Mr. McKellar |
| Mr. Burgin | Mr. McLaren |
| Mr. Coleman | Mr. Maclellan |
| Mr. Collins | Mrs. Patrick |
| Mr. Cox | Mr. Plowman |
| Mr. Crellin | Mr. Rafferty |
| Mr. Dixon | Mr. Ramsay |
| Mr. Dunstan | Mr. Reese |
| Mr. Ebery | Mr. Richardson |
| Mr. Evans (*Ballarat North*) | Mr. Scanlan |
| Mr. Evans (*Gippsland East*) | Mr. Skeggs |
| Mr. Francis | Mr. Smith (*South Barwon*) |
| Mr. Gude | Mr. Smith (*Warrnambool*) |
| Mr. Guy | Mr. Stephen |
| Mr. Hamer | Mr. Templeton |
| Mr. Hann | Mr. Thompson |
| Mr. Hayes | Mr. Trewin |
| Mr. Jasper | Mr. Weideman |
| Mr. Jennings | Mr. Whiting |
| Mr. Jona | Mr. Williams |
| Mr. Kennett | Mr. Wood |
| Mr. Lacy | *Tellers:* |
| Mr. Lieberman | Mr. Hudson |
| Mr. Loxton | Mr. Mackinnon |

NOES.

| | |
|---|---|
| Mr. Amos | Mr. Mutton |
| Mr. Cain | Mr. Roper |
| Mr. Crabb | Mr. Simmonds |
| Mr. Doube | Mr. Simpson |
| Mr. Edmunds | Mr. Stirling |
| Mr. Fogarty | Mr. Trezise |
| Mr. Fordham | Mr. Wilkes |
| Mr. Ginifer | Mr. Wilton |
| Mr. Holding | *Tellers:* |
| Mr. Jones | Mr. Cathie |
| Mr. Lind | Mr. Culpin |

PAIR.

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| Mr. Ross-Edwards | Mr. Kirkwood |

The Bill was read a second time and committed.

**Mr. HAMER** (Premier and Treasurer): I move—

That Mr. Speaker do now leave the chair.

The House divided on the motion (Sir Kenneth Wheeler in the chair)—

| | |
|---|---|
| Ayes .. .. | 54 |
| Noes .. .. | 21 |
| Majority for the motion .. .. | 33 |

AYES.

| | |
|---|---|
| Mr. Austin | Mr. McArthur |
| Mr. Balfour | Mr. McCabe |
| Mr. Billing | Mr. McClure |
| Mr. Birrell | Mr. McInnes |
| Mr. Borthwick | Mr. McKellar |
| Mr. Burgin | Mr. McLaren |
| Mr. Coleman | Mr. Maclellan |
| Mr. Collins | Mrs. Patrick |
| Mr. Cox | Mr. Plowman |
| Mr. Crellin | Mr. Rafferty |
| Mr. Dixon | Mr. Ramsay |
| Mr. Dunstan | Mr. Reese |
| Mr. Ebery | Mr. Richardson |
| Mr. Evans (*Ballarat North*) | Mr. Scanlan |
| Mr. Evans (*Gippsland East*) | Mr. Skeggs |
| Mr. Francis | Mr. Smith (*South Barwon*) |
| Mr. Gude | Mr. Smith (*Warrnambool*) |
| Mr. Guy | Mr. Stephen |
| Mr. Hamer | Mr. Thompson |
| Mr. Hann | Mr. Trewin |
| Mr. Hayes | Mr. Weideman |
| Mr. Jasper | Mr. Whiting |
| Mr. Jennings | Mr. Williams |
| Mr. Jona | Mr. Wood |
| Mr. Kennett | |
| Mr. Lacy | *Tellers:* |
| Mr. Lieberman | Mr. Hudson |
| Mr. Loxton | Mr. Mackinnon |

NOES.

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|---|---|
| Mr. Amos | Mr. Mutton |
| Mr. Cain | Mr. Roper |
| Mr. Crabb | Mr. Simmonds |
| Mr. Doube | Mr. Simpson |
| Mr. Edmunds | Mr. Stirling |
| Mr. Fogarty | Mr. Trezise |
| Mr. Fordham | Mr. Wilkes |
| Mr. Ginifer | Mr. Wilton |
| Mr. Holding | *Tellers:* |
| Mr. Jones | Mr. Cathie |
| Mr. Lind | Mr. Culpin |

PAIR.

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| Mr. Ross-Edwards | Mr. Kirkwood |

Clause 1 (Short title).

**Mr. SIMMONDS** (Reservoir): In the brief time available the Opposition has made comparisons between what is contained in the Essential Services Act 1958, which the Bill proposes to amend, and the title of the Act being cited as the Fuel Emergency Act. Section 3 of the Essential Services Act 1958 provides, *inter alia*—

"Essential service" means any of the following services, namely—

(*a*) Transport;
(*b*) Fuel;
(*c*) Light;

(*d*) Power;

(*e*) Water;

(*f*) Sewerage;

(g) Any service specified from time to time by Order of the Governor in Council published in the *Government Gazette*—

provided to the public by the Victorian Railways Board, the Melbourne and Metropolitan Tramways Board, the State Electricity Commission of Victoria, the State Rivers and Water Supply Commission, the Melbourne and Metropolitan Board of Works, the Geelong Waterworks and Sewerage Trust . . .

It then refers to the definitions which are contained later in the Bill.

The Opposition would be interested to learn the Government's motivation in drawing such a widely based application in the title "Fuel Emergency Act", and what this may mean in areas of employment which may be ultimately covered by the provisions of the Bill. One can look through the whole range of industrial activities of fuel manufacture, distribution and use, and see a whole range of areas that have never previously been thought to be the subject of penal legislation which could be introduced in an industrial sense, as this Bill does. It opens up a whole new field; it broadens the ambit of the essential services legislation in a way which will mean that every worker in the State could be subject to its penal provisions.

Previously the limitation was virtually upon the employees of the State instrumentalities. Hardly a person in this State will not come within the dragnet clauses of this measure. Hardly a union will not be the subject of the provisions of the Fuel Emergency Act 1977.

Later, if I have an opportunity to debate the clauses of the measure, I shall raise the question of the jurisdiction of State legislation in areas where Federal awards normally hold legal precedence. This, however, may be virtually impossible because of the Government's time-table for the Bill.

**The CHAIRMAN (Mr. McLaren):** Order! It is out of order for the honorable member to go into a general debate. The honorable member should refer to the title of the Bill and not go into detail.

Mr. SIMMONDS: The title is a description of the subsequent clauses. The broadening of the Essential Services Act 1958 means that the ramifications of this Bill will be much broader than the Government expected. If there is time in the Committee stage, I will certainly develop the argument whether the Minister can impose conditions of employment which are contrary to the provisions of the Federal awards currently being administered in this State under Federal legislation. I shall be interested to hear from the Minister whether the title, Fuel Emergency Act, means that he is embarking on an area of industrial relations which has previously been seen to be outside the ambit of State legislation.

If this is to be the continued approach of the Premier in honouring his partnership with the Prime Minister by attacking the trade union movement, I assure him the reaction will be such that every industrial organization in this State will be united in resisting the essential services legislation which this Bill seeks to amend. It is for that reason that the Act has never been proclaimed.

Honorable members now have a much broader piece of legislation placed before them and a very limited opportunity to debate it. It opens up a whole range of concepts which were previously seen to be the domain of Federal awards. I ask the Minister to tell the House what the legal position is in respect of the whole provisions of the Act going under the title Fuel Emergency Act 1977. Is it proposed that the legislation should cover operations relating to the manufacture and distribution of uranium or the general energy resources of this State?

When legislation is passed, it goes on the statute-book. It is not the intention of the Government of the day that is recorded, but the legislation, which will be the subject of administration by future Governments of Victoria.

It is one of the reasons why the Opposition sought to have an opportunity of analysing this measure and of getting some response from people who have expertise in the manufacture and distribution of fuel, and to ascertain whether there was an emergency.

**The CHAIRMAN (Mr. McLaren):** Order! I have allowed the honorable member to proceed a long way in this regard. We are referring only to the title of the Bill, and this is not the time for detailed discussion of the measure. The honorable member has already made his point.

Mr. SIMMONDS: The Opposition sees the title as a threat and as an extended operation of this Government's interference in a whole range of areas of industrial relations in which it has previously seen fit not to be involved.

In the Committee stage I am sure members of the Opposition will be interested in responding to any explanation the Premier may be able to give the House as to the Government's use of the title, Fuel Emergency Act 1977.

**Mr. WHITING** (Mildura): The National Party is pleased to see a Bill with this title come before the House, and it believes it is the title of an Act which should be on the statute-book of this Parliament. Whether, and when, the Government intends to invoke the provisions of this Act is a matter of choice and political decision by the Government, but quite obviously the public of Victoria are completely dissatisfied with the situation that has prevailed for the whole of last week and the first two days of this week.

**The CHAIRMAN (Mr. McLaren):** Order! I asked the honorable member for Reservoir not to go into detail. With respect to the Deputy Leader of the National Party, the Committee is dealing with the short title, and I suggest he restrict his remarks to that.

Mr. WHITING: I am about to inform you, Mr. Chairman, and the Committee, that the Fuel Emergency Act 1977 is a far better excuse for the representatives of the Transport Workers Union to walk out of the discussions that are going on at present than the puerile excuse which they used yesterday—that the Premier and Prime Minister had made some unfortunate comments about the actions they were taking to hold this State to ransom.

There is a fuel emergency in this State at present, and the National Party supports this Bill very strongly. The National Party believes it is an excellent title and hopes the Bill will have the desired effect of relieving the fuel shortage at the earliest opportunity.

**Mr. WILKES** (Northcote): The title is one of the exceptions honorable members of the Opposition take to this Bill. We believe the Bill is badly titled. I move the following amendment—

Clause 1, line 11, after the word "the" omit "Fuel Emergency" and in its place substitute "Union Bashing".

I move that amendment in the light of the remarks of the Deputy Leader of the National Party and the Premier when he explained the Bill. Clause 1 states that the Bill makes provision with respect to the production, supply, distribution, sale, use and consumption of fuel during a state of emergency, to amend the Essential Services Act 1958, and for other purposes.

The Premier pointed out that the Bill sets out the powers that the Minister may exercise in relation to

the production, supply, distribution, sale, use and consumption of fuel to which the period of emergency relates. It should be noted that the powers extend not only to fuel, as mentioned in the title, but to the services which are defined.

**Mr. WILLIAMS** (Doncaster): I raise a point of order. Would you rule, Mr. Chairman, that the amendment is in accordance with the rules of this Parliament?

**The CHAIRMAN (Mr. McLaren):** I was about to suggest to the Deputy Leader of the Opposition that he should indicate to the Chair the reasons why the words proposed should be inserted. It is difficult to understand the complete change in accordance with the Standing Orders, and I ask the Deputy Leader of the Opposition to indicate to the Chair what the position is.

**Mr. WILKES** (Northcote): I did not think you would allow me to do that, Sir, but it is a reiteration of the argument put to the House earlier about the stupidity of this measure whilst discussions are taking place before the Australian Conciliation and Arbitration Commission in an effort to resolve the dispute, which this legislation purports to be all about. If the measure purports to have any relativity to or relationship with the dispute, then surely all it is doing is inflaming it to an extent which can only be described as union bashing while the parties are continuing in an attempt to resolve the matter before the commission.

The CHAIRMAN: A point of order has been raised by the honorable member for Doncaster and, under Standing Order No. 144, I find it difficult to say that there is any relevancy in this amendment. Accordingly, I uphold the point of order.

**Mr. HOLDING** (Leader of the Opposition): On a point of order, I should like you, Sir, to advance some reasons for your ruling.

The CHAIRMAN: As I have already indicated, Standing Order No. 144 reads, *inter alia*—

> Any amendment may be made to a clause, provided the same is relevant to the subject matter of the Bill or pursuant to any instruction, and be otherwise in conformity with the rules and orders of the House.

I asked the Deputy Leader of the Opposition to indicate the relevancy of the amendment. I cannot see any relevancy in it and therefore I have ruled it out of order.

**Mr. WILKES** (Northcote): I understand the ruling and perhaps other arguments could have been advanced which may have persuaded you to rule differently, Sir. Perhaps wiser counsel from the Opposition on relevancy may have been able to convince you, whereas I could not.

However, as I pointed out, the title of the Bill is a misnomer. Because the Chair will not accept the amendment, it does not mean that the Opposition does not hold the view that this measure constitutes union bashing and that the Bill has been given a title which is quite inadequate and could mislead most people as to the proper intentions of the Government in its efforts to do what it claims it is doing—to resolve the situation that exists in the present fuel crisis. Members of the Opposition take the view that the Bill is inflammatory and therefore it is proper to say that the title is a misnomer.

**The CHAIRMAN (Mr. McLaren):** Order! The time allotted for the Committee stage of the Bill has expired.

The Committee divided on the clauses (Mr. McLaren in the chair)—

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|---|---|
| Ayes .. .. | 55 |
| Noes .. .. | 21 |
| Majority for the clauses .. .. | 34 |

AYES.

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|---|---|
| Mr. Austin | Mr. McArthur |
| Mr. Balfour | Mr. McCabe |
| Mr. Billing | Mr. McClure |
| Mr. Birrell | Mr. McInnes |
| Mr. Borthwick | Mr. McKellar |
| Mr. Burgin | Mr. Mackinnon |
| Mr. Coleman | Mr. Maclellan |
| Mr. Collins | Mrs. Patrick |
| Mr. Cox | Mr. Plowman |
| Mr. Crellin | Mr. Rafferty |
| Mr. Dixon | Mr. Ramsay |
| Mr. Dunstan | Mr. Reese |
| Mr. Ebery | Mr. Ross-Edwards |
| Mr. Evans (*Ballarat North*) | Mr. Scanlan |
| Mr. Evans (*Gippsland East*) | Mr. Skeggs |
| Mr. Francis | Mr. Smith (*South Barwon*) |
| Mr. Gude | Mr. Smith (*Warrnambool*) |
| Mr. Guy | Mr. Templeton |
| Mr. Hamer | Mr. Thompson |
| Mr. Hann | Mr. Trewin |
| Mr. Hayes | Mr. Vale |
| Mr. Jasper | Mr. Weideman |
| Mr. Jennings | Mr. Whiting |
| Mr. Jona | Mr. Williams |
| Mr. Kennett | Mr. Wood |
| Mr. Lacy | *Tellers:* |
| Mr. Lieberman | Mr. Hudson |
| Mr. Loxton | Mr. Richardson |

NOES.

| | |
|---|---|
| Mr. Amos | Mr. Lind |
| Mr. Cathie | Mr. Mutton |
| Mr. Crabb | Mr. Roper |
| Mr. Culpin | Mr. Simmonds |
| Mr. Doube | Mr. Simpson |
| Mr. Edmunds | Mr. Trezise |
| Mr. Fogarty | Mr. Wilkes |
| Mr. Fordham | Mr. Wilton |
| Mr. Ginifer | *Tellers:* |
| Mr. Holding | Mr. Cain |
| Mr. Jones | Mr. Stirling |

PAIR.

| | |
|---|---|
| Mr. Suggett | Mr. Kirkwood |

**Mr. HAMER** (Premier and Treasurer): I move—

That the Bill be reported to the House without amendment.

**Mr. WILKES** (Northcote): Mr. Chairman——

**The CHAIRMAN (Mr. McLaren):** In accordance with Standing Order No. 105 (*d*) there can be no debate on this motion.

Mr. WILKES: On a point of order, Mr. Chairman, there was a precedent on this matter in 1948 when the Chairman, Mr. Lind, was addressed by the then Leader of the Opposition, Mr. John Cain, on a similar motion relating to an essential services Bill. This passage is reported at page 656 of volume 226 of *Hansard* as follows—

The CHAIRMAN (Mr. Lind): The question is that I report the Bill to the House without amendment.

Mr. CAIN (Northcote): You, Mr. Chairman, have given members an opportunity of discussing only the first two clauses. In the circumstances, can you truthfully report that the Committee has gone through the Bill and agreed to it without amendment?

The CHAIRMAN: If the Committee decides that way, I shall report that way.

I ask you, Mr. Chairman, to consider that precedent in deliberating on your ruling.

**The CHAIRMAN (Mr. McLaren):** I welcome the attention directed to the precedent of Mr. Chairman Lind by the Deputy Leader of the Opposition, but I again refer to Standing Order No. 105 (*d*) which clearly states that in these circumstances the Chair shall put any clauses and schedules and any amendment and new clauses and schedules desired by a Government—copies of which have been circulated and so on—and that no other amendments, new clauses, or schedules shall be proposed. The House agreed that discussion on the Bill should conclude at 11.15 p.m. The procedures have been carried out and despite the precedent which was brought to my notice by the Deputy Leader of the Opposition it is necessary, because of the restrictions on the time for debate, to close the debate at this time. Therefore, I rule that it is not permissible to discuss this matter.

Mr. WILKES: And you can truthfully report the Bill to the House?

The CHAIRMAN: And I put the question that I report the Bill to the House without amendment.

**Mr. WILTON** (Broadmeadows): On a point of order, Mr. Chairman, I appreciate the point you have made

in relation to Standing Order No. 105 (*d*). But the question is not the Bill with which the Committee has dealt or any clause of it, but that you, as Chairman of Committees should report the Bill to the House without amendment. It is on that question that the Deputy Leader of the Opposition wishes to address you. I suggest, Sir, that what you have said is correct in regard to the clauses and schedules of a Bill, but a new question is before the Committee. I submit that the Deputy Leader of the Opposition should be able to make whatever point he wishes on the motion that you report the Bill to the House without amendment.

**Mr. THOMPSON** (Minister of Education): On the point of order, the House has already determined under the provisions of Standing Order No. 105 that all remaining stages be completed by 11.15 p.m.

**The CHAIRMAN (Mr. McLaren):** The Deputy Premier has made the point that the time was set for the discussion on this Bill. I refer honorable members to a further Standing Order, No. 148, which provides—

> At the close of the proceedings of a Committee of the whole House on a Bill, the Chairman shall report the Bill forthwith to the House.

The proceedings on this Bill closed at the appointed time of 11.15 p.m. In addition to the points I have already made, and on the additional points raised by the honorable member for Broadmeadows, I rule that the proceedings closed, in accordance with the earlier decision of the House, at 11.15 p.m., and there is no point for further discussion.

The Committee divided on the motion (Mr. McLaren in the chair)—

| | |
|---|---|
| Ayes .. .. | 55 |
| Noes .. .. | 21 |
| Majority for the motion .. .. | 34 |

AYES.

| | |
|---|---|
| Mr. Austin | Mr. McArthur |
| Mr. Balfour | Mr. McCabe |
| Mr. Billing | Mr. McClure |
| Mr. Birrell | Mr. McInnes |
| Mr. Borthwick | Mr. McKellar |
| Mr. Burgin | Mr. Mackinnon |
| Mr. Coleman | Mr. Maclellan |
| Mr. Collins | Mrs. Patrick |
| Mr. Cox | Mr. Plowman |
| Mr. Crellin | Mr. Rafferty |
| Mr. Dixon | Mr. Ramsay |
| Mr. Dunstan | Mr. Reese |
| Mr. Ebery | Mr. Ross-Edwards |
| Mr. Evans (*Ballarat North*) | Mr. Scanlan |
| Mr. Evans (*Gippsland East*) | Mr. Skeggs |
| Mr. Francis | Mr. Smith (*South Barwon*) |
| Mr. Gude | Mr. Smith (*Warrnambool*) |
| Mr. Guy | Mr. Templeton |
| Mr. Hamer | Mr. Thompson |
| Mr. Hann | Mr. Trewin |
| Mr. Hayes | Mr. Vale |
| Mr. Jasper | Mr. Weideman |
| Mr. Jennings | Mr. Whiting |
| Mr. Jona | Mr. Williams |
| Mr. Kennett | Mr. Wood |
| Mr. Lacy | *Tellers:* |
| Mr. Lieberman | Mr. Hudson |
| Mr. Loxton | Mr. Richardson |

NOES.

| | |
|---|---|
| Mr. Amos | Mr. Lind |
| Mr. Cathie | Mr. Mutton |
| Mr. Crabb | Mr. Roper |
| Mr. Culpin | Mr. Simmonds |
| Mr. Doube | Mr. Simpson |
| Mr. Edmunds | Mr. Trezise |
| Mr. Fogarty | Mr. Wilkes |
| Mr. Fordham | Mr. Wilton |
| Mr. Ginifer | *Tellers:* |
| Mr. Holding | Mr. Cain |
| Mr. Jones | Mr. Stirling |

PAIR.

| | |
|---|---|
| Mr. Suggett | Mr. Kirkwood |

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

**Mr. HAMER** (Premier and Treasurer): I move—

> That this Bill be now read a third time.

The House divided on the motion (Sir Kenneth Wheeler in the chair)—

| | |
|---|---|
| Ayes .. .. | 56 |
| Noes .. .. | 21 |
| Majority for the motion .. | 35 |

AYES.

| | |
|---|---|
| Mr. Austin | Mr. McCabe |
| Mr. Balfour | Mr. McClure |
| Mr. Billing | Mr. McInnes |
| Mr. Birrell | Mr. McKellar |
| Mr. Borthwick | Mr. McLaren |
| Mr. Burgin | Mr. Maclellan |
| Mr. Coleman | Mrs. Patrick |
| Mr. Collins | Mr. Plowman |
| Mr. Cox | Mr. Rafferty |
| Mr. Crellin | Mr. Ramsay |
| Mr. Dixon | Mr. Reese |
| Mr. Dunstan | Mr. Richardson |
| Mr. Ebery | Mr. Ross-Edwards |
| Mr. Evans (*Ballarat North*) | Mr. Scanlan |
| | Mr. Skeggs |
| Mr. Evans (*Gippsland East*) | Mr. Smith (*South Barwon*) |
| Mr. Francis | Mr. Smith (*Warrnambool*) |
| Mr. Gude | Mr. Templeton |
| Mr. Guy | Mr. Thompson |
| Mr. Hamer | Mr. Trewin |
| Mr. Hann | Mr. Vale |
| Mr. Hayes | Mr. Weideman |
| Mr. Jasper | Mr. Whiting |
| Mr. Jennings | Mr. Williams |
| Mr. Jona | Mr. Wood |
| Mr. Kennett | |
| Mr. Lacy | |
| Mr. Lieberman | *Tellers:* |
| Mr. Loxton | Mr. Hudson |
| Mr. McArthur | Mr. Mackinnon |

NOES.

| | |
|---|---|
| Mr. Amos | Mr. Mutton |
| Mr. Cain | Mr. Roper |
| Mr. Crabb | Mr. Simmonds |
| Mr. Doube | Mr. Simpson |
| Mr. Edmunds | Mr. Stirling |
| Mr. Fogarty | Mr. Trezise |
| Mr. Fordham | Mr. Wilkes |
| Mr. Ginifer | Mr. Wilton |
| Mr. Holding | *Tellers:* |
| Mr. Jones | Mr. Cathie |
| Mr. Lind | Mr. Culpin |

PAIR.

| | |
|---|---|
| Mr. Suggett | Mr. Kirkwood |

The Bill was read a third time.

Mr. **HAMER** (Premier and Treasurer): I move—

That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

The House divided on the motion (Sir Kenneth Wheeler in the chair)—

| | | |
|---|---|---|
| Ayes | .. | 56 |
| Noes | .. | 21 |
| Majority for the motion | .. | 35 |

AYES.

| | |
|---|---|
| Mr. Austin | Mr. McCabe |
| Mr. Balfour | Mr. McClure |
| Mr. Billing | Mr. McInnes |
| Mr. Birrell | Mr. McKellar |
| Mr. Borthwick | Mr. McLaren |
| Mr. Burgin | Mr. Maclellan |
| Mr. Coleman | Mrs. Patrick |
| Mr. Collins | Mr. Plowman |
| Mr. Cox | Mr. Rafferty |
| Mr. Crellin | Mr. Ramsay |
| Mr. Dixon | Mr. Reese |
| Mr. Dunstan | Mr. Richardson |
| Mr. Ebery | Mr. Ross-Edwards |
| Mr. Evans (*Ballarat North*) | Mr. Scanlan |
| | Mr. Skeggs |
| Mr. Evans (*Gippsland East*) | Mr. Smith (*South Barwon*) |
| Mr. Francis | Mr. Smith (*Warrnambool*) |
| Mr. Gude | Mr. Templeton |
| Mr. Guy | Mr. Thompson |
| Mr. Hamer | Mr. Trewin |
| Mr. Hann | Mr. Vale |
| Mr. Hayes | Mr. Weideman |
| Mr. Jasper | Mr. Whiting |
| Mr. Jennings | Mr. Williams |
| Mr. Jona | Mr. Wood |
| Mr. Kennett | |
| Mr. Lacy | |
| Mr. Lieberman | *Tellers:* |
| Mr. Loxton | Mr. Hudson |
| Mr. McArthur | Mr. Mackinnon |

NOES.

| | |
|---|---|
| Mr. Amos | Mr. Mutton |
| Mr. Cain | Mr. Roper |
| Mr. Crabb | Mr. Simmonds |
| Mr. Doube | Mr. Simpson |
| Mr. Edmunds | Mr. Stirling |
| Mr. Fogarty | Mr. Trezise |
| Mr. Fordham | Mr. Wilkes |
| Mr. Ginifer | Mr. Wilton |
| Mr. Holding | *Tellers:* |
| Mr. Jones | Mr. Cathie |
| Mr. Lind | Mr. Culpin |

PAIR.

| | |
|---|---|
| Mr. Suggett | Mr. Kirkwood |

The Bill was transmitted to the Council.

## MARRIAGE (AMENDMENT) BILL.

This Bill was received from the Council and, on the motion of Mr. MACLELLAN (Minister of Labour and Industry), was read a first time.

## ADJOURNMENT.

DALLAS PRIMARY SCHOOL—UNIFORM BUILDING REGULATIONS — EDUCATION DEPARTMENT STOCK LIST—MELBOURNE AND GEELONG CORPORATIONS (REGENT THEATRE BUILDINGS) BILL—COUNTRY MENTAL HEALTH SERVICES — CO-OPERATIVE FARMERS AND GRAZIERS DIRECT MEAT SUPPLY LTD. — STATE OF RACE TRACKS — LITTER.

**Mr. THOMPSON** (Minister of Education): I move—

That the House, at its rising, adjourn until tomorrow, at half-past ten o'clock.

The motion was agreed to.

**Mr. THOMPSON** (Minister of Education): I move—

That the House do now adjourn.

**Mr. WILTON** (Broadmeadows): I raise with the Minister of Education a problem of the Dallas Primary School. I have been advised by the secretary of the council of the Dallas Primary School that the school has 118 migrant children in an enrolment of 393, which is about 30 per cent. One migrant teacher may be appointed to the school, but all the efforts of the principal to fill the position have been unsuccessful and the school council has written requesting me to raise the matter with the Minister to obtain his assistance in solving the problem. At present three children at the school speak no English and fifteen other children have only a slight understanding of the English language. The situation is extremely difficult, and I ask the Minister to intervene and assist the school principal to obtain a migrant education teacher.

**Mr. COX** (Mitcham): I raise a matter for the attention of the Minister representing the Minister for Local Government. It relates to clause 804E of the Uniform Building Regulations. The Nunawading City Council has been concerned about the site provisions for the building of houses, in particular lot sizes in subdivisions that were subdivided before 1964. It appears that allotments that are one and a half times larger than the present requirement have the capacity of taking another house. One of the significant factors is that no planning permit is required. The only requirement is that the house conform to the Uniform Building Regulations. In certain areas in older subdivisions this presents an imposition on the amenity of the area and I should like the Minister to consider the matter with a view to amending clause 804E and the other relevant clauses. The Melbourne and Metropolitan Board of Works planning scheme could also be amended to require a permit to be issued to enable the construction of two houses on the one site.

**Mr. EDMUNDS** (Ascot Vale): I raise an urgent matter for the attention of the Minister of Education. For a number of years corporal punishment has been outlawed in the State education system, but the Education Department stock list which was published in 1975 still lists the types of straps that teachers or schools may purchase. Although I understand that discipline is extremely important in the Education Department, it would seem that it is also cheap because item No. 07293 lists a 2-ft. strap at 6 cents; item No. 07307 lists a 3-ft. strap at 10 cents; and item No. 07315 lists a 4-ft. strap at 12 cents. I do not know on what size of child a 4-ft. strap would be used. I should like the items on this list to be examined with a view to ascertaining whether they are outmoded. I believe few schools in the State system purchase straps at these prices. As this provision is now obsolete, I should like the Minister at the next printing of the Education Department stock list to have these obnoxious items obliterated from the list.

**Mr. JONES** (Melbourne): I direct my remarks to the Minister for Planning. I understand that the Historic Buildings Preservation Council has brought down a report on the current state of the Regent Theatre. I ask the Minister to undertake to provide a copy for the use of the Opposition before the debate on the motion for the second reading of the Melbourne and Geelong Corporations

(Regent Theatre Buildings) Bill is resumed. It is set down on today's Notice Paper for Wednesday, 27th April. I do not know how far down the list it may be, but I should be extremely grateful if the Minister would provide a copy for the use of the Opposition before this debate is brought on.

**Mr. ROPER** (Brunswick): I raise a matter for the attention of the Assistant Minister of Health. It relates to the availability of mental health services in country areas of Victoria. Last year on a number of occasions I raised the question of a special out-patient clinic that the Mental Health Authority was able to run based on the Hamilton Base Hospital, but which was temporarily withdrawn because of the resignation of a psychiatrist working from Warrnambool. I raise for the attention of the Minister the fact that numerous other areas in Victoria need this type of out-patient service.

I suggest to the honorable gentleman that Wonthaggi suffers fairly severely from the absence of psychiatric services and the residents there should have the psychiatric services that are available to them considerably improved. An out-patients' clinic at the Wonthaggi hospital would mean that a psychiatrist from Traralgon or Dandenong could visit the hospital on one day a week or one day a fortnight. This would prevent patients from having to be admitted to either Traralgon or Larundel, which may be a considerable distance from where they live. This can cause considerable difficulty to the families involved. The Minister might understand that it is somewhat more expensive than providing what is initially necessary in many cases, namely, an out-patient type of service. Throughout country Victoria, the Mental Health Authority could carry out its job more efficiently if it had a number of out-patient clinics. It is difficult to give the Minister the precise number that would be required. The Mental Health Authority has really not worked out where its services should be in a community sense. It has tended to pull people from all around the State into its central hospitals, which by and large are in the Melbourne and metropolitan area and in Bendigo, Ballarat and other large centres.

I ask the Minister to ascertain whether an out-patients' clinic can be provided for Wonthaggi. I also ask the more general question of whether the Mental Health Authority would be better occupied in providing out-patient services in a variety of country centres rather than bringing patients into the city, or to Beechworth, Traralgon or other major centres. It is a long way for people to travel and it causes unnecessary hardship to people in a number of country areas.

**Mr. HANN** (Rodney): I direct a matter to the attention of the Deputy Premier in the absence of the Premier. This deals with the failure of the Co-operative Farmers and Graziers Direct Meat Supply Ltd. There is a great deal of concern throughout Victoria as to the effect this failure has had on the meat industry, particularly the processing and manufacturing side of the industry. There is further concern that because of the failure of the company and the fact that it is once again in receivership, in future months actions could be taken to transfer the ownership of this co-operative to a private or proprietary company. The farmers of the State would be totally opposed to that. They are particularly concerned that when the company went into receivership in 1975 it was partly because $1·8 million had been disposed of or apparently lent by the then managing director, Mr. L. P. Smart, without informing the directors of the company. That was claimed to be a glaring example of corporate robbery because these funds were going to companies such as Regal Press, which was controlled by Maxwell Newton.

Another company which was affected was Agricultural Marketing Pty. Ltd., a company formed jointly by the Co-operative Farmers and Graziers Direct Meat Supply Ltd. and the Victorian Farmers Union. My information is that this company was robbed of some $80,000 because two cheques were altered by Mr. Smart. I understand Agricultural Marketing Pty. Ltd. took up this matter in the courts.

**The SPEAKER (Sir Kenneth Wheeler):** Order! I welcome the honorable member's comments but can he tie this into Government administration?

Mr. HANN: Yes, Mr. Speaker.

The SPEAKER: I ask the honorable member to come to the point.

Mr. HANN: I was coming to the point that Agricultural Marketing Pty. Ltd. took up the matter in the courts and for some strange and unknown reason, which has not been fully explained, the master of the court, Mr. Jacobs, claimed that the case was too complicated. This matter has now been taken up with the Corporate Affairs Office. It is of concern that because of limited staff in that office and the fact that the Corporate Affairs Commissioner has transferred to another position and that at present that position is vacant, there is a need for the Government to take action to ensure that additional staff can be made available so that this matter is fully investigated and the persons who are responsible for the actions which largely caused the failure of this meat processing company and who are still walking around Victoria apparently scot free, should be made to answer for their actions.

**The SPEAKER (Sir Kenneth Wheeler):** Order! The honorable member's time has expired.

**Mr. CAIN** (Bundoora): In the absence of the Minister for Youth, Sport and Recreation, I ask the Deputy Premier to bring this matter to his colleague's notice. It concerns the reports that are made available to punters on the morning of race meetings. I understand that the custom is to make available to punters at about 9.30 a.m. on the morning of the race meeting a report on the state of the track. This report is delivered in one of four categories. It is stated that the track is heavy, which means very wet, slow, good or fast. That is the guide by which punters make their assessments about which horses they should back on the day. I understand that once the meeting starts the matter is in the hands of the stewards. They may, if they wish and see fit, amend any prognostication that has been made about the track early in the morning. They are reluctant to do this and only rarely is it done.

It has been drawn to my attention that on Easter Tuesday there was a particularly bad example of punters being given the wrong steer and getting a very bad deal. The official reading as to the state of the track was misleading. On that occasion the track was said to be good or slow.

Mr. ROPER: It was a bog.

Mr. CAIN: As the honorable member for Brunswick said, it was a bog. No attempt was made to amend that reading, and consequently many punters were misled. I notice that the Minister for Youth, Sport and Recreation is now present in the House. It is time consideration was given to overcoming the difficulties that arise from the subjective judgments made by an official of the course. It is suggested that there should be a panel of persons responsible for making that assessment drawn from organizations or bodies representing jockeys, trainers, club officials, and members of the committee or the club. It is not enough to rely on the judgment of one man who is an official of the course and who, it has been said, may well have some inducement to encourage people to attend the track and thereby offer a view about

the track that might be misleading and inaccurate. I put to the Minister that the matter should be considered by his department.

**Mr. JASPER** (Murray Valley): I believe my question should be directed to the Minister who represents the Minister for Local Government in this House, but in his absence I direct the question to the Deputy Premier, who may be able to shed some light on this subject. Like many people, I have been concerned with the enormous and continuing problem of littering throughout Victoria, particularly in the country. This is despite the efforts of State and Federal Governments to prevent people from littering the countryside.

In the *Age* newspaper of 23rd April the Minister of Transport was reported as saying that he estimates that roadside littering is costing something of the order of $600,000 a year in Victoria. He emphasized the problems that are created by motorists driving through the countryside. He referred to them as moronic, motorized, litterbugs, and that aptly describes many of the people who litter the State. I congratulate the Minister on his comments.

It has been brought to my attention by municipalities in the Murray Valley electorate, that a step in the right direction to overcoming this problem of littering would be legislation which would prohibit the sale of drinks in non-returnable bottles. If a deposit were charged on all bottles this would encourage people to retain and return them instead of throwing them around the countryside. I ask the Minister to examine this problem and ascertain whether as a starting point legislation can be introduced to ensure that bottles are returned because of the payment of a deposit.

**Mr. THOMPSON** (Minister of Education): In reply to the honorable member for Murray Valley, I will be pleased to direct to the attention of the Premier the matter which he raised, namely, the desirability of having a deposit on bottles to encourage them to be returned and thus reduce the amount of litter around the State.

In reply to the honorable member for Rodney, I will be pleased to also draw to the attention of my colleague, the Premier, the problems created by the meat processing companies and the difficulties of people who have suffered in obtaining adequate legal redress.

The honorable member for Broadmeadows raised the question of the difficulty in providing specialist tuition in the English language for the pupils of Dallas Primary school. I shall be pleased to investigate that matter.

I thank the honorable member for Ascot Vale for raising as a matter of urgent public administration certain items described as straps in the list published by the Stores Branch of the Education Department. I am not quite sure of the purpose for which these straps are used. It may be only for a holding operation. I am not personally familiar with their length or price. I will personally investigate their length, but as part of our wage-price freeze, I will guarantee that their prices will be kept steady while the investigation is taking place.

**Mr. HAYES** (Minister of Housing): On this occasion I act for the Minister of Local Government. The honorable member for Mitcham raised the question of the Uniform Building Regulations as they are at present applied in the City of Nunawading. It happens that I have had two similar inquiries over the past long week-end. I have already asked the Minister for Local Government to make inquiries of the municipality as to the way in which it is implementing that section.

On the matter raised by the honorable member for Melbourne concerning the Historical Buildings

Preservation Council's report on the Regent Theatre, I am not aware just when the council prepared the report; whether it was some time ago or not. I gather that the Regent Theatre may have been subject to a report by the Historic Buildings Preservation Council as to its historic or preservation merits. If that report was prepared and acted on one way or another by my predecessor, I shall see that a copy is supplied to the honorable member. However, if he is referring to the inquiry established more recently by the Premier, of course the result of that inquiry is available in the Papers Room. I am unaware of any recent reports from the Historic Buildings Preservation Council.

**Mr. DIXON** (Minister for Youth, Sport and Recreation): I am grateful to the honorable member for Bundoora for his diligent attention to matters affecting my administration.

Mr. JONES: He is a great racing man.

Mr. DIXON: I did not understand how deep his interest was in matters affecting the sport of kings. I will draw the matters which have been raised by the honorable member for Bundoora to the attention of the Victoria Racing Club and ask it to inform me of its opinion on these matters, and I will duly contact the honorable member.

**Mr. JONA** (Assistant Minister of Health): In answer to the honorable member for Brunswick I will certainly ensure that the Mental Health Authority makes a full examination of his proposal, but I point out, as the honorable member would well realize, that the historical development of the mental health services around the State and the particular nature of the services which they render, make them not comparable with the services that would be more readily and suitably given on a decentralized basis in the general hospital field. I will ensure that the honorable member's suggestion is thoroughly examined.

The motion was agreed to.

*The House adjourned at* 12.15 *a.m.*

## *QUESTIONS ON NOTICE.*

*The following answer to questions on notice were circulated—*

### UNUSED SPACE IN GOVERNMENT BUILDINGS.

(Question No. 533)

**Mr. JONES** (Melbourne) asked the Minister of the Arts—

1. What properties in, or in the vicinity of, the central business district and owned or leased by the State Government or by Government instrumentalities, have areas which are not fully utilized?

2. What is the address of each property, indicating the amount of unused space?

3. Whether the Government will give consideration to allowing artists to use such areas for temporary studio space until such areas can be fully used?

**Mr. HAMER** (Minister of the Arts): The answer is—

Inquiries have shown that a considerable number of man-hours would be required to elicit the information sought by the honorable member.

In the circumstances, I do not consider it would be warranted to take staff from other duties for this purpose.

However, if the honorable member has any specific matter he would like clarified I suggest that he contact the Director, Property and Services Division, Public Works Department.

### FUNDS FOR RODNEY ELECTORATE.

(Question No. 941)

**Mr. HANN** (Rodney) asked the Treasurer—

What funds will be made available in the electoral district of Rodney in 1976–77 as a result of the State Budget, giving full details of all projects in excess of $10,000 and the total amount to be spent by each Government department?

**Mr. HAMER** (Premier and Treasurer): The answer is—

| | $ | $ |
|---|---|---|
| Ministry for the Arts— | | |
| Echuca Performing Arts Centre—conversion of theatre | | 120,000 |
| Department of Crown Lands and Survey— | | |
| Dairy Farmers Employment Scheme | | 50,737 |
| Rural Finance and Settlement Commission— | | |
| Rochester Settlement—expenditure on housing, etc. | | 114,000 |
| Local Government Department— | | |
| Dairy Farmers Employment Scheme | | 219,240 |
| Subsidies to Municipalities— | | |
| City of Echuca—sale-yards | 25,000 | |
| Shire of Rochester—sale-yards | 16,000 | |
| Shire of Huntly—Epsom town drainage | 25,000 | |
| Other subsidies for drainage, public halls, private street works, etc. | 117,752 | |
| | | 183,752 |
| Department of Health— | | |
| New Senior Citizens Centre, Nathalia | | 10,306 |
| Pyramid Hill Bush Nursing Hospital—doctor's residence and surgery and minor works | | 27,713 |
| Northern Pre-School Centre, Kyabram—State share of establishment | | 17,461 |
| Hospitals and Charities Commission— | | |
| Echuca and District Hospital— | | |
| Camray ward works | 26,000 | |
| Staff residences | 10,700 | |
| Various other works | 28,300 | |
| | | 65,000 |
| Rochester and District War Memorial Hospital—alterations and additions to administrative block | | 25,000 |
| Forests Commission— | | |
| Cohuna district—road construction and improvement | | 10,000 |
| State Rivers and Water Supply Commission— | | |
| Dairy Farmers Employment Scheme | | 58,000 |

This information is in addition to details provided in answers to questions Nos. 786 and 890, asked by the honorable member.

## GOVERNMENT LAND AND BUILDING SALES.

(Question No. 1103)

**Mr. HOLDING** (Leader of the Opposition) asked the Premier—

1. On how many occasions over the past ten years the Government has sold land or buildings with a valuation in excess of $100,000, indicating in each case—(*a*) the nature and location of the property; (*b*) the name of the agent carrying out the sale; (*c*) the mode of sale; (*d*) the name of the purchaser; (*e*) the reserve price; and (*f*) the price obtained?

2. In respect of each transaction, how many advertisements were placed, indicating in each case—(*a*) the area in column inches and the names of the publications in which the advertisements were inserted; and (*b*) in the case of auctions, how many days prior to the day of sale each advertisement appeared?

**Mr. HAMER** (Premier and Treasurer): The answer is—

Inquiries have shown that a considerable number of man-hours would be required to elicit the information sought by the honorable member.

In the circumstances, I do not consider it would be warranted to take staff from other duties for this purpose.

However, if the honorable member has any specific matter he would like clarified I suggest that he contact the Director, Property and Services Division, Public Works Department.

## GOVERNMENT OFFICES.

(Question No. 1105)

**Mr. HOLDING** (Leader of the Opposition) asked the Premier—

Which Government offices located in the inner city area are occupying space for which rent is paid, indicating in each case —(*a*) the area involved; (*b*) the rental per foot; and (c) the name of the landlord?

**Mr. HAMER** (Premier and Treasurer): The answer is—

Inquiries have shown that a considerable number of man-hours would be required to elicit the information sought by the honorable member.

In the circumstances, I do not consider it would be warranted to take staff from other duties for this purpose.

However, if the honorable member has any specific matter he would like clarified I suggest that he contact the Director, Property and Services Division, Public Works Department.

## STATE DANCE COMPANY.

(Question No. 1490)

**Mr. HOLDING** (Leader of the Opposition) asked the Minister of the Arts—

1. Whether the Government or any person acting on its behalf was advised that the deficit likely to be incurred by the State Dance Company of Victoria in 1976 was likely to be substantially larger than previous deficits; if so, on what date?

2. Whether the Government or any person acting on its behalf was given—(*a*) advance knowledge of the budget proposal by the company for its Panov season; or (*b*) progress reports on receipts and expenditure while the season was in course; if so, on what date the Government became aware of the likely financial result?

3. Whether the Government was approached to meet the deficit of the company including losses associated with the Panov season either wholly or in part; if so, what was—(*a*) the date of each approach; (*b*) the name of the person making the approach; (*c*) the date of the Government's response; and (*d*) the substance of the response?

4. Whether the company was given any reason to suppose that the losses would be met by the Government either wholly or in part; if so, what was the nature of the assurance?

**Mr. HAMER** (Minister of the Arts): The answer is—

1. Yes; 17th June, 1976.

2. (*a*) Yes.

   (*b*) Yes—August, 1976.

3. (*a*) 17th June, 1976; 1st July, 1976; 12th August, 1976; 17th August, 1976.

   (*b*) Mr. Streeter.

   (*c*) and (*d*) On 1st July, 1976, the Government provided a special grant of $200,000 to the company.

4. The company was told that its financial position would be investigated to determine whether any further financial assistance was possible.

## YOUTH EMPLOYMENT BY STATE GOVERNMENT.

(Question No. 1633)

**Mr. ROPER** (Brunswick) asked the Minister of Labour and Indstry—

In respect of the youth employment training scheme and other special Commonwealth employment schemes for young people, how many—(*a*) males; and (*b*) females, have been employed by State Government departments and instrumentalities, specifying the department or instrumentality involved, and the location and capacity in which each person has been employed?

**Mr. MACLELLAN** (Minister of Labour and Industry): The answer is—

Under the Special Youth Employment Training Programme, the State Government has agreed to subsidize departments and instrumentalities in the employment of up to 250 young persons in country areas. This subsidy is to be the difference between the full award rate and the Commonwealth subsidy of $61 per week.

Because the Special Youth Employment Training Programme is a special application of the NEAT scheme, training programmes approved by the Commonwealth Employment Service must be arranged for all young persons engaged. The process of engaging staff under these arrangements is proceeding within allocations given to departments and instrumentalities which respond to the Government's invitation to take on and train staff on this basis. Whilst some young persons have been engaged, the full programme has not yet been implemented and it is therefore not possible to provide the details sought by the honorable member at this stage.

The allocations approved are—

| Organization | Number |
|---|---|
| Department of Crown Lands and Survey | 50 |
| Latrobe Valley Water and Sewerage Board | 5 |
| Geelong Harbor Trust | 3 |
| Department of Labour and Industry | 5 |
| Law Department | 7 |
| Department of Agriculture | 18 |
| Country Roads Board | 23 |
| State Rivers and Water Supply Commission | 5 |
| Forests Commission | 49 |
| Mines Department | 1 |
| Department of Youth, Sport and Recreation | 2 |
| Ministry for Conservation | 44 |
| State Development and Decentralization | 5 |
| Transport Regulation Board | 3 |
| Social Welfare Department | 10 |
| Education | 7 |
| State Electricity Commission | 5 |
| Health Department | 3 |
| Mental Health Authority | 5 |
| Total | 250 |

## PORTLAND HARBOR TRUST FINANCE.

(Question No. 1735)

**Mr. WILTON** (Broadmeadows) asked the Treasurer—

1. What financial loss was incurred by the Portland Harbor Trust in each of the past five financial years?

2. How the loss was met in each year?

3. What total amount the Treasury has advanced to the trust to meet operating losses?

**Mr. HAMER** (Premier and Treasurer): The answer is—

1. The financial results of the trust in the five years 1971-72 to 1975-76 are as follows—

1971-72 Deficit $55,230
1972-73 Deficit $301,774
1973-74 Surplus $155,473
1974-75 Deficit $330,124
1975-76 Surplus $60,080

2. Contributions by the Government towards maintenance of port facilities and other expenses have regard to the operating result of the previous year.

3. At 30th June, 1976, the accumulated amount of contributions to the trust towards maintenance of port facilities and other expenses was $13,453,006. This does not include the sum of $3,263,773 deferred interest on capital moneys advanced by the State.

## TEACHER EMPLOYMENT.

(Question No. 1782)

**Mr. FORDHAM** (Footscray) asked the Minister of Education—

How many teachers are currently employed by the Education Department in each of the department's divisions, indicating by division, how many are—(*a*) school principals; (*b*) senior staff not normally undertaking class-room duties; (c) teachers on leave; and (*d*) school library-based staff?

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

Teachers currently employed by the Education Department (as at 24th March, 1977)—

| — | Primary | Secondary | Technical |
|---|---|---|---|
| Teachers currently employed— .. .. .. .. | 24,363 | 17,337 | 9,781 |
| (*a*) School principals (Head teachers of small primary schools excluded) .. .. .. .. .. .. | 1,079 | 275 | 121 |
| (*b*) Senior staff not normally undertaking class-room duties .. | 523 | 220 | 159 |
| (*c*) Teachers on leave .. .. .. .. .. | 2,200 | 1,265 | 418 |
| (*d*) Library-based staff .. .. .. .. .. | 672 | 480 | 340 |

NOTE: For question (*b*) senior staff has been interpreted as vice-principals or deputy principals.

## UNEMPLOYED TEACHERS.

(Question No. 1783)

**Mr. FORDHAM** (Footscray) asked the Minister of Education—

How many qualified unemployed teachers are currently registered for appointment to the—(*a*) primary; (*b*) secondary; (*c*) technical; and (*d*) special services divisions of the Education Department?

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

(*a*), (*b*), (*c*) and (*d*) Qualified teachers seeking employment to any vacancy—

| | |
|---|---|
| Primary—(including Special Services)—as at 20th April, 1977 .. .. .. .. .. | 18 |
| Secondary—as at 20th April, 1977 .. .. | 24 |
| Technical—as at 23rd March, 1977 .. .. | 19 |

## COUNTRY EDUCATION PROJECT PLANNING COMMITTEE.

(Question No. 1784)

**Mr. FORDHAM** (Footscray) asked the Minister of Education—

With regard to the recently formed Country Education Project Planning Committee—

1. When the committee was established?

2. Who are the members of the committee?

3. What are the terms of reference for the committee?

4. Whether an invitation will be extended to the Victorian Federation of State Schools Parents' Clubs to appoint a representative to the committee?

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

1. The Country Education Project Planning Committee held its inaugural meeting on the 9th March, 1977.

2 and 4. The members of the committee are—

Education Department—

Mr. J. Pascoe, (Substitute) 6 Murphy Street, Bairnsdale, 3875.

Mr. D. Sinclair (Co-ordinator S.G.P.), B.I.S.S., 480 Collins Street, Melbourne, 3000.

Mr. J. Sargeant, Acting Assistant Director of Technical Education, 480 Collins Street, Melbourne, 3000.

Mr. D. Weir, Regional Director, Horsham Regional Office, P.O. Box 636, Horsham, 3400.

Mr. T. Selvay, Assistant Director of Special Services, 234 Queensberry Street, Carlton, 3053.

Dr. R. Chapman, Acting Director of Planning Services, 49 Spring Street, Melbourne, 3000.

Mr. B. Curley, Teacher Education Division, 480 Collins Street, Melbourne, 3000.

Catholic Education Office—

Mr. A. Steart, Catholic Education Office, 383 Albert Street, East Melbourne, 3000.

Mr. P. Teggelove, Catholic Education Office, 7 Lyons Street South, Ballarat, 3360.

Mr. T. Synan, Catholic Education Office, 6 Wilton Street, Warragul, 3820.

Rt. Rev. Mgr. F. De Campo, St. Kilian's Presbytery, McCrae Street, Bendigo, 3550.

University—

Dr. D. Edgar, Department of Sociology, La Trobe University, Bundoora, 3083.

Parents—

Mrs. Marion Mathews, (V.F.S.S.P.C.), "Merrigur", Via Red Cliffs, 3496.

Non-Government and Non-Catholic Schools to be nominated.

3. The terms of reference are—

1. To establish the terms of reference for the development of a pilot project for a country education programme.

2. To assist in the development of techniques for surveying, assessing and identifying geographic areas that would be in any future project or programme.

3. To encourage activities that will promote discussion and the development of or extension of educational opportunities for children in country areas.

4. To provide a structure such that individuals, groups, and organizations may present points of view that would assist in the development of a country education project.

5. To review the current provisions that are made available to promote the educational opportunities of children living in isolated or small settlements in Victoria.

6. To identify the geographic areas for the establishment of a pilot country education project.

7. To develop general guidelines for the operation of the project at the State, regional and area level.

8. To make recommendations on the joint financial management of the project funds.

9. To prepare an interim report for consideration by the appropriate authorities by May, 1977.

## YALLOURN HIGH SCHOOL.

(Question No. 1850)

**Mr. AMOS** (Morwell) asked the Minister of Education—

In respect of the Yallourn High School—

1. What representations have been made to the Education Department about the school's closure by—(*a*) the school council; (*b*) the school principal; and (*c*) the teachers' union concerned?

2. Whether the department has made a decision about the school's closure; if so, what are the details of that decision, indicating—(*a*) the date the school will close; and (*b*) what provision is being made to accommodate the students elsewhere, indicating which schools?

3. In view of the Government's policy decision regarding staff ceilings, what guarantees of future employment can be given to the teaching staff in the event of its closure?

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

1. The principal has raised this matter in a letter to the Secondary Schools Division in relation to long-range plans and accommodation. The Director of Secondary Education has discussed it with the regional director but he cannot recall any formal approach from union sources.

2. The present intention of the department is to close the school from the 1st January, 1978, and there appears to be no reason to doubt the acceptability of this decision. Room exists in Newborough and other nearby schools to have the necessary accommodation to cope.

3. Teachers are employed by the department and not by a school; the employment of teachers will continue and very considerate treatment will be given with respect to their adjustment of position.

## HOUSING COMMISSION CLUSTER HOMES COMPLEX.

(Question No. 1884)

Minister of Special Education, for the the Minister of Housing—

Whether the Government proposes to utilize Housing Commission homes for the purpose of developing a cluster town-house complex; if so—(*a*) what is the area concerned; (*b*) how many homes are involved; (*c*) what is the total current value of the homes concerned; and (*d*) what is the total current land value of the area concerned?

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

Detailed studies are being carried out to determine the feasibility of redeveloping some small parcels of land scattered throughout Victoria, occupied by groups of older tenanted houses.

No area has yet been decided upon.

## MOTOR REGISTRATION FEES.

(Question No. 1890)

**Mr. WILKES** (Northcote) asked the Minister of Special Education, for the Chief Secretary—

1. What amounts were collected in motor registration fees in the last financial year and what is the estimated amount to be collected this financial year?

2. How these funds are distributed and in what proportion?

3. What is the administrative cost for collection of these fees?

**Mr. SCANLAN** (Minister of Special Education): The answer supplied by the Chief Secretary is—

1 and 2. Details of revenue received from motor registration fees and the distribution of such revenue are—

| Year | Revenue | Distribution of revenue | | |
|---|---|---|---|---|
| | | Country Roads Board | Traffic Authority Fund | Roads (Special Projects) Fund |
| | $ | $ | $ | $ |
| 1975–76 .. .. .. .. | 86,000,696 | 57,948,937 | 1,052,768 | 26,998,991 |
| 1976–77* .. .. .. | 97,534,513 | 65,098,381 | 2,383,372 | 30,052,760 |

* Figures for 1976–77 are estimates.

3. This information is not available to me.

## DRIVING LICENCE FEES.

(Question No. 1891)

**Mr. WILKES** (Northcote) asked the Minister of Special Education, for the Chief Secretary—

1. What amounts were collected in driving licence fees in the last financial year and what is the estimated amount to be collected this financial year?

2. How these funds are distributed?

3. What is the administrative cost for collection of these fees?

**Mr. SCANLAN** (Minister of Special Education): The answer supplied by the Chief Secretary is—

1 and 2. Details of revenue received from drivers' licence fees and the distribution of such revenue are—

| Year | Revenue | Consolidated Fund | Distribution of revenue | | |
|---|---|---|---|---|---|
| | | | Municipalities Assistance Fund | Country Roads Board | Drivers Suspense Account |
| | | $ | $ | $ | $ |
| 1975–76 .. .. | 11,593,953 | 5,796,977 | 2,989,488 | 1,449,244 | 1,449,244 |
| 1976–77* .. .. | 11,764,720 | 5,882,360 | 2,941,180 | 1,470,590 | 1,470,590 |

* Figures for 1976–77 are estimates.

3. The administrative cost for the collection of fees for 1975-76 was $1,160,733. The estimated cost for 1976-77 is $1,334,843.

## GREYHOUND RACING.

(Question No. 1892)

**Mr. GINIFER** (Keilor) asked the Minister for Youth, Sport and Recreation—

1. How many greyhound trial tracks there are in Victoria and where they are situated?

2. How many dogs are trained weekly at each of these tracks?

3. How many registered greyhounds there are in Victoria?

4. How many registered greyhounds there are within a 5-mile radius of the intersection of Mickleham Road and Craigieburn Road, Yuroke?

**Mr. DIXON** (Minister for Youth, Sport and Recreation): The answer is—

1. There are currently 21 trial tracks registered with the Greyhound Racing Control Board and their locations are as follows—

Anakie Trial Track, Darlington Grove, Anakie, 3221.

April Queen Kennels, Lot 58 Minns Road, Little River, 3221.

Ashleigh Park Kennels, Lot 2 Lancefield Road, Clarkefield, 3430.

Carrum Downs Greyhound Training Centre, Lot 2 Brunnings Road, Carrum, 3197.

Cookie's Trial Track, Switchback Road, Yinnar, 3869.

Dundas Park Boarding Kennels, 222 Dundas Street, Rye, 3941.

Elderfield's Trial Track, Avery's Road, Eaglehawk, 3556.

Fairlie's Kennels, Westernport Road, Drouin, 3818.

Kelly's Trial Track, Box 28, Woorinen South, 3588.

Kenyon Kennels, R.S.D. Talbot Road, Majorca, 3465.

Koonawarra Trialing Track, Leongatha, 3953.

Manning's Trial Track, Jackass Flat, Box 675, Epsom, 3551.

Mountain View Kennels, Lot 7 Princes Highway, Lara, 3212.

North Eastern Greyhound Centre, Chiltern, 3683.

Pegdale Greyhound Training Centre, River Avenue, Plenty, 3090.

Sunrise Greyhound Kennels, St. Hellier's Road, Loch, 3945.

Tagell's Trial Track, Lot 3 Coleman's Road, Dandenong, 3175.

Yarra Valley Greyhound Training Centre, Parkinson Road, Launching Place, 3139.

Azzopardi's Trial Track, Lot 3 Thompson's Road, Carrum Downs, 3200.

Rockbank Trial Track, Greig's Road, Rockbank, 3335.

Tooradin Trial Track, Lot 43 Harewood Mains Road.

2. I have been advised by the Greyhound Racing Control Board that, from the information they have been able to gain, an average of 100 to 150 trials per week are conducted on each track.

3. There are approximately 25,000 to 30,000 live registered greyhounds in the State of Victoria. Because the number of deaths subsequent to registration is not recorded, it is impossible to give an accurate number, but the above figure is the estimate given by the National Coursing Association, the registering authority for all Victorian greyhounds.

4. The Greyhound Racing Control Board has estimated that the total number of greyhounds domiciled in the 5-mile radius of the intersection of Mickleham Road and Craigieburn Road, Yuroke, is in the vicinity of 65. However, this figure would include the greyhounds present in that area at boarding kennels and breaking-in premises.

## PAISLEY BRIQUETTE DEPOT SITE.

(Question No. 1898)

**Mr. AMOS** (Morwell) asked the Minister of Housing—

In view of the advice given to the Housing Commission by the Explosives and Gas Examining Branch of the Mines Department concerning the proposal to develop the old briquette depot site at Paisley, as reported in the 1975 annual report of the Chief Inspector of Inflammable Liquids—

1. What consideration the commission has given to that advice, indicating—(*a*) whether the commission agrees with the buffer zone proposition; and (*b*) whether advice to the contrary was provided by any other party and, if so, what party?

2. What is the area of the Paisley site?

3. What are the details of the development proposal and what stage has been reached?

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

1. (*a*) Yes.

(*b*) No.

2. Fifty-five hectares (135 acres).

3. Construction of 1,134 town houses (two, three and four-bedroom units) to accommodate 4,900 persons. Each unit will have direct access to private outdoor space either at ground level, first-floor elevated plaza level or large private balconies. The inclusion of a shopping and community centre, churches, kindergartens and schools has been planned. Public open space area of 16·25 hectares will be provided. This compares with total residential area of 22·75 hectares. Sketch plans and design development drawings have been prepared. Preliminary arrangements have been made for the provision of all services.

The Melbourne and Metropolitan Board of Works as the relevant authority has refused the commission's application for a planning permit and an appeal is before the Town Planning Appeals Tribunal.

## OMEGA BASE.

(Question No. 1902)

**Mr. CATHIE** (Carrum) asked the Premier—

1. What discussions have been held with the Commonwealth Government regarding the siting of an Omega base in Victoria?

2. What site or sites are being considered for the establishment of this base, indicating—(*a*) which authority or authorities would be involved in issuing planning and building permits; and (*b*) to what extent local government bodies have been consulted, what information was supplied and from whom?

3. What contingency plans exist to protect the people of the area chosen from emergencies such as a first-strike attack from a hostile power?

4. In the light of New Zealand and Tasmania rejecting the siting of this base within their boundaries, on what grounds location in Victoria is acceptable?

**Mr. HAMER** (Premier and Treasurer): The answer is—

1. None. My Government has supported the establishment of an Omega base in Victoria.

2. According to press reports, sites are being considered in Gippsland—

(*a*) This depends on the selected site.

(*b*) This information is not available to me.

3. The question is based on an unfounded assumption and, therefore, cannot be answered.

4. On technical grounds and as a contribution to decentralization in Victoria.

## SOCIAL WELFARE DEPARTMENT FAMILY GROUP HOMES.

(Question No. 1903)

**Mr. COLEMAN** (Syndal) asked the Minister for Social Welfare—

1. How many children are currently in family group homes operated by the Social Welfare Department?

2. How many homes are operated by the department?

3. What was the unit cost per child of operating these homes in each of the past three years and what is the expected cost for 1977?

**Mr. DIXON** (Minister for Social Welfare): The answer is—

1. As at 26th March, 1977, there were 235 children placed in departmental family group homes.

2. Fifty-six.

| 3. | $ |
|---|---|
| 1973–74 | 51.00 per week |
| 1974–75 | 71.00 per week |
| 1975–76 | 84.00 per week |
| 1976–77 | 100.00 per week (estimated) |

## METCON PEDESTRIAN SIGNALS FOR COBURG ELECTORATE.

(Question No. 1905)

**Mr. MUTTON** (Coburg) asked the Minister of Special Education, for the Chief Secretary—

Whether any pedestrian-operated school signals under the Metcon pedestrian signal installation programme, are listed for construction in the electoral district of Coburg during 1976–77; if so, at what locations?

**Mr. SCANLAN** (Minister of Special Education): The answer supplied by the Chief Secretary is—

The installation of pedestrian-operated signals was completed recently in O'Heas Street–Sussex Street, Coburg as part of the 1976–77 works programme of the Road Safety and Traffic Authority. Installation of similar signals under the same programme are proposed at the following locations—

(*a*) Derby Street; south of Kent Road.

(*b*) Gaffney Street, west of Landells Road.

(*c*) Sydney Road between Mathieson Street and Suvla Grove.

The four locations referred to above are situated within the electoral district of Coburg.

## HOSPITAL FOR PENTRIDGE PRISON.

(Question No. 1911)

**Mr. MUTTON** (Coburg) asked the Minister for Social Welfare—

What progress has been made on the proposed hospital at Pentridge Prison?

**Mr. DIXON** (Minister for Social Welfare): The answer is—

The estimated cost, at this stage, for the hospital at Pentridge is $2,522,693. Plans are now at the "contract document" stage.

The department is proposing that work commence during the 1977–78 financial year and an amount of $500,000 has been sought to cover the progress of work during that year. A decision on the allocation to be provided will be made, having regard to other welfare priorities, at the time the 1977–78 works and services programme is finalized.

## SOCIAL WELFARE DEPARTMENT ADOPTION SECTION.

(Question No. 1912)

**Mr. MUTTON** (Coburg) asked the Minister for Social Welfare—

Whether a special unit has been set up within the adoption section of the Social Welfare Department to assist the adoption of those children who are physically or mentally handicapped; if so, what is the staff establishment and how many staff are employed at present?

**Mr. DIXON** (Minister for Social Welfare): The answer is—

A special unit is being established within the adoption section to assist with the placement of children with special needs and that unit will be staffed as follows—

Three social workers, including two at a senior level;
One welfare officer;
One administrative officer; and
One stenographer.

The positions of social workers and the welfare officer have been advertised and all applications have now been received. At this time, interviews with the applicants are being arranged and it is expected that their appointments will be made in the near future.

The position of the administrative officer has not yet been advertised as the department is still discussing with the Public Service Board the classification of that position.

The position of stenographer has been filled from within the over-all departmental establishment.

## COMMONWEALTH–STATE HOUSING AGREEMENT.

(Question No. 1927)

**Mr. EDMUNDS** (Ascot Vale) asked the Minister of Housing—

1. What stage has been reached in discussions between State and Commonwealth Government housing departments in respect of the Commonwealth–State Housing Agreement?

2. When the last meeting was held between these authorities and when the next meeting will be held?

3. Whether he will supply the member for Ascot Vale with a copy of the transcript of the last meeting of State and Commonwealth Housing Ministers; if not, why?

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

1. Discussions are continuing.

2. (*a*) 17th and 18th February, 1977.

(*b*) Not known at the moment.

3. No. This is a document recording discussions between the responsible Commonwealth and State Ministers, and it would be out of place to circulate copies.

## USE OF AIRCRAFT DURING BUSH FIRES.

(Question No. 1933)

**Mr. LACY** (Warrandyte) asked the Minister of Special Education, for the Chief Secretary—

In respect of the bush fires in western Victoria on Saturday, 12th February, 1977—

1. How many charter aircraft registered by the authority were used?

2. How many aircraft registered by the authority were used?

3. Whether any requests for air support were received by the authority or on behalf of any brigade or group of brigades; if so, what were those requests and how quickly they were fulfilled?

**Mr. SCANLAN** (Minister of Special Education): The answer supplied by the Chief Secretary is—

1. One charter aircraft was used in connection with the fires at Glengower, Werneth–Cressy and Little River–Balliang.

2. Two aircraft registered by the authority were used.

3. Three requests for air support were received. Details are—

(*a*) The Westmere group requested air surveillance of the Strathmore fire at 12.50 p.m. An aircraft was airborne within fifteen minutes of the request and surveyed the Strathmore, Pura Pura and Tatyoon–Streatham fires.

(*b*) Regional headquarters, region 5, requested a patrol of the North Byaduk fire at 3.00 p.m. An aircraft was airborne within ten minutes and surveyed both the North Byaduk and Penshurst fires.

(*c*) Assistant Chief Officer McPhan requested surveillance of the Glengower fire at 4.30 p.m. An aircraft was airborne for this purpose within twenty minutes. This aircraft was directed to patrol the Werneth fire at 5.20 p.m. and the Little River–Balliang fire at 6.17 p.m.

## TATTSLOTTO.

(Question No. 1938)

**Mr. MUTTON** (Coburg) asked the Treasurer—

What unclaimed prize money was paid into the Unclaimed Moneys Fund from Tattslotto up to 4th January, 1975, after prize winners in divisions three and four have been first notified?

**Mr. HAMER** (Premier and Treasurer): The answer is—

Under the regulations three years must elapse after the drawing of a consultation before prizes in that consultation can be deemed to be unclaimed.

Tattslotto, which is a consultation, commenced in June, 1972, and accordingly, there were no unclaimed moneys as at 4th January, 1975.

## HOUSING COMMISSION HOMES.

(Question No. 1940)

**Mr. LIND** (Dandenong) asked the Minister of Housing—

1. How many families are on the Housing Commission waiting list for Dandenong for —(*a*) four, three, two and single-bedroom units, respectively; (*b*) sleepouts; and (*c*) granny flats?

2. How many of these families are applicants for—(*a*) purchase; and (*b*) rental of each type?

3. How many units of each type have been built in each estate at Dandenong, Doveton, Hampton Park, Narre Warren, Dandenong North, and Frankston, respectively?

4. How many Dandenong applicants have been housed at—(*a*) Frankston; (*b*) Mornington; (*c*) Hastings; and (*d*) Jordanville?

5. How many units are to built at—(*a*) Narre Warren, including Fountain Gate; and (*b*) Patterson Lakes, and when building on each estate is likely to be commenced?

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

1. (*a*) 32, 2,575, 400 and 110 respectively.
   (*b*) Eight.
2. (*a*) 2,259 viz: 13 four-bedroom and 2,246 three-bedroom.
   (*c*) Ten.
   (*b*) 19 four-bedroom, 329 three-bedroom, 400 two-bedroom and 110 one-bedroom.

3.

| Estate | Four-bedroom | Three-bedroom | Two-bedroom | One-bedroom | Sleep-outs | Granny flats | Low rental | Lone person |
|---|---|---|---|---|---|---|---|---|
| Dandenong A | .. | 503 | 235 | .. | 79 | 1 | .. | .. |
| Dandenong B | .. | 116 | .. | .. | | | | |
| Dandenong Chandler | .. | 163 | .. | .. | | | | |
| | 782 | 235 | .. | .. | 79 | 1 | .. | .. |
| Dandenong North | 1 | 109 | .. | .. | .. | .. | .. | .. |
| Dandenong North (Windsor Heights) | 2 | 66 | .. | .. | .. | .. | .. | .. |
| Dandenong North (Endeavour Hills) | 7 | 148 | .. | .. | .. | .. | .. | .. |
| | 10 | 323 | .. | .. | .. | .. | .. | .. |
| Doveton | .. | 1,975 | 204 | 132 | 108 | 2 | 33 | 99 |
| Hampton Park | 8 | 235 | .. | .. | .. | 1 | .. | .. |
| Narre Warren | 4 | 108 | .. | .. | .. | 1 | .. | .. |
| Frankston | .. | 112 | 32 | .. | 26 | 9 | .. | .. |
| Frankston (Nepean Highway) | .. | .. | .. | 14 | .. | .. | .. | 14 |
| | .. | 112 | 32 | 14 | 26 | 9 | .. | 14 |
| Frankston Forest No. 1 | 3 | 1,132 | 12 | .. | 27 | .. | .. | .. |
| Frankston Forest No. 2 | 14 | 1,050 | .. | .. | | | | |
| | 17 | 2,182 | 12 | .. | 27 | .. | .. | .. |
| Totals | 39 | 5,717 | 483 | 146 | 240 | 14 | 33 | 113 |

4. Information not available.

5. (*a*) The Housing Commission purchased fifteen brick-veneer homes on the Fountain Gate estate. All of the homes are nearing completion and are expected to be ready for occupation in approximately three weeks' time.

(*b*) The Housing Commission is currently completing contract details for a construction programme of 50 homes at Patterson Lakes. It is anticipated that construction will commence in approximately one month's time.

## FACTORY-BUILT HOUSING.

(Question No. 1943)

**Mr. EDMUNDS** (Ascot Vale) asked the Minister of Housing—

Whether, in view of question No. 1695 answered on 29th March, 1977, he will lay on the table of the Library the report of the Director of Housing following his visit

to Japan to study a new revolutionary method of factory-built housing; if not, why?

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

Refer to answers to questions, Nos. 1695 (March, 1977) and 1626 (September, 1975).

## NORTH WEST REGIONAL COUNCIL FOR SOCIAL DEVELOPMENT.

(Question No. 1953)

**Mr. MUTTON** (Coburg) asked the Minister for Social Welfare—

Whether he has received submissions for further funding from the North West Regional Council for Social Development of 3 Belair Avenue, Glenroy; if so, when it is expected that the submissions will be dealt with?

**Mr. DIXON** (Minister for Social Welfare): The answer is—

An application for funds from the North West Regional Council for Social Development was received by the department on 10th March, 1977. This application, along with many others lodged by organizations which were previously sponsored by the Australian Assistance Plan, is currently being given detailed study in terms of possible support by the Government.

## "CRISP" WAGERING SYSTEM.

(Question No. 1954)

**Mr. MUTTON** (Coburg) asked the Minister for Youth, Sport and Recreation—

1. When it is envisaged that the new general Totalizator Agency Board wagering system ("CRISP") will commence operating?

2. Whether any new agencies will be established within the electoral district of Coburg after this system comes into operation?

**Mr. DIXON** (Minister for Youth, Sport and Recreation): The answer is—

1. The Totalizator Agency Board has advised me that, at the present time, the "CRISP" system is undergoing a series of informal tests with formal acceptance currently scheduled to commence during May this year. However, the tests so far have not been completely successful; therefore, it is not possible to predict a date for commencement at this stage.

2. The State electoral district of Coburg is serviced by five Totalizator Agency Board cash offices. The board's current property programme does not provide for the establishment of any new agencies in this area.

## USE OF CRACKED EGGS BY PASTRYCOOKS.

(Question No. 1971)

**Mr. McCLURE** (Bendigo) asked the Assistant Minister of Health, for the Minister of Health—

1. Whether the use of cracked eggs in the manufacture of foodstuffs by pastrycooks is prohibited by legislation; if so—(*a*) under what provisions; and (*b*) whether any pastrycooks have been prosecuted for using cracked eggs in the course of manufacturing foodstuffs?

2. What evidence exists to indicate that the use of cracked eggs in the manufacture of foodstuffs by pastrycooks is detrimental to public health?

**Mr. JONA** (Assistant Minister of Health): The answer supplied by the Minister of Health is—

Yes. The Egg and Egg Pulp Marketing Board Regulations 1974, as amended, provide that only uncracked eggs be used in the preparation of any meal or food for sale. Inquiries concerning the administration of these regulations should be directed to the Minister of Agriculture.

In so far as the Department of Health is concerned, the Food and Drug Standards Regulations provide that no person shall sell any egg unless it is sound and wholesome.

Although there is no definite evidence available to the Department of Health that the use of cracked eggs in the manufacture of foodstuffs by pastrycooks is detrimental to health, the department supports the prohibition as contained in the Egg and Egg Pulp Marketing Board Regulations as it considers that the use of cracked eggs presents the possibility of contamination.

## LAND IN SUNSHINE MUNICIPALITY.

(Question No. 1980)

**Mr. FOGARTY** (Sunshine) asked the Minister for Planning—

Whether any areas of land within the West Sunshine–Brooklyn sections of the municipality of Sunshine have been rezoned "residential" since August, 1976; if so—(*a*) what areas, indicating the size of the allotments and the name or names of the owners of such land; (*b*) whether the land in question was subject to previous decision of the Sunshine City Council and, in that event, what were the reasons for previous objections raised by council; and (*c*) whether the land in question is situated in close proximity to land zoned "special purposes" and a noxious trade area?

**Mr. HAYES** (Minister for Planning): The answer is—

(*a*) (i) Since August, 1976, the following allotments have been rezoned "residential" in the City of Sunshine, namely lots 1 to 7 on lodged plan 5706 on the south-east corner of Wright and Cannon streets.

(ii) Lots 1 to 6 are believed to be owned by Ohio Building Co. Pty. Ltd. and the ownership of lot 7 is not readily available.

(*b*) Yes; the Sunshine City Council granted a permit, serial No. 72/105, for five one and two-storey flats on lots 1 to 6 inclusive and the Melbourne and Metropolitan Board of Works has no record of any objections raised by the council in respect of these properties.

(*c*) The land is located more than 1 mile from any land zoned for noxious purposes.

## EDUCATION DEPARTMENT LAND IN KEILOR.

(Question No. 1987)

**Mr. GINIFER** (Keilor) asked the Minister of Education—

Whether any sites in the vicinity of Keilor township are held by the Education Department for post-primary purposes; if so, which sites; if not, what plans the department has to acquire a site or sites for these purposes?

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

No sites are held by the department for future post-primary purposes in the Keilor township at present; there is a tentative reservation in the planning scheme for a post-primary school about 1 kilometre north of the Taylors Road–Arthur Street intersection and near the public open space known as the Green Gully reserve.

## TRAFFIC LIGHTS FOR FRANKSTON NORTH INTERSECTION.

(Question No. 2001)

**Mr. CATHIE** (Carrum) asked the Minister of Special Education, for the Chief Secretary—

In respect of the request to install traffic lights at the intersection of the Dandenong–Frankston Road with Seaford and Ballarto roads—

1. What was the latest traffic count at this intersection, indicating—(*a*) the number of vehicles crossing the Dandenong–Frankston Road from Seaford and Ballarto roads, respectively; (*b*) the number of vehicles crossing Seaford and Ballarto roads along the Frankston–Dandenong Road; (*c*) the number of vehicles using the Excelsior Drive crossing; and (*d*) when this traffic count was undertaken?

2. What are the details of the events leading up to the proposed installation of traffic lights at this intersection, indicating—(*a*) when the request for such lights was first made; (*b*) who made the request; and (*c*) when a decision is likely to be made, giving the estimated cost and how the works are to be funded?

**Mr. SCANLAN** (Minister of Special Education): The answer supplied by the Chief Secretary is—

1. Information in relation to the most recent traffic count at the intersection of Ballarto and Seaford roads with the Dandenong–Frankston Road is as follows—

(*a*) In the period 7.00 a.m. to 7.00 p.m., 2,398 and 650 vehicles crossed the Frankston–Dandenong Road from Seaford Road and Ballarto Road, respectively.

(*b*) In the period 7.00 a.m. to 7.00 p.m., 6,005 north-bound vehicles and 5,438 south-bound vehicles crossed Seaford–Ballarto roads along the Frankston–Dandenong Road.

(*c*) The number of vehicles crossing Excelsior Drive along the Frankston–Dandenong Road would be expected to be 11,443, which is the aggregate of the numbers of north and south-bound vehicles referred to in part 1 (*b*) of this answer

(*d*) The traffic count relevant to the information provided in parts 1 (*a*), (*b*) and (*c*) of this answer was taken on Wednesday, 17th March, 1974.

2. (*a*) The Road Safety and Traffic Authority first received a request for the installation of traffic signals at this intersection on 9th March, 1974.

(*b*) The request was received from the council of the City of Frankston.

(*c*) On 9th March, 1977, the authority received an application from council for the signals to be installed under the provisions of the deferred payments scheme associated with the State intersection control programme. Information is currently being obtained from council to enable a design and cost estimate to be prepared by the authority. After the receipt of this information plans of the proposed installation will be forwarded to council for comment and concurrence. Provided council agrees with the plan, and makes the necessary funds available the installation of the signals can then proceed.

## COMPLAINTS AGAINST POLICE.

(Question No. 2011)

**Mr. WILKES** (Northcote) asked the Minister of Special Education, for the Chief Secretary—

1. How many complaints were lodged against members of the Victoria Police Force from January to December, 1976,

and from January to March, 1977, indicating who lodged such complaints?

2. What was the nature of the complaints?

3. How many of these complaints were handled by the Police Discipline Board?

4. What action was taken by the Police Department in respect of these complaints?

5. How many of these complaints were made against—(*a*) members of the Uniform Branch; and (*b*) members of the Criminal Investigation Branch?

**Mr. SCANLAN** (Minister of Special Education): The answer supplied by the Chief Secretary is—

1. In 1976 and up to 31st March, 1977, 658 and 155 complaints, respectively, were lodged against members of the Police Force. The complaints were lodged by other members of the Police Force, the Victorian Bar Council, the Law Institute, the Victorian Council for Civil Liberties, organizations representing homosexuals, barristers and solicitors, persons serving prison sentences and members of the general public.

2. Allegations of assault by members of the Police Force was the most common complaint made followed by allegations of incivility and lack of attention to duty. Other types of allegations made were in relation to breaches of discipline, failure to comply with Police Standing Orders, bribery, corruption, indecent assault, grievous bodily harm, demanding money with menaces, conspiracy, rape, carnal knowledge, theft, blackmail, burglary and dangerous driving.

3. The Police Discipline Board dealt with 37 of the complaints made in 1976 and with one of the complaints made up to 31st March, 1977.

4. The results of the investigations into the complaints are—

| Complaint | 1976 | 1977 (to 31st March) |
|---|---|---|
| Disciplinary charges preferred .. | 59 | 1 |
| Reprimands .. .. .. | 23 | 1 |
| Counselling .. .. .. | 68 | 1 |
| Court hearings .. .. .. | 9 | 2 |
| Resignations .. .. .. | 5 | 1 |
| Retirement on medical grounds .. | 2 | — |
| Unsubstantiated .. .. .. | 359 | 14 |
| Results pending .. .. .. | 140 | 135 |
| | *665 | 155 |

*More than one course of action was taken with respect to seven of the complaints.

5. Numbers of complaints made were—

| Year | Uniform Branch | Criminal Investigation Branch |
|---|---|---|
| 1976 .. .. .. .. | 575 | 83 |
| 1977 (to 31st March, 1977) .. | 146 | 9 |

## SEWERAGE BACKLOG.

(Question No. 2018)

**Mr. CATHIE** (Carrum) asked the Minister for Conservation, for the Minister of Water Supply—

1. What has been—(*a*) the backlog of unsewered properties in metropolitan Melbourne; and (*b*) the Commonwealth Government grant for sewerage to the Melbourne and Metropolitan Board of Works, in each of the past five years?

2. What is the current estimated cost of overcoming this backlog, and what is the current target date for reaching this objective?

3. What is the estimated cost resulting from pollution of rivers, streams and Port Phillip Bay caused by this sewerage backlog?

**Mr. BORTHWICK** (Minister for Conservation): The answer supplied by the Minister of Water Supply is—

1. (*a*) Information relating to the number of unsewered properties in metropolitan Melbourne for each of the past five years is not available. Statistics within the Melbourne and Metropolitan Board of Works area of responsibility are based on information obtained from aerial photographs taken every three years. Statistics available are as follows—

1972–73 approximately 162,000 allotments
1975–76 approximately 139,000 allotments

The figures for 1972–73 included approximately 47,500 allotments in the Dandenong Valley for which the board assumed responsibility in 1969 and for 1975–76 excludes allotments in the City of Berwick and the Shire of Pakenham which are within areas recently included within the board's area of responsibility.

(*b*) The amounts received for sewerage construction works are—

| Financial year | Loan money | Interest-free non-refundable grants | Total |
|---|---|---|---|
| | $ | $ | $ |
| 1971–72 | Nil | Nil | Nil |
| 1972–73 | Nil | Nil | Nil |
| 1973–74 | 9,300,000 | — | 9,300,000 |
| 1974–75 | 24,045,975 | 9,041,132 | 34,087,107 |
| 1975–76 | 21,595,000 | 9,255,000 | 30,850,000 |

2. Based on December, 1976, values cost is approximately $300 million. Subject to the availability of adequate loan funds, the backlog will be substantially overcome by the mid-1980s.

3. No meaningful estimate in dollar values can be made.

## NOTIFICATION OF EMPLOYEES INJURED AT WORK.

(Question No. 2023)

**Mr. SIMMONDS** (Reservoir) asked the Minister of Labour and Industry—

How many employers, pursuant to the provisions of section 181 of the Labour and Industry Act 1958, notified the Department of Labour and Industry of injury to an employee resulting in the absence of 24 hours or more from the place of employment during the year 1975–76 and during the period 1st February to 28th February, 1977?

**Mr. MACLELLAN** (Minister of Labour and Industry): The answer is—

The records of the department are not kept in a way which would enable the preparation of the information sought.

## GOVERNMENT RECEPTIONS.

(Question No. 2027)

**Mr. HOLDING** (Leader of the Opposition) asked the Premier—

1. In the year 1976 and 1977 to date, what—(*a*) organizations; and (*b*) individuals, were afforded Government receptions, specifying in each case, the number of guests catered for, the caterers, and the cost of such reception?

2. What are the criteria adopted by the Government in determining which organizations should receive a reception?

3. Whether, in the period above specified, any organizations or individuals who sought a reception were unsuccessful; if so, what was the number?

**Mr. HAMER** (Premier and Treasurer): The answer is—

| Name | Number of guests | Caterer | Cost |
|---|---|---|---|
| | | | $ |
| 1. (*a*) Organizations—1976— | | | |
| West Indies cricket team | 450 | Parliamentary Refreshment Rooms | 2,984.00 |
| 1976 International Banking School | 400 | Parliamentary Refreshment Rooms | 2,561.96 |
| Queen of the Pacific Quest | 160 | Unger Catering Service | 1,063.00 |
| 1976 National Convention of the Australian Society of Accountants | 180 | Richard Dax Catering | 1,103.00 |
| 8th International Conference of the World Jersey Cattle Society | 73 | Unger Catering Service | 487.00 |
| Mediwalk—Royal Melbourne Hospital Appeal | 200 | Parliamentary Refreshment Rooms | 1,660.00 |
| Premiers' Conference on Careers and Retirement | 420 | Parliamentary Refreshment Rooms | 2,781.45 |
| 50th Jubilee Conference on Maternal and Child Health | 280 | Parliamentary Refreshment Rooms | 2,654.60 |
| 53rd Meeting of Australian Veterinary Association | 180 | Parliamentary Refreshment Rooms | 2,023.16 |
| Ministers of Local Government | 120 | Unger Catering Service | 704.00 |
| 14th National Conference of the Australian Pre-School Association | 100 | Richard Dax Catering | 754.50 |
| Matthew Flinders Research Scholarship in Botany | 55 | Richard Dax Catering | 364.00 |
| Fijian National Rugby Union football team | 109 | Unger Catering Service | 691.00 |
| Miss Victorian Public Service Association Quest 1976 | 150 | Richard Dax Catering | 694.80 |
| Commonwealth of Nations Week | 200 | Unger Catering Service | 782.00 |
| Australian Olympic Team Appeal | 150 | Unger Catering Service | 1,285.50 |
| Order of St. John | 140 | Richard Dax Catering | 846.26 |
| Australian School Students Debating Championships | 60 | Housekeeper, Premier's Department | 220.00 |
| 50th Season of State Concert Orchestra | 110 | Richard Dax Catering | 684.00 |
| Chinese badminton team | 110 | Richard Dax Catering | 737.00 |
| Ensemble 1 | 35 | Housekeeper, Premier's Department | 120.00 |
| Artists who participated in the "Entertainment in the Parks" Program | 130 | Unger Catering Service | 994.00 |
| Olympic Games Team | 150 | Richard Dax Catering | 1,124.50 |
| Australian Public Service Table Tennis Championships | 120 | Unger Catering Service | 799.50 |
| Launching of book "Migrants Melbourne" | 120 | Richard Dax Catering | 690.00 |
| International Institute of Refrigeration Conference | 350 | Parliamentary Refreshment Rooms | 2,385.30 |
| Papua New Guinea Schoolboys' football team | 150 | Richard Dax Catering | 953.00 |
| Presentation of A. J. Dennis poetry competition prize | 140 | Richard Dax Catering | 978.00 |
| Australian Institute of Parks and Recreation | 550 | Parliamentary Refreshment Rooms | 3,350.51 |
| Greek Orthodox Prelates | 130 | Richard Dax Catering | 1,033.00 |
| International Association on Water Pollution Research | 180 | Unger Catering Service | 1,379.50 |
| 49th Annual Conference of the Australian Automobile Association | 110 | Unger Catering Service | 831.00 |
| Budget 1976 | 80 | Housekeeper, Premier's Department | 420.00 |
| International Teaching Fellows | 150 | Richard Dax Catering | 1,078.50 |
| Victorian Conservation Prize | 180 | Unger Catering Service | 1,143.00 |
| National Fitness Council of Victoria | 90 | Unger Catering Service | 697.00 |
| Miss Victoria Quest | 130 | Richard Dax Catering | 1,053.00 |
| Organizations—1977— | | | |
| Chinese Exhibition officials | 130 | Richard Dax Catering | 1,186.00 |
| 7th International Conference on Alcohol, Drugs and Traffic Safety | 550 | O'Brien's Catering Service | 3,596.89 |
| International Association for Accident and Traffic Medicine | 400 | Parliamentary Refreshment Rooms | 3,115.06 |
| Queen of the Pacific Quest 1977 | 200 | Unger Catering Service | 1,642.00 |
| Centenary of Test Cricket | 580 | Parliamentary Refreshment Rooms | Not yet available |

| Name | Number of guests | Caterer | Cost |
|---|---|---|---|
| V.P.C. Visitors from Germany | 80 | Unger Catering Service | 77.08 |
| Victoria Police officers | 250 | Parliamentary Refreshment Rooms | Not yet available |
| Council of the Gordon Institute of Technology and State College of Victoria | 90 | Unger Catering Service | Not yet available |
| 1. (*b*) Individuals—1976— | | | |
| Hon. A. A. Street, Minister for Employment and Industrial Relations | 40 | Housekeeper, Premier's Department | 132.00 |
| Major General Sir Rohan Delacombe | 150 | Richard Dax Catering | 1,156.60 |
| Ambassador for Japan | 22 | Housekeeper, Premier's Department | 65.00 |
| Ambassador for the United States of America | 25 | Housekeeper, Premier's Department | 65.00 |
| High Commissioner for Bangladesh | 20 | Housekeeper, Premier's Department | 60.00 |
| Mr. Michaelangelo Antonioni | 60 | Richard Dax Catering | 535.00 |
| High Commissioner for Britain | 23 | Housekeeper, Premier's Department | 65.00 |
| Ambassador for Iran | 13 | Housekeeper, Premier's Department | 52.00 |
| Sir Murray Porter | 90 | Unger Catering Service | 853.50 |
| Ambassador for Denmark | 20 | Housekeeper, Premier's Department | 65.00 |
| High Commissioner for Fiji | 25 | Housekeeper, Premier's Department | 68.00 |
| Ambassador of Yugoslavia | 35 | Parliamentary Refreshment Rooms | 82.78 |
| Mrs. M. Thatcher | 250 | Unger Catering Service | 2,368.50 |
| High Commissioner for Singapore | 15 | Housekeeper, Premier's Department | 63.00 |
| Mr. Robert Carrier | 150 | Unger Catering Service | 1,404.50 |
| Ambassador for the Netherlands | 22 | Parliamentary Refreshment Rooms | 79.80 |
| Ambassador for Yugoslavia | 20 | Parliamentary Refreshment Rooms | 82.60 |
| Lord Redcliffe-Maude | 70 | Richard Dax Catering | 604.00 |
| Ambassador for Switzerland | 24 | Parliamentary Refreshment Rooms | 82.60 |
| Ambassador for China | 20 | Parliamentary Refreshment Rooms | 85.90 |
| Individuals—1977— | | | |
| Sir Frederick Bennett | 35 | Housekeeper, Premier's Department | 128.00 |
| Ambassador of Indonesia | 25 | Housekeeper, Premier's Department | 89.00 |
| Ambassador of Hungary | 35 | Housekeeper, Premier's Department | 104.00 |
| Lord Provast of Edinburgh | 70 | Unger Catering Service | 606.00 |
| Ambassador of Belgium | 15 | Parliamentary Refreshmnt Rooms | Not yet available |
| Mr. C. Rixon | 80 | Unger Catering Service | 645.50 |
| Ambassador of Thailand | 25 | Parliamentary Refreshment Rooms | Not yet available |
| Archbishop of Melbourne | 100 | Richard Dax Catering | Not yet available |

2. (*a*) Seminars or conventions held in Melbourne by organizations of a national or international nature of sufficient importance to warrant a Government reception.

(*b*) Events of State or national importance.

(*c*) Sporting organizations of a national or international character.

(*d*) Ministerial conferences.

(*e*) Historical and cultural events of special significance to Victoria.

(*f*) Launching of major charitable appeals to which the Government contributes.

(*g*) Recognition of special service to the State and people of Victoria.

3. No.

## USE OF ADVERTISING AND PUBLIC RELATIONS FIRMS.

(Question No. 2028)

**Mr. HOLDING** (Leader of the Opposition) asked the Premier—

What Ministries, Government departments, statutory corporations and Government agencies retain, use, or have used the services of an advertising agency, or a public relations firm in 1975–76, and from 1st July, 1976, to date, specifying in each case—(*a*) the name of the firm or agency used and whether such firm was used for a general or specific purpose; and (*b*) the amounts paid to such firms or agencies?

**Mr. HAMER** (Premier and Treasurer): The answer is—

Departments and instrumentalities have been circularized for the information required. The answer will be supplied to the honorable member as soon as the information is available.

## STATE FILM CENTRE LOANS TO SCHOOLS.

(Question No. 2046)

**Mr. COLEMAN** (Syndal) asked the Minister of the Arts—

In relation to organizations with qualified projectionists borrowing films from the State Film Centre—

1. Whether all registered schools have been given the opportunity to borrow from the centre?

2. Whether schools in the State system are presently restricted to the Audio Visual Unit in the Education Department; if so, whether these schools will now be given the same opportunity as has been afforded registered schools?

**Mr. HAMER** (Minister of the Arts): The answer is—

1. Yes.

2. Primary schools are restricted to the audio visual unit of the Education Department. High schools and technical schools use facilities of both film libraries.

Yes; in approximately two years when additional print stocks have been built up.

## INQUIRY INTO TEACHING OF WATER SURVIVAL TECHNIQUES.

(Question No. 2050)

**Mr. HOLDING** (Leader of the Opposition) asked the Assistant Minister of Health, for the Minister of Health—

What was the cost of the inquiry into the teaching of water survival techniques to very young children which was carried out by a sub-committee appointed by the Commission of Public Health?

**Mr. JONA** (Assistant Minister of Health): The answer supplied by the Minister of Health is—

There were no costs involved in this inquiry other than the services of officers of the Department of Health who provided administrative support. These services were not costed in respect of the inquiry.

## ENTRANCE QUALIFICATIONS FOR NURSING COURSES.

(Question No. 2059)

**Mr. ROPER** (Brunswick) asked the Assistant Minister of Health, for the Minister of Health—

Whether the Victorian Nursing Council is currently considering changes in the nurses regulations to cater for mature age students who do not have the usual educational qualifications required to undertake courses, if so, what stage this consideration has reached, and when a decision will be made concerning the type of examination?

**Mr. JONA** (Assistant Minister of Health): The answer supplied by the Minister of Health is—

The Victorian Nursing Council is currently reviewing educational requirements for mature age students' entry into nurse training programmes.

Various aspects of this subject are at present being researched by council members and officers. When the results of this research are submitted to it, the council will take a decision as to any variations to be made in the educational entrance requirements for mature age applicants for nurse training.

## MUNICIPAL COUNCILS' BUILDING DEPARTMENTS.

(Question No. 2074)

**Mr. CULPIN** (Glenroy) asked the Minister of Public Works, for the Minister for Local Government—

If the Minister will ascertain and advise the number of staff employed in each metropolitan council building department specifying in each case—(*a*) the composition and classifications of each department; and (*b*) the number of qualified and unqualified staff, respectively?

**Mr. DUNSTAN** (Minister of Public Works): The answer supplied by the Minister for Local Government is—

The question does not relate to a matter of Government administration, and no records on the matter are consequently held by or immediately available to the Local Government Department. Information could be obtained only by circularizing all relevant municipalities and collating the replies of those which answer.

Further, the question in its present form would be incapable of accurate answer, as building and engineering departments in many municipalities overlap considerably.

If the honorable member contacts the Minister for Local Government and advises of the particular purpose for which the data is required, the Minister will be happy to discuss ways and means of obtaining useful information.

## INNER SUBURBS ADVISORY COMMITTEE.

(Question No. 2086)

**Mr. EDMUNDS** (Ascot Vale) asked the Minister for Conservation, for the Minister of Water Supply—

Whether the Melbourne and Metropolitan Board of Works has formed a technical advisory committee to advise and assist the board on matters related to the inner metropolitan area; if so—(*a*) who are the members of this committee; (*b*) what meetings have been held; (c) what reports have been made; and (*d*) whether the Minister will supply the member for Ascot Vale with copies of all reports made to date and all future reports?

**Mr. BORTHWICK** (Minister for Conservation): The answer supplied by the Minister of Water Supply is—

The Melbourne and Metropolitan Board of Works sought to establish such a committee and in November, 1975, convened a meeting of the inner-area councils to discuss the proposal which did not proceed.

At a later time, the Inner Suburbs Advisory Committee was formed comprising representatives of inner-suburban municipalities which has held meetings to discuss inner-suburban planning issues and to assist in the formulation of policies. This committee determined that a comprehensive position statement on the inner-suburban areas of Melbourne should be prepared and this task has been undertaken by the Board of Works. The report will be presented to the board on 26th April next and will be available for distribution to members of Parliament.

All future reports will likewise be made available.

## FLOOD DISRUPTION OF SEWERAGE CHANNELS.

(Question No. 2088)

**Mr. CATHIE** (Carrum) asked the Minister for Conservation, for the Minister of Water Supply—

1. How many open sewerage channels leading to Werribee were breached by floodwater as a result of flooding at Easter?

2. What action was taken by the Melbourne and Metropolitan Board of Works, indicating—(*a*) whether the pumps were turned off at Spotswood; and (*b*) whether raw sewage was turned into the Yarra River, and if so, at what locations and in what quantity?

**Mr. BORTHWICK** (Minister for Conservation): The answer supplied by the Minister of Water Supply is—

1. The Werribee main outfall sewer.

2. (*a*) There are no pumps now operating at Spotswood. Brooklyn pumping station continued to operate during the flooding.

(*b*) Diluted sewage overflowed into the Yarra River from an emergency relief structure at Douglas Parade and from similar structures at Sims Street (Maribyrnong River thence to Yarra) and Moonga Avenue (Gardiner's Creek thence to Yarra). The quantity overflowing could not be estimated because of the flooded conditions prevailing.

## SEWERAGE CONNECTION BREAKDOWNS IN BRAYBROOK.

(Question No. 2097)

**Mr. FOGARTY** (Sunshine) asked the Minister for Conservation, for the Minister of Water Supply—

1. Whether there have been two major breakdowns in the sewerage connections at the Cranwell reserve, Braybrook, overflow in recent weeks?

2. Whether the malfunction of certain connections led to effluent entering the Maribyrnong River in large quantities at a point adjacent to the reserve?

3. What action the Melbourne and Metropolitan Board of Works has taken to ensure the future efficient working of its plant within the City of Sunshine?

**Mr. BORTHWICK** (Minister for Conservation): The answer supplied by the Minister of Water Supply is—

1. There have been two failures at the Melbourne and Metropolitan Board of Works automatic sewerage pumping station in Lacy Street, Braybrook. The first occasion was caused by a local power failure. The second occasion was caused by vandals who entered the station, turned off the pumps and destroyed the installed instrumentation.

2. An overflow occurred via an emergency relief structure to the Maribyrnong River on both occasions.

3. Action is being taken to increase the security at the pumping station and install an alarm to monitor power failure.

## SEAFORD PETROLEUM.

(Question No. 2098)

**Mr. CATHIE** (Carrum) asked the Minister for Conservation, for the Minister of Water Supply—

Whether conditions for the permit issued by the Melbourne and Metropolitan Board of Works to Seaford Petroleum of Shell Oil Company, in Bardia Avenue, Seaford, include petrol pump selling for—(*a*) wholesale; and (*b*) retail purposes?

**Mr. BORTHWICK** (Minister for Conservation): The answer supplied by the Minister of Water Supply is—

No. The land is in a light industrial zone and a petrol filling station is a column 2 use for which no permit is required provided that the conditions set out in clause 25 (2) of the ordinance are observed.

## POLICE DOG SQUAD.

(Question No. 2099)

**Mr. MUTTON** (Coburg) asked the Minister of Special Education, for the Chief Secretary—

What is the relative strength and the number of dogs, respectively, at present in the Dog Squad of the Victoria Police Force?

**Mr. SCANLAN** (Minister of Special Education): The answer supplied by the Chief Secretary is—

There are fourteen members of the Police Force and thirteen dogs attached to the

Victoria Police Dog Squad. In addition, four puppies have been allocated to four other members of the force who attend dog training courses on a part-time basis. It is expected that these dogs will commence full-time training before the end of 1977.

## PORTABLE FIRE EXTINGUISHERS.

(Question No. 2111)

**Mr. SIMMONDS** (Reservoir) asked the Minister of Consumer Affairs—

What action has been taken to prohibit the sale or distribution of portable fire extinguishers which do not have the approval of the Chief Fire Officer?

**Mr. MACLELLAN** (Minister of Consumer Affairs): The answer is—

The Government does not propose to take such an action; however, it is proposed to recommend the making of regulations prohibiting the sale or distribution of portable fire extinguishers which do not comply with Australian standard specifications. The regulations are in course of preparation.

## LATROBE RIVER.

(Question No. 2124)

**Mr. AMOS** (Morwell) asked the Minister for Conservation, for the Minister of Water Supply—

Whether, in view of the evidence on the Latrobe River received by the Public Works Committee from Gippsland organizations and individuals in the course of the committee's inquiry into the water resources of Victoria, it is necessary for the Ministry of Water Resources to request the same organizations and individuals to present submissions on the same matter; if not, whether the Minister will eliminate this duplication by seeking the necessary information from the Public Works Committee?

**Mr. BORTHWICK** (Minister for Conservation): The answer supplied by the Minister of Water Supply is—

The Thomson River Water Resources Joint Committee is aware of the valuable information available in the Parliamentary Public Works Committee's various reports on the water resources of Victoria. This information, together with information obtained from other sources, will be considered by the committee members during their deliberations.

It was not the intention of the committee when seeking submissions, that interested parties prepare lengthy, expensive reports, but rather that they be given an opportunity to add to the information already presented and, if they so desire, submit their personal ideas on how the water resources of the region should be developed and utilized.

## MUNICIPAL ELECTIONS.

(Question No. 2127)

**Mr. GUY** (Gisborne) asked the Minister of Public Works, for the Minister for Local Government—

1. In respect of the 1976 elections of the Shire of Bulla, what was the name of each riding, indicating—(*a*) how many electors were enrolled; and (*b*) how many votes were recorded?

2. Whether further development in Sunbury is expected to aggravate the gross imbalance between electors of these ridings?

3. What other municipalities have similar or greater differentials?

**Mr. DUNSTAN** (Minister of Public Works): The answer supplied by the Minister for Local Government is—

1. The deputy shire secretary of the Shire of Bulla has provided the following information in respect of the annual election held on 28th August, 1976—

| Riding | Number on roll | Votes cast at booths | Postal votes | Total votes cast |
|---|---|---|---|---|
| West (in Sunbury) .. .. | 5,123 | 2,668 | 137 | 2,805 |
| East .. .. .. .. | 304 | | No contested election | |
| Mickleham .. .. .. | 2,602 | | No contested election | |
| Totals .. .. .. | 8,029 | 2,668 | 137 | 2,805 |

2. In the opinion of the deputy shire secretary further development in Sunbury alone would increase the imbalance between the numbers enrolled for each riding. However, on present indications, he considers there is every likelihood of considerable development in other areas of the shire.

A poll on a proposed resubdivision will however be held in conjunction with the 1977 municipal elections.

3. The extreme disparity in voting strengths between east and west ridings in the Shire of Bulla is highly unusual. Passage of the Local Government Bill now before Parliament will provide a new

power for successive Ministers for Local Government to set machinery in motion to remedy such imbalances in cases where councils fail to do so with reasonable promptness.

## CITY OF BROADMEADOWS ANNEXATION.

(Question No. 2129)

**Mr. CULPIN** (Glenroy) asked the Minister of Public Works, for the Minister for Local Government—

When a decision will be made on the proposal to annexe part of the City of Broadmeadows to the City of Essendon?

**Mr. DUNSTAN** (Minister of Public Works): The answer supplied by the Minister for Local Government is—

A decision on the proposal to annexe part of the City of Broadmeadows to the City of Essendon will be made when the Minister has received and considered the recommendations of the Local Government Advisory Board on the matter.

He expects to receive that report within the next few weeks.

# Legislative Council.

*Wednesday, April 27, 1977.*

The PRESIDENT **(the Hon. W. G. Fry)** took the chair at 2.33 p.m. and read the prayer.

## FUEL EMERGENCY BILL

This Bill was received from the Assembly and, on the motion of the Hon. V. O. DICKIE (Chief Secretary), was read a first time.

## MILDURA COLLEGE LANDS (MILDURA SCHOOLS FUND) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. W. V. HOUGHTON (Minister of Health), was read a first time.

## LAND SURVEYORS (SURVEYORS BOARD) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. W. V. HOUGHTON (Minister of Health), was read a first time.

## RAILWAYS (PARTICIPATION IN PIPELINES) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. D. G. CROZIER (Minister for State Development and Decentralization), was read a first time.

## *QUESTIONS WITHOUT NOTICE.*

### DENTAL TECHNICIANS.

**The Hon. B. P. DUNN** (North Western Province): Is the Minister of Health aware of difficulties created under the Dental Technicians Act as it affects experienced dental technicians seeking to be licensed as advanced dental technicians? Further, is he aware that the Advanced Dental Technicians Qualifications Board has rejected a proposal to establish a part-time intensive course for technicians who were unsuccessful in passing examinations conducted by the board, and will in future introduce a full-time course? If so, what action will be taken to provide a means by which experienced practising dental technicians can be upgraded to the status of advanced dental technicians?

**The Hon. W. V. HOUGHTON** (Minister of Health): I am aware of the problems associated with the Advanced Dental Technicians Qualifications Board and the registration of advanced dental technicians.

The Government introduced legislation to enable dental technicians, after passing an examination, to be qualified as advanced dental technicians, About 130 of the people who sat for the examination passed, and a slightly higher number, about 150, failed. A great deal of pressure is

now being applied by those who failed to find some way by which they may become qualified.

I said I would examine the possibility of establishing a short course; I have examined that possibility, and I am not able to establish a short course. The Government will set up a course to enable dental technicians to qualify to be registered as advanced dental technicians. It will take a long time, because a lot is involved in establishing an educational course.

It may be possible—and I have suggested this to those who are responsible for establishing the course—to allow those who have been practising illegally as advanced dental technicians for many years and have failed the examination for advanced dental technicians to enter the course at a level which may not involve them in undertaking the total course. This is done in other professions, particularly with foreign practitioners in the dental profession, and it is done in the medical profession and in other spheres by people who have some qualifications which may not be recognized in this country but who can enter a course in Australia at a slightly different level.

That is the present story on dental technicians. A lot of opposition to the proposal is being received. I am surprised at this because the Government has bent over backwards to ensure that those who can be qualified to be registered as advanced dental technicians have already been so registered.

## REIMBURSEMENT FOR MUNICIPAL COUNCILLORS.

**The Hon. J. M. WALTON** (Melbourne North Province): Has the Minister for Local Government received representations asking that municipal councils be allowed to reimburse councillors for out-of-pocket expenses? If so, by whom were the representations made and what was the result?

**The Hon. A. J. HUNT** (Minister for Local Government): I have received many such representations in varying forms. Some representations have sought an annual allowance of a fixed amount for councillors, and that is the view currently taken by the Municipal Association of Victoria. Others have sought leave to reimburse expenses actually incurred up to a given maximum, which, of course, is a somewhat different proposition.

Recently, at my request, the Municipal Association of Victoria undertook a survey. I have received the result of that survey, which was not as fully representative as I would have liked, but is nevertheless of value. It is currently being analysed and I expect the Government will make a decision one way or another before the next session of Parliament begins.

## PROSECUTIONS OF PETROL SELLERS.

**The Hon. J. V. C. GUEST** (Monash Province): I ask the Chief Secretary, representing the Premier, whether he noticed on the front page of yesterday's *Age* a report that police told a newspaper reporter that they had been instructed by the Premier's Department to prosecute persons selling petrol from the backs of trucks and at other—at normal times—unusual places under the Inflammable Liquids Act and for not having a hawker's and peddler's licence. Is the honorable gentleman aware of the prevalent medieval view in the community that people who engage in such free enterprise——

**The PRESIDENT (the Hon. W. G. Fry):** Order! It is not in order for Mr. Guest to make an explanation. He has given the preamble; I should now like to hear the question.

The Hon. J. V. C. GUEST: I am concerned about the possible consequences in the courts of these magistrates who may be thought to share the medieval view of the community on the propriety of

these actions, and I ask the Minister to assure the House that the Premier gave no such instruction.

**The Hon. V. O. DICKIE** (Chief Secretary): I assure the House that the Premier's Department did not give any such instruction. Naturally, there is provision for prosecutions to occur under the Hawkers and Peddlers Act, but in the circumstances of the emergency associated with the petrol strike, no such instructions were issued and no prosecutions will be forthcoming in this regard.

## LIVE WEIGHT SELLING SYSTEM.

**The Hon. S. R. McDONALD** (Northern Province): I direct a question to the Minister for Local Government. Last week I raised with the Minister a matter concerning live weight auction systems in Victoria, and he said he was likely to recommend to the Government that an experimental live weight selling centre be established in Victoria. Can the Minister inform the House what the funding arrangements of such an experiment, if it takes place, will be—in other words, will the Government contribute to it and, if so, on what terms?

**The Hon. A. J. HUNT** (Minister for Local Government): It would be a very unwise Minister who would outline to the House what he thought funding arrangements ought to be before clearing them with his colleagues in Cabinet. I do not propose to engage in that unwisdom.

## DENTAL TECHNICIANS.

**The Hon. J. A. TAYLOR** (Gippsland Province): I ask a question of the Minister of Health following the previous question asked by Mr. Dunn about dental technicians. The Minister mentioned that for years dental technicians have been practising illegally in the trade. This measure will shorten this period to a certain degree. I ask the Minister whether the same consideration will be given to technicians who have been practising legally under a dentist for years.

**The Hon. W. V. HOUGHTON** (Minister of Health): The point is that many dental technicians—by no means all of them—have been practising in a person-to-person relationship which is illegal. The Government decided that, as many of them were skilled persons and as dental services were required, some way should be found of registering those who could reach a certain standard. That has been done. Having done that, obviously we must provide a course by which dental technicians can graduate as advanced dental technicians. This course will be available to all dental technicians. Some dental technicians who have been practising for many years illegally and may thereby have acquired some of the necessary skills, may be permitted to enter the course at a different level. That is somewhat doubtful, but it may be possible in the case of a few of these dental technicians.

## INDUSTRIAL ACCEPTANCE CORPORATION LTD.

**The Hon. O. G. JENKINS** (Geelong Province): I direct a question to the Attorney-General. Is the honorable gentleman aware that a takeover offer is proposed by an American firm called Citicorp through a subsidiary called Nessus Investment Corporation for the minority shareholding in Industrial Acceptance Corporation Ltd.? Is the Attorney-General also aware that Industrial Acceptance Corporation Ltd. has asked the firm of Hill Samuel Australia Ltd. to prepare an independent assessment of the offer but, because there are certain confidential financial details in that assessment, it may not be possible to make all the information available to the shareholders? Will the Attorney-General, through the Commissioner of Corporate Affairs, ensure that the information conveyed to the minority shareholders contains all the relevant

information to enable them to make a proper judgment on whether they should accept the offer?

**The Hon. HADDON STOREY** (Attorney-General): I am aware from what has appeared in the newspapers that such a takeover offer is proposed. I inform the honorable member that under the listing requirements of the Australian Associated Stock Exchanges where an offeree corporation makes a recommendation to the shareholders and that corporation has received independent advice as to the adequacy of the takeover offer, that corporation is required to give a summary of the advice to shareholders at the time of making its recommendation. It would follow, of course, that that summary would have to be accurate and convey the true purport of the advice received by the offeree company.

## PAPERS.

The following papers, pursuant to the directions of several Acts of Parliament, were laid on the table by the Clerk—

Statutory Rules under the following Acts of Parliament—

Explosives Act 1960—No. 77.

Forests Act 1958.—No. 76.

Police Regulation Act 1958—No. 75.

Public Service Act 1974—Nos. 72 and 73.

Valuation of Land Act 1960—No. 74.

## FUEL EMERGENCY BILL.

**The Hon. V. O. DICKIE** (Chief Secretary): I move—

That this Bill be now read a second time.

Honorable members will be extremely pleased with the news that the critical fuel strike that has been racking Victoria for the past fourteen days has been settled. I am still unaware on what basis it was settled, but the important thing is that we hope that in a very short time fuel supplies will flow. Although the issue has been settled, it in no way diminishes the necessity for the Bill which the Government has introduced because it was realized during the period of the fourteen-day strike that although petrol and fuel generally had been made available for a category of essential services which naturally are related to police, ambulance, fire, medical requirements, and so on, a big group of people in the community considered, and rightly so, that they also were involved in an essential service.

One of the most essential things in the community is the right of a person to work, and if there are problems, he should be able to get to that job if it is available to him. A manufacturer should be in a position of knowing that his work force can turn up, that he is able to produce, and that the general industrial and commercial requirements of the State will continue. The farmer must also be in a position under these critical circumstances to be able to sow and reap his crop and take his produce to market. Therefore, many of what can be called para-essential services can be listed but they are not necessarily covered by the Essential Services Act which was enacted in 1958 but has never been used. Initially it was enacted for the sole purpose of making certain that when the occasion arose, and fortunately it has not arisen, the essential services as listed, which are mainly Government services, would continue.

I can only speak perhaps for the country community in which I live. I know that provision was made in this critical period whereby petrol was made available to certain bowsers for essential services that were listed. There were ten suppliers in the metropolitan area and one in Geelong, but there was no way in which people in country areas could obtain petrol because there was no provision for the distribution of petrol in country areas. Admittedly, there was petrol in most of the petrol stations and most people were wise enough, re-

alizing the possibility of an extended petrol strike, to fill up their petrol tanks in the hope that reason would prevail and a settlement would be reached before they ran out of petrol.

I assure honorable members that the situation in my community was desperate. This must have applied everywhere over the past fortnight where a big section of the community depends on jobs in the metropolitan area to which they journey every day. With the trains already full, they depend on motor transport to get to their jobs. No petrol bowser was available in any small town where somebody could produce a certificate and have his petrol tank filled. There was no petrol for para-essential services.

This situation applied throughout Victoria but, fortunately, people within the metropolitan area—including the greater Melbourne area—were, on production of a certificate which indicated that they were associated with an essential service, adequately catered for. Honorable members are aware that there are in the community today a number of essential services. One that comes readily to mind is meals-on-meals. This service was grinding to a standstill because there was no legislative provision whereby anyone associated with that service could produce a certificate at a petrol station and receive petrol. Pensioners and other people are dependent on meals-on-wheels for at least one good meal a day. One person who rang me was on kidney dialysis and visited daily by a nurse. He pointed out that that field was not provided for under any arrangements for essential services.

Many situations were arising that made it obvious that if this strike was extended and continued the question of life and death would be a major issue. I realize that although there was a fuel shortage on Monday, Anzac Day, 91,000 people attended the Melbourne Cricket Ground. There was hardly a space available in the car parking area. I am certain that everybody had filled their petrol tanks to carry them over for a short period in the hope that reason would prevail and they would not run out of petrol, perhaps at least until they had made a few visits to some recreational or social functions.

The major issue that was instrumental in the Government's introducing this legislation was the realization that one cannot confine essential services to four or five categories, as did the provisions of the original Essential Services Act. Essential services go far beyond that. The Government believes it is important to make certain that life is preserved —this was a big issue—and also that a person has a right to work and to have a tankful of petrol in his car to take him to his job. Industry has a right to continue. The work force must be available to industry. All the business and commercial interests of this State were affected.

Although this strike has been resolved, and we are all pleased that it has, this does not in any way diminish the need for legislation such as this because there is no doubt that at the whim of some officials or person the same thing could happen again, even today. Someone might decide that an issue has been created and the community could find itself today, tomorrow or next week in exactly the same position. Although it was considered a matter of urgency in another place last night because the matter had not been resolved—it has now been resolved—the Government intends that this legislation should be put on the statute-book but, like the original legislation of 1958, I hope it will not be invoked because all of us would hate to see a situation similar to what the community has put up with over the past fourteen days arise again.

Under this Bill the unions still retain the right to strike, and I am one who strongly believes in that

right when it applies to wages and conditions. That is a right that every unionist and every working man is entitled to, but when it involves political issues, that is another kettle of fish. This legislation does not in any way interfere with the right of unions to do as they have in the past, but it will protect the community should an issue such as this arise.

Fuel, whether it be petrol, gas or diesel oil, is a vital commodity. I do not think we could have a greater example of how within a fortnight, if this matter had not been resolved today, Victoria and eventually Australia could have been brought to its knees. The situation would have spread. I do not think any person or body in the community has a right to create a situation such as this and, therefore, the Government in its wisdom decided to act.

This is a stand-by, a reserve, measure. The Government sincerely hopes that it may never have to be invoked. It is intended to place this, or any future Government, in a position where, if a fuel emergency should arise in this community, the Government has adequate powers to ensure fuel supplies for the people of Victoria. The Government has a duty to ensure the maintenance of essential services, and in a modern industrial society one of the absolutely indispensable services is the distribution of fuel.

As things stand now, those fuel supplies are in jeopardy, and in many cases have ceased altogether. Although adequate supplies have been made available for a number of essential services, including the police, fire and ambulance services, and from a limited number of outlets for key medical people, the increasing shortages are now beginning to affect a wide range of other services no less vital to the health and welfare of the community and even to its safety. The District Nursing Service has a vital task in bringing domiciliary services to many house-bound people, some of them very ill. The meals-on-wheels services are a crucial prop to many elderly people. Both have had to restrict their work, and in some areas they are about to stop.

Farmers are running short of fuel, and many growers of perishable produce have petrol for only a few days to bring their food supplies to market. Distribution of meat will only be possible for two or three more days. Public transport including the private bus lines will be running out of fuel by the end of this week. The situation is worse in some country areas.

Fuel for hospitals and essential medical staff at Ballarat, Moe, Leongatha, Lakes Entrance, Stawell and Rainbow is running perilously low. Many rural fire brigades are down to their last full tank of petrol, some country Red Cross blood bank services are short, and even the police are short of petrol in some areas. The most strenuous efforts are being made to overcome these shortages in essential services, but without doubt others will appear.

Of course, strenuous efforts will be made now that the issue has been resolved to make certain that the distribution of petrol throughout Victoria will be carried out as expeditiously as possible, but, unfortunately, when there is a rundown of supplies similar to that which we have experienced over the past fourteen days the wheels do not turn as quickly as one would like and it may take up to a fortnight to get ample supplies of petrol throughout Victoria.

I want to stress that the shortages are not confined to petrol but apply to all petroleum supplies, including diesel fuel and liquified petroleum gas.

The inconvenience of the petrol shortage is now felt by every citizen of Victoria, but far more important is the threat to employment through industry stand-downs, and the inability of many people to get to work. Already many thousands

have had to be stood down, and many thousands of others are threatened with a similar fate this week. The loss of jobs and of production is intolerable, but all nine major employer organizations have felt impelled to apply jointly to the arbitration commission for the insertion of stand-down provisions in the transport workers awards.

The cause of all this hardship in the community is the action of tanker drivers of the transport workers' union in striking in support of a log of claims. These claims have been before the arbitration commission for some time, and the majority have already been arbitrated. There were approximately 27 claims and 15 of them have been arbitrated on. The two main issues were loss of wages, substantially through the indexation formula, and the claim that the Medibank levy be met by the employers. There was a third which I cannot recall. Fortunately, according to the 1.30 p.m. radio news session, these matters have now been resolved.

The Victorian Government is not a party to the dispute. A Federal union is involved, and a Federal award. I make it clear that throughout, the Government has supported a solution to the dispute through the arbitration system.

The introduction of this Bill is not to be taken as in any way derogating from our commitment to the arbitration process.

The Government has examined the Essential Services Act, which was designed to deal with the loss of essential functions in the community but not specifically with the kind of situation we now face. It has studied a Bill introduced into the New South Wales Parliament recently to deal with a similar crisis, and we propose to adopt the substance of that Bill for inclusion in this measure.

This Bill is designed to vest in the Government all powers necessary to ensure the production, distribution and sale of fuel during a state of emergency. It is based on the powers conferred on the New South Wales Government and its energy authority by Part VI. of the Energy Authority Act 1976 of New South Wales. However, the provisions of the New South Wales legislation have been extended to make it clear that the powers extend to the requisitioning of any land, plant or equipment that may be necessary to ensure production, distribution and sale of fuel and to provide for a workable administration in relation to any such emergency action.

Although the Act comes into force upon the day upon which it receives the Royal assent, it will have no real operation until the Governor in Council is satisfied that any kind of fuel is or is likely to become unavailable to meet the reasonable requirements of the community and that a state of emergency exists, or is likely to exist, and makes a proclamation accordingly.

This is the same basis upon which the New South Wales provisions can be made to come into effect. Likewise such a proclamation will remain in force for not more than seven days but without prejudice to an issue of another proclamation either before, at or at the end of that period.

The power of the Parliament to control the exercise of these emergency powers is specifically preserved by the legislation. Either House of Parliament may by resolution revoke a proclamation and any 20 members of the Assembly or 30 members of the Parliament, all or any of whom are members of the Council, may cause an emergency meeting of the Parliament to be summoned.

Clause 4 of the Bill sets out the powers that the Minister may exercise in relation to the production, supply, distribution, sale, use or consumption of a fuel to which the period of emergency relates. It should be noted that the powers extend not only to the fuel itself but to services which are defined to mean anything done or necessary or expedient to be done

for or with respect to the production, supply, distribution or sale of the relevant fuel.

Clause 5 makes it clear that every body and every person to which or to whom any direction, prohibition or requisition is addressed must comply. It also enables any such direction, prohibition or requisition to be addressed to bodies and persons generally or particularly in writing or verbally or by publication.

Clause 6 authorizes the Minister to delegate any of his powers and functions under the Act. This is, of course, essential having regard to the power conferred upon the Minister to requisition any land, plant or equipment used in the production, distribution or sale of fuel.

Clause 7 makes it clear that directions, prohibitions or requisitions under the Act may have general or limited application but determination of any direction, prohibition or requisition will not affect their operation or effect during the time they are in force.

Clause 8 makes provision for compensation to be paid to any person who suffers loss, damage or injury for which he is not otherwise entitled to be indemnified in respect of any direction, prohibition or requisition made under the Act.

Clause 9 is an offence provision which provides for a penalty of not more than $1,000 which is the same as the penalty provided by the New South Wales legislation in clause 35. Clause 10 appropriates such amounts as may be required for the purpose of the Act out of the Consolidated Fund.

Clause 11 makes some important amendments to the Essential Services Act 1958. In paragraph (a) amendments are made to the definition of essential service to make it clear that the Act can apply to services of any type which are essential and whether or not they are provided by the Crown. This will make it clear that the powers of that Act can be applied where essential services are being provided by private enterprise.

The next amendment will enable a proclamation under the Essential Services Act 1958 to exclude certain provisions of that Act in relation to any particular essential service during a period of emergency. The next two amendments will bring the Essential Services legislation into line with the proposals in this Bill by allowing either House of the Parliament to exercise the powers that can now be exercised only by both. The last amendment brings the monetary penalty under that Act into line with the penalty that is proposed under this Act and was adopted under the New South Wales legislation.

I have said that this is emergency legislation, designed to be used only in the circumstances of a fuel emergency in Victoria. Conciliation and arbitration processes are often necessarily drawn out over lengthy periods. This can be tolerated when no acute hardship is being experienced, but the situation becomes intolerable when community health, welfare and safety are put in jeopardy. In this instance there is clearly a gap in the law which it is right and proper for the Government of the State to step in and fill. This the Government proposes to do.

**The Hon. J. W. GALBALLY** (Melbourne North Province): I move—

That the debate be now adjourned.

I suggest that the debate be adjourned until Tuesday next.

**The Hon. V. O. DICKIE** (Chief Secretary): On the question of time, Mr. President, I point out that the Government still believes the need for this proposed legislation is extremely urgent. Although I would not expect that the debate on the Bill be continued today, I would not agree to its being adjourned until next week. The Government would be prepared to agree to an adjournment of the debate until tomorrow. By then, the full implication of this measure will be realized by the parties seeking a longer adjournment. The Government is not prepared to agree to an adjournment of longer than 24 hours.

**The Hon. S. R. McDONALD** (Northern Province): The National Party believes the debate on this measure should proceed as soon as possible. It would accept an adjournment until tomorrow.

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

**The Hon. J. W. GALBALLY** (Melbourne North Province): I move—

That the debate be adjourned until Tuesday next.

**The PRESIDENT (the Hon. W. G. Fry):** Mr. Galbally has moved that the debate be adjourned until Tuesday next. The Chief Secretary has suggested that the debate be adjourned until tomorrow. I shall put the motion that the debate be adjourned until Tuesday next. If that is not agreed to by the House, I shall invite the Chief Secretary to move that the debate be adjourned until tomorrow. The question is—

That the debate be adjourned until Tuesday next.

The House divided on Mr. Galbally's motion (the Hon. W. G. Fry in the chair)—

| | | |
|---|---|---|
| Ayes | .. .. | 8 |
| Noes | .. .. | 29 |
| Majority against the motion | .. .. | 21 |

AYES.

| | |
|---|---|
| Mr. Elliot | Mr. White |
| Mr. Galbally | |
| Mr. Knight | *Tellers:* |
| Mr. Trayling | Mr. Landeryou |
| Mr. Walton | Mr. Thomas |

NOES.

| | |
|---|---|
| Mr. Block | Dr. Howard |
| Mr. Bradbury | Mr. Hunt |
| Mr. Campbell | Mr. Jenkins |
| Mr. Chamberlain | Mr. Knowles |
| Mr. Crozier | Mr. Long |
| Mr. Dickie | Mr. McDonald |
| Mr. Dunn | Mr. Reid |
| Mr. Evans | Mr. Saltmarsh |
| Dr. Foley | Mr. Stacey |
| Mr. Gleeson | Mr Storey |
| Mr. Granter | Mr. Taylor |
| Mr. Hamilton | Mr. Wright |
| Mr. Hauser | *Tellers:* |
| Mr. Hider | Mr. Grimwade |
| Mr. Houghton | Mr. Guest |

PAIR.

| | |
|---|---|
| Mr. Eddy | Mr. Ward |

On the motion of the Hon. V. O. DICKIE (Chief Secretary), the debate was adjourned until the next day of meeting.

## MILDURA COLLEGE LANDS (MILDURA SCHOOLS FUND) BILL.

**The Hon. W. V. HOUGHTON** (Minister of Health): I move—

That this Bill be now read a second time.

The purpose of this short Bill is to remedy a technical defect in the principal Act. The Mildura college lands originate from an agreement made in 1887 between the Victorian Government and the Chaffey brothers under which one-fifteenth part of all the land granted to the Chaffeys was to be set aside for educational purposes. The Mildura Schools Fund is a trust fund held at the State Treasury for holding and distributing the income derived from the Mildura college lands to the three State post-primary schools in the district: Mildura High School, Mildura Technical School and Irymple Technical School.

Paragraph (*fb*) of section 2 of the principal Act provides that the net income from the Mildura college lands be divided equally between the three schools and held on their behalf in the fund. Paragraph (*fd*) of the same section provides that any payments out of the fund to the councils of the three schools must be made in equal shares. This latter provision might be workable if the schools' present holding entitlements in the fund were equal. It would then be possible to disburse the whole of the present holding to the councils of the three schools in equal shares. But the three schools' present holdings are not equal: Mildura High School has $37,760 in the fund, Mildura Technical School has $24,122, and Irymple Technical School has $8,888.

The requirement that any payments out of the fund must be made in equal shares precludes the three

school councils from employing their funds as they wish. The councils of the two Mildura schools desire to take out the bulk of their holdings from the fund and invest them. The council of the Irymple Technical School, however, prefers to retain its holding in the fund to meet recurrent expenses although it might well want to invest some of its holdings in the future.

The amendment proposed in the Bill would enable any of the three school councils, with the Minister's approval, to draw from its share of the fund from time to time to meet its individual requirements. I commend the Bill to the House.

On the motion of the Hon. I. B. TRAYLING (Melbourne Province), the debate was adjourned.

It was ordered that the debate be adjourned until the next day of meeting.

## LAND SURVEYORS (SURVEYORS BOARD) BILL.

**The Hon. W. V. HOUGHTON** (Minister of Health): I move—

That this Bill be now read a second time.

Its main purpose is to update the constitution of the Surveyors Board, appointed under the provisions of the Land Surveyors Act 1958, having regard to present-day conditions. At the same time certain amendments of a machinery nature are being made in respect of the conduct of the board and the conditions of office of the appointed members of the board.

The Land Surveyors Act provides that the board shall consist of three persons *ex-officio,* namely the Surveyor-General, the Surveyor and Chief Draughtsman in the Office of Titles and the Government Astronomer, and three persons appointed by the Governor in Council. There is a proviso that if at any time there is no person holding the office of Government Astronomer, the Governor in Council may appoint a suitable person in his stead.

There has been no office of Government Astronomer for more than 30 years and provision is made in the Bill for the appointment of a Government member nominated by the Minister of Lands.

Two of the appointed members are chosen from a panel of five names submitted by the Institution of Surveyors. In this regard the institution is often embarrassed by having to submit the full panel of five names. The members of the institution choose by ballot the two members they wish to represent the institution and in the absence of five nominees its committee adds further names to comply with the Act. To assist the institution in this regard it is proposed that it submit a panel of only three names.

The other appointed member is at present an academic member nominated by the Council of the University of Melbourne. The position is, however, that in addition to the University of Melbourne, the Royal Melbourne Institute of Technology now teaches a tertiary course of surveying. It is considered therefore that the institute as well as the university should participate in choosing the nominee for appointment. It is proposed that the academic member will be a licensed surveyor engaged in the teaching of surveying in a tertiary course, appointed on the nomination of the Minister.

The other amendments being made to the principal Act include a change in title of the Institution of Surveyors, and an updating of references to the Public Service Act and to the Division of Survey and Mapping of the Lands Department. The Surveyor and Chief Draughtsman in the Office of Titles is being named as the person who shall be the Deputy Chairman of the Surveyors Board. This will give statutory backing to the well-established practice whereby in the absence of the Surveyor-General the surveyor and chief draughtsman has been placed by board members in the chair.

In line with the accepted principles adopted in recent similar legislation, the circumstances under which the office of an appointed member of the board shall become vacant are particularly set out. It is also being made clear that in the absence of the chairman or deputy chairman at any meeting of the board, the members present shall elect one of their number to preside at that meeting. Moreover it is being expressly provided that a decision of the board upon any matter arising at a meeting shall be the decision of the majority of the members present. In the event of an equality of votes the person presiding at the meeting shall have a casting as well as a deliberative vote. I commend the Bill to the House.

On the motion of the Hon. I. B. Trayling, for the Hon. H. A. THOMAS (Melbourne West Province), the motion was adjourned.

It was ordered that the debate be adjourned until Tuesday, May 3.

## MELBOURNE AND METROPOLITAN TRAMWAYS (BORROWING POWERS) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. W. V. HOUGHTON (Minister of Health), was read a first time.

## RAILWAYS (PARTICIPATION IN PIPELINES) BILL.

**The Hon. W. V. HOUGHTON** (Minister of Health): I move—

That this Bill be now read a second time.

This measure is to give the Railways Board the necessary degree of flexibility to negotiate a favourable agreement with oil companies for the construction and operation of the planned Altona to Somerton petroleum products pipeline. The present structure of the proposed enterprise is considered to restrict the board unduly in its negotiating role. Honorable members will be aware that the pipeline is to be constructed almost entirely on railway land and will convey large quantities of petroleum products from the Altona storage terminal to a storage complex at Somerton and by branch pipeline to Tullamarine airport. Legislation dealing with this proposed pipeline—the Railways (Participation in Pipeline Operations) Act—was enacted in December, 1975.

This Act provided for the Victorian Railways Board to take up shares and debentures in a limited liability pipeline company; for the board to do things that were necessary to participate in this company; for the Treasurer to advance funds to the board for this purpose; authority for the expenditure of moneys; and for the board to sell pipe.

This legislation did not give the Victorian Railways Board the power to promote, from the outset, a pipeline enterprise. The board is restricted to a capacity of being able to acquire shares and debentures in a pipeline company. It should be clearly stated that in these days of constant change, no Government department or instrumentality can lag behind in developments or techniques that can benefit the State and its people, either in the short or long terms.

The desire for progress and improvements, coupled with a difficult economy, has been the spur to an aggressive policy by private enterprise to better their marketing processes and techniques. The transport industry is a striking example of this. Changes in the past decade have been quite revolutionary, and there is more to come. Therefore, State-owned enterprises cannot afford to stand by and merely be onlookers. They must not only take part in the changes, but reap the benefits from them.

In this concept, the Victorian Railways Board, as a partner in the pipeline enterprise, must not be inhibited or restricted in its negotiations with its other partners to get the best possible deal for itself. Ultimately, the railway system, and the State as a whole must benefit. I believe the

amendments proposed will give the board the status and negotiating effectiveness it needs.

The pipeline project has been re-evaluated since the original Act was passed. This was because of the state of the economy generally, the cost structure of the project, its potential use and likely changes in the future.

The Railways Board wants, therefore, to be able to negotiate with its other partners to satisfy itself that the proposition is a viable one, and that its benefits are adequately shared. As an equal partner in the pipeline company owned by the board, it will be eligible in due course to obtain other benefits available to the other parties in the joint venture, including the potential investment allowances from the Federal Government. This would be particularly beneficial in the long term.

Other advantages to flow to the railways from the project are that large quantities of volatile bulk traffic will move across Melbourne by pipeline instead of by road and the railways will have the opportunity to gain the bulk movement of petroleum traffic to places in the north and north-east of Victoria using the Somerton terminal as a base.

The future of rail transport depends largely on its ability to attract and carry bulk traffic. Large volumes of petroleum products are moving throughout the State, and wherever practicable, the railways must get a larger share of this business. It is not only good transport policy, but plain common sense to get these highly volatile commodities off the roads, particularly where they move through built-up areas. The railways, with the co-operation of the oil companies, have introduced special block trains to move petroleum products.

To enable the Victorian Railways Board to participate from the outset on the basis of a joint venture the further amendments which I shall now explain are proposed to the Railways Act 1958. Clause 2 (*a*) of this measure expands the earlier definition of a " pipeline company " by providing that—

> " Pipeline Company " means a company which is or proposes to be any one or more of a constructor owner operator or user of a pipeline whether alone or in participation with others and whether that company is or proposes to be engaged in any other activity or not.

Clause 2 (*b*) empowers the board to promote a pipeline company, which may then be a party to a joint venture. The provision is considered to be the most appropriate way of ensuring that the board is able to participate from the outset in such a way that the liability of the board in the joint venture will be limited to its shareholding in the company which it promotes, and giving additional flexibility to the board of being able to negotiate various alternative forms of participation, whereas the board's power presently is limited to taking shares or debentures in a pipeline company. Clause 2 (*c*), (*d*) and (*e*) effect consequential amendments. In effect these amendments would enable the board to fully own and control a limited liability pipeline company. This company in turn would be able to enter into business arrangements in a joint pipeline venture with oil companies.

The powers of the Parliament to review agreements or arrangements are retained and the powers of the Treasurer to determine appropriations of capital funds by the board to the venture are also maintained. The Government wants to revitalize the railways. It wants to cut losses, improve efficiency, lift standards and make them a fierce and able competitor.

Their entry into the pipelining field is a natural extension of the function of bulk cartage. It is a major step forward in total transport policy. Overseas experience and tests indicate that in the future we

can expect a large number of products to be moved by pipeline, with benefits accruing to the whole community.

Therefore, we must be in it. This Bill will facilitate the entry of the railways into this modern and profitable transport concept and it will allow it to become a very active partner by removing the restrictions now inhibiting its negotiating powers. I commend the Bill to the House.

On the motion of the Hon. D. R. WHITE (Doutta Galla Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, May 3.

## MELBOURNE AND METROPOLITAN TRAMWAYS (BORROWING POWERS) BILL.

**The Hon. D. G. CROZIER** (Minister for State Development and Decentralization): I move—

That this Bill be now read a second time.

The purpose of the Bill is to amend the Melbourne and Metropolitan Tramways Act 1958 to raise the present limit on the board's borrowing powers from $45 million to $70 million. During the present financial year the board will reach the limit of its existing borrowing powers and its authority for financing continued improvements in public transport.

This increase in the power to borrow is necessary to enable the board to undertake its works programme for 1977-78, including the purchase of new trams and buses. It will also enable continued upgrading of the board's services through next financial year and on into early 1980. The new trams and buses will provide what the people want, that is, fast and comfortable travel, with the emphasis on safety.

One of the major upgrading projects to be undertaken by the board will be the extension of the tramline along the Burwood Highway to Middleborough Road. Planning is well under way and construction work is expected to begin early in July. This new service will provide residents of the East Burwood area with direct access by tram to local business centres at Camberwell, Richmond and the Melbourne central business district. It will also serve a number of schools and colleges along the route.

The trams will operate in a separate right-of-way. This will allow a fast service with a minimum of obstruction from motor vehicles. The length of the extension is 3·4 kilometres and it is estimated that it will cost $2 million. It is planned to have the service in operation in 1978.

The amendment proposed in the Bill will assist the board to carry out the Government's policy to give a big boost to public transport facilities in Victoria by a regular programme of replacing vehicles with the most modern and efficient available.

Finance raised by the board through its borrowing powers is primarily used to buy new trams and buses. Tenders have been called for a further 100 new trams. These will follow generally the specifications and shape of the orange tram, but tenderers have been asked to specify the lowest practicable floor height.

The orange trams have one of the lowest floor levels in the world, but if it is possible to make them even lower for the convenience of the public, we will do it. The new order is expected to be placed early in the new financial year.

It is necessary to place orders well in advance so that continuity of deliveries can be maintained. The first order of 100 orange trams is well under way. Sixty-six have been commissioned, and 72 bodies have been delivered.

By May, all trams operating from Bourke Street should be of the orange type. They will then be extended progressively to other routes.

The board is receiving the first deliveries of the new *de luxe* Volvo bus, which is the most modern and comfortable to be used on an urban service. They are being given rigorous tests and the first bus is expected to go into service in a few weeks' time.

I understand that the bus provides first-class comfort and safety, and is remarkably manoeuvrable. The Government has decided to buy another 50 Volvos, and the board is now negotiating this order. The Government is pushing ahead with a big programme of public transport improvements. I commend the Bill to the House.

On the motion of the Hon. A. W. KNIGHT (Melbourne West Province), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, May 4.

## ELECTORAL COMMISSION BILL.

The debate (adjourned from October 20, 1976) on the motion of the Hon. J. W. Galbally (Melbourne North Province) for the second reading of this Bill was resumed.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): It would perhaps be timely for me to take the House back through one or two points made by the previous two speakers who contributed to this debate. Mr. Galbally's Bill seeks to reform Victoria's electoral laws. It would create permanently an electoral commission which would seem to be an independent body. The composition of the commission would not be much different from what the Government proposed under the 1974 Act. There would be three commissioners, namely, a judge of the County Court, the Chief Electoral Officer for Victoria and the Surveyor-General, but there would be a larger degree of independence than under the Government's legislation. The commission would have the function and responsibility of dividing Victoria into electoral districts, and the boundaries determined by the commission would automatically become the boundaries on which elections would be fought. The commission's determinations would become law without having to run the gauntlet of the majority of party members or the Cabinet. Indeed, it would no longer be a political plaything of Parliament.

The Bill also seeks to ensure that boundaries would be regularly redrawn. There is a provision to ensure that that would occur within two years of a general election. The most important aspect of the Bill is that the basis of the divisions, boundaries or distributions, would be confined to a variation of not more than 10 per cent.

Mr. Chamberlain, when debating this measure, argued that although the Bill has some similar features to the existing legislation that gave rise to the redistribution for the last election, the commissioners had in fact departed from considering such factors as physical features, community interest and means of transport within the community. He said that in his view the commissioners had ignored these factors in the past, particularly in the Western Province which he represents. I do not know as much about the Western Province as he does, but I imagine that there is a fair amount of community interest in the wool industry in both the cities he mentioned, Portland and Hamilton. Needless to say, it is also a timber district. If the major football teams of both those towns were told that they should play in the same competition, there would be some argument.

Because of the large area of his electorate, Mr. Chamberlain compared the problems he has as a member for Western Province with that of Mr. Holding as the member for Richmond in another place. I will answer that argument shortly, but it is important to remind the House of the statements of Mr. Chamberlain and Mr. Galbally because the debate took place some time ago. Mr. Chamberlain outlined the

difficulties involved in travelling to meet the local representatives, and vice versa. He also emphasized that telephone charges are higher in country areas. One assumes that it is more difficult for those with the least capacity to pay to make telephone calls to their members of Parliament.

The Hon. S. R. McDONALD: That would be a good argument for giving members an increased telephone allowance.

The Hon. W. A. LANDERYOU: If Parliamentarians did not pay themselves so well, I would argue in support of that.

The Hon. S. R. McDONALD: You are not suggesting we are overpaid?

The Hon. W. A. LANDERYOU: I know that Mr. McDonald is not overpaid. I have never been able to understand why it should cost someone who lives in a country area more to use the telephone than it does for me to use it. It is extraordinary that a public utility of the size and profitability of the new Telecom organization, cannot provide a telephone service at reasonable rates. I do not suggest that it could be done overnight, but National Party members should look at this question urgently, and those who support the National Party should be able to make representations in that regard.

The Hon. S. R. McDONALD: We have been doing that regularly.

The Hon. W. A. LANDERYOU: I hope Mr. McDonald is successful with his representations. It could be argued successfully in my view that it is easier to look after a concentrated area—if area is all that is being considered—as compared with a large area where the population is sparse and spread out. The central theme of Mr. Chamberlain's speech was that because it is difficult for him to service his electorate, he should be elected to Parliament with fewer votes, representing fewer people, but still have the same voice and the same authority as every other member. I do not believe any democrat can sincerely believe that.

In my view it is quite immoral to approach the question of electoral boundaries by saying that a member who represents a physically large area —Antarctica would be a good illustration, if it were part of Victoria—with few people, and who finds it difficult to get there, to use the telephone there and so on, should have the same say as those who represent the more populated areas. However, the problem does not settle there because Mr. Chamberlain did not tell the House that the population of the Western Province is largely static. The population of Richmond has grown dramatically and will continue to do so. In addition to those people who are enrolled in Richmond there are an extraordinarily high number of people who are not enrolled, either because of their ineligibility for enrolment or for other reasons. The smaller inner Melbourne suburban electorate has considerably more people than the Western Province.

I shall compare the obligations that rest on members when it comes to the number of electors. The statistics that are available are somewhat old and therefore I have to rely on figures from the 1971 census. Like the State Government, the national Government seems to have some sort of paranoia about facts and figures and as yet the statistics from the last census are not available in a form which would enable me to complete the calculation that I have done on the 1971 figures.

In Western Province, which is represented by Mr. Chamberlain, 97·5 per cent of all adults are enrolled whereas in Doutta Galla Province only 76 per cent are enrolled. The populations of both provinces are unequal to start with in terms of the electors involved, but there is a greater population problem with regard to the number of people who live within Doutta Galla Province and who are not enrolled as electors.

Before I comment on the Bill, I should quote the closing remarks by Mr. Galbally when he explained the Bill. As reported at page 821 of *Hansard* of 12th May, 1976, Mr. Galbally said—

> In the estimation of the people of Victoria, sadly I reflect that the Parliament of Victoria is a lame duck, a target for cynics and those who wish to destroy Parliamentary government.

I made similar remarks before I came into this Parliament. Parliament, as an institution, is under challenge throughout the world. We have seen examples of Government panic on two occasions recently—in regard to the Newport power station, and now the Government playing politics with petrol. This matter does not strike me as being funny although Government back-bench members—let us hope they stay there—seem to find it amusing. It is extraordinary that a Government which has been in office for too long should gerrymander the electorate so that it stays in office without majority support.

The Hon. F. S. GRIMWADE: Just like union leaders!

The Hon. W. A. LANDERYOU: Although I do not call myself a union leader as such, I was elected as secretary of my union on nineteen different occasions by court-controlled ballots.

The Hon. F. S. GRIMWADE: How many voted?

The Hon. W. A. LANDERYOU: In 1969, we had the extraordinary result of something like 74 per cent of the members voting. One of the problems with people who have the mentality of Mr. Grimwade is that they want to scrutinize the elections of unions but do nothing about the stock exchange or even elections to boards of companies.

The Hon. C. A. M. HIDER: The Companies Act covers those elections.

The Hon. W. A. LANDERYOU: It is possible to avoid the obligations that are imposed on companies concerning elections, but it is not possible for union officials to avoid elections. The law of this land makes it quite clear that every industrial organization shall be registered under the Conciliation and Arbitration Act which provides for elections of officers, and those who make the laws ought to know that.

**The PRESIDENT (the Hon. W. G. Fry):** Order! I think we have sorted out that question, and I suggest that Mr. Landeryou should return to a discussion of the Bill.

The Hon. W. A. LANDERYOU: I can understand the attractiveness of trying to distract the argument away from the issue raised by Mr. Galbally on this Bill. I understand the guilty conscience of Government party members because they are not being fair in the Australian tradition or being honest in the dictionary sense. Although it took 100 years to achieve adult franchise in elections for this House, presumably it will not be possible in the next 100 years to achieve electoral reform because this Parliament will not exist if the current situation continues.

The Hon. S. R. MCDONALD: Why not?

The Hon. W. A. LANDERYOU: The people of Victoria, and particularly members of the Labor movement, will not accept a situation where they are being dictated to by a minority of people who have the audacity to proclaim, in the name of Parliament, all sorts of wonderful principles which we should and would subscribe to, but who are not prepared to bring about an equal and fair electoral redistribution.

Mr. Galbally has warned that this Parliament is very much becoming viewed as a lame duck. This contention is supported by a survey conducted in many areas which indicated that members who have been in this Chamber for a long time are not known in their electorates. This gives rise to a suspicion whether those who claim

that they accepted electoral responsibility in fact carry out that responsibility. Independent surveys have indicated that only a few members of this House are known to and identified as such by the community. If any honorable member doubts my contention, I am willing to go halves with him in the cost of an independent survey.

The argument that is usually put on proposals such as those contained in this measure is that in country areas, particularly remote parts of the State, there is a need for additional representation to ensure that the member can get around and see the electors and that electors can have access to the member. I think Mr. Chamberlain used the term " equality of access ".

Presumably, the Government has not considered, or it has not publicly indicated whether it would be prepared, or whether the National Party would be prepared, to equate the value of the voting rights of a member to the number of electors. The real argument put by members of the National Party, and other members representing country electorates, is that they have a great distance to travel and a large area to look after. If that is really the argument, and the Government is proposing to increase the number of seats in the country, why not equate the voting rights of a member to the number of electors? Why does not the Government or the National Party put up that proposition so that the Labor Party can consider it? My suggestion will at least test the bona fides of members of the Government party.

The Hon. S. R. McDONALD: It will also test the ability of the Clerks to use a calculator.

The Hon. W. A. LANDERYOU: It would not be impossible to do it. Card votes have been held at annual meetings and general meetings, and there have been problems associated with the elections of hospital boards of management, but certainly it would not be beyond the capacity or the wit of the Clerks of this House to devise a simple system that even I could understand.

If it is morally right for members of the National Party and others to assert that they need to have fewer electors to ensure adequate representation, in terms of being the local ombudsman, they should consider this proposal which will increase the number of country seats so that electors will have equal opportunity of access but the voting value of the country members in this Chamber will be related to the number of electors that they represent. This proposition ought to be considered.

Apparently the Premier did consider a proposition of proportional representation for this House, or at least that is what the Democratic Labor Party said at the last election when it alleged that the Premier had broken a pledge made in private on that subject. I understand that further representations have been made on the proposal. That is another proposition that could be looked at and one which members of the Labor Party would be prepared to examine.

The Government does not seem to be concerned with what is good or, more importantly, what is best. It says that it is extremely difficult to draw up electoral boundaries which are fair and reasonable in terms of Mr. Galbally's proposal. If the Government will appoint me as the electoral commissioner, I will demonstrate how easy it is.

The Hon. A. K. BRADBURY: Do you want some help?

The Hon. W. A. LANDERYOU: I would be pleased to accept Mr. Bradbury's assistance. The difficulty is that it would have to be roughly based on the principle of one vote, one value.

The Hon. F. S. GRIMWADE: Roughly!

The Hon. W. A. LANDERYOU: I appreciate that it would be extremely difficult, but not impossible, to have provinces equally balanced.

The Hon. A. K. BRADBURY: Next day they would be out of line.

The Hon. W. A. LANDERYOU: The Bill proposes that the redistribution would be done every two years, so that the situation would be cured before the next election. What did Sir Winston Churchill say with respect to voting equality? An extract from page 389 of the *Wisdom of Winston Churchill* states—

> The principle of "one vote, one value" is in itself an orthodox and unimpeachable principle of democracy. It is a logical, numerical principle. If the attempt be made to discriminate between man and man because one has more children and lives in the country, it would be arguable that we should discriminate because another man has more brains or more money, or lives in the town, or for any other of the many reasons that differentiate one human being from another. The only safe principle, I think, is that, for electoral purposes, all men are equal, and that voting power, as far as possible, should be evenly distributed among them.

The Hon. S. R. MCDONALD: Churchill did not do much about putting that into effect.

The Hon. W. A. LANDERYOU: He may have changed his views because he did change his party at one time. He said this in the House of Commons in 1906.

I accept that politicians often change their minds. They make wild assertions and then do nothing. That is why Mr. Galbally has proposed that politicians will have nothing to do with drawing up the electoral boundaries. He takes this task out of the party room, the Cabinet and out of Parliament, and gives it to independent commissioners who will be permanently in existence to ensure that Victoria for ever has an electoral system which cannot be assailed and will be above reproach.

The argument usually used by Conservatives in justification of the existence of this Chamber is that it is a House of review, but in fact it does not reconsider matters in the new light of day, as it were.

The Hon. A. W. KNIGHT: When introducing Bills the Government acts like an Indian—it speaks with a forked tongue.

The Hon. W. A. LANDERYOU: Nevertheless, this is supposed to be a House to review the work done in another place. On this occasion, although I have not seen much evidence of it so far, in determining the fate of this Bill, Government members have the opportunity of exercising their own vote of conscience. It can be done without the glare of publicity and in a way in which some of the options which have been outlined can be considered by honorable members who can then come back to the House with their own views.

I challenge Government supporters to find a flaw in the proposals contained in the Bill. Just like the words of Winston Churchill, honorable members should consider the submissions which are the absolute truth. If true democracy is to prevail, they should consider the points put by Mr. Galbally when he explained the Bill.

I conclude by again referring to my Leader and this Bill. At his instigation I was referred to an earlier debate on a similarly worded Bill. It is obvious that that was not the first time a similar Bill had been produced in the House but it had been introduced many times, so it could be termed a regular Bill. When I looked up the records to find out when a Bill similar to this had been debated, I discovered that on pages 10 and 11 of the revised edition of *Hansard*, No. 1, for the second session of 1974, there is reference to the Electoral Commission Bill in the name of Mr. Galbally. Immediately below it was the Abolition of Capital Punishment Bill. Mr. Galbally was able to achieve the passage of that measure, amongst many other things, during his time in Parliament. All that Mr. Galbally is seeking on this occasion is to enshrine permanently on the statute-book legislation which

will establish for all time that electoral boundaries shall be drawn up by independent electoral commissioners, confined and restricted to no more than a 10 per cent variation, which I believe is a suitable figure.

The Hon. V. T. HAUSER: You are not suggesting, Mr. Landeryou, that the last electoral commission was not independent?

The Hon. W. A. LANDERYOU: No, but I am suggesting, that, like the crooked racehorse owner, the Government gave the rider instructions on how to rig the result.

The Hon. N. F. STACEY: It was based on what the Commonwealth had determined on the last occasion.

The Hon. W. A. LANDERYOU: I can understand that some honorable members have a conscience, but if this Parliament is to survive as an institution, it can only do so if its members are elected fairly and on an equal basis. As I indicated when referring to Mr. Galbally's earlier remarks, this Parliament will come into further disrepute if the Government does not do something urgently about electoral reform.

As I said previously, there may be a major movement. The House is at the crossroads and it can go either way, but members of the Labor movement believe democracy will not win the argument if it is not possible for members of the Labor Party to win in a fair contest because the race is rigged before it starts. The Government has indicated that it supports the current rules, but I have provided a number of options to overcome some of the problems the Government advances. If the Government wishes to preserve a conservative political power in Parliament, true democracy cannot win and that position will prevail for the rest of my life, and during the lifetime of my children, but neither will Parliament win.

**The Hon. H. M. HAMILTON** (Higinbotham Province): The question of representation in councils and governing bodies has been a subject for debate for many centuries. Indeed, it has been the cause of wars and revolutions in the past and it could even be again, if one follows the line of argument which was produced by Mr. Landeryou. He attempted to mislead the House when he referred to the Government as a minority Government. It is not a minority Government but one which represents the majority of the electorate in this State.

If I remember correctly, the vote recorded for the Australian Labor Party was something like 42 per cent. I have forgotten the exact percentage.

The Hon. D. R. WHITE: And we won 25 per cent of the seats.

The Hon. H. M. HAMILTON: Mr. White can have his go later. He is the new boy. He is always making misleading statements in the House about its role in society, and it is about time he did some work and learned what it is all about. Mr. White is so new that I doubt whether he could even find his way to the toilets, yet he is continually speaking as an expert.

As I understand it, the Liberal Party secured approximately 54 per cent of the total vote after preferences were distributed.

The Hon. J. M. WALTON: What percentage of members has the Liberal Party of the total number in this Chamber?

The Hon. H. M. HAMILTON: It needs only 51 per cent to elect a member. If it was an even distribution we would have all the members.

The Hon. W. A. LANDERYOU: How long do you think Parliament will last as the Government has it rigged now?

The Hon. H. M. HAMILTON: Judging by the way in which Mr. Landeryou is talking, it will not last long, but he is a new boy also and it is time he found out what Parliament is all about and did his homework.

The Hon. W. A. LANDERYOU: You are the captain of the "has-been corner".

The Hon. H. M. HAMILTON: We all have to face tomorrow, as Mr. Landeryou will find to his sorrow. I have read the views of one or two of the so-called leading commentators, one of whom publishes a column in the daily press quoting the authoritative Mr. White who tells him all about Parliament, but he does not know what Parliament is all about.

The Hon. W. A. LANDERYOU: What has this to do with the Bill?

The Hon. H. M. HAMILTON: It is about time Mr. Landeryou learned the same lesson and stuck to the Bill. We had a lesson from Mr. Landeryou about electoral rigging in the industrial movement and I know that one or two members of his union have claimed that they have never been given a vote. They can also tell a good deal about how to rig a vote because they have attended some of your meetings and seen them rigged.

The Hon. W. A. LANDERYOU: You are a liar. Come outside the House and say that.

The Hon. H. M. HAMILTON: I ask for a withdrawal of that statement, Mr. President.

**The PRESIDENT (the Hon. W. G. Fry):** Order! If honorable members carry on in this way we will not get much further with the discussion of this Bill. I ask both members to withdraw their last statements.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I will not withdraw until Mr. Hamilton withdraws his statement, Mr. President.

The PRESIDENT: That is a matter which I will decide. I ask Mr. Landeryou to withdraw his statement which I consider to be unparliamentary and abusive.

The Hon. W. A. LANDERYOU: Mr. President, I will not withdraw. Mr. Hamilton has lied because what he has said is a lie. I am not prepared to withdraw that statement until he withdraws what he said.

The PRESIDENT: Mr. Landeryou will give me no option but to take a certain course. For the third time I ask the honorable member to withdraw that statement. If he is prepared to do so, I shall do exactly the same with Mr. Hamilton.

The Hon. W. A. LANDERYOU: I was the last offender. I took exception to what was being said, and in the circumstances——

The PRESIDENT: If that is so, the proper way to achieve a remedy was not to have done what the honorable member did but to ask me to request Mr. Hamilton to withdraw his remark. Mr. Landeryou replied direct to Mr. Hamilton and not through the Chair. I ask Mr. Landeryou to withdraw his remark.

The Hon. W. A. LANDERYOU: I am asking Mr. Hamilton to come outside the House.

The PRESIDENT: If the honorable member insists on continuing in that manner, he will find that his presence in this Chamber may be terminated.

The Hon. W. A. LANDERYOU: It is a lie. Under pressure from my colleagues, I withdraw but I find the way in which you have asked me to withdraw, and in view of the fact——

The PRESIDENT: The honorable member can leave it at that. I ask Mr. Hamilton to withdraw his remark, which incited this incident.

**The Hon. H. M. HAMILTON** (Higinbotham Province): Will you tell me what I said, Mr. President, as I am not sure?

The PRESIDENT: I refer to the remark that the union to which Mr. Landeryou belongs had a rigged election or a rigged ballot. I am not sure of the exact wording but I ask Mr. Hamilton to withdraw that remark.

The Hon. H. M. HAMILTON: I believe I made a statement about a rigged vote. I did not say a rigged ballot.

The PRESIDENT: I am asking for a withdrawal.

The Hon. H. M. HAMILTON: If it is offensive to the honorable member, in deference to you, Mr. President, I withdraw it.

The PRESIDENT: Mr. Hamilton may proceed.

**The Hon. A. W. KNIGHT** (Melbourne West Province): On a point of order, Mr. President, I ask Mr. Hamilton to withdraw unreservedly as his remark is offensive to me.

The PRESIDENT: There is no point of order. Mr. Hamilton has withdrawn the remark that the ballot was rigged, and therefore I consider the matter settled.

**The Hon. H. M. HAMILTON** (Higinbotham Province): I will return to the Bill. Mr. Galbally has always been active in seeking electoral reform. I am not quite sure just what type of electoral reform he is seeking in this Bill. Is he looking for a change in voting power or a change in representation, because both may be described as an essential ingredient of democracy but quite often one may conflict with the other?

On examining the Bill, it seems to me that it is aimed at achieving equality of voting power. As has been explained, the Bill proposes an electoral commission consisting of a judge, who is or was the Chairman of the County Court or his nominee, the Chief Electoral Officer and the Surveyor-General. I shall refer to the composition of the commission later.

The function of the proposed electoral commission is laid down. It is to divide the State into equal electoral divisions or provide each with approximately equal voting strength, and to determine their boundaries. The Bill also contains provisions relating to quorums. It provides for meetings to be held. I am not sure what is meant by the proposal regarding meetings of the commission. They are to be held at intervals of not more than two years after the holding of elections for the Legislative Assembly and the Legislative Council. Perhaps it means that the meetings are to be held at intervals of not more than two years and in addition, meetings should be held after the holding of elections. In any case, I believe that is an irrelevant point.

Then the Bill provides the factors which the commission is asked to consider when determining the electoral boundaries. These factors include the physical features of terrain and so on, means of travel, traffic arteries and communications, community or diversity of interests and the likelihood of changes in the numbers of electors in the various localities.

Finally, the Bill provides that the divisions or electoral districts are to be of approximate equal voting strength and must not vary by more than 10 per cent more or less from the average.

I congratulate Mr. Galbally for rejecting the concept embraced by his Canberra colleagues who proposed to determine electorates under their redistribution proposals on the total number of persons in an electorate, not on the total number of enrolled voters.

Many people do not realize that this proposition was the subject of a referendum, and there was a sting in the tail in that it was proposed to be applied to State as well as Federal elections, but it was decisively rejected by the electorate at a referendum.

An electoral system in which each electorate appears to have the same number of enrolled voters seems to be an attractive proposition, but on closer examination some of the practical difficulties come to mind. Henry B. Mayo in his book entitled *An Introduction to Democratic Theory*, which has been quoted by my colleague, Mr. Chamberlain, acknowledged this when he said—

> While the general principle—that is, that each vote counts equally—is scarcely debatable, there are some sizeable departures from it in practice.

In explaining the Bill Mr. Galbally quoted aptly from the Chief Justice, Sir Garfield Barwick, who said—

> It is probably impossible to derive a formula for electoral distribution which will necessarily produce equality in voting value.

Those two quotations highlight the fact that there are some substantial practical difficulties involved in achieving an equitable electoral system. Mr. Galbally tacitly acknowledged some of these practical difficulties in clause 8 (1) of his Bill, which suggests that the Electoral Commission should take into consideration various factors such as terrain, communications and community-interest, but probably the most serious of these practical problems is that of sheer physical size, about which there has been a good deal of discussion today.

In my view, a principle which is just as important as the principle of equality of voting value is equality of representation. Enrolled voters are just as much entitled to equality of representation as they are to equality of voting power, and this would surely be a reasonable expectation in any democratic system.

It is quite wrong and totally unfair to electors to set up electorates of such a size that it is physically impossible to service them adequately. In our case, in the Legislative Council, the North Western, Gippsland and North Eastern provinces illustrate this point. If equality of voting power were the sole criterion, and the boundaries of Council provinces were drawn on this basis, any two of these provinces would cover more than two-thirds of the total area of Victoria. No representative could be expected to provide adequate representation to such an electorate.

To divide the State purely on the basis of equal distribution of enrolled voters would mean there would be over 98,000 voters in each province. In order to bring the North Western Province up to the required size it would be necessary to add, for example, from the neighbouring provinces the subdivisions of Echuca, Mitiamo, Inglewood, Dunolly, Rochester, Elmore, Raywood, Marong, Avoca, Clunes, Landsborough, Lexton, Maldon, Strathfieldsaye and Carisbrook.

If the Gippsland Province were brought up to the required strength, it would be necessary to add the entire North Eastern Province to it with the exception of Wangaratta, Wodonga and Benalla. If the overriding criterion then is to be numbers only, it becomes nothing more than a computer exercise, and the examples I have given illustrate quite forcibly the futility of such an exercise.

Can an elector residing in such an electorate expect to receive representation approximately equal to that which an elector residing in a concentrated city province can receive? Do these electors have the same access to their Parliamentary representatives? It is futile to suggest they do. What hope has a member representing such an electorate of presenting the views, hopes and aspirations of his electorate adequately in the Parliament?

Equality of voting power may be achieved, but it will be achieved at the expense of equality of representation, which is equally important, in my view, in a democratic system.

Mayo recognized this as one of the practical disadvantages of the theory that one vote, one value is the essence of democracy, when he said—

> Where rural districts are immense in area, the population dispersed, roads and communication facilities sparse, there is something to be said on purely practical grounds for departing of necessity from the principle of equal weight to each vote. This sort of defence of a practice recognizes the principle, and justifies departure from it as highly exceptional and dictated by practical considerations.

Another aspect of the problem is that the use of numbers as the overriding or major criterion inevitably means that there are electorates which involve a great diversity of

interests and activities, often conflicting. A single member may be required to put a conflicting point of view when representing his electorate, and this is not easily done, so again I repeat that while equality of voting may be achieved, it is achieved at the expense of equality of representation.

Quite often it is possible to confuse various statements that Mr. Galbally made; equality of voting may not mean the same thing as " each vote counts equally " or " each vote has the same value ". The division of an area into electorates in which each vote is almost exactly equal in numbers means that each vote has the same theoretical value, but it does not necessarily mean that each vote counts equally.

Our Parliament is elected on a system of preferential voting. This gives the voter the opportunity to express his preferences in sequence, but in the long run it is virtually impossible for any but the candidates of the major parties to be elected. Such a system perpetuates the two-party system, confirms the stronger parties and eliminates the weaker ones.

This happened in Australia in recent years when the Democratic Labor Party, for example, failed to gain representation in the Victorian Parliament. However, the important thing is that although there is equality in voting power, each vote does not have the same theoretical or actual value. In short, our democratic system is not so democratic because each vote does not have the same value unless one votes for a major party.

When explaining the Bill, Mr. Galbally talked about the United Kingdom and the United States of America and suggested that in those countries something of equality in voting had been achieved. I do not know anything about the American system, but I know that the electoral problems of the United Kingdom have been overcome by establishing different quotas for electorates in different areas. My colleague, Mr. Chamberlain, drew attention to the fact that there are some substantial differences in the numbers of enrolled voters in varying electorates. Some of these vary by more than 70 per cent.

The problems in Canada may or may not be similar, but there are enormous discrepancies in voting strength between areas. I do not know what the position is in individual provinces but the electorates for the Dominion Government vary from five where the average number of voters is about 25,000 to 30,000 each on Prince Edward Island, to odd electorates which may have from 100,000 to 140,000 electors, so the problem is not confined to Australia.

Victoria is a relatively small State with an overwhelming concentration of its voters in the metropolitan area, but it has traditionally been dependent to a substantial degree on the rural sector which has generated a large proportion of its economic wealth. To set up an electoral system based entirely on equality of numbers of voters would be virtually to submerge our rural area beneath the city dominance.

The metropolitan area would achieve a dominance out of all proportion to its contribution to the community, and the large and extremely important rural community would be almost disenfranchised. This situation would be aggravated by the inequality of representation to which I have already referred.

I believe the system that has been adopted in Victoria is a compromise which meets the two opposing points of view and reconciles them to a substantial degree. It is not theoretically a perfect system—no compromise can ever be perfect—but it goes a long way towards achieving a satisfactory solution to the problem. The Victorian system ensures that while the populous metropolitan area has virtually a dominant voice, the important rural community is represented, and the members representing

those areas are much better able to provide an adequate representation than they would be if the principles set out in Mr. Galbally's Bill were adopted.

I turn now to one small aspect of the Bill which I mentioned in my earlier remarks, namely, the proposed frequency of redistribution after every election—every three years for the Legislative Assembly and every six years for the Legislative Council. If this were adopted members would never be able to settle down in their electorates; electors would never know where they stood, what their subdivision was or who represented them. There is already confusion after redistributions today, and a more frequent redistribution would add to that confusion.

For example, in the United Kingdom redistributions are carried out at intervals of not less than ten and not more than fifteen years.

The Hon. A. W. KNIGHT: They have no compulsory voting; that makes a big difference.

The Hon. H. M. HAMILTON: I appreciate that that makes a difference, but I do not believe it greatly affects the issue.

Another matter to which I refer is the suggestion that a member of the judiciary should chair the proposed commission. Mr. Galbally has frequently referred in this Chamber to the reluctance of members of the judiciary to accept what he called quasi-judicial appointments. I can see no relationship between the functions of a judge and the chairing of this commission, and I am sure a judge would be most reluctant to accept the position. I do not for one moment believe it is a suitable appointment for a judge.

On careful and mature consideration, this Bill cannot be accepted. It may have considerable appeal as an academic exercise and an attempt to solve the problem of achieving equality of voting power, but it does not solve the problem of achieving equality of representation. It would have the effect of virtually disenfranchising a large and important sector in the community. For these reasons, the Bill must be rejected.

The House divided on the motion (the Hon. W. G. Fry in the chair)—

| | |
|---|---|
| Ayes .. .. | 7 |
| Noes .. .. | 28 |
| Majority against the motion .. .. | 21 |

AYES.

| | |
|---|---|
| Mr. Elliot | Mr. Walton |
| Mr. Knight | *Tellers:* |
| Mr. Landeryou | Mr. Trayling |
| Mr. Thomas | Mr. White. |

NOES.

| | |
|---|---|
| Mr. Block | Dr. Howard |
| Mr. Bradbury | Mr. Hunt |
| Mr. Campbell | Mr. Jenkins |
| Mr. Chamberlain | Mr. Knowles |
| Mr. Crozier | Mr. Long |
| Mr. Dunn | Mr. McDonald |
| Mr. Evans | Mr. Reid |
| Dr. Foley | Mr. Saltmarsh |
| Mr. Gleeson | Mr. Stacey |
| Mr. Granter | Mr. Storey |
| Mr. Guest | Mr. Taylor |
| Mr. Hamilton | |
| Mr. Hauser | *Tellers:* |
| Mr. Hider | Mr. Grimwade |
| Mr. Houghton | Mr. Wright |

PAIRS.

| | |
|---|---|
| Mr. Eddy | Mr. Ward |
| Mr. Galbally | Mr. Dickie |

## PROBATE DUTY.

**The Hon. S. R. McDONALD** (Northern Province): I move—

That this House is of the opinion that probate duty should be abolished.

I have moved this motion to enable me to place on record the attitude of the National Party in this important matter and to give members on both sides of the House the opportunity of supporting or rejecting the proposition that probate duty should be abolished in Victoria.

An additional reason which is relevant is that it appears unlikely that the Leader of the National Party will be able to proceed with his private member's Bill on the same

subject in another place. The Leader of this House is to be commended for continuing the procedure and the tradition that has been followed by former Leaders of the House, the late Sir Gilbert Chandler and the Honorable Murray Byrne, in allowing private member's business and other matters brought forward by the Labor Party and the National Party to be properly debated in the Chamber. Recently the Legislative Council has been under fire from a variety of sources for a variety of reasons, but the tradition of allowing full and proper debate on private members' business in this place is one of the strengths of this Council, and long may that continue.

In Victoria and in Australia there are a number of forms of indirect taxation, but without doubt probate duty is the most undesirable and unjust because it is selective and discriminatory in its application. It is also undesirable because of the devastating effect and drastic consequences it has on some estates and some families. Originally the concept of probate duty, death duty, succession duty or estate duty, whatever it may be called, was introduced with the idea of preventing the accumulation of inherited wealth and to break up large estates. I intend to demonstrate to the House that this is no longer the case, and that currently this duty is merely being used as a revenue-producing measure by both the Victorian and Federal Governments.

If one analyses the statistics of probate duty or estate duty, one arrives at two important conclusions. Firstly, probate duty is imposed on a small proportion of the population. Secondly, there are relatively few large estates in Australia today. I refer honorable members to extracts from a document entitled *Taxation Statistics* 1973–74 which is published by the Government Printer for the Federal Government. It gives the statistics for 1973–74 which are the latest available in the Parliamentary Library. Although they are one or two years out of date, the general trend evident in those statistics, to which I will refer, will still apply.

If one examines the analysis of estates in Victoria for that year, one finds that in Victoria in 1973–74 3,577 estates were dutiable. I was rather surprised to discover that the figure was so low. In the same year, according to the *Victorian Year Book*, there were 30,696 estates in this State. It is an over-simplification to compare those figures directly, but it is true to say that the requirement to pay probate duty in Australia is imposed on the estates of few persons. This leads me to the comment that I made earlier, that probate duty is therefore selective and is applied to a small proportion of the population.

When one examines the size of estates 2in the same statistics, one finds that of that total number of 3,577, only 208 estates had a net value exceeding $200,000. Conversely, 3,369 estates had a net value of less than $200,000. What constitutes a large estate is a matter of opinion, but I have used the figure of $200,000 as a yardstick. It does not imply that I believe $200,000 is a large estate, but irrespective of what criteria one uses about the size of a large estate, it is fair to say that in Victoria and in Australia today there are few large estates of the type that exist in the United Kingdom and the United States of America.

There are factors that contribute to this situation. An important factor is that most persons with substantial assets are able to utilize legal procedures and devices to ensure that their ultimate estate is as small as possible and, therefore, the level of probate duty is kept to a minimum. It is also fair to say that the current high level of direct taxation in Australia prevents the accumulation of a large estate from taxable income. If one examines the incidence of estate duty and probate duty within different occupations or

professions, one finds that the tax is even more discriminating. I emphasize that this is particularly the case with rural estates.

In 1972 the Bureau of Agricultural Economics made a submission to the Senate Standing Committee on Finance and Government Operations, entitled *Impact of Death Duties on Rural Industries in Australia.* I commend the submission to any member who desires to become familiar with the impact of death duties generally and on rural industries in particular. I briefly refer to page 16 of the submission and point out to the House that during the 1960s—this refers to Commonwealth estate duty only although the same trend would apply to State probate duty—the total Commonwealth estate duty assessments paid by primary producers varied between 32 per cent and 39 per cent of the total Federal estate duty paid. That means that the estates of primary producers in that area contributed, in round figures, one-third of the total duty paid. If one contrasts that figure with the fact that farmers make up only 6 per cent of the taxpaying population and also that they contributed 7 per cent of the total tax revenue, one must come to the conclusion that there is an imbalance between the income-earning capacity and the level of duty imposed. I should like to quote a paragraph from the Senate committee's submission that sums this up clearly. It reads—

> One important factor which contributes toward this divergence between the proportion of income tax and estate duties paid by primary producers is the relatively high value of the estates of primary producers compared with the estates of persons engaged in many other industries. This in turn reflects the type of business organization which is predominant in the rural industries and the capital intensity of rural production.

The effect of probate on individual estates can be devastating. This applies to any type of estate, whether it be that of a primary producer or a businessman, but it is certainly the case in primary industry. I am sure every member of this House who represents a country electorate regularly comes across cases where the families of deceased property owners have been adversely affected by the imposition of probate and estate duty.

The Hon. D. G. ELLIOT: They have lost viability.

The Hon. S. R. McDONALD: Mr. Elliot is quite right. I wish to quote an example with which I am familiar of an estate with which I am involved. The estate was valued in round figures at $350,000 and the combined State and Federal duty was $125,000. This case illustrates another unfortunate situation that occurs when there is a drop in the valuation of land and the value of stock between the time when the estate is valued and the date on which duty must be paid.

The Hon. R. J. LONG: You mean the date of death.

The Hon. S. R. McDONALD: That is right. I shall not go into detail but it is fair to say that the end result was that a first-class farming unit in northern Victoria was subdivided and it is now half its original size because of the level of duty and the decline in values and valuations. The end result is that it is not a marginal farm yet but it is possible that in future if we see the same trend in the wage–price freeze it may be.

The Hon. R. J. LONG: The same thing applied to Poseidon shares.

The Hon. S. R. McDONALD: Mr. Long has pre-empted what I was going to say. The same problem can apply in that situation and to other estates. It certainly applies to the estates of primary producers. It never fails to amaze me that the State and Federal Governments are party to an agreement, in relation to farm build-up, whereby finance is available to farmers or property owners to purchase additional land at attractive rates of interest on a long-term basis but at the same time probate duty is continued which has exactly the reverse effect. If an honorable mem-

ber can explain or justify the logic in that anomalous situation I would be interested to hear what he has to say.

In recent years there have been significant changes and a significant trend towards reducing the impact of probate duty. I mention the 50 per cent rebate on the value of stock and land and plant in rural estates or the increased exemption on the minimum value of an estate before it attracts probate duty. The valuation of the matrimonial home on which an exemption is allowed has also been increased. These are all significant steps in the right direction. Liberal Party members are continually interjecting about matters which I intend to raise later in my speech. I wonder whether they will be so much in agreement with me when I deal with other aspects. Last year every member in this Parliament supported the legislation that abolished probate duty on an estate which passed from spouse to spouse.

The Hon. D. G. ELLIOT: That is State probate duty.

The Hon. S. R. MCDONALD: Mr. Elliot has touched on one of the problems in that it is difficult at times to differentiate between State probate duty and Federal estate duty. I was referring to concessions in recent years which apply to the State field. As a result of these concessions, the amount of probate duty collected, in terms of a percentage of State revenue, has reduced from 4·94 per cent in 1970-71 to an estimated 2·65 per cent in 1976-77.

It was recently reported in the press that the Premier is considering further concessions for farms and small businesses. It is obvious that Mr. Long agrees with that statement. Mr. Long and I may differ at this stage because the National Party believes we have reached the stage where selective concessions are no longer appropriate and that whatever changes are made in future and whatever reductions are made should apply to every Victorian, irrespective of his occupation.

The National Party contends that the proper course to adopt is that proposed in the motion, namely, to abolish probate duty entirely. When I gave notice of my intention to move the motion last week, some back-bench Government supporters indicated that they thought it was a thoroughly worth-while motion and that they would support it. Although the motion does not include any date, it is virtually an instruction to the Government to abolish probate duty as soon as it is legislatively possible to do so. It is not intended that the Government should abolish probate duty when it thinks it is convenient. It is surprising that to this stage no honorable member has asked by interjection from where the additional revenue will come.

*Honorable members interjecting.*

The Hon. S. R. MCDONALD: I can see that I have brought life back into the back-bench members of the Government party. I propose to give a first-class example of what should be done in terms of revenue. The State could follow the example of the Prime Minister in cutting Government expenditure. In this regard, I refer honorable members to an interesting statement in an article on federalism headed *A New Year of Buck-passing*, written by Peter Samuel and published in the *Bulletin* about a fortnight ago. The statement reads—

> Nothing quite so much infuriates Prime Minister Fraser as the fact that during the past year the six State Governments have added some 20,000 public servants to their pay-rolls, while he has incurred the wrath of his own officials by cutting their numbers by 12,000.

At a later stage the article continues—

> . . . the State bureaucrats have been breeding like rabbits. In Adelaide the State public service increased during 1976 by 5·2 per cent, in Perth by 4·3 per cent, in Melbourne by 3·1 per cent and in Sydney by 2·1 per cent.

The Hon. O. G. JENKINS: It is hardly in the rabbit class.

The Hon. S. R. McDONALD: If Mr. Jenkins wishes to use the rabbit analogy, I remind him that the rabbits in Canberra must be peculiarly infertile at the present time because there has been no increase in the number of public servants in the national capital.

The Hon. HADDON STOREY: What base did they start on?

The Hon. D. G. ELLIOT: Deep in the warren.

**The PRESIDENT (the Hon. W. G. Fry):** I find all this very chummy. Perhaps Mr. McDonald could include me in the debate and ignore the orchestra pit and be more specific. I could then understand whether we are talking about rabbits with or without myxomatosis in the breeding programme.

The Hon. S. R. McDONALD: I apologize, Mr. President, but I was diverted by the noisier members on my left. I believe the Government, if it so desires, can replace the revenue loss as a result of reduced probate duty amounting to about $70 million by cutting its expenditure. The Prime Minister and his Government have set a good example. If Government supporters consider it would be too much to do this in one year, I would be delighted if one of them moved an amendment whereby it could be done over two or three years. I would be interested to hear their comments on that proposal.

The Hon. R. J. LONG: I would like to abolish income tax.

The Hon. S. R. McDONALD: That proposal is stupid and impractical. During the past two weeks there has been much comment on the proposed prices and wages freeze agreed to at the Premiers Conference. One contribution to the debate made by the Victorian Premier was to the effect that the Prime Minister should take steps to have indirect taxes reduced for the purpose of stimulating the economy and for other reasons. I was impressed by the reply to that statement by the Minister for Business and Consumer Affairs, Mr. Howard, who clearly suggested that the Premier should set an example by having indirect taxes reduced in Victoria. I entirely agree with Mr. Howard. If it is good enough for the Premier to suggest that the Federal Government should reduce indirect taxation, it is good enough for the Victorian Government to reduce those taxes.

The National Party is consistent about this. It believes that the Federal Government has just as much responsibility in this area as the State has, and that it should follow the same principle by abolishing estate duty. In absolute terms, it would be simpler for the Federal Government to abolish estate duty because it represents only 0·5 per cent of Federal income as compared with probate duty representing 2·5 per cent of the Government's income in Victoria. Successive Federal Governments should be criticized for not acting on this.

The Hon. D. G. ELLIOT: How many millions of dollars does that 2·5 per cent represent in one year?

The Hon. S. R. McDONALD: In Victoria $77 million. There is one other matter with which the Federal Government is concerned. It is its attitude to concessions given by State Governments. Every honorable member is aware of the situation. Probate duty on a primary producer's estate which attracts the 50 per cent rebate may be reduced by $20,000. That amount attracts Federal duty and the net result is that the estate will pay more duty than it would if the State had not provided a concession. This is a ridiculous situation. Exactly the same position was referred to the Minister for State Development and Decentralization about pay-roll tax last week. As I have said, successive Federal Governments should be criticized for their attitude to estate duty legislation.

I am pleased at the changed attitude of Government party members on probate. I have noticed in the press, particularly in northern Victoria, in recent weeks, that they have been saying that this is an unjust and iniquitious tax which should be abolished. I remind those who were members of this Parliament in 1973 that they supported an amendment to the Act which increased probate duty. In this House I moved an amendment which would have prevented that increase being imposed, but it was soundly defeated by the votes of members of the Government party. I am glad that they are seeing the light and changing their attitude on this subject.

The Hon. B. P. DUNN: I presume they will vote with us on this.

The Hon. S. R. McDONALD: I hope so. One cannot speak about probate duty without referring to what has been done in Queensland. Positive action was taken earlier this year and legislation was passed to abolish both probate and gift duty. In Western Australia one of the terms of agreement between the members of the coalition between the National Party and the Liberal Party, which the Premier, Sir Charles Court, has accepted and announced, is that probate duty will be abolished during the life of the current Parliament.

The National Party believes that probate duty is an iniquitious and discriminatory tax. It falls on a few estates. It is even more discriminatory in falling on members of various occupations and professions. It affects a small proportion of the population.

In view of these facts it is no longer proper, in 1977, to use probate duty to prevent the accumulation of great wealth or to break up large estates. That concept is no longer valid. The Victorian Government should follow the lead given by Queensland. If this motion is agreed to—I should like to see it taken to a vote—probate duty will be abolished in Victoria.

On the motion of the Hon. HADDON STOREY (Attorney-General), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, May 4.

## RACING (AMENDMENT) BILL (No. 2).

This Bill was received from the Assembly and, on the motion of the Hon. F. J. GRANTER (Minister of Water Supply), was read a first time.

## HEALTH COMMISSION BILL.

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

Discussion was resumed of clause 46 (Scheduled hospitals).

**The Hon. W. V. HOUGHTON** (Minister of Health): I move—

Clause 46, sub-clause (3), page 17, line 22, after "scheduled hospital" insert "included in Table A in the Fifth Schedule".

There is a further amendment which I suggest should be dealt with at the same time because it deals with the same matter.

**The ACTING CHAIRMAN (the Hon. A. K. Bradbury):** Mr. Dunn has circulated an amendment to this clause and I therefore suggest that the Committee should deal with the first amendment only.

**The Hon. B. P. DUNN** (North Western Province): Mr. Acting Chairman, I seek your advice. The National Party amendment which was debated at some length refers to the same clause. I propose to move—

Clause 46, page 17, line 22, after "hospital" insert "included in Table A or Table B in the Fifth Schedule".

This was initially put forward as a test case. The National Party seeks to create this extra table in the Fifth Schedule and to do that it is necessary that the amendment I propose to move should be agreed to. The

other amendment which the National Party will propose to this clause is consequential on the first of its amendments being accepted. The question is whether the National Party amendment should be moved as an amendment to the Minister's amendment or as an amendment to the clause in its own right.

**The Hon. W. V. HOUGHTON** (Minister of Health): This amendment is, of course, consequential on an amendment to a later part of the clause. I indicate that the Government will not accept that amendment.

**The CHAIRMAN (the Hon. W. M. Campbell):** What Mr. Dunn should do is to propose his amendment as an amendment to the Minister's amendment. It can then be determined whether the Committee will accept it.

**The Hon. B. P. DUNN** (North Western Province): As an amendment on the Minister's amendment, I move—

That the amendment be amended by the insertion after the expression "Table A" of the expression "or Table B".

That is the first provision necessary for the National Party to implement its basic aim of inserting another table in the Fifth Schedule to allow hospitals to move into that table and therefore to continue their contributor election system.

The debate was canvassed fully last night and I shall not go over it now. The National Party sticks to that principle because we believe it is what the hospitals in Victoria want. Even today further representations have been received which strengthen that point. The National Party intends to call for a division on that provision as a test. If the amendment is lost the National Party will not proceed with other consequential amendments.

**The Hon. W. V. HOUGHTON** (Minister of Health): The Government does not accept the amendment. It does not regard this as a matter of principle. The National Party indicates that country hospitals should be included in Table C. I know of no reason, as a matter of principle, why those hospitals should be separated from other hospitals.

**The Hon. B. P. DUNN** (North Western Province): I take issue on that point. The National Party has not referred just to country hospitals; it has referred to hospitals in Table A of the Fifth Schedule which covers a wide range of hospitals, not only country hospitals. The amendment means that a hospital in Table A of the Fifth Schedule can move into Table C. That does not apply only to country hospitals. Probably many other hospitals would like to continue their contributor election schemes. The National Party has put forward the views of those hospitals and it is to meet their needs that the amendment has been moved.

The Committee divided on Mr. Dunn's amendment on Mr. Houghton's amendment (the Hon. W. M. Campbell in the chair)—

| | | |
|---|---|---|
| Ayes | .. | 12 |
| Noes | .. | 22 |
| Majority against Mr. Dunn's amendment | | 10 |

AYES.

| | |
|---|---|
| Mr. Bradbury | Mr. Trayling |
| Mr. Dunn | Mr. Walton |
| Mr. Elliot | Mr. Wright |
| Mr. Knight | |
| Mr. Landeryou | *Tellers:* |
| Mr. McDonald | Mr. Evans |
| Mr. Thomas | Mr. White |

NOES.

| | |
|---|---|
| Mr. Block | Mr. Jenkins |
| Mr. Chamberlain | Mr. Knowles |
| Mr. Crozier | Mr. Long |
| Mr. Granter | Mr. Reid |
| Mr. Grimwade | Mr. Saltmarsh |
| Mr. Guest | Mr. Stacey |
| Mr. Hamilton | Mr. Storey |
| Mr. Hauser | Mr. Taylor |
| Mr. Hider | |
| Mr. Houghton | *Tellers:* |
| Dr. Howard | Dr. Foley |
| Mr. Hunt | Mr. Gleeson |

PAIRS.

| | |
|---|---|
| Mr. Eddy | Mr. Ward |
| Mr. Galbally | Mr. Dickie |

Mr. Houghton's amendment was agreed to.

**The Hon. W. V. HOUGHTON** (Minister of Health): I move—

Clause 46, sub-clause (5), page 17, after line 33, insert—

"(2) At any time before the day on which Part VII. of the Health Commission Act 1977 comes into operation, the Governor in Council, on the recommendation of the Commission, by order published in the *Government Gazette*—

(*a*) may delete the name of an institution from Table A in the Fifth Schedule and add the name of that institution to Table B in that Schedule; and

(*b*) may delete from Table B the name of an institution added under this sub-section to that Table and add the name of that institution to Table A."

The purpose of the amendment is to enable the Governor in Council to transfer the name of any institution from Table A to Table B and back to Table A before the commencement of Part VII. of the Act. When Part VII. of the Act is brought into operation, the provisions relating to appointment by the Governor in Council of committees of institutions listed in Table A will commence. Such appointment could then negate the flow of Commonwealth grants to certain institutions under such Acts as the Aged and Disabled Persons Homes Act. That would be most undesirable.

During the debate attention has been drawn to the problem that organizations which receive grants under three Commonwealth Acts—the Handicapped Persons Act, the Aged Persons Homes Act and the Aged and Disabled Persons Homes Act—would not be eligible for funding by the Commonwealth if the majority of the boards of management were appointed by the Government. The existing situation will not continue under the Commonwealth Acts for much longer because of a recommendation by an aged persons committee of the Commonwealth that institutions of that kind be no longer funded. If that recommendation is accepted, the problem will no longer exist. The Commonwealth Acts have been amended many times in the past few years. It is probable that the provisions of the Commonwealth Acts will not continue to apply for much longer, but they do at present.

Provision has to be made for boards of management eligible for funds under those Acts to continue to be so eligible, bearing in mind that the provision for the hospital boards of management does not become operative until two years after the Health Commission succeeds the Hospitals and Charities Commission. If the Health Commission does not succeed the Hospitals and Charities Commission for, say, another six months, two and a half years from that time the Minister will start to use the machinery provided for in clauses 51, 52 and 53 for the appointment of hospital boards of management. However, it will probably be a further two or three years before the majority of boards of management are appointed by the Governor in Council. It is likely to be five years from now before there is any effect of these provisions.

The Hon. W. A. LANDERYOU: What happens after that five years? Are they locked into that classification?

The Hon. W. V. HOUGHTON: Provision has to be made so that within two years they can be moved into the appropriate schedule. Mr. Landeryou has an amendment which covers this, and which the Government finds acceptable. That makes two of Mr. Landeryou's amendments that the Government has accepted.

The committee to which I referred earlier is the Commonwealth committee on the care of the aged and infirm. In its report on 26th January, 1977, it recommended—

Cessation of capital assistance for self-contained accommodation in 1979 at the end of the current three year programme for expenditure under the Aged and Disabled Persons Homes Act and the Aged Persons Homes Act.

If the Commonwealth adopts that recommendation, the problem disappears from this Bill. That may in fact occur. The Commonwealth Act states—

> The purpose of the Act is to encourage and assist the provision of suitable homes for aged persons and in particular homes at which aged persons may reside in conditions approaching as nearly as possible to normal domestic life.

A hospital that cares for the acutely ill is usually oriented towards providing sophisticated and high cost services. Services that need to be provided for the aged are not of that order, and it is uneconomic, in my view, for a hospital that is concerned with the acutely ill and controlled by a board of management to be also concerned with aged persons. In both Commonwealth and State areas, there will be a moving away from the care of the elderly in a hospital or under a board of management which is more concerned with the acutely ill. Furthermore, a hospital does not accord with the principles of the Commonwealth Act which says that it should approach as nearly as possible normal domestic life. How can normal domestic life be approached in a hospital ward? It is not possible. Sooner or later someone will look at the provisions of the Act and see that this is not being done.

**The Hon. B. P. DUNN** (North Western Province): The National Party thanks the Minister for taking up this point. If an institution is allowed to move from Table A in the Fifth Schedule to Table B, and Table B is exempt from the provision of Ministerial appointment, that gets around the problem of Commonwealth funding not being available to institutions where the majority of members running the institution are appointed. That is clearly what the amendments mean. It is a step towards what the National Party has raised consistently in this House. There has been a need for this type of provision. Mr. McDonald has been vocal on this aspect and no doubt he will have something to say on it. The National Party supports this provision and thanks the Minister for agreeing to an amendment to the Bill in this way.

**The Hon. S. R. McDONALD** (Northern Province): I am delighted that the Minister has seen fit to introduce this amendment and to make this change which the National Party hopes will overcome the problem that Mr. Dunn and other members of my party, and no doubt members of other parties, have raised with the Minister.

As late as today I discussed this matter with senior officers of the Federal Department of Health in Melbourne. They confirmed what has been put to me by letter from the Echuca District Hospital and by Mr. N. B. Perrin, Manager of the Bendigo Home and Hospital for the Aged. The opinion of the officers of the Federal Department of Health was that this clause would preclude some institutions from coming under the funding of the appropriate Commonwealth Acts. No doubt the Minister is taking the advice of his department in Victoria. Will the Minister take this matter up with the Commonwealth to make absolutely certain that these institutions we are concerned about are not precluded from obtaining Commonwealth funds? I am delighted with what the Minister has put forward, but I want to be certain that the Bill does what the honorable gentleman says it will do.

While I am on my feet, I wish to say that the debate we have had in this place on this Bill over two or three important issues is a good example of how the Parliamentary system can work. We started off with a situation where the Minister appeared to be reluctant—to say the least—to make some changes to the Bill. I notice that some members of his party are becoming impatient because the debate has gone on for so long, but my party is pleased indeed that the Minister has taken note of what has been said in the debate on this clause and other clauses, and has taken some action to meet the objections raised.

The amendment was agreed to.

**The Hon. W. V. HOUGHTON** (Minister of Health): I indicated that the Government had examined Mr. Landeryou's amendment No. 15 and that it would consider whether that amendment ought to be accepted. The Government has decided to accept Mr. Landeryou's irrefutable logic once again.

The honorable member may agree to withdraw his amendments Nos. 13 and 14 as they are not needed in view of what has been done. Furthermore, he may agree to what I propose in regard to his amendment No. 15, that is, in view of what the Government has already had inserted in the Bill, that amendment No. 15 should be altered by having the numbers changed. If Mr. Landeryou will agree to make those changes and not proceed with amendments Nos. 13 and 14, that will be the best way to proceed.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I agree. Accordingly I move—

Clause 46, after line 33, insert—

"(3) The Governor in Council—

(*a*) may appoint persons as members of an interim committee of an institution the name of which is deleted under sub-section (1) from Table A in the Fifth Schedule to hold office until the election of a new committee of that institution in accordance with this Act; and

(*b*) may make regulations for and with respect to the election of a new committee of that institution for the purposes of this Act.

(4) The members of an interim committee appointed under sub-section (3) shall, until the election of a new committee of that institution under this Act, be deemed to be the committee of that institution."

The amendment was agreed to.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I move—

Clause 46, sub-clause (5), page 18, line 21, after "may" insert "after consultation with the committee of a scheduled hospital".

This is a provision for consultation with the committee of a scheduled hospital.

**The Hon. W. V. HOUGHTON** (Minister of Health): This amendment is not accepted by the Government. It does not mean that consultation with the committee is excluded, but there may be instances where consultation with the committee is not relevant to the particular matter that is in hand.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): Giving a direction to a hospital committee must be relevant, surely. I do not want to press the point.

**The Hon. B. P. DUNN** (North Western Province): This is a principle which the National Party has also followed in this Bill, that it is preferable to try to get over a situation where some bureaucratic monster dictates to a hospital committee without consultation. It is an easy matter to write into the Bill. It will not be difficult for the Minister to insert the word "consultation". It will mean that the Health Commission has written into its charter that it must consult.

Proposed section 63c sets out the type of directions the Health Commission may give to hospital committees. They relate basically to conditions within those hospitals. The Minister will note that it relates to the internal operations of the hospital and not to Government policy. Surely it would be wise to include the words suggested by Mr. Landeryou concerning consultation. On internal matters related to the hospital the commission should be prepared to consult the board.

The amendment was negatived.

The clause was consequentially and verbally amended, and, as amended, was adopted, as were clauses 47 to 50.

Clause 51 (Cancer Institute Board).

**The Hon. W. V. HOUGHTON** (Minister of Health): I move—

Clause 51, page 21, line 38, after "Tasmania" insert "and appointed by the Governor in Council".

The reason for the amendment is that the Cancer Institute Board includes representatives of the Government of Tasmania and it is proposed that the Tasmanian Government should continue to have the power to appoint representatives to the board but, because the hospital is a Victorian organization, the appointments will be made by the Governor in Council.

The amendment was agreed to.

**The Hon. W. V. HOUGHTON** (Minister of Health): I move—

Clause 51, page 21, line 10, after "Board" insert "under paragraph (*a*) or (*b*) of sub-section (1)".

The amendment is self-explanatory.

The amendment was agreed to.

**The Hon. W. V. HOUGHTON** (Minister of Health): I move—

Clause 51, page 21, line 11, omit "appointed".

The amendment was agreed to.

**The Hon. W. V. HOUGHTON** (Minister of Health): I move—

Clause 51, page 21, line 10 after "Board" insert "appointed under those paragraphs".

The amendment was agreed to.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I move—

Clause 51, sub-clause (1), page 21, lines 26–28, omit all words and expressions on these lines and insert—

"(2) The Governor in Council may on the recommendation of the Commission where the Commission is of the opinion that a member of the Board is not carrying out the duties of his office responsibly and efficiently suspend the member from office.

(3) Unless the suspension is earlier confirmed or removed under sub-section (5) a member suspended from office under sub-section (2) shall on the expiration of 30 days after the suspension cease to hold office.

(4) A member aggrieved by his suspension under sub-section (2) may within 14 days after the suspension appeal to the Minister against the suspension.

(5) Where an appeal is made under sub-section (4) the Governor in Council may on the recommendation of the Minister before the expiration of 30 days after the suspension confirm the suspension or determine the suspension be removed and—

(*a*) upon confirmation of the suspension the member shall cease to hold office; and

(*b*) upon determination that the suspension be removed the suspension shall be deemed to have been removed."

This amendment is in line with a more important amendment which the Government has not accepted and relates to the problem of people, which was referred to in the second-reading debate. Unfortunately, I have not heard from the Minister on this aspect but some time ago, before the present Minister became Minister of Health, there was the case of Mr. McClelland the manager of the Geelong Hospital and Mr. Kronborg, manager of the Austin Hospital, in which the Government introduced hasty legislation to prevent them from giving details to a national Government committee of inquiry.

Under the clause, the managers will have a double jeopardy situation in that they can be challenged by the board of management, by the commission and by the Minister, who can in fact remove them. In those circumstances, an appeal provision should be included so that when tempers are frayed, the issues are confused and the situation is not generally understood by everyone, at least a proper appeal procedure will be available. For that reason, my party believes that the difficulties that would confront Mr. McClelland and Mr. Kronborg under this Bill would be enormous and they would be placed in a situation of being dismissed either by the board, which is appointed by the Minister under the Bill, or by the commission itself. In those circumstances, the amendment

should be agreed to and I should like the Minister to comment on those points.

**The Hon. W. V. HOUGHTON** (Minister of Health): If my memory serves me correctly, I am glad to say that good sense finally prevailed and the hasty legislation which was proposed was in fact withdrawn. Mr. Landeryou's proposal would mean a further limitation on the powers of the board. I have received consistent representations that the Government has already gone too far in imposing upon the powers of hospital boards of management and this amendment proposes a further imposition. The Government does not intend to accept the amendment because the provisions relate to the position of the secretary or the manager.

The Hon. W. A. LANDERYOU: My amendment goes to the question of a member of the board and the double jeopardy position that if the board is told to sack the secretary or manager and does not do so, then the Government can sack the board.

The Hon. W. V. HOUGHTON: The Government thinks that this position ought to apply.

**The Hon. B. P. DUNN** (North Western Province): The provision to which the amendment relates reads—

> The Governor in Council may, on the recommendation of the Commission and the Minister, remove a member, or all the members, from office.

In this case, it relates to the Cancer Institute Board and subsequent amendments will relate to other hospital boards. The amendment proposed by Mr. Landeryou will mean that there has to be some degree of consultation and there is also provision for appeal in the case of a member being suspended by the Minister, which is what the Committee is debating now. Under the Bill, a member who is suspended has no comeback. The amendment suggested by Mr. Landeryou will give a right of appeal which is a fair provision.

I am not sure whether a similar amendment has been agreed to concerning hospital managers, but surely it is reasonable, if the Government is to have the power to suspend a member of a board, that the person, who has been appointed by the Minister, should have the right of appeal. Accordingly, the National Party supports the amendment.

The Committee divided on the question that the words proposed by Mr. Landeryou to be omitted stand part of the clause (the Hon. W. M. Campbell in the chair)—

| | | |
|---|---|---|
| Ayes | .. | 21 |
| Noes | .. | 11 |
| Majority against the amendment | .. | 10 |

AYES.

| | |
|---|---|
| Mr. Block | Mr. Hunt |
| Mr. Chamberlain | Mr. Jenkins |
| Mr. Crozier | Mr. Knowles |
| Dr. Foley | Mr. Long |
| Mr. Gleeson | Mr. Reid |
| Mr. Granter | Mr. Saltmarsh |
| Mr. Hamilton | Mr. Stacey |
| Mr. Hauser | Mr. Storey |
| Mr. Hider | *Tellers:* |
| Mr. Houghton | Mr. Grimwade |
| Dr. Howard | Mr. Guest |

NOES.

| | |
|---|---|
| Mr. Bradbury | Mr. Thomas |
| Mr. Dunn | Mr. Trayling |
| Mr. Elliot | Mr. Walton |
| Mr. Evans | *Tellers:* |
| Mr. Knight | Mr. Landeryou |
| Mr. McDonald | Mr. Wright |

PAIRS.

| | |
|---|---|
| Mr. Dickie | Mr. Galbally |
| Mr. Taylor | Mr. White |
| Mr. Ward | Mr. Eddy |

**The Hon. W. V. HOUGHTON** (Minister of Health): I move—

> Clause 51, page 21, line 32, omit "a panel of the names of at least two persons" and insert "the name of a person".

Much has been said during the debate about the system of appointment of members to hospital boards of management by the Governor in Council. I do not want to traverse the arguments again, but it seems to

me that the Committee can overcome the objections to a large degree by changing the requirement for a panel of two or more names to be submitted to the Minister, to the submission of just one name. This should make it clear to the hospital board of management that the Minister of Health intends to do what I have said he always intended to do, namely, to appoint the person whom the hospital board of management wants appointed. This amendment should clarify the matter even further. Obviously when the Minister of Health receives a single name from a hospital board of management, unless he has an extremely good reason to exercise his option, he would appoint the person whose name had been submitted.

It must be remembered that the Minister of Health has to "get on" with hospital boards of management, just as do the honorable members who represent the district. Only on a rare occasion would the Minister of Health not appoint the person whose name the hospital board of management had submitted. I intend to move a series of amendments to clauses 51, 52 and 53 which will make provision for this principle.

**The Hon. B. P. DUNN** (North Western Province): The National Party views the Minister's amendment as a real breakthrough in the concept of this Bill, particularly as arguments have been constantly put in the House, since the Bill was introduced last year, about the concept of Ministerial appointments from panels of names forwarded by hospital boards of management. Followed through to its logical conclusion the amendment meets the objections which honorable members have raised concerning the system of appointment by the Minister.

The amendment will ensure that the Minister of Health would appoint, subject to the proviso which the honorable gentleman mentioned, the person whose name is submitted by the hospital board of management. In other words, if the hospital board of management wanted to conduct a local election, and then put the elected person's name forward to the Minister of Health, subject to the proviso, the Minister would appoint that person to the hospital board of management. The National Party congratulates the Minister for the good sense and reasonableness which he has shown on this occasion.

As Mr. McDonald stated earlier, although the consideration of this Bill has been a lengthy process, it has highlighted the advantages of consideration being given to options with discussions at a fairly amicable level together with an interchange of ideas between the parties concerned.

The National Party thanks the Minister of Health for realizing the need for this provision which will help the Health Commission work within its charter. The amendment will greatly enhance the prospect that the Health Commission will establish itself as a popular and necessary entity from its commencement, and that is what the National Party desires. The National Party supports the amendments which the Minister has indicated he will move as they provide hospital boards of management with a large degree of local autonomy which they require to ensure local participation and interest in the hospital.

The Minister of Health still has the right to appoint any other person, but we envisage that provision being used only in exceptional circumstances. The Minister has made that quite clear tonight. If the Minister did exercise his option it would override the appointment of the person nominated by a hospital board of management, which I am sure the Minister would not wish to do. Members of the National Party support the amendment and thank the Minister for hearing our representations and those of hospitals throughout Victoria.

The amendment was agreed to.

**The Hon. W. V. HOUGHTON** (Minister of Health): I move—

Clause 51, page 23, line 10, omit "one-half" and insert "one-third".

The purpose of the amendment is to bring the numbers required for a quorum into line with the numbers contained in other parts of the Bill.

The amendment was agreed to.

*The sitting was suspended at 6.27 p.m. until 8.3 p.m.*

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I move—

Clause 51, sub-clause (1), page 23, lines 15-39, omit all words and expressions on these lines and insert—

"(2) The Board shall not remove a person from the office of secretary of the board except with the consent of the commission first obtained."

**The CHAIRMAN (the Hon. W. M. Campbell):** Mr. Dunn proposes to move as an amendment to this clause—

Clause 51, page 23, line 17, after "efficiently," insert "after consultation with the board,".

To ensure that Mr. Dunn's rights are preserved and as a test on Mr. Landeryou's amendment, I shall first put the question—

Clause 51, sub-clause (1), page 23, lines 15 and 16, omit all words and expressions on these lines.

The Committee divided on the question that the expressions proposed by Mr. Landeryou to be omitted stand part of the clause (the Hon. W. M. Campbell in the chair)—

| | | |
|---|---|---|
| Ayes | .. | 24 |
| Noes | .. | 7 |
| Majority against the amendment | .. | 17 |

AYES.

| | |
|---|---|
| Mr. Crozier | Mr. Jenkins |
| Mr. Dickie | Mr. Knowles |
| Mr. Dunn | Mr. Long |
| Mr. Evans | Mr. McDonald |
| Dr. Foley | Mr. Reid |
| Mr. Gleeson | Mr. Saltmarsh |
| Mr. Granter | Mr. Stacey |
| Mr. Grimwade | Mr. Storey |
| Mr. Guest | Mr. Wright. |
| Mr. Hauser | *Tellers:* |
| Mr. Houghton | Mr. Bradbury |
| Dr. Howard | Mr. Hamilton |
| Mr. Hunt | |

NOES.

| | |
|---|---|
| Mr. Galbally | Mr. Walton |
| Mr. Landeryou | *Tellers:* |
| Mr. Thomas | Mr. Elliot |
| Mr. Trayling | Mr. Knight |

PAIRS.

| | |
|---|---|
| Mr. Taylor | Mr. White |
| Mr. Ward | Mr. Eddy |

**The Hon. B. P. DUNN** (North Western Province): I move—

Clause 51, page 23, line 17, after "efficiently," insert "after consultation with the board,".

If this amendment is accepted the provision will read—

The commission may, where it is of the opinion that the secretary of the board is not carrying out the duties of his office responsibly and efficiently, after consultation with the board, direct the board to suspend the secretary from office.

As the National Party has put previously during this debate, there should be consultation with the board, not a straight out directive from the commission. The National Party will pursue this principle when the Committee is dealing with other clauses. Members of the National Party appreciate the attitude that the Minister has adopted on this Bill and this is another amendment he might find not difficult to accept. However, if the amendment is not agreed to on the voices, we intend to take this principle to a division on this clause. I commend the amendment to the Committee.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): The Labor Party will support the amendment proposed by Mr. Dunn.

The Committee divided on Mr. Dunn's amendment (the Hon. W. M. Campbell in the chair)—

| | | |
|---|---|---|
| Ayes | .. | 10 |
| Noes | .. | 19 |
| Majority against the amendment | .. | 9 |

AYES.

| | |
|---|---|
| Mr. Bradbury | Mr. Trayling |
| Mr. Dunn | Mr. Walton |
| Mr. Elliot | |
| Mr. Knight | *Tellers:* |
| Mr. McDonald | Mr. Evans |
| Mr. Thomas | Mr. Landeryou |

NOES.

| | |
|---|---|
| Mr. Chamberlain | Mr. Hunt |
| Mr. Crozier | Mr. Jenkins |
| Dr. Foley | Mr. Long |
| Mr. Gleeson | Mr. Reid |
| Mr. Granter | Mr. Saltmarsh |
| Mr. Grimwade | Mr. Stacey |
| Mr. Guest | Mr. Storey |
| Mr. Hamilton | *Tellers:* |
| Mr. Houghton | Mr. Hauser |
| Dr. Howard | Mr. Knowles |

PAIRS.

| | |
|---|---|
| Mr. Eddy | Mr. Ward |
| Mr. Galbally | Mr. Dickie |
| Mr. White | Mr. Taylor |
| Mr. Wright | Mr. Hider |

**The Hon. W. V. HOUGHTON** (Minister of Health): I move—

Clause 51, page 23, after line 39, insert the following sub-clause to follow sub-clause (1)—

"( ) In section 46 (1) of the Cancer Act 1958 after paragraph (*b*) there shall be inserted the following paragraph:—

"(*ba*) the payment of fees and expenses to members of the Board in respect of attendance at meetings of the Board or the executive committee;".

The clause as drawn removes the existing section 35 of the Cancer Act which amongst other things enables members of the Cancer Institute Board to be paid fees, or fees and expenses, as are allowed by regulation. The amendment reinstates the entitlement of such members to be paid fees and expenses by allowing the board to make by-laws in that regard under section 46 (1) of the Cancer Act.

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

Clause 52 (Fairfield Hospital).

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): The Committee determined its attitude to the principle that was raised in the amendments to clause 51 which dealt with the constitution of the Cancer Institute Board. In those circumstances I shall not trouble the Committee further with my other amendments.

**The Hon. B. P. DUNN** (North Western Province): I move—

Clause 52, page 26, line 24, after "efficiently," insert "after consultation with the Board,".

As I said before, the National Party puts forward this amendment but will not take it to a division. I explained the amendment earlier.

The amendment was negatived.

The clause was consequentially amended, and, as amended, was adopted.

Clause 53 (Scheduled hospitals).

**The Hon. B. P. DUNN** (North Western Province): Because of the principle that was determined earlier I do not propose to proceed with the first two amendments to this clause circulated in my name.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I propose to persist with the amendments that were circulated in my name. The effect of that clause, by reading it, simplifies the alteration after the word "Council". Therefore, I move—

Clause 53, sub-clause (1), page 27, line 15, after "Council" insert "at least one of whom shall be a person nominated in the prescribed manner after an election held as prescribed by the employees of the hospital and at least one of whom shall be a person with knowledge of the district in which the hospital is situated and of the interests of persons residing in that district.".

The amendment circulated is self-explanatory, and I commend it to the Committee.

The amendment was negatived.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): The general principle has already been discussed in Committee and I propose that the amendment as circulated be accepted. Therefore, I move—

Clause 53, sub-clause (1), page 28, lines 1–3, omit all words and expressions on these lines and insert—

"(2) The Governor in Council may on the recommendation of the Commission where the Commission is of the opinion that a

member of a committee is not carrying out the duties of his office responsibly and efficiently suspend the member from office.

(3) Unless the suspension is earlier confirmed or removed under sub-section (5) a member suspended from office under sub-section (2) shall on the expiration of 30 days after the suspension cease to hold office.

(4) A member aggrieved by his suspension under sub-section (2) may within 14 days after the suspension appeal to the Minister against the suspension.

(5) Where an appeal is made under sub-section (4) the Governor in Council may on the recommendation of the Minister before the expiration of 30 days after the suspension confirm the suspension or determine the suspension be removed and—

(*a*) upon confirmation of the suspension the member shall cease to hold office; and

(*b*) upon determination that the suspension be removed the suspension shall be deemed to have been removed.".

The amendment was negatived.

**The Hon. B. P. DUNN** (North Western Province): This portion of the Bill relates particularly to scheduled hospitals. I thank the Minister again for amending this clause. It takes away the concern that the Minister would be able to appoint one out of three persons whose names are submitted to him or something of that order. This will give the hospital the right to elect the person that it wants and the Minister will be bound to appoint him in all normal circumstances. We thank the Minister for agreeing to our representations on this subject.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I move—

Clause 53, sub-clause (1), page 29, lines 41-44 and page 30, lines 1-21, omit all words and expressions on these lines and insert—

"(2) The committee of a scheduled hospital shall not remove a person from the office of secretary of the hospital except with the consent of the Commission first obtained."

The Committee has already canvassed the principle involved in this amendment.

**The CHAIRMAN (the Hon. W. M. Campbell):** Two honorable members wish to move an amendment to this clause. Mr. Landeryou's amendment will require the deletion of lines 41 to 44. Mr. Dunn's amendment will require the deletion of lines 43 and 44. To ensure the preservation of Mr. Dunn's rights, the first question before the Committee will be that lines 41 and 42 stand part of the clause.

The amendment was negatived.

**The Hon. B. P. DUNN** (North Western Province): I move—

Clause 53, page 29, lines 43 and 44, omit "direct the committee of the scheduled hospital" and insert "after consultation with the committee of the scheduled hospital, direct the committee".

This is a similar amendment to the one that has previously been moved and the argument has been well canvassed.

The amendment was negatived.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): The principle involved in the other amendments to this clause circulated in my name has been thoroughly discussed by the Committee. The Committee has determined its attitude and I do not propose to proceed with the other amendments to clause 53 standing in my name.

The clause was consequentially amended, and, as amended, was adopted, as were the remaining clauses.

Postponed clause 32 (Commission to be deemed to be an employer for the purposes of Part III. of the Labour and Industry Act 1958).

**The Hon. W. V. HOUGHTON** (Minister of Health): Last night I agreed to the postponement of clause 32 because of a well-reasoned argument which was presented by Mr. Landeryou. I thought it appropriate to examine the honorable member's argument with a little more leisure. I have come to the decision that clause 32 should be deleted and replaced by a new clause embracing certain amendments.

At page 315 the Syme–Townsend report states—

> It is of some concern that most wages board decisions are a matter of agreement between employee and employer representatives who are independent of the commission—

This is referring to the wages board associated with the determination of medical charges, meaning the Hospitals and Charities Commission—

> although the end result is that the cost of any increases must be borne by the commission.

Last night Mr. Landeryou argued that the Government should not be represented on a wages board. I have examined that proposition. The Government is represented on many wages boards.

The Hon. W. A. LANDERYOU: Which commissions are represented on the wages board?

The Hon. W. V. HOUGHTON: I cannot think of any. I suppose the State Electricity Commission is represented on a wages board.

The Hon. D. G. ELLIOT: The Minister made a flat statement. He should be sure of these matters and should qualify that remark.

The Hon. W. V. HOUGHTON: The Government has a representative on the Teachers Tribunal.

The Hon. D. G. ELLIOT: That is not a wages board; it is a tribunal.

The Hon. W. V. HOUGHTON: It does the same work as a wages board in relation to salaries and conditions of teachers. There is a representative of the Government on the tribunal. The Opposition has constantly been saying that the Government should direct the representative as to what he should say. The Government does not intend to direct the commission when it seeks to be represented on the wages board as an employer of people in the hospital field.

The point is that since the Medibank arrangements the total deficit of each recognized hospital is borne jointly by Federal and State Governments. The area of most criticism by the Opposition has been the method of determination of salaries and conditions for medical officers. In a sense, there is a danger that the people who run hospitals may be represented on both sides. They may be responsible for giving advice to the board of management, as is the manager of a hospital, and they may be the beneficiaries of any determinations of the wages board. Where does the Government, which pays the piper, stand in the argument?

The Hon. D. G. ELLIOT: The Government does not pay the piper; the people pay the piper.

The Hon. W. V. HOUGHTON: I shall amend that statement, if it offends Mr. Elliot.

The Hon. D. G. ELLIOT: It does.

**The CHAIRMAN (the Hon. W. M. Campbell):** Order! Mr. Elliot should reserve his remarks until the Minister has completed his speech.

The Hon. W. V. HOUGHTON: The costs of the hospitals in Schedule One are being borne by public revenues, namely, State and Commonwealth revenues. The Government cannot leave with a wages board the right to make a determination when both parties, who may benefit from the determination, are represented on the board, and neither of which would have to bear the cost. However well meaning the parties appearing before the wages board may be, there will always be the danger that an arrangement will be made before they come to the wages board and the matter will be uncontested. If that is the situation, and I think it could be, this clause will give the new Health Commission the right to appear before the wages board and make submissions on behalf of the people who are paying the money. I am sure the Committee will uphold that principle. The hospital board of management is entitled to be represented as an employer because in a direct sense it employs the people who work in the hospital, but in the sense that they are paid by the public

purse, those responsible for controlling the public purse need some representation.

The Hon. A. W. KNIGHT: Only part of the cost is paid by the public purse.

The Hon. W. V. HOUGHTON: What does Mr. Knight mean by that?

The Hon. A. W. KNIGHT: The patient has to pay.

The Hon. W. V. HOUGHTON: As Mr. Galbally said, one should not stonewall one's own Bill. I am trying to explain the ideas of the Government on this matter because they have been contested and considered. The Committee is entitled to a short explanation. However, I invite the Committee to vote against the clause.

The postponed clause was negatived.

**The Hon. W. V. HOUGHTON** (Minister of Health): I move—

Insert the following new clause to follow clause 31—

AA. For the purposes of Part III. of the Labour and Industry Act 1958, notwithstanding anything to the contrary in that Act—

(*a*) the commission shall be deemed to be an employer of persons employed in a scheduled hospital within the meaning of the Hospitals and Charities Act 1958 or in—

(i) an institution (not being a scheduled hospital) within the meaning of that Act; or

(ii) any other institution providing health services—

that is wholly or mainly supported by grants in aid from Victoria or the Commonwealth and is declared by the Governor in Council to be an institution to which this section applies; and

(*b*) a medical practitioner engaged by the session or otherwise under a contract for services in a scheduled hospital or an institution referred to in paragraph (*a*) shall be deemed to be a person employed in the scheduled hospital or institution.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): The Labor Party has discussed the issue. I have raised matters of principle as I see them. The Government has declared its attitude in the policy decision that is contained in the amendment. I think it is a mistake.

The new clause was agreed to.

**The Hon. W. V. HOUGHTON** (Minister of Health): I move—

Insert the following new clause to follow clause 56—

'BB. (1) The Health Act 1958 is hereby amended as follows:—

(*a*) In section 172, for paragraph (*b*) there shall be substituted the following paragraph:—

"(*b*) any conditions for or restrictions on the reception of patients into the hospital and the charges (if any) to be made in respect of patients or any class of patients;";

(*b*) In section 177, for the expression "177. The" there shall be substituted the expression "177. (1) The"; and

(*c*) At the end of section 177 there shall be inserted the following sub-sections:—

"(2) The Commission may, from time to time as it determines, maintain and use for the accommodation, care and treatment of general medical or surgical cases the whole or any part of a hospital, or ward or wing in a hospital, provided under sub-section (1).

(3) The Governor in Council may make regulations for or with respect to any conditions for, or restrictions on, the reception of patients or any class of patients or the charges (if any) to be made in respect of patients, or any class of patients, at a hospital, or ward or wing of a hospital, maintained under this section."

(2) A regulation made under section 172 (*b*) or section 177 (3) of the Health Act 1958 as amended by this section that—

(*a*) is made before 30th June, 1977; and

(*b*) is expressed to come into operation on a day earlier than the day on which it is made but not earlier than 1st January, 1977—

shall be deemed to have come into operation on the day on which it is so expressed to come into operation.'

The purpose of this new clause is to amend the Health Act to enable regulations to be made in respect of conditions for or restrictions on the reception of patients into Fairfield

Hospital and charges to be made, if any, in respect of patients of the hospital.

As I explained earlier, fees cannot be charged in the Fairfield Hospital for in-patients. With the new Medibank scheme and the provision for privately insured patients it is necessary to be able to charge privately insured patients for treatment in Fairfield Hospital. That is the object of the new clause.

The new clause was agreed to.

Schedule One.

**The Hon. W. V. HOUGHTON** (Minister of Health): I move—

Schedule One, Part B, Item 4 (2), page 46, omit " (including Caulfield Hospital)".

Schedule One, Part B, Item 4 (2), page 47, omit "(including Mount Royal Geriatric Hospital)".

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

Schedule Two.

**The Hon. W. V. HOUGHTON** (Minister of Health): I move—

Schedule Two, Item 3, page 51, omit paragraph (*a*).

The amendment was agreed to, and the schedule, as amended, was adopted.

The Bill was reported to the House with amendments, and the amendments were adopted.

**The Hon. W. V. HOUGHTON** (Minister of Health): I move—

That this Bill be now read a third time.

I thank the House and everyone connected with this Bill for their patience and fortitude during the sixteen hours of debate on what could be regarded as a very important measure.

**The Hon. S. R. McDONALD** (Northern Province): The sixteen-hour debate in the Legislative Council has been an excellent example of our Parliamentary system and how it can work. It is a good example of how constructive and worth-while debate can achieve positive results by the Minister going part of the way to meeting the points of view put forward by other parties. It is a good example to some members like Mr. Grimwade and his colleagues who disparaged some of the Labor Party and National Party ideas which have now been accepted.

I commend the Minister for his success in dealing with this monumental measure. One of the factors which will determine the success of the new Health Commission is how strong the Minister will be in future as Minister of Health.

**The Hon. D. G. ELLIOT** (Melbourne Province): As a somewhat neutral but interested bystander in this excellent debate, I reiterate the remarks of Mr. McDonald and pay tribute particularly to my young confrère, Mr. Landeryou. It is a credit to him to be able to handle such a Bill so early in his career. I also pay tribute to the Minister of Health who has mellowed somewhat in his attitude.

The Hon. W. A. LANDERYOU: With the health services that are available he had better take it easy.

The Hon. D. G. ELLIOT: That may be so, but he has obviously worked hard on this measure.

I wish to pay tribute to another confrère of mine in the corner, Mr. Dunn, who has done an excellent job. Every word in the Bill is for people. I had the innate feeling that as the Bill progressed people predominated in the decisions. I am not going to say that members of the Opposition agreed with all that was said, but there have been compromises. Is that not the art of politics?

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

## POLICE OFFENCES (CHILD PORNOGRAPHY) BILL.

**The Hon. V. O. DICKIE** (Chief Secretary): I move—

That this Bill be now read a second time.

Its purpose is to amend the Police Offences Act 1958 to make it an offence for any person to keep for gain, make, sell or distribute an obscene article portraying, describing or representing children or to procure children for the making of such an article. The Bill also makes it an offence for any person to make available for gain, an obscene article which portrays, describes or represents a child if that other person reproduces that obscene article for the purpose of sale, publication or distribution.

The Government believes material of this nature not only debases and degrades the children directly involved in its production and the persons, including children, who peruse or inspect it, but also that the material transgresses the bounds of standards expected by decent-minded citizens of this State. It is also possible that material of this kind could incite persons to commit sexual attacks on children.

At a conference held in Sydney on 14th April, 1977, which I attended, the State Ministers indicated that they intended to take various forms of action to deal with the evils of child pornography. The publications to which objection is taken present various facets of sexuality in relation to children. Let me refer to a few examples to illustrate the point.

Some publications depict persons who are apparently over the age of sixteen years but expressly represent those persons as being children. In other publications persons who are apparently over the age of sixteen years are by implication portrayed as children. Initially, by the title and the sequence of pictorial representations, the publication purports to refer to children. So conditioned, the reader is then led to pictures of sexual activities between persons apparently over the age of sixteen years. In addition there are the publications which relate to persons, obviously children, some of whom are in attitudes which emphasize sex.

For the legislation to be effective it must encompass all facets of sexuality so far as it relates to children. Consequently, the Bill inserts an additional sub-section into section 164 of the principal Act, the effect of which is that a person shall be deemed to be a child if either the person appears to the court to be a person under the age of sixteen years or the court is satisfied that the person is expressly or by implication represented to be a person under the age of sixteen years.

Substantively, the Bill proposes to insert three additional sections into the principal Act. Proposed section 168A makes it an offence for any person, for gain, to make available to any other person, an obscene article which portrays, describes or represents a person who is or who is deemed by this Bill to be a child, if that other person reproduces that obscene article in whole or in part for the purpose of sale, publication or distribution.

Proposed section 168B inserts three separate provisions into the principal Act. Paragraph (*a*) makes it an offence for any person to keep for the purpose of gain an obscene article which portrays, describes or represents a child or a person deemed to be a child.

Paragraph (*b*) provides that every person who prints, photographs, records or makes or who is in any way concerned in the printing, photographing, recording or making of an obscene article which portrays, describes or represents a person who appears to the court to be a child shall be guilty of an offence.

Paragraph (*c*) provides that every person who sells, publishes or distributes or who assists in the selling, publishing or distribution of an obscene article which portrays, describes or represents a person who is or is deemed to be a child shall be guilty of an offence.

Proposed section 168C provides that every person who invites or procures or attempts to procure a person who

is or who appears to the court to be under the age of sixteen years to be in any way concerned in the making of an obscene article shall be guilty of an offence. A person found to be guilty of any offence under this Bill shall be liable to a penalty of not more than $5,000 or to imprisonment for a term of not more than two years.

The effect of the Bill is to create specific offences and provide higher penalties where a publication which relates to children is held to be obscene under the general provisions of the principal Act. By specific definition these offences and penalties relate not only to persons who are actually children but also to persons who, expressly or by implication, are represented to be such. I commend the Bill to the House.

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

It was ordered that the debate be adjourned until the next day of meeting.

## PUBLIC SERVICE (GOVERNMENT OFFICES) BILL.

The debate (adjourned from April 19) on the motion of the Hon. A. J. Hunt (Minister for Local Government) for the second reading of this Bill was resumed.

**The Hon. J. W. GALBALLY** (Melbourne North Province): This Bill makes provision with respect to the rights of persons appointed to certain Government offices in Victoria to be appointed to the Public Service. The Labor Party has no objection to this.

**The Hon. B. P. DUNN** (North Western Province): Likewise the National Party supports the Bill, the reasons for which were clearly outlined by the Minister in his second-reading speech.

The motion was agreed to.

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

## EQUAL OPPORTUNITY BILL.

The debate (adjourned from April 19) on the motion of the Hon. Haddon Storey (Attorney-General) for the second reading of this Bill was resumed.

**The Hon. J. W. GALBALLY** (Melbourne North Province): While our society has not even got to first base in protecting the health of working women—including migrants—ensuring their safety and providing for the care of their children, the Government has the gall to introduce a Bill purporting to give women equal opportunity. Let us look at the form of equal opportunity which it pretends to give.

Equality of the sexes needs no emphasis from the Government; it ought to be a fundamental human right. The principle of equality ought to be incorporated in our whole society.

The Bill calls for equal opportunity but, as I shall prove, it sets up a form of discrimination that is more serious than the discrimination it seeks to defeat. Firstly, the Bill discriminates harshly against all country people. I hope members of the National Party have picked that up because they claim to represent the country people. The Bill denies them the right to go to their local court to enforce a right under the proposed legislation. Country people will be required to come to some bureaucracy situated in Melbourne. I invite the Government to answer that criticism, if it can. The Bill will provide no remedy; it is an infliction of hardship on people living in the country.

In the rough, the Bill has a mischievous and dangerous inference about the rights of a wronged person and the protection afforded by law. I remind the House that a right is useless to a person unless that person can obtain the protection of law.

Honorable members will be interested to know how the Government, with its spurious Bill, intends to enforce equality. There will be a Commissioner for Equal Opportunity, and that is set out in clause 5. There will also be an Equal Opportunity Board which will have the functions, powers and duties conferred on it by the Act. There will be no general right to equality through the Equal Opportunity Board, which will be situated in Melbourne.

The Hon. A. K. BRADBURY: Country people do not count.

The Hon. J. W. GALBALLY: Not at all. The Bill contains the usual ritual about members of the board holding office for so many years. The board will have a staff because a bureaucracy must have an expanding staff, as honorable members know. The board will undertake a programme for the dissemination of information for the education of the public so that the public will not be misinformed on the equality of women and so on in society.

Let us see how the board and its trappings will deal with the question of enforcing equality. Clause 35 of the Bill under Division 1 of Part VI., covering investigations, personal remedies and non-discrimination orders, provides—

(1) Where, in the course of the performance of its functions under clause 15, the Board becomes aware of circumstances where an act of discrimination may have been committed, the Board may refer the matter to the Commissioner for investigation.

(2) The Commissioner shall investigate a matter referred to him under this section.

That means the person goes to Mildura or somewhere else. Clause 36 (2) provides—

Where the Commissioner—

(*a*) is of the opinion that a matter investigated by him under this section cannot be resolved by negotiation; or

(*b*) has attempted to resolve the matter by negotiation but has not been successful in the attempt—

he shall refer the matter to the Board.

When that happens, the person involved goes from one fellow to the other and in the meantime, of course, the job has been lost. Clause 37 provides, *inter alia*—

(1) Where a matter has been referred by the Commissioner to the Board under section 36, the Board shall inquire into the matter and may, if it is satisfied that a person has contravened a provision of this Act—

(*a*) make an order requiring him to refrain from acting in contravention of this Act; or

(*b*) make an order that he perform any acts specified in the order with a view to eliminating future contravention of this Act or redressing circumstances that have arisen from contravention of this Act.

(2) A person who contravenes, or fails to comply with, an order under this section, is guilty of an offence and liable to a penalty not exceeding $1,000.

One is guilty without being charged. The clause continues—

(3) The Board shall, if so required by a person to whom an order under this section relates, state its reasons for making the order.

A person is convicted and when he asks what the trouble is, he is informed that he has been charged $1,000. There is no question of innocence until guilt has been established. This bears no resemblance to the ordinary courts of the land where there is a presumption of innocence until proved guilty.

The Hon. HADDON STOREY: Will Mr. Galbally please explain that last point?

The Hon. J. W. GALBALLY: It will be clear in a moment. On page 15 of the Bill, clause 39 (3) reads—

The Commissioner may, by instrument in writing, require the person who is alleged to have committed the act of discrimination to attend before him for the purpose of discussing the subject-matter of the complaint.

The Hon. HADDON STOREY: That is very reasonable.

The Hon. J. W. GALBALLY: So is the next point. It offends all the principles of our law. Clause 39 (4) reads—

A person who refuses or fails to comply with a requirement of the Commissioner under this section is guilty of an offence and liable to a penalty not exceeding $500.

I was brought up under the old-fashioned concept that a man or woman was innocent until proved guilty, but that is not the case under this measure. If a whisper is made against a person and that person is called up to explain and refuses to say a word, he or she is fined $500.

The Hon. HADDON STOREY: That is not what the Bill provides.

The Hon. B. A. CHAMBERLAIN: It is like not answering a subpoena.

The Hon. J. W. GALBALLY: What has this got to do with a subpoena? The purpose of a subpoena is to get somebody to court, and even under a subpoena one is not obliged to answer a question which will incriminate one. That is not the situation in this Bill.

Clause 39 (3) provides—

The Commissioner may, by instrument in writing, require the person who is alleged to have committed the act of discrimination to attend before him for the purpose of discussing the subject-matter of the complaint.

The Hon. B. A. CHAMBERLAIN: All the person has to do is attend.

The Hon. J. W. GALBALLY: To what do the words "discussing the subject-matter" refer? There cannot be a discussion with one person. Clause 39 (5) reads—

Where the Commissioner—

(*a*) is of the opinion that the subject-matter of a complaint cannot be resolved by conciliation;

(*b*) has attempted to resolve the matter by conciliation but has not been successful in that attempt; or

(c) has declined to entertain a complaint and the complainant has, by notice in writing, required him to refer the complaint to the Board—

he shall refer the complaint to the Board.

Clause 40 (1) reads—

Where a complaint has been referred by the Commissioner to the Board under section 39 the Board shall proceed to hear and determine the complaint.

There is nothing in this Bill about charging the person who is being sued or issuing a summons and setting out the nature of the complaint alleged against him or her. I believe the Health Commission Bill has taken up so much time of the Government that ill health has extended to the minds of members of the Government party.

The Hon. HADDON STOREY: A person does not need to be charged with an offence when he is brought before the Small Claims Tribunal.

The Hon. J. W. GALBALLY: Once more the mind of the Attorney-General has been affected. The Small Claims Tribunal is a civil matter.

The Hon. HADDON STOREY: And so is the board. If Mr. Galbally would turn over the page, he would see that.

The Hon. J. W. GALBALLY: Clause 40 (4) provides—

A person who contravenes or fails to comply with an order under this section is guilty of an offence and liable to a penalty not exceeding $1,000.

That hardly fits in with the provision of the Small Claims Tribunal. The Government has not looked into this matter, more is the pity. The Bill is really a waste of time.

The Bill provides a right of appeal to the Supreme Court, yet it is claimed to be a civil matter. The appeal has to be instituted not later than a month after the making of the order appealed against, and so on. Clause 46 (3) reads—

A person may not be represented in an inquiry or proceedings before the Board by a duly qualified legal practitioner for fee or reward without the leave of the Board.

A man may not be gifted with the tongue of the Attorney-General or of those who have been interrupting me tonight. It is a right in any court that professes to do justice to allow an advocate to put the case for the person who is summoned to the court.

The Hon. HADDON STOREY: Has Mr. Galbally compared this Bill with the Conciliation and Arbitration procedures? One of the closest comparisons could be made with the Conciliation and Arbitration Commission. The offences in that situation are failing to comply with an order of the commission.

The Hon. J. W. GALBALLY: The Attorney-General maintains that any matters under this Bill that call for summonses are not complaints to the board.

The Hon. HADDON STOREY: No.

The Hon. J. W. GALBALLY: Clause 55 reads—

> An offence against this Act shall be prosecuted summarily.

The Attorney-General maintains that this Bill is like the Small Claims Tribunal and that the matters contained in the Bill are civil matters.

The Hon. HADDON STOREY: The application to the Board is not that which gives rise to an offence. If Mr. Galbally studies the Bill he will find that out.

The Hon. J. W. GALBALLY: Clause 55 states that an offence against this Act will be prosecuted summarily.

The Hon. HADDON STOREY: Mr. Galbally will see where the offences are.

The Hon. J. W. GALBALLY: The offence is the form of discrimination against women that the Government is anxious to prevent. This is a tedious, foolish Bill.

I have indicated that the enforcement procedures outlined in this Bill are an affront to justice and that the Bill is a mischievous, dangerous interference with the rights of a wronged person to the protection of law.

The Hon. HADDON STOREY: Is that the Labor Party's policy which Mr. Galbally has just expressed?

The Hon. J. W. GALBALLY: As I said at the outset, the equality of the sexes ought to be a fundamental human right, not just something drummed up by this rather moth-eaten Government.

The Hon. HADDON STOREY: What does Mr. Galbally think of Mr. Wran's anti-discrimination legislation?

The Hon. J. W. GALBALLY: I have not had the advantage of seeing it.

I return to the first position which I took, that any Bill which provides for the enforcement of the equality of the sexes and demands that anybody seeking a remedy must come to Melbourne inflicts a worse burden upon the person than if the person had no remedy. At Mildura or Warracknabeal that person is denied a job on the ground of sex and to remedy the position, instead of being able to go to the local court, must come to Melbourne and knock on the commissioner's door.

The Hon. B. P. DUNN: It is the Government's usual form.

The Hon. J. W. GALBALLY: It will be interesting to note what happens during the Committee stage. The Labor Party does not oppose the Bill. It will be interesting to note how the provisions and the enforcement procedures can be justified by the Government.

**The Hon. D. M. EVANS** (North Eastern Province): The Government, with the best of intentions, hardly got into the writing of this Bill before it became guilty of discrimination. I refer to page 2 of the Bill, clause 3, lines 25 and 26, which read—

> "Chairman" means chairman of the Board and includes a person appointed to act as chairman.

The first time it had an opportunity to use a word of a non-sexist nature, the Government used the word "chairman" and not "chairperson".

The Hon. HADDON STOREY: Would you like to move an amendment for the substitution of the word "chairperson" for the word "chairman"?

The Hon. D. M. EVANS: Yes, I shall.

The Hon. F. S. GRIMWADE: What about a chairwoman?

The Hon. D. M. EVANS: That is equally sexist. I believe if we proceed with the Bill we will be glad that we passed it. However, I draw the attention of the House to that particular type of discrimination in the Bill. The National Party accepts the general philosophy of the Bill and understands that it is a brave attempt to legislate and to direct public attitude in a good direction, which we applaud.

Already the National Party has begun to play its part in ensuring that equal opportunity is available to women in Victoria. I believe I am the first man in this State or in Australia to have had the opportunity of handing over the presidency of a major political party on the State level to a woman.

The Hon. N. B. REID: You are not the first.

The Hon. D. M. EVANS: It has never been challenged. Mrs. Shirley McKerrow became the State President of the National Party of Victoria in April of last year. I was the retiring State president and I handed over the position to her. It had never been held by a woman before. In fact, I understand that a similar position had not been held by a woman in any other political party in Australia before that date. Since then the Liberal Party, has followed our example and I understand that it has a good chairperson at this stage and I offer my congratulations to it.

When as the retiring president I handed over that position I can recall saying that while it was a matter of some public interest that a woman should take over the position, the position was won not because it was a woman who was standing, but rather on merit. That is the more important point. Mrs. McKerrow is doing an excellent job for the National Party.

To get to the very heart of discrimination and to overcome it, the community must recognize that women have a right to live equally full lives—not parallel, not exactly the same, but equally full lives. That is the important point.

The Hon. D. G. ELLIOT: *Vive la difference !*

The Hon. D. M. EVANS: It is important that women have the opportunity for their personal happiness as women and that at a later stage, if the pendulum swings far enough the other way, that men have the opportunity to live equally full lives.

I am certain that every member in the Chamber will vote for the Bill. I hope my remarks, although they may sound a little humorous, are not taken without some degree of seriousness because they concern serious matters.

Women have the right to lead equally full lives with men in this community. That must be the aim of the community and of the Government. If the Bill has a philosophy behind it, surely that is the philosophy.

The community itself has much to gain if there is no discrimination. The women of the community have much to contribute at every level of community life. In fact, unless they are actively encouraged and not discouraged to contribute in this way the community will certainly lose. However, it is a fine line to recognize those differences.

The Hon. D. G. ELLIOT: Not with me.

**The PRESIDENT (the Hon. W. G. Fry):** If any member says *vive la difference* he will be out.

The Hon. D. M. EVANS: Thank you for your advice, Mr. President. For the first time in my political career I picked the right horse. I had intended to make that comment because the French are a very wise race.

Perhaps in some cases there will be a difficulty in the application of the proposed legislation. It is difficult to recognize whether the difference between the sexes in ability to carry out a certain task is not similar, greater or smaller than the disparity in the ability between people of the same sexes. Consequently, it will be difficult to judge whether the difference, when discrimination is claimed, is simply that of a normal difference between individuals treated on a totally non-sexist basis and the difference that is automatic between the sexes, in such matters, perhaps, as physical ability, if there is a difference. The physical differences between members of the opposite sex in some cases can be smaller than the difference in physical ability between members of the same sex. So, there will be considerable difficulty in this regard.

I am concerned at certain aspects of the Bill and the difficulties of making it work. It would be wrong if this important subject were controlled by legislation which was unworkable. The fact that it was unworkable could put back the cause of anti-discrimination in Victoria.

One minor point that concerns me is the possibility of a group of people, for example, pushing an employer who had a particular reason for choosing an employee. Because an employer selected either men or women for certain positions, a group of people might continually appeal to the board. The employer could be taken before the Equal Opportunity Board to prove, in fact, that he was not discriminating. Pressure could be unfairly applied to the employer to employ beyond his means. This could be a case of discrimination against the employer. An important responsibility rests on the board.

The test of the effectiveness of the legislation will not be what the Bill sets out to do but rather the results which will be achieved by those who may set out to push the clauses of the Bill to the very limits of the legal and judicial interpretations. In other words, what the legislation achieves will be what people make it achieve. It may well be that what they do may be against the interests of the community.

I am concerned that there is no information on the qualifications of either the commissioner or the members of the board. I am aware that the appointments will be made by the Governor in Council but there is no indication in the Bill of the qualifications required for these important positions.

In his second-reading speech, the Minister stated that the board will have power to make anti-discriminatory orders. However, it will be bound by the normal rules of evidence, which will mean that the board will come to reasonable, human conclusions as a result of simple and inexpensive investigations and inquiries. Even that carries with it some dangers. The people will want to be evenly balanced in their sense of justice.

The Bill also provides for an Equal Opportunity Board to be set up and that simply two or three people will form that board. If the real purpose of the Bill is to achieve non-discriminatory balance between the two sexes in the community, perhaps it would have been reasonable to consider making certain that both sexes were reasonably represented. I put that forward as a suggestion to achieve the desired balance.

Honorable members were told in the Minister's second-reading speech that the major responsibility of the Equal Opportunity Board will be to be educative. In other words, the board will educate the community to bring it to an understanding that there should be no discrimination. I am sure all honorable members will agree that discrimination is very much a matter of community attitude. If community attitudes are not correct, there will still be discrimination. If the

community attitudes are non-discriminatory, we do not need the legislation. Consequently, it must be educative. That is an immense task as there is no provision for any budget or expenditure for the Equal Opportunity Board, nor does the board have ability to spend.

I do not know how the board will carry out its duties to educate the community to be non-sexist and non-discriminatory.

Dealing now with rather minor clauses in the Bill, I refer specifically to clause 22 (2) (*b*) which deals with membership of clubs, organizations and so forth. In many clubs and organizations certain concessions apply. For example, the ladies may be allowed to participate at a lower fee. Does the Bill mean that no organization will be permitted to allow the ladies to join at a lower fee? That is what it basically means. Does it mean that it cannot apply a concession to a man or a woman? Many football clubs, social clubs, and the Melbourne Cricket Club, which has been previously mentioned and to which I shall return, allow concessions of this sort.

The Hon. D. G. ELLIOT: You are not going to take it away from us!

The Hon. D. M. EVANS: I shall tell Mr. Elliot in a moment what I propose. I wonder whether it would be necessary for those organizations to apply for exemption from the Act under clause 34 of the Bill, if that is the intention.

I refer again to the Melbourne Cricket Club which, I understand, issues members with ladies' tickets. Obviously, under the new law, this practice will not be allowed.

The Hon. HADDON STOREY: It does not apply to clubs.

The Hon. D. M. EVANS: I believe that has to be spelt out.

The Hon. HADDON STOREY: It is spelt out.

The Hon. D. G. ELLIOT: This is balm to my heart.

The Hon. D. M. EVANS: At least I have made one person in the Chamber happy. I refer to clause 4 of the Bill which provides that the Act shall bind the Crown. I assume, therefore, that no law in Victoria can be sexist or make a differentiation between the sexes. I understand that is the meaning of it.

The Hon. HADDON STOREY: No, there is an exception in the Bill.

The Hon. D. M. EVANS: I am seeking information. I ask therefore whether there will be a full review of the other laws.

The Hon. HADDON STOREY: Yes.

The Hon. D. M. EVANS: Will it apply to laws such as those on rape and the age of consent on which there is a variation, just to mention two? If we are not careful, the anti-discrimination movement will create further discrimination of its own. I refer in the first instance to a woman who stays at home and raises a family. We are now orientated to the two-income family in which both husband and wife work. I believe it is essential that we maintain our population. That means that the women in the community who have children need to have more than two, and probably three. There will be a number of families with three children. We should maintain our population naturally. I do not believe any race or community will voluntarily allow itself to die out because it does not have sufficient children to maintain the next generation.

The Hon. W. M. CAMPBELL: Do you think we should bring in the quota system?

The Hon. D. M. EVANS: I had not thought of it in that light. It would be very interesting to try it. I recall a friend of mine saying, "You plan for three children, so you have two and the third one just happens". However, the women in the community who have families do accept substantial reduction in their family's

income and make substantial sacrifices. We have created a situation whereby women are going to be equal in the community, adding substance to the life of the community, to their own happiness and to the well being of the community. It is equally true that those who stay at home should not suffer.

The Hon. D. G. ELLIOT: How do you give them equal opportunity?

The Hon. D. M. EVANS: It is a community responsibility. It cannot be left to employers. If it is left to employers they will find reasons to discriminate against women in making a selection. If the ability of the man and woman is somewhere near equal, the employer will choose the man. This will create a further degree of discrimination. There are, therefore, substantial difficulties in the way of this Bill. I put these arguments to the House because they are worthy of consideration.

I refer to the comments made by Mr. Galbally about discrimination against people in country areas. I am doubtful whether this is likely to occur, but it could if people had to bring their claims to Melbourne. If discrimination is widespread, the claims before the tribunal will be so manifold and so numerous that it will be difficult to obtain a hearing. That is another difficulty which I foresee and another reason why this Bill should have provided for such cases of discrimination to be put through the courts in the various parts of the State through the normal processes of law. Perhaps then the Equal Opportunity Board could have best been used in an educational function. Despite the many uncertainties in the Bill and the many areas of concern——

The Hon. A. K. BRADBURY: Trial and error

The Hon. D. M. EVANS: Yes, it may be trial and error, but nevertheless it is a brave attempt to do something for anti-discrimination in Victoria. The National Party supports wholeheartedly the principle that everyone in the community should have an equal opportunity to happiness, according to their needs and wishes, and equal opportunity to contribute, but we believe by far the most important way of achieving this—and it is being achieved—is by education.

**The Hon. B. A. CHAMBERLAIN** (Western Province): When introducing this Bill the Attorney-General gave a full and adequate explanation of it and how it would operate. I do not propose to go into that in detail but I propose to go back a couple of steps prior to that and discuss how this Bill came to be introduced into this House, and Parliament generally.

There are two ways of looking at anti-discriminatory attitudes and how they might be embodied in the community attitude. The first is by means of persuasion, and the second is by a series of education programmes to change community attitudes. That was the original attitude adopted by the Commonwealth Government when it set up a board to deal with discrimination in all fields. Mr. McGarvie, the chairman of this board, pointed out in the first annual report of the National Committee on Discrimination in Employment and Occupation 1973-1974, that in 1973 the Commonwealth Government ratified the International Labour Organization Convention No. 111 on discrimination in employment and occupation. He said it was decided to implement the national policy to eliminate discrimination in employment and occupation without imposing legislative sanctions. That is one approach. The convention that Mr. McGarvie referred to, which was adopted by Australia, states—

Article 2.

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national

conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

Article 3.

Each Member for which this Convention is in force undertakes, by methods appropriate to national conditions and practice—to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;

That is a provision in article 3 of the convention and is in fact the policy of the Victorian Government. Mr. President, you would have noticed that in his policy speech during the last election the Premier undertook that the Government would enact such legislation, and that is why we are here tonight.

It is interesting to look at the role of law in a discrimination programme. Taking Mr. McGarvie's view on the one hand, and the process of legislation as embodied in the 111th convention, there will be seen to be a variation in views. In its report to the Premier, the Victorian Committee on the Status of Women looked at this issue, and adopted, with approval, the statement issued by the Race Relations Board in the United Kingdom. I believe this is an excellent summary of the role of law in tackling the problem of discrimination. The five points of this summary are—

(i) A law is an unequivocal declaration of public policy;

(ii) A law gives support to those who do not wish to discriminate, but who feel compelled to do so by social pressure;

(iii) A law gives protection and redress for minority groups;

(iv) A law thus provides for the peaceful and orderly adjustment of grievances and the release of tensions;

(v) A law reduces prejudice by discouraging the behaviour in which prejudice finds expression.

I believe that is the rationale behind this Bill despite the comments of Mr. Galbally, which incidentally reminded me of the comments made by the Honorable Graham Nicol on the Bill relating to fluoridation of water.

The formulation of this Bill has involved a lot of work and discussion. When the Bill was introduced into the Legislative Assembly last November by the Premier, some 200 organizations in the community were given a copy of it and invited to put submissions. Those submissions were collated by the Anti-discrimination Bureau, and many of those representations have been incorporated in the Bill in amendments made in another place. They have been important to the development of this Bill.

As I have said, the Attorney-General gave a very full explanation of the Bill, but I would like to hark back to what I regard as the most important aspect of the Bill, namely, education. Under clause 15, the Equal Opportunity Board is charged with undertaking educational programmes, the promotion of the equality of opportunity, and a review of all State legislation with a view to removing discrimination. In my opinion, that is one of the prime functions of the Equal Opportunity Board.

I should like to touch briefly on some comments made by Mr. Galbally and Mr. Evans. Mr. Galbally made great play on the fact that country people would be at a great disadvantage in having recourse to the board. I believe there was no basis for that statement because there are many tribunals and boards in Victoria which, without any reference being made in the relevant legislation, travel round the State. For instance, the Small Claims Tribunal has hearings in country towns. The Land Valuation Board of Review and the Town Planning Appeals Tribunal also sit at centres around the State as required, but there is no specific requirement in the legislation for this. It is done as a matter of course.

Mr. Galbally also completely misconstrued the basis on which the commissioner may compel people to appear before him to hear complaints that have been put up by another individual. The honorable member

raised that in an attempt to denigrate the Bill. If he had read the Bill Mr. Galbally would have seen that he was wrong in his assumptions. He was wrong also on the basis of an offence under the Bill. Discrimination is not an offence as such. It is an offence not to comply with an order of the board. That is where an offence occurs. One can discriminate as much as one likes, but that is not an offence. However, if a complaint is made to the board and after a hearing the board makes an order which a person does not comply with, then an offence is involved.

It is interesting to contrast the comments made by Mr. Galbally with those made by members of his party in another place. The complaint there was that the Bill did not go far enough and that it was only soft soaping the public. It is interesting to note that in the debate in another place nearly all the amendments proposed by the Labor Party were proposed by the Government on its own initiative. That is a tribute to the process which the Government has used to provide a workable Bill.

Mr. Evans said that we should start off with a Bill that is going to work. That has been the prime concern of all those involved in the drawing up of this measure. Legislation in New South Wales, the United Kingdom and South Australia, was looked at and excesses were avoided. There were provisions in the United Kingdom Act which would have brought the whole measure into disrepute. The Government specifically avoided those. It is interesting to note the course of the New South Wales legislation, its wide-sweeping nature as it was presented to the Legislative Council in that State, and also the strong role taken by the Council to remove the more odious and I believe unworkable provisions of the Bill.

In conclusion I commend the Attorney-General on his presentation of the measure. It fills a need which is seen by a significant section of the community. Basically, it is an area which is difficult to legislate for, but, for the reasons I have outlined, the State is under an obligation to provide a legislative framework to prevent discrimination.

**The Hon. D. G. ELLIOT** (Melbourne Province): No one can deny that equal opportunity should exist between the sexes, but how to bring it about is a difficult problem. I acknowledge the Bill's intent, but I question the ultimate result. There are so many unknown factors in relationships between men and women and on what ultimate actions by the female of the species any discrimination is decided.

One thing I have noticed in looking through the Bill is that the commissioner may dismiss as vexatious a complaint alleging discrimination, but what happens when a complaint is made—which could affect his, or for that matter, her business? Undoubtedly it will be attended by publicity because probably the complaint will be ventilated in the press and in the media in general. One might well find a woman in business who would prefer to employ a man and she could be accused of discrimination against a female. What happens in relation to the rights of that person?

I have not read the Bill in its entirety but I have quickly examined the enforcement provisions. I could see nothing by way of redress for the person who is accused of discrimination. I know that we have had a few laughs during the debate and I suppose the *vive la difference*, which I mentioned, will be present whether there is discrimination or not, and thank God for that.

During my 60 years of life, as I interjected earlier, I have been under petticoat government and I defy any honorable member to say otherwise in regard to his position. If any honorable member is game to contradict that, I will have a long yarn with him and have him psychoanalysed.

The Hon. D. G. CROZIER: No legislation will help very much.

The Hon. D. G. ELLIOT: I entirely agree. Further, I have been in the hotel industry on and off for about 25 years. During the whole of that time it has followed the principle of equal pay for women. I have been more inclined to employ women behind the bars than men, because they get on well with the customers, and, on the average, they are better than men at the job.

The Hon. S. R. McDONALD: They look better, too!

The Hon. D. G. ELLIOT: That depends on the *vive la difference*. In a nutshell, an employer may be faced with a situation where he requires an executive or a worker of some description and he has this Bill in mind. Unless he is an idiot, the employer will be careful how he goes about employing that person so that he ensures in his own mind that he is employing the most capable and competent person, whether a male or a female.

In business the employer is after the most efficient person, irrespective of sex. I am sure that most honorable members will agree that in certain jobs women must be considered as the flotsam and jetsam. That is a bold statement for me to make in this Chamber and perhaps I should have remained silent. However, I believe the truth should be told. The same situation applies to the male of the species in certain occupations.

In some instances, when one looks at the changing of jobs and the general attitude towards the job by women, one finds that certain women only want to become typists, secretaries, or process workers until they can get married and settle down to what they wanted in the first place—to be a wife, a mother, and the centre of the home. I still believe that is the greatest occupation that any woman can have. Perhaps I sound patronizing in saying that, but I feel strongly that, if there is love and dedication, women have the ability to be the centre of the home.

It will be interesting to see what happens in certain unions. I have found that there is an attitude in unionism towards women and perhaps a little prejudice towards women. It may be because of the nature of the job, and that is fair enough. By the same token, I know of one person who is trying to get into a certain union. She is as good an operator as one could imagine or come across in her ability to perform the day-by-day tasks.

It is a very perplexing problem and I doubt whether the Bill will do much to solve it. If anyone handles himself tactfully in his attitude towards women, or for that matter men or women, I do not see how he can be criticized or brought before the commissioner. In some circumstances it is absolutely essential that he be brought before the commissioner because hell hath no fury, not only like a woman scorned, but also like a vindictive woman. It is just as likely that a vexatious or unneccesary complaint alleging discrimination may be made against a person. There should be some means by which the person who brings the vexatious complaint should have to pay the penalty for in any way injuring the reputation or the business of the person against whom the complaint is made.

I do not want to be misunderstood, but I do not think equal opportunity can be brought about by legislation. As mentioned by Mr. Evans and by the Minister, obviously the Bill contains a clause relating to education. That may be one means of achieving success. It has to be in the minds and the hearts of the people, otherwise the whole process is doomed to failure.

I could not resume my seat without once again commenting that the Bill mystifies me. I realize that probably Mr. Don Dunstan, the Premier of South Australia, has brought it up because it is a good piece of politicizing which women will laud and applaud. The same

applies to Mr. Wran, the New South Wales Premier, and the Victorian Premier or whoever has planned it for him. However, I question the practicalities. Unless education is engaged in to a very high degree and, through that education, the minds and the hearts of men and women are brought around to a realistic viewpoint, the Bill cannot succeed.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Division into Parts).

**The Hon. HADDON STOREY** (Attorney-General): I thank honorable members for their support of the Bill. Although most honorable members have spoken about discrimination against women, it should be noted that the Bill refers to discrimination against men or women. There are occasions when discrimination is exercised against men. The Bill applies equally to both situations, although quite clearly the measure relates more to discrimination against women.

I should like to comment briefly on some of the matters raised during the second-reading debate. Mr. Galbally misconceived the way in which the procedural aspects of the Bill will operate. It seems to be inconsistent for him to say that it is opposed to fundamental human rights and yet still to support the Bill.

I point out two matters. Firstly, the Bill does not discriminate against country people in any way. The Bill provides procedures which can be applied in the enforcement of its provisions just as does the Magistrates' Court Act or any other Act in our State which provides procedures. None of them specifies the country, the city or anywhere else. The Bill provides for procedures and it is up to the Government, in the administration of the legislation, to ensure that it is available for all members of the community. I assure the Committee that that will be so in this case.

Secondly, the way in which the Bill will operate is to create the processes of conciliation and negotiation as a first step rather than take these matters directly into a court. Again, that must be consistent with what Mr. Elliot said is so necessary in this field. It has to be educative in an attempt to bring people together to understand the processes involved rather than simply going straight into a court with all that is involved in that action.

Only when conciliation fails and the matter is referred to the Equal Opportunity Board may an order be made. Even then, it is an order in the sense of a civil consequence in that it requires acts to be performed or moneys to be paid. It is only when there is a failure to comply with that order that an offence is committed. This is consistent with many pieces of legislation in this State.

Finally, Mr. Galbally says that the Bill denies people the right to have their final obligations determined by a court. Again the Bill provides for a right of appeal from decisions of the board to the Supreme Court by way of a rehearing. Therefore, the matter can be heard entirely by the court and a determination made.

The Hon. A. W. KNIGHT: Why the Supreme Court, and not the County Court?

The Hon. HADDON STOREY: That is a valid comment. I think the answer is that where a matter is of such significance as to lead someone to appeal it probably merits the attention of the Supreme Court. This is something which probably needs to be examined in its operation.

I pass to the matters raised by Mr. Evans. He criticizes the use of the word "chairman" instead of the word "chairperson". I am told that

the word "man" represents the race of mankind rather than a description of one sex as against another. If we were to follow Mr. Evans's thesis, we would not speak of "mankind" but of "personkind". The use of that term demonstrates that it is carrying matters to the extreme to use the word "chairperson".

The Hon. S. R. McDONALD: There are many people in the community who would accept the use of that term.

The Hon. HADDON STOREY: That is so. I can understand their desire to remove sexist connotations from words but I think it is misplaced effort to try to substitute the word "chairperson" for the word "chairman". Are we to talk about "hupersons" instead of "humans"? I do not think this Bill should attract the peripheral attention it would if the word "chairperson" were used.

The Hon. S. R. McDONALD: Would this matter be covered by the Acts Interpretation Act?

The Hon. HADDON STOREY: There probably should be an amendment to the Acts Interpretation Act. That Act provides that the word "he" shall be taken to include the word "she". Perhaps, in all fairness, it should be provided that the word "she" should be taken to include the word "he".

Mr. Evans said there was no provision for a budget in this Bill. That is true, but nor is there a provision for a budget in most Bills. It is a matter of Government administration to provide funds. Mr. Evans commented that various clubs would encounter problems because of the Bill. He has overlooked clause 33 (1) (*b*) which states that the Act does not render unlawful exclusion on the ground of sex or marital status of persons from a social, recreational, community service, or sporting club. That covers that point.

Mr. Evans also referred to the fact that clause 4 provides that the Act will bind the Crown. He suggested that all other Acts must therefore be read in the light of this Bill, but clauses 32 and 33 (1) make it clear that if persons comply with the requirements of existing Acts their actions will be lawful. So, the proposed Act will not by implication override the provisions of other statutes. They should be and will be examined by the board and advice will be given to the Government on whether they should be amended to remove any sexist or discriminatory provisions.

Mr. Elliot referred to vexatious complaints.

The Hon. D. G. ELLIOT: I have since read clause 41.

The Hon. HADDON STOREY: I thank Mr. Elliot for that comment, but I inform the Committee that clause 41 provides that where the board considers that a complaint is frivolous, vexatious, misconceived or lacking in substance, it can order the complainant to pay the costs expended by the person complained against and to meet any pecuniary loss incurred by reason of that complaint. That covers that point.

The Hon. D. G. ELLIOT: Clause 41 goes further.

The Hon. HADDON STOREY: Yes, it enables the recovery of those costs as though they were debts. I thank honorable members for their careful attention to this Bill. Some amendments have been circulated but, as the Committee has not had an opportunity to read them, I suggest that progress be reported.

Progress was reported.

## LOTTERIES GAMING AND BETTING (RAFFLES AND BINGO) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. A. J. Hunt (Minister for Local Government), for the Hon. V. O. DICKIE (Chief Secretary), was read a first time.

## ADJOURNMENT.

BEALIBA WATER SUPPLY.—PAY-ROLL TAX EXEMPTIONS FOR PRIMARY INDUSTRY.

**The Hon. A. J. HUNT** (Minister for Local Government): I move—

That the House do now adjourn.

**The Hon. N. B. REID** (Bendigo Province): I raise with the Minister of Water Supply the plight of the small township of Bealiba. A headline in tonight's *Herald* states, "Bealiba runs dry". This small township has been seriously affected by drought. Over the past eighteen months it has had only 3 inches of rain. It relies on its own reservoir which holds only 15 million gallons of water to service 70 people. At present, the people are using a railways reservoir which has only about six weeks' supply left. The water trust administered by the Shire of Bet Bet is endeavouring to prevent the recurrence of the shortage of water by increasing the capacity of the reservoir. It is removing the mud from the bottom and deepening it. The contractors are at present working on this project.

**The PRESIDENT (the Hon. W. G. Fry):** Order! Certainly we must have some background, but the honorable member should come to the question for the Minister.

The Hon. N. B. REID: The contractors are at present working on this project of deepening the reservoir.

The PRESIDENT: Order! I do not want the honorable member to persist in making a second-reading type speech on this matter. He has adequately outlined the problem and should quickly come to the question.

The Hon. N. B. REID: Thank you, Mr. President. More funds are required for the work of deepening the reservoir. I ask the Minister to investigate the matter.

**The Hon. D. M. EVANS** (North Eastern Province): I raise a matter for the attention of the Minister of State Development and Decentralization. It concerns the inability of decentralized primary industries in many fields to obtain the exemption from pay-roll tax which is available as an incentive to approved decentralized industries. Many primary industries which are not exempted are substantial employers of labour and substantial creators of decentralized industry, and they are subject to the cost pressures on decentralized industry.

I ask the Minister to give an assurance that he will put before the Treasurer and Cabinet, during the Budget discussions, the fact that these industries are faced with these problems. I ask the Minister to obtain an assurance from the Treasurer that real consideration will be given to extending the concessions available to approved decentralized industries to a greater range of primary industries. I particularly refer to the answer the Minister gave to a question, in good faith, at the meeting of the Decentralization Development Association of Victoria at Wangaratta last Friday.

**The Hon. F. J. GRANTER** (Minister of Water Supply): The matter which Mr. Reid raised is known to me. The shire president, Councillor Rinoldi, Councillor Brownbill, the shire secretary, Mr. Arthur Kennedy, and the shire engineer, Mr. Clark Lees, spoke to me tonight on this matter. The shire has already received the sum of $2,000 from the State Rivers and Water Supply Commission to clean the reservoir of sludge. I will approach the commission tomorrow morning and endeavour to obtain further sums, and perhaps appeal to the Treasurer for a drought grant. I think that is the answer if the municipality is unable to complete the work undertaken because of a lack of money.

**The Hon. D. G. CROZIER** (Minister for State Development and Decentralization): I can give Mr. Evans the same assurance I gave members attending the conference of

the Decentralization Development Association of Victoria at Wangaratta, that the department is investigating ways and means of widening the umbrella of incentives which are currently available to approved decentralized industries. As honorable members are aware, this is primarily a budgetary matter.

In answer to a question recently I gave some basic figures on pay-roll tax exemption and, in broad terms, in the current fiscal period the Government expects to rebate pay-roll tax to the order of $14·5 million. Clearly, these rebates are a material consideration to any industry contemplating relocating in a country area and there is no doubt that they are a significant contribution to the viability of industries which are decentralized.

It would be ideal, and nothing would please me more, if I were able to announce to the House, here and now, that it would be possible, and that it was the policy of the Government, to progressively expand the umbrella of incentives. Although this is an important priority of the Government and certainly of my department, clearly it must take its place alongside many conflicting and competing Government priorities, particularly in a time of financial constraint.

However, I assure Mr. Evans that there are certainly primary industries —I hasten to add there are only certain primary industries—outside the present scope of the incentive which would really be interested in pay-roll tax exemption. Honorable members who would automatically think in terms of pastoral industries would no doubt reflect that very few operators in those industries would be worried by the present exemption level of $48,000, but there are other industries, such as fruit processing and packaging—which I am sure Mr. Evans refers to—on whose behalf serious representations have been made by honorable members to me and, I do not doubt, to my predecessor. This is something which is being investigated.

I cannot give the House or Mr. Evans a firm assurance that, in the foreseeable future, any of those industries will be included in the Government's decentralization rebate scheme, but it is my hope that the present range of incentives which are currently offered can be progressively expanded.

The motion was agreed to.

*The House adjourned at* 10.30 *p.m.*

## *QUESTIONS ON NOTICE.*

### STATE ELECTRICITY COMMISSION'S REGIONAL REVIEW PROGRAMME.

(Question No. 433)

**The Hon. B. P. DUNN** (North Western Province) asked the Minister of Water Supply, for the Minister for Fuel and Power—

(*a*) Does the State Electricity Commission intend to continue with the proposed regional review strategy to organize the State into intermediate management units and local management units; if so, what is the programme of implementation; if not, why has the programme been dropped?

(*b*) Will the objects of the plan be now implemented over a longer period and in a less direct way?

**The Hon. F. J. GRANTER** (Minister of Water Supply): The answer supplied by the Minister for Fuel and Power is—

(*a*) It is the State Electricity Commission's charter to provide and maintain a safe, reliable electricity supply system as economically as possible and to achieve this the commission must continually review its functions and methods of operation, effecting improvements where desirable in the over-all interests of all of its customers. In this regard the commission is currently conducting a review of its extra-metropolitan, regional and district organization to determine the most appropriate means by which the commission may provide a comprehensive and effective service to its customers throughout the State in future years.

The review team has proposed a reorganization in the extra-metropolitan supply area incorporating a restructuring

of intermediate and local management units. There has been considerable discussion on this matter within the commission and with staff associations and these discussions are continuing.

(*b*) The commission does not expect to come to any decision on this matter within the next three months.

## INTELLECTUALLY ADVANTAGED CHILDREN.

(Question No. 453)

**The Hon. Dr. FOLEY** (Boronia Province) asked the Attorney-General, for the Minister of Special Education—

Does the Education Department explicitly recognize the existence of intellectually advantaged children; if so—(i) what criteria are used to define intellectually advantaged children, and what procedures are adopted to identify them; (ii) what funds were expended on the education of such children during the fiscal years 1974–75 and 1975–76; (iii) how many such children are currently attending Victorian schools; and (iv) how many teachers employed by the department are specifically trained to teach the intellectually advantaged, what is the nature of that training, and how many teach in the Knox regional directorate?

**The Hon. HADDON STOREY** (Attorney-General): The answer supplied by the Minister of Special Education is—

The Education Department does recognize that some children are more able than others to cope with tasks of a cognitive nature. Recognition that each child is different has been the foundation of curriculum design in Victorian schools for many years, and is fundamental to current curriculum development.

(i) It is the responsibility of each individual school to identify intellectually advantaged children and to provide for them by way of differential teaching. Such children are usually identified because of their perceptual, linguistic or musical abilities.

(ii) All intellectually advantaged children have had education funds made available to them but no specific funds were expended on the education of such children during the fiscal years 1974–75 and 1975–76. The massive amounts of funding for education during recent years have provided for differential teaching of various types among children of varying talents and backgrounds.

(iii) No central records are kept of intellectually advantaged children.

(iv) All class-room teachers have the responsibility for all children in their class-rooms supported by special education facilities to cater for individual differences among children.

## COUNTRY BUS SERVICES FOR PENSIONERS.

(Question No. 472)

**The Hon. B. A. CHAMBERLAIN** (Western Province) asked the Minister of Health—

Are any subsidies available through the Department of Health to community groups in smaller country towns wishing to provide bus services for pensioners to give access to medical services?

**The Hon. W. V. HOUGHTON** (Minister of Health): The answer is—

No.

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# Legislative Assembly.

*Wednesday, April 27, 1977.*

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The SPEAKER **(Sir Kenneth Wheeler)** took the chair at 11.3 a.m. and read the prayer.

## *QUESTIONS WITHOUT NOTICE.*

### BEER PRICES.

**Mr. EDMUNDS** (Ascot Vale): In view of the price and wage restraint, can the Premier inform the House when the inquiry into the price of packaged beer will be completed and whether the honorable gentleman's instructions on prices to all Government departments and instrumentalities included the Liquor Control Commission in respect of a prize freeze on packaged liquor for the next three months?

**Mr. HAMER** (Premier and Treasurer): At the moment, it is only a prices freeze.

Mr. WILKES: I asked you that question last week.

Mr. HAMER: As the Deputy Leader of the Opposition reminds me, I answered a similar question last week and indicated that the letters which had gone out to all Government departments and authorities did not allow for any exceptions. The Government expects all authorities to comply.

## EMERGENCY PETROL SUPPLIES.

**Mr. ROSS-EDWARDS** (Leader of the National Party): Can the Premier advise the House who determines what organizations and persons receive emergency petrol supplies during the present crisis, and does the Government participate in those decisions?

**Mr. HAMER** (Premier and Treasurer): There are two lists of organizations and persons who are regarded as essential. This has been an arrangement between the oil companies and the union and the Government has not been able to participate and in fact has not done so. Similar circumstances have arisen before when there has been a shortage of refining capacity, not just merely in regard to the present strike. There is a generally accepted list of essential occupations and people who are to get priority. This has been administered by the industry so far and, of course, one of the purposes of the Bill which was before the House last night is to put the Government in a better position to enter into this question if and when a fuel emergency arises.

## TEACHERS OF GREEK.

**Mr. FORDHAM** (Footscray): In view of the grave shortage of secondary school and primary school teachers of modern Greek, owing to the inadequate provision of places in teacher training institutions, will the Minister of Education convene a meeting of interested parties, including the Education Department, tertiary institutions and the Greek community in an endeavour to solve this impasse which is having a significant effect on the provision of this important subject in many schools?

**Mr. THOMPSON** (Minister of Education): The honorable member will be aware that only a fortnight ago the Education Department brought some fifteen Greek teachers to Victoria in an effort to overcome the shortage in this area. However, the Government is happy to discuss with various interested parties the best way of providing adequate sources of Greek teachers in the future.

I might add that the original approach in this area was to try to ignore, as far as possible, the ethnic backgrounds and interests of migrants. That was the approach of most experts until about the middle 1960s. The emphasis has now changed considerably. Whilst integration is being fostered, ethnic groups are also being encouraged to develop their own cultural interests in Australia. This has made a big difference in the type of staff required in primary, secondary and tertiary institutions.

## SCHOOL STORES.

**Mr. WHITING** (Mildura): Can the Minister of Education inform the House whether the Stores Branch of the Education Department is phasing out the supply of stores to science and art departments of high schools and technical schools throughout the State. If so, is the Minister aware of the ramifications and the greatly increased costs that will be incurred by schools having to obtain these supplies from other sources?

**Mr. THOMPSON** (Minister of Education): No such decision has been made. I believe a proposal was floated by somebody in the department that there would be certain advantages in giving schools a greater measure of choice in how they spent the money on supplies and materials. It has been brought to my attention that any such scheme might work to the disadvantage of country schools

in particular. These matters will be taken into consideration before a final decision is made.

## PRICES AND WAGES FREEZE.

**Mr. HOLDING** (Leader of the Opposition): Has the Treasurer had his attention directed to a statement made by the Federal Treasurer, Mr. Lynch, in the House of Representatives yesterday in which he indicated that all prices were frozen, including the prices of rural products? I remind the Premier that that statement was in accord with a statement by the Prime Minister that prices of farm products are frozen. If this is so, does the Premier agree with this concept? Can he indicate what steps, if any, the Government is prepared to take to implement the view of the Prime Minister and the Federal Treasurer that the prices of farm products and rural products can, in fact, be frozen?

**The SPEAKER (Sir Kenneth Wheeler):** Order! The Leader of the Opposition is asking the Premier for an opinion. His intentions and the first part of his question were correct, but he may not ask for an opinion.

**Mr. HOLDING** (Leader of the Opposition): Mr. Speaker, I shall rephrase the question. Has the Premier had his attention drawn to statements by the Prime Minister and the Federal Treasurer to the effect that all prices are frozen, including the prices of rural products? In view of the Premier's discussions about the wages and prices freeze, does he support the view expressed by those honorable gentlemen? Can he indicate what steps his Government can take, or proposes to take, to achieve the object of freezing the prices of farm products?

**Mr. HAMER** (Premier and Treasurer): I have not had that statement directed to my attention. But I have commented in this House before that the prices of many rural products are fixed, but that there are real problems about controlling the prices of goods which are traded under market conditions, which vary from day to day, and which fluctuate according to seasonal condition, supply and demand, and the quality of individual offerings.

Mr. HANN: Farm prices are already below freezing point.

Mr. HAMER: Although he did not put it this way, I am reminded by the honorable member for Rodney that the prices of these products not only go up but also go down. For instance, from quarter to quarter there are marked fluctuations in the prices of potatoes, onions and other staple items which form part of the consumer price index. The view I have expressed is that it is not possible to freeze these prices in such conditions and that it is wrong to assume that such prices will necessarily go up; they may well—as we know to our cost—go down.

## EMERGENCY PETROL SUPPLIES.

**Mrs. PATRICK** (Brighton): I ask the Premier whether, if the fuel crisis continues, special consideration will be given to pregnant women who are expecting their babies and who do not have enough petrol to go to hospitals.

**Mr. HAMER** (Premier and Treasurer): First, I entirely agree with the honorable member for Brighton that this is an emergency and therefore the supply of petrol in such circumstances is an essential service. It is difficult to deal with individual cases. The problem is to determine, between a number of possible uses of fuel, which are the most essential. I hope the position will not arise, but if it does we will have to deal with all these problems. I ask the honorable member to be patient because there are many ramifications, not just the one she has raised.

## PRICES AND WAGES FREEZE.

**Mr. WILKES** (Northcote): Has the attention of the Premier been directed to a statement by the

executive director of the grocery manufacturers organization, Mr. Bernard Holt, to the effect that there is no prices freeze? Can the honorable gentleman inform the House whether that statement is borne out by complaints which have been lodged with the Consumer Protection Bureau? If so, what action does the Government propose to take?

**Mr. HAMER** (Premier and Treasurer): The Deputy Leader of the Opposition, as he has before, consistently overlooks the fact it is a voluntary freeze that has been agreed to and implemented by the vast majority of traders, retail stores and manufacturers. Furthermore, the Prices Justification Tribunal will authorize no further price rises. I can only deal with the facts, but I could ask the Minister of Consumer Affairs to give a more precise answer if the Deputy Leader of the Opposition heard of any complaints. My view, by and large, is that it is a freeze voluntarily undertaken and working well, though in many cases at great cost to the people concerned.

**Mr. WILLIAMS** (Doncaster): Can the Minister of Consumer Affairs advise the House to what extent his department is receiving assistance from outside spotter groups, particularly those organized by the Australian Labor Party, in enforcing the price freeze?

**Mr. MACLELLAN** (Minister of Consumer Affairs): I know of the action of the honorable member for Knox in bringing attention to price rises and I think that activity helps Victorian consumers to make their own decision on what they will do. I do not know of any specific action group formed by the Australian Labor Party which may be assisting, but I can assure the honorable member for Doncaster that the Ministry of Consumer Affairs will be delighted to have support in this matter from wherever it comes.

## MEAT MARKETING SCHEME.

**Mr. HANN** (Rodney): I ask the Minister of Agriculture whether in view of a public denial by Mr. Carvery at a meat marketing meeting recently, he is prepared to retract a statement he made in the House on 9th March that the chairman of the pastoral division of the Victorian Farmers Union supported the Government's marketing scheme in preference to the Victorian Farmers Union's schemes.

**Mr. I. W. SMITH** (Minister of Agriculture): I cannot accurately recall the tenor of my answer, but the impression I wished to leave in the minds of honorable members was that the scheme which I proposed to the Australian Agricultural Council last year for a home consumption price of meat based on classification and then hopefully after that an export stabilization scheme—the same principles which apply to the wheat industry—was a scheme which had been discussed with Mr. Carvery; and although I recognize now, as I did then, that he would have preferred the Victorian Farmers Union's scheme of a red meats marketing board in Victoria, I recognized also, and I tried to explain this to honorable members, that I believed Mr. Carvery was not unsympathetic to the plan I had proposed. I believe he does support that but—this is the omission I made—he has a preference for the scheme proposed by the Victorian Farmers Union. That was an unfortunate omission.

Mr. BURGIN: In other words he is sticking with that scheme?

Mr. I. W. SMITH: Yes, he is still sticking to that scheme. He was of that opinion, but I still hold to my view and he holds to his. I hope I have fully explained the matter.

## MOTORING COSTS.

**Mr. JONES** (Melbourne): I ask the Premier: In view of the long-term nature of the fuel crisis, what action

does the Government propose to take to bring about the abolition of fixed charges for motoring and the introduction of a pay-as-you-drive scheme as recommended in the Government's own Green Paper, by the Wilkes committee of the Parliamentary Labor Party and by myself since 1973, so that motorists will be able to make a real calculation, both in terms of money and fuel, of the cost of each journey they make?

**Mr. HAMER** (Premier and Treasurer): The honorable member for Melbourne is inquiring about a matter of policy and I am not proposing to answer him in that sense. If I have his proposal correctly, the minimum extra price which would be paid per gallon of fuel would be between 13 cents and 15 cents.

Mr. FORDHAM: With subsequent savings as well.

Mr. HAMER: I am talking about the price at the pump. On the one hand it would be an extra 13 cents to 15 cents extra per gallon but on the other hand there would be the reduction or elimination of other motoring charges, such as motor vehicle registration fees.

Mr. WILKES: And third-party insurance?

Mr. HAMER: The honorable member's calculations are astray if he thinks third-party insurance would be covered as well. That could not be included for 15 cents a gallon.

A great deal of work is required on this matter. It was a recommendation of the Green Paper on Energy as an alternative strategy and has some attractions in the sense that it relates charges for motoring to the use of the car rather than simply to fixed amounts. The Government is considering the proposal; it is not adamantly opposed to it, but wants to know what all the ramifications are.

## SPRINGVALE PRIMARY SCHOOL.

**Mr. BILLING** (Springvale): Is the Minister of Education aware that over the past six months there has been a vast increase in the influx of children of primary school age, particularly from South America, at the Enterprise Hostel, Springvale? Further, is he aware of the persistent requests that have been made by the Springvale Primary School for assistance in this regard? If not, will the Minister undertake urgent inquiries in his department and take urgent action, if possible, to remedy the shortage of migrant teachers at the school?

**Mr. THOMPSON** (Minister of Education): I know the honorable member for Springvale takes a keen interest in the problems of the schools in his electorate. He has recently drawn this matter to my attention, and I shall be pleased to examine it with a view to providing assistance.

## KEALBA HIGH SCHOOL.

**Mr. GINIFER** (Keilor): I direct a question to the Minister of Education about grants to disadvantaged schools and my question on notice about a fortnight ago. Now that the grants to disadvantaged schools have been determined, will the Minister expedite an answer to my question on notice No. 1676 concerning the Kealba High School?

**Mr. THOMPSON** (Minister of Education): The answer is, "Yes".

## EMERGENCY PETROL SUPPLIES.

**Mr. CRELLIN** (Sandringham): My question to the Premier and Treasurer is closely related to the question asked earlier today by the honorable member for Brighton about the need for transport for pregnant women. Has the Premier received a telegram from the President of the Victorian Taxi Association, Mr. F. A. Lang, requesting the Government to recognize the vital role played by the taxi industry in providing transport for the aged and infirm, pregnant women and other people? In view of the critical petrol stock situation currently existing in most

taxi depots, can the Premier give an undertaking that the taxi industry will be regarded as an essential service in the allocation of petrol supplies by the Government?

**Mr. HAMER** (Premier and Treasurer): Yes. The honorable member for Sandringham has highlighted one of the problems that could arise, and that is trying to determine as between various uses of taxis which are and which are not emergency services. Taxis are sometimes used entirely for pleasure or recreation and at other times for emergencies such as the transport of blood and plasma and injured people to hospital.

The Government has this matter well in mind, and if the occasion arises, will do its best to overcome the difficulty.

## FOOTSCRAY EARLY TREATMENT CENTRE.

**Mr. ROPER** (Brunswick): I ask the Assistant Minister of Health whether steps have been taken to provide staff for the Footscray Early Treatment Centre to be run by the Mental Health Authority, as the institution is ready for use now, and if not, will he explain why this is so and state when action can be expected?

**Mr. JONA** (Assistant Minister of Health): I am not able to inform the honorable member of the details which he requires. I suggest that he put the question on notice and I shall provide him with a full answer.

## CO-OPERATIVE FARMERS AND GRAZIERS DIRECT MEAT SUPPLY LTD.

**Mr. TREWIN** (Benalla): Will the Premier take steps to have a judicial inquiry into the failure of the Co-operative Farmers and Graziers Direct Meat Supply Ltd., as some of the assets have already been sold off? Could immediate steps be taken to ensure that the remaining operations—the Brooklyn meat works—are retained for shareholders and not allowed to go to a proprietary company?

**Mr. HAMER** (Premier and Treasurer): That company is in the hands of a receiver and it is his duty to realize the assets and pay the debts and deal with the operations of the company as best he can. I know of no way in which the Government can interfere and give the receiver directions as to what he should do with particular assets. The honorable member has not indicated why a judicial inquiry would be required and therefore at this stage my answer must be, "No".

## PAYMENTS BY AMERICAN COMPANY.

**Mr. CAIN** (Bundoora): Has the attention of the Premier been drawn to an article in the *Age* of 14th April referring to a leading United States oil and gas equipment maker, namely, the firm of J. Ray McDermott and Co. of New Orleans, Lousiana, which is alleged to have made payments of a questionable nature to Government officials in fourteen countries, including Australia, between 1970 and 1976? Has that company dealt with departments and instrumentalities in Victoria, for a period of time, and will the Premier initiate inquiries to ascertain what has transpired?

**Mr. HAMER** (Premier and Treasurer): I believe the Leader of the Opposition asked me exactly the same question last week and I answered it then.

## AIR POLLUTION IN MELBOURNE.

**Mr. CATHIE** (Carrum): Is the Minister for Conservation aware that last week Melbourne had a significant air pollution reading, and if so, can the honorable gentleman indicate what is currently being done to investigate pollution from motor

cars and what progress is being made in constructing a vehicle testing station?

**Mr. BORTHWICK** (Minister for Conservation): The latter part of the question provides me with an opportunity of giving a plug for the State from the point of view of financial assistance from the Commonwealth, and I thank the honorable member for the question. The vehicle testing station has a high priority in Victoria and is currently being designed. A site in the Altona area has been gained and the station is on estimates for construction. However, from an Australian-wide point of view it seems ludicrous for a State on its own to be required to fund such an important unit. The previous Federal Government constantly refused to be involved and to date the present Federal Government has refused to be involved, despite the fact that the scientific work done in such a station is of Australia-wide value and significance; it is just as important to Sydney as it is to Melbourne. Any support that this State has in its approaches on the matter, from any side of the House, will be to the State's advantage.

Some experimental work has been done but nothing of a major nature. I believe the restrictions on lead and the new regulations which are to be brought forward even on the sealing of petrol tanks will assist, but it is a world-wide problem for which there is no short-term answer.

## CLYDE CAMERON COLLEGE.

**Mr. McINNES** (Gippsland South): With reference to the trade union training college, the Clyde Cameron College at Albury–Wodonga, can the Minister of Labour and Industry advise whether the curriculum will include an understanding and appreciation of the roles of both the employer and employee with a view to more intelligent and better communication?

**Mr. MACLELLAN** (Minister of Labour and Industry): Last week I had the opportunity of visiting the site of the trade union college at Wodonga, which is a remarkable building. I suppose that is the best way of describing it. It is intended also to achieve a remarkable result in education. My attention was drawn to advertisements which were placed in Melbourne newspapers last week under the auspices of the Commonwealth Minister for Employment and Industrial Relations, who has instituted an inquiry into certain matters relating to curriculum and further purposes of that college. The terms of reference indicate that the inquiry is to look at possible broadening of the objectives of the college. I suggest that the honorable member should make his representations and views known to that committee of inquiry. I will certainly endeavour to obtain a copy of the advertisements so that he will be able to represent the views which he wishes to put.

## DOVETON COMMUNITY HEALTH CENTRE.

**Mr. LIND** (Dandenong): I address a question to the Assistant Minister of Health. In view of the fact that the work load at the Doveton Community Health Centre has increased ten-fold over its short life of a little more than twelve months, and of the fact that many requests have been made to the Hospitals and Charities Commission for additional staff, will the Minister request an officer of the commission to visit the centre and discuss with the committee and the management the urgent need for the appointment of at least one new welfare officer and one new social worker?

**Mr. JONA** (Assistant Minister of Health): I will certainly do what the honorable member suggests. He is probably aware that representations have been made by Councillor Bateman, who is the president of

that centre. An examination is being made of her requests and of the matters raised by the honorable member. The matter will be looked at without delay.

## TOY PISTOL.

**Mr. COLLINS** (Noble Park): Will the Minister of Consumer Affairs inform the House whether he has yet received a report from the health commission or the Department of Health as a result of the inquiry into a toy gun, called "the sting"? If he has not received an official report from either the health commission or the Department of Health, will he take up this matter with his Ministerial colleague, the Minister of Health? Will he also consider establishing some kind of network in his department so that doubtful, dangerous or suspect products can be investigated by the department to some effect, to protect our community and have these products quickly removed from sale?

**Mr. MACLELLAN** (Minister of Consumer Affairs): I thank the honorable member for his question. The matter he raised in the House was referred to the Department of Health, which in turn referred it to the Commonwealth Acoustic Laboratories of New South Wales. As a result of that, certain publicity was given to the results of that testing. However, the Ministry of Consumer Affairs did not receive a report at that stage. I understand that the matter was given public airing because the Commission of Public Health meets publicly, and the press were invited to observe the performance of the discharge of the gun. Subsequent to that, there has been some communication between my Ministry and the Department of Health which indicates that a report exists. We have been advised orally that there is a report. However, we have received excellent co-operation from the Mines Department, which I understand has taken action to prevent the sale of the caps necessary to discharge this gun and other guns.

Regarding the final matter raised by the honorable member, the Ministry is currently considering the appointment of a product safety committee. This is a technique used in some other States, especially New South Wales, in which a product safety committee examines products suspected of being of some danger to the public. They have the legislative power to suspend the sale of those products for 28 days while an investigation is made, and at the interstate conference of Ministers of Consumer Affairs it was agreed that the Federal Ministry would act as a co-ordinator to distribute information and warnings to other States when any product is suspected of being a danger to the consuming public.

The matter which the honorable member last raised is actually being considered at present. I suspect that if this is not done by legislation, which is unlikely, we will certainly set up a product safety committee within the Ministry which will advise the Minister on those products which might be a danger to consumers. That separate examination will not mean that the Ministry does not consult other departments, but rather than rely on other departments to bring the matter more speedily to a conclusion, it will give the public a warning in the meantime.

## ALLOCATION OF HOSPITAL BEDS.

**Mr. JONA** (Assistant Minister of Health): By leave, I move—

That there be laid before the House a return in respect of the operation of the Hospitals and Charities Commission Act 1958 showing those hospitals which had applied for an alteration in the allocation of beds since 1971.

The motion was agreed to.

**Mr. JONA** (Assistant Minister of Health) presented a return in compliance with the foregoing order.

## PETITION.

LENNOX STREET, RICHMOND.

**Mr. HOLDING** (Leader of the Opposition) presented a petition from certain citizens of Victoria praying that in view of the danger created by motor traffic in Lennox Street, Richmond, to children and other residents of the adjacent Housing Commission Langdon Park Estate, the House will take action to ensure that Lennox Street, between Elizabeth and Highett Streets, is permanently closed to such traffic. He stated that the petition was respectfully worded, in order, and bore 590 signatures.

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

## PAPERS.

The following papers, pursuant to the directions of several Acts of Parliament, were laid upon the table by the Clerk—

Statutory Rules under the following Acts of Parliament—

Explosives Act 1960—No. 77.
Forests Act 1958—No. 76.
Police Regulation Act 1958—No. 75.
Public Service Act 1974—Nos. 72 and 73.

## MAGISTRATES' COURTS (COMMITMENT) BILL.

**Mr. MACLELLAN** (Minister of Labour and Industry) : I move—

That this Bill be now read a second time.

The main purposes of the Bill are to make express provision in the Magistrates' Courts Act 1971 for the issue of warrants of commitment of persons ordered to be detained in youth training centres, and to remove doubts as to the manner in which appeals by the Attorney-General under section 74 of the Act should be heard by the County Court.

Section 71 of the Magistrates' Courts Act 1971 provides that whenever a person under the age of 21 years is convicted before a Magistrates' Court of an indictable offence which can be dealt with summarily or any offence under the Vagrancy Act 1966, the court, in lieu of imposing a sentence of imprisonment, may direct that the offender be detained in a youth training centre for a period of not more than two years.

Although there are detailed provisions in relation to warrants in the Magistrates (Summary Proceedings) Act 1975 and the rules made under that Act, the Crown Solicitor has pointed out that these provisions refer to "prisons" and this is not apt to describe youth training centres. The Bill, therefore, proposes the amendment of section 71 to extend the provisions of the Act and the rules relating to warrants of commitment for detention in youth training centres.

Consideration of this problem has drawn attention to the fact that section 493 of the Crimes Act makes no reference to directions for detention in youth training centres. This section provides that a sentence of imprisonment shall be carried out in the manner for the time being provided by any Acts relating to prisons or penal establishments according to the tenor of the sentence. The Bill proposes an appropriate amendment of this section to extend it to detention in youth training centres.

Section 74 of the Magistrates' Courts Act 1971 provides for the Attorney-General to appeal to the County Court against a decision of a Magistrates Court where he considers that a different sentence or penalty should have been imposed or a different order made. The types of orders involved are dismissals or adjournments of informations upon the defendant entering into a good behaviour bond.

In an ordinary appeal to the County Court from a Magistrates Court, the appeal takes the form of a rehearing, and this procedure has

been followed for very many years, at least as far back as 1863. The reasons for this practice are obvious —normally no record is kept of evidence given in Magistrates' Courts, nor does the magistrate normally give written reasons for his decision.

However, a problem has arisen in respect of appeals under section 74, in that while most judges of the County Court proceed by way of rehearing, some judges do not. The latter judges take the view that appeals under section 74 should be dealt with in similar manner to appeals by the Attorney-General heard by the Full Court of the Supreme Court under section 567A of the Crimes Act. This view appears to be based on the similar form of words used in section 567A of the Crimes Act and section 74 of the Magistrates' Courts Act.

It is desirable that the doubt as to the manner of hearing of appeals under section 74 be removed, and that, because of the practical difficulty of proceeding otherwise than by rehearing, such appeals should be by way of rehearing. The Bill amends section 74 to achieve that result. I commend the Bill to the House.

On the motion of Mr. CAIN (Bundoora), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, May 4.

## SHEPPARTON ABATTOIRS (AMENDMENT) BILL.

**Mr. DUNSTAN** (Minister of Public Works) : I move—

That this Bill be now read a second time.

The principal Act to be amended by this Bill is the Shepparton Abattoirs Act 1967 which was enacted to deal with certain financial problems facing the Shire of Shepparton.

In 1965, the shire council and a major meat exporting company entered into an agreement under which council undertook to carry out works on its abattoirs costing $2·3 million and the company agreed to lease and operate the abattoirs for seven years with an option to purchase. The works eventually cost $3,398,761 but the company failed to proceed with the agreement to lease and operate the abattoirs. As a result, council was deprived of the yearly income of $320,000 from the lease and could not meet its commitments to the bodies from which it had borrowed money and the contractors who had carried out work on the abattoirs.

After protracted negotiations, council reached agreement with the lenders and the contractors. Additional funds were advanced to council under a Government guarantee of repayment and the contractors agreed not to institute proceedings for recovery of sums owing to them. The council agreed to accept oversight of its financial affairs by the Minister for Local Government and to make payments to its creditors on a specified basis. The Shepparton Abattoirs Act 1967 authorized the parties to enter into this agreement, the terms of which are set out in the Act, and provided for any necessary modifications of other legislation.

During the past ten years the shire's financial position has improved considerably. In 1971, the abattoirs were sold to the Rural Finance and Settlement Commission and the Government accepted responsibility for servicing loans amounting to about $1 million. All Government-guaranteed loans have been repaid.

The audited statement of accounts for the shire for the year ended 30th September, 1976, shows that the accumulated deficit of $43,391 at 1st October, 1974, has been reduced to $15,816 and the current estimates provide for elimination of the deficit during the 1976-77 year. The adjusted loan liability at 30th September, 1976, was $1,833,592 which included liability of $210,000 for saleyard works and private street schemes. These are largely self-financing. Debt servicing costs for

1976-77 have been estimated to be $182,410. The Government is responsible for $62,012 of this amount and, accordingly, the sum to be provided from general revenue will be $120,378. This is approximately 10 per cent of the shire's total revenue. It is clear that while the debt burden of the shire is still substantial, its commitment to debt servicing is at a reasonable level.

The shire is conscious of the fact that it is the only Victorian municipality subject to rigid Ministerial oversight of its finances and, in the light of its improved financial position, has asked that the restrictions imposed by the legislation be removed. Because of the responsible manner in which the shire has acted in the past ten years the Government is pleased to grant the request. Three requirements of the 1967 Act will be repealed although the first of these no longer really has any significance. They are—

1. The shire shall not lease the abattoirs without consent of the Minister.

2. The shire shall, as soon as practicable after the end of each financial year, supply to the Minister a statement of the accounts of the shire for that year, together with a statement of the estimates for the current year, at least one month before any rate is struck.

3. Any rate made by the shire shall not be less than the rate determined by the Minister.

These are the conditions to be repealed by the Bill. The terms of the agreement, which are specified in the legislation, also require the shire to allow the Minister oversight of its accounts and annual budget. With the repeal of the statutory requirements for submission of the annual statement of accounts and estimates and the fixing of the rate, this oversight will no longer be exercised and the shire will be given an assurance to this effect.

The shire's accounts will still be audited in the ordinary way and the statement of accounts and auditor's report will be considered by the department's inspector of municipal administration as is done in the case of other municipalities. I commend the Bill to the House.

On the motion of Mr. FOGARTY (Sunshine), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, May 4.

## MARRIAGE (AMENDMENT) BILL.

**Mr. MACLELLAN** (Minister of Labour and Industry) : I move—

That this Bill be now read a second time.

Its object is to overcome a problem that has arisen in relation to applications under section 161 of the Marriage Act 1958 in respect of property disputes between husband and wife, following an amendment in 1976 of the Commonwealth Family Law Act 1975.

As the result of amendment of the Family Law Act 1975 last year, the definition of "matrimonial cause" in that Act restricts the jurisdiction of the Family Court in respect of proceedings concerning the property of parties to a marriage to cases where an application for dissolution of the marriage has been filed. Under the provisions of the Act an application for dissolution cannot be filed until after the parties have been separated for at least twelve months.

Since the amendment of the Commonwealth Act came into operation on 1st July, 1976, there has been a very marked increase in the number of applications in the Supreme Court under section 161 of the Marriage Act 1958, which confers summary jurisdiction on a judge of the Supreme Court or at the option of the applicant of the County Court to determine disputes between husband and wife as to property. These

applications have been brought by recently-separated husbands and wives, where neither party is in a position to apply to the Family Court of Australia for dissolution of the marriage because they have not lived separately and apart for a period of at least twelve months. They are also unable to apply to the Family Court for an order in relation to property because of the restriction on jurisdiction to which I have referred.

The provisions of section 161 of the Marriage Act and the relevant provisions of the Family Law Act differ very substantially, and for this reason different results may occur, depending upon whether the application is under the Marriage Act or under the Family Law Act. In some of these applications under the Marriage Act, it appears that one party is seeking to obtain an order which is more favourable than would be likely if the matter were determined under the Family Law Act.

A committee of judges constituted by the Chief Justice have expressed the view that in many cases it is unjust for one party to obtain an order under section 161 of the Marriage Act, when it seems clear that within twelve months or thereabouts there will be an application for dissolution of marriage in the Family Court of Australia together with an application for a property settlement. Consequently, the judges feel that the proper course to adopt in a number of cases is to adjourn the proceedings.

However, it is doubtful whether a judge has the power to adjourn applications under section 161 of the Marriage Act in this way. The judges have expressed doubt as to the extent to which the discretionary power of the judge under section 161 can be exercised by adjourning an application instead of determining it. In the circumstances the committee of judges has recommended that the power of a judge to adjourn applications under section 161 should be made clear by an appropriate amendment. This recommendation has been endorsed by the Chief Justice.

It will be noted that the amendment proposed by the Bill specifies the circumstances in which a hearing may be adjourned or an order may be stayed. These are—

1. The husband and wife must be separated, but for a continuous period of less than twelve months immediately prior to the order for adjournment or staying an order.

2. The judge must be of opinion that proceedings for principal relief —which for the purposes of the amendment means dissolution or annulment—are likely to be instituted within twelve months by the husband or wife, that the matter would be more appropriately dealt with as ancillary to such proceedings, and that adjournment would not cause undue hardship to either party.

I commend the Bill to the House.

On the motion of Mr. EDMUNDS (Ascot Vale), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, May 4.

## MILDURA COLLEGE LANDS (MILDURA SCHOOLS FUND) BILL.

The debate (adjourned from April 20) on the motion of Mr. Thompson (Minister of Education) for the second reading of this Bill was resumed.

**Mr. FORDHAM** (Footscray): As the Minister said, the Bill amends the Mildura College Lands Act to overcome a problem which arose from an interpretation by departmental officers relating to the propriety of the distribution of the funds from the Mildura Schools Fund following recent changes in the Act. The interpretation related to the method by which funds should be distributed to the Mildura High

School, the Mildura Technical School and the Irymple Technical School, the three schools concerned.

The Opposition does not object to the Bill. It provides a safeguard and will correct what was perhaps an oversight in the recent amendment to the Act. The Labor Party wishes the schools well. Its members wish that more schools in Victoria had the benefit of such funds in their operation.

**Mr. WHITING** (Mildura): The National Party supports this small but important Bill which relates to the distribution of funds to the three schools which benefit under the Mildura College Lands Act. A problem arose in relation to the amounts of money standing to the credit of each school. It was considered that, as well as revenue being supplied evenly to the three schools, according to the present wording of the Act, the distribution should be in equal shares. That was certainly not the spirit of the original amendment to the Act.

The council of each of the three schools was greatly perturbed when it was suggested that, because the Irymple Technical School had only $8000 to its credit in the fund, the Mildura High School could not draw on any greater sum and could draw that amount only if the Irymple Technical School did the same. I am a member of councils of both the Mildura and Irymple technical schools and my colleague, the Honorable Ken Wright, who is a member of another place, is a member of the council of the Mildura High School. I can assure the House that the chairmen and councils of all three schools are fully in favour of this amendment to the Act. It has the wholehearted support of the National Party.

The motion was agreed to.

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

## LAND SURVEYORS (SURVEYORS BOARD) BILL.

The debate (adjourned from March 31) on the motion of Mr. Borthwick (Minister of Lands) for the second reading of this Bill was resumed.

**Mr. WILTON** (Broadmeadows): As the Minister said, it is the intention of the Government that one or two changes should be made in regard to the appointment of persons to the board set up under the Land Surveyors Act. Section 4 (2) and (3) of the principal Act has provided for many years that the holder of the office of Government Astronomer shall be a member of the board, and there had been some difficulty in filling that position. The Minister says that there has been no Government Astronomer for 30 years. The performances of the Government during the past few years indicate that it could do with a stargazer. Perhaps the lack of one is the reason why the Government sometimes does things which are quite incomprehensible.

I ask the Minister to explain a couple of matters. The Surveyor-General will be chairman of the board, and the person holding the office of Surveyor and Chief Draughtsman in the Office of Titles will be the deputy chairman. Another member of the board shall be a person appointed by the Governor in Council on the nomination of the Minister. I assume that this person will occupy the position formerly occupied by the Government Astronomer.

I ask the Minister what type of person he has in mind. According to the provision in the Bill, it could be anybody at all. I do not know why qualifications in this area are not specified. I should like the Minister to tell the House why the new provision is worded as it is, particularly as the principal Act has always provided that when no person held the office of

Government Astronomer the Minister could appoint somebody else. The other query I have relates to clause 3(*a*) under which proposed new sub-section 2(*e*) provides that the board shall consist of—

> A person (who shall be a licensed surveyor engaged in the teaching of surveying in a tertiary course approved by the Board) appointed by the Governor in Council on the nomination of the Minister.

As the reason for this proposal the Minister has indicated that there is now a tertiary course conducted at the Royal Melbourne Institute of Technology. The principal Act makes provision for a representative from the University of Melbourne, but because of the developments which have occurred at the Royal Melbourne Institute of Technology, the Minister is now providing that both institutions shall be consulted before a nomination is made.

As the person will be appointed with the approval of the Surveyors Board, it will not necessarily mean that the University of Melbourne or the Royal Melbourne Institute of Technology will have much say in who the person shall be. Perhaps the Minister could explain the reason for using this form of drafting in the Bill.

A further point of query relates to that portion of clause 3 which inserts a new section 4 (3) of the principal Act. This is the usual saving provision where the Minister is allowed to request the institution to submit to him a panel of names for appointment under paragraph (*b*) of sub-section (2) and if the institution does not do so before the expiration of a period of one month after the receipt by it of the request, the Governor in Council may without such submission appoint any otherwise eligible person to be a member of the board. I am not sure what the position would be if the University of Melbourne or the Royal Melbourne Institute of Technology was slow in submitting its nomination. Under the principal Act the saving provision applies not only to the Surveyors Board but also to the University of Melbourne because the existing section 4(3) which is proposed to be replaced provides, *inter alia*—

> If at any time the Council of the Institute or the Council of the said university. . . .

Both organizations are covered, and on my reading of the proposal, it is just dealing with the Surveyors Board. I appreciate that the reference is to a teaching surveyor being appointed on the nomination of the board and maybe that is where the tie-up is.

The other query I raise is to ascertain why the Government has decided to change the provision that when a member of the board is absent without approval of the board for four consecutive meetings, his membership of the board may be terminated. That provision is being changed to include the words " without the permission of the chairman ". I am not aware of the significance in the change. Perhaps the present system has not worked satisfactorily and there may be a reason why the normal procedure should not apply. If a person absented himself for four consecutive meetings without having an apology accepted by the board, obviously there would be a legitimate reason for removing him because he would not be fulfilling his function. I do not understand the significance of having the provision changed so that the person concerned must obtain the approval of the chairman, if he absents himself from four consecutive meetings of the board.

Apart from those queries, the Opposition has no objection to the Bill. The only other item of significance, which perhaps I should mention, merely relates to updating some of the phraseology in regard to the Public Service Act. The Bill also changes the title in the Department of Crown Lands and Survey relating to the surveying branch which shall

become the Division of Survey and Mapping. Perhaps the Minister of Lands could answer my queries at the appropriate time.

**Mr. WHITING** (Mildura): The National Party supports the Bill which is designed to improve the operations of the Surveyors Board in Victoria. The general import of the Bill is to update the wording in several areas and to change the Institute of Surveyors to the Institution of Surveyors. It also upgrades the title of the Survey Branch of the Department of Crown Lands and Survey to the Division of Survey and Mapping of the Department of Crown Lands and Survey. This move is similar to action that has been taken in many departments in Victoria.

The National Party's only query relates to appointments to the board and is in line with that mentioned by the honorable member for Broadmeadows. I refer specifically to the representative on the board of persons engaged in the teaching of surveying in a tertiary course. It is fairly obvious that in the past this representative has been a member of the University of Melbourne but after the Bill is enacted it will allow a person from either the University of Melbourne or the Royal Melbourne Institute of Technology to be appointed. In view of the history of the appointments to the board over many years, it is difficult to understand how a representative of the Royal Melbourne Institute of Technology may be appointed to fill that position. I imagine the Royal Melbourne Institute of Technology would still be the poor relation when it comes to the actual person to be appointed, unless there was somebody outstanding in that field in which case that person would probably be given additional consideration.

It is to be hoped the appointment will be based on qualifications or ability rather than on the historical procedure which has been adopted in the past. If that is intended the National Party has no hesitation in supporting the Bill.

**Mr. McLAREN** (Bennettswood): I wish to comment briefly on the reconstruction of the Surveyors Board and the variations which have been made at this time concerning the elimination of the position of the Government Astronomer. I have always felt on occasions such as this that we should take note of the great scientific advances which occurred in the Colony of Victoria in the 1850s and 1860s when Victoria was served by a number of German immigrants, including Baron von Mueller and Dr. Neumayer who was the Astronomer General during the 1850s and early 1860s. It is interesting to note that it was Dr. Neumayer who appointed to his staff William Wills who later became, I believe, the hero of the Burke and Wills expedition which was organized by the Victorian Government in 1860-61 and which made that tragic trek across Australia to its northern shores.

At a time such as this no one should forget the scientific advances which have been made by Victorians, particularly immigrant Victorians, who have helped the Colony of Victoria and Australia generally. Furthermore, it was these land surveyors who developed this country. For example, Wills, who was one of the surveyors in the north-western section of Victoria, was responsible for opening up a large portion of that country. The surveyors have been the historical explorers of this country and it is not inappropriate at this stage to record the elimination of the position of Government Astronomer in the scientific sense. We should recognize that these people have made a contribution over the years.

**Mr. BORTHWICK** (Minister of Lands): I thank the three honorable members for their comments, particularly the honorable member for Bennettswood for his historical references. The honorable member for

Broadmeadows and the honorable member for Mildura raised a number of points on the question of policy regarding appointments to the Surveyors Board. Proposed sub-section (2) (c) refers to a person appointed by the Governor in Council on the nomination of the Minister. As the honorable member for Broadmeadows understood, that is a replacement of the existing provision of a Government Astronomer. There has not been a Government Astronomer for more than 30 years, and as a result the Minister of the day has appointed a person under section 4 (2) of the principal Act, the proviso to which states—

> Provided that if at any time there is no person holding pursuant to the Public Service Act 1958 the office of Government Astronomer, the Governor in Council may appoint a person whom he deems to be suited by occupation and training to be a member of the Board in his stead, . . .

That does not specify the type of occupation or training required, but historically the Ministers have appointed another surveyor, although this need not necessarily occur. One can imagine that in years to come it may be of value to appoint to the board a person with business experience, a computer technologist or someone with expertise in the field of microfilm—these are some examples of the type of expertise that may be related to surveying.

In the past there has been no restriction on the person appointed to the position if there were no Government Astronomer, and the Government believes there should be no restriction of that kind in the future, so the Bill allows the Governor in Council without any restrictions to appoint a person to that position and follows the guidelines of the principal Act.

A question was asked about the appointment of a person who is teaching in the profession. The honorable member for Broadmeadows suggested that because the University of Melbourne and the Royal Melbourne Institute of Technology are not actually specified in the Bill, the person selected may not be teaching at one of those institutions.

I can see what the honorable member is getting at, that a person may have to be flown from Sydney to fill the position, but that is quite unrealistic. The Government did not wish to specify those two institutions because in future years we may see the development of tertiary courses in surveying at other institutes, teachers in that subject may be available in Ballarat, Geelong or even in the electorate of Mildura.

The restriction has applied for far too long, and the Government believes any institute that is approved by the board in the future to teach the surveying profession ought to have the right to suggest a teacher who may be appointed to the board. To some extent the appointment is left to the Minister's discretion, but the legislation provides that whoever is selected must be currently a teacher or lecturer in the profession at a tertiary institution.

I was also asked why the permission of the chairman of the board is required for board members to be absent from meetings. This is purely an administrative arrangement. A number of members of the board are not public servants; they have to travel interstate and overseas from time to time, and it is easier and quicker for them to be granted leave of absence by the chairman of the board, who can advise the board next time it meets why the person is absent, than to call a special meeting for that purpose.

The Government has full confidence in the Surveyor-General in a matter such as this, and other members of the present board believe it is a good arrangement.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3 (Reconstitution of Surveyors Board).

**Mr. WILTON** (Broadmeadows): Before the conclusion of the second-reading debate the Minister gave an explanation of some queries I raised, but I should have been happier if the Government had retained the wording of the principal Act, particularly relating to the Government Astronomer. The present wording of the proviso to section 4(2) is—

> Provided that if at any time there is no person holding pursuant to the Public Service Act 1958 the office of Government Astronomer, the Governor in Council may appoint a person whom he deems to be suited by occupation and training to be a member of the Board in his stead, and any person so appointed shall for all the purposes of the following provisions of this section be deemed an appointed member of the Board.

The words "deems to be suited by occupation and training to be a member of the board" are important. The phrase gives ample scope for a Minister of the future to secure the services of a person who is an expert in the new technology of the computer age or the microfilm process; it would be a matter for the Minister's judgment, but he would have to have some suitable training and qualifications to be of direct benefit to the board. As it is worded now, the person chosen could be Joe Blow, an out-of-work politician or anyone else.

The other point I want to make is that when I was making the earlier comment about a person who shall be a licensed surveyor engaged in the teaching of surveying at any tertiary institution approved by the board, the Minister said that these courses at present are available only at the University of Melbourne and the Royal Melbourne Institute of Technology. Perhaps I did not make it clear, but I meant that those institutions would have no say in the choice of the person because the board would pick out a suitable person, and that is not desirable.

Mr. WHITING: The board picks him out on the nomination of the Minister.

Mr. WILTON: That could be so, but the university and the institute ought to submit to the Minister of the day the name of the person of their choice and the selection should be made by the institution that is responsible for conducting these courses. In this way the people who control the institutions would be able to select a person who will be of some value to the board, not just somebody picked out by the Minister, or one of the lecturers.

By allowing independent bodies to make nominations one avoids the possibility that the Minister will select a person who will be docile and not worry the Minister or give him a hard time, and that tendency exists. We are all creatures of politics and like to take the easy way out.

The clause could have been better drafted and the Melbourne university council and that of the Royal Melbourne Institute of Technology should have been more directly involved in making the appointments.

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.

## RAILWAYS (PARTICIPATION IN PIPELINES) BILL.

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

**Mr. JONES** (Melbourne): This Bill amends the Railways Act to allow the Victorian Railways Board to act as a principal in initiating a company for the purpose of conveying fuel and other liquids by pipeline. In November, 1975, the former Minister of Transport, the Honorable Ray Meagher, introduced the first Railways (Participation in Pipelines) Bill. Opposition members then

indicated that they did not oppose the legislation. Indeed we welcomed it. Because of the extreme danger sometimes associated with the transport of fuels and other volatile liquids, it may be highly desirable to ensure their transfer in bulk by pipelines. The Opposition is pleased to support the Bill.

This Bill is yet another amendment of the Railways Act 1958. That Act is an awful piece of legislation to work through.

Mr. RAFFERTY: Agreed.

Mr. JONES: I notice that the Act has not been reprinted since 20th December, 1966. Since then it has been amended by twenty separate pieces of legislation. I defy even you, Mr. Speaker, to read your way through the latest reprint and to make sense of it. I have grave doubt whether the Minister of Public Works could do so. Perhaps the Minister of Education might be able to make something of it. In the words of Sellers and Yeatman, in *1066 and All That,* the Railways Act now looks like an "interpolated palimpsest". It is about time we had an updated Railways Act incorporating the contents of the 1975 Act and the present Bill.

The Bill alters the definition of "pipeline company" which was contained in the 1975 Act. The definition in that Act was—

> "Pipeline company" means a company one of the objects of which is to construct or to operate pipelines.

The wording in the present Bill is as follows—

> "Pipeline company" means a company which is or proposes to be any one or more of a constructor owner operator or user of a pipeline whether alone or in participation with others and whether that company is or proposes to be engaged in any other activity or not.

Obviously this gives the green light to the railways not only to participate in but to initiate the setting up of a pipeline company. For some years there has been talk of operating such a pipeline and I understand the oil companies have not taken the initiatives expected of them. The 1975 Act provided, *inter alia*—

> The Board may, with the consent of the Treasurer subscribe for or otherwise acquire and dispose of shares in or debentures or other securities of a pipeline company;

The board is the Victorian Railways Board. This Bill adds the words—

> or promote a company or companies to construct own and operate pipelines on railway and other lands or to participate in the construction ownership and operation of pipelines with other pipeline companies on railway and other lands.

The remaining changes are consequential. For example, members of the board are permitted to hold shares in a pipeline company as trustees for the board.

In his second-reading speech, the Minister commented—

> The Government wants to revitalize the railways. It wants to cut losses, improve efficiency, lift standards and make them a fierce and able competitor.

I applaud the Minister for his well-known fierceness in his desire to promote the railways in new areas. I wish the venture well. Perhaps the Government, in the light of events in the past couple of weeks, may regret that it had not pushed a bit more fiercely in the past few years.

It is extremely important that we rationalize the whole movement of goods and the access to services. To the extent that this Bill will help to bring about that rationalization, the Opposition does not oppose it.

**Mr. B. J. EVANS** (Gippsland East): This Bill extends the powers of the Railways Board to participate in the operation of pipelines and gives the board the authority to initiate action in this regard and take the initiative with other companies to extend the operation of pipeline activities on railway property. I do not envisage that the Bill will result in any dramatic improvement in railways finances or will create a major change in the activities of the Railways Board. It is a sensible and

logical development of the powers already conferred on the board, and the National Party supports the Bill.

**Mr. KENNETT** (Burwood): Although this Bill is not major in size, it is major in importance because it shows the Government's ability to be flexible in relation to the transport system, particularly the railways which always seem to receive adverse criticism. The Government is trying to give and will give to the railways through this legislation the flexibility to provide a more efficient service that will encourage suppliers to utilize the railways, thus providing more revenue.

The honorable member for Gippsland East is correct when he says that the Bill will not increase the income of the railways but it will be a contributing factor to the transport programme of the Government in trying to get abreast or in advance of the times and to have flexibility to offer the people of Victoria efficient passenger and goods services. The railways are a most effective way of transporting goods and providing services. I support the Bill. I hope its introduction does not go unnoticed by the public.

**Mr. RAFFERTY** (Minister of Transport): I thank the honorable members for Melbourne and Gippsland East for supporting the Bill on behalf of their parties and also for the support of the honorable member for Burwood. The honorable member for Melbourne raised an interesting and important point when he referred to the Railways Act. I agree with the honorable member that the Act has reached a stage when important amendments have to be made. However, the Act is lengthy and I cannot guarantee that there will be any immediate action taken to have it reprinted or recast. I thank the honorable member for the obvious research he has carried out on that matter. He has raised a valuable point. Certainly something will be done to bring the Act up to date, but I do not know when.

Clearly honorable members recognize that the proposals contained in the Bill will assist the railways in promoting railway services in the community. To that extent I am grateful for their support.

The motion was agreed to.

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

## MELBOURNE AND METROPOLITAN TRAMWAYS (BORROWING POWERS) BILL.

The debate (adjourned from April 20) on the motion of Mr. Rafferty (Minister of Transport) for the second reading of this Bill was resumed.

**Mr. JONES** (Melbourne): Mr. Speaker, I shall be characteristically laconic on this Bill. Its purpose is to increase the present limit of the borrowing powers of the Melbourne and Metropolitan Tramways Board from $45 million to $70 million. The Tramways Board provides an effective service in the Melbourne metropolitan area. The difficulty is, of course, that not enough new lines are being created and that although there are some grid elements, particularly in the eastern suburbs, tramway routes still adhere fairly strongly to the radial system. This imposes certain limitations on the flexibility of the system, as has been obvious in the past few days when the system has been heavily pressed by extra demands caused by the petrol drought. There has been something like a 30 per cent increase in the journeys of people using public transport. There is an inflexibility in the system which makes it much more attractive for people to use their cars when fuel is available.

The result is that although we commend the Government for extending some of the tramway services, and hope that more extensions will

continue, we also want further steps taken to lengthen some of these radial lines and then to link them so that there is a greater range of transport options. There will never of course, be an exact equivalent to the flexibility of the private car, provided that road space is not fully taken up with resulting peak-hour jams. However, it is important to have greater flexibility in the tramway system. The Tramways Board should be encouraged to set up more tramway routes to link with existing radial rail lines as well as tramlines.

There is another matter I propose to mention in passing. It may be some time before another Bill related to the tramways is introduced. I am concerned about the operation of the orange trams. As honorable members will be aware, orange trams have only one entrance door. Sometimes at peak hours people have to wait some time for all passengers to enter because they have to queue up to pay their fares and go in, as opposed to the old green trams where the conductor moves around and there are two doors open on the side and people are not compelled to wait their turn by queueing up to enter the tram. As a result, the orange trams actually slow down the movement of people, particularly along Bourke Street, which is regrettable.

I mention two other problems about orange trams. In their favour is the fact that they are absolutely ideal for the geography and climate of Stockholm. I am not sure of their adaptability to Melbourne. As honorable members who have used the trams frequently will know, the temperature inside the orange trams during heat waves is a matter for concern. During the height of summer I bought a thermometer from McEwans and I found that on those hot days in January and February the temperature inside the orange trams was as much as 5 or 6 degrees Celsius higher than the temperature inside the green trams. Green trams are easy to ventilate simply because breezes blow through them. They are much more open in structure than the orange trams, which were designed for the conditions of Stockholm, where there are greater extremeties of cold than in Melbourne and not much heat.

Apart from difficulties in ventilating orange trams, there are problems arising from the high acceleration rate. This becomes worse when they operate in a sandwich formation between the green trams. I believe something serious is happening either to the braking mechanism or to the bearings. I understand that there are still many maintenance problems at the Preston workshops. Also, many users in the central business district seem to complain about the braking action in orange trams. This may be caused by the high degree of acceleration and the fact that the trams are not operating under the optimum working conditions intended for them by their Swedish designers. The Melbourne and Metropolitan Tramways Board is one of the more successful parts of the Minister's stricken empire. Therefore, the Opposition supports this increase in the borrowing powers of the board.

**Mr. B. J. EVANS** (Gippsland East): As the honorable member for Melbourne said, the Bill increases the borrowing powers of the Melbourne and Metropolitan Tramways Board from $45 million to $70 million. This represents a substantial increase—in fact it almost doubles the board's borrowing powers. It must be conceded that there is a need for extending the public transport system in the metropolitan area. I point out that all of these funds are for expenditure within the metropolitan area to provide cheap transport for residents within that restricted portion of the State, which does nothing to help people in outlying areas.

Some of these funds are to be used to extend the tram line along Burwood Highway, a project which

has been under discussion for a considerable number of years. I believe all those familiar with this extension agree that it is a most logical one. The roadway has ample width to accommodate the new lines. The residents of that area are happy to learn that the proposed extension is to be in operation in 1978. I sincerely hope that the construction works keep to schedule and that they can be carried out within the current budget.

The honorable member for Melbourne made some remarks about the new orange trams. I do not use those trams as often as the honorable member for Melbourne, but they are a marked improvement on the old trams. The honorable member spoke of the conditions on the trams during the summer. It would be appreciated that the heating of the trams in the winter months makes it more difficult to provide adequate ventilation during summer. Because of the climatic conditions in Melbourne on odd occasions, or on odd days, the trams would be more comfortable if they were air-conditioned. This would be a tremendous financial burden and I do not think it should be contemplated in view of Melbourne's climatic conditions; there are not enough days on which the heat is so severe as to justify air-conditioning, although improved ventilation is desirable.

I support the Minister's view that there should be further improvement in the floor level of trams. It has always been a mystery to me why trams, and even trains, cannot be designed with a much lower centre of gravity. It would improve the quality of the ride for the patrons and improve the safety element of fixed rail passenger movement. Much of the problem is one of counterbalancing the comfort of the ride with the noise factor, because if the floor were lowered further than it is at present in between the wheels with some stub-axle arrangement, the noise factor may be more difficult to overcome. The designers have probably struck a compromise between a lower centre of gravity and coping with noise.

I am pleased to learn that the Minister is taking the floor height into account. It is a difficult operation for elderly people to board a tram. Trams and the like are not the most convenient vehicles in the world to board and leave, and any improvement in design in that area would be welcome.

I have not had much experience in travelling on the board's buses, but I did have the opportunity of travelling on one of the new buses when they were first introduced. They certainly are comfortable vehicles. The extension of bus services to areas where tramways are not practical is desirable.

The National Party supports the Bill. It is hoped the board will get full value for the money it is expending in this direction. No doubt the expenditure will do a great deal to improve the transport facilities for the people of the metropolitan area. The National Party makes a plea that the Government keeps in mind the people in country areas who also require public transport.

**Mr. STEPHEN** (Ballarat South): This Bill is to amend section 28 of the Melbourne and Metropolitan Tramways Act 1958, and to increase the borrowing powers of the board from $45 million to $70 million. This is an increase not of 100 per cent, as the honorable member for Gippsland East indicated, but of 55 per cent. I hope that as a result of increasing the board's borrowing powers the board will increase the number of orange trams or buses—although not necessarily the orange-type trams. I do not believe they are the be-all and end-all of what can be supplied by the State. I would like to see some experimentation done in designing a new tram which would more adequately serve the purposes of the city of Melbourne.

The honorable member for Melbourne mentioned some of the problems with the orange trams, and said he believed they slowed down the movement of passengers in the city. I think that is correct, but the fault lies with the passengers in that they do not move down the tram as quickly as they should. They do not get enough encouragement from the drivers over the amplification system to do so. When the travelling public was being initiated into using the new trams, the practice of a driver constantly encouraging passengers to move down the trams, particularly in peak hours, could have been expanded.

Neither honorable members who spoke mentioned that the income derived from the operation of orange trams must be far greater than that derived from the older-type green trams. The collection of fares on the orange trams is more positive. During peak hours it was not humanly possible for a conductor to work his way through the number of people on the green trams to collect fares. The orange trams will almost pay for themselves in a short period compared with the amount of money collected on the green trams.

The problem of ventilation of the orange trams is a minor one. The people of Melbourne appreciate the greatly increased temperature in these trams in winter, and I believe they would not mind the temperature being 5 degrees above normal in summer.

In winter, the " air-conditioning " in many of the green trams that are still in service is a little too intensive and I am sure the travelling public does not prefer these trams to the new orange trams. The orange trams are a big improvement which I am sure the travelling public appreciates.

The honorable members for Melbourne and Gippsland East raised a number of points with regard to public transport in Melbourne. All members of Parliament are interested in the provision of proper and adequate transport in the metropolitan area and, of course, in country areas.

I offer one criticism of the orange trams. As the honorable member for Melbourne mentioned, the acceleration rate of the orange trams creates problems for elderly people. This could be overcome to some extent if more overhead hand straps were provided. I make that genuine suggestion to the Minister to assist the travelling public of all age groups, rather than only the more able-bodied, in accepting the orange trams. I am sure the travelling public appreciate the faster acceleration and the general all-round improved comfort provided in the orange tram. I do not include some of the green trams which are suitable vehicles. Apart from the question of profitability, one wonders whether some of the green trams may not have served the purpose just as well as the orange trams.

I appreciate that it is necessary to introduce this Bill to increase the borrowing powers of the board so that improvements and newer trams and buses may be provided to serve the metropolitan area. As a country member, I am not envious that this Bill applies only to the metropolitan area, and I am sure that honorable members in general appreciate that this is a necessary measure. I hope it will enable the Tramways Board to operate its services until it is necessary to bring in a further similar Bill.

**Mr. DOUBE** (Albert Park): When Parliament is increasing the borrowing powers of the Melbourne and Metropolitan Tramways Board we have the opportunity of making some comments in the hope that if suggestions are carried out we will be able to obtain sufficient revenue to meet the interest payments on loans and also to improve public transport.

I wish to raise one or two matters. Firstly, I am concerned about what is to happen to what we call the older trams—the green trams. Obviously it will be a long time before they all disappear and are replaced by orange or yellow trams. I wonder if the board has any programme to modernize the older trams by installing sliding doors with ventilation rather than the draughty corridors which tram users have to sit in now. In the days of smoking one could risk that because open ventilation was needed, but now that smoking is not permitted it is only the hardy citizen who is prepared to sit in the centre part of a tram on a winter's day, or even on some summer days.

*The sitting was suspended at* 1 *p.m. until* 2.4 *p.m.*

Mr. DOUBE: Prior to the suspension of the sitting, I was referring to the need to modernize the green trams because they will be with us for a long time while the Government continues its programme of replacing them with the new orange trams.

Another matter of concern is the problem created for tram drivers by motorists. My impression is that the law provides that, once a tram has entered an intersection, it has right of way. However, there is no indication by the board in its notifications to motorists that they must give way once a tram has entered an intersection. This creates a great deal of confusion because, at many intersections, all the signs indicate that motorists have right of way and even if a tram has entered the intersection the motorist feels that he has right of way. This may not cause a great number of accidents but it does result in delays to tram running. I know of no reason why the board should not install signs at intersections indicating that, once a tram has entered the intersection, it has right of way. The installation of such signs would help the Tramways Board in moving vast numbers of people into the city.

Another point that should be discussed is the future of Wattle Park. I understand that the board still owns this large area of land at the terminus of the Wattle Park tram line which it purchased before the advent of motor cars in an endeavour to entice people to use the trams for picnics at Wattle Park. The Tramways Board is having a desperate battle with rising costs and it seems utterly absurd for the board to be responsible for the management of a park which must constitute a loss. I suggest to the Minister of Transport that the park should be handed over to the Ministry for Conservation or the National Parks Service.

Another matter which bothers me, and I am sure many other tram users, is the inability to purchase a through ticket so that people travelling from South Melbourne, for example, are able to travel to Carlton without paying an additional fare. Apart from the inconvenience of paying the additional fare there is the disadvantage of having to pay the starting rate as well. This discourages people from using trams and, in the interests of public transport, it is time that the board introduced a system of through tickets. The railways have had through tickets for stations beyond Flinders Street for some years but, for some extraordinary reason, the Tramways Board maintains that it cannot do this. Perhaps the Minister of Transport could explain the reason because the present system certainly makes it difficult to entice people back on to the trams.

A further matter which perturbs many tram travellers, particularly those on trams from the southern suburbs along St. Kilda Road, if their destination is in the heart of the city or at the northern end of the city, is that once the tram reaches Flinders Street they have to pay an additional fare for the city section. The Tramways Board ought to be able to arrange for its sections to finish inside the city area or at one

end of the city. The present system forces people off the trams at the city perimeter unless they are prepared to find money for the additional fare. This seems to be a ridiculous way to run an important part of the public transport system.

I refer also to the usefulness of the courtesy lines which are painted alongside tram tracks. These lines are supposed to indicate to the motorist that if he keeps to the left of the line he will not interfere with the movement of trams.

**The SPEAKER (Sir Kenneth Wheeler):** Order! I remind the honorable member that the Bill relates to the borrowing powers of the Melbourne and Metropolitan Tramways Board and I cannot see the relevance of courtesy lines along tram tracks.

Mr. DOUBE: Mr. Speaker, if we are to increase the borrowing powers of the Tramways Board, we should be concerned whether the board will earn enough money to pay the interest on the money it borrows. We could lightly increase the limit of the amount of money which could be raised if we were not concerned about how public money should be used. But I would agree to the passing of this Bill only if I were convinced that the Minister and the board were prepared to take steps to enable people to get the best use from trams. If the borrowing capacity of the board is to be increased, its revenue must also increase—otherwise, its debts will become intolerable. In passing, I am referring to one or two of the areas which the board should examine with a view to increasing its revenue.

One reason people use trams is that they can travel to the city much quicker than by using their own cars. But this will continue to be possible only if the courtesy lines are given more recognition than they are now. We should consider advising motorists generally of their need and the obligation to keep to the left of the courtesy lines. Time and again I have seen a tram, possibly carrying 100 people, held up simply because one motorist was thoughtless.

Courtesy lines do not seem to be effective within the boundaries of the City of Melbourne, and as a result trams are more frequently held up there. I am told that this is because the Melbourne City Council does not co-operate with the Melbourne and Metropolitan Tramways Board in the way that suburban municipal councils do.

Tramways revenue could be increased a great deal to help meet the payments on loans if the Minister decided to establish a city tram loop. This could be done, at a low cost, by linking the Flinders Street tramline with the Collins Street line via Spring Street. Elsewhere, on the perimeter of the city, the tramlines are joined at the corner of Latrobe Street and Spencer Street, at the corner of Spencer Street and Flinders Street, and at the corner of Flinders Street and Latrobe Stret. All that is needed to establish a city loop is a link between the Collins Street and Flinders Street tramlines by way of Spring Street. If that were constructed it would be possible to introduce a system under which people could purchase a ticket that would entitle them to travel around the city.

This might be said to place the tramways in competition with the underground railway, but surely we have passed the stage of considering that these two forms of transport are in competition with each other. We must maximize the use of public transport. Unless trams are used to the greatest possible extent to transport people around the city, we will fail in making the tramways a payable proposition.

I understand that if a person wishes to join the tramways as a conductor he must not be more than 6 feet in height. This is an extraordinary situation. Elsewhere, all

over the world, giant-sized people are wanted; certainly they are wanted in football teams.

Mr. RAFFERTY: There are no football teams on trams.

Mr. DOUBE: There is no room for them. I do not know whether the Minister knows that anyone over 6 feet in height cannot join the tramways. A young man of my acquaintance is 6 feet 2 inches high. He matriculated last year but was unable to obtain a job. He applied for work with the Tramways Board and everything was all right until his height was measured. He was surprised to be told that he could not be employed as a conductor. There is a fair amount of room inside a tram if one is adept at ducking one's head, as this young man is—he was good at gymnastics at school. He was told that people would not be employed as conductors unless they were potential drivers and that the Tramways Board believed that people who were too tall would introduce a danger factor as drivers because they would not have a clear view of the road ahead. It is ridiculous to turn away people for such an idiotic reason. All that would be required would be a lower seat to allow the driver a clear view of the road.

All the points I have raised on this Bill have been raised over and over again in the hope that the Minister might take some notice. But the Government takes the attitude that it knows everything, and no one else knows anything, to such an extent that one believes one is wasting one's time in talking in this Parliament.

**Mr. BILLING** (Springvale): There is a need for this Bill to enlarge the borrowing powers of the Melbourne and Metropolitan Tramways Board so that the proposed advancement of public transport, particularly tram services, can go ahead. Our public transport system must be expanded and enlarged to cope with the many transport difficulties in our great metropolis.

I commend to the Government the proposition that it should take notice of suggestions from all parts of the House for the need to join up our public transport services—which extend in a radial fashion from the centre of the city—across country, so that public transport will provide a better service. I concede that the private motor car is now one arm of transport, but in the past ten days we have been left in no doubt about the value of the public transport system, particularly the tramways section.

The increasing shortage of fuel supplies, not only in this country but throughout the world, makes it more important than ever that transport systems should be developed which do not use limited oil and petrol supplies in a way in which, these days, we have come to regard as necessary to take people from one point to another.

Another aspect concerning the Melbourne tramway system has been the advocacy of certain people for the abolition of trams, thus bringing Melbourne up to date with some of the other Australian capital cities. I hope the present policy of the Government will continue and that the electric tramway system will continue to operate so that there will not be a diminution in fuel supplies thereby causing grievous inconvenience such as has been experienced following industrial action and the resulting fuel crisis over the past ten days.

Another important factor to consider is the increasing public interest in the environment and pollution. Melbourne's electric tramway system may be criticized because it is noisy, but the reduction of noise is a technological possibility. One advantage from the general community health view is that the tramways do not contribute to pollution.

The borrowing powers of the Melbourne and Metropolitan Tramways Board are being increased to enable the board to develop its services, to

conduct technical investigations aimed at reducing noise and designing comfortable trams, thus overcoming the difficulty mentioned by the honorable member for Albert Park. I wish the Tramways Board well in its operations and hope the Government will continue to develop the tramway services in the metropolitan area.

**Mr. CATHIE** (Carrum): In supporting the Bill, which will increase the borrowing powers of the Melbourne and Metropolitan Tramways Board, I mention that representations have been made by branches of the Australian Labor Party seeking the extension of a tramway along Nepean Highway to service areas between Glenhuntly Road, Elsternwick, and Charman Road, Cheltenham, near Southland shopping centre.

There is no doubt that there is need for such a public service. After all, the current policy of the Government is to spend millions of dollars on widening Nepean Highway, which will assist people who commute daily to work by motor vehicle. However, many people in the community, such as elderly citizens and young people, do not have the facility of a motor car, and the extension of the tramway system in that area would be an answer to their transport problems.

Can the Minister of Transport inform honorable members whether the widening of Nepean Highway makes provision for this tramway service to be extended? If it does not, it is something to which consideration should be given for the reasons I have already indicated.

Perhaps the experiences of the past week have amply demonstrated the need for more money to be poured into public transport. It has been fully demonstrated that, as the community finds increasing problems in obtaining fuel supplies, there is a need to develop policies for the conservation of energy resources. Therefore, it will become increasingly important to pour funds into the tram and train services to meet the needs of the metropolitan area.

I raise this matter with the Minister of Transport in the hope that he can inform the House what effect the installation of a tramway service will have on the widening of Nepean Highway. I also invite the Minister to indicate what priorities the Government has in determining these matters and whether the current proposal to widen the Nepean Highway from Brighton to Cheltenham includes a proposal to extend a tramway service to the residents of that area.

**Mr. REESE** (Heatherton): I support the remarks of the honorable member for Carrum. The Bill provides for an increase in the borrowing powers of the Tramways Board. It appears to me that, as well as the rolling-stock of the board being increased, there is a need for a continuing review of the tramway network to service the public of Melbourne in the best possible manner.

For many years there has been little change in the tramway network, although Melbourne has grown tremendously and areas are becoming farther and farther away from the established fixed rail public transport. Because of the problems with the motor car which have become evident, especially in the past few days, there is a need to examine the role to be played by fixed rail public transport in the future plans for Melbourne.

There is a proposal to widen Nepean Highway from Glenhuntly Road, Elsternwick, to South Road, Moorabbin. At present the tram line leaves Brighton Road and moves into Glenhuntly Road. If a fixed rail public transport system continued along Nepean Highway, it would certainly require sums of money to be provided, but it would enable a connection to be made by patrons with the Gardenvale station on the

Brighton-Sandringham line and with the Moorabbin station on the Frankston line.

I have discussed this matter on a number of occasions with the Minister of Transport, who is having it examined. I look forward to a viable study of the proposition being undertaken. It would seem to be a logical extension which could be readily incorporated into the plans for widening Nepean Highway, even though the current plans of the Country Roads Board might not cover the proposition.

The new orange trams certainly have an advantage over the old type of tram car in use.

Mr. WILKES: The Minister of Transport wants the entrance into the new trams lowered.

Mr. REESE: I believe many people would support the Minister's views, but there must be a limit to how low the entrance platform in the orange trams can be. I am more concerned about the efficiency of the operation of the system. If one examines the design of these trams and the operations of electric tramway systems around the world, seldom does one see a two-man operation of a tram which is designed for a one-man operation. The time will come when the Government and the unions involved will look objectively and realistically at this situation to find an area of saving which will possibly make more viable this essential service, and hasten the extension of services throughout the metropolitan area.

I entered the debate basically to comment on Nepean Highway and also on the design of the existing tram. No doubt it is an excellent design, but possibly it could be improved. I also believe it is designed for one-man operation and the day will come when that fact must be faced.

Mr. SIMMONDS (Reservoir): The borrowing of money by the Melbourne and Metropolitan Tramways Board is an essential part of the failure of the Government to develop the existing tramways system. I draw the attention of the Minister to the position of the East Preston and West Preston tram services, both of which stop short of the heavily concentrated residential areas to the north of the termini.

In the early 1930s the Housing Commission estates along Gilbert Road, Reservoir, were developed as tramways estates on the proposition that the terminus at Regent Street would be developed to Edwardes Lake. Such has been the paucity of funds available for transport services that those plans have never come to fruition. The developers who sold the land reaped the benefit but the people who lived in the area received none of the services proposed at the time.

The East Preston tram service, the extension of which is currently the subject of an inquiry by the Public Works Committee, ought to be given urgent priority by the Government to establish a link to the residential areas which will provide the customers for the service. Some of the problems of financing and operating a transport service in the northern suburbs will be alleviated and the community will at least have access to a reasonably efficient, prompt and, I hope, cheaper transport service.

Not all users of the tramways desire a service to the inner-metropolitan area. Many people would use an extended service to travel on short journeys of 2 or 3 miles to their shopping areas and cultural activities and would relish the opportunity of travelling on a fixed rail pollution-free transport system. The lessons of the past week may well have been an indication of the future in respect to the total reliance of the community on the motor car.

If anything is certain, it is that the current society must come to grips with the position of the past policy of developing roads and all

services for the use of the motor car to the detriment of the public transport system. I ask the Minister to consider the proposals to extend the East Preston and West Preston tram services. Given the development of Bundoora Mill Park estate, the Merrilands area of Reservoir and other areas to the north, there should be an east-west link so that trams can provide an ongoing service. The operations of trams and cars should be rationalized to provide the ultimate in transport services at the least possible cost per passenger.

I comment on the failure of the Government to develop the tramway workshops at Preston. The last tram to be built in those workshops was constructed around the period of the first world war. I know that assembly work on current trams is still carried out there, but a proper application of resources to the tramway workshops would enable the construction there of a tram suitable for our environment, and maintenance and repair work would also be possible there. These tramway workshops should also be given the opportunity of becoming more viable by tendering for contracts with other people in the engineering field for rolling-stock and the type of work which is capable of being performed in the workshops. It would help the Government in funding the operations of the Melbourne and Metropolitan Tramways Board.

**Mr. WILKES** (Northcote): I wish to comment on the effects of the Bill on the area that I represent. Some time ago, the former Minister of Transport, Mr. Meagher, received a deputation from the Northcote City Council and the Northcote Civic Association concerning the extension of a bus route through the northern areas of the municipality of Northcote in the State electorate of Northcote. The civic association put up an excellent case to the Minister who appeared to be impressed with it. I had great confidence in the then Minister of Transport, and was astounded to note that nothing had been heard from the previous Minister or the new Minister on the proposal. Assurances were given that the proposal would be considered. It ill-behoves the Minister or the Ministry not to pay attention to such important matters.

The civic association took much trouble to prepare for the Minister alternative routes for the existing bus routes so that they would cover the area and provide transport to the people who were isolated there. Until now nothing has eventuated on the matter. Surely something should be done when areas of isolation exist in a municipality as close to Melbourne as Northcote is—within 4 miles of the City of Melbourne—and one sees the astronomical losses of the Melbourne and Metropolitan Tramways Board and the Victorian Railways. If one can believe the figures one reads in the press the losses are approximately $160 million a year——

Mr. RAFFERTY: That is wrong.

Mr. WILKES: I suppose the figure is $159·5 million.

Mr. RAFFERTY: It is $132 million.

Mr. WILKES: It is gratifying to learn that it is not $160 million. With such an astronomical loss in mind, there appears to be a tram route that would provide a service to the public and revenue to the Tramways Board if the service were implemented. It could be considered in conjunction with the investigation by the Public Works Committee of the proposal raised by the honorable member for Reservoir—the extension to the Plenty Road route.

The proposal I refer to was put to the Ministry through the agency of the former Minister and much documented evidence was provided —maps, plans and so on. I should have thought that the Ministry would have been keen, because of the losses

of revenue, to encourage people back to the trams. Here was a ready-made situation.

But the Government seems to be no brighter in that area than in respect of the decadent building on the corner of Gertrude and Nicholson streets. If ever there was a prized and valuable piece of real estate, it is that. I concede that the building is appreciating in value; that is the only good thing that can be said about it. It is a tangible asset of the Melbourne and Metropolitan Tramways Board but it is underused. Part of it is used for a service station.

I remember when the Bill to permit that area to be used for a petrol-filling station was introduced and what members of the Labor Party said about the Melbourne and Metropolitan Tramways Board and the use of that site. Not only the old cable tram wheelhouse is involved; there is also the land alongside it. It is one of the most under-developed and prized pieces of real estate just outside the periphery of the golden mile. It is wasting away and not being used by the Melbourne and Metropolitan Tramways Board to any extent.

When one asks questions about it, it is said that the board is conscious of the fact that it needs to retain the asset. I suppose that with the astronomical losses of the board, it is necessary to have a capital asset to support those losses, just as it is necessary for the board to have the land at Fishermen's Bend and other places. Not much is known about their use. Why does the Minister not have a survey carried out on whether the best use is being made of this valuable asset of the Tramways Board, similar to the survey that was done for the Victorian Railways? No move has been made by the Minister or the Government to survey the value of that property.

**The SPEAKER (Sir Kenneth Wheeler):** Can the honorable member tie his remarks to the Bill?

Mr. WILKES: Yes. The Bill concerns the Melbourne and Metropolitan Tramways Board, its assets and how much it needs to borrow. If this building is not used as part of its capital assets for security on its borrowings, it ought to be used for something else. I have not discussed this with the Labor Party spokesman on transport matters, the honorable member for Melbourne, but I am sure he would agree that at least an investigation ought to be carried out to ascertain the use value of that asset.

Some mention was made of the orange trams. Of course they are an improvement on the old ones, despite the fact that they are twenty years overdue. There is nothing unusual about that with this Government. I read in the press that the Minister said that he would like the floors to be lower. I believe complaints were made to the previous Minister about the height of the steps of these trams, but nothing was ever done about it. Now the Minister says, after 72 tram bodies have been acquired, that from now on the floor of the tram will be lower.

Mr. RAFFERTY: This is the first group of trams which I have had anything to do with. The others were ordered before I became Minister.

Mr. WILKES: They were promised in 1970. Honorable members will remember the fiasco when the Premier and the then Minister of Transport proposed to ride on one of the new trams for election purposes and the tram broke down. It is now 1977 and Melbourne has 72 tram bodies to which there will be a drastic alteration. The Minister should check to make sure that sick and elderly people and children have something to hold on to to help them against the higher acceleration of these new trams compared with that of the old rattlers which are still on the line.

The area that is now not served by public transport could be served simply by a variation in the route

and this would not cost the Minister or his Ministry very much. The matter ought to be the subject of consideration by the Minister in the interests of people who were good and conscientious enough to make representations to him. The Minister ought to look seriously at his department's property on the corner of Gertrude Street and Nicholson Street to see that maximum use is made of it.

**Mr. MUTTON** (Coburg) : The purpose of this Bill is to extend the borrowing powers of the Melbourne and Metropolitan Tramways Board from $45 million to $70 million. Like other honorable members who have made a contribution to this debate, I hope some of this money will be allocated for the development of the public transport system, and particularly for the tramway system in the electorate of Coburg.

In November of last year, with other members of this House, I attended a deputation to the Chairman of the Tramways Board to see if the tramway system could be extended throughout Broadmeadows and the Coburg electorate. The impression we obtained from the chairman and members of the board made us feel at least hopeful that the views of the deputation would be given some consideration.

It may be of interest to the Minister of Transport to know that the Melville Road tramway extension was first proposed about 25 years ago when land was acquired for the specific purpose of extending the tramline to the north for a distance of 1·125 miles, and that the Hume Highway extension was considered as far back as 1945. In those days the excuse given by the Tramways Board for not proceeding with the project was that the population was not great enough to warrant this extension. As time progressed, and as various representatives of the district made overtures in Parliament and to Ministers, they were told that even though provision had been made by land acquisition, and so on, there were not sufficient funds to proceed with the extension.

In view of the extended borrowing powers given to the Tramways Board under this Bill, I hope that consideration will be given to the real need for an improvement of the public transport system. In the Fawkner area, for instance, consideration was given to a tramline extension as far back as 1945, but the excuse was made that the population did not warrant it. That is now not a sufficient excuse. For instance, in this district there has been large-scale industrial development, tremendous development in large commercial enterprises and an increase in the population from about 4,500 in 1945 to nearly 19,000 now. All these factors indicate why it is hoped that this year the Tramways Board will consider improving the metropolitan transport system.

I need go no further to emphasize that statement than to point out the part the public transport system played in the past two weeks when the State was almost in chaos because of a strike which closed petrol stations. This was a typical illustration of the importance of the public transport system when the alternative system of driving motor cars to places of employment failed. It has been suggested that during the strike there was an increase of 30 per cent to 40 per cent in the number of people using public transport to take them to and from the city. I estimate that the increase was nearer 50 per cent. I observed the tramways from the terminus at Bakers Road one morning last week, and I was amazed at the number of people who used the tram service. I was also staggered at the number of people who used the railways as a means of getting to and from their employment. This illustrates the need for extension of the public transport system, and I align myself with other honorable members in urging that this be carried out.

Unlike the Deputy Leader of the Opposition, I do not go so far as to suggest that anyone would know more about the public transport system than the Minister, but I would say that I know more about my electorate and the requirements necessary for improving the public transport system than he does. The honorable gentleman knows full well that from time to time by deputation, by correspondence, by speaking in this House and by submitting questions, I have continually argued for the people in my electorate. I take the opportunity in this debate to further my approach to the Minister and to the Government in the hope that some of the money to be raised will be used by the Tramways Board to improve the transport system in the metropolis, and I trust that the transport system in the electorate of Coburg will be improved.

**Mr. CAIN** (Bundoora): I wish to make a few brief remarks about the large increase of borrowing powers being given to the Melbourne and Metropolitan Tramways Board and to ask that some of the funds be spent in the electorate of Bundoora on the extension of the East Preston tramline to Bundoora. This proposal is at present before the Public Works Committee. I understand that if the committee makes a favourable recommendation for this extension, it will be the next major capital works undertaken by the board after the Burwood extension, work on which has recently been commenced.

Anyone who knows the area to which I refer will appreciate the dire need for a tram service to be established in Plenty Road. Between one-half and two-thirds of the residents of the Bundoora electorate reside in what the honorable member for Melbourne has described so aptly as a "transport poor" area. They have no access to public transport other than an irregular bus service which runs infrequently at most times and not at all on Sundays. For many residents the situation is quite desperate.

The area that would be served by the Plenty Road extension contains six or seven institutions, including the mental health complex, Mont Park hospital, and Larundel, and the inmates of and visitors to these institutions rely almost exclusively on public transport. This area also has a large number of educational institutions, including La Trobe University, the Preston Institute of Technology—it is north of where the tramline will probably finish, but it would be served by it—the Parade College at Bundoora, the Christian Brothers College, and a number of secondary and primary schools. There is a smorgasbord of educational institutions with token public transport for the residents nearby and those who come from other districts.

The part of Plenty Road to which I am referring unfortunately falls between two arterial train lines—the Reservoir-Lalor line to the west and the Greensborough-Eltham line to the east.

Mr. JONES: There are no lateral links between them.

Mr. CAIN: No, except for a private bus which operates irregularly and on which the fares are quite expensive. I know the Minister is concerned about this area. There is an urgent need for this tram extension in East Preston. If it is not provided, the prospect of getting adequate and worth-while public transport in the area is dim indeed. The roads in the area are already overcrowded with motorists seeking access to public transport.

The development to the immediate north of Bundoora which has become known as Mill Park is quite dramatic. It is estimated that within four or five years there will be 5,000 or 6,000 homes in this area, and a large number of new residents will require transport.

I urge the Minister to have regard to the urgent need in this area, and I hope a considerable proportion of

the large increase in loan funds authorized by this Bill will be devoted to this purpose.

**Mr. ROPER** (Brunswick): A number of matters concerning tramway extensions have been of concern to me in my electorate and in neighbouring electorates in the past four years. The Minister of Transport may not have examined the file on the deputation I led in 1974 from the Coburg City Council and the West Coburg Progress Association to the then Minister, Mr. Meagher. That deputation pointed out that the public transport service in the City of Coburg was extremely deficient. During the deputation I suggested that the West Coburg tramline, which runs along Melville Road, should be extended. The Minister may or may not be aware that for many years there has been talk about extending the West Coburg tramline, and, Mr. Speaker, as you will be well aware, all the talk has come to absolutely nothing.

In 1974, following the deputation, I placed a question on the Notice Paper asking the then Minister of Transport whether it was the Government's intention to carry out a study on whether the West Coburg tramline should be extended and, if so, how far it should be extended. The Minister replied that a study would be carried out, and he undertook to provide me with a copy of the terms of reference of the study.

The Ministry of Transport, as the honorable member for Melbourne has pointed out on many occasions, is not a fast-moving organization. Indeed, one could still be charitable in calling it a slow-moving organization, but the decision made in 1975 to carry out a survey and the provision of the terms of reference to me resulted in absolutely nothing. In 1975 I asked a further question and finally, in 1976, the Minister provided me with information and suggested that a small survey would be undertaken. The Minister also promised that the report would be made available to members representing the area.

The delay in carrying out the survey suggests that the board needs more planning assistance than it has at the moment. There is little of that in the board and even less planning resources available in the Ministry of Transport where it is virtually non-existent. The decision to find out whether it is worth while to extend a tramline takes more years because the basic information is not available.

I put to the Minister, as I put to his predecessor, Mr. Meagher, in 1974, that there is a clear case for the extension of the West Coburg tramline because there is a substantial region of residential development north of the present terminus at Pascoe Vale and Fawkner where the residents have comparatively little access to public transport. If a resident lives near one of the railway lines, it is fine, but there is a vast area in the middle which is not covered and people have to use their own private vehicles to get to the city or to their places of work. This is a vast untapped area of Melbourne where public transport, in this case trams, would vastly improve the whole transport picture.

I hope that the Minister can hurry up the team that is conducting the survey on this proposed extension and that very soon the honorable gentleman will be in a position to make copies of the report available to members for the area. The West Coburg service is extremely efficient but it could become even more efficient if it were extended. The additional population and increased usage would justify a more frequent service and therefore also benefit the residents of Brunswick.

The Tramways Board has not received the capital funds that it should have had from the Government but, with the potential infusion

of loan funds following the passage of this Bill, the board should be able to get on with the job of extending tramlines and services to people who live beyond the few miles from the city where most tram services terminate at the moment.

**Mr. RAFFERTY** (Minister of Transport) : I thank the Opposition and the National Party for their support of the Bill. I also thank honorable members for their contributions to the debate. One could almost say that instead of being on the bandwagon, honorable members have been on the tram wagon. With one exception, honorable members were accurate in their comments, and I should like to refer to some of those matters.

The honorable member for Melbourne indicated that some new tramway services were being contemplated. One is the Burwood Highway extension which was announced previously. Money has been available for that project and work has commenced. The honorable member, as well as other honorable members, referred to the extension of the Plenty Road tramline which is currently being examined by the Public Works Committee. At this point I should remind the honorable member for Brunswick, who has been a member long enough to know the situation, that any proposed extension of tram services must be examined and recommended by the Public Works Committe before the Government approves of the project. I recognize that the Public Works Committee has not yet been given the task in relation to the West Coburg tramline, but it has been given two other tasks recently, of which one has been finalized and the other is still being examined. The honorable member for Bundoora particularly mentioned that service and I hope, as he does, that the report from the Public Works Committee will be favourable because I believe the extension there is needed.

The honorable member for Melbourne mentioned particularly some of the problems with the orange trams. One related to the fact of there being only one entrance. This is not the first time that the matter has been drawn to my attention and I have noticed it myself. I have been at some pains to check with the board whether any great difficulty arises, and I have been informed that the incidence of difficulty, and this is admitted, is at busy peak periods and that at other times no difficulty arises. I think the honorable member for Melbourne said that outside the Melbourne city area there was no difficulty. The problem in the city area is the busy peak periods and difficulties arise because people, I do not know why, want to rush out at the last minute, especially during lunch hour.

The honorable member for Melbourne mentioned the important matter of people paying their fare on entering the trams. There is no doubt that, with the present system and the difficulties of vast numbers of people travelling at peak periods, the revenue is more easily collected, and that is an important matter. I trust that one day I shall have the support of the honorable member for Melbourne for a proposal under which there will be only a driver on the tram and passengers will be able to toss a single coin—it might be 20 cents—into a bin, for want of a better word.

Mr. JONES : That would require revolutionizing the fare structure.

Mr. RAFFERTY : I realize that, and that is what I have in mind. I trust that I will have the support of the honorable member for Melbourne in getting the tramways union to agree to having only one person on the tram, the driver, but this could be a difficult task. This is one improvement that is being contemplated.

The honorable member for Melbourne also mentioned temperatures experienced in warm weather. The Tramways Board is well aware of

this problem and has for some time been examining ways and means of overcoming it. In the new designs for the next batch of trams, following the present delivery of 100, I hope it will be possible to overcome this problem to some degree.

The honorable member for Melbourne also mentioned, again quite accurately, the question of acceleration. I have received letters from many people on this matter, which I think was adverted to also by the honorable member for Gippsland East. The board is well aware of this problem and I think to some degree it will be possible to overcome it when the board is able to train the drivers. I am not reflecting on the drivers or suggesting that it is entirely their fault. If the honorable member for Melbourne has ever driven one of these trams, he will realize that it is not as easy as it seems. I drove a tram without a ticket, but the union was quite happy for me to do so. The main point is that the honorable member for Melbourne has drawn attention to the matter and I am able to inform the House that the problem is well known to the board, which is seeking to do something about it.

The honorable member raised another matter of the floor level, which was also adverted to by other honorable members during the debate. About ten days ago I issued a press release on this subject and said that in the new trams the floor level would be the lowest in the world. The board believes this will make it more comfortable for passengers, particularly for elderly people, getting on and off trams. Again, the board is aware of the problem.

I turn now to some of the matters raised by the honorable member for Ballarat South. He expressed the view that an improvement ought to be made to the public address system in the new trams. I entirely agree with him. I have made it my business to travel on the trams from time to time and I have found the system to be a little inefficient. Again, I am able to say that the board is aware of the problem and is doing everything possible to make the system more efficient. The honorable member for Ballarat South also referred to the question of acceleration. Many of the matters raised were repetitive, and when I answer matters raised by the honorable member for Melbourne my answers apply to the remarks of other honorable members.

The honorable member for Albert Park certainly got on the tram wagon and raised many important matters. He asked whether the older green trams were being converted, particularly now that the smoking ban obtains, and whether sliding doors were being installed. The answer is, "Yes". Quite a number have been converted, which I am sure the honorable member knows. The Tramways Board will be endeavouring—admittedly it will take a little time—to replace all the old green trams, but in the meantime it will try to improve the standards of comfort in those trams wherever possible.

The honorable member for Albert Park then referred to the height requirement for driver recruits. I acknowledge that I had not heard of that before. I find that the minimum height for a recruit driver is 5 ft. 2 in. and the maximum height is 5 ft. 11 in., although sometimes the board will take on a 6-ft. driver. There was a positive reason for that limit, which was brought about some time ago. It was found that tram drivers were frequently required to stand, and if they were 6 ft. or more in height their vision was often restricted by the superstructure of the tram. The same problem does not obtain with the new trams. Steps are already being taken to alter the height requirement for persons being recruited into the service.

The honorable member for Albert Park also referred to Wattle Park. I am unable to give him an answer

on that matter but I will examine it to see if there is any merit in his suggestion.

The honorable member questioned the use of a through ticket. Apparently the honorable member has forgotten that on a number of occasions I have said that it is the Government's intention to establish a metropolitan transit authority, and one of its tasks will be to investigate time-tables, the cost of running various services and the co-ordination of all services. I certainly hope that when the authority comes into being it will be able to investigate the use of through tickets. On numerous occasions, I have indicated that I should like to see an all-purpose ticket such as is sold in Paris, where more than 1 million tickets a month are sold and the scheme is a tremendous success. The one ticket could well be used on buses, tramways and trains. That would be one of the major objectives of the proposed metropolitan transit authority. The announcement concerning the establishment of the authority was made at the time of the last State elections. I hope the establishment of the authority will bring to fruition the idea of the honorable member for Albert Park.

The honorable member also referred to travellers from the southern areas having to pay an additional fare on reaching the city boundary. That matter will also be one for the metropolitan transit authority.

Mr. JONES: That could be done now by the Melbourne and Metropolitan Tramways Board.

Mr. RAFFERTY: I appreciate that, but I am indicating that all of these matters are well and truly in contemplation. At the very beginning I said that I felt that, with one exception, the contributions made by the honorable members were accurate and I appreciate the airing of those matters.

Point No. 7 raised by the honorable member for Albert Park referred to a tram loop. Again consideration has been given to the establishment of a tram loop, although I think the honorable member directed his remarks to a loop embracing Flinders Street and Collins Street. I was not certain whether he meant that loop or the other loop that is in contemplation, the one embracing Bourke and Collins streets.

Mr. DOUBE: I meant a loop between Flinders Street and Spring Street.

Mr. RAFFERTY: To my knowledge such a loop has not been considered, although it is a good idea and I will examine it. There is in contemplation a loop between Collins and Bourke streets, but there are three points against the construction of that loop, one being the building of the underground rail loop which raises technical problems making it difficult to establish that loop. The second is that there is too much traffic in Spencer Street to allow the free running of a time-table. A time-table would be upset by the amount of traffic using that thoroughfare. The third point is that there is the strange provision, which I hope one day will be amended, under which all these matters have to be referred to the Public Works Committee before anybody, including the Government, can do anything about implementing these proposals. That particular loop about which I am speaking is well under contemplation, but the one which the honorable member for Albert Park has suggested will be examined.

I have answered the question raised by the honorable member about the height of the conductors—that was point No. 8 to which he adverted.

Mr. DOUBE: What about the courtesy lines?

Mr. RAFFERTY: I thank the honorable member for raising that matter. I have not very much information on that aspect but I was

impressed with what the honorable member said and I will examine all the points of view expressed by him.

The honorable member for Carrum mentioned the tram extension in the Nepean Highway, and later the honorable member for Heatherton adverted to the same matter. I am able to say, as did the honorable member for Heatherton, that that matter has been receiving attention following representations to the Ministry of Transport. I have informed those making the representations that at the first opportunity the Ministry of Transport will make an assessment of the situation.

The honorable member for Reservoir raised one or two matters and I will have a look at those. The honorable member for Northcote raised a matter about which he obviously did not know the true situation. When he spoke he did not even know how many trams were involved, but I now inform the honorable member that the area in question is served by a private bus operator. No further action has been taken by the Tramways Board, but the private bus operator, as the honorable member ought to know, had his franchise extended some time ago and is blending in with the tram service. It is understood that the Northcote Progress Association has made or will be making submissions about the extension of the East Preston tramline and although I should like to inform the honorable member more about this matter, unfortunately time has run out.

The motion was agreed to.

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

## MINISTERIAL STATEMENT.

### VICTORIAN FAMILY AND COMMUNITY SERVICES PROGRAMME.

**Mr. DIXON** (Minister for Social Welfare): I wish to make a Ministerial statement with respect to the Victorian family and community services programme.

The recently published "Who Cares" report along with the Norgard Report on Child Care Services in Victoria, the poverty reports and experience and submissions from local government, voluntary agencies, self-help groups and interested individuals have pointed to the local community level as being critical to effective welfare service delivery.

Welfare services must become much more personal, more accessible and more approachable to those with needs. In addition, services must enable the recipient to become involved in the decisions which affect him and ultimately perhaps in different circumstances to become a giver as part of a reciprocal relationship.

"Who Cares" emphasizes that most people prefer to deal with their problems within their own personal worlds. The people they choose to turn to are outside institutional networks. They are their neighbours, their families and their friends.

Given that preference, the conclusion is hardly surprising:

> The nature and composition of the family's immediate social environment appears to be more important than the nature and composition of (formal welfare) services in determining how (effectively) the family will confront difficulties.

I believe that strengthening the social fabric within which the family lives should be clearly recognized as a most important goal of welfare policy. The possibility of using mixed teams of professionals and "indigenous" workers—people recruited from and broadly representative of the local population—to do this must be considered.

The Social Welfare Department has just completed a substantial review of its structures to enable it to further develop programmes and facilities for individuals and families in need and to enable it to develop programmes which meet the needs of the community.

In doing so, the department has adopted as its guidelines—

(i) that the service of clients and the community is the most important function of the department;

(ii) that services should be available to all people in the community as close to their homes as possible;

(iii) that the programmes of the department should be directed towards the recovery of persons "at risk" and the promotion of the social development of the individual, family and community;

(iv) that the planning must be orientated towards increasing the choices open to people. They must be able to both feel part of their community and feel able to contribute to the growth of that community;

(v) that the department must accept responsibility for measures required to balance the conflicting demands of protection to children, young persons and family life, and the promotion of public safety;

(vi) where there is no preferable family and community based alternative, the department accepts that it must co-ordinate and integrate the personal and social welfare service systems of Victoria to reduce the impact of social problems and promote conditions for optimal personal and social development.

In seeking to work within these guidelines, the department has undertaken to re-examine the existing structures, programmes and approach of the department so as to—

(i) expand the family and community service functions of the department;

(ii) promote a personalized service in all regions of the State in conjunction with existing local government, voluntary agencies, self-help groups and other Government departments;

(iii) establish a correctional service which incorporates services geared to the containment of individuals who constitute a threat to the safety of the community and its members.

In this context the Ministry of Social Welfare is moving to become the Ministry of Community Services and I foreshadow this move. New legislation will come before the House probably in the next session of Parliament to assist in establishing the change of emphasis and approach that will be required.

I have received widespread submissions on the need for a revised approach to family and community services. Consultations have been undertaken for me by the Victorian Consultative Committee on Social Development and for the Government by the State Co-ordination Council.

Existing service systems must be made more accessible than at present and placed as close as possible to the daily lives of people. Decentralization is necessary to make it easier for people to seek what they need and they should be able to do so at places and times suitable to them. Fragmentation should be avoided and diverse services should, as far as possible, be integrated at the point of access.

Where public and voluntary services co-exist, they should supplement one another whilst preserving the characteristic freedom and responsibilities of those providing these services.

While services should generally be community based, some centralized services will still be necessary for special needs. For instance, in a pluralistic society, particular groups may require services responsive to their specific needs.

Effective access requires that people know what is available. Information giving, adapting to local needs, is therefore an essential part of service delivery. By the provision of information to all citizens, deficiencies in the quantity and quality of services and the need for additional services can be evaluated and

often reduced through the involvement of citizens, for example on a voluntary basis, and the stimulation of neighbours in helping each other as part of the community.

To achieve these objectives I consider it desirable to concentrate attention upon service systems which are geared to preserving and strengthening individual and family life. The service system should create and promote conditions conducive to personal growth, thus enabling individuals to lead personally satisfying, enriching and socially useful lives in harmony with colleagues, family and friends. There should be a sense of identification with and personal involvement in the community—be that community local, regional, State, national or international.

I believe that the best way to ensure that this happens is to establish a consultative process in which local government, voluntary welfare organizations, welfare consumer groups and individuals are brought together with departmental officers to give advice on how the local co-ordination of services could be best achieved. To be most effective, this consultative process should be established at local, regional, State and Federal levels.

The re-organization of the department is one step towards a social welfare system which involves greater co-ordination and greater consultation at all levels of government and community in welfare service delivery.

It is now recognized that we need a social welfare system which seeks to prevent the emergence of conditions which create social problems.

This system in its contribution to social development and its services for the disadvantaged is geared to three levels—

(i) Family and neighbourhood support towards enhancement of the individual: At the first level it must attempt to provide and contribute to the provision of services directed to the social enhancement and development of individuals, families and communities and the provision of broad social welfare services which link persons in need of care with available social facilities and resources;

(ii) Community services to those at risk: At the second level it attempts to provide services which contribute to the social safety of individuals, families and communities through the provision of services related to the needs of people who are at risk, vulnerable and dependent;

(iii) Care and containment where necessary: At the third level it is required to provide services related to the containment and care of individuals who constitute a threat to the safety of the community and its members.

At all levels there should be an integration of local, regional, State, national and international programmes.

The restructured Social Welfare Department will have a Division of Family and Adolescent Services, a Division of Regional Services and a Division of Corrective Services along with supporting resources for management, training and research and social policy.

The Division of Family and Adolescent Services will provide a major focus for the management of facilities and services which require uniform and consistent policies related to the need for personal and community security and the social well-being of individuals, families and communities.

Mr. ROPER: When will that Bill be introduced?

Mr. DIXON: That Bill will be introduced into the Parliament in the next sessional period.

Mr. ROPER: It is contingent on legislation considered during the current session.

Mr. DIXON: Only in the sense of appointments.

It will be responsible for the development of forward-looking programmes to facilitate both changes of the present family and adolescent services and the development and reallocation of services in conjunction with the regional services division. In the development of family and adolescent services it will be assisted by the family welfare council as recommended by the Committee of Inquiry into Child Care Services in Victoria.

The reorganization proposes further development of the Regional Services Division which will constitute the major community based service delivery arm of the department. Figuratively, the division sits between the Division of Family and Adolescent Services and the Division of Corrective Services and undertakes responsibilities on behalf of both divisions at a regional level.

The reorganization of the department has involved reconsideration of the part of corrections within the department and the future interrelationships between correctional planning, correctional programmes and correctional facilities, with other functions of the department. The Government of Victoria has confirmed its commitment to include the administration of corrections within the department. This commitment is based upon the understanding that the department will re-examine the organization of correctional services on an ongoing basis.

It is considered that an integrated correctional service will enhance prospective further decentralization and provide opportunities for the further development of alternatives to prison, such as work attendance centres, work-fine options and programmes for the reintegration of the offender into the community whenever this is possible.

It is evident that the correctional system has direct relationships with the development of preventative and rehabilitative responsibilities to the social welfare system. The department recognizes an essential interrelationship between such social conditions as poverty, isolation, child neglect, family disorganization, juvenile delinquency and adult crime. The department is accordingly committed to developing comprehensive programmes to reduce social problems and improve social conditions.

Concurrently with these developments appropriate custodial facilities must be further developed. These must provide a secure and humane environment. Adequate rehabilitative opportunities are also required for men, women and young people currently isolated from society but ultimately to be released into the general community again. Careful consideration is being given to all factors involved in distinguishing between the care and recovery of the individual as opposed to those provisions which ensure public safety.

In order to achieve its objectives the department will expand the range of family support services by completing its regional programme—the final three regions will commence in 1977–78—to include temporary emergency care, foster care, home-maker services, emergency accommodation and supportive grants. The completion of this programme is an essential step in assisting people to integrate into their own communities and in the reduction of the extent to which the department is forced to remove people from them.

The department will give special attention to the report of the central implementation committee which is currently being serviced by the family policy unit in conjunction with the newly developed Office of Research and Social Policy in the department. The central implementation committee is being assisted in examining:

(i) the development of comprehensive family welfare policy designed to strengthen and improve family life

within the community of Victoria. A sub-committee chaired by Dr. Allan Williams, of the Children's Welfare Association, is undertaking this task.

(ii) the current situation in child and family welfare services in Victoria so the department is in a position to systematically implement sections 5 and 13 of the Social Welfare Act 1970, which calls for greater co-ordination and regionalization of such services in the State. A sub-committee has been established, chaired by Mr. Peter Allen, of the Victorian Council of Social Service, to assist with this work.

The legislative sub-committee assisting the committee has completed a preliminary programme for legislative review which will lead into the work of the inter-departmental committee revising the Children's Court Act and to provide amendment to the Social Welfare Act, which will need further consideration in the light of the child maltreatment report.

The Implementation Committee includes representation from the Children's Welfare Association, Family Welfare Advisory Council, Victorian Council of Social Service and the Law, Chief Secretary's, education and health departments under the chairmanship of the Social Welfare Department.

In the context of the on-going review, and as a step towards the establishment of the Ministry for Community Services, I have much pleasure in announcing a Victorian family and community services programme.

The Victorian Government has decided to initiate a Victorian family and community services programme through which assistance will be made available for community service projects which are developed in conjunction with local government, self-help groups and voluntary agencies.

The Victorian Government supports the view that—

(i) the encouragement of voluntary activity and the work of self-help groups is the most efficient means of deploying welfare resources;

(ii) the fostering of local community projects is a significant preventative strategy in a system of family and community services;

(iii) the provision of appropriate services is best achieved by involving those affected by the programme.

The Victorian family and community services programme gives special emphasis to the role of local government as a consequence of the clear indication by councils of their willingness to support local community initiatives and promote maximum feasible citizen involvement through local community associations, self-help programmes, neighbourhood councils, volunteer and voluntary welfare programmes, community information services and services to minority groups within the community.

The programme is specially designed to develop services which preserve and strengthen individual and family life, to promote personal growth and help people play a significant part in their local communities. The Social Welfare Department will establish consultative committees in conjunction with its existing decentralized offices to recommend on allocations of local initiative grants, to promote information services and family and community programmes.

The recommendations are as follows: There will be a family and community services programme integrated with the existing programmes and offices of the Social Welfare Department.

Family and community services consultative committees of a maximum of 31 and a minimum of 22 persons will be elected by local government, local organizations and voluntary agencies and approved by the Minister for Social Welfare. Observers and representatives of Government departments nominated by appropriate Ministers may also be included. Detailed arrangements for the establishment of the consultative committees will follow discussions with all the local groups and organizations involved.

The chairman of each consultative committee will be appointed by the Minister after consultation with the municipalities in the region. After the councils in the region have determined the number of local government representatives, from seven to thirteen, an equal number of citizen and self-help representatives will be elected at an annual public meeting in the area. The Social Welfare Department representative, nominees of voluntary agencies in the region and observers from Government departments will complete the composition of the committees.

In order to promote local government programmes which support the family and local community organizations there shall be provision for a grant to the municipalities of up to $2,000 on a $2 for $1 basis for the establishment of local community information and co-ordination services. Local information services are an essential means of making better use of existing local welfare services provided by voluntary agencies and Government departments. Through its existing regional offices, the Social Welfare Department will appoint family and community service workers to work with municipalities and self-help groups.

There will be established a Victorian Family and Community Services Fund which will provide for three categories of grants, namely, local initiatives, community service grants and Ministerial grants. These will not, however, provide financial assistance in place of any programme now funded through State departments other than the Social Welfare Department.

The Victorian Family and Community Services Fund will support State-wide programmes and community projects submitted to the Minister by State-wide organizations or through the Family and Community Service Consultative Committees. A State committee consisting of the Director-General of Social Welfare or his nominee; the Secretary for Local Government or his nominee; the nominee of the Victorian office of the Department of Social Security; the Chairman of the Family and Community Services Consultative Committee, where an area programme is being considered; the Director of Regional Services of the Department of Social Welfare and the Chairman of the Victorian Consultative Committee for Social Development shall advise the Minister on submissions received.

The Victorian family and community services programme will be developed after further consultations in each region with local government, individuals and organizations affected and at a differential rate which takes into account the stage of development of existing family and community service systems and the capacity of the existing regional structure of the department to provide the necessary support for the programme.

I will request the Victorian Consultative Committee on Social Development to conduct a second and more comprehensive consultation on the most appropriate means for the further development of social welfare systems in Victoria with a view to the presentation to Parliament of a White Paper on Social Welfare which takes into account the views of all sections of the Victorian community. I do not imagine the Opposition would object to that. It is my hope that all Victorians will feel that they have a part to play in service delivery, in strengthening family and community life and as individual participants in a caring community service Ministry.

In announcing this programme, I am conscious of the stated support already assured by the Federal Government. The Federal Government has announced its intention of supporting further community participation and welfare service delivery programmes. Precisely how it will do this should now be clarified through existing consultative processes including Federal, State, regional, local and voluntary interests.

There will be criticism, but this programme represents a genuine attempt by the Government of Victoria to encourage greater public participation in welfare service delivery and to encourage people voluntarily to take better care of themselves, their families and their communities.

I ask honorable members to support this programme and to help ensure its success. I move—

That the Ministerial statement be taken into consideration tomorrow.

**Mr. ROPER** (Brunswick): I move, as an amendment—

That the word "tomorrow" be omitted with the view of inserting the word "forthwith".

The House divided on the question that the word proposed by Mr. Roper to be omitted stand part of the motion (Sir Kenneth Wheeler in the chair)—

| | | |
|---|---|---|
| Ayes | .. | 54 |
| Noes | .. | 19 |
| Majority against the amendment | .. | 35 |

AYES.

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|---|---|
| Mr. Austin | Mr. Mackinnon |
| Mr. Balfour | Mr. McLaren |
| Mr. Billing | Mr. Maclellan |
| Mr. Birrell | Mrs. Patrick |
| Mr. Borthwick | Mr. Plowman |
| Mr. Burgin | Mr. Rafferty |
| Mr. Coleman | Mr. Ramsay |
| Mr. Crellin | Mr. Reese |
| Mr. Dixon | Mr. Richardson |
| Mr. Dunstan | Mr. Ross-Edwards |
| Mr. Ebery | Mr. Scanlan |
| Mr. Evans (*Gippsland East*) | Mr. Skeggs |
| Mr. Francis | Mr. Smith (*South Barwon*) |
| Mr. Gude | Mr. Smith (*Warrnambool*) |
| Mr. Guy | Mr. Stephen |
| Mr. Hamer | Mr. Suggett |
| Mr. Hann | Mr. Templeton |
| Mr. Hudson | Mr. Thompson |
| Mr. Jasper | Mr. Trewin |
| Mr. Jennings | Mr. Vale |
| Mr. Kennett | Mr. Weideman |
| Mr. Lacy | Mr. Whiting |
| Mr. Lieberman | Mr. Williams |
| Mr. Loxton | Mr. Wood |
| Mr. McCabe | *Tellers:* |
| Mr. McClure | Mr. Cox |
| Mr. McInnes | Mr. McArthur |
| Mr. McKellar | |

NOES.

| | |
|---|---|
| Mr. Amos | Mr. Roper |
| Mr. Cain | Mr. Simmonds |
| Mr. Cathie | Mr. Simpson |
| Mr. Doube | Mr. Stirling |
| Mr. Edmunds | Mr. Trezise |
| Mr. Fogarty | Mr. Wilkes |
| Mr. Fordham | Mr. Wilton |
| Mr. Ginifer | *Tellers:* |
| Mr. Jones | Mr. Crabb |
| Mr. Lind | Mr. Mutton |

PAIRS.

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|---|---|
| Mr. Collins | Mr. Holding |
| Mr. Hayes | Mr. Kirkwood |
| Mr. Jona | Mr. Culpin |

The motion was agreed to, and the debate was adjourned until next day.

## RACING (AMENDMENT) BILL (No. 2).

The debate (adjourned from April 6) on the motion of Mr. Dixon (Minister for Youth, Sport and Recreation) for the second reading of this Bill was resumed.

**Mr. TREZISE** (Geelong North): The Opposition is not opposing this measure which seeks to make comparatively small alterations to the Racing Act, particularly in relation to the Trotting Control Board and the Totalizator Agency Board. It is surprising that it allows the Trotting Control Board to borrow finance on overdraft. This power has been granted to the Greyhound Racing Control Board and to the Totalizator Agency Board since their institution, but apparently there is no power in the present Act for the Trotting Control Board to borrow finance. I presume that the Trotting Control Board has borrowed finance since its inception some twenty years ago. I suppose the Minister is ignorant of the fact, because one would have presumed that the Trotting Control Board as well as the Greyhound Racing Control Board and other racing bodies would have had such power, but apparently there has been legal doubt about the borrowing power of the Trotting Control Board. The proposed legislation will

rectify this situation and allow the board to raise this type of finance legally in the future.

There have been suggestions that at present the Trotting Control Board is in the process of borrowing $10 million from overseas. I presume the Minister will closely examine this matter to ensure that the borrowing powers of the board are not being overstepped.

Secondly, the Bill allows the Totalizator Agency Board to increase its borrowing power from the ceiling set in 1972 of $2 million to the proposed ceiling of $5 million. This is fair enough in these days of inflation and rising costs. The main reason for the Totalizator Agency Board seeking to increase its borrowing powers is to proceed with its new building in St. Kilda Road and also to proceed with the long-awaited new CRISP system for Totalizator Agency Board betting. This has been promised to punters for a long time. The CRISP system is urgently required at present for many reasons.

Overall, it will be more economical for the Totalizator Agency Board. I trust that in the not-too-distant future the percentage returns to the punters from their totalizator investments may be increased because of the improved economical operations of the Totalizator Agency Board and the reduced necessity for it to deduct finance from such investments to run its operations. In recent years there has been a large outcry about the quadrella, which has become so popular, when there are last-minute scratchings, particularly on favourites. The fact that at present the punters do their money cold, as it were, is certainly not satisfactory to the public. People who perhaps have three legs in of the quadrella when the fourth horse is withdrawn at the barrier, will have a substitute when the CRISP system operates.

In recent weeks a horse called Kilkenny Boy was withdrawn on the course at the barrier and $150,000 of punters' money was lost in cold blood because of the Rimfire system that has operated since 1970. With the CRISP system the tickets will be more clearly set out for the punters. At present punters take a ticket at the Totalizator Agency Board and find it difficult to read. The CRISP system will also provide a better service to people betting off-course because, like on-course punters, they will be able to place their bets much closer to race time than they do at present under the Rimfire system.

I received a complaint from a constituent of mine who wished to place $100 on a horse called Tanforan at the local Totalizator Agency Board. When this person got to the Totalizator Agency Board the window was closed. He telephoned me and I assured him that when the CRISP system commenced he would be able to place a bet at a later date. Of course, the horse ran last and I heard no more of this matter from the punter who lives in Belmont.

The third amendment will enable the Totalizator Agency Board to open agencies in the metropolitan area within a 25-mile radius of Melbourne. The Totalizator Agency Board agency in country towns is often conducted in conjunction with normal private business. When the Totalizator Agency Board was first established in the country, it was uneconomic to purchase a single building simply to carry out its operations, and consequently, provide a service to the punters in those areas. Consequently Totalizator Agency Board agencies in country areas have been established in conjunction with normal operating businesses, usually the general store. With the increase of new residential areas and the demand for services in the metropolitan area, Tattersall's have agencies in conjunction with normal businesses in public buildings in the heart of the city. It is only right that a Totalizator Agency Board in the Melbourne area should be allowed to establish a service, if

required, in conjunction with another business. This allows the Totalizator Agency Board to establish agencies in Melbourne at far less expense than if the board purchased land and established a new business, or bought a completed building and operated a single Totalizator Agency Board agency. Therefore, the Opposition agrees that it is only common sense to allow the Totalizator Agency Board, if it so desires, to have a joint agency with another business in the Melbourne area.

One other minor matter refers to adjusting for fractions. This was apparently overlooked in 1966 when similar legislation was introduced. The quinella deduction was increased from 14 per cent to 15 per cent. Apparently the legislation did not provide for similar deductions by the Totalizator Agency Board for the Racecourses Development Fund.

It is interesting that the various racing Acts do not uniformly express amounts in percentages but in hundredths. That makes the legislation difficult to understand. I presume the Minister knows what it means. I realize that the hundredths are in line with the actual percentages.

As I said before, there is nothing controversial in the Bill. The Opposition does not oppose the measure, but I should like to put on record my appreciation of the services given by the departmental officers, including Mr. Bert Keddie, the Director of the Department of Youth, Sport and Recreation, who is also a senior administrator in the racing field, and Mr. Ray Borelli, who handles racing in that department. I thank them for the co-operation and assistance they have given me and their services in support of racing. The Opposition certainly does not oppose the measure.

**Mr. TREWIN** (Benalla) : This small but important Bill which amends the Racing Act achieves four things. It enables the Trotting Control Board to borrow money on overdraft and it raises the borrowing powers of the Totalizator Agency Board from $2 million to $5 million. This, as has already been mentioned, is to extend the system and enable a more workable operation. Many people have approached me, as they have approached the honorable member for Geelong North, because of the breakdowns in the system recently. I am fully aware that scientific equipment such as the computer which is operating at the Totalizator Agency Board, must of necessity have some weak moments. However, the National Party does not raise any objection to the Totalizator Agency Board taking the opportunity to improve its facilities. It is a delight to me to find that at so many of our country meetings, if not all, where there is on-course betting a representative of the Totalizator Agency Board is in attendance to care for and ensure that the equipment is being used correctly and that the punters' rights are preserved.

The extension, through clause 3, of the opportunity for Totalizator Agency Board facilities to be available in the ever-extending metropolis beyond the radius of 32 kilometres from the post office at the corner of Bourke and Elizabeth streets, Melbourne, as it is presently in the Act, is being repealed and this will allow the establishment of several Totalizator Agency Board offices in what might be called the local corner store or some other business operation. This is agreeable and acceptable as it gives the local people in many rural areas the opportunity to invest on the Totalizator Agency Board.

The final clause refers to fractions that are provided in the spread of the investment on the board and, in effect, the Totalizator Agency Board has a lesser amount in the development reserve. I cannot tell honorable members the reason for this but I do not think anyone will object

to this because of the reasons given by the Minister in his explanatory second-reading speech. This matter was not attended to previously, so it is necessary to ensure that this is put into operation.

I wish to make a few general comments on trotting as the Trotting Control Board is mentioned. After the development of Moonee Valley as a centre for trotting in Victoria, it is disappointing to see that attendances have not been as large as expected. Because of the efforts of some members of the Trotting Control Board, Keysborough may come to fruition later this year. I understand that during May, which is not far off, wider efforts will be made because of the opportunity given by this Bill for the Trotting Control Board to borrow $10 million for the development of Keysborough. One must appreciate that when one borrows money it has to be serviced, and to borrow $10 million at 9 per cent interest means a repayment of $900,000 a year.

Mr. DIXON: Where on earth could the honorable member for Benalla have picked up this information?

Mr. TREWIN: I have friends in the community who actually keep trotting going. Trotters are bred in the country. They are developed in the country in their early stages. In the northern parts of Victoria there are reservations about the development of Keysborough. There are also comments that the money spent on Moonee Valley has provided a fine track which is not attracting the public interest it was thought it would. The Trotting Control Board might have difficulties and it may be beyond its capacity to service the Keysborough track unless it receives additional help from somewhere in the near future.

I can assure honorable members that 30 meetings that I am aware of will be held at Keysborough, but Keysborough will never be able to service its debts with only 30 trotting meetings a year. Let us hope that meetings will not be taken from country clubs to ensure that Keysborough develops. I can assure you, Mr. Deputy Speaker, that those people who are involved in trotting in the northern areas of the State are concerned, and, although they have given support to the removal of trotting from the showgrounds to Moonee Valley, they are not nearly so interested in having Keysborough as the trotting centre of Victoria for at least a decade. There is a large population in that area but not everyone will be interested in participating in the sport of trotting. As a country member I give my full support to the development of Moonee Valley. This is a location that is available to the northern areas where the sport has developed over many years.

On Saturday night the Inter-Dominion Cup is to be run in Brisbane. The facilities are good and the meeting has attracted the best horses in the Commonwealth and New Zealand. I can assure honorable members that we will have to be careful not to overspend when developing these palaces of trotting at the expense of smaller tracks where the horses are developed. I am impressed by the work of the Trotting Control Board up to date, but let us be careful and ensure that it does not get so far into debt that it will have to drain the rest of the trotting fraternity to build a palace in a particular area.

The National Party supports the Bill and the comments I have made about the future of trotting, which I believe is in good hands, but do not let it be overshadowed by the few who want to have a grandiose area so that they can say that they have the best facilities in Australia.

**Mr. REESE** (Heatherton): In common with the honorable members for Geelong North and Benalla I support these four related amendments to the Racing Act which are included in the Bill. There are a couple of points I should like to refer to

briefly. The first two points deal with the ability of the Minister to recommend to the Treasurer the borrowing of money by the Trotting Control Board or the raising of the limits for borrowing money by the Totalizator Agency Board. In both cases they are obviously measures to be supported, but I question the reference to the word "overdraft" both in the amendment and in the original Act where reference is made to the Totalizator Agency Board. This thinking that the raising of moneys of this magnitude must come through the conventional banking industry by way of overdraft is possibly a carry-over of a conservative approach to this field from the days when our banking industry was the sole source of money of any magnitude in the community.

Today, with the tremendous increase of money through the merchant banks and the availability of funds from institutional lenders in the community and also superannuation funds, it may be that there are other ways and means open to statutory authorities of this nature to borrow sums of money on much more favourable terms than through the conventional banking industry. This aspect should be considered and recommendations made by the Minister should be treated accordingly. I recall that recently an amendment passed through this House to give power to the Victoria Racing Club to borrow, I think it was up to $5 million by way of bank overdraft. That money is basically intended to finance the development of new stands at the Flemington racecourse. There is no doubt that moneys of this magnitude are available from other than bank sources on more favourable terms and I suggest that this is an area that the Minister should look at in relation to this Bill.

In relation to the 32-kilometre radius, I mention a couple of points in addition to those raised by the previous speakers. I certainly agree that the spread of Melbourne has shown up a need for the Totalizator Agency Board to share premises in certain areas which will give the flexibility that has been lacking, a flexibility that has worked well in a number of country towns where shared premises with retail houses are now in use. One particular area that has been brought to my attention emphasizes how this 32-kilometre radius reacts against the Totalizator Agency Board. I believe it to be a condition of rental in a number of major shopping complexes that rental is based on the turnover of the particular business and that the present restriction in this Act in fact prevents the Totalizator Agency Board from operating an agency in premises within the major shopping complexes in the metropolitan area. For that reason, elimination of the 32-kilometre radius provision, as well as allowing flexibility in the inner area and in the newly developed fringe of Melbourne, will overcome a difficulty that the Totalizator Agency Board has experienced in the major shopping complexes around the suburbs.

The final point relates to what is really an adjustment of a previous oversight and requires no comment. The four points are all worthy of support. They are necessary changes in the legislation and I ask the Minister to look seriously at the question of whether statutory authorities should be forced into the area of bank borrowing where more favourable terms would be available from other sources. I support the Bill.

**Mr. SKEGGS** (Ivanhoe): First, I declare that I have an association with the trotting industry in the field of publishing and broadcasting. I commend the Minister for introducing this measure which makes a number of amendments to the Racing Act. It is important to the trotting industry as it will enable the Trotting Control Board to clarify its borrowing powers. The Bill provides that the board may

borrow by way of overdraft. I suggest that an amendment be introduced to remove the restriction confining borrowing to bank overdraft. The Bill provides that both the Treasurer and the Minister for Youth, Sport and Recreation must approve any borrowing by the board and that is surely sufficient control for both the Treasury and the Ministry in supervising the financial undertakings of the board.

It is possible to borrow money from alternative sources at much more favourable rates than by bank overdraft, particularly on the overseas market. The Eurodollar might be considered as such a source. It is possible to obtain loans for a period of ten years on the European market at between 6·5 per cent and 7 per cent interest with the provision of about 1·2 per cent for a guarantee by a major trading bank. At about 8 per cent, these are much more favourable terms than are available through normal banking sources in this country. Had the Trotting Control Board been empowered to borrow earlier, it could have borrowed immediately devaluation was announced and with the successive revaluations of the currency, its borrowing could have been achieved more effectively.

I welcome the contribution of the honorable member for Benalla who spoke about the Moonee Valley course. With the introduction of this course, trotting in Victoria has one of the best tracks in the world. It is of international standard, splendidly designed and beautifully lit and it is probably the fastest track outside of the United States of America. It has already seen many Australian records set and I have no doubt that world record times will be posted at Moonee Valley.

Trotting has to look to the future there. With the improvements which are being made there, including a new members' stand and other facilities, it is obvious that by the time the Inter-Dominion Championships are run at Moonee Valley in 1978 the people will see the course at its best. It will come into its own as one of the outstanding trotting tracks in the world. Therefore, it is heartening to hear the honorable member for Benalla expressing his appreciation of what has happened at Moonee Valley.

Trotting should also develop a home of its own and in this sense the project for the trotting track at Keysborough is important to the industry. Up until now, trotting has always been a tenant of other organizations—the Royal Agricultural Society at the showgrounds, and the Moonee Valley Racing Club at Moonee Valley. Both of these bodies have been most co-operative and the board has worked well with them in developing facilities for the conduct of night trotting. But people in the trotting industry believe trotting should have a home of its own to consolidate its financial security and provide facilities specifically designed to cater for trotting as an entity.

No honorable member would wish to see country trotting dates affected in any way by the addition of a new metropolitan course. The honorable member for Benalla need have no cause for alarm as the strength of country trotting in the future is guaranteed by the Trotting Control Board. There is a representative of the country trotting clubs association on that board as well as three representing the Metropolitan and Country Trotting Association and all board members have the interests of country trotting at heart. The fact that previous legislation introduced by the Minister increased the number of metropolitan trotting dates as well as the number of country dates in this State guarantees that the Keysborough project will in no way affect dates for country trotting.

It is therefore important to give the Trotting Control Board flexibility in borrowing. Keysborough is seen as an ideal future development for the trotting industry on the eastern side of Melbourne. At the same time the continued access to the track at the Royal

Melbourne Showgrounds has been greatly appreciated. Although Moonee Valley has become the headquarters of trotting in the metropolitan area, the track at the showgrounds still has a unique appeal for those who like a spectacular view of trotting close up to the track. The Moonee Valley track provides trotting racing at its fastest, its fairest and at its best, but the track at the showgrounds has an appeal for those who like to see trotting at close quarters. The fact that trotting now takes place at two metropolitan courses provides trotting patrons with a choice of venues. Those who want to see trotting run under ideal conditions certainly welcome Moonee Valley.

This legislation also increases the borrowing power of the Totalizator Agency Board to $5 million.

The present limit of $2 million on the borrowing by the board would limit the Totalizator Agency Board's capacity to develop facilities at its headquarters and provide for the introduction of the CRISP project to expand totalizator facilities in this State.

The amendments in this Bill are vital to trotting racing and greyhound racing generally and to the punting fraternity. We welcome the continuing development of all codes of racing under a Government which should always encourage the provision of every possible facility to the racing industry to ensure that the sporting public receives nothing but the best.

**Mr. COLLINS** (Noble Park): I acknowledge that I have a vested interest in this Bill because Keysborough lies within the Noble Park electorate and I enjoy trotting. I have respect for the Trotting Control Board and its Chairman, Mr. Cochran, and I am looking forward to the development of the Keysborough trotting track. As the honorable member for Ivanhoe stated, sooner or later all sporting bodies should have their own home. The Victorian Football League has developed its own home with a first-class facility at Waverley. The trotting industry can envy the Victorian Football League for its foresight but it now looks forward to the development of its own home at Keysborough. I can understand this not only as the member representing the area but also as a member of the Springvale council which, only a week ago, confirmed its support of this development by the Trotting Control Board. The matter will now go back to the Melbourne and Metropolitan Board of Works for consideration and no doubt that board will approve of the project quickly so that, so far as a number of statutory authorities are concerned, the way will be cleared for the Trotting Control Board to use its borrowing capacity to develop this facility. I understand that the Minister has called for a report on the viability of this project from officers within his department—and viable it must be.

However, when the Trotting Control Board, the experts who control this industry, make their requests we should listen carefully to these requests. So long as they are based on sound logic, we are assured of proper financial management. The honorable member for Benalla should not be overly concerned about the effects of Keysborough on country trotting, because sufficient dates will be available to it. I hope that the Keysborough facilities will be opened in 1979—preferably before the State elections. The Trotting Control Board may initially develop Keysborough in such a way as to allow a lower standard of trotter to participate so that more families can become involved in this sport. The great thing about trotting is that it is a family sport. Parents and their children can enjoy an inexpensive outing at the trotting without necessarily gambling. That is why the showgrounds was such a good venue for trotting.

I commend the measure, and I sincerely hope it speeds the development of Keysborough. Amongst other reasons, capital developments are desper-

ately needed to help our economy. The initial development at Keysborough will cost $8·5 million and will provide work for many people. Many projects in the electorate of Noble Park have been held up on planning issues for some time. You, Mr. Deputy Speaker, know of one such project. A total of $14·5 million worth of projects in this area are not proceeding as quickly as they should. I hope the Government gives the green light to the development of the Keysborough project within the near future.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Borrowing by the board).

**Mr. DIXON** (Minister for Youth, Sport and Recreation): I commend the honorable member for Heatherton and the honorable member for Ivanhoe for their foresight in noticing that it would be preferable for the board to be able to borrow money by means other than overdraft.

Mr. WHITING: They would not be members of the committee, would they?

Mr. DIXON: Of course they are, but they should be commended for their foresight. I thank other honorable members who have contributed to the debate. I move—

Clause 2, page 1, lines 13 to 15 and page 2, lines 1 to 11, omit the words and expressions on these lines and insert—

'"44A. For the purposes of carrying out its powers and functions under this Act, the Board is authorized with the prior approval in writing of the Minister and the Treasurer of Victoria to borrow moneys on such terms and conditions as the Treasurer of Victoria approves."'

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

**Mr. DIXON** (Minister for Youth, Sport and Recreation): To enable the Trotting Control Board to mortgage its property as security for a loan, I move—

That the following clause be inserted to follow clause 1—

'AA. In section 39(1) of the Principal Act after the word "exchanging" there shall be inserted the word "mortgaging".'

**Mr. TREWIN** (Benalla): Can the Minister indicate the assets of the Trotting Control Board? Honorable members know that the board has an investment at Moonee Valley and one or two other investments. It is assumed that funds will be borrowed, whether in Eurodollars or oil dollars, but will that mean mortgaging the future of Keysborough as it is developed? In other words, when the land at Keysborough is developed, will there be a mortgage of $8 million on it?

The Committee has been discussing the borrowing of money for development. Can the Minister give details of the assets of the Trotting Control Board? No doubt the Minister must have had discussions with the board on the development at Keysborough as the honorable member for Noble Park mentioned that the municipality has had discussions and it seems to be a cut and dried affair that the project will commence soon.

**Mr. DIXON** (Minister for Youth, Sport and Recreation): The viability of financing of Keysborough is currently being considered by officers in my department in conjunction with the Treasury. The honorable member for Noble Park mentioned the sum of $10 million and interest rates. The honorable member for Geelong North has a question on notice on this matter. To the best of my knowledge, as indicated by interjection, those figures are quite spurious. No decisions have been made and any funds that are borrowed will have to be approved by the Racecourses Licences Board. This approval has not yet been

given. At this time the Racecourses Licences Board is awaiting the detailed considerations of the viability of any development at Keysborough that I have indicated.

I shall have to advise the honorable member later of the assets of the Trotting Control Board. I do not have the figures in my head.

The new clause was agreed to.

The Bill was reported to the House with amendments, and passed through its remaining stages.

## LOTTERIES GAMING AND BETTING (RAFFLES AND BINGO) BILL.

The debate (adjourned from April 20) on the motion of Mr. Scanlan (Minister of Special Education) for the second reading of this Bill was resumed.

**Mr. TREZISE** (Geelong North): The Opposition and thousands of sporting, recreation and social clubs in Victoria welcome this overdue Bill which allows those clubs legally to raise finance in the future for their essential community service. It is most satisfying that at long last the Victorian Government has recognized the plight of these recreational clubs in their urgent need for funds. In recent years numerous approaches have been made to the Government and to the various Ministers on this subject, but they have fallen on deaf ears. Approximately three years ago when I raised the matter with the then Attorney-General, the Honorable Vernon Wilcox, and pointed out that sporting clubs throughout Victoria were being forced to rely on illegal means to raise essential finance, the Attorney-General claimed that as far as he knew sporting clubs in Victoria were not raising funds by illegal means, which meant that the Government was well out of touch with the true situation.

Although this Bill has been brought forward, Victoria still trails the other States because all other States have legalized bingo, particularly South Australia, which has many other avenues of raising funds that are still denied to Victorian sporting clubs. In South Australia there are sweeps on horse races and more liberal avenues of raising revenue through liquor sales.

Nevertheless, the Opposition is grateful that at last in 1977 Victoria is to legalize bingo and is to relax the raffles laws. The Labor Party supports the Bill although in the past couple of weeks it has opposed gambling measures proposed by the Government. It opposed the Racing (Tabella Totalizators) Bill and the Tattersall Consultations (Gold Lottery Consultations) Bill. However, it is essential that revenue be provided to the recreational, sporting and social clubs in Victoria.

I do not believe as do some people that gambling is completely bad for the community. Gambling in some ways provides the people with relaxation that they perhaps would not otherwise have. I also do not believe in the supposition that Victoria is the leading gambling State of Australia, because facts and figures show that New South Wales is well ahead of Victoria in that area, whether in volume of gambling or in the amount invested per head of population, or even the number of broken homes.

In the United States of America, which is supposed to be a more liberated country than Australia, gambling is completely banned in six States. In another eleven States, including the home State of President Carter—Georgia—all gambling except the playing of bingo is banned.

New South Wales has poker machines, which the Labor Party at this stage opposes for Victoria. Approximately $3,000 million to $4,000 million is fed into those poker machines each year. When that is compared with the approximate annual turnover of $160 million of Tattslotto which has been Victoria's largest gambling medium in recent

years, it appears that Victorians are pygmies as far as gambling is concerned compared with people in New South Wales. Even the Totalizator Agency Board in New South Wales has a higher turnover than the Totalizator Agency Board in Victoria, probably because more race meetings are held in New South Wales and there are after-race payouts on the New South Wales Totalizator Agency Board whereas that system does not apply in Victoria.

Members of the Opposition do not oppose this measure because they believe gambling gives many people in this State who gamble some relaxation. I refer particularly to people who may work hard during the week, and to aged people or people in hospitals. They can have a flutter on the daily double or quadrella, which provides a pastime that they may not otherwise have and did not have in the days before the introduction of the off-course Totalizator Agency Board.

If the Totalizator Agency Board were to cease operations in Victoria, there would be a groundswell of opinion against the political party which brought about its demise.

The proceeds of gambling, which can be termed a voluntary tax, are a boost to State finances and provide essential services for schools and so forth. In the past I have pointed out many times that non-racing sporting clubs in this State have been forced to break the law deliberately to raise funds for essential recreation facilities for their members. That has been a blot on the record of this Government. Nearly all sporting and recreation clubs have had to run illegal raffles or perhaps provide illegal Sunday morning liquor or other forms of gambling to obtain funds. There will not be the need to do this in the future.

In the past, and particularly in Geelong in the past twelve months, the police have endeavoured to enforce the laws laid down by this Parliament and have prosecuted clubs for running illegal raffles or illegally selling liquor. This has led to embarrassment of many respectable leaders of the community who have had to appear in the courts and give evidence and have been found guilty of a crime just because they have lent their names or services as a patron, a president, secretary, or committee man to a junior sporting club. Members of councils or people in Public Service jobs or other important positions have been embarrassed simply because the club may have sold a 10 cent raffle to raise funds to build a dressing room or to provide an oval or some facility to give children a chance of getting off the streets. It is about time Victoria had this type of sensible legislation.

As I said before, for years legislation has repeatedly been brought in to provide every avenue possible for the racing sports to raise finance. We have seen the introduction of off-course betting, the Totalizator Agency Board, and various other forms of gambling from the win and place totalizator, the daily double, the quadrella, and the trio, to other forms of gambling too numerous to mention. They have enabled the racing industry to extract money from the people of Victoria through on and off-course betting and this has now been channelled back into racing. In recent years some of the money from the quadrella has been paid to the Department of Youth, Sport and Recreation and used to help sporting clubs. However, it has been not nearly enough in a progressive age.

I pay tribute to a football league of the Geelong district which was instrumental in having the campaign for this measure stepped up last year. I refer to the Bellarine and District Football League. Through the publicity officer, Mr. Don Cole, the secretary, Mr. Wally Cox, and the president, Mr. Les Ash, the

league was more or less put out of business by the action of the police. Officials were told that if they raised funds illegally in future they would be taken to court. The clubs realized that if something was not done politically, the future of sport in the Geelong area, and elsewhere in Victoria, would be limited and it would be necessary to cut down on the number of people taking part in sport. The first clubs to suffer would be those for the under fourteens and the under seventeens because they cannot contribute financially as the senior clubs do to keep going. They realized that unless something was done to give them a legal means of raising finance, they would be compelled to drop the junior clubs and the young people unable to play football, tennis or cricket would drift on to the streets and be tempted to do things they would not do if they were on a sporting field.

Pointing out what the Bellarine and District Football League submitted to the other football leagues in Victoria, the *Age* of 5th August, 1976, stated—

A district football league wants the State Government to legalize bingo so that clubs do not have to rely on beer to raise money.

And it has suggested a 15 per cent tax on sporting goods to provide money for sport.

The proposals have been put up by the Bellarine and District Football League following a special meeting to discuss fund-raising activities.

Two clubs in the league have recently been charged with offences relating to the Licensing Act.

The charges have been laid following a police crackdown on under-age drinking and beer selling at football clubs in the region.

Most clubs are licensed only to consume alcohol on their premises.

BDFL president, Mr. L. Ash, said yesterday the league planned to lobby local State MPs to win support for its proposals.

Mr. Ash said football clubs were not happy or proud of the fact that they sold beer to raise money.

"However, the situation has been brought about by a lack of alternative fund-raising opportunities," he said.

"The clubs would prefer to raise money from other sources."

Mr. Ash said the average club in his league had an operating budget of about $25,000 for this season.

Clubs would be relying on beer sales to provide about 75 per cent of this total.

Mr. Ash said he was concerned this situation was leading to a high drop out rate of club officials.

"Many good committeemen have left clubs because they cannot afford to risk prosecution for licensing offences." he said

"It would be better if football clubs were put in a licensing category similar to sportsmen's clubs."

This approach would allow the clubs to sell beer, but under current licensing conditions, requirements are far more stringent than a consumption licence.

Mr. Ash said the State Government funded other sports, such as racing, with a percentage of revenue raised through taxes.

He said part of the Totalizator Agency Board's revenue was ploughed back into racing.

The State Government has rejected bingo as a fund-raising source, but it could be used to provide finance for sporting clubs," Mr. Ash said.

The campaign has been successful, and I presume all members of the House, irrespective of political party and electorate, will agree that this measure is required.

It is realized that the major sporting clubs in Victoria will seek the most finance, particularly for football. I speak of the Victorian Football League clubs. When they raise finance through the new avenues of raffles or bingo, they should realize that it is largely their responsibility to use the funds to assist football, junior football, or other sporting organizations, and should not use it solely to increase the present auction system of buying players. Football clubs in recent years—the Minister of Education is well versed in this subject—have increased the amounts they pay for interstate recruits. If money which is raised in future from bingo and raffles, and which will be provided by the Victorian people, is used for this purpose, it will not be in accord with the true spirit of the Bill. Many interstate recruits are paid money and sign a form which requires them to play

for a particular Victorian club. A number of these players take the money and sign the form, but have little or no intention of playing for the club. All the Victorian Football League clubs are associated with this activity.

It was realized during the war, and in the post-war era, that racketeers became involved in the proceeds of the game of bingo and channelled them into the wrong sources. The proposed Raffles and Bingo Permits Board will closely scrutinize the way in which bingo games and raffles are operated. The number of cards issued, the selling price of the cards and the proceeds from bingo will be limited; 50 per cent of the proceeds must be spent in prizes, and 3 per cent or 4 per cent will go to the Attorney-General's Department to operate the Raffles and Bingo Permits Board, which will investigate the various clubs to ensure they comply with the law.

This Bill is long overdue because in the past nearly every organization has run raffles contrary to the law. It was all very well to say that there was legislation to provide for raffles. Clubs did not want to have to write to the Attorney-General to obtain permission and to state what they are using the proceeds for. Most raffles have been run by the major organizations weekly, the prize being a pair of chickens or something of that sort. Ninety per cent of the proceeds have gone to the sporting clubs, and they have provided essential facilities for its members.

This Bill allows for an annual permit to be given to an approved person or organization to run a weekly raffle with prizes not exceeding a total of $500. This is a progressive step as it will permit clubs to operate legally. The approved organizations are numerous, particularly the ones that have not been publicized; they include organizations for the promotion of art, culture, science, religion, education and charity.

The Opposition intends to move an amendment to insert after the word "religion" the word "politics". Political parties in Australia form a part of people's everyday lives, and local branches in particular should be allowed to raise finance. The Liberal Party has ample avenues for finance—I presume they could do with more. The Labor Party has fewer avenues, but there are minor parties in politics which have less than the Labor Party. Political parties have recreation clubs. It is not all politics. The Labor Party has recreation nights in the same way as the Liberal Party and the National Party, and it is only fair that political parties, particularly the branches, should be able to have bingo nights if they so desire, to raise funds, perhaps for a social occasion, to educate people, or to put forward a party's point of view.

All in all, the Labor Party welcomes this measure. The party has called for it for many years, and so have sporting, recreation and social bodies throughout Victoria. As I have said before, the Bill is long overdue.

**Mr. TREWIN** (Benalla): The National Party supports this Bill. It has been looked forward to for several months, ever since the announcement that bingo and raffles were to be allowed to operate legally.

I commend the honorable member for Geelong North for his persistent efforts over the past two years or so to have bingo introduced into Victoria. Many people wondered whether bingo or poker machines would ever be legalized in this State, and it is pleasing that over many years, during the period of office of the previous Premier and the present Premier, the answer to poker machines has always been "No.". I believe every honorable member of this House would agree with those

honorable gentlemen in their attitude to the introduction of poker machines.

Bingo is not a new game in this State. In the past it was known as "housey-housey". Sporting organizations and the public in general will have the opportunity of participating in this game, and a good percentage of the funds raised will be retained by the clubs for their own use.

Over the past 25 years we have seen the introduction of Tattersall's, Tattslotto, the Totalizator Agency Board and other means of gambling, but the average person involved in a sporting organization or community activity has always been concerned that not enough of the proceeds have been channelled back into the community. For example, any town in which there is a racing fraternity receives very little from the fractions that are put aside to assist in the development of community projects. The Racecourses Licences Board has control of this money and the punter is able to get a run for his money.

From the tens of millions of dollars invested annually in the Totalizator Agency Board hospitals receive handsome payments. A substantial amount is paid into the Racecourses Development Fund. However, as I mentioned earlier, unless there is a racing club in the local community, little of the money finds its way into clubs which promote other sports. It was always recognized that about 90 or 95 per cent of those who invested in the Totalizator Agency Board never used the facilities of the racecourses. That is the major reason why the National Party is pleased about this measure; at least 35 per cent of the money invested in bingo will stay with the club or organization which conducts the game.

The Bill is wide enough to provide exceedingly good control over the activities of those who are issued with a permit to conduct the games. The playing of games can take place on any night other than Sunday and certain restrictions will apply to licensed premises. I am interested to know whether hotels will be included as licensed premises because many hotels, particularly in smaller country centres, are looking forward to being able to obtain a permit for the purpose of assisting and supporting a sporting organization, such as a football club, which often uses the hotel as its meeting place. Members of the National Party assume that, subject to certain restrictions, permits will be issued for bingo to be conducted in these hotels provided that a room is available where liquor is not being served.

The Government ought to be commended for making these opportunities available to organizations. Welfare organizations in many communities look forward to the opportunity of gathering their supporters together for a social evening and for those supporters to be able to participate in bingo games.

I return to raffles. For too long, a raffle book was something that had to be put in the pocket rather quickly when somebody in authority appeared on the scene. I remember years ago, when I was president of a football club, that these conditions prevailed. In this instance, the club had three or four general meetings to amend its constitution and thus enable it to obtain a permit for a legal raffle to be conducted. Since then, the club and many others have applied for permits for monthly raffles and, undoubtedly, the opportunity to obtain an annual permit will be welcomed by sporting organizations and other groups in the community.

In general, the National Party believes the controls implicit in the Bill will serve a useful and important purpose in most communities. Although the legalizing of bingo has been publicized through the press, I have received only one letter from my electorate indicating opposition to the proposal. I am sure that after I have spoken to the person concerned, she will understand the

further details and appreciate and accept that the playing of bingo and the opportunity to conduct raffles will be controlled in such a manner that they will not offend any person in the community. The National Party supports the Bill.

**Mr. REESE** (Heatherton): As one member on this side of the House who has been examining this question in great detail for some time, I welcome the comments by the honorable members for Geelong North and Benalla. The Bill provides for three basic things. Firstly, it provides for the appointment of a three-man Raffles and Bingo Permits Board with proper powers and responsibilities to fulfil its functions. Secondly, it provides for amendments to the existing legislation covering raffles so that an annual permit operation will be possible for approved organizations raising money for approved purposes where the retail value of prizes in any individual raffle does not exceed $500. Thirdly, it introduces a framework for legalized bingo in this State. Those three areas are all important, interrelated, but independent.

At the outset, I pay tribute to the valuable work undertaken in this State over the past twenty years by the present Raffles Board in maximizing returns to charitable, patriotic and community benefit organizations from raffles. In 1954, the return to organizations from raffles amounted to only 20 per cent of the gross proceeds, whereas over the past ten years the return has averaged approximately 67 per cent of the gross proceeds. That amply demonstrates the value of the controls that have been exerted and the general directions in which fund raising has been pointed.

As a matter of philosophy, it is fair to say that raffle operations in Victoria over that period have related to the raising of funds for charitable and community betterment purposes. This direction has been justified by the results achieved and is a direction in which we should continue to operate in the future. The Bill provides for no real change in this practice.

As the honorable member for Geelong North pointed out, there is room for the easing of the restrictions on smaller raffles where an approved organization is seeking to raise funds. Within that general thrust of charitable and community betterment purposes, it has been unduly harsh, in recent years, to maintain a system of single permits for each individual raffle. The Government acknowledges that this has produced the situation referred to by the honorable member for Geelong North and therefore I am happy that the Bill proposes the introduction of an annual permit system for those approved organizations which seek to raise funds for approved purposes where the total retail value of prizes in any individual raffle is no more than $500.

I come to the third aspect of the Bill, on which most honorable members who have spoken have concentrated their remarks. At the outset I refer directly to the question posed by the honorable member for Benalla as to the interpretation of licensed premises. I assure him that, in drafting the Bill, there is no doubt in the Government's mind that "licensed premises" include hotels. The Bill follows exactly the South Australian legislation whereby bingo is permitted within designated sections of licensed premises with the consent of the South Australian licensing authority. In introducing that principle in this measure, the Government had regard for the situation in the towns to which the honorable member for Benalla referred, where the hotel does provide the space and the facility, possibly the most suitable, for the operation of this game in that town. In this measure, the Government has in mind not only licensed clubs but also hotel premises.

The game of bingo or housey-housey, as it is often referred to, dates back to an Italian parlour game

in the 1500s and was introduced into Great Britain in the 1800s. It has developed there tremendously in the past 50 years. From a close examination of bingo halls operating in Great Britain, I saw features which I would not like to see brought into the Victorian operation. The Bill provides the measure of control which is essential in this area. It is also interesting to recall that since 1936 bingo has been legal in New South Wales and today, as the honorable member for Geelong North said, it is legal in every other State as well as the Australian Capital Territory and the Northern Territory. In every one of those areas there is singular similarity in the basis of operation in all States, with the possible exception of Queensland, where recent amendments to the Queensland Act have introduced what they term as minor and major bingo games. The other States have followed the basic pattern which has been incorporated in this Bill.

Bingo operated in Victoria from 1950 to 1954. I think it is fair to say that, in 1954, very few people had any objection when the game was made illegal. At that stage, it was being run ostensibly for charity or for community betterment purposes. It was being run in tents and marquees by professional promoters and had a high wages content. The operation used the name of a community betterment organization or a charity but in fact existed for the betterment of individuals who ran the games.

It is interesting to recall that, during the financial year 1953-54, immediately before the changes in the Victorian legislation, the gross return to charitable organizations was only of the order of 10 per cent or 12 per cent. Certainly, the money going out to the players did not justify such a low return.

In examining this Bill, it is fair to say that the Government has had regard for a non-return to the unsavoury and undesirable aspects that operated in bingo games in Victoria at that time. As has been pointed out by all previous speakers, the Bill has received community support. The proposal has diversified support and thankfully it is not the only type of support which has been well publicized in several sections of the media. I should like to think this legislation is designed for the benefit of charitable and community organizations and the small sporting organizations in our State.

In looking at the evidence supporting the introduction of legalized bingo, I have in mind the Alfred Hospital. There are 36 auxiliaries attached to that hospital and last year those auxiliaries raised a combined amount of $83,000 for that wonderful institution. The public relations officer of the hospital has indicated that the hospital board is in favour of using bingo as a fund-raising avenue. It will certainly increase the potential fund raising of those auxiliaries for use in that hospital. That is one area of support.

Another interesting feature of the game of bingo is the support which has been shown by the Combined Pensioners Association. As honorable members may know there are 92 branches of that association in Victoria with a total membership of almost 10,000 pensioners. They support the legalizing of bingo because they regard it as playing a role in their social activities. The secretary of the association has indicated that she sees the branches giving groceries as prizes in lieu of other forms of prizes and that it is a game which will certainly enhance the social activities of their members.

The proposal has been supported by the Little Athletics Association for the same reason. That association regards bingo as a means of raising funds which will be ploughed back to cater for the needs of the children who are members of that association.

It is interesting to examine the range of organizations which are benefiting from bingo conducted in

other States. I will provide a couple of examples. In New South Wales the Association of Intellectually and Physically Handicapped Children at Hurstville has regularly conducted bingo games and over the past two years that organization has raised $75,000 and $67,000 respectively.

I turn now to the service clubs in our community. I examined these in detail in South Australia. I refer to the rotary club at Prospect which has been holding regular bingo games since bingo was legalized in South Australia in 1971. Last year almost half of that club's total fund raising came from the promotion of bingo and last year the club raised about $8,500 from bingo.

Those examples illustrate that there is a wide range of organizations which can be involved for the benefit of our community by using the controlled operation of bingo. I believe the word "controlled" will be the key to its success. Honorable members will have noted that the approach of the Government to the reintroduction of bingo is essentially a low-key operation. It provides for no professional promoters. The Bill also provides for jackpots but not a return to the bad old days when games were conducted in a marquee or a tent. The promoters of the game will have to use buildings or club premises which are specified and controlled.

I shall take South Australia as an example. The South Australian provision is exactly the same as the Government is proposing, because 50 per cent of the gross proceeds is directed towards providing prize money. The authorities in South Australia have found that the organization conducting the game benefits to the extent of approximately one-third of the gross proceeds and I suggest that this will be the pattern which will emerge in Victoria.

As the size of the game is restricted, this also affects the jackpotting incentive. Door incentive prizes will not be permitted, but I believe these controls are essential if the game is to operate under a controlled situation and for the benefit of small organizations.

I should hate to think bingo was being introduced solely for the benefit of one organization. I believe that aspect has been adequately protected by the type of game which is being introduced. I refer now to the use of licensed premises for bingo. This is an area which is open to different legal control in differing States. In New South Wales it is prohibited and has been since 1936 not only in the licensed club but also in the hotel and this is due no doubt to their love for poker machines.

The Government has provided that subject to the consent of the Liquor Control Commission, the Raffles and Bingo Permits Board may grant permits for games to be held on licensed premises but in a designated area. This is essential. One could not allow a hotel in a country town to conduct bingo without regard to the available facilities for other people in the community, so some form of restriction is necessary. This provision is wise and necessary, but I am quite sure that the use of licensed premises is in the best interests of communities in which this game may be played.

I do not wish to delay the House any longer on this measure because of the obvious support it has from all sides of the Chamber, other than to make one brief and passing reference to the foreshadowed amendment of the honorable member for Geelong North. I mentioned at the outset that the thrust of the Government in relation to raffles and the proposed legalized bingo operations has been for the benefit of and should flow to charitable and community betterment organizations. The Government does not believe it should introduce a virtually uncontrolled permit situation for bingo

because this would not be in the best interests of the organizations which the Government seeks to help by this measure. It would be wrong to allow bingo to move into an area controlled by political parties.

On reflection, I hope the honorable member for Geelong North will see the wisdom of this. I know that political parties are included in the South Australian legislation, but I believe it was introduced in the first flush of enthusiasm after a change of Government in South Australia and in fact the provision has not been used to any extent by the political parties in South Australia.

The Government is wise in having as its goal the organizations and clubs in our community which are covered by this legislation and which will be able to obtain a permit to run a game of bingo on the basis provided under the Bill. This will be for the benefit of the community and although no doubt it could be claimed that a political party has members who live in the community, I am sure that other honorable members would not agree with the proposal to allow political parties to conduct bingo.

**Mr. MUTTON** (Coburg): This Bill seeks to establish a Raffles and Bingo Permits Board to grant permits for conducting raffles and the game known as bingo. It amends the Lotteries Gaming and Betting Act 1956 for this and other purposes. The Bill is undoubtedly long overdue, but most acceptable. I commend the honorable member for Geelong North on the manner in which he presented the case on behalf of the Opposition. As has already been stated, the honorable member for Geelong North has been involved in seeking to have bingo legalized and over the many years I have been a member of this Chamber, I can remember the occasions on which he has kept the issue alive by presenting arguments for its reintroduction.

I can remember back in the days when Mr. Meagher was Chief Secretary asking him a question on whether he would be prepared to make bingo legal to provide some ways for small clubs to raise revenue. I can also vividly remember the reply I received from the Chief Secretary at that time. He said that already there was too much gambling in Victoria and to me that more or less spelt the natural death of any hopes I had for the reintroduction of bingo.

As I see it, if it is good enough for Victoria to be associated with a State-wide form of bingo known as Tattslotto which is used to raise revenue to run this State, there is no harm in charitable organizations, football clubs and church organizations using bingo as a means of keeping themselves financially alive. That is one of the reasons why I have always applauded any attempt to have the game of housey-housey, as it was known in previous days, kept alive for one purpose—to provide financial assistance not only for sporting clubs but also for churches and charitable organizations thus enabling them to remain in existence.

When I asked the then Chief Secretary a question in the House some years ago, I was supporting a request from a church organization which was operating in Ballarat. That organization was concerned because it could not obtain finance to continue its operations. At that time I thought to myself that it was strange that I was being asked by a church organization to try to obtain State-wide recognition of bingo. I always had at the back of my mind that this was a serious state of affairs, but over the years since that time I have been closely associated with many church organizations and they have had no hesitation in stating to me that they are quite prepared to use bingo to raise revenue to keep their church organizations operating. They are prepared to do this and have openly said so.

One must accept that if we are making a plea for recognition of this game to be legalized, then it should not be only for the benefit of sporting organizations but also for other church and charity organizations which are prepared to accept this procedure of raising revenue.

It must also be recognized that the Government sees the running of Tattslotto for fund-raising purposes almost as indirect taxation, which it uses to fund the State Treasury. The allocation of moneys under that system are 60 per cent for prizes, 31 per cent to consolidated revenue, and 9 per cent to Tattersall's.

As I said earlier, if it is good enough for the State to use 31 per cent of the revenue raised through Tattslotto, it should be good enough for the State to realize the difficulty of many organizations and allow them to receive a similar percentage from bingo.

The Bill has been readily accepted by the public; the man in the street has applauded the foresight and action of the Government in legislating to legalize bingo. The average citizen looks with an open mind on the playing of games of chance. It is the natural heritage of an Australian to be associated with gambling, and when most people are asked for their opinion on the actions of the Government in producing this Bill they say, "No one is going to compel me to go into a Tattslotto agency, to play bingo or to do anything else. If I do it, I do it of my own free will", and that is the way I regard the Bill.

Not one person has contacted me by letter, telephone or personal visit saying that he is opposed to the Government's intention. Therefore, I assume that every person in my electorate applauds the Government's actions and accepts the system of legalized bingo as an honorable means to be used for the benefit of sporting, charitable or church organizations.

The setting up of the Raffles and Bingo Permits Board is a wise and proper step and will no doubt operate correctly to keep raffles and bingo on a sound basis. The only problem that I believe could occur is that the board could become restrictive. I hope the members of the board will be people of wide vision who will not try to restrict the granting of permits to organizations wishing to raise revenue for good reasons.

No doubt the Bill will receive the full support of all members of the House, and any further debate would be unwarranted and unworthy. I simply reiterate that if it is good enough for the State Government to be associated with a State-wide project of Tattslotto, it should be good enough for it to ensure that the people of Victoria have the right to be associated with bingo. Any revenue that is raised will be used for similar purposes to that for which the State Government uses money that is paid into the Consolidated Fund.

Money that goes into the Consolidated Fund will be used to assist the people of this State, and money raised through bingo will assist various small sporting, charitable or church groups throughout the State.

**Mr. GUDE** (Geelong East): I support the Bill. As the honorable member for Coburg said, almost everything he wanted to say has already been said. It is a pleasure to speak on a piece of proposed legislation that has the support of all parties, as it should, because the Bill aims at assisting persons in need and for the moneys raised to be used in the promotion of art, culture, sports, education, charity, hospitals and so on. These undertakings deserve to have the support of every member in this place.

The honorable member for Benalla spoke about the tenacity of the honorable member for Geelong North, who has fought for many years to bring this matter to the attention of

the Government. Before I was elected to Parliament, I was well aware of his efforts in this field, and on entering Parliament, with my Liberal Party colleagues and the honorable member for Geelong North, I have been associated with all these sporting groups in Geelong and have received deputations from them asking me to place their views before the Government.

The same members were also involved in a deputation to the Minister, and I place on record our appreciation on behalf of the groups I mentioned.

It would be remiss if someone did not pay particular tribute to the work done on this Bill by the honorable member for Heatherton, because when a Bill is framed it takes a person—preferably several people —to produce it. I do not know of any other member in the House, in my short time here, who has put so much time into producing a measure at no small inconvenience to himself. He has also travelled interstate for this purpose. The honorable member for Geelong North, by interjection, said, "Hear, hear!" and that adds to the tribute to the work done by the honorable member.

A number of groups in Geelong need particular assistance. Football is one sport that was mentioned today, and for good reason. I am associated with little league football in Geelong and I know how hard it is to raise funds to put guernseys on 18 boys—usually there are 36 boys trying to get into a team of 18. The Bill will greatly assist to raise money for this purpose.

I should also like to place on record my agreement with the words of the honorable member for Geelong North, and I know that I have the support of my other colleagues from Geelong, when he paid a tribute to Don Cole and Les Ash, the two Bellarine Football League representatives who brought this matter into the public eye and appeared on television to push the cause of junior football, not only in Geelong but throughout the State.

As one moves around the electorate one sees how much the playing of bingo will mean to members of senior citizens' clubs, charitable groups and all the self-help bodies that exist in the community. The Bill will provide a significant impetus and, as the honorable member for Coburg said, will make legal things that have been happening for many years in a less than legal way. I have never regarded the running of 10 cent raffles by senior citizens' clubs as illegal; one feels sympathy for their cause. I add my support and that of all honorable members in the Geelong area to the Bill.

**Mr. SKEGGS** (Ivanhoe): I support the remarks made by previous speakers and certainly believe the proposed legislation has been very well received throughout the community. It has the strong support of members on all sides of the House.

I would add to the comments of the honorable member for Geelong East that credit should certainly be given to the honorable member for Heatherton for the prodigious amount of work that he has done in the introduction of this measure. With other members I was privileged to assist him in this regard in bringing forward a Bill which will be very socially acceptable.

The playing of bingo provides a popular pastime. It has been played in most States of Australia with a great deal of satisfaction, particularly by older people, who enjoy having a small gamble at a social gathering. It is perhaps not as exciting as other forms of gaming, but it has an atmosphere all of its own. The game is enjoyed not only by senior citizens but also by members of other organizations which are defined under clause 2(*b*) of the Bill as operating for community purposes. Those which will benefit

as a result of the proposed legislation include sporting, recreational, artistic, cultural, scientific, religious, educational and charitable organizations. These bodies will now have a popular new form of revenue-raising which will be widely welcomed.

It is a far cry from the early 1950s when proprietary housey-housey was conducted. The Bill provides for the game of bingo to be confined to non-profit-making organizations defined as serving a community purpose.

The restrictions that have been placed on the playing of the game have been carefully thought out and the conditions set out in the Bill should ensure that there will be no infringement of community standards. It is generally patterned on the successful operation of bingo games in South Australia.

The establishment of the Raffles and Bingo Permits Board will provide for a panel of three members, and it is important that one will be a person who is, in the opinion of the Chief Secretary, experienced in fund-raising activities, and he will play a vital part on the board. The other two members of the board will comprise one nominated by the Chief Commissioner of Police and the other by the Chief Secretary.

To the board will be entrusted responsibility for the issue of permits not only for the game of bingo in Victoria, but also for raffles. I am sure that every honorable member will welcome the improvements in the limits and methods relating to raffles. Raffles have been difficult to control because of the very great number and wide extent of illegal small raffles, mostly for minimal amounts, but nonetheless all part of the social life of the community. It will be much better for people to conduct raffles without the fear of breaking the law.

It is proper that this Bill should be introduced because it simplifies the procedure where prizes are for only fairly petty amounts.

Reverting to the provisions relating to permits for bingo, I point out that they ensure that no person under the age of eighteen years may be given a permit to conduct bingo and that those who are responsible for accepting a permit must be of good repute and character. Permits will be issued only to an authorized officer of a bona fide club of not fewer than 25 persons, and proceeds from games must be paid into a separate fund established for a community purpose as defined in the Bill, or the whole of the gross receipts from each session conducted must be distributed as prizes during that session.

Also, the maximum number of sessions must be set out in every permit and the period for each permit must not exceed three months. A session shall not continue for longer than three hours and no more than 30 games shall be conducted in a session. No more than two sessions of the game shall be conducted during any period of seven consecutive days and no more than 500 tickets at 20 cents may be sold in any one game. The playing of bingo will not be permitted between 11.30 p.m. and 9 a.m. or on a Sunday, Good Friday or Christmas Day and no fee can be charged for admittance to a game. A running sheet and all fees payable must be forwarded to the board within 24 hours of each session.

The playing of bingo on premises licensed under the Liquor Control Act will be under the careful control of the Liquor Control Commission. There is nothing to fear from this progressive piece of social legislation. It will assist many organizations in their fund raising and provide many pleasant hours, particularly for senior citizens, and sporting and recreational organizations will benefit. No problem has been experienced by Governments in other States in which the playing of bingo is permitted on licensed premises. There is no doubt that the careful standards on which the proposed legislation has been

framed are quite acceptable in the community today. I therefore support the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 7429, s.s. 1,3.).

**Mr. TREZISE** (Geelong North): I move—

Clause 2, paragraph (*b*), line 28, after "religion", insert "politics".

Paragraph (*b*) defines "community purpose" as—

(*a*) any philanthropic or benevolent purpose, including the promotion of art, culture, science, religion, education or charity, and including also the benefitting of a fund certified to be a patriotic fund under section 24 of the *Patriotic Funds Act* 1958 or the fund or part of the fund of the Australian Red Cross Society;

(*b*) any sporting or recreational purpose, including the benefitting of any sporting or recreational club or association.

Opposition members believe a political group or club raising revenue should be a justified community project. Surely politics is a matter of education and should be a vital subject in the school curriculum. This would give the political parties, whether the Labor Party, the Liberal Party, the National Party or the minor parties, the opportunity of financing more literature for the education of children at school. Most branches of political parties have social clubs. In Geelong, an annual picnic and periodical social occasions, such as dances and dinners, are held with the object of raising funds and meeting socially. In the past members have had to pay subscriptions or raise funds by illegal raffles. There is no reason why political parties should not be included in the definition.

Politics concern all electors because they must vote on election day. The more people can learn of politics the better educated they are on how to vote, and the better will be the democratic way of life that will result. The Opposition believes politics should be included in the definition.

**Mr. FORDHAM** (Footscray): I support the honorable member for Geelong North in proposing the amendment. I hope the Government will seriously consider it, if not immediately, then certainly before the Bill is dealt with in another place. In Australia politics is not accepted as an integral part of community activities. All members of Parliament will realize how important it is that more members of the community appreciate the importance of politics, and that inevitably involves political parties. There is nothing wrong or sinister about political parties participating in yet another aspect of community activity—the operation of bingo. The parties, if permitted, would be subject to exactly the same restrictions as those referred to at length by honorable members during the second-reading debate.

I hope the Government will seriously consider this matter. It gives an opportunity for Parliament to indicate how it views politics. If it does not include politics as a proper and legitimate community purpose, it tends to support the somewhat cynical approach taken by certain sections of the media and others in the community who have the wrong view of politics and the political process. I wholeheartedly support the amendment. I hope some back-bench members of the Government party may also indicate their support and that the Government will give it serious consideration, preferably now, but at least in another place.

**Mr. TREWIN** (Benalla): The National Party supports the addition of the word "politics" to the areas in which bingo can be played. Politics is such a dry occupation in this State that when we leave this place we cannot afford to have champagne parties to raise funds. I am sure that

on many occasions a game of bingo and a guest speaker could form an interesting and important part of the social activities of a political party. The National Party could probably be referred to as conservative but it joins with other honorable members and parties in supporting the Bill and the amendment before the Committee. If the Minister is not now in a position to say, "Yes", I hope the Bill will be amended accordingly in another place.

**Mr. SCANLAN** (Minister of Special Education): I thank honorable members for the constructive tone of the debate today. The question before the Committee at this time has been canvassed by a number of honorable members. I thank the Opposition spokesman, the honorable member for Geelong North, who led the debate and foreshadowed his intention of moving the amendment that is the subject of the present discussion.

The honorable member for Benalla —I am not certain about the honorable member for Heatherton—also referred to the suggestion that has warranted much consideration by the Chief Secretary and the Parliamentary committee that prepared the Bill. In the debate tonight this committee has been thanked and praised for its activities.

Mr. GINIFER: The Liberal Party committee.

Mr. SCANLAN: Yes, the Liberal Party committee that examined the subject of housey-housey or bingo. It has discussed extensively whether bingo or housey-housey shall be permitted to be used as a fund-raising mechanism for political purposes, but after full consideration of the precedents that apply in the State the recommendation of the committee advising the Chief Secretary is opposed to it at present. There are a number of reasons for this. Essentially they are that the whole principle and thrust of charities in this State have been directed towards the raising of funds for hospitals and benevolent institutions and by service clubs for community improvement.

One must take into account that we are now exploring a further avenue which the public itself will be funding. If one accepts that there is a limit on the ability of the public to fund all the charities and community service clubs in the State, the Government is of the opinion that as we are initiating a novel experience in an area that for so long has not been tapped, these funds should essentially be reserved because of the very nature of the thrust and the principles that for many years have applied to the charities, benevolent organizations and service clubs that are doing so much to benefit the community.

I suggest to the honorable member for Footscray that perhaps this matter can be raised with the Chief Secretary in another place; all the arguments that have been advanced here can be equally advanced there. I assure the Committee that this proposal has been fully considered by the Government committee and the Chief Secretary in arriving at the conclusion that at present we should not contemplate extending the provisions beyond those contained in the Bill.

**Mr. CAIN** (Bundoora): I support the amendment. The Minister of Special Education seems to have missed the point, as he often does. The amendment is not about a definition of charitable, benevolent or service organizations. The definition is under the heading of "community purposes". Nothing is as broad as that. I am glad to say that what the Opposition proposes is supported by the National Party, which has more foresight than the Government party. The Opposition suggests that the whole concept of politics is more of a community purpose than many of the items contained in the definition. Would any member opposite argue that politics is more a community purpose than sport or recreation? The Minister says that what we

are concerned about includes only service, charitable and benevolent organizations. That is not what the Bill is all about.

The Liberal Party committee considered the matter, and, if it did so as thoroughly as it is suggested it did, it has missed the point. I am concerned about what other points might have been missed if members of the committee considered politics and dismissed it as not being appropriate. They do not know what a community purpose is.

The honorable members for Footscray, Geelong North and Benalla are right when they say that political parties ought to be able to avail themselves of the benefits of this Bill. I accept the fact that we in the Labor Party and the National Party do not have available for election purposes the vast sums that the Liberal Party has. The honorable member for Coburg has even less available.

It was suggested by the honorable member for Benalla that people in the country could not afford $10 or $20 lunches. Honorable members laugh. I know the lunches, the dinners and the breakfasts that are given in my electorate. The Liberal Party has champagne breakfasts for $20 and $25. I concede that we do not have those resources. We rely, as does the National Party, on the contributions of small people. The Liberal Party ought to have regard for their political opponents. Why should its members be so narrow, so mean and so selfish?

All we ask is the right for members of the Labor Party and of the National Party to be able to conduct a bingo game in the same way as members of the Manangatang football club third eighteen or the Bundoora scouts. Why should we not be able to do it? We are serving the community just as they are. The Government does at times but we, as a political party, offer a community service and we ought to have access to the funds that are available to other organizations which offer a community service. This is not just about benevolent service clubs and all those organizations. The Labor Party likes to get into community service, but most of the members of the Government party would not know about that. All we ask is the right for our people to have access to funds in the same way as other community services.

If the Government refuses to accept this amendment one can only come to the conclusion that I have reached, and I am sure every other member on this side of the Chamber has reached, that it does not need money from ordinary people. Otherwise the Government would agree to the amendment. When I suggested that the Government believes this is not a community project the silence was deafening. The Government concedes it is a community purpose, but will not agree to the amendment. The only conclusion that can be reached is that the Government has money and does not need more, and wants to deny others the ability to raise money. The Opposition heartily supports the amendment.

**Mr. REESE** (Heatherton) : This is a debate on an amendment which has been proposed to clause 2, which includes the definition of community purpose. It has been proposed that the word "politics" be introduced into what is a broad definition. The intent of the definition is to give to organizations that had traditionally benefited from funds raised by raffles in this State the benefit of additional ways of raising funds, and in the broad definition that my colleagues and I have provided we have covered the full spectrum, which could be spelt out at great length, of organizations that we see as benefiting from raffles.

It appears that the honorable member for Bundoora has confused himself when he has tried to spell

out with his legal mind that the word "politics" meant the same as "a political party". I suggest to the honorable member that he is wide of the mark, and that to introduce the word "politics" would enable almost any person in the community to apply for a permit to run a bingo game in the interests of politics. I suggest that is not the intention of the honorable member. He sees it as a benefit for his political organization, for mine and for the National Party, but there are many other political organizations in this community, and if one uses the definition of the word "politics" I believe one is opening the door wider than the honorable member would wish.

If the broad spectrum of sporting and recreational events is included as being for the benefit of the community, I believe that perhaps at some time in the future we will want to widen our thinking as the honorable member for Bundoora suggests, but to do it now would run the risk of the curtailment of income in areas that I would like to see benefit from this Bill. I oppose the amendment.

**Mr. JONES** (Melbourne): I am not certain that the amendment is strictly necessary to achieve the desired aim. I think the clause may be broad enough in its present wording. Nevertheless, as a question of principle it is important that the Parliament declare itself on the issue. I believe the word "politics" ought to be included as a matter of strict principle. Let us consider what the *Concise Oxford Dictionary* says about the terms used in this part of clause 2 (*b*). "Community purpose" is a compound phrase. The dictionary definition of "community" is—

> Organized political, municipal, or social body.

Whatever access to information the learned members of the Liberal Party committee had, they presumably did not have access to a dictionary, or alternatively they did not know how to use it. "Purpose" is defined as—

> Object, thing intended.

In clause 2 (*b*) the expression "any philanthropic or benevolent purpose" is used. According to the *Concise Oxford Dictionary* "philanthropic" means—

> Loving one's fellow man.

A Bill being debated in another place covers that.

**The ACTING CHAIRMAN (Mr. Billing):** The question before the chair is the proposed insertion of the word "politics". I ask the honorable member for Melbourne to continue.

Mr. JONES: We need to be careful about using the word "insertion". The second definition of philanthropic is "benevolent or humane". That may not necessarily be true of the National Party, but it is true of the Labor Party, and some of the more advanced elements of the Liberal Party. The definition of "benevolent" is—

> Desirous of doing good, charitable.

The thing those two terms have in common is that they are totally subjective. How does one determine whether those two completely subjective words apply to an organization? It would be extremely difficult to ask any court to determine that the Liberal Party or the Labor Party or the National Party was not benevolent and not philanthropic in terms of the definition in the Bill.

The Bill states in clause 2 (*b*) that "community purpose" means—

> any philanthropic or benevolent purpose—

and then it adds—

> including the promotion of art, culture, science, religion, education or charity...

We are not told that that is a complete list. This does not run the gamut. It does not necessarily exclude any other social organization or activity. It goes on to include in the definition—

> any sporting or recreational purpose.

Does that mean there will be ways of getting around it, that if the Labor Party cannot organize bingo on its own behalf that it can organize an Australian Labor Party football club for which the purpose is to raise funds by way of bingo? There are plenty of ways to get around it. What I have found extraordinary is the attitude of the Minister of Special Education who says, in effect, "This may come, but do not let us have it now". Last night I was discussing with the honorable member for Niddrie the words of St. Augustine—we talk about him a lot on this side of the Chamber. The Minister often reminds me of that famous prayer of St. Augustine in which he said—

Lord, make me virtuous, but not yet.

The Minister has said that it may come, "but not yet". Is he against this matter in principle, or is he opposed to it as a matter of expedience because he has not thought it out and because the Liberal Party has not thought out the whole matter? Let us stop humbugging and make it clear. Let us get rid of the hypocrisy associated with the clause. All parties have engaged in raffles and consultations at various times to raise funds. The poorer parties are disadvantaged more than the richer parties in this place. Let us get rid of the hypocrisy and put it in the Bill.

*The sitting was suspended at* 6.15 *p.m. until* 8.2 *p.m.*

**Mr. MUTTON** (Coburg) : I support the amendment moved by the honorable member for Geelong North. I listened closely and intently to the speeches of the honorable members for Bundoora and Heatherton. It appeared that they were speaking at cross purposes. It was hard to obtain any true definition because the honorable member for Heatherton accused the honorable member for Bundoora of trying to introduce legal expediency. I cannot understand that interpretation because the purpose of this place is to make the law, to create legality.

I agree that to a certain extent the expressions of the honorable member for Bundoora were true and correct. However, I support the amendment from a different point of view. When placing his views before the Committee, the honorable member for Bundoora emphasized the requirement for recognition in the clause of the political party system. In other words, if political parties were covered by the clause they would be able to apply to the Raffles and Bingo Permits Board for permits and to use those permits to raise funds for party purposes. I see nothing wrong with that. If this Parliament rejects the proposal simply because it is based on party lines I want to know where I stand in the matter.

If every honorable member of this House had to go through the trials and political tribulations that I have to go through to finance my own campaign with no party machine behind me to slip me a few hundred dollars now and then, there would be no hesitation tonight in accepting the amendment moved by the honorable member for Geelong North. Honorable members would be bending over backwards to support the amendment.

All members of this Committee, including the honorable member for Bundoora, but excluding myself, receive political finance in some shape or form from a political party. I have only a committee made up of citizens of Coburg to assist me. Irrespective of whether the Minister rejects the amendment moved by the honorable member for Geelong North, if the president or secretary of my campaign committee makes an application to the Raffles and Bingo Permits Board for a permit to raise funds for non-political purposes I should like the Minister to state how the application will fare. It appears that the question before Parliament is whether or not honorable

members will give a priority to individuals over the requirements of political organizations.

Every dollar raised in Coburg for my political campaign is spent wisely and well as against the countless hundreds that are poured with reckless abandon into the campaigns of the three political organizations which oppose me. I believe I have a just case to be answered. During this debate consideration has been given only to how political parties will fare. Will they be eligible to make an application to the Raffles and Bingo Permits Board to obtain a permit to promote bingo tournaments to finance their campaigns? Probably I have a big heart and an open mind and that is one of the reasons why I have weathered four political storms with such a small outlay of finance.

Now that this Bill is well on the way to being passed by this Parliament, I again commend the Government for introducing it. However, the amendment is only a triviality. All it seeks is that the list of categories of people who are eligible to apply to the board shall be extended to cover the political field. I do not see any harm in that. I inform the Committee, keeping in mind the forthcoming State elections, that to test the validity of my argument I shall instruct my campaign secretary to lodge an application for a permit based mainly on the fact that I am not controlled or implicated in any political organization.

I hope the Minister takes note of the case I have put that this provision should be based on individuality and not on whether a political party can exert greater pressure than the individual.

**Mr. HOLDING** (Leader of the Opposition) : I join this debate only to support the amendment moved by the honorable member for Geelong North. It is time that members of this Committee faced the fact that if any one group in the community by virtue of the hazards of its profession has historically been involved in illegal raffles, it is politicians. I am satisfied to speak for myself and say frankly—I do not care who knows it—that on many occasions I have drawn illegal raffles which have been run by social clubs, sporting clubs and the political organization to which I belong. I am fully aware that I have been breaking the law, but this has been a traditional means of fund-raising for many organizations. I have had hallowed company—not in the terms of a political party. I have been present when the Premier has done the same thing. I believe few members of this Committee have not been in that situation.

If members of Parliament are not drawing illegal raffles they are buying tickets in them. One has only to be in places where members of Parliament gather socially to see them reach into their pockets. Like the Minister of Public Works, I sometimes wonder whether the raffles in which I am asked to participate are ever drawn.

It is important for people who are involved in public life and politics in this State to take the point made by the honorable member for Coburg. The more established political parties have all sorts of methods of raising funds. It is true to say that if one is in Government, whether a member of a Labor or Liberal Government, that means the party organization is more capable of raising funds than perhaps smaller minority political groups. The function of Governments and all Parliaments is to encourage the expression of political viewpoints in a community and to encourage people to involve themselves in the democratic political process. It is more expensive in 1977 to run a political campaign than it was twenty years ago. When I first came into this place I suppose the average member of this House spent about $500 during his electoral campaign.

Mr. STEPHEN: The Bill was not introduced for the purpose of running political campaigns.

Mr. HOLDING: I put this to the honorable member: The sponsoring of the democratic political process is an important function. All political parties and honorable members who are involved in raising funds at the level of a local campaign, use traditional, time-honoured methods, most of which are illegal. Has the honorable member been on a campaign committee and said, "I do not think you should run a raffle or sweep for the local campaign funds because it is illegal."? Of course, that does not happen. If that is so, it is as important for the general body politic, for those who seek to stand for Parliament, particularly for minority political parties, to be able to apply for permission to conduct a game of bingo or a raffle. It is as legitimate a purpose as, and more important for the people of Victoria, than giving a football club the right to conduct games to raise money to buy the services of a player who has particular skills. It is a question of what one sees as being the objectives.

It is time Parliament said that it is not a good thing that political parties, particularly smaller ones, are breaking the law in the process of fund-raising. This could happen to citizens who, for the most part live fairly blameless lives except for the possible insanity that they are involved in a political process, and who do the hard work in political campaigns. Would any Parliamentarian intervene if someone on his campaign staff were caught selling an illegal raffle ticket? Of course he would not.

Mr. LACY: We will have to sit around playing bingo every night.

Mr. HOLDING: That is a legitimate objection. If an honorable member has the statesmanlike qualities of the honorable member for Warrandyte, he will be able to persuade his committee that it wants to play bingo and that he is involved in imporant affairs of State and cannot be there, but that the committee should proceed with the game, and I am certain the committee members would understand.

Rules have to be made that fit the social realities. It is important in a democratic process to encourage all people in the community to involve themselves in the Parliamentary process. Smaller minority political parties that do not have as much access to fund-raising facilities as larger parties will rely more heavily on these activities. They are an essential part of the democratic process, and honorable members ought to face the reality.

The Committee should agree with this amendment which does no more than show that the Government knows this activity occurs and believes it is completely legitimate for people to raise funds to express their political views. That objective in a democratic community is no less worthy or honorable than those of sporting clubs that raise money to buy beer or equipment, and those of other charitable groups.

For that reason I fully support the amendment moved by the honorable member for Geelong North. It ought to be seriously considered by the Committee because it will enable a general strengthening of political organizations to occur as part of our democratic fabric and will make our laws far more easy to enforce.

**Mr. GUDE** (Geelong East): I thought honorable members had come to this place to introduce a piece of proposed legislation for the benefit of the people of this State, and I thought the three parties agreed on that. I thought all the speeches that were made before that of the Leader of the Opposition, with the possible exception of those of the honorable members for Bundoora and Coburg on the amendment, were fair dinkum.

Honorable members have come here to pass legislation for and on behalf of community groups, pensioners, people who raise money for hospitals, sporting groups and so on. The main motivation of the proposed legislation and what has been understood by every honorable member is that the Bill was designed to assist the needy in the community, but honorable members have heard a lecture on principles. The principles concerned were that raffles were illegal. The Leader of the Opposition said that not only had he bought illegal raffle tickets but that he had drawn illegal raffles, and he said that other members in this place had also done so. Not every member of this place has drawn an illegal raffle or bought a ticket in an illegal raffle. I object to the innuendo that all members in this place have done so. I object to the insinuation of the Leader of the Opposition that every person in this State has bought a ticket in an illegal raffle, because it is not the truth.

A great deal has been said about concern for individuals who find themselves in this position. The honorable member for Coburg indicated that he had overcome all these difficulties and hardships and is here in Parliament representing his constituents tonight. He did not need bingo for political purposes.

Mr. LACY: Because we dob into his fund!

Mr. GUDE: Some far-sighted person obviously dobs into the honorable member's fund because he is an independent, far-thinking person, except in regard to the proposed amendment.

Surely honorable members are here to assist the people of Victoria, and surely that is what the Bill is about. I object strongly to those who have spoken advocating the obtaining of funds in this way to be used by political parties. We are here to serve the people of Victoria, not political parties, and I do not believe the people of this State would support any of the rubbish that has been put forward in support of the proposed amendment on behalf, exclusively, of political parties.

**Mr. TREZISE** (Geelong North): One of the final words of the honorable member for Geelong East was "rubbish" and his opening words were "to be fair dinkum". Can he honestly say that he has never taken a ticket in a raffle, never drawn a raffle, never drawn a sweep? He insinuated that he had never taken part in a raffle or similar illegal enterprise, and that shows the hypocrisy of Government supporters, because the Liberal Party in Geelong holds illegal raffles at times, and therefore demonstrates how fair dinkum the honorable member and the Government are in their sincerity.

**Mr. REESE** (Heatherton): The honorable members for Bundoora and Melbourne obviously differ on the need for the proposed amendment. The honorable member for Melbourne said that a political organization could seek a permit if it were a bona fide organization under the provisions of the Bill. The honorable member for Bundoora, of course, disagreed; his legalistic mind turned to the inclusion of the word "politics" in the clause.

I sympathize with the honorable member for Coburg, alone in his difficulties, but for the benefit of the Committee I shall refer to the definition on this point contained in the South Australian regulations. It would suit the honorable member for Bundoora, it would suit me and my party branches would not be averse to fund raising being conducted with the use of bingo or raffles. The expression "political purpose" is defined in the South Australian regulations in these terms—

> "Political purpose" means the purpose giving aid or assistance to or promoting a bona fide political party which has endorsed a candidate or candidates at any election of a member or members of the Federal Parliament of Australia or the State Parliament of South Australia.

I put that to the Committee for its consideration.

I reiterate my previous stand on this matter. Although as an individual I should be happy to legalize raffles or bingo to raise funds, I believe the purpose of the Bill is to allow organizations of a non-political character such as charities, sporting groups and similar bodies to overcome some of their financial difficulties.

That is the crux of the matter, and that is why I cannot agree with the amendment proposed by the honorable member for Geelong North, although I appreciate his point of view and the statements made by his Leader.

**Mr. EDMUNDS** (Ascot Vale) : The reason the Government is opposed to the amendment is that its political party has no trouble in attracting funds. It has far more funds, resources, organizations, companies, donors and multi-national affiliates that throw money to it willy nilly to promote its political philosophy than the Opposition has.

What the Labor Party, the National Party and the independent Labor member in this Parliament are putting is that it is quite legitimate throughout the Commonwealth, except in Victoria, for bingo to be played to raise funds for all sorts of organizations, including political parties. What is the difference between this action and an illegal raffle of political parties, of branches and arms of political parties? In the Liberal Party the Premier draws the prize, quite illegally, and everybody knows it goes on. Clause 2 of the Bill starts off tentatively to provide the community generally with the right to be able to play the game known as bingo legally, after the various requirements in relation to permits have been fulfilled. This is a relatively simple amendment and if honorable members examine it they will note that after the word "religion" in the definition of "Community purpose" the word "politics" is inserted.

I suggest that the Government is being obstinate, as it so often is, in refusing to accept this suggestion. I know it was proposed to the Government by members of the Liberal Party, but the Government knocked it back because the Liberal Party does not have to worry about finance. Does the honorable member for Westernport have to worry about raising money for his campaign? The honorable member for Burwood does not know what the want of money means for a campaign. One can go right across the board. The honorable member for Ringwood simply rattles a plate and money falls into it. He has no worries about raising money for his campaign.

The amendment is designed to allow the parties, including even the Labor Party—and, if my colleagues will allow me to say so, the Democratic Labor Party—to raise money for whatever objectives they have in mind. There is nothing wrong with that.

Mr. WILKES: The Democratic Labor Party refused to give its preferences to the Liberal Party.

Mr. EDMUNDS: Yes. In the Scandinavian countries, taxpayers' money is given to political parties to ensure that they are kept honest with their funds. However, in the Legislative Assembly in Victoria, the Government wants to retain the exclusive right to raise money, and to ensure that it is made harder for other political parties to raise funds for their objectives.

I ask the Government to reconsider the matter. Progress should be reported at this stage so that the Government can re-examine the Bill in the light of the knowledge the Opposition has provided. The Government could then bring in an amendment similar to that which the Opposition has proposed. That

is quite a legitimate suggestion at this stage. It would be fair to all political parties and would not give any political party an advantage. They will all be on an equal footing. I urge the committee to accept the amendment moved by the honorable member for Geelong North on behalf of the Opposition.

**Mr. FRANCIS** (Caulfield): I listened with keen interest tonight as the Leader of the Opposition stepped into the confessional to make his confession. I point out to the Leader of the Opposition that the very essence of a good confession is that one confesses one's more serious sins. Just as the confession was beginning to get interesting, the honorable member stopped. I appreciate that that was only to save the pure gentlemen on this side of the Chamber from embarrassment.

I was delighted to hear the honorable member for Geelong East, who is beside me, speak to us of his purity. I commend him on the honest life which he has led.

It seems to me that political enterprises have already been caught up in the definition of "Community purpose" because I note that the promotion of art is included in the definition. I point out that most of us in this Chamber are in fact artists. What type of artists I had better not say. As a lawyer I will use the Latin, *per faeculentiam tauri ad astra* to describe our art. Also the word politics may well be caught up in the words "promotion of science" because all honorable members here practice science of a sort.

If I may return to a more serious vein, it is undesirable to add the word "politics" to the clause. The very object of this Bill is to do something for the little people of this world, not for ourselves. If we add the term "politics", hereafter we will be criticized and it will be said of us, "It is typical of politicians. They really did it in their own interests". For those reasons I oppose the amendment.

The Committee divided on Mr. Trezise's amendment (Mr. Templeton in the chair)—

| | | |
|---|---|---|
| Ayes | .. | 26 |
| Noes | .. | 43 |
| Majority against the amendment | .. | 17 |

AYES.

| | |
|---|---|
| Mr. Cain | Mr. McInnes |
| Mr. Cathie | Mr. Mutton |
| Mr. Crabb | Mr. Roper |
| Mr. Edmunds | Mr. Ross-Edwards |
| Mr. Evans (*Gippsland East*) | Mr. Simpson |
| Mr. Fogarty | Mr. Stirling |
| Mr. Fordham | Mr. Trewin |
| Mr. Ginifer | Mr. Trezise |
| Mr. Hann | Mr. Whiting |
| Mr. Holding | Mr. Wilkes |
| Mr. Jasper | Mr. Wilton |
| Mr. Jones | *Tellers:* |
| Mr. Lind | Mr. Culpin |
| | Mr. Simmonds |

NOES.

| | |
|---|---|
| Mr. Austin | Mr. McKellar |
| Mr. Balfour | Mr. Mackinnon |
| Mr. Birrell | Mr. Plowman |
| Mr. Borthwick | Mr. Rafferty |
| Mr. Burgin | Mr. Ramsay |
| Mr. Coleman | Mr. Reese |
| Mr. Collins | Mr. Richardson |
| Mr. Cox | Mr. Scanlan |
| Mr. Crellin | Mr. Skeggs |
| Mr. Dunstan | Mr. Smith (*South Barwon*) |
| Mr. Ebery | Mr. Smith (*Warrnambool*) |
| Mr. Evans (*Ballarat North*) | Mr. Stephen |
| Mr. Francis | Mr. Suggett |
| Mr. Gude | Mr. Thompson |
| Mr. Guy | Mr. Vale |
| Mr. Hudson | Mr. Weideman |
| Mr. Jennings | Mr. Williams |
| Mr. Jona | Mr. Wood |
| Mr. Lacy | |
| Mr. Loxton | *Tellers:* |
| Mr. McArthur | Mr. Kennett |
| Mr. McCabe | Mrs. Patrick |
| Mr. McClure | |

PAIRS.

| | |
|---|---|
| Mr. Hamer | Mr. Kirkwood |
| Mr. Lieberman | Mr. Amos |
| Mr. Maclellan | Mr. Doube |

**Mr. TREWIN** (Benalla): I could not let this occasion go by without commenting on the work that has been done over many years by Mr. Press, chairman of the Raffles Board and of the Patriotic Funds Council. He has done a magnificent job, which has been recognized, and therefore

he should receive the thanks of this Parliament for his many years of service to the community.

Since I have been a member, on many occasions he has assisted me when I have approached him to arrange for an organization to conduct a legal raffle. I trust that whoever has the conduct of the Raffles and Bingo Permits Board will serve the public in a similar manner.

**Mr. STEPHEN** (Ballarat South): On a point of order, the honorable member had ample time during the second-reading debate to make the comments that he is now making. I suggest that at this stage those comments are out of order.

**The ACTING CHAIRMAN (Mr. Templeton):** I uphold the point of order. I was about to direct the attention of the honorable member for Benalla to the fact that he was straying from clause 2.

**Mr. TREWIN** (Benalla): I had finished my remarks.

The clause was agreed to, as were clauses 3 and 4.

Clause 5 (Bingo permits).

**Mr. SCANLAN** (Minister of Special Education): I move—

Clause 5, page 12, lines 6 and 7 omit "conducts or assists in the conduct of bingo games shall, unless he is the holder of" and insert "will conduct or assist in the conduct of a bingo game or session of bingo games shall, unless that game or session is authorized by"

As it stands, the Bill would require a person who is conducting the game of bingo and his assistant to have the permits that are necessary to protect their legal positions. That is not the intention of the Government. The Government proposes that there shall be a permit for the game to be conducted and that not necessarily both the person conducting the game and his assistant shall be required to have a permit. If the permit has been issued, and it is held by the person who is principally conducting the game, the situation is covered.

**Mr. TREZISE** (Geelong North): The Opposition offers no objection to the amendment. After all, one person is responsible for the game and the assistant has only a minor part to play.

The amendment was agreed to.

**Mr. STEPHEN** (Ballarat South): Clause 5, in conjunction with regulations to be promulgated, govern the whole activities of bingo. The Government has been commended by all parties for bringing in the Bill, but it has been required to hasten slowly because the Government was mindful of the reputation that bingo had in 1950-54. Certainly, there has been some recognition that bingo was outlawed by the Government after a trial period of four years because the police found it impossible to control the games.

It will be necessary to implement stringent regulations under the Bill so that the game will be tightly controlled. Proposed section 6B contains no fewer than nineteen special conditions, which indicates the need for strong control over the game.

I have the highest regard for the Liquor Control Commission which will have some responsibility for the allocation of permits. Undoubtedly the Government will appoint a highly-qualified board to carry out the necessary policing, to draw up the regulations and to administer the Act in the way in which members of the Government party hope it will be implemented. I have the utmost confidence that under this Bill bingo will be operated in the way in which the Government would expect.

**Mr. TREZISE** (Geelong North): I suggest that this clause gives me scope to seek clarification concerning the qualification of organizations that will be given permits to conduct raffles and/or bingo games. The clause refers to any sporting or recreation club but there has been a lot of talk in the community in recent months about whether racing clubs, which have always had the

normal avenue for finance through the Totalizator Agency Board, will be permitted to operate bingo games and/or raffles at their Saturday meetings. I am sure that many minor sporting clubs which have been denied this avenue for finance over the years, and for whom this Bill has been introduced, will be interested to know whether horse-racing clubs in particular, which will still receive funds through the Totalizator Agency Board, will be eligible to be issued with bingo permits, or whether the Government will guide the board in these matters. Perhaps the Minister could point out where racing clubs stand in this matter.

**Mr. REESE** (Heatherton): I point out to the honorable member for Geelong North that the Raffles and Bingo Permits Board may grant permits; there is no obligation on the board to do so. In my view, a racing club is a sporting body and the principal clubs are covered by section 24 of the Companies Act, which is specifically referred to in section 6A. The inclusion was necessary to cover Victorian Football League football clubs in which the honourable member for Geelong North has an interest.

Mr. TREZISE: Would you object to the principle of racing clubs having permits?

Mr. REESE: I would object to permits being issued to racing clubs to conduct bingo during the currency of race meetings. This aspect will exercise the mind of the Government in formulating the regulations and any guidelines that are laid down for the board. I emphasize that there is nothing obligatory in the Bill to say that the board will grant a permit to every applicant who might make application.

The other point relates to the power of the board to suspend or revoke a permit during its currency. This is an essential element of the control that is necessary in this area. There may be occasions when some organization oversteps the spirit or the letter of the permit and it is only right that the board should have the power to suspend or revoke the permit. I would not like to think that, once a permit was granted to an organization, that organization was virtually free to conduct the series of permitted bingo sessions without any fear of repercussion.

The organizations which obtain permits to conduct these games should be made well aware of their obligations and that if they do not comply with the conditions, the power of suspension and revocation is at all times available to the board.

**Mr. EDMUNDS** (Ascot Vale): One of the conditions laid down is that the board has to accept that where the premises on which a session of bingo is to be played are licensed premises, the Liquor Control Commission must approve of the room that is to be used for the purpose. It is possible that the Liquor Control Commission might actually impose conditions which may prevent small licensed clubs from participating in fund-raising by a session of bingo. With the small country licensed club or even the largest hotel in the country or the city, by allowing the Liquor Control Commission, which I accept has some responsibility for licensed premises, to be involved may possibly lead to the commission being able to override the granting of permits.

I do not believe that will be a workable proposition. A licensed club may apply to the Raffles and Bingo Permits Board seeking a permit to conduct bingo and then that board has to seek the approval of the Liquor Control Commission for the room to be used.

Mr. STEPHEN: And also what conditions should apply.

Mr. EDMUNDS: The clause does not mention conditions; it refers only to "the room approved for the purpose by the Liquor Control Commission". I ask whether that relates

to the dimensions, lighting, facilities and the like in the room. The clause could provide the Liquor Control Commission with an overriding power over licensed premises which could prevent small licensed country clubs being able to be involved. I should like the Minister to clarify the position.

**Mr. TREZISE** (Geelong North): I ask the Minister to clarify one small point in relation to the granting of a permit for a raffle. The clause states that the total value of a prize shall not be more than $500. How is that value to be determined? A colour television set may retail at $700 but the wholesale price may be $500. The price of an interstate trip may be $800. But a club which has arranged a package deal for its members could offer a trip with those members to outsiders as a prize in a raffle. The trip which would normally cost $800 may cost the club only $500. What will determine the value of the prize? Will it be the wholesale price, the retail price, or the cost advertised by the people conducting a particular raffle?

**Mr. SCANLAN** (Minister of Special Education): I point out to the honorable members for Geelong and Ascot Vale that in large measure the matters they have raised relate to interpretation or appreciation by the raffles board in one case and the commission in the other. The honorable member for Ascot Vale spoke of small clubs. They are to be found not only in country areas. I am a member of a small licensed club in Oakleigh which has only one room. That room is not large enough to be used for dances, bingo, and all the other activities which go on in some licensed clubs. It is right that the commission should be given power to deal generally with clubs throughout Victoria, but I cannot see it devoting itself entirely to drawing up guidelines for individual clubs. The value of prizes will again be a matter for the board to determine. After all, the Bill gives it the flexibility and autonomy which it should have because that is the best way of providing for these matters.

The honorable member for Ballarat South raised a matter which again comes back to the autonomy of a commission, board, or tribunal. It is not the policy of the Government to interfere with the autonomy of these bodies. The honorable member for Geelong North raised the matter of bingo being played at horse racing clubs. When the Bill is enacted, the board will have all the powers contained in the Bill until the Act is again amended by Parliament. It will be up to the board to determine whether any horse-racing club shall avail itself of the provisions of this measure.

This is the key clause, as the honorable member for Benalla well knows. It provides for the powers of the Raffles and Bingo Permits Board. All members of the Government party and, I am sure, all members of the Opposition, would support the handsome tribute paid by the honorable member for Benalla to the late Mr. Press. All honorable members appreciate the role Mr. Press played in ensuring, so far as was humanly possible, that raffles in Victoria were conducted ethically and responsibly for the well being of the community.

The clause was verbally amended, and, as amended, was adopted.

Clause 6 was verbally amended, and, as amended, was adopted.

The Bill was reported to the House with amendments, and passed through its remaining stages.

## VICTORIAN DAIRY INDUSTRY AUTHORITY BILL.

The debate (adjourned from April 6) on the motion of Mr. I. W. Smith (Minister of Agriculture) for the second reading of this Bill was resumed.

**Mr. GINIFER** (Keilor) : This is one of the most important Bills affecting the dairying industry and the dairy farmers of Victoria to be introduced into this Parliament during the past 25 years. In considering the establishment of the Victorian Dairy Industry Authority it is important to consider the effect not only on the Victorian industry but also on the national dairying industry. Honorable members should bear in mind the manpower and capital engaged in this industry, particularly the many breadwinners who earn their living as dairy farmers, in the transport and processing industries, and in other ways associated with dairying. The ramifications of the proposed legislation will be of extreme importance to a vast number of people.

The history of the dairying industry shows that it has been good to some but not so good to others. The aspirations of many people who have been dairy farmers have been achieved and they have had a rewarding life. Unfortunately, for others, the industry has led them from mortgage to mortgage and then on a trek to the large urban areas of Australia. To many, participation in this industry has been tragic. Although they have toiled honestly the conditions of the industry and the way in which its products are disposed of in overseas markets has led many families to ruin.

Milk contracts were first introduced in the early 1950s. The purpose was to minimize the actual or potential undesirable practices concerning milk supply arrangements within factories which, in turn, made arrangements with farmers. Another important reason for the introduction of milk contracts was the need to overcome the seasonal shortages which developed from time to time. These seasonal shortages will have to be considered in the restructuring of the industry and the establishment of the Victorian Dairy Industry Authority.

Another aspect of the industry which should be remembered in discussing this Bill is the Victorian industry's dependence on export markets for its products. This is a problem which is particularly related to this State. Over the years the deficiencies in the marketing of milk and the inroads of inflation have placed many dairy farmers in Victoria in a parlous position. Considering all these matters, it is obvious that the time is ripe for the restructuring of the dairying industry.

Because Victoria must depend largely on export markets for the disposal of a large proportion of its dairy produce, it cannot stand alone on this. It is necessary to obtain the co-operation of the Federal Government and to understand the position of the industry in other states. Honorable members will be aware that since the 1960s the number of dairy farmers and the number of dairy cows in Australia have declined. Over the past three years, the number of dairy farmers has fallen by some 3000—they have left the industry. But, although there has been a great drop in the number of dairy farmers, there has been an increase in the amount of milk produced.

Unfortunately, the decline in the number of dairy farms and dairy farmers has mostly taken place among the smaller-sized farms in New South Wales and Queensland. The result is that Victoria, along with South Australia and Tasmania, has an increasing proportion of the number of dairy farms in Australia and an increasing share of the problems relating to them. The Australian dairying industry is efficient by world standards. The domestic market has been stable and has been continuously supplied with dairy products at prices which are comparable with those in other western countries. But dairy farmers, in common with many other members of the community, have been adversely

affected by inflation. Victorian dairy farmers who have been supplying manufacturing milk have been particularly hard hit because the return from processed products has declined throughout the world.

**The SPEAKER (Sir Kenneth Wheeler) :** Order! Reference may be made to copious notes, but I hope the honorable member is not reading his entire speech.

Mr. GINIFER : No, Mr. Speaker ; I am not wearing my glasses! I was referring to the decline in the return from overseas markets. The reasons for the decline in the Victorian dairying industry must be found. I shall refer to the notes I have here because I wish to read statistics and place them accurately on the record to show the attitude that has been taken in the other States and in Victoria on access which is being made available to the whole milk market.

In Western Australia recently 156 new quota holders were permitted to supply fluid milk. In South Australia it is proposed to spread the proceeds of the fluid milk market to all South Australian dairy farmers. In New South Wales legislation is to be introduced to ensure that all dairy farmers will have an equal opportunity to participate in the fluid milk market.

In Queensland an inquiry is considering ways and means of supplementing an equitable return to all dairy farmers in the State so that they can have access to the fluid milk market. In Tasmania a Parliamentary Select Committee has proposed the phasing out of the contract system, and in Victoria this Bill also proposes the phasing out of the contract system.

Throughout the Commonwealth there is a movement to allow all dairy farmers who produce milk of a minimum standard to participate in the more lucrative whole or fluid milk supply. This will also assist farmers who have been outside that area, and will help them dispose of their manufactured dairy products on the world market.

I shall refer to the report of the Industries Assistance Commission on Dairy Industry Marketing Arrangements of 9th September last. On page 11 there is an extract from a submission from the Bureau of Agricultural Economics on the supply projections for 1979-80 of various types of dairy products, which states that the total milk production for all purposes is expected to decline to 5·4 million litres, or some 17 per cent below the 6·489 million litres produced in 1974-75 ; that is, the total milk production for all purposes will decline by about 17 per cent, but the fluid milk consumption is expected to increase to 1·63 million litres, compared with 1·589 million litres in 1974-75. It is expected that there will be a slight increase in the fluid milk consumption.

Butter consumption is expected to decline to 90,000 tonnes, 44 per cent below 1974-75 level ; domestic butter consumption is expected to fall to 65,000 tonnes from 98,000 tonnes in 1974-75. It is also expected that exports of butter will decline from 35,000 tonnes to 25,000 tonnes.

The next is a major projection, and that is that cheese production is expected to increase to 120,000 tonnes, 21 per cent above the 1974-75 levels. These statistics show that there will be a fall in the production and home consumption of milk and other dairy products. This points to the important problem of finding a ready market for products from the dairying industry.

The report goes on to state on page 12 that whole milk powder production is expected to increase to 56,000 tonnes, 26 per cent above the 1974-75 level. This is one of the more ominous predictions made by the bureau, because the production of whole milk powder last year was the bugbear of the Victorian dairy farmers. They found that markets

which had previously been available to them had disappeared, mainly because of actions taken by the European Economic Community. That is another problem that has to be examined because it affects Victorian and Australian dairy farmers. Unfortunately the European Economic Community takes strong action to support market prices of its products.

There has also been a record of dumping of excess products. In 1973 more than 450,000 tonnes of butter in the European Economic Community was dumped, and in 1976 1·3 million tonnes of excess skim milk powder was dumped. That is the factor that brought on the crisis and caused problems for the Victorian dairying industry.

A further example of the extent to which the European Economic Community is prepared to go in manipulating prices and using them to dispose of major portions of its accumulated surpluses is that in 1973, 200,000 tonnes of butter were shipped to the Soviet Union with an export subsidy of over $A1,200 a tonne.

I hope I have shown in better perspective the problems of the dairying industry in Victoria and Australia. One desirable feature of the Bill is that it provides for assistance to be given and market research undertaken to try to find additional markets for the produce of Victorian dairy farmers. However, Victoria cannot be expected to compete against the difficulties that beset it in attempting to export these commodities to overseas markets.

There must be closer co-operation between Victoria and the other States and the Commonwealth Government in disposing of surplus goods on the world markets. Consideration must be given to trading on a nation-to-nation basis in primary products. I direct attention to the position of the European Economic Community beef exports to America, exports of primary produce to Japan and exports to New Zealand. These days international trading is conducted not only on the basis of trade but also for political reasons. If Victorian dairy farmers are to have any chance of receiving anything from the commodities disposed of overseas they need the political muscle of a national policy and a marketing authority to act not only for them but also for dairy farmers in all States.

The Labor Party endorses the proposition for the abolition of the contract system in Victoria. I shall read from page 78 of the *Victorian Labor Party Handbook* of 1976 which indicates the Labor Party's view on the matter. Under the heading "Dairying" the policy is stated as—

> All whole milk producers who comply with the necessary standards should have the right to participate in the supply of whole milk for direct human consumption.
>
> A premium to be paid to any whole milk producer who supplies milk of the required standard for human consumption.
>
> Existing milk contracts to be phased out over a period of time determined after consultation with the industry. The question of compensation should also be examined to cover all possible loss by existing contract holders.
>
> Labor believes that there should be a single statutory dairy authority with producer, processor and consumer representation. This authority should be responsible for all aspects of the industry in Victoria, including marketing and promotion.

During the Committee stage the Opposition will discuss in more detail some aspects of the proposed legislation and will move some amendments which I hope will improve the Bill. The amendments will be foreshadowed in the second-reading stage.

In the meantime I should like to make some suggestions which may be taken into account by the authority when it is established. I suggest that the processors or the manufacturers of dairy produce should arrive at some means by which inefficiencies in the cost of production are not passed on to dairy farmers.

At present processors tend to pass on the cost of their poor performance to dairy farmers. If a manufacturing component of the dairying industry is inefficient, the cost of that inefficiency should not be borne by the dairy farmer. This aspect should be looked at when the authority is established.

The reports of the evidence and observations of the Industries Assistance Commission on the dairying industry in Australia seem to suggest a recommendation for a national dairy marketing authority. The inefficiencies which could occur in the manufacturing side of the industry should not be passed on to the dairy farmer completely. Inefficient manufacturers should have to reduce their own markups rather than pass on the losses to the dairy farmers.

I should like to accept the advice of the Minister of Public Works and refer to some amendments that the Opposition will propose during the Committee stage. Clause 4 of the Bill provides, *inter alia*—

> "Dairy produce" means milk cream butter cheese concentrated or condensed milk or cream or any article derived or prepared from milk or cream, and includes dairy blend.

One must assume that these items will come under the jurisdiction of the proposed authority. The clause also provides—

> "Milk" includes milk in any prepared separated or other prescribed form, but does not include—
>
> (*a*) cream, and
>
> (*b*) condensed dried or dessicated milk or milk powder or milk of other similar prescribed form.

The Minister should explain why cream, condensed, dried or dessicated milk or milk powder or milk of other similar prescribed form is eliminated from the definition of milk. I raise this question because dairy farmers in various areas of the State have pointed out to me that the few dairymen who still separate their milk on their own property today may find that the cream derived from that milk will not come under the jurisdiction of the Victorian Dairy Industry Authority. If that is the meaning of the definition, members of the Labor Party believe we should proceed with this draft amendment. However, if the Minister can assure honorable members that dairy farmers may have been misled in their interpretation of the Bill, we may not proceed with the amendment. There are doubts in the minds of some dairy farmers, and I would be much happier if they could be assured that they are misreading the intent of the proposed legislation.

Clause 8 constitutes the authority. Members of the Opposition have considered whether the number of members on the authority should be increased from six to eight, but we may not be able to move an amendment which will increase a commitment by the public purse. In the Committee stage we propose to move an amendment that dairy farmers should have not two but three representatives on the authority. Members of the Opposition believe primary producers should be responsible for arranging their own marketing authority, and on that basis we will suggest that there should be three dairy farmer representatives on the authority.

The Bill makes provision for two representatives of manufacturing, processing and distributing interests. We believe there should be one representative. This will not do anything to weaken the responsibility or the expertise available to the authority. Many dairy farmers have been opinion leaders in the dairy industry and members of co-operatives, and have had considerable experience in manufacturing and processing from the administrative point of view.

In the Committee stage we will also be proposing that one person should have expertise in marketing and finance. The sixth member of the authority should represent the

consumers of the State, and we will propose that the consumer representative should be nominated by the Melbourne Trades Hall Council. In suggesting that there should be three dairy farmer representatives on the authority, we propose that they should be persons who have been nominated by organizations which are representative of dairy farmers. We suggest that the State should be divided into three zones of licensed dairy farmers. Each of those zones should be able to elect among themselves one dairy farmer to represent that zone of licensed dairy farmers.

We will also suggest that in the election of one representative from that zone, provision should be made for the election of an alternate member, because the concept of the Victorian Dairy Industry Authority is that the dairy farmer representatives should be practising farmers so that the practising dairy farmers' interests can be safeguarded. There will be times when the elected representative is unable to leave his property to attend dairy industry authority meetings. Therefore, there should be an alternate member who can look after the interests of the dairy farmer from that zone, and perhaps the interests of dairy farmers in Victoria as a whole.

We are suggesting to the Government that the deputy chairman and the chairman of the authority should be drawn from those three members of the authority who are representatives of the dairy farmers of the State. Bearing in mind that the proposed legislation provides for the chairman of the authority to have a casting vote, the dairy farmers of the State would have three members and the casting vote, if it was necessary, and would have the opportunity to control their own industry. There is a parallel between the Victorian Egg Marketing Board and the proposed Victorian Dairy Industry Authority. If we can accept what we read of the financial and economic aspects of the Victorian Dairy Industry Authority, it will be self-financing. The dairy farmers will be able to participate in the industry. They will be responsible for determining the policies and well-being of the dairying industry in Victoria.

It is proposed that the time for the surrendering of milk contracts shall be 30th June, 1986. It has been repeatedly expressed to me that if there is to be a worth-while restructuring of the dairying industry in Victoria, it is desirable that it should not take place over a ten-year period but over a much shorter period. This has been well illustrated in the report brought down by the board of inquiry into the dairying industry. I foreshadow that at the appropriate time we intend to move that the restructuring of the industry should take place over a shorter period. We believe ten years is too long and that the contracts should be surrendered by 1981 instead of 1986.

However, the most contentious part of the Bill is that relating to compensation. One finds when talking to dairy farmers in Victoria that there are as many opinions on how compensation should be assessed and who should get it, as there are dairy farmers. It is difficult to come to a decision on how compensation can be paid and at the same time achieve the objectives of the Bill, which should be to encourage as many people as possible to relinquish their contracts. People in the Goulburn Valley, the Murray Valley, and the Western District—the area represented by the Minister of Agriculture —have expressed the opinion that for various reasons many people will bail out of the industry straight away and that the compensation fund will not be able to bear the compensation provided for in the Bill.

If one talks to dairy farmers who are close to the Melbourne metropolitan area, they say that it is not a viable proposition to take the compensation of $250 a gallon but that they are

better off remaining in the industry. This becomes a dilemma for the dairying industry because a large number of those persons who are close to the city and who have been supplying the metropolitan area for a long time have substantial contracts. If they do not opt out but remain in the industry for the full ten years, as is envisaged in this Bill, those people in the industry who have not had the advantage of access to fluid milk contracts will not get that opportunity because a large number of contracts will not be surrendered. It is difficult to assess what will occur with contract holders.

Another anomaly which exists within the provisions of the Bill is that there is also a large number of small contract holders whose contracts vary from 12 gallons to 60 or 80 gallons who tell me that it is a good proposition for them because they will opt out of the industry straight away and get the compensation. They believe they will continue to supply the same amount of milk to the whole milk market as they have supplied under their contract. I hope I can objectively look at the problems which beset the question of compensation. I am not in a position to make an alternative suggestion to the Government other than what it has before it. I can see the anomalies and have done my best to voice the criticisms, the objections and summarizations of a large number of dairy farmers.

I can only hope that with the phasing out of the contract system the aims and aspirations of this measure will come to fruition because if that does not occur there will be a continuing number of people ceasing to participate in primary industry, and in the dairying industry, and a continual treck of people off the land into urban areas and cities. There will be the problem of people who are giving up a way of life in which they have been brought up and it will bring people into a community of which they have no knowledge. Not only could there be an economic problem which could be foisted on the community because of the situation in this industry but there will also be the social problems of middle-aged people who are unable to live a satisfactory life and who are forced to come to the big cities.

It is because of this that I indicate on behalf of the Opposition that we support the proposition for the phasing out of the contract system. In the Committee stage the Opposition proposes to move the amendments I have foreshadowed. The Opposition also hopes that this measure will be supported by all members of the dairying industry when it is brought into operation because, although there are large divisions about the problems of phasing out and fears are expressed by a large number of people, I hope that with the goodwill of the dairy farmers and the Government this legislation will make a new watershed for the dairy farmers of Victoria.

I wish to finish on the note that one other question must be resolved, which is not the responsibility of this Government but which the Government has to take up with its colleagues in Canberra, namely the question of whether compensation paid to farmers will attract taxation. Members of the Government should take it up with their confreres in the national Parliament. The answer to that question will have a bearing on the decisions which will be made by individual dairy farmers in this State.

**Mr. HANN** (Rodney): The Bill to establish the Victorian Dairy Industry Authority is an achievement of the Minister of Agriculture. I know that he has put a great deal more effort into this Bill than he has put into many of the other measures that he has introduced. Some four years ago the Minister established a dairy board of inquiry which has operated for the past four years and has only just concluded its inquiry. That board has carried out a comprehensive and thorough inquiry into the state of the dairying industry in Victoria. It is as a result of that board of inquiry that this Bill is before us to establish the Victorian Dairy Industry

Authority and also to phase out the milk contract system as we now know it.

Although I congratulate the Ministry on its introduction, that does not mean that I do not disagree with some of the aspects of the proposed legislation, but I believe he set out to establish an authority which would upgrade and improve, and, hopefully, have a dramatic impact on the dairying industry which is vital to Victoria. It is Victoria's most important decentralized industry. The Minister of Agriculture, the Premier, and other members of the Government have espoused that view in Parliament, and it is accepted. There are 11,000 dairy farms situated throughout the State. There are also manufacturers in country areas close to areas of production and consequently this has an important financial bearing on many of the larger country towns, provincial centres and smaller towns which depend almost totally on the milk or butter factories for employment.

The dairying industry plays a prominent part in Victoria. It is important to the community of country Victoria. Severe difficulties have been experienced in the industry over the past few years, particularly in the last two or three years when there has been a downturn in returns to the farmer. These low returns came about because the industry was dependent on the United Kingdom as a market for butter. In the days when the Federal Government was prepared to subsidize butter, we could produce as much butter as we wished and always find an outlet for it, particularly in the United Kingdom.

Unfortunately the previous Federal Labor Government removed that subsidy, which has affected the viability of dairy farms in this State and in Australia. Once a subsidy is removed, it is difficult to re-establish it. Consequently, returns have dropped back and dairy farmers will receive approximately 70 cents a pound for butterfat this year at the conclusion of the season. That figure is marginally below the cost of production. No one else in the community, apart from some other areas in rural industry, is prepared to accept a return below the cost of production. I hope this legislation will in the long term have sufficient impact on the industry to resolve some of the problems associated with dairying in Victoria. Dairying has not come to grips with some of the marketing and promotional difficulties and the development of products, for various historical and traditional reasons.

If one considers the cost of production today, a fair and equitable return to the farmer would be a figure closer to 85 cents and perhaps more like $1 a pound for butterfat, so the present return is low. Consequently, the rural community is facing undue pressure, and there has been a tragic movement of young people from dairying, into local towns or larger towns to find other employment. It is generally quoted that the only viable dairy farmers in many country communities are those whose wives are schoolteachers or nurses. This is a sad indictment of our society and it is a reflection on the Government that it has been so slow to act in this situation.

The recommendation for the establishment of an authority was made some two years ago and it has taken a long time to get this Bill into the House. The impact of the movement of young people out of dairying at present, and also other areas of agriculture, will create a generation gap in farming communities, because young people who should be getting experience in dairying are being lost to the industry and it will be difficult, if not impossible, to get them back into the industry if it becomes viable again.

A great social problem faces the community because there are ever-escalating groups of farmers and their wives running farms which were previously worked by the farmer and his

son. The son has gone to find employment elsewhere. There are numerous examples of this. We are experiencing a situation similar to many European countries where the father and mother continue to run the farms and the younger generation has moved out. The Government has a major responsibility in trying to resolve this issue. I do not believe it has attempted to do so to this stage.

The Government also has a responsibility to try to increase returns to farmers and to assist and encourage young people to stay on the land by providing financial assistance and other incentives rather than encouraging them to move off the farms and give up farming. The situation is demoralizing as the traditional and older farmers find that they cannot sell their farms because young people cannot buy in and therefore there is no demand.

One hopes there will be an improvement in the situation following the passage of this legislation and legislation which is to go before the Commonwealth Parliament in the next week or two and which will hopefully improve returns to dairy farmers. Honorable members are well aware that these people work seven days a week. They have to milk the cows twice a day in extremely adverse conditions at times and yet they do it because they love the land and their animals and they provide cheap food for people both within Victoria and in other States.

For that reason, it is important that dairy farmers receive a fair and just return for their efforts, labour and investment. That is all they are asking for, but at present they are not obtaining a just return. The current financial crisis has increased the total borrowing liability of the farming community and many farmers have been affected adversely by the crisis. This has had an impact on their mental condition and there have been many unfortunate instances of people having to move off their farms thus further depriving them of the opportunity of meeting their financial commitments and further decreasing instead of increasing and improving their equity in their property or investment.

The Victorian dairying industry is certainly as efficient as, if not more efficient than, any other dairying industry in the world. Over the years the dairy farmers have met the challenges and, assisted and encouraged by the Department of Agriculture, they have kept up with the latest trends and changes, carried out improvements and adopted new techniques in dairying.

The department has promoted the upgrading of standards by the requirement for the introduction of stainless steel utensils and plant. There has been the move from cream producers to bulk milk producers, and from bulk milk tanks to refrigerated bulk milk vats. Now most dairy farmers whose milk is collected from the farm have the milk in refrigerated bulk milk vats.

The introduction of thermoduric counts has upgraded the standard and quality of milk from the farm. That is one of the reasons why people engaged in the industry consider that the quality and standard of milk produced throughout Victoria is equal in all areas, but this has been achieved only through the farmers' efforts and the expenditure of large sums of money.

It costs between $5,000 and $10,000 to install a refrigerated bulk milk vat. The installation of milking machines costs between $2,000 and $5,000, and possibly more in some cases. Farmers have also had to meet the costs of renovating and improving their dairies. There has been a change from the conventional walk-through dairy to the herringbone dairy and to the rotary dairy, and the turnstile dairy. Some farmers have spent well in excess of $20,000 on new dairies and plants to upgrade the standards within the industry.

I certainly believe the Victorian dairying industry is as efficient as, if not more efficient than, any of its counterparts throughout the world. The industry has had to struggle and fight under difficult circumstances in the marketing of its products, and once again the manufacturing section of the industry has also upgraded, improved and rationalized its production. Larger plants with increased capacities have been constructed throughout the dairying areas of the State. There have been innovations and developments in cheese marketing, in powdered milk production and butter making, by which the manufacturing section of the industry has endeavoured to meet the demands of the new situation which has developed as a result of new marketing techniques.

The industry has had to face historical and traditional problems in the promotion and marketing of products. Following the report of the board of inquiry, these operations have been upgraded but the industry is still looking at the situation which existed prior to the entry of the United Kingdom into the European Economic Community.

The National Party considers that the industry must adopt a national approach to the marketing of dairy products. It does not believe Victoria can act in isolation because the dairying industries in other States of Australia are becoming less important and the bulk of their milk production is used to fulfil the local liquid milk market, with the exception of one or two areas. Because there is a dairying industry in other States, it is essential that we adopt an overall plan in the marketing of our products which, once outside Victoria, should be conducted on a national basis.

That is why the National Party has been critical of the attitude of the Government and its approach to the question of tying in with a national plan for the dairying industry in Australia. The Government has not been prepared to fight hard enough in the interests of dairy farmers in its approach to the planning which has gone into the Victorian legislation to meet the provisions of stage 2 of the Industries Assistance Commission plan. The National Party believes the Government must play a much more prominent part in establishing the interests of Victorian dairy farmers and protecting those interests.

In clause 6 (*d*) the authority is given power to find markets both in Australia and overseas. This is something which should be tied in with the operations of the Australian Dairy Corporation, and during the Committee stage the National Party will move an amendment to that effect, because it is vital that the two authorities should work together. Members of the National Party believe Victoria must not act in isolation because the threats we aim at the other States could be applied equally to Victoria and in the long run that would only jeopardize the interests of Victorian dairy farmers and could lead to a milk war between the States.

The board of inquiry carried out an efficient investigation. Mr. McFarlane, the chairman, Mr. Merry and Dr. Allan Griffin were three men who showed much initiative in the way they handled the board of inquiry, and obviously they put a great depth of thought into their reports. They are to be commended for their efforts and their recommendations. Not all of the recommendations will be able to be implemented but no doubt if we commence by tying in the recommendations with the suggestions of the Industries Assistance Commission, and blend them together, they may work. Certainly, the major recommendations have been accepted in part by the Government.

This brings me to the question of the phasing out of milk contracts. The board recommended a five-year phasing out period but unfortunately,

although the United Dairyfarmers of Victoria recommended the same period, the Government is not prepared to support the recommendation of the Minister of Agriculture. In other words, the Minister was "rolled" in the party room and has been going around in public saying so.

The board of inquiry also recommended improvements to equalization. The Commonwealth legislation will bring about compulsory equalization in the first stage of the implementation of the recommendations of the Industries Assistance Commission.

We are seeing established a Victorian Dairy Industry Authority under this Bill which will do much for the Victorian dairying industry.

It is something which some people fear. The manufacturing, processing and distributing interests are fearful of the powers which have been given in the Bill. I hope the personnel who are appointed to this authority will adopt a responsible attitude and look after the interests of all sections of the industry. It is time the Government introduced this legislation to give the industry an over-all and ultimate marketing authority in Victoria.

It is something which exists in other countries. New Zealand has a Dairy Produce Board which controls dairying in that country. In the United Kingdom there is a Milk Marketing Board which has similar powers to those which the proposed authority will have. In Canada there is a similar authority. The success of these authorities has proved the need for the same type of authority to be established in Victoria. It will ultimately have power over the rationalization of dairy products within this State.

It may be suggested that this is a dangerous power to give to an authority, to try to protect to a greater degree the actual products which can be manufactured, but we cannot continue with the present situation where a processor who is not in a particular product market starts to install new plant to enable him to compete in that product market, thus taking away a share from other processors. For example, cheese is a profitable commodity and consequently many manufacturers are considering establishing cheese factories to try to obtain a larger share of the local cheese market. This will not benefit the dairy farmer in the long run and that is why the authority is being given these powers by the Government. As I have said, there is a need for integration with the Australian Dairy Corporation and the National Party intends to move an amendment to that effect.

The history of the preparation of this Bill is interesting. Probably during this sessional period only one other Bill has caused trouble for the Government party, namely, the Geelong Regional Commission Bill. Unfortunately, the Minister of Agriculture made certain recommendations to the Government but he was not supported by his own members. The National Party has had some good information leaks from the Government party on this issue. The original proposal of the Minister was similar to that which was supported by the United Dairyfarmers of Victoria.

An example of what occurred can be found with what was decided on the phasing out of liquid milk contracts. The board of inquiry recommended that liquid milk contracts be phased out over a five-year period, but the Government came up with a scheme under which there is no compulsory phasing out—only the abolition of liquid milk contracts at the end of ten years.

The industry submitted that compensation should be paid at the rate of $180 a gallon but the Government proposed a compensation payment of $250—I shall deal with that in more detail later. Those are the actions which the Government has taken and which are contrary to the

wishes of the industry. The Government has not accepted full responsibility for its own actions in this area.

The National Party believes the proposed authority should be controlled by a majority of dairy farmers and during the Committee stage it will propose an amendment which will increase the number of members on the authority from six to eight. The membership should include four dairy farmers elected by the dairy farmers of Victoria, one member to be chairman of the authority. There are to be three other representatives, one representing co-operative dairying interests, one representing proprietory and manufacturing interests and one representing the processors and distributors. The final member of the authority would be a Government appointee. It is essential that the dairy farmers control their own industry and this would be achieved by giving the chairman a casting vote, thereby giving the dairy farmers control.

This is the general principle to be found in most of the other authorities. In the United Kingdom the Milk Marketing Board has farmer control brought about by regular elections. The New Zealand Dairy Produce Board is a farmer-controlled body, and a similar position exists in Canada. The dairy farmers have the ability and the financial knowledge to control the industry. As the honorable member for Gippsland East interjects, they have a natural right to control and direct their own industry.

The alternative that is being put by the Government is that the Government should control the industry. The honorable member for Doncaster has just stated that he believes the consumer and taxpayer should control the industry. They are both getting the best end of the stick at present to the detriment of dairy farmers in this State, and that is what worries members of the National Party. Dairy farmers in Victoria are well able, through the leadership of the United Dairyfarmers of Victoria, to control their own authority. Those dairy farmers who are not members of the United Dairyfarmers of Victoria also have the ability to do this and could be elected to the authority if they received support.

One would expect that the members of the authority would be elected by the United Dairyfarmers of Victoria because that body has the bulk of membership. It is an unfortunate fact of life that all dairy farmers do not subscribe to the organization. It is hoped that in the not-too-distant future they will do so. Members of the National Party put forward a proposal that the election should be governed by regulation which would fall into line with the proposals of the United Dairyfarmers of Victoria that members of the authority be elected at the annual conference of the United Dairyfarmers of Victoria. That will fit in with the amendment which the National Party will move to this Bill.

Provision will be made in the amendment for one representative to be appointed from co-operative manufacturing interests, one from proprietary manufacturing interests, one from processing distributors and one by the Governor in Council. Both the proprietary and co-operative manufacturers' interests have asked that they each have one representative on the Dairy Industry Authority.

Members of the National Party also believe an important objective which this authority should have but which it will not have—we are not sure why—is that the authority should provide for orderly marketing and a just return for dairy farmers at the farm gate. The National Party will move an amendment to that effect.

Mr. FORDHAM: That is Socialism.

Mr. HANN: It is not Socialism. It is a proposition surely that the honorable member for Footscray could not argue against—a just return for farmers.

Mr. FORDHAM: I am all for Socialism; I am not arguing.

Mr. HANN: I do not think the honorable member really understands the Bill. Members of the National Party believe it is important that one of the objectives of this authority should be to introduce at the earliest possible time orderly marketing into this industry, and in so doing should take into account a just return to the producer. That should be levelled at the farm gate. It is vital and the National Party will move an appropriate amendment during the Committee stage.

As I pointed out, this Bill will provide wide powers of control over milk and dairy produce in Victoria under the powers of the authority which the Minister has claimed in his second-reading speech will be used to maintain a supply of liquid milk for the liquid milk market. One could expect that the authority, provided that it obtained the approval of the Governor in Council, could take advantage of this clause to give itself much wider powers over the industry. This has concerned the manufacturing and processing areas of the industry, but once again I state that I believe a responsible authority would handle this power in a responsible manner. I hope it would do it in the best interests not only of the dairy farmers, but also of the manufacturers, processors and distributors in Victoria.

The phasing out of the contract system has probably caused the most controversy in the dairying industry in Victoria. The Government certainly encountered many difficulties with it and, as a result, ended up with what I consider to be a poor and weak compromise. The consequence of the Government's decision is that the larger contract holders, many with contracts in excess of 100 gallons a day and even up to 755 gallons a day, may not hand their contracts in.

If one considers the sorts of qualifications that have been made, on a 100-gallon contract, for example, over the ten-year phase-out period the contract holder would receive $130,000 more than a farmer supplying the same amount of milk for manufacture. If he surrendered his 100-gallon contract, he would receive $25,000 compensation, which, if invested at 10 per cent per annum compound interest over ten years, would grow to $64,839. There would be a cash advantage of $66,000 to that contract holder. A 12-gallon contract holder would receive a cash advantage of $7,932; and a 200-gallon contract holder would receive a cash advantage of $132,000. One could multiply the figures and arrive at what a contract holder with 750 gallons would receive.

Mr. DUNSTAN: How much would he get?

Mr. HANN: $188,000 in compensation. That is the generosity of this Government. These are the sorts of amounts of money that this Government is handing out under this Bill. I should like to give a few examples for the Minister's benefit. A contract holder on 100 gallons would receive an amount of $25,000; a contract holder on 200 gallons would receive $50,000 compensation. Perhaps I could give some examples of the numbers of people who would receive these sorts of amounts. A total of 946 farmers are eligible for an amount up to $25,000; 263 farmers are eligible for amounts up to $50,000; 42 farmers are eligible for amounts up to $75,000; 6 farmers are eligible for amounts up to $100,000; and at least 3 farmers are eligible for amounts over——

Mr. RAMSAY: That is compensation.

Mr. HANN: It is generous compensation. A 400-gallon contract holder will receive $100,000 in compensation; a 571-gallon contract holder could receive—I say "could"

because there is no guarantee that he will do so—$142,000; 342-gallon contract holder could receive $85,000; 292-gallon contract holder could receive approximately $75,000; 650-gallon contract holder could receive $162,500; 450-gallon contract holder could receive $107,500; and 480-gallon contract holder could receive $112,500. The Minister asked for a figure on the 755-gallon contracts. The figure is $188,750.

These are the sorts of amounts which the Government is handing out in compensation to contract holders. The board of inquiry recommended that compensation should be handed out only when justified and stated that many landholders would not be eligible for compensation because the increase in capital value of their land over the past few years had meant that really they should not be milking cows on the land; they should be subdividing it. The United Dairyfarmers of Victoria came out with the same sort of statement.

Mr. LIEBERMAN: They made an across-the-board recommendation.

Mr. HANN: They did not. For the benefit of the honorable member for Benambra, who obviously has a poor knowledge of the dairying industry, I shall read from a document which was a submission to the Victorian Cabinet sub-committee on recommendations of the Board of Inquiry into the Dairy Industry in Victoria dated 26th August, 1976, from the United Dairyfarmers of Victoria. At page 8, the following appeared—

> Compensation should only be paid to those claimants whose properties could not be better used for other purposes other than dairying, e.g. the farm, cited on page 38 of the first report, chapter 9, where a dairyfarmer is milking on a property of 112 acres, the milk contract being 143 gallons per day and the property being zoned part residential and industrial with a valuation of $896,000. We consider that such a farm would not be entitled to any compensation at all.
>
> Compensation would be on an individual basis and all farmers who considered that they were entitled to compensation should be able to make an application to the new dairy authority for such compensation. The decision of the authority would be final.
>
> The question of the amount of compensation and how it should be assessed is a difficult one. We consider that the authority should set up a compensation tribunal from amongst authority members to handle all claims for compensation. The duties of this tribunal would be:
>
> (i) To hear claims from dairyfarmers who are entitled to compensation due to their loss of contract. Claimants would need to bear in mind the above-mentioned provisions and the tribunal would be required to enforce them.
>
> (ii) To pay compensation where justified at a ceiling of $180 per gallon over the phase out period.

The statement made by the honorable member for Benambra was inaccurate. The United Dairyfarmers of Victoria did not opt for a total compensation scheme to all dairy farmers.

Mr. LIEBERMAN: I did not say that.

Mr. HANN: If the honorable member looks at the record he will find that that is exactly what he did say.

Another recommendation of the United Dairyfarmers of Victoria was that compensation should be paid only on what a contract holder would be entitled to get back from his share of the liquid milk market once it was shared out again. Some arithmetic has been done which indicates that the Government's decision to introduce this compensation on a total basis will cost the dairy farmers of Victoria approximately $31·952 million over and above what they would have had to pay if they had accepted the recommendations of the United Dairyfarmers of Victoria. That means that the Government has committed the dairying industry of this State to the payment of a total compensation, if all contracts are put in, of approximately $55 million.

Mr. WOOD: You say they are not surrendering their contracts.

Mr. HANN: Some farmers have already surrendered their contracts. If they do not surrender them the whole purpose of the request from the United Dairyfarmers of Victoria will be defeated. That is one reason why an amendment will be moved in line with the policy of the United Dairyfarmers of Victoria as recorded at its recent special State conference which asked for a compulsory reduction of 10 per cent in the quantity of milk contracts until 1986.

The National Party will move an amendment in those terms. I shall expect back-bench members of the Government party to support the amendment because they have been asked by the United Dairyfarmers of Victoria to do so. A special conference of the United Dairyfarmers of Victoria was called on this issue, and the amendment was agreed to. If the Government is to follow its previous policy of aligning itself with the policy of the organizations concerned, it has a responsibility to support the amendment. It will be interesting to ascertain whether several back-bench members of the Government party who have been vocal in their electorates on how they have supported the issue of compulsory compensation in the party room are prepared to support this amendment in Parliament.

The Government has imposed on the dairying industry an additional burden to the extent of $31 million as a result of an inquiry by its own Ministers. It is an indictment on the Government. I am concerned that many back-bench members of the Government party were not aware of this proposal in the party room. They were not aware of how the change in the method of payment of compensation would impose an additional financial burden on the dairying industry. The honorable member for Swan Hill, who is interjecting, is a classic example of a member who has been saying a great deal in his electorate, and he will be given the opportunity of supporting the amendment which is United Dairyfarmers of Victoria policy.

Mr. LIEBERMAN: Are you supporting the United Dairyfarmers of Victoria on the 10 per cent?

Mr. HANN: We shall move an amendment accordingly. I am stating the facts of the present situation. Members of the National Party are particularly concerned that the Government did not accept a recommendation of the United Dairyfarmers of Victoria on behalf of the dairying industry in this State that if compensation were to be paid it should be on the basis of $180 a gallon. That was put forward as the base figure that the industry could afford to pay. Higher figures had been discussed, but the industry pointed out in a practical manner that the dairying industry and dairyfarmers of this State could not afford to pay more than $180 a gallon. It is interesting that in discussion a Minister admitted that it was a Government decision to increase the amount from $180, which the industry had requested, to $250. When I asked the Minister concerned whether, if that was the case, the Government would accept the difference in compensation, the Minister agreed that that was so and the Government would have to accept the difference between $180 and $250 a gallon in the payment of compensation. Three other dairy farmers can testify to the fact that that statement was made by a senior Cabinet Minister.

Mr. BIRRELL: The party decides.

Mr. HANN: The honorable member for Geelong West says that the party decides. That is exactly what happens, unfortunately for Victorian dairy farmers.

Mr. BIRRELL: So it should.

Mr. HANN: The party decided that it would not take the advice of the Minister on this Bill. That

is an indictment of the party. If the Government is not prepared to accept the proposition which we will put up in a few moments, the industry will have difficulty in paying the compensation. Calculations have been made which indicate that the Victorian Dairy Industry Authority and the dairy farmers of Victoria will not be able to service the sum of money already needed to pay the compensation. In view of the importance of the payment of compensation for these milk contracts, and the fact that the State Government decided to increase the figure from $180 to $250, the National Party believes the Government should accept the responsibility for the additional amount of compensation. Consequently, I move—

That all the words after "That" be omitted with the view of inserting in place thereof the words "this Bill be withdrawn and redrafted to provide for a contribution of funds from the Government equal to 30 per cent of the amounts payable under the Bill as compensation for the surrender of milk contracts by contract holders".

The amendment is self-explanatory. I believe I have covered most of the points relating to it. The National Party will be moving other amendments in the Committee stage. I have commended the Minister for introducing the Bill, with some reservations. Basically the National Party supports the measure.

**The SPEAKER (Sir Kenneth Wheeler):** Order! Is the amendment seconded?

**Mr. McINNES** (Gippsland South): I second the amendment.

The SPEAKER: Honorable members speaking from now on will be speaking to both the motion and the amendment.

**Mr. HANN** (Rodney): I have explained why the National Party believes the Government has a financial responsibility for meeting the difference between the $180 commitment on compensation and $250, which was purely and simply a figure placed on compensation by the Government, and particularly by the Minister of Agriculture in Cabinet. The Government should accept the financial responsibility for this additional amount of money. It could be argued that compensation should be paid at a higher figure than $180, but the industry has said that it can afford only that amount. The Government should pay the difference between $180 and $250. Although the figure of 30 per cent does not exactly represent $70, it would be fair for the Government to accept the slightly larger contribution and assist the dairying industry of Victoria. Members of the National Party basically support the Bill with the reservations to which I have referred.

**Mr. AUSTIN** (Ripon): I support the Bill and oppose the amendment moved by the honorable member for Rodney. This is probably one of the most important pieces of legislation to come into the House during this sessional period. I compliment the Minister on his initiative in introducing the Bill, and specifically I pay tribute to the officers of the Department of Agriculture who have gone beyond the line of duty in helping to bring it forward in a very short time. They have worked long hours, day and night, and I compliment them.

Two speakers have already referred to the hardships that the dairying industry is facing today, and this applies to all the rural industries in Victoria and throughout Australia.

The dairying industry has been hard hit, particularly those sections which have a fairly large export component, and this has been mainly for two reasons. The first cause was the disastrous economic policies of the Federal Labor Government from 1972 to 1975 which resulted in spiralling inflation. Because of those economic policies the farmer today finds himself facing a cost situation which he is unable to pass on. The second cause was those political decisions taken in countries to which major rural industries export, namely,

America, Japan and the European Economic Community countries, decisions which have worked savagely against the exporting rural industries.

The dairying industry has suffered more than any other rural industry, except the beef industry. I compliment both the Federal and the State Governments on the policies they adopted in underwriting skim milk powder. This action allowed many dairy farmers who otherwise would have been out of business at least to survive. The industry is now at the crossroads, but at least those farmers are still in business, and if the industry recovers they will still be on their farms and in a position to receive the benefits.

It became obvious some time ago that a restructuring of the dairying industry was essential. Recently an agreement was made between the Victorian Dairyfarmers Association and the Dairying Division of the Victorian Farmers Union. This amalgamation resulted in the formation of the United Dairyfarmers of Victoria, which brought about the kind of unity which has long been sought by various sections of the dairying industry. The Minister of Agriculture played a valuable part in bringing about this agreement. There may be some slight cracks in that unity since the agreement was made, but they have been caused by the problems that arose when the phasing out of milk contracts was under discussion.

The most vital step taken recently by the Government was the setting up, first of all, of a committee of inquiry, followed by a board of inquiry into the dairying industry in October, 1974. As a result of the recommendations of that board the Government decided to establish the Victorian Dairy Industry Authority.

Originally it was decided that the legislation to establish the authority should be all-embracing and should state the authority's objects and how they were to be achieved. This proposal caused considerable difficulties and it became evident to those who were drafting the Bill that the task was almost impossible.

The decision of the Minister of Agriculture, acting in collaboration with the Department of Agriculture, to narrow the field of the proposed legislation was practical and wise. Instead of producing all-embracing legislation spelling out in detail what the authority would do, the Government settled for a more confined Bill which would set up the authority, define the functions for which it was responsible, and leave it to the practical common sense of the authority to carry out. If the measure proves in time to contain some loopholes, further legislation will be introduced in due course.

It is noteworthy that in the broad sense the Bill has been accepted by the industry. In his second-reading speech the Minister apologized because it had not been possible to circulate a statement of the principles of the Bill to various organizations associated with the dairying industry and because he had not then been able to discuss it with them. The Minister also foreshadowed that this would occur between the second-reading speech and the debate which would follow.

Last week a meeting took place between the Minister of Agriculture and the various organizations concerned with the industry. These included the Authorized Milk Depots Association, the Co-operative Dairy Factories Association of Victoria, the Cream Industry Association, the Melbourne and Metropolitan Milk Distributors Association, the Milk Producers Association of Victoria, the Proprietary Dairy Factories Association of Australia, the United Dairyfarmers of Victoria, the Victorian Dairy Produce Distributors Association, the Victorian Milk Carriers Association and the Victorian Milk Distributors Association

Pty. Ltd. They were the ten organizations whose representatives attended the meeting, and there are others associated with the industry that were not represented, so it shows the number of organizations involved.

That brings me to probably one of the most important aspects of the proposed legislation, which is the constitution of the Victorian Dairy Industry Authority. Clause 8 of the Bill spells out what the constitution is and states that the authority shall consist of six members, two to be representatives of dairy farmers, two to be representatives of manufacturing, processing and distributing interests and two other members.

The various organizations represented at the meeting with the Minister brought forward points for clarification and asked for certain aspects of the Bill to be explained to them. They were given clarification in writing of the various points they raised. They also sought certain amendments to the Bill, and these have been given due consideration and, where they are sensible and practical, have been incorporated in the Bill.

It is important to show that the Government is prepared to meet the various organizations involved in the dairying industry when changes are promulgated, and I assure the House that their submissions were given a good hearing.

In relation to the constitution of boards, it has become clear over recent years that the Government's proposals are not always in accordance with those of the Opposition, the National Party and, often, industry organizations. Government supporters are firm in the belief that in general terms boards of inquiry, marketing boards and authorities ought to be small in number and should not necessarily as of right be dominated by producers. The most essential part of a board of inquiry or marketing board is that its members are persons of the right calibre. The success or failure of the proposed Victorian Dairy Industry Authority will depend on the calibre of its members. One of the worst things that can occur in a situation such as this is to have representatives who put sectional interests before the overall interests of the industry. In this case there are three manufacturing sections, and only two will be represented on the authority.

At this juncture I should like to inform the House of the breakdown in milk throughput of the various organizations. Processing dairies in Victoria handle 13 per cent of the total Victorian milk production, co-operative manufacturing companies handle 61 per cent and proprietary manufacturing companies handle 26 per cent. The gross revenue before redistribution is 25 per cent by processing dairies, 45 per cent by co-operative manufacturing companies, and 30 per cent by proprietary manufacturing companies.

Obviously one of the major tasks of the new authority will be to implement the phasing out of milk contracts. In doing this the authority will take over the power of the Milk Board and will have the responsibility of phasing out contracts by 30th June, 1986. Much has been said about the concept of phasing out milk contracts, and this accounted for many bitter arguments when the decision-making process was taking place.

It seems inequitable that there should, in this day and age, be a group of dairy farmers who, because they possess a piece of paper, are better off than other people in the industry. One can take the example of two farmers with farms of the same size side by side, and the same amount of capital outlay, who both work seven days a week, have the same skills and the same sized herd, and one makes a reasonable income and the other finds himself in a situation in which it is almost impossible to carry on.

Concern has been expressed that in the phasing out of contracts there could be a shortage of milk in certain districts. It is well known that contracts were originally brought in because of the guarantee of supply to various centres. Since those days, because of more sophisticated refrigerated vats, refrigerated transports and improved transport methods, it does not seem that even in the winter drought of late May, June and July there will be any reason for concern.

Under this Bill, the Dairy Industry Authority has the power to vest milk. This is a reserve power, but if necessary the authority can vest milk and in this way milk supplies can be guaranteed to any milk district at any given time. It is not possible at this stage to say to what extent milk contracts will be phased out and at what rate. The honorable member for Rodney expressed concern about the length of time involved in phasing out contracts. As I understand it, as at 30th March there had been a firm commitment that 6 per cent of the total volume of milk would be phased out. That covered 9 per cent of contract holders, representing a total sum of $3 million. Undoubtedly there will be a big influx of farmers in the next month or so who will be phasing out contracts towards 30th June, which should mean that those who are taking part in the over-all improvement in this situation will gain immediate benefit. I oppose the amendment, and commend the Bill to the House.

**The ACTING SPEAKER (Mr. Stephen):** I remind the honorable member for Broadmeadows that he should speak to the amendment.

**Mr. WILTON** (Broadmeadows): The honorable member for Keilor, in leading the debate for the Opposition, pointed out that the basic principles contained in the legislation have been policies of the Labor Party for a number of years. The philosophy of the Labor Party—it has taken this view for some time—is that, in the dairying industry as a whole, a situation of haves and have-nots should no longer be justified. The Opposition believes that is one of the basic problems that have bedevilled the industry for many years.

Some farmers were fortunate enough to have farming properties located close to the metropolis of Melbourne in the early days of the Milk Board's operations, and the board's main charter was to ensure a continuous, uninterrupted flow of liquid milk of a standard fit for human consumption to assure supply to the metropolitan market. This was established in the days long before we had the sophisticated transport systems of today, but in most cases the encouragement of Governments was of a political colour and encouraged closer settlement throughout the State. Dairying played a major role in those closer settlement operations, and now dairy farmers are in almost every area of the State. In fact, there are a few in areas where they should not be, because production is poor. That error was made some years ago by the then Soldier Settlement Commission, but that is another matter.

The Opposition believes it was the responsibility of the Government to bring forward a Bill of this nature to enable the producer to have access to all available markets. It is obvious that the liquid milk market is the most lucrative. Therefore, the Opposition does not believe there could be any justification in locking up that market in what was known as the Milk Board contract system.

It has already been mentioned that one of the most vexed problems that the new authority will have to grapple with is the question of compensation. Honorable members will agree that compensation is always difficult to decide, irrespective of whether it is in the acquisition of land or an attempt to compensate

someone for the loss of some form of income by a business operation, because there are unknown quantities that one has to try to evaluate in economic terms. I do not share the view of the honorable member for Ripon that a number of contract holders will be prepared to surrender their contracts before 30th June, 1977.

I support the view expressed by the honorable member for Keilor that contract holders may well find it just as lucrative to mark time, stay put and ride out the ten-year period, which seems to be unduly long. This would bring the whole of the contract system to an end. That is already foreshadowed, and the Opposition will be putting forward amendments to reduce that period.

The other matter I wanted to discuss was price fixing. Section 19 of the Milk Act gives the Milk Board power to set prices at all levels—the price received by the producer, the price necessary to cover transport costs, the price received by the dairyman or the processor, and the price paid by the consumer. Under the Act no person appointed to the Milk Board can have a vested interest in the dairying industry. That was included in the original legislation in the belief that as a price-fixing authority the board should be totally independent and not have any vested interest in the industry. The new authority takes over the responsibility of the Milk Board, and this includes price fixing.

The passage of this Bill will not cause the problems of the dairying industry to fade away overnight. The authority will have thorny problems to grapple with in the immediate future once it takes over this responsibility.

The consumer is the one who finally has to meet the total cost; he is always at the end of the line; he cannot pass the cost on. Therefore, careful thought has to be given to whether it is wise to give this authority price-fixing powers and responsibilities. It is part of the philosophy of the Labor Party that those involved in the industry, in production, manufacturing, or processing, should control the marketing of products. Quality standards, of course, have to be met and I believe this works much more satisfactorily when producers are directly involved. Then the spur is the fact that their income depends on their capacity or ability to find new markets, promote sales, and generally get out and compete with the opposition. The Minister ought to look seriously at establishing a cost-of-production committee, which could be an independent body used by the Minister to refer the whole variety of prices set by boards or authorities to the Minister, particularly in regard to the consumption of consumer products.

Mr. HUDSON: The Milk Board had an inquiry.

Mr. WILTON: I accept that from the honorable member for Werribee in as much as the Milk Board inquiry was open to the public and anybody was at liberty to submit counter-arguments. The Milk Board did not have expertise in the cost of production, and it did not always receive argument from the other side in making a decision on an increased charge, whether it be for the transport section, the producers' section, the processing section or the retail section. I believe a cost-of-production committee, with appropriate qualifications and expertise, could do the necessary research work on a full-time and continuing basis, and bring forward to the Minister figures which he could use to gauge whether an authority, such as the dairy authority, was setting reasonable and just prices.

I shall cite an example at the national level. For years when the wheat growers of Australia were receiving a guaranteed price for their product, the cost of production was

established by the Bureau of Agricultural Economics. That was an independent body which comprised people of expertise who took a cross sample of prices throughout Australia, and presented the Government of the day with a fairly accurate cost of production. A percentage was added to that figure, and that became the producers' guaranteed price for his product. I believe this could be done in Victoria. The egg industry is another industry that would welcome a cost-of-production committee.

Mr. WHITING: A cost-of-production committee is not mentioned in the Bill.

Mr. WILTON: I know it is not, but a stage has been reached where Victoria should be looking at establishing such a committee. The Minister could even refer price determinations to that committee and it could then play the devil's advocate and force the authorities to justify the prices they set.

The Minister should seriously consider this question, because such a committee could be used not only in regard to the dairy industry but in other areas where the cost of primary products is set by authorities which are composed of people with vested interests.

The Opposition is not prepared to support the amendment moved by the National Party. If the producers and the manufacturers want to control their industry, they have to be prepared to stand on their own feet. The Opposition does not believe the consumer ought to make any contribution in this area of compensation.

**Mr. B. J. EVANS** (Gippsland East): The dairy industry is an old and complicated one. I regret that the Government has seen fit to indicate that honorable members should be brief in their remarks, because as this is an industry with which I have been associated all my life, I should like to dwell for some time on its background and on some of the reasons for the current situation.

This industry has been one of the really great primary industries which have helped to develop this State from the mountain country of South Gippsland right up into the Mallee. In years gone by, many farmers who had nothing more than a Crown grant of a block of land, a strong back and a sharp axe, and a couple of cows running in the paddock, established themselves in the country. The fact that they were able to run a few cars on the roads and get small quantities of milk to send into the local factories to provide a small, regular income enabled them to survive until they were able to develop their properties to bring in a more regular income.

Many of them continued to milk cows although their main enterprise may have been in some other direction. In the main, the returns from primary production come in the one large payment, whereas the dairying industry has had the great advantage, with which the Minister for Fuel and Power is familiar, of having a regular income every month. This has been one of the main contributory factors to the growth of the dairying industry in many areas of the State. As time went by and circumstances changed, dairy farms were established in areas where perhaps the climatic conditions were not ideal for the industry. This brought about complications.

In addition, the industry produces a multiplicity of products. Although the initial product, cows' milk, is fairly variable in quality and standard, a wide range of products are produced by the dairying industry, locally in most cases, and marketed in many places. The very act of milking cows is subject to injury, disease and complications of many different kinds. It is not an easy industry to understand or to organize because of the wide-ranging areas in which it is to be found, and the complications of its production and its marketing.

It is understandable that it has taken a considerable time for the industry to reach this stage. I endorse the remarks of the honorable member for Rodney concerning the work of the Minister of Agriculture. Although I obviously do not agree with all of the provisions in the Bill, during the time immediately before and immediately after becoming a member of this House, I was an executive member of the Victorian Dairyfarmers Association, and the two main arguments over the years at conferences of that organization were unity of dairy farmers and primary producers generally, and doing away with the milk contract system. I participated in a number of strenuous debates on this subject and I compliment the Minister on, at long last, being able to achieve both of those objectives.

I wish to deal only too briefly with the Bill and to make some comments on remarks made by earlier speakers. In outlining the philosophy of the Liberal Party, the honorable member for Ripon commented on the constitution of marketing authorities of the kind envisaged in the Bill. As I recall it, the honorable member said that the authority should be small in numbers and that it should not necessarily be dominated by producers. He explained that one of the problems encountered by having a producer representative on a board is that the producer may put his own personal interests before those of the industry. This aspect of the Bill is the most important factor which must be considered by the Parliament.

Honorable members must not overlook the fact that the Victorian Dairy Industry Authority will have broad powers. The essential difference between what the National Party proposes and what is contained in the Bill is that the National Party's proposition will bring about a situation whereby, with Government assistance, producers will get together to market their own products. The Bill proposes the imposition on the producers of an autocratic Government authority. The producers will have no say in the membership of the authority; there is no scope for them to elect a member to the authority or to have a say in how their produce is to be marketed.

The proposal contained in the Bill is nothing more nor less than the socialization of the dairying industry. I cannot believe a Socialist Government would do any more in controlling industry than to simply set up an authority which tells the farmer that he can produce what he likes but that the produce becomes the property of the authority from the moment it leaves the farm gate. If that is not Socialism, I do not know what is!

Mr. GINIFER: If it were producer controlled, would it be Socialism?

Mr. B. J. EVANS: If it were producer controlled, it would be a co-operative marketing authority.

Mr. GINIFER: That is what my amendments will propose.

Mr. B. J. EVANS: I have not seen the honorable member's proposed amendments, but this Bill is Socialism in its most obvious form because it provides for an authority to be nominated by the Minister, who could be a Socialist Minister or in future might well be a Communist Minister. Who knows what party will form the Government in the future? Unfortunately, this Government is too often inclined to believe that it will be the Government for all time. Time and again I have warned the Government that it should ask itself would it like its worst enemy to have the powers that it is giving to itself because some day its worst enemy might have those powers. The Government is giving the Government of the day the power to nominate the people who will control all the milk that is produced in this State.

Mr. GINIFER: Could you not accept that responsibility in Government?

Mr. B. J. EVANS: I would accept that responsibility and I would nominate producers. I would ensure that producers controlled the authority. I certainly would not trust the Labor Party to do that because the Liberal Party denies that right to the farming community. The so-called anti-Socialist Government of this State is giving a Socialist power to an authority of its own creation.

I believe strongly in organized marketing. Over the years this has been the policy of the party that I represent. To a degree, for many years the dairying industry has had organized marketing of its products. I strongly object to the Government's setting up an authority which is entirely in the hands of the Minister of the day to determine whom the members will be. That is why, during the Committee stage, the National Party will be proposing an amendment to clause 8 to provide for half of the members of the authority to be elected by the producers and for the chairman to have a casting vote in order to give a controlling interest in the authority to the producer.

Mr. FOGARTY: Why give the chairman a casting vote?

Mr. B. J. EVANS: The National Party is being very generous and lenient towards the Government's point of view, because the proposed amendment provides that the Minister of the day will have the power to nominate a chairman from one of the producer representatives. That is a big concession to the representatives of the Liberal Party in this Parliament.

The honorable member for Broadmeadows made some comment about the authority having price-fixing powers. It is quite true that it will have powers to fix prices over the products it receives at the farm gate. It should be given power to control prices throughout the whole process and undoubtedly it needs these powers to oversee the functioning of the Milk Board in the marketing of milk.

It seems strange to hear a member of the Australian Labor Party say that price fixing in a situation such as this should not be carried out by the people who have the product to market. He seems to apply a different standard to the trade union movement because he strenuously argues for the right of a trade unionist to deny his product—his labour—if he does not believe he is obtaining a fair return.

The honorable member for Broadmeadows is advocating that under this legislation the authority can take the milk from the farmer the moment it comes out of his gate and pay him whatever price it likes. That leaves the farmer with no bargaining powers whatsoever, and with no say in what the price should be. That power is being given to the authority at the expense of the producer, who will retain no rights.

That is an indication of how dangerous the proposed legislation could be, unless the Government agrees to the amendments proposed by the National Party, particularly the amendment affecting the membership of the authority being under the control of the producers. Surely in a democratic country the producers of a commodity have a natural right to control their product. They should have the right to determine where they sell their product. Unless they have that right to choose, they will be denied the right to control their own industry.

I refer to the amendment moved by the honorable member for Rodney to the motion for the second reading. I compliment the honorable member for Rodney on his thorough, researched and learned account of the dairying industry and the circumstances leading to this debate. I strongly support the amendment. Honorable members have heard comments during the debate about

people not being able to see the full picture. I maintain that in the proposal of the Government to pay compensation it is being generous with the money belonging to dairy-farmers.

The dairying industry, through the United Dairyfarmers of Victoria, submitted to the Government that the maximum compensation should be $180 a gallon. I point out that the funds to pay this compensation are to come from the pockets of dairy farmers, but the Government generously stepped in and stated that it would not agree to $180 and decreed that the amount would be $250. That amount is to represent the compensation payable to dairy farmers who relinquished their liquid milk contracts.

It is reasonable to assume that if the Government wants to take the kudos and responsibility for establishing the authority over which it has complete control by virtue of its power to nominate the members of the authority, it must accept the responsibility for the amount in excess of that which the industry indicated it was prepared to pay by way of compensation to dairy farmers who surrendered their liquid milk contracts. That is a reasonable and logical point of view. It would be impertinent of the Government to refuse to consider the amendment because, in effect, it is providing that it will determine the amount of compensation which dairy farmers have to pay to those other dairy farmers who surrender their liquid milk contracts. If the Government is not prepared to contribute towards the payment of that compensation, it should not have the right to establish what that compensation should be.

I earnestly urge the Government to consider this legislation carefully and what its effects will be. I do not think Government members have studied the Bill as thoroughly as they should have. From the points of view which they have expressed, I believe they are anti-Socialist. I ask them once again to look at what the effects will be if the authority is to have power to take over the product of the dairy farmer immediately it leaves his farm gate because from that point onwards the dairy farmer has no control over it.

I ask every honorable member to put himself in a similar position. Would he be prepared, whatever occupation he follows, to allow somebody else to set the price for his services knowing that he has no control over what that price should be?

**Mr. HUDSON** (Werribee): I was extremely surprised at the narrow attitude expressed by members of the National Party in this debate. The honorable member for Rodney accused the honorable member for Benambra of knowing nothing about the dairying industry. However, after listening to the honorable member for Rodney, I wonder just how much he knows about the dairying industry. Many times he mentioned the organization that he has been told to represent in this House, the United Dairyfarmers of Victoria, but apparently he has never heard of the Milk Producers Association because he gave its views no consideration whatsoever.

The honorable member for Rodney also made great capital of the fact that a 755-gallon contract holder, of which there is only one, would be paid $188,000 in compensation if he sold his contract. What he did not mention was the capital investment of that farmer to produce 755 gallons a day for 365 days a year, as he is required to do under his contract. The capital expenditure would be enormous and the $188,000 would be peanuts to what would be invested in the property to produce that gallonage.

The honorable member for Rodney does not even understand the difference between the production of milk

under a contract system and manufactured milk. Most of the manufactured milk producers milk in the flush of the year—for nine months of the year, and then turn their cows out to pasture for the remaining three months. It does not concern them whether there is a drought or dry season as they do not have to meet a contract obligation or feed and water their land, as the holders of milk contracts have to do to fulfil their contractual obligations. The honorable member for Rodney does not realize that a contract holder has his contract suspended or cancelled if he does not meet his contract and therefore has to incur additional costs to produce his milk.

One other thing which the honorable member for Rodney mentioned, as did the honorable member for Gippsland East, was that the Government should pick up the tab for the difference between the amount of compensation suggested by the United Dairyfarmers of Victoria and the figure that the Government finally determined. The honorable member for Gippsland East called this a Socialist Bill. However, I wonder whether he really knows anything about Socialism because this would be the most democratic piece of legislation I have seen in this House in the twelve months I have been a member, and I can assure the honorable member that it has been debated at great length.

Every Government party member interested in this subject has made a contribution to the contents of this Bill. To suggest that the Government should pick up the tab between what the United Dairyfarmers of Victoria suggested and what the Government finally decided upon is ridiculous. I wonder whether members of the National Party would be popular in their electorates if it became known that they wanted to charge the taxpayers in the electorates they represent who are not dairy farmers for the difference between the prices recommended by the United Dairyfarmers of Victoria and those on which the Government decided.

Mr. ROSS-EDWARDS: They would be happy to pay it.

Mr. HUDSON: They would say that they had supported the National Party for the last time. The honorable member for Rodney said that orderly marketing and a just return to the industry should be provided for in the Bill. But both he and the honorable member for Gippsland East want the authority to be controlled by producers. I ask them if they have ever heard of an industry which does not have a marketing section as well as a production section. Producers are not used for marketing. Producers have expertise in production and others have expertise in marketing. The authority will be primarily a marketing, financial and administrative organization.

The Bill was introduced because the dairying industry was in a mess —all honorable members will agree with that. When the export market collapsed the whole of the manufacturing section was in such an economic state that it had no viability at all. People in the industry were on the breadline and, in some instances, below it.

If the products of the industry are to be marketed properly and the industry is to be put on a proper footing, members of the authority should be experts in this field. The Milk Board did not have any producers on it. Probably, the major reason for that was vested interests, but the second most important reason was that it was an administrative authority charged with the task of ensuring that the public of Victoria had plenty of milk.

Mr. B. J. EVANS: Cheap milk!

Mr. HUDSON: Yes, and it did a good job. There have been no complaints and no shortages of milk during all the years the Milk Board has operated. Now the National

Party want the producers to dominate the authority. After the submissions by the United Dairyfarmers of Victoria which I have seen and heard in regard to the authority, I would hate to see producers dominating it. The representatives of that organization said that the Minister did a good job in combining the two organizations in the industry, the Victorian Dairyfarmers Association and the dairy division of the Victorian Farmers Union.

Mr. B. J. EVANS: Why did you not back him up in the party room when he was doing a good job?

Mr. HUDSON: We did. Because of the way the members of the United Dairyfarmers of Victoria who were allied to the manufacturing section of the industry dominated it, and because they were badly affected by the slump in the industry as a result of the decline in the export market, they did not at any stage consider what would happen if milk contracts were discontinued; they gave no thought to any other problems in the industry. They gave no thought to the problems that would arise in irrigation areas or intensive agricultural areas, or the effect that the scrapping of milk contracts would have on other industries, such as the market gardening industry, or to the towns which were dependent on intensive agriculture for economic viability, or to employment in those areas. They merely put pressure on the Government to get rid of the contract system. The only thoughts which permeated their minds were that contract holders were rich and those who did not have contracts were poor, and they said that what the rich had must be taken from them and given to the poor.

They suggested that what the Government is doing is Socialism, but have we ever heard a more socialistic attitude than that of the United Dairyfarmers of Victoria which the National Party is now representing? Their attitude seems to be far more socialistic to me than anything the Government proposes.

After all the Minister had done to combine the two organizations of the industry into one and make it the United Dairyfarmers of Victoria, those who had milk contracts were forced to break away and once again the industry was disunited. The United Dairyfarmers of Victoria should have been a strong and united force in the industry and, with its expertise, it should have been able to advise the Government on measures which would further the industry's interests. But, instead of endeavouring to lift the uneconomic section of the industry up to the level of the contract holders, they sought to bring the contract holders down to the lowest level of income in the industry. That was a shortsighted and stupid policy.

As a result, there was a breakaway from the organization and the Milk Producers Association was formed. I have heard the submissions made by that association. Its submissions reflect a strong feeling for survival, and there is an underlying and an underlining of a parochial and self-interested attitude in the protection of the interests of its members. Having listened to the submissions of both organizations which have sought to put pressure on it, the Government has produced this Bill, which will do an extremely good job for the industry.

The Government listened to many comments on the Bill. It studied the recommendations of the board of inquiry. It circulated the draft Bill to all the organizations concerned and again listened to them, and then it produced the Bill which is now before the House. It will do a great deal towards uniting this industry again and putting it on a strong economic footing.

I should like to speak at much greater length on this subject, but I know that members of the National

Party would not want me to do that because of what I would say. Therefore, I conclude by saying that honorable members should cast aside any thought of accepting the amendment and should support the Bill as it is at present, in its entirety, as I do.

**Mr. FOGARTY** (Sunshine): It is disappointing that the Government has placed a time limit on such an important piece of legislation.

Mr. DUNSTAN: What time limit?

Mr. FOGARTY: There will be one. Some two and a half years ago the Minister initiated legislation which resulted in an inquiry into the milk industry in Victoria. Since then there have been four reports and one supplementary report. To analyse those reports is extremely enlightening. Like the National Party the Opposition is pleased to note that the Minister has taken notice of sections of the report in bringing down this Bill. However the Minister has not gone the whole way. He has introduced the authority, he has noted that the recommendations in the report refer to a phasing-out period and an area of compensation, but unfortunately the honorable gentleman, notwithstanding the fact that he may have shown foresight in the original stages, has been overridden by Cabinet and party members, some of whom had a vested interest, directly or indirectly, in the industry.

The title of the Bill shows the reasons for the Bill—the setting up of an authority; in other words, the replacement of the Victorian Milk Board, an organization which has fulfilled a function for many years. I believe the board originated in 1933 or thereabouts in the days of the yodelling milky at a time when the garden tap was the best cow in the paddock. Since that time progressive legislation has been put forward by various Governments and with the passing of time many changes have taken place in the milk industry of Victoria, brought about by mechanization, improved transport and other factors which have led to certain diversification and rationalization, with the result that factories have merged together and in country areas where, in the late 1950s there were almost 150 dairy factories, there are now only about 20. In the Melbourne milk area, over a period of time, because of new technology, smaller bottling plants have amalgamated and Melbourne milk is now controlled to a great extent by one factory.

The recommendations of the inquiry into the milk industry took note of all these facets of the milk industry. One of the principal recommendations was the setting up of the authority. The Opposition has noted that at some time during this debate an amendment will be moved. One of the main principles of the setting up of the authority is that the people who contribute should have a major portion of the say. Great play has been made by members of the National Party on the financial implications. Why should not the farmer have some direct say? After all, he is the one who contributes the goods and, in the past, he is the one who has contributed the finance.

In the Bill some reference should be made to organizations. The honorable member for Keilor has intimated that in his amendment reference will be made to the Trades Hall Council. That is not a new idea. Even in the Victorian Industrial Appeals Court there is reference to specific bodies such as the Chamber of Manufactures and the Trades Hall Council. There is also a similar reference in the Labour and Industry Act and other Acts. I suggest to the Minister that he should draw the panel from accredited organizations, the United Dairyfarmers of Victoria, the Melbourne and Metropolitan Milk Distributors Association, the proprietary dairy factories, the co-operative dairy factories and other bodies.

Another point that has been missed in the drawing up of the authority is that a member of the authority may be required to leave the industry. He may leave the farm to become an employee and naturally would not be eligible to represent the farming side on the authority. An additional clause should be provided to cover that contingency.

**The SPEAKER (Sir Kenneth Wheeler):** Order! I think that would be better left to the Committee stage.

Mr. FOGARTY: That is fair enough, Mr. Speaker. I have dwelt at length on the setting up of an authority. It is the easiest thing in the world to set up an authority. Honorable members must look through the magic eye into the crystal ball and ascertain what the authority will do when it is set up. That is when the job starts. Many of the ills that beset the milk industry in the past must not be repeated in the future.

Members of the Opposition believe the giant Melbourne-based octopus should be cut down to size and that the farmer-owned and operated co-operatives should have a fair share of the Melbourne milk supply.

The authority must consider another point which has not yet been mentioned. Once the authority is set up the milk has still to be drawn from the farms. From which farms will it be drawn? Will it be from the farms nearest Melbourne so that factories will undertake an uneconomic manufacturing process, or will it be drawn from all over Victoria? These matters have not been considered.

The Melbourne liquid milk supply is only a small section of the industry and farmers believe that equalizing the supply and cutting out the contracts will cure all the ills of the industry. Victoria has 60 per cent or more of Australia's milk producing industry. The percentage of liquid milk for home consumption in Melbourne varies according to the period of the year, but it is not a big percentage. The farmer must be directed to what is embodied in the aims and objects of the Australian Dairy Corporation, which controls the overseas markets of the manufactured product once it has gone past processing.

Periodical investigations by the Victorian Milk Board have shown what the farmer should be receiving for his milk. That standard should apply to all types of milk products, whether they be butter, cheese, casein or milk powder. The governing factor for price once the product comes under the control of the Australian Dairy Corporation is supply and demand. Possibly the Federal Government may have to supplement the industry to a greater degree than it has in the past.

I listened with interest to the figures submitted by the honorable member for Rodney. He stressed that the farmers with large contracts will hang on to those contracts. That is natural; it is human nature; it is greed. The farmer with the smaller contract is usually closer to Melbourne and will surrender his contract as soon as practicable, and possibly will obtain the $250 a gallon compensation with the knowledge that he may come back and pick up the same amount or possibly more in the pool.

This is an error in legislation. If the elimination of the milk contract is so urgent—the urgency of the situation was stressed in the report of the inquiry into the milk industry in Victoria—why should we wait ten years? The farmers' organization has sought a period of five years. It was happy with compensation of $180 a gallon. When one multiplies 213,000 gallons of milk under contract in Victoria at present by 250, one realizes how much money is involved in this costly project now being undertaken by the Government. However, someone must pay. I do not think the taxpayers of Victoria should pay. The contracts should be phased out

over a shorter period. The amount of compensation should be much less, because after all someone has to pay the piper. In the past it has been the dairy farmer who did not have a contract who received the least for his labour. The dairy farmer is only a glorified worker and wants a fair share and fair return for his capital outlay.

On the motion of Mr. McINNES (Gippsland South), the debate was adjourned.

It was ordered that the debate be adjourned until next day.

## ADJOURNMENT.

INCORPORATION OF ANSWERS IN "HANSARD" — LENNOX STREET, RICHMOND — PROPOSED HUNTINGDALE–FERN TREE GULLY RAIL LINK —VICTORIAN ROAD CODE BOOKLET — LA TROBE HIGH SCHOOL — QUESTION ON NOTICE.

**Mr. THOMPSON** (Minister of Education): I move—

That the House, at its rising, adjourn until tomorrow, at half past nine o'clock.

The motion was agreed to.

**Mr. THOMPSON** (Minister of Education) : I move—

That the House do now adjourn.

**Mr. JONES** (Melbourne): Briefly, I refer to two questions on notice Nos. 639 and 1180 which were directed to the Premier on Government administration and investigation. Question No. 1180 was answered on 20th March, 1977, and question No. 639 on 22nd April, 1977. Each was answered by way of a letter from the Premier, enclosing certain returns from various Ministries. I direct to the Premier's attention that the important material contained in the answers which were provided ought to be incorporated in *Hansard,* in either a complete or a reduced form.

The questions were asked because I believed the information contained in the answers would be of major public importance. If the institution of *Hansard* is to be meaningful, it should be used for research and investigation by the people who are interested in the way in which public affairs operate. I ask the Premier to ensure that the answers to questions Nos. 1180 and 639, even though they are lengthy, are in fact incorporated in *Hansard.*

**Mr. HOLDING** (Leader of the Opposition) : I raise a matter which I wish to be directed to the attention of the Chief Secretary. It relates to the petition which I lodged in the House today and which was signed essentially by some 700 residents of the Langdon Housing Commission estate in Richmond, which contains approximately 6,000 people. It is probably true to say that some 4,000 of those 6,000 people are children. The problem is that in planning the estate no thought was given to the nature of the traffic problems of the estate as a whole. On the western side of the estate is Lennox Street.

The decisions made in the placing of traffic lights farther north of Victoria Street have meant that this street is now taking a considerable volume of traffic. The problem is that the street would be barely 12 feet to 15 feet wide. The intensity of the build-up of traffic that exists in Lennox Street, combined with the large number of children, has meant that the road has become a death trap for small children. In the past seventeen months eighteen children have been involved in accidents. None of these accidents was fatal, but any motor car accident which involves a small child at the rate of one a month must cause the greatest concern to Parliament, and it is certainly causing great concern to the residents of the Langdon estate who will be approaching the Richmond City Council with a view to having the street closed.

It is appropriate that I should put the Chief Secretary on notice of the enormous traffic problems that exist in this area. It is no small matter when children are being knocked over by motor vehicles at the rate of one a month. It is only a matter

of time before a child is killed. The local residents are concerned to ensure that that does not happen. I believe with the good-will of the Chief Secretary, the co-operation of the Richmond City Council and the involvement of the local citizens, the problem can and ought to be resolved, because no community should be placed in a situation where children are in such jeopardy, particularly when that has come about essentially as a result of failure by the planner to foresee this problem and the fact that most of the children are residents of a Housing Commission estate.

**Mr. CRABB** (Knox): I direct a matter to the attention of the Minister of Transport. Some weeks ago in this House I asked a question without notice about the route of the proposed rail link between Huntingdale and Fern Tree Gully. The Minister asked me to put the question on notice. Last week he answered that question on notice. However, the question I asked was whether the route of the proposed public transport link between Fern Tree Gully and Huntingdale had been decided; if it had been decided, what was the precise route; and if it had not been decided, what criteria had the Minister used in requesting funds from the Treasury.

The Minister did not reply to all parts of the question. The people who live in Fern Tree Gully and Huntingdale still do not know where the proposed rail link is to be. They do not know whether it is to go through their homes, through the back or front of their homes, or whether it is to go there at all. That applies to the people of Fern Tree Gully in my electorate and to the people of Huntingdale in another honorable member's electorate.

It is incumbent on the Minister and the Government to inform the people who live in the area of where this rail link is to be established. I am told that it is unlikely to be a conventional railway line. It is more likely to be akin to a tram line. Nevertheless, it is still of considerable importance to the people who live in the area. The Minister has said that he has requested funds from the State Treasury. Therefore, it appears by implication to the people in my electorate that a decision must have been made on the land that is to be purchased for the route. How could one possibly ask for funds without knowing which land is affected?

I ask the Minister to make a statement to the public at the earliest possible opportunity to alleviate the fears and concerns of the people who live in my electorate regarding the rail link from Huntingdale to Fern Tree Gully.

**Mr. ROPER** (Brunswick): I wish to raise a matter for the attention of the Minister representing the Chief Secretary, but as he is not present I will direct it to the attention of the Premier. It concerns the availability of the publication called the *Victorian Road Code* in languages other than English. The booklet was originally produced after a lot of argument in early 1975; it was produced in a number of languages other than English and for the first time it was possible for people whose reading language was not English to read through a quite comprehensive document on the Victorian road code that was and still is available in English. It was printed early in 1975, and by July, 1975, booklets in the first of the languages were out of print. By September booklets in all the main languages, including Italian and Greek, were out of print.

That is now more than eighteen months ago. When I discovered this—it was because numerous people were inquiring about these booklets at my electoral office—I asked the Chief Secretary, who was then a member of this House, whether it was intended to reproduce the booklet. I was told that it was intended to reproduce the booklet and that it would be done with some speed. In fact it was not

done at all, let alone with any speed, so in the last spring sessional period I again asked when it was intended to print these booklets and was told they would be produced by January this year.

I telephoned the Chief Secretary's Department early in January this year and asked whether the booklets were available and was told that they were not and that the department had no idea when they might be available.

I placed on notice another question, No. 1627, to which I received a reply today stating that it is intended to reprint the booklets. That has been stated twice previously. The answer said that funds are available for the printing in languages other than English and that it was expected that reprints of the booklets in Italian, Greek, Serbo-Croat and German will be available for distribution by July, 1977.

This represents the breaking of a clear undertaking given to me and the migrant communities of Victoria some months, and even years ago, that these booklets would be available. It is ludicrous to suggest that there is any need to wait until July before these booklets are available, unless what is intended by the answer is that money is not being made available this year but there is some hope that it may be made available in the next financial year.

I ask the Premier to have discussions with the Chief Secretary, firstly, to find out why the various answers that have been given have been proved to be totally incorrect, and secondly, to ensure that the booklets are made available immediately.

In a situation like this where thousands of people can speak but cannot read English, to have a road code booklet available only in English adds to the road toll and to the difficulties of drivers in understanding the Victorian road laws. The booklets should be available now, and certainly should be available before July this year.

*Mr. Roper.*

**Mr. CAIN** (Bundoora): I bring a matter to the attention of the Minister of Education. I am concerned about the lack of remedial teachers at the La Trobe High School. The principal of the school has told the school council that the school is entitled to two remedial teachers. At the beginning of the year it had one teacher who was available for seven-tenths of the school week. She desired to become a full-time teacher, but her application was rejected because of staff ceiling requirements, and consequently she left the school. Since that teacher left, the school has had no remedial teacher, and the position yesterday was that she had not been replaced.

I wrote to the Minister on 24th February last and the school council wrote on 22nd February drawing this matter to his attention, but to date no reply to either letter has been received. I ask the Minister to give his attention to it and see whether a remedial teacher can be found, at least in time to commence the second term.

**Mr. BIRRELL** (Geelong West): I direct a matter to the attention of the Minister of Transport referring to a question on notice that has been standing in my name since the beginning of this year. I raise with him the possibility of receiving an answer before the House rises, possibly next week. The question has remained on the Notice Paper for an extraordinary length of time. I have discussed this matter with the Minister and he indicated that he would give me an answer.

I wish to put it on record so that it will be public knowledge in Geelong that the question has been asked in the House and I ask that an answer be provided before the House rises next week.

**Mr. HAMER** (Premier and Treasurer): I will consider the two matters raised by the honorable member for Melbourne and if it is possible to give the answers within

reasonable compass, I shall do so. The honorable member will be aware that questions often call for a return which has to be handled in a different way, but if possible I will see that the answers to his questions are in a suitable form to be incorporated in *Hansard.*

I will discuss with the Chief Secretary the matter raised by the honorable member for Brunswick of the road code booklet in foreign languages.

**Mr. THOMPSON** (Minister of Education): I noted the remarks of the Leader of the Opposition concerning the safety of children in his electorate, and will be pleased to discuss it with the Chief Secretary.

A matter relating to the education portfolio was raised by the honorable member for Bundoora. There is no official entitlement to a certain number of remedial teachers by a high school. The majority of them in Victoria at present are generously staffed above target and schools have been using teachers in excess of the target for remedial work. The honorable member for Bundoora pointed out that a letter had been sent to the department on 24th February and that he had not received a reply. I apologize for that, and will see that he receives a reply tomorrow.

**Mr. RAFFERTY** (Minister of Transport): The information that the honorable member for Knox was seeking will be made available at the earliest possible time so that the public can be informed.

In reply to the honorable member for Geelong West, I will supply the answer to the question before the House rises.

The motion was agreed to.

*The House adjourned at* 12.8 *a.m.* (*Thursday*).

## *QUESTIONS ON NOTICE.*

*The following answers to questions on notice were circulated—*

### ALLOCATION OF HOSPITAL BEDS.

(Question No. 985)

**Mr. ROPER** (Brunswick) asked the Assistant Minister of Health, for the Minister of Health—

In respect of the operation of section 52A of the Hospitals and Charities Act 1958 which hospitals have made application for alteration in the allocation of beds since 1971, specifying the alteration requested and the action taken by the Minister in each case?

**Mr. JONA** (Assistant Minister of Health): The answer supplied by the Minister of Health is—

The details sought by the honorable member have been conveyed to him and have been laid before the Legislative Assembly in the form of a return to an Order of the House.

### TRANSPORT ACCIDENTS.

(Question No. 1480)

**Mr. JONES** (Melbourne) asked the Minister of Special Education, for the Chief Secretary—

How many deaths and injuries were reported per estimated million kilometres travelled in the years 1974 and 1975 in the following transport modes:—(*a*) private cars; (*b*) buses; (*c*) trains; (*d*) trams; (*e*) motor-bikes; and (*f*) taxis?

**Mr. SCANLAN** (Minister of Special Education): the answer supplied by the Chief Secretary is—

(*a*), (*b*), (*c*), (*d*), (*e*) and (*f*). Details are—

| Transport mode | Persons killed per estimated million kilometres | | Persons injured per estimated million kilometres | |
|---|---|---|---|---|
| | 1974 | 1975 | 1974 | 1975 |
| Cars and station wagons | 0·021 | 0·024 | 0·562 | 0·528 |
| Buses | 0·0108 | 0·0054 | 0·2274 | 0·4185 |
| Passenger trains | — | 0·030 | 0·092 | 0·148 |
| Trams | — | 0·042 | 1·299 | 0·671 |
| Motor cycles | 0·243 | 0·255 | 5·156 | 5·717 |
| Taxis | — | 0·003 | 0·351 | 0·333 |

## WELFARE AND HEALTH TASK FORCE.

(Question No. 1601)

**Mr. ROPER** (Brunswick) asked the Premier—

Whether the Government or any of its departments or agencies made submissions to the task force on co-ordination in welfare and health (the Bailey committee); if so, who made the submissions, indicating when and whether copies will be made available to the member for Brunswick?

**Mr. HAMER** (Premier and Treasurer): The answer is—

(*a*) Yes.

(*b*) Copies have been sent to the honorable member.

## "VICTORIAN ROAD CODE."

(Question No. 1627)

**Mr. ROPER** (Brunswick) asked the Minister of Special Education, for the Chief Secretary—

Further to question No. 1276 answered on 24th November, 1976, whether funds have become available for the production of the *Victorian Road Code* booklet in languages other than English; if so, when it is expected that the booklets in each of the languages will be available?

**Mr. SCANLAN** (Minister of Special Education): The answer supplied by the Chief Secretary is—

Yes. Funds are available for the reprinting of the *Victorian Road Code* booklet in languages other than English. It is expected that reprints of the booklets, in the Italian, Greek, Serbo/Croatian and Turkish languages will be available for distribution by July, 1977.

## TRAFFIC LIGHTS IN PASCOE VALE SOUTH.

(Question No. 1907)

**Mr. MUTTON** (Coburg) asked the Minister of Special Education, for the Chief Secretary—

Whether left-hand turn signals will be incorporated in the traffic lights presently being installed at the intersections of Reynolds Parade and Bell Street and Cumberland Road and Bell Street, Pascoe Vale South; if not, why?

**Mr. SCANLAN** (Minister of Special Education): The answer supplied by the Chief Secretary is—

No. It is not proposed to incorporate a left-hand turn phase in either of the signals being installed at the intersection of Reynolds Parade and Bell Street and Cumberland Road and Bell Street, Pascoe Vale South.

An examination, based on traffic counts, indicated that left-hand turn phases were not required at present to ensure the safe and efficient movement of traffic at the above intersections. The equipment being installed has the capacity to be modified to incorporate such phases should traffic movements in the future indicate that there is such a need.

## HOUSING COMMISSION LEGAL MATTERS.

(Question No. 1925)

**Mr. EDMUNDS** (Ascot Vale) asked the Minister of Housing—

1. What legal fees are charged by the Housing Commission in respect of rent arrears, evictions and other matters related to arrears and tenancy agreements?

2. How these fees are assessed?

3. Whether legally qualified persons are used for legal duties in this connection, both within the commission and in courts; if not, why?

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

1. The bailiff's fees charged by the commission are—

$4.50 for service of a notice to quit.
$7.00 additional for service of a complaint and summons.
$9.50 additional for obtaining a warrant of ejectment.

2. These bailiff's fees are determined by the commission having regard to fees charged by process servers and stamp duty, and represent reasonable expenses incurred by the commission in its proceedings against a tenant brought about by the tenant's own default.

3. No; not necessary and present method much cheaper.

## REHOUSING OF FAMILIES IN HIGH-RISE FLATS.

(Question No. 1929)

**Mr. EDMUNDS** (Ascot Vale) asked the Minister of Housing—

How long it will take to transfer all of the families living in high-rise flats to other accommodation, indicating when the details

of this scheme and the extent of the building programme to rehouse all families now living in high-rise flats will be announced?

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

On the basis of the present rate of turnover of vacant villas and new villa construction and bearing in mind the number of families presently housed in high-rise accommodation, it is anticipated that it will take five years or more to transfer all of the families living in high-rise flats to alternative accommodation.

The commission is presently looking at building programmes for the future to enable this policy to be given effect in shorter time. Any changes will of course be dependent on finance available for welfare housing.

## HOUSING COMMISSION EVICTIONS.

(Question No. 1930)

**Mr. EDMUNDS** (Ascot Vale) asked the Minister of Housing—

1. How many notices to quit were issued by the Housing Commission in 1972–73, 1973–74, 1974–75, 1975–76 and in this financial year to date and what were the reasons for issue?

2. How many tenants were evicted in 1972–73, 1973–74, 1974–75, 1975–76 and in this financial year to date and what were the reasons for the evictions?

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

1. 1972–73—Not available
   1973–74—5,275
   1974–75—3,844
   1975–76—3,760
   1976–77 (to 31st December, 1976)—2,650

Non-payment of rent or instalments, anti-social behaviour, refusal to agree to transfer from excess accommodation to a smaller unit, breach of contract of sale.

2. 1972–73—26
   1973–74—27
   1974–75—13
   1975–76—15
   1976–77 (to 31st December, 1976)—8

Non-payment of rent, contravention of tenancy agreement.

## COUNTRY FIRE AUTHORITY AIRCRAFT REGISTRATION.

(Question No. 1945)

**Mr. LACY** (Warrandyte) asked the Minister of Special Education, for the Chief Secretary—

In respect of aircraft registered with the Country Fire Authority—

1. How many aircraft are so registered?

2. What are the aircraft types?

3. Who are the owners?

**Mr. SCANLAN** (Minister of Special Education): The answer supplied by the Chief Secretary is—

1, 2 and 3.

As at 28th March, 1977, there were 58 aircraft registered. Details are—

| Aircraft make | Owner |
|---|---|
| Cessna 182 .. .. | J. Laidlaw |
| Cessna 150 .. .. | A. Baudinette |
| Herd Commander 500A | N. Calvert |
| PA30 Twin Commanche | J. S. Hutton |
| Cessna 206B .. | W. J. Bell |
| Beechcraft 55 .. | T. P. Luxton |
| Victa 100 .. .. | T. P. Luxton |
| Piper PA28 .. .. | A. Williams |
| Cessna 180D .. | K. P. Spence |
| Cessna 172 .. .. | R. H. Laidlaw |
| Cessna 180C .. | J. C. Mercer |
| Cessna 172 .. .. | Ballarat Aero Club |
| Cessna 182 .. .. | Ballarat Aero Club |
| Victa Airtourer .. | Ballarat Aero Club |
| Victa Airtourer .. | Ballarat Aero Club |
| PA22 Piper Colt .. | L. Brutty |
| Cessna 172 .. .. | P. J. O'Rorke |
| Cessna 172 .. .. | N. Greenbank |
| Cessna .. .. | Schutt Aircraft |
| Cessna .. .. | Schutt Aircraft |
| Cessna .. .. | Schutt Aircraft |
| Cessna .. .. | Schutt Aircraft |
| Cessna .. .. | Schutt Aircraft |
| Victa .. .. | F. Mumme |
| Cessna .. .. | F. Mumme |
| Piper Cherokee .. | Eagle Air Charter |
| Auster .. | Alexandra Flying Group |
| Beechcraft B23 .. | B. Buchanan |
| Cessna 180 .. .. | Aircraft Hire (Nagambie) |
| Cessna 172M .. .. | H. Simons |
| Cessna 182 .. .. | Lake Eildon Airways |
| Cessna 172 .. .. | West Gippsland Aircharter |
| Cessna 172 .. .. | Service Pty. Ltd. |
| Piper PA28–180 .. | G. Laver |
| Piper Pawnee .. | Sky Farmers Pty. Ltd. |
| Piper Pawnee .. | Sky Farmers Pty. Ltd. |
| Fletcher .. .. | Sky Farmers Pty. Ltd. |
| Fletcher .. .. | Sky Farmers Pty. Ltd. |
| Cessna 182 .. .. | W. A. Black |
| Cessna 170B .. | R. Irving |
| Cessna 180 .. .. | McInnes Central Airways |
| Cessna 172 .. .. | McInnes Central Airways |
| Bell Helicopter G47 .. | McInnes Central Airways |
| Piper Pawnee 235 .. | McInnes Central Airways |
| Piper Pawnee 235 .. | McInnes Central Airways |
| Piper Pawnee 235 .. | McInnes Central Airways |
| Cherokee PA 32 .. | W. Maher |
| Victor Airtourer .. | Shepparton Air Charter and |
| Cessna 172 .. | Flying School |
| Beechcraft Musketeer .. | Bob Gillespie |
| Beechcraft 35–C33 .. | I. Bayles |
| Piper Cherokee 6 .. | R. W. Bostock |
| Cessna 180 .. .. | N. Croucher |
| Cessna 182 .. .. | J. Tully |
| Auster Aiglet .. | W. Murphy |
| Cessna 172 .. .. | D. Walpole |
| Cessna 182 .. .. | B. Naylor |
| Cessna 180 .. .. | C. K. Ritchie |

## INJURIES TO FORESTS COMMISSION EMPLOYEES.

(Question No. 2072)

**Mr. SIMMONDS** (Reservoir) asked the Minister of Agriculture, for the Minister of Forests—

1. How many workers employed by the Forests Commission were injured during 1976?

2. How many injuries were reported during that period?

3. What the total workforce was during that period?

4. How many man-hours were lost as a result of injury?

5. How the 1976 figures compare with the previous four years?

**Mr. I. W. SMITH** (Minister of Agriculture): The answer supplied by the Minister of Forests is—

1. During the 1976 year, 613 accidents involving workers employed by the Forests Commission were reported. Of this figure, 300 accidents involved time lost.

2. The number of reported injuries for 1976 was 613.

3. The number of employees, including those employed under relief schemes, ranged from a minimum of 1,612 to a maximum of 1,987, varying with seasonal requirements.

4. The total man-hours lost as a result of injuries in 1976 was 25,160 hours.

5. The number of accidents in 1976 was less than those for the previous four years.

Prior to 1976 the information is readily available in financial years only. Details of the previous four financial years are shown—

| | Number employed | | Accidents involving lost time | Accidents not involving lost time |
|---|---|---|---|---|
| | Minimum | Maximum | | |
| 1971–72 .. | 1,515 | 2,083 | 429 | 305 |
| 1972–73 .. | 1,863 | 2,145 | 491 | 390 |
| 1973–74 .. | 1,560 | 1,986 | 384 | 341 |
| 1974–75 .. | 1,544 | 2,366 | 441 | 399 |

# Legislative Council.

*Thursday, April 28, 1977.*

THE PRESIDENT **(the Hon. W. G. Fry)** took the chair at 11.3 a.m. and read the prayer.

## ABSENCE OF MINISTER.

**The Hon. V. O. DICKIE** (Chief Secretary): I inform the House that my colleague, the Minister for Local Government, is opening a municipal conference in Ballarat this morning and will be present in the House later.

## *QUESTIONS WITHOUT NOTICE.*

## INQUIRY INTO BOARD OF WORKS.

**The Hon. J. M. WALTON** (Melbourne North Province): Having regard to the importance of witnesses coming before the Melbourne and Metropolitan Board of Works inquiry being able to do so unfettered and having some indemnity, I ask the Minister of Water Supply: Is it proposed under the terms of reference announced yesterday to include a section that gives indemnity to witnesses, particularly officers of the Board of Works?

**The Hon. F. J. GRANTER** (Minister of Water Supply): The terms of reference, as the honorable member stated, were announced yesterday after the meeting of the Executive Council. I will take up with the Premier the question that the honorable member has asked regarding indemnity of witnesses and advise Mr. Walton as soon as possible.

## NORADJUHA–BALMORAL–HAMILTON RAILWAY LINE.

**The Hon. K. I. WRIGHT** (North Western Province): My question is directed to the Minister for State Development and Decentralization, who represents the Minister of Transport in this House. Is the Minister aware of widespread opposition from municipalities and others to the closing of the Noradjuha to Balmoral to Hamilton railway line? Has the Minister of Transport made any decision on either retaining the railway line or keeping it operating at this stage?

**The Hon. D. G. CROZIER** (Minister for State Development and Decentralization): I am aware of the opinion of certain municipalities about the proposal to close the Noradjuha railway line which was one of the lines listed for closure in the announcement by the Minister of Transport on 16th September last. Because of factors which I believe have been well canvassed in the area and as a result of discussions and representations to

myself and my colleague, Mr. Bruce Chamberlain, and Messrs. McCabe and McKellar in another place, a number of discussions have been held with the Minister and senior officers of VicRail.

As a consequence of these representations the Minister has agreed to keep the decision under review. We are confidently expecting that by the deadline, which is the end of May, the Minister will make a firm announcement on the future of this line.

## KEILOR ESTATE REPORT.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): Is the Chief Secretary aware of an allegedly confidential report entitled " A Report Into Dealings Concerning the Keilor Estate " in the hands of some honorable members and the press; and further, that this document is an obvious attempt to discredit the Premier by alleging that he wrongfully allowed the rezoning of a tract of land on the Tullamarine flight path while Minister for Local Government?

In light of the allegations will the Chief Secretary arrange for the Government to issue a statement explaining why and how the land was rezoned and investigate and report to the House on the allegations of company malpractice in the series of transactions detailed in the report?

**The Hon. V. O. DICKIE** (Chief Secretary): I am aware of this document because the honorable member was good enough to make a copy of it available to me at 10.45 this morning. After browsing through it the first thing I should like to ask is: Who sought the report and who made the report? Absolutely no reference is made in the report to either of those matters. Therefore, although it is a report, it is no more at my first reading than just a scrap of paper.

I will most certainly bring the matter to the notice of the Premier as he is the main person to whom the accusations are directed, because supposedly the rezoning was undertaken in the Tullamarine airport area during his term of office as the Minister for Local Government. Other than that I am not prepared to make any comment, but I will bring the report to the notice of the Premier.

## ARMED ROBBERIES AND HOLDUPS.

**The Hon. N. F. STACEY** (Chelsea Province): Will the Attorney-General comment upon the suggestion by Mr. Ashby, an executive of Mayne Nickless Ltd., who, in referring to the spate of armed robberies that are occurring at present, recommended that consideration should be given to putting offenders in a special category, that they should be refused bail, and that the courts should deal with their cases as expeditiously as possible?

**The Hon. HADDON STOREY** (Attorney-General): I have not seen the statement to which the honorable member refers but I can understand the nature of the comments made. It is certainly a matter of concern to the community that so many armed holdups and armed robberies have been taking place. The Government is conscious of this. In fact the House will recall that in the Bail Bill which I introduced earlier in this sessional period and which this House has now passed and sent to another place, special provision is made for cases of armed holdups and crimes of violence.

The normal position with respect to bail is that a person is entitled to bail unless some good reason is shown within the terms of the Bill why bail should not be granted. In the cases referred to of armed holdups and crimes involving violence, the position is reversed under this Bill so that the obligation is upon the person charged with the offence to establish cause for the granting of bail. That may help the situation referred by the honorable member.

I agree, of course, that these matters should be dealt with as expeditiously as possible by the courts and

the position at present with the County Court is that it is now able to hear cases where persons have been remanded in custody, within a short number of weeks after the remand, so that it is possible to deal expeditiously with these cases.

## INQUIRY INTO BOARD OF WORKS.

**The Hon. I. B. TRAYLING** (Melbourne Province): My question is directed to the Leader of the Government. Members of the House are aware that the Liberal Party wanted to conduct its own inquiry into the Melbourne and Metropolitan Board of Works. With respect to the appointment of the board made yesterday, can the Chief Secretary inform the House whether Sir Roger Darvall was a former trustee of the Liberal Party and is also a personal friend of the chairman of the board, Mr. Croxford? If those two questions are answered in the affirmative can he inform the House whether the community could see the possibility of bias in the report?

**The PRESIDENT (the Hon. W. G. Fry):** Order! The last part of the question is a matter of opinion which I cannot allow. The first two parts of the question are in order.

**The Hon. V. O. DICKIE** (Chief Secretary): All I can say is that the Government and the people are extremely fortunate that we were able to obtain a man of the calibre of Sir Roger Darvall to undertake to conduct this inquiry. It is an inquiry of great public interest and irrespective of what side issues may be involved in the background of Sir Roger Darvall, his capabilities throughout the business world, which brought him to the position of Chief General Manager of the Australia and New Zealand Banking Group Ltd., would mean that in our estimation no person is better suited for this task. We are fortunate to obtain the services of Mr. George Samuel. The matters raised by Mr. Trayling are completely irrelevant to the appointments that the Government has made.

## QUESTIONS WITHOUT NOTICE.

**The Hon. D. M. EVANS** (North Eastern Province): I believe all members of this House have been happy with the facility of questions without notice that was introduced into this House recently. I believe that time has been put to good use. Will the Chief Secretary observe the amount of time taken up for questions without notice and consider in the spring sessional period extending the period for a further five minutes?

**The Hon. V. O. DICKIE** (Chief Secretary): As honorable members are aware it was only in the spring sessional period of last year that the procedure was introduced and it has been continued in the current sessional period. We set aside ten minutes for this purpose, which means that on a three-day sitting, half an hour is set aside for questions. There are in this House a limited number of Ministers, only six, compared with the number in the Legislative Assembly.

Where possible my colleagues and I try to answer questions which are directed to Ministers in another place whom we represent. For the time being ten minutes appears to be an adequate period. I do not believe that over a two-day period or a three-day period many members of this House have missed out in asking a question, but I will be quite prepared to consider in the next sessional period extending the time if the number of questions warrants it.

## QUESTIONS ON NOTICE.

**The Hon. S. R. McDONALD** (Northern Province): My question addressed to the Chief Secretary also concerns questions. I point out that there are on the Notice Paper approximately 40 questions on notice. In view of the fact that only three more sitting days remain after today, will the Minister endeavour to ensure that all questions are answered in the following week?

**The Hon. V. O. DICKIE** (Chief Secretary): I cannot give that undertaking because in addition to that number of questions on our Notice Paper, the Notice Paper of another place indicates that many hundreds of questions have been asked. The business of government must continue and the most busy time for departments is while the House is in session. If they had to set aside their time and go into the detail and the research necessary to answer many of the questions that are on the Notice Paper, the business of our departments would grind to a halt.

The Government endeavours to answer as many of the questions as possible which do not require detail and research. If they are not answered while the House is sitting they are answered as soon as possible after the House rises. It is a physical impossibility to answer all the questions. Honorable members who have been here for a number of years know that five or six years ago the number of questions on the Notice Paper was about one-tenth of the present number. Therefore I cannot give an undertaking that all questions will be answered while the House is in session.

## RACING (AMENDMENT) BILL (No. 2).

**The Hon. F. J. GRANTER** (Minister of Water Supply): I move—

That this Bill be now read a second time.

It makes four amendments to the Racing Act 1958. Firstly, it provides that the Trotting Control Board may, with the approval of the Treasurer on the recommendation of the Minister, borrow money on overdraft. It was always presumed that the Trotting Control Board had power to borrow money for its purposes until a legal opinion raised a doubt about that power. The amendment removes this doubt, but requires the board to apply through the Minister to the Treasurer for approval to raise a loan. It also empowers the Treasurer to limit the amount which the board may borrow.

Secondly, the Bill raises to $5 million the borrowing power of the Totalizator Agency Board. The present limit of $2 million is insufficient to enable the board to meet the cost of extending its head office building and introduce the CRISP project which will enable it to provide a much improved service to the public.

Thirdly, the Bill removes a restriction on the Totalizator Agency Board opening an office or agency in the metropolitan area unless the public have direct access from the street and it has exclusive use of its premises. There are a number of locations in the metropolitan area where the combining of a Totalizator Agency Board agency with another business would be a better and more economical arrangement than the opening of a separate agency. The cost savings and better service which would result would enable the board to compete better with starting-price bookmakers.

The board is already permitted to open this type of agency outside the metropolitan area with the Minister's approval. Access by the public is normally to a special section of the business counter which is reserved for conducting Totalizator Agency Board business. Similarly, with metropolitan agencies of this type, which in the main will be automated, a special counter section will be reserved in each approved business premises or shop for the Totalizator Agency Board ticket machine operator. Where the agency is a manual one a section of the counter will be set aside exclusively for Totalizator Agency Board business.

The Minister will still need to be satisfied that the needs of the public will be properly met before he approves the opening of this type of agency, but he will no longer take into account remoteness or inaccessibility of the area in relation to existing Totalizator Agency Board agencies.

Finally, when the rate of commission on totalizator investments was increased by the Racing (Totalizator Commissions) Act 1975, no amendment was made to sections 116o (3) (*bc*) and 116BM (2) (*c*) of the Racing Act 1958 which fix the proportion which may be paid into the Totalizator Agency Board's Development Reserve. This amendment corrects the oversight by reducing the proportion from one fifty-sixth to one-sixtieth. I commend the Bill to the House.

On the motion of the Hon. D. G. ELLIOT (Melbourne Province), the debate was adjourned.

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

## LOTTERIES GAMING AND BETTING (RAFFLES AND BINGO) BILL.

**The Hon. V. O. DICKIE** (Chief Secretary): I move—

That this Bill be now read a second time.

Its purpose is to amend the Lotteries Gaming and Betting Act 1966 in such a way that bingo may be lawfully played in Victoria. The Bill also transfers responsibility for the control over raffles from the Attorney-General to a Raffles and Bingo Permits Board.

Prior to May, 1954, bingo was played under permit issued by the Attorney-General and was subject to police inspection with a view to ensuring as far as possible that the games were properly conducted. However, in May, 1954, by amendment to the Police Offences Act 1928, as it then was, housey-housey—bingo—was declared to be an unlawful game.

The basis of the prohibition was that the game, being played publicly for money, offered the opportunity for sharp practices to take place. In the view of the Chief Commissioner of Police of the day, the only means of guarding against such practices and outright dishonesty was for the police to be present at each game during the whole of the operation. This was obviously impracticable. Moreover, the conditions imposed by the permits were not being observed. The police were unable to exercise sufficient supervision over the game to ensure that these conditions were observed.

Furthermore, although some charities received considerable amounts of money over a long period, it was considered to be an inefficient way of raising money for charitable purposes for several reasons. In particular, the organizers of the game took too large a proportion of the receipts; the games were, in many instances, controlled by professional gamblers, a tendency which was increasing; and charities were not in a position to see that they were obtaining their fair share of the receipts.

It is hoped to overcome these deficiencies by the provisions of this Bill pursuant to which bingo, or housey-housey, will no longer be a game declared to be an unlawful game as it is at present. Under the Bill the playing of bingo will be lawful if played in accordance with the provisions of the Act and regulations and in accordance with the conditions stipulated in a duly issued permit.

Briefly stated, the Bill provides that the responsibility for the issue of permits and for the administration and control of the playing of bingo is to reside with a board known as the Raffles and Bingo Permits Board comprised of three suitably qualified and duly appointed persons.

The board is to be assisted by such officers and employees as are necessary for its proper functioning. In particular, the Bill provides for the appointment of inspectors.

The board may only issue a permit provided it is satisfied, amongst other things, that the applicant is a natural person at least eighteen years of age, of good repute and character who will conduct the game on suitable premises, that such an applicant is the authorized officer of a club which has a bona fide membership of not

fewer than 25 persons or is the secretary or other authorized officer of a company which holds a licence under section 24 of the Companies Act 1961 and that he will either pay the proceeds of the game into a separate fund established for a "community purpose" as defined in the Bill or distribute the whole of the gross receipts from each session conducted by him as prizes during that session.

There is no fee prescribed or payable for the issue of a permit where the whole of the gross receipts from all games are to be distributed as prizes. However, the fee payable on the issue of a permit will be $1 for each session or a total of $5, whichever is the less, where the game is conducted for those community purposes specified in paragraph (*a*) of the definition of "community purpose" as contained in clause 2. These are purposes of a philanthropic or benevolent nature. The fee of $1 for each session will be payable on the issue of a permit where the game is conducted for those community purposes specified in paragraph (*b*) of that definition. These are various sporting and recreational purposes.

A permit issued by the board shall set out the maximum number of sessions of bingo which may be conducted under that permit. This may be only one session or a series of sessions during a specified period which, however, may not exceed three months.

It shall not authorize the holder to conduct more than two sessions of the game during a period of any seven consecutive days. A session shall not continue for longer than three hours and no more than 30 games shall be conducted in a session.

No more than 500 tickets of a prescribed form, where the form is prescribed, each costing the same price, not exceeding 20 cents or such other amount as is prescribed, shall be sold in any one game.

No bingo game may be conducted on a Sunday, Good Friday or Christmas Day or between the hours of 11.30 p.m. any day and 9.00 a.m. on the next succeeding day.

It shall be a condition of the issue of a permit that not less than half of the gross receipts from any bingo game shall be distributed as prizes for that game unless a jackpot is conducted during a session in which case not less than half of the gross receipts of that session shall be distributed as prizes during that session. However, there may be no retention or withholding of prize money from one session of bingo games nor may there be any transfer of such money to a subsequent session.

No incentive prize may be offered in connexion with any session of bingo nor may any charge be made for admission to any session. In addition, the board may attach to a bingo permit such additional conditions, restrictions or limitations as it thinks fit and the Governor in Council may by regulation also prescribe additional conditions.

The board is prohibited from granting a bingo permit to a person who proposes to conduct a session of bingo games on premises licensed under the Liquor Control Act 1968 unless the Liquor Control Commission has given its consent to the conduct of the session on those premises. Where such consent has been given and a permit granted in those circumstances, the game must take place in a room on the premises approved for the purpose.

Where a bingo game is being conducted on premises a person under the age of eighteen years may not be on those premises if they are licensed nor may a person under the age of sixteen years be so present where they are not licensed unless such persons are accompanied by an adult who is his parent, guardian or spouse.

The board may at any time revoke or suspend a bingo permit either of its own motion or on the application of an inspector of the board or of a police officer.

A running sheet, in a prescribed form and setting out prescribed particulars in respect of each game, shall be kept in respect of each session of bingo games. If the portion of the running sheet relating to the last previous game has not been completed, a further game shall not be commenced. A permit holder shall within 24 hours of the completion of each such session send to the board the running sheet kept in respect of a particular session and shall, at the same time, pay to it the relevant surcharge.

The surcharge payable shall be 2 per cent of gross receipts where the session was conducted for those community purposes specified in paragraph (*a*) of the definition of " community purpose " as defined in clause 2 and shall be 3 per cent of gross receipts where the session was conducted for those community purposes specified in paragraph (*b*) of that definition, except where the whole of the gross receipts from the session has been distributed as prizes. In this latter case, no surcharge is payable.

Within 28 days of the completion of a particular session, a full and accurate statement of account in the prescribed form must be sent by the permit holder to the board in respect of that session.

The financing of the Raffles and Bingo Permits Board is to be effected by means of a trust account called the Bingo Fund established in the Treasury. Through the payments made to this fund, it is hoped that the cost of the administration and control of bingo will be self-funding.

There is to be paid into the Bingo Fund all moneys received pursuant to the provisions of the Bill relating to bingo or which are received by the Raffles and Bingo Permits Board in any other way.

There shall be paid out of the fund all those fees, allowances, expenses and all other moneys which are payable to members of the board together with all other costs and expenses which are reasonably incurred by the board or by its officers and employees. In addition, the salaries wages and allowances paid out of the Consolidated Fund to any officer or employee of the Public Service employed by the board are to be recouped from the Bingo Fund as are all other moneys required to be paid out of the fund by this Act.

There is to be paid out of the Bingo Fund into the Hospitals and Charities Fund on 30th June each year such amount in excess of $10,000 as stood to the credit of the Bingo Fund on 31st March in that year.

The Bill empowers any inspector appointed under its provisions or any member of the Police Force to enter any premises where a bingo game is being conducted or has lately been conducted or any premises in which he believes on reasonable grounds that documents or equipment relating to any such game or session are kept, for the purpose of ascertaining whether or not any offence in connection with a bingo game has been or is being committed. It empowers such an inspector or member of the Police Force to take possession of or inspect or remove any such document or equipment which he finds there.

The Bill also makes certain provisions in respect of raffles. For the most part these are designed to facilitate the transfer at the appropriate time of the administration of raffles from the Attorney-General to the Raffles and Bingo Permits Board. They help to achieve greater similarity between the administration of raffles and the administration of bingo. In particular, one of the grounds specified as a proper one on which the board may give its consent in writing to the conduct of the raffle will, by virtue of the provisions of the Bill, be that the proceeds of the raffle will be appropriated exclusively to a " community purpose " as interpreted in paragraph (*a*) of the definition of that term in the Bill or for the purposes of those types of club specified in the Bill and approved by Order of the Governor in Council.

Further, the Bill empowers the board to grant to the applicant a permit to conduct a series of raffles if it is satisfied that the purposes for which the proceeds are intended to be appropriated are such as would empower the board to grant its consent to a raffle and that the applicant will in no case offer prizes the total value of which at any one raffle is greater than $500. Such a permit to conduct a series of raffles must specify the period not exceeding one year for which it is to remain in force unless it is revoked or suspended during that time.

The Bill also creates offences in respect of non-compliance with the provisions contained in it and stipulates penalties in respect of those offences.

It also empowers the Governor in Council to make orders and regulations with respect to certain matters of detail. These relate to the keeping of records of the receipt and expenditure of moneys received pursuant to the provisions relating to bingo, to the prescription of forms relating to both raffles and bingo, to the prescription of additional conditions to which consent and permits relating to either raffles or bingo, as the case may be, are to be subject, and to the detailed rules and provisions pursuant to which bingo may be played.

Referring specifically to the difficulties which had arisen in relation to the playing of bingo prior to its being declared an unlawful game in May 1954, I draw specific attention to certain provisions of the Bill by the enactment of which it is hoped to overcome those difficulties:

(*a*) Responsibility for the issue of permits to enable bingo to be played, as well as responsibility for the total administration and control of the game, is placed in a specifically appointed board whose sole function will be to attend to those matters and to matters relating to the conduct of raffles.

(*b*) Quite severe restrictions are imposed both in relation to those persons to whom a permit may be issued and on the actual playing of the game. There are restrictions on the time span to which the permit relates, on the frequency of playing during that time, on the number of cards which may be sold, on the price of those cards and on the proportion of gross receipts which are to constitute the prize.

(*c*) There is a prohibition on the payment of any salary, commission or other remuneration to any person in respect of services rendered by him in relation to the conduct or promotion of the game.

(*d*) There are requirements for the speedy furnishing of statements to the board in relation to games played and for the speedy accounting to the board for moneys received in respect of those games.

(*e*) Many offences are created and heavy penalties are provided in respect of the commission of those offences.

(*f*) Adequate provision is made for enforcement of the controls and conditions stipulated in the Bill by providing for the appointment of inspectors who have wide-ranging powers not only of inspection and supervision but also of entry of premises.

It is believed these provisions will enable adequate control and supervision of the game to be achieved. I commend the Bill to the House.

On the motion of the Hon. D. G. ELLIOT (Melbourne Province), the debate was adjourned.

It was ordered that the debate be adjourned until the next day of meeting.

## ANGLICAN CHURCH OF AUSTRALIA CONSTITUTION (AMENDMENT) BILL.

The debate (adjourned from April 26) on the motion of the Hon. Haddon Storey (Attorney-General) for the second reading of this Bill was resumed.

**The Hon. H. A. THOMAS** (Melbourne West Province): The purpose of this Bill is to change the name of

the Church of England in Australia to the Anglican Church of Australia and also to give the proposed name a legal status.

All the dioceses concerned have agreed to the change and legislation has been brought down in a number of States to that effect. My information is that this change will result in an improvement and streamlining of the operation of the church. The Labor Party supports the Bill.

**The Hon. D. M. EVANS** (North Eastern Province): The purpose of this Bill is to change the name of the Church of England in Australia to the Anglican Church of Australia. I understand that there has been general agreement to this change in the synods of the Church of England in Australia; in fact, they welcome it. The change is contingent on the synods of every State agreeing to the change, and this agreement is in the process of being obtained. The National Party, with the assurances that have been given that the church is in favour of the change, will support the Bill.

The motion was agreed to.

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

## PORTLAND HARBOR TRUST (FINANCIAL) BILL.

The debate (adjourned from April 26) on the motion of the Hon. D. G. Crozier (Minister for State Development and Decentralization) for the second reading of this Bill was resumed.

**The Hon. K. I. WRIGHT** (North Western Province): This Bill, firstly, increases the borrowing limit of the Portland Harbor Trust from $25 million to $30 million and, secondly, allows temporary financial accommodation to be provided by banks to a limit fixed by the Treasurer, whereas the previous provision laid down an upper limit of $50,000.

The Bill is small and contains only 29 lines but most important principles are at stake. The main principle is the absolute necessity for the port of Portland to be developed as a major port in Victoria. The Minister for State Development and Decentralization will agree that the development of the port of Portland is a keystone in the development of this State.

When one considers the situation in Queensland compared with that in Victoria one finds that Queensland is fortunate, firstly, because more than half of its population lives outside the metropolitan area and, secondly, because Queensland has many ports with adequate depths and facilities whereas Victoria has only Port Phillip, Geelong, Westernport and Portland.

No indication has been given by the Government as to the purpose of the increase of $5 million in the financial accommodation limit. When the State Development Committee brought down its report in 1973 it recommended that a 2 million-bushel vertical grain installation be erected. However, I imagine that that would not be financed by the additional $5 million provided for under this Bill but by the new grain handling authority that will shortly be established, for which purpose a Bill is already before Parliament. The previous limit of $25 million was set in 1968 and on that basis, and because of the inflation that has occurred over the past nine or ten years, it is a good move to increase this amount.

There can be no argument that the development of Portland is vital, because almost 30 per cent of the Victorian grain harvest has a freight advantage in being transported to Portland. Almost 80 per cent of the wheat crop in Victoria is grown in the province represented by Mr. Dunn and myself, and much of the province has a freight advantage by using Portland, but the staggering fact is that only 10 per cent of Victoria's grain is shipped through Portland, although it provides a freight advantage to 30 per cent of the total State production.

In 1974 the Government held a committee of inquiry into general cargo trade into Portland, and found that the shipowners were paying freight on local wool being sent to Melbourne. It was decided as a result of that report that the Government should subsidize each bale of wool by $1.50. Although I applaud that decision of the Government, unfortunately it has not had the desired effect, because in 1974–75 14,206 bales of wool were shipped out of Portland, and in 1975–76 that figure had been reduced to 12,500 bales. I do not have a later figure than that, and possibly the Minister will enlighten the House on whether that deteriorating effect is continuing in spite of the Government subsidies.

Indications are that Portland will be declared a natural port terminal for the wheat crop, and this is a common-sense decision, because the main berth and channels at Portland have a draft of 40 feet compared with 36 feet at Geelong, so Portland has an advantage of 4 feet over Geelong.

In the 1975–76 report of the Portland Harbor Trust, the chairman, Mr. T. C. Jarrett, a very efficient and capable officer, stated that in that year five ships from Geelong went to Portland to be topped up after receiving the main part of their load in Geelong, and the extent of the topping up was 17,000 tonnes. Previously, according to the report, no wheat had been transported out of Portland since 1972.

Other figures which will be of interest on the output from Portland are that 87,499 tonnes of barley were transported from Portland during that year out of a Victorian total of 414,463 tonnes.

Portland is the main outlet for oats, and in the same year 137,022 tonnes of oats were shipped out of Portland. The only other oats that were shipped out of Victoria were 30,000 tonnes from Geelong.

The Hon. O. G. JENKINS: Why was that?

The Hon. K. I. WRIGHT: As Mr. Jenkins is well aware, there is an agreement, and I applaud the agreement.

The Hon. O. G. JENKINS: What about growers who pay additional freight? There is a freight advantage to Geelong in sending their oats to Portland.

The Hon. K. I. WRIGHT: The boot is on the other foot, because most growers with a freight advantage on grain send the grain away from Portland, and that is the main thrust of my argument. I thank the honorable member for the interjections because they have supported my remarks.

In 1975-76 the total amount shipped through the port was 644,835 tonnes, compared with 937,051 tonnes in 1971-72, so there has been a steep decline in the total tonnage that has gone into and out of Portland. The total revenue is that year from shipping to the Portland Harbor Trust was $497,653.

In 1975–76, 223,970 tonnes of petroleum came into the port, and exports included bagged rice and barley from the Riverina. The fact that these products came all the way from the Riverina, although a huge amount of grain which was very close to Portland was not taken to that port, is amazing. As Mr. Knight would know, because he is a member of the State Development Committee, the committee heard evidence in Portland during the year. I accompanied Mr. Knight on the committee's visit to Portland. I shall not quote figures from the report of the inquiry because they are available in the Papers Room to anybody.

The record wheat shipment out of the port of Portland was 43,180 tonnes in one shipment in 1973, and the record oats shipment in one vessel was 33,863 tonnes in April, 1976. If this can be done by individual ships, one wonders why there is not more tonnage at the port.

It is acknowledged that the port of Portland is operating at only 20 per cent of its capacity. This is a crying

shame, and the Government and Parliament should ensure that the importance of Portland is increased. The defence point of view must also be considered, because ships could be sunk in the Rip, the ports of Melbourne and Geelong could be closed off and Victoria would have to rely on Portland and Westernport. It is important to keep that factor in mind.

Another matter which militates against Portland and ultimately the operations of the Portland Harbor Trust for which this Bill is authorizing more finance is the fact that the railway line between Noradjuha, Balmoral and Hamilton has been scheduled for closure by the Victorian Railways. This has been a matter of deep concern to all local members, because if the port of Portland is to be properly used and the money being made available is put to worth-while use, all the decisions that are made must be favourable to Portland.

Today I asked a question about the proposed closure of the railway line, and the Minister for State Development and Decentralization mentioned the efforts of the local Liberal Party members in the area. I am surprised that he did not also mention that Mr. Dunn and I have also been very active in our representations to keep that railway line open. I hope that in the near future the Minister of Transport, who is in another place, will announce that the rail link has been granted a reprieve.

Next Monday the General Manager of the Victorian Railways will meet with local representatives, and he will be left in no doubt of the feelings of people from the local municipalities about the closure of the line.

I have made it abundantly clear that it is tremendously important for the port of Portland to be fully developed. As I said, it is operating at only 20 per cent of its capacity. That must be increased to 100 per cent of its capacity, and the Bill will play a small part in assisting with this development.

*The Hon. K. I. Wright.*

**The Hon. B. A. CHAMBERLAIN** (Western Province): I should like to deal with several aspects of the matters raised by Mr. Wright and fit them in with the general purpose of the Bill. The Bill represents a continuance of the support by the State Government for the development of the port of Portland, and that development has not been without many difficulties.

On the face of it, the measure is designed to effect two small but important changes, which are, firstly, to increase the over-all borrowing capacity of the Portland Harbor Trust from $25 million to $30 million and, secondly, to increase the overdraft capacity from $50,000 which was set in 1949 to the limits imposed from time to time by the Treasurer. Obviously a flexible arrangement like that is much more workable than a system of altering the Act of Parliament when necessary.

The current capital works programme of the Portland Harbor Trust involves the construction of a new general cargo wharf parallel with the K. S. Anderson wharf. That work was started last year. Recently problems occurred with the funding of that project, and my colleague in another place, the honorable member for Portland, Mr. McKellar, was active in negotiating an additional $150,000 in loan funds to enable that work to continue. All honorable members will realize the constraints that the State Government is under in its capital works and borrowing programme because of conditions imposed by the Australian Loan Council.

As I said, it was the efforts of the honorable member for Portland, Mr. McKellar, supported by Mr. Webster of the Treasury, that resulted in the additional funds being made available. More money will be needed in the next financial year to enable that work to be completed.

The general cargo wharf is due to be completed at the end of this year. With the establishment of a single

grain handling authority in Victoria, the K. S. Anderson wharf will be used extensively for the export of grain, and the new port will be most important for the export and import of general cargo. It will accommodate the roll-on, roll-off ships and will also deal with containers.

The development of the roll-on, roll-off concept of handling cargo is most important in Portland. As Mr. Wright said, the rationale behind the establishment of a single grain handling authority is the guarantee by the Australian Wheat Board that wheat will flow to its natural port. It is estimated that 10 million bushels or 16 per cent of the export harvest will flow through Portland, and that is welcomed.

As Mr. Wright pointed out, the spectacle occurred in 1975–76 that five ships were partly filled in Geelong and had to come to Portland to be topped up. I was in Portland one day when one of these ships was in port and saw Chinese sailors wandering around, obviously bewildered by this spectacle, knowing quite well that the ship could have been filled in one spot but had to go to another place to be topped up at enormous additional cost.

It is obvious that under the new system larger ships will be able to be completely filled in Portland, and this will provide large cost savings to the whole system.

A review of the activities of the Portland Harbor Trust in 1975–76 shows that there was an increase of 73·96 per cent in exports. Portland harbor was the only port in Victoria that had increased trade in that year. However, although exports increased by almost 74 per cent, unfortunately imports were reduced by 14·18 per cent, largely due to depressed economic conditions in the rural sector of western Victoria. We all hope that that situation will be reversed.

The over-all increase in port trade was 10·62 per cent, and if there is a return to the normal state of imports, a healthy increase through the port of Portland can be expected.

Everyone agrees that Portland is under utilized. That fact is not disguised in any way. I certainly hope that through the activities of the single grain handling authority this situation will be changed. As indicated by Mr. Wright, wool exports through Portland have declined. The Government has provided a subsidy of $1·50 a bale for the first 100,000 bales in each season to encourage exports through the port, but it has not had the desired effect, and that is to be regretted.

The whole question is constantly being looked at. I should like to see the Government allocating a subsidy of $3 a bale for the first 50,000 bales. I have had an opportunity of talking to people involved in the industry, and it appears that Japanese buyers are buying in several centres, such as Geelong, Portland and Albury. They accumulate their purchases by sending them on rail to Melbourne, where they are put on one ship. That obviously suits the Japanese, but it does not suit the ports of Geelong and Portland. If the subsidy were increased to $3 a bale, this would be an incentive to export through Portland and would go a long way towards solving that problem.

Grain export shows a healthy increase. In the years 1974-75 and 1975-76 exports of oats increased from 90,000 tonnes to 137,000 tonnes. There has been a rather exciting development in the export of live sheep to Iran. This is a development that will be welcomed by everybody. It is estimated that this will require ten ships a year each carrying 30,000 sheep. This is important for the older sheep market in western Victoria and provides another outlet for selling certain lines of sheep. This has had an important and welcoming effect on the market. The prospects are good for export of live sheep to Iran and it is hoped this market will develop.

The latest development which will have an effect on Portland is the encouragement of the Softwood Holdings Ltd. factory which is at present being built in Portland. This development has received great support from the Minister of Forests and the Premier. Only last week the Premier agreed to additional financial support being given to the shire to be used on roads that service this factory. The factory is being established at a cost of $12 million, and when in full operation it will employ 350 people.

It is expected that some 2,000 tonnes of pressed particle board a month will be shipped through the port. Machinery for that project has recently come from Germany by the roll-on, roll-off vessel *Tarago* and its installation is well under way. That factory will be in production by the end of the year. This shows that the Government is concerned to continue the development of the port of Portland.

None of the members who represent the area underestimate the problems which arise through many factors. One of the handicapping problems is the restrictive road transport system in Victoria. The sooner the system of freedom of road transport is established, the sooner Portland will prosper. Shippers, who want to use Portland but do not want to use the rail service for their own particular reasons, will not bring ships to Portland because they cannot get road transport permits to bring their goods to Melbourne. Complete freedom of road transport is being looked forward to. The Minister for State Development and Decentralization, Mr. McKellar in another place, and myself, believe that will lead to the development of the port.

The Hon. S. R. McDONALD: Have you looked at the effect on Portland of containerization in other ports? That certainly worked against Portland.

The Hon. B. A. CHAMBERLAIN: The expert on that is Mr. McKellar in another place.

I refer to the matters raised by Mr. Dunn in relation to the Balmoral–Hamilton railway line and the part it will play in the development of Portland. When the Minister of Transport made a statement on 16th September last year, he announced that certain uneconomic lines would be closed. This particular line was included. The first letter on my file is dated about 20th September. It is a letter I wrote to the Minister pointing out the Government's policy to implement a single grain handling authority at Portland and the potential of that railway line.

**The PRESIDENT (the Hon. W. G. Fry):** I do not want Mr. Chamberlain to range too widely on all the implications. This is a Portland Harbor Trust Bill and I would like him to relate his remarks to how this particular railway line will affect the port.

The Hon. B. A. CHAMBERLAIN: I will do that. The matter is relevant and it was raised by Mr. Wright.

The PRESIDENT: Quite so.

The Hon. B. A. CHAMBERLAIN: If one draws a line from the Wimmera down to Portland, it seems apparent that the wheat must flow down that line. That has certain obvious attractions, but this particular railway line, which was constructed in the 1920s, is of light rail with steep gradings, and it was not constructed to carry grain. But that does not mean that it should not be looked at for this purpose. The Minister for State Development and Decentralization, Mr. McKellar and I have had discussions with officers of the railways. Modern rail facilities were discussed. They are now of high quality, 94-lb. rails similar to the line between Melbourne and Sydney which can take fast trains. We discussed also new locomotives, the new types of equipment available, and the problems of staffing and signalling. The railways put up a persuasive argument for using the main line service. Mr. Wright mentioned that he and his colleague, Mr. Dunn, have been concerned about

this problem. As I understand it, that concern has been expressed by issuing a few press statements.

The Hon. B. P. DUNN: That is not true.

**The Hon. K. I. WRIGHT** (North Western Province): On a point of order, that statement is not correct and I should like a withdrawal.

**The Hon. B. A. CHAMBERLAIN** (Western Province): If it is not true, I shall withdraw it. The members who represent the majority in that area have attended meetings of every group in western Victoria who are interested in Portland and the potential use of this line. We have been to meetings at Portland, Casterton, and Hamilton. Two of the meetings were organized by the railway unions in Hamilton, and they were attended by the shadow Minister of Transport. We have attended several meetings in Balmoral, and every meeting that we were requested to attend. We have had lengthy discussions with representatives of all the municipalities concerned. We have led a deputation to the Minister of Transport. We have had innumerable discussions with senior officers of the railways and the Minister. I should like to contrast that record with the public relations exercise embarked on by Mr. Dunn and Mr. Wright.

As I said before, this Bill is important for Portland. It signifies continued support by the State Government for the port of Portland and the variout developments I have outlined. I consider that the future of the port is exceedingly bright.

**The Hon. B. P. DUNN** (North Western Province): It is a rare event when a member of the Government party admits that he has no real influence with the Government. Not only is Mr. Chamberlain in that situation, but also his colleagues who represent the Western District, one of whom is a Minister.

The Hon. H. M. HAMILTON: Do you win every argument in your party?

The Hon. B. P. DUNN: I certainly win the majority. I find it incredible that the Government, supported and represented by these members in the electorate, is taking a decision that is against the wishes of the people that they represent, and these members have not the power to change that decision.

**The Hon. J. A. TAYLOR** (Gippsland Province): On a point of order! These remarks have nothing to do with the Bill.

**The PRESIDENT (the Hon. W. G. Fry):** The point of order is well taken. I was going to remind Mr. Dunn that I see nothing in the Bill which has anything to do with Government intervention. Although what Mr. Dunn is saying has a bearing on what the previous speaker said, I ask him to confine his remarks to a certain railway line. If he is going to talk about it he should keep within the ambit of the increase in borrowing powers from $25 million to $30 million which is proposed to be given to the trust.

**The Hon. B. P. DUNN** (North Western Province): I know Gippsland is a long way from Portland, but obviously Mr. Taylor is not aware of the Balmoral railway line. It has an important bearing on this Bill. What is the use of having a port that is cut off from the rest of the State and the people it serves? It will be interesting when Wimmera wheat is transported to Portland by road. Then it will be seen what the Government is doing about the freedom of road transport that is talked about by Government supporters. Millions of tonnes of wheat will be transported to Portland by road. I hope transport facilities will be available for that road transport.

I have not been overcome by the argument of the railways or the Minister. The National Party has raised this matter with the Minister of Transport, and in this House consistently and constantly, and in writing. I know there is conflict. The members representing Geelong are looking after their interests, and the members

representing Portland are looking after their interests. All I can say to the Geelong members is that it seems that they have the influence that counts in the party because Portland has largely been left out in the cold in the past and it could well be in the future.

The development of the port of Portland has been an important part of the National Party's policy for a long time. We have consistently fought for its development and use, and we intend to continue that fight. The National Party is not happy with the volume of goods being shipped through Portland at present. Mr. Chamberlain claims that the amount that is being exported through Portland has increased by 74 per cent. What was the percentage of the State's total exports through that port? That is the figure the National Party is interested in—not a 74 per cent increase which could be misleading, although it is a step in the right direction.

It is obvious that Portland has to be developed, particularly as a grain port. It has deep water facilities to take the large bulk grain ships that will serve Australia and transport wheat to other countries. The step has been taken, through the establishment of the new grain handling authority, to allow for the further development of the port at Portland because the Australian Wheat Board has said that its aim is to transport wheat through its natural port. The National Party takes that to mean the nearest port and undoubtedly Portland is the nearest port for north and north-western Victoria and large areas of the Wimmera wheat belt.

The National Party encourages the development of the port and supports the Bill. However, it is of no use spending millions of dollars on developing the port and then closing down the fixed rail transport network which serves the port. I realize that Mr. Chamberlain is concerned because the line needs upgrading. As I have said previously, too often the Government looks at a cost and needs situation too much in the short term, or perhaps in terms of a lifetime, instead of considering these matters in the long term. A lifetime is short because the port of Portland will serve western Victoria for a generation or hundreds of years, and if the railway line is necessary and needs upgrading, then this should be done. The money is there, so the Government should do it. Plenty of money is being poured in to the Melbourne underground rail loop.

**The PRESIDENT (the Hon. W. G. Fry):** The question is not whether the Government should spend $5 million on upgrading a railway line, but whether the borrowing powers of the Portland Harbor Trust should be increased from $25 million to $30 million. The Bill has nothing to do with spending money on a railway line and Mr. Dunn is attempting to widen the debate.

The Hon. B. P. DUNN: I am concerned that money is being provided to develop the port, but what is the use of doing that if it is not possible to transport grain to the port?

The Hon. O. G. JENKINS: Send it to Geelong.

The Hon. B. P. DUNN: As Mr. Jenkins said, perhaps they will send it to Geelong. It is of no use spending money on developing the port of Portland unless transport is available to the port. That is why I have mentioned the railway system. If wheat from the Wimmera-Mallee wheat belt is to be shipped through the port, it must be transported to Portland by rail. It is impossible to transport such vast quantities of wheat by road over that distance to Portland as it is not feasible or economic to do so. It is economical to transport wheat by rail and there is a railway line that could be upgraded for that purpose. Money can be found for the underground rail system, so let us see some of it being spent on the Balmoral line.

**The PRESIDENT (the Hon. W. G. Fry):** Order! I have already pointed out that honorable members may not

continue to debate this railway line and if Mr. Dunn continues with his remarks in this fashion, I shall have to do something about it. I pointed out earlier that when the Supply Bill is before the House these matters can be developed, argued and submitted. A Supply Bill is a convenient vehicle for the purpose, but this Bill is not. I will not allow the debate to continue in this fashion.

The Hon. B. P. DUNN: I appreciate your point, Mr. President, and I think I have made mine. The Bill provides for the further development of the port of Portland and the National Party supports the proposition. It is clear that the Government needs to give attention to the matters that I have mentioned, and I will not further develop those remarks. The National Party supports the Bill which will enable the further development of the port of Portland.

**The Hon. S. R. McDONALD** (Northern Province): I add my support to the Bill which will increase the borrowing powers of the Portland Harbor Trust from $25 million to $30 million. Most of the matters that need to be covered have been referred to by my colleagues, Mr. Chamberlain and the Minister. However, I want to refer to one particular point which I think will be within the guidelines laid down by you, Mr. President, for the debate.

In the annual report of the Portland Harbor Trust for the financial year ended 30th June, 1976, a relevant point is made concerning the usage of the port to its optimum extent. I do not know whether members of the Government party have read the report carefully, but the last sentence on page 22 reads—

> The Government grant was increased substantially to $1·384 million which has proved to be sufficient to meet the year's shortfall in net revenue and also allowed a reduction of approximately $60,000 in the deficit accumulated from previous years.

I am not as brilliant on finances as perhaps members of the Government party, but it seems to be rather unusual that the Government should leave the port of Portland as it is and each year put in more than $1 million to keep it operating.

The Hon. B. A. CHAMBERLAIN: When did the Geelong Harbor Trust make a profit?

The Hon. S. R. McDONALD: I am not concerned about the Geelong Harbor Trust. It would be far more logical and appropriate for Portland to ensure that the port is used to a far greater extent so that the net operating surplus each year will be increased and the Government will not be required to inject substantial sums of money each year to balance the books.

I trust that the additional borrowing powers will enable the trust to carry out works that will allow more use to be made of the port and that in the future the House will not see such large injections of Government funds to get the trust out of the red. Of course, that is not only a matter for the Portland Harbor Trust but also a matter of Government policy. I will not go into details about what the Government should do, because they have been adequately covered by Mr. Dunn and Mr. Wright.

The Government certainly needs to make decisions that will permit increased usage of the port and, hopefully, in the long run will mean that the Government does not need to inject more than $1 million to keep the trust solvent.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Increase in borrowing powers).

**The Hon. D. G. CROZIER** (Minister for State Development and Decentralization): I have listened with considerable interest to the wide-ranging debate on what is basically a simple financial Bill. So far as I could detect, there was only one criticism of the Bill and that was by Mr. Knight. At least his criticism was appropriate and related to the Bill.

As I recall, Mr. Knight expressed the concern of his party that the amount of borrowing which will be permitted will not be subject to Parliamentary scrutiny and that the precise amount was not fixed. I hope that the reasons advanced by the Government were sufficient to persuade honorable members that this is an appropriate expansion of the borrowing powers of the Portland Harbor Trust.

As was pointed out in the second-reading speech, the original Portland Harbor Trust Act 1949 imposed a limit of $15 million on the trust's borrowing powers. In view of the effuxion of time and the differing financial circumstances pertaining today, the Government believes it is appropriate to allow the flexibility which is given to other Government instrumentalities subject to the direction of the Treasurer. Whilst I appreciate Mr. Knight's interest in the Bill, and I respect his views on maritime matters, I suggest that this is a discretionary power which should rest with the commissioners subject to the usual Treasury constraints.

I am tempted to reply further to the excellent speech by Mr. Chamberlain who adequately dealt with the barbs and thrusts which were expected from members of the National Party. The Government realizes that this is a good issue and that many of the matters raised had only a peripheral relevance. I detect that your patience, Mr. Acting Chairman, may be sorely tested if I were to continue to deal with these matters. In any event, I should be on my way to the Latrobe Valley by aircraft which I understand has enough fuel to get me there, although some members may wish otherwise. Accordingly, I will resist the temptation to reply in too much detail whilst I freely concede the temptation which this Bill afforded to members of the National Party to express certain opinions. I believe Mr. Chamberlain, in his excellent speech today, on 16th December and in various statements made both inside and outside this Parliament, has covered the matters which are apparently of particular concern to members of the National Party. It would be charitable of me, as well as expedient, if I did not explore the motives too deeply.

Returning to the Bill, I point out that it is the Government's intention to assist in the development of the port. There are many complex factors which explain why the port has not realized the progress that honorable members will have wished for it.

The Hon. A. W. KNIGHT: The Australian Wheat Board is one factor.

The Hon. D. G. CROZIER: The policies of the Australian Wheat Board have been the principal impediment but I will not dissect the full reasons. Suffice to say, despite the disappointments of those who are interested in maritime matters and decentralization concerning the port of Portland, the development has had a somewhat checkered history. Nevertheless, there have been some achievements and the figures quoted by Mr. Chamberlain illustrate, among other things, that the port of Portland, in addition to being one of the finest ports in the country, is under excellent management. The commissioners are well aware of their responsibilities, both physical and financial. They are endeavouring, by every means in their power, to use the fine facilities and the natural advantages with which this port is bestowed. Indeed, they have sought and achieved new business. Some exciting developments have seen the light of day during the past twelve months or so. Among them is the rapidly developing export of live sheep to middle eastern countries which was alluded to by Mr. Chamberlain.

The Bill simply provides that the commissioners will be able to borrow an increased amount of money for capital works and on current account. There has been some extensive criticism of both the Government and myself from members of the National Party on the policy announced by the Minister of Transport on 16th September last concerning the closure

of certain railway lines. In spite of the apprehensions of those honorable members about the proposed closure of the line of which they have spoken, as I pointed out in answer to a question by Mr. Wright today, following on representations and the arguments which have been put to the Minister of Transport, he has agreed to review this proposal.

A significant matter has not been mentioned during the debate. A casual observer might be excused for believing that if the Hamilton–Noradjuha line were closed there would be no railway link at all to this port. But it is a matter of record that the railways have recently completed a substantial upgrading of the main trunk line. Of course, railway lines to ports are important but the main rail link is particularly important.

The Hon. B. P. DUNN: That is through Ararat.

The Hon. D. G. CROZIER: Of course. Mr. Dunn and his colleagues will be aware that on costs and charges the Minister has given the commissioners of the Portland Harbor Trust a firm assurance that the Government will continue the policy of charging freight on the basis of the shortest link. It is already a matter of record that very little wheat has come down that line. Mr. Chamberlain and I agree with members of the National Party that there are other reasons for reviewing the decision on that line.

**The ACTING CHAIRMAN (the Hon. H. M. Hamilton):** While I agree that railways have some effect on this Bill, it is only peripheral and I ask the Minister to confine his remarks strictly to clause 2.

The Hon. D. G. CROZIER: I accept your ruling, of course, Mr. Acting Chairman. I agree that these arguments are peripheral and my situation should now be ethereal, but it is not. We have had a most intensive debate on this Bill which has tested your tolerance, Sir, and that of the President, but apparently all parties are now in substantial agreement on the measure.

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.

## EPWORTH HOSPITAL (GUARANTEE) BILL.

The debate (adjourned from April 21) on the motion of the Hon. W. V. Houghton (Minister of Health) for the second reading of this Bill was resumed.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): This Bill authorizes the Treasurer of Victoria to guarantee repayment of money proposed to be borrowed by the Methodist Church of Australia Property Trust for use by that excellent hospital conducted by the church, Epworth. The hospital has a fine reputation for patient care and also for producing trained nurses, and it was my privilege to marry one of the prettiest. For that reason, and for the positive reasons advanced by the Minister, the Labor Party and I offer no opposition to the Bill.

**The Hon. A. K. BRADBURY** (North Eastern Province): Mr. Taylor suggests that Mr. Landeryou should have declared a vested interest in this Bill. The same could be said of me. My well loved brother-in-law, Mr. Alf Milligan, was the padre at the hospital for many years. The Bill provides for the Treasurer to guarantee the repayment of not more than $17 million which the church may borrow to upgrade the facilities at Epworth Hospital. There is no need for me to refer to the magnificent job which the hospital has done over the years. There is a great demand for accommodation there and for the use of the other facilities it provides.

The guarantee by the Treasurer will permit the borrowing of funds at a reduced rate of interest to allow

the number of beds in the hospital to be increased from 136 to 311—a great increase indeed. In the updating of the hospital, provision will be made for a modern operating theatre. These improvements will give great joy to the Methodist church which owns the hospital, and particularly to those who administer the hospital itself. It will also give great comfort to people who want to be accommodated in the hospital. Members of the National Party have great pleasure in supporting the Bill.

The motion was agreed to.

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

## FUEL EMERGENCY BILL.

The debate (adjourned from the previous day) on the motion of the Hon. V. O. Dickie (Chief Secretary) for the second reading of this Bill was resumed.

**The Hon. J. W. GALBALLY** (Melbourne North Province): Once again the Government of Victoria has displayed extraordinary courage, dashing into the play, bowling opponents over, getting the ball, and kicking a goal, but only after the final siren has sounded and the game is over. Governments of Victoria have been doing this over the past 75 years.

The Hon. V. O. DICKIE: All Governments?

The Hon. J. W. GALBALLY: Yes, all Governments. In 1907 there was a railway strike, which I can barely remember. The Government of the day panicked, as usual—all Governments panic. That Government rushed legislation through the Parliament making it an offence for striking railway men to—guess what—to be seen together. That was considered to be a conspiracy against the Government, the railways, and everything else. They were the words of a man who was later a distinguished Supreme Court judge, Sir William Irvine, who was Acting Governor of Victoria at one time. Sir William had an impeccable judicial career but that was a blot on his political career. Since then, many Governments have fallen in the same way.

In 1948, the Liberal Party Government—I am not certain what the name of the party was then; it was the United Australia Party or the National Party; it changed its name so often in those days—introduced the Essential Services Bill to deal with a tramway strike. There was a lot of huffing and puffing. The Bill was passed by Parliament, but it was never used. I relate that to the extraordinary emphasis we have today on rushing this Bill through Parliament. The Government is anxious to get this legislation on to the statute-book. In 1968 the then Minister for Local Government in this House—he is now Premier—in the Government led by Sir Henry Bolte, introduced the Essential Services (Amendment) Bill. It was presented to Parliament after the dispute was settled and the striking men had returned to work. The Bill was defeated in this House, but somehow or other it was necessary to teach the strikers a lesson.

Disagreeable though it must seem, it must never be overlooked that the right to strike is the only remedy of the vast majority of the work force. Other people in the work force can adjust to inflation by increasing fees or charges.

The Hon. C. A. M. HIDER: That is not quite right. You can price yourself out of the market. It is not simply a matter of increasing prices.

The Hon. J. W. GALBALLY: I do not dispute that. A person can price himself out of the market. That option is open to him.

The Hon. H. M. HAMILTON: Strikes contribute to costs, too.

The Hon. D. G. ELLIOT: Anyone who said what the honorable member said yesterday does not deserve consideration.

The Hon. J. W. GALBALLY: This debate must be conducted in an orderly fashion. The price of the wage earner tends to be overlooked. In the last resort all he can do is withhold his services. Obviously this creates inconvenience and hardship to other sections of the community besides himself. The tragedy which overwhelms Australia today is the paralysis of the Federal Government. It is unable or unwilling to tackle inflation, which is the most serious problem that confronts Australia.

The Hon. R. J. LONG: I am glad the honorable member agrees on that.

The Hon. J. W. GALBALLY: I would be foolish not to recognize it. In the context of this measure, strikes will continue to plague the country so long as a frightened Government refuses to act. The people are not to blame. The Government in Canberra has done nothing to solve the worst problem that faces the country. Further strikes must occur—I emphasize the word "must"—while the paralysis of the Government continues. This Bill, like its undistinguished predecessors, will never be used. It will be confined to some dusty pigeon-hole until another emergency arises, and then presumably it will have to move over for another Act of Parliament which will accomplish no more than its predecessor. This type of exercise has been carried out for nearly 100 years. Alarm is the constant weapon and threat of the Government of Victoria.

Honorable members will recall that before the House rose for the Christmas recess last year, the Government rushed a Bill through Parliament which was designed to enable the Newport power station to be built. That Bill which became the Vital State Projects Act was so urgent that it had to be guillotined through Parliament. The Government would not entertain the thought of even 24 hours' delay in its passage. Honorable members will recall that the Bill was debated late at night and I suggested that because tempers were strained and calmer judgment was required, the debate should be adjourned until the next day, but the Government would not agree to my suggestion.

The Hon. A. K. BRADBURY: The Government amended the Bill so that it could not go through until the following Tuesday.

The Hon. J. W. GALBALLY: That is right. Honorable members were informed that the Bill was so vital that it had to be passed immediately. Four months later, not one sod has been turned, so to speak. The legislation will rest in a dusty pigeon-hole in the same way as the other legislation to which I referred. The antics of Governments throughout Australia are a tragedy and a disgrace to constitutional government and the sacred trust that the people of Australia place in their hands.

The Hon. N. F. STACEY: Governments should act then.

The Hon. H. M. HAMILTON: If they do, Mr. Galbally is the first to criticize them.

The Hon. J. W. GALBALLY: Yes, and that is healthy. The criticism might not be accepted, but to the devil with the day when we are not allowed to criticize Governments, as happens in some parts of the world. At a time when every Australian wants leadership, courage and understanding, we are getting nothing from the Government but the terrible cynicism of Marie Antoinette.

The Hon. S. R. MCDONALD: And nothing much from the trade union side at the moment!

The Hon. J. W. GALBALLY: It is always fashionable to attack the trade unions. Mr. McDonald is carrying on a long tradition. An honorable member has interjected that the trade unions deserve it. Some of the multi-nationals do not deserve it, I suppose, but they have methods of dealing with inflation which are denied to the trade unions.

The Hon R. J. LONG: Surely we have a democratic right to criticize the trade unions.

The Hon. J. W. GALBALLY: Of course, and the trade unions understand that. They get plenty of criticism but they are used to it and have been ever since the industrial revolution. Many of the misconceptions that exist between employer and employee today are a legacy of the industrial revolution. Before that time the work force was in a terrible plight. Little children were sent down the mine, and so on, while the factory owner lived in comfort on the hill. Of course, that situation has changed and I do not pretend that it has not. However, we must get this country going again.

The Hon. O. G. JENKINS: All of us.

The Hon. J. W. GALBALLY: Everyone. That requires courage, hard work and friendship, which is an old-fashioned word, and most of all an example by government throughout Australia. Although we have one of the most elaborate systems of Parliamentary government and machinery in the world and huge Cabinets almost the size of a Parliament, nothing is being done. I do not speak disrespectfully when I say that many people in this country thought that with a new Prime Minister—a new broom—action would be taken to get Australia rolling again. It has not happened. This country needs a Franklin Delano Roosevelt who said, "Get the machines rolling; you have nothing to fear". Australia has nothing to fear. We have everything a nation wants, except courage, tenacity and goodwill.

The Bill shuts the stable door after the horse has bolted and it will do nothing for the work force of Victoria. It may have been thought in a matter such as this that I would have been overwhelmed by people from the trade unions saying what they thought should have been done. None approached me, except Mr. Ivan Hodgson, who telephoned me this morning and said that he would like me to emphasize only one thing, that emergency services as always have been provided by the union throughout the strike. I conclude on that note.

*The sitting was suspended at* 12.58 *p.m. until* 2.4 *p.m.*

**The Hon. S. R. McDONALD** (Northern Province): The National Party considers the Bill before the House to be important legislation. Although the crisis concerning the delivery of petrol and other fuels has been overcome—we do not know for how long—there is a clear need to pass this measure so that it will be on the statute-book, if required in future.

The National Party accepts the statement of the Minister in his explanatory speech when he said that the Government has a duty to ensure the maintenance of essential services and, in a modern industrial society, one of the absolutely indispensable services is the distribution of fuel. My party does not regard this as anti-union legislation or, to use a more common phrase, union bashing; rather we regard it as legislation to protect the welfare and well-being of the community. The National Party supports and respects the right of unionists to join together and work to improve their working conditions and terms of employment.

The history of the union movement and the Labor Party in Australia is interesting, but I do not intend to review it today. It is undoubtedly true that if one examines the working conditions, wages and so on of the working man in the nineteenth century and the early twentieth century there is certainly plenty of scope for improvement and what the union movement has done to change the situation to that which prevails today is a credit to it. In some respects I envy the success of the union movement in being able to reach unanimity and achieve a sense of purpose among their members. Honorable members who compare the union movement's

achievements with those of the organization which represents primary industry will agree with my assertion. The trade union movement is well organized and successful and is achieving a good deal, whereas in the primary industry field there is an endless number of organizations which cannot get together to decide what might be their common purpose.

The National Party respects the rights of the unionist to strike and to withdraw his services or his labour in support of a move to obtain not necessarily better but more appropriate working conditions. The National Party believes the fundamental issue at stake in this legislation is that the unions have the right to strike. However, we must never forget that a strike initially involves and affects the parties that are directly concerned—the union movement on the one hand and the employer on the other—but sooner or later, if a strike continues it affects a third party in one form or another. The third party is the community in general. I suppose the problem is to decide what criteria to use in considering whether the union movement has gone far enough in using the right to strike.

In the present case the Government rightly decided that it was necessary for the Essential Services Act to be amended and this is why the Fuel Emergency Bill 1977 has been introduced. The Government has decided that the effect of the strike by a union involved with the delivery of fuel supplies in Victoria is having a detrimental effect on the State generally. I do not think there is any argument about that.

I was interested to hear Mr. Galbally's comment that he had received a telephone call from Mr. Hodgson who had said that the union in question had maintained fuel to essential services. That is an arguable assertion. I do not have the ability or the opportunity to check it in detail but it appears from statements made by the Australian Medical Association and other interested organizations that, to some extent, essential services—I refer mainly to services in the medical and hospital fields—were not capable of being maintained. To suggest that ten service stations could service essential services for the whole of the metropolitan area is completely unrealistic.

The proposed legislation amends the Essential Services Act and the Government intends to proceed with the Bill so that it can be passed. I said at the outset that I thought it should be passed so that it would be on the statute-book for use on a future occasion. I hope when this legislation is passed Government members will have more political guts than they showed in regard to the vital projects legislation and the use of the emergency services Act on other occasions.

The Hon. J. M. WALTON: This sounds like union bashing.

The Hon. S. R. McDONALD: I may comment on the subject of union bashing but I am not bashing the unions or the Government. It is futile to pass legislation such as the vital projects legislation, which was aimed at the Newport power station, unless the Government is prepared to face up to an emergency situation that arises and use the legislation.

I do not think there is any point in my going through the issues at stake in the recent strike of unionists involved in delivering fuel. That is another issue. I do not intend to go through the Bill clause by clause because its provisions are well known to honorable members. Every member who is interested should have had the opportunity to study the Bill.

The National Party believes workers or wage earners have the right to associate together in a union and, if necessary, to use strike action as a means of obtaining appropriate working conditions or wages, but at some stage the right to strike affects other parties.

The Hon. I. B. TRAYLING: Any strike affects other parties.

The Hon. S. R. McDONALD: I realize that, but sooner or later the situation is reached in which the other parties are affected more adversely than in other cases. That has happened on this occasion. I remind Mr. Trayling that some honorable members who represent rural electorates realize that if the strike in Victoria had continued for another month the farmers would not have been able to sow next season's wheat crop. Mr. Trayling may think that is a satisfactory state of affairs, but I certainly do not. It reinforces my argument that we can go so far and accept so much interference or inconvenience to parties which are not directly involved in a dispute, but at some stage a decision must be made that it has gone far enough. On this occasion the Government has made that decision.

To all intents and purposes the present crisis has been overcome. We do not know what the future holds in the fuel industry or in any other industry, but the National Party believes the Bill should be passed so that it can be used, if necessary, on future occasions. I assure the Government that, if it is necessary to use the legislation, the National Party will back the Government to the hilt when this is done.

**The Hon. C. A. M. HIDER** (Monash Province): I wish to make only a few points in this debate as it seems to be a general consensus that the Bill should be passed as quickly as possible. My comments relate firstly to general areas and secondly to specific areas. My general comment relates to Mr. McDonald's suggestion that the Government was perhaps reluctant to take strong action in these matters. I point out to Mr. McDonald that the Government is indeed reluctant to be forced to take action of this type.

I, personally, would prefer that the Government not be forced to take piecemeal action as each emergency such as this arises, but that the Government in time consider two aspects of legislation of this type.

I believe the community at large requires action to be taken to restrain or restrict these types of actions by minorities. The community is looking to the Government to establish, by consensus preferably, rules and regulations through Parliament, covering two different areas of strikes, boycotts or other industrial action.

The first area on which the community requires some form of regulation, I would suggest, is with regard to strikes and or boycotts that relate to non-industrial matters. We have been through this when discussing the Newport legislation and I certainly do not propose to enlarge on it at this stage. It is one general area that should be examined by the Government with a view to introducing appropriate legislation in due course.

The second area to be examined by the Government relates to situations of the type that arose in the past ten or twelve days when the strike or boycott was of such a nature that it caused more community damage and loss, and more hardship to people in the community generally than one would say is reasonably commensurate with the returns the employees, strikers or boycotters would expect to gain.

The Hon. A. K. BRADBURY: That is what Mr. McDonald said.

The Hon. C. A. M. HIDER: I do not disagree with Mr. McDonald, who, as usual, put forward a reasonable argument. I agree with Mr. McDonald and I make it abundantly clear that I do not agree, nor does the community at large, that minorities should hold majorities to ransom. It is quite improper for a small group of people to cause immeasurable hardship and loss to the community. For instance, is it reasonble that eight or ten men working in a highly automated industry or in the production of oil by automation, should be able to hold up the development and progress of the State? Quite clearly it would be cheaper to pay those few men whatever they demand. A mere $5,000

or $10,000 a year for each of ten men would be nothing compared with the millions of dollars that would be lost in a strike. In the past twelve days, for a few days jet aeroplanes of a value of $200 million were grounded. I point out to the House that the cost of this worked out at 15 per cent per annum, equalling $41,000 a day, which is not an unreasonable holding charge for $200 million. If 400 men were involved in the strike, that represents $120 each. It would have been much cheaper for the airlines to give them $102 a day to go back to work. However, that cannot be done because other factors are at stake.

I suggest that the Government should in time consider legislation to ensure that any action taken by employees in achieving their industrial ends and the methods employed in doing so—nobody objects to their achieving their industrial ends—are reasonable and balanced, having regard to the interest and welfare of the community at large, and that blackmail or ransom is not part of the normal day-to-day activities of unionists. Even Mr. Wran, the Premier of New South Wales, is not prepared to allow minorities to put thousands of people out of work, nor are we in Victoria. I am making general comments because I believe the whole problem needs to be reviewed in time when the heat of the moment has died down.

Two matters arise from the Bill, which should proceed as soon as possible, so that we are not caught in the embarrassing situation of an emergency arising when Parliament is not sitting. Perhaps the Government will consider these matters in due course. The first relates to proclamations. Clause 3 (3) provides that the proclamation can be in force for seven days without prejudice to the issue of another proclamation of emergency for a further seven days. Regrettably, the provision stops there. Consequently, the proclamation of a state of emergency under the Act can last for only fourteen days. If the matter has not been resolved within the period of fourteen days, we will be confronted with the same chaos which prompted the Government to declare a state of emergency.

That is clearly unsatisfactory because, as I understand the Bill, once the emergency period of fourteen days has expired with regard to an action by a group or body of persons, the Government would be unable to declare another state of emergency. I do not believe that is the Government's intention. I believe it was intended to declare a state of emergency in the situation, as envisaged by clause 3, for such period of time as may be required to get the matter going ahead. I recommend to the Government that this matter be examined as soon as possible and perhaps rectified.

The other provision that concerns me is clause 8 (1) which relates to the provision for compensation for individuals or persons who suffer loss, damage or injury as a result of complying with a direction, prohibition or requisition made by the relevant Minister under the provisions of the Act. I support that proposal because any person who has outlayed a certain amount of money in complying with the requirements of the Act and who suffers loss, injury or damage ought to be compensated. That is perfectly reasonable. The Bill does not provide that the compensation which it is intended shall be provided is compensation which replaces loss that would not have otherwise occurred.

In other words, if a service station proprietor is told that there will be a rationing of fuel and petrol and that he can sell only between the hours of, say, 10 a.m. and 12 noon, it is not expected that he should claim as a result of the Government direction that he has lost ten hours of trading a day and therefore deserves

to be compensated. It is also not intended that a salesman who was prevented from using his car for non-essential purposes in the course of normal business should claim compensation because he has been obliged to abide by the Minister's direction under the Act. Nor is the ice-cream manufacturer entitled to compensation because he has complied with the requirement under the Act that petrol or fuel should not be used for non-essential purposes.

It appears to me that it was intended that compensation should relate only to loss or damage which would otherwise not have occurred because of the unavailability of fuel. In other words, if loss would have ocurred anyway as a result of the strike, compensation would not be paid.

I suggest that matter ought to be examined and that all the provisions of the Essential Services Act 1958, together with this amending measure, should be examined to make the provisions more suitable for the present time.

Although I support the Bill because I believe it would be unwise for Parliament not to have the ability to declare a state of emergency within the reach of Government, I suggest that the Government should, in time, look at the two matters I have raised.

**The Hon. A. W. KNIGHT** (Melbourne West Province): One must answer some of the criticism voiced by Government supporters during this debate. Mr. Hider referred to minorities. I assure Mr. Hider that a democratic vote was taken by the transport workers concerned on the right to strike, and that has always been the case. If a majority decides to strike and a strike occurs, it is not a minority that has made the decision. Apparently academics learn about life at universities. I gained my experience in life and my knowledge of the trade union movement and so on at the university of hard knocks.

It is the democratic right of a union to strike if the majority of the unionists so decide. The same applies to decisions made by the Liberal Party. Members accept the decision; if not, they can fight to change the decision at a later date.

The Bill will affect the area in which most of the transport workers operate. I travel along the road in much fear of the big tankers. Shortly one of my good friends—a driver of the large tankers—who has a wonderful accident-free record, is to retire from a large oil company, which is a subsidiary of one of the biggest multi-national oil companies in the world. My friend, who drives one of the big juggernauts—Big Mac —has been told that he must take a reduction in pay. They have a name for it in certain spheres. In other words, he will suffer a loss of pay by transferring from a tandem tanker to a tray tanker. If that is not rotten on the worker, I will go he!

I shall now refer to some of the issues involved. There was interference by the Government on this issue. I did not want such a situation happening last Monday—Anzac Day—of all days when people were saying what a glorious feat our soldiers performed on 25th April, 1915. Why was it necessary for the Government to interfere then? Action of that type would excite the men concerned more than anything else. I told my colleagues in this House that the strike would have been settled if the Government had not interfered. This was the message that was coming back from the men on strike. What excited them was the interference by the Government. What those men said was proven right.

The Hon. O. G. JENKINS: Mr. Galbally said that they did not contact him.

The Hon. A. W. KNIGHT: In reply to Mr. Jenkins, I point out that what the men had told me on Monday at the Anzac Day service was proven right. Many of the men are members of the various sub-branches of

the Returned Servicemen's League. If the Government had not interfered, the unions would have asked the men to go back to work.

What Mr. Hodgson the Assistant Federal Secretary of the Transport Workers Union said was true, namely, that the petrol tanker drivers did provide for the essential services, contrary to what was said. Some of the people who said they were providing essential services should be ashamed of themselves. I feel sorry for them! I refer especially to the doctor who filled up the tank of his big car and a little later came back with another car for more fuel. The Opposition has no confidence in this type of member of the medical profession. This was indicated in the recent debate on the motion for the adjournment of the House for the purpose of discussing medical services. I should like to ask the doctor to whom I referred to pay a visit to the western suburbs. One would probably have to pay him to come from his sedate suburb and have the cash in hand for him when he arrived.

The Hon. S. R. McDONALD: How do you know he did not come from Williamstown?

The Hon. A. W. KNIGHT: I know where he came from; he came from the salubrious suburbs!

I congratulate the people who run service stations in providing petrol for essential services, and also I praise the policemen for doing a magnificent job in controlling the crowds at service stations. Thank goodness we have a stable Police Force. Some trouble arose for the operators of service stations, but the police did a marvellous job, as did the unions for allowing petrol to be supplied for the various essential services.

I am concerned about the drivers of tanker vehicles. One only has to look at them to realize that they must take their lives in their hands many times. Previously I have raised the problem of big vehicles travelling around the suburbs. I remind honorable members that I have grown up with a lot of these men and I know that they are anxious about the problems involved in turning corners when driving big vehicles.

Although it is in the interests of the oil industry to cart big volumes of oil to the service stations, it is not in the interest of road safety. Because of large trucks turning narrow corners, some serious accidents will occur if we are not careful.

I believe the Road Safety Committee, which has been set up by Parliament, should examine these problems. Members of this House have served on that committee. Mr. Hamilton was one of its chairmen and, I believe, also Mr. Walton. I am sure Mr. Walton will correct me if I am wrong.

The Hon. J. M. WALTON: The "has been" chairman.

The Hon. A. W. KNIGHT: I stand corrected. The Road Safety Committee should look at the problems of narrow corners and road use by large vehicles. These are the problems which cause concern to the men who drive large vehicles; they are serious problems of their every-day work.

Throughout the oil industry, in both country and city depots, the drivers work zealously to maintain an accident-free record. These were some of the problems confronting them. If it is good enough for some honorable members to have air-conditioning in their cars, I cannot see anything wrong with the tanker drivers asking for air-conditioning in their large modern trucks, which can become very hot on occasions. The men went through the proper industrial process to achieve these claims. I recall when I was a union leader and fought for and obtained air-conditioning to combat the extreme heat in various sections of our industry.

Despite what has been said, I assure Mr. Hider that a democratic vote to strike was taken by the drivers. That was their right, as was the vote to return to work.

It has been claimed that some clauses of this Bill are comparable with legislation passed in New South Wales. However, that Act was introduced for another purpose, not for the purpose for which this Bill has been introduced. I have always said that this Liberal Government picks the brains of other Governments and uses the results for its own purposes. The Government removed the bad part of the New South Wales legislation and introduced this Bill to overcome a situation which had arisen. The Bill contains the important sections of the New South Wales Act, which I have seen and read. Honorable members should examine the Bill closely and consider what is likely to happen in the future.

On this occasion the Transport Workers Union has acted in good faith, which is the right of any union, as it is the right of any employer. A union has the right to strike in the same way as an employer has the right to dismiss an employee. Employers complain about the right of the employee to strike or to belong to a union, but the employer also has the right to belong to the Victorian Chamber of Manufactures, an employers' federation or chamber of commerce. We do not deny them that right.

The Hon. W. M. CAMPBELL: They are not compelled to join.

The Hon. A. W. KNIGHT: That is so, but I know that if they belong to certain organizations, they obtain certain concessions.

The Hon. W. M. CAMPBELL: Rubbish!

The Hon. A. W. KNIGHT: I invite Mr. Campbell to ask Mr. Lovell of the Victorian Chamber of Manufactures or the Secretary of the Victorian Employers Federation and he will find that that is the position. Opposition members have sons in industry and know what goes on. For example, if one is in industry one can obtain a car on fleet owner's discount but a member of Parliament could not obtain fleet owner's discount if he purchased a car.

The Hon. W. M. CAMPBELL: That has nothing to do with the Victorian Chamber of Manufactures.

The Hon. A. W. KNIGHT: But it is an employer organization. I invite Mr. Campbell to read the Conciliation and Arbitration Act and he will discover that that is a registered organization and a respondent to many Federal awards. As I have stated, these are employer associations or, in other words, a union of employers. If an employer has the right to belong to these organizations and to take steps to defend himself and his business, the employee has similar rights.

As Mr. Galbally said, this legislation will not help what could occur in the future. What has happened has happened, but let us get the nation on the road to economic recovery which has not happened to date. I hope the Federal Government will heed what has been said and will get the country out of its present rut.

**The Hon. N. F. STACEY** (Chelsea Province): As a new member of this Chamber it is pleasing to hear calm and rational discussion on this important Bill. This should be contrasted with the discussion in another place where for one-and-a-half hours honorable members were discussing the question of how long the debate would take. I applaud the contribution honorable members have made on this vital piece of legislation which should be discussed and looked at in calm, cool, moderation.

I take issue with Mr. Knight's assertion that the Bill is in part firmly based on the New South Wales Act. I shall quote from the speech of Mr. Hills, the New South Wales Minister for Energy, when he introduced the

Energy Authority Bill. On page 1756 of New South Wales *Hansard*, he made these comments—

> The Bill contains certain provisions that will, during an emergency, authorize the Government to control the sale, supply, use and consumption of forms of energy.

That is what this Bill proposes—control in times of emergency.

I found myself agreeing with Mr. Galbally to such a degree that I became alarmed. He has a voice that encourages agreement. He said that Governments should act, and I agree with that sentiment. He made the statement that in his view, this legislation would never be used. All honorable members hope it will not have to be used. Indeed on a number of occasions the Premier has made precisely that statement. All honorable members agree that there is a need to get the country going. It is noticeable that in the *Herald* today there is a report that the consumer price index has risen by 2·3 per cent during the March quarter, which is the lowest March quarter rise for three years. Perhaps, the country is moving!

Mr. Galbally also said that strikes will continue to plague us. The question is how to control the plague before it ruins and frustrates the community—hence the introduction of this Bill. This is a valuable piece of legislation which fills the gap in relation to emergency situations. The well-being of the community is the responsibility of the Government, and indeed the Parliament, as fuel is the community's lifeblood.

This principle is recognized in the Bill. Previously when emergency situations arose, the Government took action only over public transport, and even in 1948 it did not realize how important fuel would become as the lifeblood of the community. I could catalogue all of the incidents which happened in the community, outlining the difficulties, hazards and tragedies which occurred during the recent fuel crisis, but I do not propose to go through those incidents as that is common ground on which we would all agree. However, one hopes that legislation of this kind will prevent such a plague arising again.

Mr. Knight made the point, and I agree with him, that this Bill is closely related to and based upon the New South Wales Act. It is proposed that the Bill will come into operation on the Governor in Council being convinced of three important and vital elements—firstly, that fuel is likely to become unavailable to meet the reasonable requirements of the community; secondly, that a state of emergency exists; and thirdly, that a proclamation is required to be made. This is what the New South Wales legislation also specifies, and it lays down how that action can be taken.

I invite honorable members to compare this Bill with sections of the New South Wales Act which set up the energy authority, particularly section 6 of that Act on which the Government has based this Bill.

It is interesting to reflect on what happened in New South Wales that gave rise to the introduction of similar legislation. For the information of honorable members, I quote this passage from the *Age* of 7th October, 1975—

> This oil dispute has been something of a classic example of a major and contemporary industrial struggle.
>
> It began with the Left-wing Amalgamated Metal Workers Union claim for an extra $35 a week—a claim which if realized would destroy the fragile system of indexation, generate a new round of inflationary wage-rise claims, and leave the Government's economic strategies in tatters.

That statement was made by Senator James McClelland, who was then Federal Minister for Labour.

By quoting that statement I am pointing out that the struggles which we have seen in the oil industry over the past fortnight date back to at least 7th October, 1975. The community has suffered, but fortunately good sense has prevailed. Whereas this community was in danger of being brought to its knees, good sense and conciliation have avoided what

could have been a disaster for the communities represented by honorable members.

I applaud the fact that conciliation was successful. However, Parliament and the community are convinced that such a hazard to the community should not be permitted to occur again, and therefore these emergency powers are necessary. I support the passage of the Bill.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I support my Leader and wish to comment on the remarks made by Mr. Knight and by some other honorable members. It is clear that irrespective of whatever power this Parliament gives the Minister, the Government will not be able capably or efficiently to force the production of petroleum products to continue. To use the old cliché, "You can lead a horse to water but you cannot make it drink". It would be an extraordinary set of circumstances if people, whether under awards or not, whether scabs or not, whether against union direction or not, could be able to perform work which takes years of skill and training to learn, and even to apply themselves to perform simple functions in the complex organization of refining.

People whom I have represented as an advocate and who have been employed in the refining industry in this State have had to undergo training on a constant ongoing basis. It is not a question of a soldier with a bayonet or a gun forcing those people to explain how the thermofor catalytic cracker unit operates. That soldier must have the knowledge and skill to operate the machine.

If the Government is serious about the import of clause 4, that is, taking action with respect to wastage of fuel or a threat to the supply of fuel of any kind in this State, perhaps it will take a more realistic attitude in its proposal concerning the gas fired power station planned for Newport and the wastage involved in converting one form of natural energy to another. Ultimately that electricity will be used in plants around Melbourne to produce steam. That is absurd. It is a wastage of a natural resource.

Mr. Hider and the previous speaker professed to believe that the recent dispute between the tanker drivers and the oil monopolies in this State was the fault of the drivers. It may be the fault of the Labor movement, and in particular in this instance the Transport Workers Union, that the union's public relations consciousness level was not as high as it could have been, but the terms of settlement involved in the resumption of work that gave rise to the ham-fisted sending by Mr. Hamer and his others in midnight-type discussions had in fact been agreed to many months before and were not, as has been stated by the previous speaker, who has left the House, some Communist-inspired plot or plan by a militant group. Since the war the Transport Workers Union has traditionally had its own award as the result of a private agreement with the oil companies. All the other unions apart from the Transport Workers Union had reached settlement with the oil companies.

Let us consider the claims that were settled. They were—

1. Thirty-five hour week inserted in award.

The 35-hour week in the oil industry was, in fact, an arbitrated decision by the Conciliation and Arbitration Commission for all other workers. That point was conceded quite easily at the negotiating table.

2. If work performed on a higher duty for a period of four weeks during the six months prior to annual leave entitlement, annual leave payments are made at the higher rate.

Not only since October last year or the year before but for many years in the oil industry, other than with the Transport Workers Union, that has been standard practice of the oil companies.

3. Double time for overtime after two and a half hours.

Many awards and State determinations prescribe overtime payments with double time after two hours; so there is nothing extraordinarily revolutionary and no industrial breakthrough involved in that.

4. Annual leave rosters to be given six months' notice.

If a worker is booked to go on annual leave in, say, November his employer may wish to change the roster after the employee has gone to the trouble of making his holiday arrangements, bookings and so forth. The employer must not change the roster within six months of the leave being taken.

5. Increased allowance for articulated vehicles.

This provision applies in the general award of transport workers.

6. Redundancy agreement to be negotiated: No redundancy in the meantime without reference to the Commission.

All other unions in the oil industry have a similar agreement.

7. $3.50 call-in payment.

If a worker is at home and his employer, for some reason, asks him to come in and fill in on a shift or to work, the employee receives $3.50. All other employees in the industry have been receiving that benefit for some time.

Most of the sixteen points of settlement are in fact paid to or received as an entitlement by most of the other employees who work in the same industry. Mr. Hider and other speakers have said that it is the fault of the Transport Workers Union and specifically the tanker drivers.

The Hon. C. A. M. HIDER: Mr. Landeryou obviously was not listening.

The Hon. W. A. LANDERYOU: Mr. Hider said that 400 or so people were holding the people of Victoria to ransom. What about the Miami shareholders who dictate what should be done in the oil industry? The other claims were—

8. Right to argue peculiar circumstances for airport refuellers.

9. Travelling allowance for interstate travel increased to $20.

Members of this Parliament pay themselves more than that for overnight travel from a country town in this State to Melbourne.

10. All new trucks to be air-conditioned.

That argument has been well canvassed by my colleague. The union conceded that if trucks without air conditioning had been placed on order it would not insist on it.

11. Long service leave up to twenty years' service to be applicable at 55 years.

Mr. Knight explained that drivers with many years of service in the oil industry were being denigrated. When they were younger they drove heavier vehicles and as they grew older, for whatever the reason, they were put onto smaller vehicles. When the time for payment of long service arrived the oil companies would not pay out the rate of pay that would apply to the primary vehicles. It should have been agreed from the start that if in the five years preceding the time when a man reached the age of 55 years the man also had had twenty years' service, and had been driving a heavier vehicle, thereby attracting a higher rate of pay, he would be paid the long service leave at the higher rate. That is a plausible proposition with which everybody would agree.

12. Loading of wages for cash collections to be referred to the commission.

Before the commission and in private arbitration and conferences the oil company advocates were not able to explain with satisfaction to themselves, to the members of the commission or to the other parties the history of the cash payments that are made to employees involved in the collection of cash in the delivery of oil. They could not explain the principle upon which the amount of money agreed on many years ago was arrived at. They have now been directed by the Conciliation and Arbitration Commission to come back and explain to the union the criterion that was first established. Therefore, in the period that the Government

has talked about as being an emergency the organization did not have the relevant information and could not satisfy the commission or the other parties.

13. Appendix payments increased to $5.20.

That represents the same increase that was obtained by the other oil industry unions in the general case of November last year.

14. Meal money, $2.50.

Again that was obtained by the other unions last year.

15. Overalls to be laundered by the company once a week.

Oil industry unions, apart from the Transport Workers Union, have had that since last year.

16. First-aid allowance increased to $4.50.

Again that was an entitlement enjoyed by other oil industry employees as a result of negotiations last year.

I have taken the House through those settlement terms so that honorable members may understand that it was not just a question of a small minority of employees holding the State to ransom, as Mr. Hider stated, but rather, as Mr. Galbally stated, that as a result of long frustrations involved in negotiations and Mr. Fraser's Government moving in and giving instructions that there should be no negotiation, and at the eleventh hour, on the eve of the senior officers of the Australian Council of Trade Unions and the senior officials of the Transport Workers Union and the representatives of the oil industry sub-committee and arbitration Commissioner Neal settling this dispute, Mr. McDermott was sent in in a hamfisted way to clog up what could have been a quicker settlement than what was obtained.

Mr. Block is interjecting. If he were really concerned about the welfare of Victoria, he would firstly resign and, secondly, ensure that the Newport power station or any other power station does not waste natural gas. What has been put to the Chamber has been a pretty biased, jaundiced view of what the dispute was about. It has ignored the fact that the oil companies did not negotiate. That is the first point. The unions were always available for negotiation.

The Hon. O. G. JENKINS: But they were adamant about other matters, too.

The Hon. W. A. LANDERYOU: That is not unusual.

The Hon. O. G. JENKINS: Mr. Landeryou is saying that everything was sweet up until that time.

The Hon. W. A. LANDERYOU: No; I am saying that the oil company representatives went to those negotiations with their hands tied behind their backs by the national Government.

The Hon. N. F. STACEY: The oil companies said, "Let us take it to arbitration".

The Hon. W. A. LANDERYOU: All the sixteen points should have been conceded right at the start of the conference; that is clear. I have just read them through to you. The employers had already blown the whistle. Mr. Fraser said they should not concede the points. Mr. Stacey must have been out of the Chamber.

**The Hon. N. F. STACEY** (Chelsea Province): I raise a point of order. I did not interrupt before but Mr. Landeryou alleged that I left the House. I have not left the House since I left for lunch. I ask Mr. Landeryou to retract that statement.

**The PRESIDENT (the Hon. W. G. Fry):** There is no point of order. Mr. Stacey was out of his place. The fact that he is in the House is noted.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): I shall conclude by saying it is all very well to introduce legislation and justify it subsequently by Government supporters engaging in an exercise of union bashing, but the House ought

to look at the facts involved in the specific dispute which gave rise to the proposed legislation. In any debate concerning industrial disputes, such as this debate, the Government should be aware of its responsibilities and obligations and ought not to ignore the facts.

The settlement of this dispute clearly proves that the fault was on the part of the Federal Government and the oil companies because they refused to negotiate when they should have.

**The Hon. J. V. C. GUEST** (Monash Province): If a union secretary or a company manager were found not to have the power to sign cheques or hire office staff, the organization concerned would amend its constituent documents to give him the necessary powers. This State may be viewed as a single economic and social organization in which a multitude of activities are affected by one another, and many of them are dependent upon one another.

For such an organization this proposed legislation provides an obviously desirable incident of Government powers. It is needed simply for the smooth working of a complex social and economic machine, and it has nothing to do with unions as such.

It is hardly imaginable, because part of the data that one is dealing with is the climate of opinion, the way people think about things, but if Esso-BHP refused to supply oil and natural gas from Bass Strait because it had been denied justice in the matter of price for some years, then this legislation would be just as applicable to that company as it is to any union which behaves as the Transport Workers Union did last week. That, of course, is subject to any constitutional difficulties that may arise about Victoria having its way with Bass Strait oil, but that factor does not have to be taken into consideration in considering the question of principle.

Mr. Galbally was right when he said that the proposed legislation will probably not be used. The courts have powers to appoint committees on behalf of lunatics, but that is not a power that is used nowadays either. There are much better ways of dealing with these things. I hope the union movement, which is not entirely immune to changes of popular opinions and ideas in general, has learned something from the events of the past few weeks, particularly the events constituted by public reactions to the use of monopoly power to get what union members want.

I come to this point of monopoly power to answer what was said by Mr. Knight about minorities. He misrepresented, accidentally or inadvertently, no doubt, what Mr. Hider said about a minority holding the community to ransom. The point Mr. Hider made, as I understood it, was that it was a small minority of the community which was doing this, not a minority of the drivers concerned. However, it is an interesting reflection of the views of those who worship majorities that Mr. Knight did suggest that because a majority of the tanker drivers have resolved on this anti-social activity, that is their inalienable right.

I go further than Mr. Hider went —I am sure he would agree with this—I say the point he was dealing with was that majorities should not hold minorities to ransom and that the use of power to gain what one wants merely because one has the power is illegitimate. The worship of the majority is a completely misconceived projection of the usual methods of modern democracy. It has nothing to do with basic morality; it has to do with a means by which we solve the problems of reconciling conflicting interests in society. There is no morality in it. It is wrong for people in the community to be held to ransom by minorities or majorities.

Understandably, Mr. Galbally did not deal with what the Bill was about, which is simply to give any Government a power it ought to have. He referred to inflation and said it was the greatest problem of our day, and one cannot disagree with that. It is perhaps the most important symptom of the conflicts which rumble on in Australia and in almost every country of the world. The conflicts I speak of are the inevitable conflicts of individuals and groups which, in a modern market economy, where competition is highly imperfect and where the market is highly imperfect, inevitably result either in inflation or unemployment or both.

Another possible solution is the Hong Kong solution, where democracy is dispensed with and low wages are the answer to unemployment. However, we have decided to use the Conciliation and Arbitration Commission as a means of providing social security, and have that dubious advantage which Hong Kong citizens do not.

In a Socialist economy the result of these inevitable conflicts is usually shortages, and not unemployment but misemployment, inefficient employment. Inflation is an important factor in the background of the proposed legislation, because for 40 years we have relied on inflation to lubricate the mechanism of our economy and to reduce the friction created by the conflicts of interest to which I have referred. This has been done at the expense of the old, the weak, the unorganized, and those who are slow to develop an expectation of increasing inflation.

It is clear, as I hope Mr. Landeryou would concede, that this process of inflation, this lubrication of the conflicts, can continue to work only by keeping ahead of the inflationary expectations. It must accelerate to work, but if that happens, we know that there will eventually be grit in the works, and the grit got into the works about 1972 or 1973 in Australia. Anybody who understands our tax system knows that there was sufficient grit in the works to ensure that investment confidence would be destroyed once the inflation rate got into double figures and that lubrication had to come to an end. Inflation was no longer the answer to keeping the economy going.

The Hon. S. R. McDONALD: Was Mr. Whitlam, the former Prime Minister, the biggest piece of grit?

The Hon. J. V. C. GUEST: That is not an inapt remark, because Mr. Whitlam created such an impression with his histrionic talents and the tremendous drama with which he presented his first 100 measures——

The Hon. W. A. LANDERYOU: What has Malcolm done in 500 days, apart from ruining the place?

The Hon. J. V. C. GUEST: Mr. Whitlam created a climate of uncertainty, which is the most fatal of all diseases in a mixed economy, and together with the workings of the taxation system and inflation—admittedly there was also a changing world economy and a number of other factors—the stage was reached when inflation was no longer a possible lubrication and steps had to be taken to introduce monetary measures, which we now find as a result——

**The PRESIDENT (the Hon. W. G. Fry):** Order! I am having a great deal of trouble in hearing whether Mr. Guest is discussing Commonwealth matters because there is too much audible comment. If honorable members will lower their voices, I may understand what Mr. Guest is saying.

The Hon. J. V. C. GUEST: We have had these distressing several years—and there will be more distressing years ahead—because of the necessary monetary policies, which, if not fully deflationary, will certainly not continue the inflationary trend. They are of course necessary because the other possible variables will not vary. I referred to the policy of the

arbitration commission and the wages boards of awarding a minimum wage which has a social security purpose behind it. This does not allow flexibility downwards. The other possible source of variation is the union movement, but understandably—and I will not go into the arguments of those who would like to see half a dozen big unions in Australia to overcome inter-union disputes—the movement is not unified. It is understandable that the Transport Workers Union members and the Amalgamated Metal Workers Union members——

**The Hon. J. W. GALBALLY:** (Melbourne North Province): On a point of order, Mr. Guest ought to confine his remarks to the Bill and not refer to inter-union disputes. If there are any such disputes, he cannot settle them.

**The PRESIDENT (the Hon. W. G. Fry):** I take Mr. Galbally's point. I have been reading the Bill, and have found it very difficult to relate Mr. Guest's remarks to the production, supply, distribution, sale, use and consumption of fuel during a state of emergency, which is what the Bill is about. I ask Mr. Guest to relate his remarks to the Bill.

**The Hon. J. V. C. GUEST** (Monash Province): I shall show how that is so. The union movement has developed a monopoly power in the community, and we have had to consider this Bill because this monopoly power has threatened the community and has been used. One method of dealing with it has been adopted.

I am directing my remarks to looking at this monopoly power in a larger context, suggesting that a longer term and broader based solution will be necessary. The union movement includes a high proportion of the people in the community. They are affected as much as anybody else by the use of monopoly power. The union movement, as a whole, may not have monopoly power, but a small group like the tanker drivers have the power in a way that the post office, for example, does not have it, because a person can use the telephone instead of sending a letter. The railways do not have it, because a person can use a car instead of a train, but the tanker drivers have it because of union traditions which allow them to say that nobody else should deliver this fuel, that they will be called scabs if they do and treated as being in breach of a fine, century-old tradition.

That is part of the reality of the community in which we work, and it is unfortunate, but its consequence is that these people have true monopoly power, and they recognize it, but they ought to consider carefully when and how they should use it and indeed whether they should use it at all.

I have conceded that there is no reason why a Transport Workers Union member who can enjoy one of these monopolies because he is a tanker driver should trust other unionists, perhaps in other States, to hold back simply because he does. I believe we must come to the point where we have impartial laws which will ensure fairness between unionists. Far from talking of protecting the community against unions, I am talking of protecting unionists against other unionists with conflicting interests. It is all about conflicting interests, people using whatever power they can lay their hands on to forward their own interests. The time will come when we do not simply have a mechanism, like this Bill, to enable the Government to step in, outside the system of unions, management and employers. Everybody will be equally protected against monopolies, whether of business or unions. First of all I appeal to people like Mr. Landeryou, because the mythology of unionism will have to be challenged within the union movement itself.

This will have to be tackled by its leaders. People will have to ask whether they really believe that unions have improved real wages and conditions of work over the past 100

years and that this would not have happened otherwise; or whether unionists are not losing far more by the practice of coercion and social ostracism, the calling of people "scabs", of invoking grand old traditions to make sure there is no free entry to occupations such as that of tanker drivers who earn $18,000 for a 55-hour week. These jobs could be done by thousands of unemployed men but the positions are occupied by a few, and are far more costly to the community than they should be.

I make this speech because this is the place where a debate can take place and from which I hope long-term consequences can flow. The Bill itself is non-controversial. I call it a mere piece of mechanism.

**The Hon. I. B. TRAYLING** (Melbourne Province): I must say I have listened with great interest to the remarkable speech of the last speaker. The sentiments and attitudes which he has expressed must have been the sort of stuff that inspired Dickens to his great works. However, they are not quite relevant to this century or to the Bill. The Bill has exposed this Parliament today as nothing more than an enabling institution to put through legislation as a manifestation of the hatred that the Prime Minister in Canberra has for the working class of this country. The recent trouble was a very legitimate attempt by a union to try to protect the parity of wages against the price of goods—something people had until the Fraser Government took office.

Mr. Stacey referred to a claim made in 1975 that the Amalgamated Metal Workers Union was disturbing the fragile basis of indexation. Although indexation was fragile when introduced, everybody maintained that it was working, and the unions were playing their part in seeing that it operated well. If there were some threats to it, and it was indeed fragile—and an instrument on an ongoing basis must be fragile—it was wrecked as soon as the new Government came to power in Canberra. I am only surprised that there has not been more trouble than we have had hitherto.

Mr. Guest's remarks might be appropriate for the members of the Melbourne Club reclining in their armchairs and philosophizing. The term "the mechanisms of the economy", might be a proper interpretation in the rarified air of that institution, but certainly it is not relevant here. If we are talking about the mechanisms of the economy, let us talk about one of the basic principles of the economy. Mr. Guest referred to market forces. The very basis of the market force is supply and demand. The employer has absolute freedom to sell his goods to the market for what he believes he can get, and for what they are worth. They are the main components of the price structure that the employer considers. Surely a worker has the right in the market place to make a judgment of what he is worth, given other considerations, and to put forward a log of claims to his employer.

The Prime Minister did not want to see that happen and he made public pronouncements to this effect. The Prime Minister is the greatest Fascist this country has ever known.

**The Hon. H. M. HAMILTON** (Higinbotham Province): I raise a point of order. If I heard the honorable member correctly, he referred to the Prime Minister of Australia as the greatest Fascist this country has ever had. I demand the retrenchment of that remark.

**The PRESIDENT (the Hon. W. G. Fry):** I find the word inflaming. I think the word "Fascist" should be withdrawn. I ask Mr. Trayling to withdraw it.

**The Hon. I. B. TRAYLING** (Melbourne Province): Having had the satisfaction of saying it, I unreservedly withdraw it. It was suggested again by Mr. Guest that the previous Federal Government—and I only make passing reference to this—had permitted the greatest sin of

all in creating a climate of uncertainty in this country, and that, to him, was the greatest threat we could have to the economy because it threatened the sort of interest that he represents. While he was saying that, I remembered an article which I had read in that very Liberal publication, the *Bulletin*, this week. I do not know whether I can seize upon the sentence immediately, but it says, "Freeze Ills. Our Oil Feature", by Peter Sanders. Since the Fraser Government came into power there has never been a greater period of uncertainty about the future of major industries in our country, such as the oil industry. That is stated in the *Bulletin* by Peter Sanders.

Do not let us have this nonsense of blaming everything on the Whitlam years. The same article says that increasingly the Connor–Hewitt policies are being looked to as the basis for Australia's economic policy on oil. They have given up on Fraser, and have come back to Connor and Hewitt. Those comments come from leading oil people in the United States. They are not my words, not the words of the journalist himself, but they come from a section of the oil industry in the United States and they said that this climate of uncertainty has been created by the Government in Canberra.

It is the sort of blinkered, philosophical, meanderings that members of the Government are so apt to espouse to this House that bring us to the difficulties of the past couple of weeks. There was a confrontation-like attitude forced on the oil companies on this occasion by the Fraser Government. That has put us in the position of having to debate legislation which is thoroughly unacceptable to the Labor Party, and for which there is no need.

I just give this warning: If people who are more effectively in control of this country than members of this institution—and I refer to the Government in Canberra—and their threats outside continue——

**The Hon. J. V. C. GUEST** (Monash Province): On a point of order, as Mr. Galbally seems to have given up, I take this point of order. I ask you, Mr. President, to require the speaker to keep to the state of affairs.

**The PRESIDENT (the Hon. W. G. Fry):** I am afraid the point escapes me.

**The Hon. V. T. HAUSER** (Nunawading Province): On a point of order, I should like to hear Mr. Trayling on the Bill.

The PRESIDENT: There is no point of order. I ask honorable members to be serious in this matter.

**The Hon. I. B. TRAYLING** (Melbourne Province): I will conclude by saying that unless other people in the community are prepared to recognize that there are two legal parties to any dispute who have equal rights to make claims—employers and employees—we will have a lot more trouble, and it might be that the Government will be tempted to use the provisions of this Bill. I make the prediction that there will then be more trouble than the Government ever anticipated or bargained for. This Bill is not an answer to industrial problems. It is not an answer to disruption of community expectations. This type of legislation will never be effective.

**The Hon. H. M. HAMILTON** (Higinbotham Province): I have listened to the argument this afternoon with considerable interest. Members of the Labor Party, in expressing their opposition to the Bill, have underlined for me the quotation of a well-known English Socialist whom I have quoted in this Chamber before, when he asked simply, "Are trade unions relevant to our modern society?" The answer was an emphatic, "No." Members of the Opposition have illustrated that point amply this afternoon. The latest

article by Paul Johnson in the *New Statesman* dated 11th February, 1977, stated—

> Left and Right are now increasingly meaningless terms; the true dividing line runs between those who put their trust in the individual and those who insist on the moral righteousness of the collective.

And mark this very well—

> It is no accident that the collectivists, from whatever end of the spectrum they claim to come, always tend, in the end, to hate parliamentary institutions, because such free assemblies at their best exalt and ennoble individuals, and at the worst accord them some degree of protection.

We have heard today a lot of threats and a lot of heat directed at the Parliamentary institution in this Chamber, an institution which is here, in the words of Paul Johnson, because such free assemblies at their best exalt and ennoble individuals, and at the worst accord them some degree of protection. That is the whole purpose of this Bill. The individual has suffered at the hands of a small union group.

We have heard stories of suffering; of the distraught parent unable to visit a small child in hospital because that parent had no petrol; of the workers who were increasingly unable to get to work. We heard that emergency services had been catered for. Let me assure the House that I have spoken to doctors and nurses who were not catered for, and who were unable to get petrol. One doctor resorted to cycling to an urgent case. I could go on quoting examples for hours, but the main thing that emerges is that not just a few suffered, but the whole of the community, because of that inalienable right of the worker to strike. I agree that it is an essential right of the worker, but it was used irresponsibly.

In our modern society, right and privilege demand responsibility and, if the union movement is to remain relevant in this society, it must accept and adopt a responsible attitude. As I understand this just-settled crisis, the union movement refused to allow its claim to go to arbitration until the situation reached a critical point.

Mr. Landeryou talked about the intervention of the Victorian Government. The Government sought leave to intervene in order to point out to the parties to the dispute the suffering and hardships that the dispute was causing the community. If that is not a legitimate cause for intervention in a dispute, I do not know what is. I am at a loss to understand the attitude of the union in walking out and saying that it was so much rubbish. Further, I cannot understand a responsible member of the community in this House defending that attitude.

The right to strike is undoubted, but it must be exercised with responsibility and with caution. If it is not, the union movement will find itself irrelevant in our modern society and its own members will tell it so eventually. Part of the problem is that union leaders remain in office by convincing their members that they are necessary and that they are doing the members a good turn.

Mr. Galbally spoke of the responsibility of the Government in dealing with inflation, but ignored completely that one of the major problems in our society today is the additional costs involved in every strike and every stoppage of work. These have cost the community untold millions of dollars over the past twelve months. If the amount that they cost were divided between every man, woman and child, we would have a lot of money. These costs have been added on to every item that we purchase and every service that we use.

Again I ask the trade union movement whether it is acting responsibily in these stoppages. Certainly the strike and the organization of the trade union movement arose directly from those grim days of the industrial revolution when most certainly

the organization of labour was an essential factor in protecting the exploited individual in those years. Unfortunately, the trade union movement is still living in that time and has not advanced beyond it.

The employer today is constrained and constricted by a multitudinous pile of legislation which ties him hand and foot in every respect. We hear mentioned repeatedly that the employer has the ability to increase prices or the charges for his services. Perhaps lawyers can do this, but it is being amply illustrated throughout the community that if the employer is a large organization he has to apply to the Prices Justification Tribunal. If the employer is a small organization, he faces the problem of that grim spectre of competition and of an immediate reduction of 10 per cent in sales for every 10 per cent increase in prices. That is the factor which controls prices because no man can continue working and employing labour if this labour prices itself out of the market.

The union movement should remember that, because that is what has happened in Australia and it is the fundamental cause of our unemployment. Our economy has sunk to such a low in the prices-cost structure that there is virtually no employment left in many areas of activity. Whole areas that were prosperous four or five years ago are today destroyed. Why? Because the trade union movement has acted irresponsibly and has not accepted the responsibility of a great movement in our community. Instead it has said, " I'm all right, Jack, pull up the ladder ".

Many individual rights have been violated by this irresponsible strike. As an individual, I require the Government, which protects the individual, to take action. The Government has taken action in the form, I agree, of a repressive piece of legislation. It should be noted that the Bill is just as repressive to the employer as it is to the employed because the Government will have the right to control and direct the property of the employer just as it assumes the right to control the actions of individuals. In that respect, at least it is fair and it is indeed necessary if our complex society is to continue operating.

I regret the necessity which led to the introduction of this Bill but, since the situation arose, the Government is making sure that, in future, it will have the legislative power to deal with a similar situation. That is the purpose of the Bill and may it proceed to a speedy conclusion.

The House divided on the motion (the Hon. W. G. Fry in the chair)—

| | |
|---|---|
| Ayes .. .. | 27 |
| Noes .. .. | 7 |
| Majority for the motion .. | 20 |

AYES.

| | |
|---|---|
| Mr. Block | Mr. Hunt |
| Mr. Bradbury | Mr. Jenkins |
| Mr. Campbell | Mr. Knowles |
| Mr. Chamberlain | Mr. Long |
| Mr. Dickie | Mr. McDonald |
| Mr. Dunn | Mr. Reid |
| Mr. Evans | Mr. Saltmarsh |
| Dr. Foley | Mr. Stacey |
| Mr. Gleeson | Mr. Storey |
| Mr. Granter | Mr. Taylor |
| Mr. Hauser | Mr. Wright |
| Mr. Hider | *Tellers*: |
| Mr. Houghton | Mr. Guest |
| Dr. Howard | Mr. Hamilton |

NOES.

| | |
|---|---|
| Mr. Galbally | Mr. White |
| Mr. Landeryou | *Tellers*: |
| Mr. Thomas | Mr. Elliot |
| Mr. Walton | Mr. Knight |

PAIRS.

| | |
|---|---|
| Mr. Crozier | Mr. Trayling |
| Mr. Ward | Mr. Eddy |

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

## POLICE OFFENCES (CHILD PORNOGRAPHY) BILL.

The debate (adjourned from the previous day) on the motion of the Hon. V. O. Dickie (Chief Secretary) for the second reading of this Bill was resumed.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province): This measure is meant to correct a shortcoming in the existing legislation with respect to pornography featuring children. On this subject, my views and, indeed, those of all honorable members, are well known and have been thoroughly canvassed in previous debates. Unfortunately, the Bill was only introduced into this House last night and it has not been possible for the Parliamentary Labor Party to assess its various aspects, so there is nothing more I can say at this stage.

**The Hon. B. P. DUNN** (North Western Province): As the Chief Secretary said, this Bill deals with child pornography. This is an issue which came to the attention of the Victorian public only this year but, no doubt, the Chief Secretary has been aware of it for some time. Certainly it is necessary to limit this type of pornography and a motion on the subject was debated by this House not long ago. The National Party is deeply concerned with the flood of pornography into the State. The Government maintains that Victoria's laws limit the display and sale of this type of material to certain persons but I am sure members of the Government party do not really believe these laws are restrictive in any real way.

The Hon. A. J. HUNT: They were based on proposals put by the National Party.

The Hon. B. P. DUNN: There is no doubt that this material circulates freely throughout Victoria. Any person who wants to obtain it can do so. It does not matter whether he is of school age or of any other age; pornography is available to everyone. Regardless of the laws relating to newsagencies and bookstalls providing that it cannot be exhibited and must be contained in packages, its sale is not limited to any great degree. These laws are merely a front to suggest that the distribution of this material is controlled when, in fact, it is moving amongst all sections of the community.

Melbourne has been described as a crime city and called another Chicago. That is probably unfair, but on reading the advertisements in the newspapers for moving pictures people would think that Melbourne was a sex city. Some of the advertisements would curl one's hair. It is clear that our system of categorizing moving pictures is just legislation; it has no real effect. I realize that this is not dealt with in the Bill, but it is a field into which child pornography could penetrate in the future if it has not already done so.

I do not want to canvass the whole issue of pornography. That has been debated many times in this Chamber and every honorable member has his own opinion. But the exploitation of children is a sickening aspect of pornography and all honorable members would agree that it should be stopped. The publication and distribution of this material using children is disgraceful and outrageous and it is the responsibility of the Government to take action on it.

The National Party supports this Bill which is a step in the right direction but I question one aspect of it. The Bill refers to a person who distributes the material for gain, has it in his possession for gain, or uses it for gain. The prohibition on that is different from completely prohibiting the possession or distribution of the material. Proposed new section 168A provides that every person who for gain makes available to any other person an obscene article, and so on, shall be guilty of an offence. The use of the words "for gain" limits the effectiveness of the proposed new section. Surely, if we are to stop the

flow of child pornography the words "for gain" should not be included in the provision. The Government should have made a straight-out decision to stop child pornography whether it is for gain or not. As it stands, the provision leaves the way open for someone to distribute the material throughout the community so long as he does not profit from it.

The Hon. D. N. SALTMARSH: Have you examined proposed new section 168C?

The Hon. B. P. DUNN: That proposed section deals with the use of a person in the making of this material. The provision to which I was directing attention deals with its publication, distribution, and so on. The Government should stop child pornography whether it is used for gain or not. Perhaps one of the Government's back-bench lawyers can explain why those words appear in the provision.

After the Bill is enacted, it will be a question of enforcement by the Chief Secretary and his department and strong efforts will have to be made in that direction. However, the National Party supports this effort to restrict the flow of this sickening type of pornography into and throughout Victoria.

The motion was agreed to

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of principal Act).

**The Hon. V. O. DICKIE** (Chief Secretary): Mr. Dunn wants to know why the words "for gain" are included in the new sections to be inserted in the principal Act. To understand this we must go back to the origin of child pornography which is circulating in this country. At a conference of Ministers held only about a fortnight ago in Sydney, there was a discussion on this matter which had been raised in this House and in almost every other House of Parliament in Australia. All Ministers were concerned whether children in Australia were being exploited in pornographic publications and the issue was given a full airing. The general opinion was that there was no real evidence that this type of material was being initiated in Australia although there was one case —for which a prosecution is pending in Adelaide—in which there was evidence that a child photographer had used children for this purpose.

It must be understood that 99·9 per cent of this type of material which circulates in Australia comes through the mail as single copies of publications from overseas and, in fact, the publications are well produced. Because it comes through the post, customs officers and others who have the responsibility of examining prohibited articles find it difficult to detect these booklets and so on. Further, some people who travel overseas bring back child pornography, but not for gain. Possibly they want to show people the type of material that is circulating overseas. It is brought in openly by individuals. People should retain the right to bring in this type of publication to show what is happening in other countries.

This Bill deals with a person who makes a business of this, the type of person who is known to be a contact in Australia and who receives publications from overseas with the intention of copying and distributing them into the stream of pornographic literature. This has created the debate and discussion in the community which has been instrumental in the Government introducing this Bill.

Throughout Australia, the legislation on the statute-books will be strengthened in line with the proposed Victorian legislation. Initially, the purpose is to find the type of person of whom I have spoken, the contact man, who brings it into Australia. He may himself reproduce the material entirely for the purpose of gain, or arrange for someone else to do the job. Let us face the facts.

Individuals will continue to bring this type of material into Australia for their own information and to show around.

There are four stages which must be considered. In the first place, penalties are provided when a person, for gain, produces or brings in from overseas this type of publication. That person is liable to a penalty only if the person to whom he passes on the material does a number of things. Stage two relates to the person who prints, photographs, records or makes or who is in any way concerned in the printing, photographing, or recording. Stage three is the selling, publishing and distributing. Therefore, initially there is the person who is instrumental in it being there for gain in the first place.

The Hon. D. G. ELLIOT: The connection.

The Hon. V. O. DICKIE: That is so; then the other stages progress to photographing, printing, recording, and so on, and the third stage is publishing and distributing.

The fourth penalty relates solely to the person who exploits a child for this purpose. That is why there is this particular tab of "for gain", because we still believe the individual retains the right to bring this type of publication into the country. He is not bringing the material in for gain. It is a right that adults in the community should retain. The object of the proposed legislation is to hit at the unscrupulous people in the community who have been instrumental in the upsurge of pornography which was brought to a head by debate in this House, and certainly in other States throughout the Commonwealth. The Ministers who attended the conference indicated that they intended to act, and the Victorian Government has done so in this Bill.

**The Hon. B. P. DUNN** (North Western Province): I am not happy with the explanation of the Chief Secretary. I would not like to go so far as to call the proposed legislation window dressing, but it is certainly a step in that direction. The Government is going only one step towards solving this problem.

In his second-reading speech, the Chief Secretary said—

> The Government believes material of this nature not only debases and degrades the children directly involved in its production and the persons, including children, who peruse or inspect it, but also that the material transgresses the bounds of standards expected by decent-minded citizens of this State. It is also possible that material of this kind could incite persons to commit sexual attacks on children.

In effect, the Chief Secretary is saying that a person can bring this material into the country and give it to his friends or anyone he wishes. If I like I can have a printer come to my house and print this material.

The Hon. V. O. DICKIE: No.

The Hon. B. P. DUNN. However, if I bring in sufficient copies I can distribute them, and provided that I do not make people pay for the material it can be circulated throughout the community.

The Hon. A. J. HUNT: Distribution is expressly prohibited under proposed section 168A (*c*).

The Hon. B. P. DUNN: I hope it is, but why should this material even be allowed into the country? If controls are to be put on this material, they should be put on the people who bring it into the country. It will move around the country and the job of enforcing the legislation will be made more difficult than if there is a complete cut-off. There is a basis for people to break the law and distribute the material. The Bill goes part of the way and I commend the Government for that, but the words "for gain" will make the Bill less effective than the National Party would like it to be.

**The Hon. V. O. DICKIE** (Chief Secretary): Mr. Dunn is making the point that someone will bring this material into the country. There is

provision for distribution without any "for gain" contained in paragraph (c). If someone brought in this material in quantities which would create the situation referred to by Mr. Dunn, we would all be worried. However, the matter is adequately covered in paragraph (c). There is no reference to "for gain" in that paragraph.

**The Hon. B. P. DUNN** (North Western Province): A person could take this sort of material into a school and it could be viewed by children at that school. Honorable members know the way in which this material circulates. The person would not really be distributing the material, because it would possibly remain in his possession. My point is that once the material comes into the State and into people's hands, there is no way known that it can be prevented from moving around the State. This will make the Chief Secretary's job more difficult.

**The CHAIRMAN (the Hon. W. M. Campbell):** Order! With the utmost respect, I think I must rule the honorable member out of order. He is suggesting to the Chief Secretary that he should be restricting items coming into this country and that comes under the jurisdiction of the Commonwealth Government, not the State Government. In that area the honorable member is out of order.

The Hon. B. P. DUNN: I realize that. I have made my point. The Chief Secretary said that there was a national conference on this matter and that the Minister for Federal Affairs is making representations to the Commonwealth Government. I have made the only point I wanted to make. The National Party hopes the proposed legislation will work but that suggestion may strengthen it.

The clause was agreed to.

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

## VICTORIAN DAIRY INDUSTRY AUTHORITY BILL.

This Bill was received from the Assembly and, on the motion of the Hon. W. V. HOUGHTON (Minister of Health), was read a first time.

**The Hon. W. V. HOUGHTON** (Minister of Health): I move—

That the Bill be printed, and, by leave, the second reading be made an Order of the Day for later this day.

**The Hon. J. M. WALTON** (Melbourne North Province): Leave is refused.

## MILDURA COLLEGE LANDS (MILDURA SCHOOLS FUND) BILL.

The debate (adjourned from the previous day) on the motion of the Hon. W. V. Houghton (Minister of Health) for the second reading of this Bill was resumed.

**The Hon. I. B. TRAYLING** (Melbourne Province): This simple measure corrects a few inequalities in respect to money lent by the Chaffey brothers a long time ago. The Opposition supports the Bill.

**The Hon. K. I. WRIGHT** (North Western Province): In 1887 when the Chaffey brothers founded Mildura they made one property in fifteen available as a college lease rental property. The idea was that this rental was to be devoted towards the construction and maintenance of an agricultural college. Although the foundation stone of this college was laid, it was never built. When the Mildura High School was built, the funds were devoted to improving the school, maintaining grounds, and so on. I suppose it could be said that the ratepayers or tenants of those properties in the City of Mildura and taxpayers as a whole were relieved of their obligations. I understand that this money was used to build in its entirety the new assembly hall erected at the new Mildura High School in 1938, when I had the privilege of attending the school.

This arrangement continued until 1970 when a Bill was introduced into Parliament to share the proceeds between the Mildura High School and two other schools, the Irymple Technical School and the Mildura Technical School, on the basis that the two latter schools were more in line with the purposes for which the money was made available by the Chaffey bequest.

The relevant section of the 1970 Act, which is section 2 (1) (*fb*), states—

> Out of the balance remaining in the Mildura Schools Fund from time to time after provision is made under paragraph (*fa*) there may be set aside at such times as the Minister determines such amount as he determines for the benefit of the Mildura High School, the Mildura Technical School and the Irymple Technical School in equal shares:
>
> Provided that the amount paid into the Mildura Schools Fund under sub-paragraph (i) of paragraph (*f*) shall be set aside for the benefit of the Mildura High School.

This clearly conveys the intention that the Mildura High School was to receive the amount that was in the fund up until 1970, and that as from 1970 the amount then accruing was to be shared equally between the three schools. I mention this from the point of view that this is a House of review and it has been brought to my attention that as I come from the area and handled the 1976 amendment, I should have detected the error. However, to my mind and to the mind of a layman there is no error. Apparently the problem is that the Treasury needs to be clear on these matters. Therefore, this amendment is intended to clarify the position.

To go a step further, section 2 (*f*) (*fd*) of the Act states—

> there shall be paid out of the Mildura Schools Fund to the Council or other governing body of the Mildura High School, the Mildura Technical School and the Irymple Technical School in equal shares such amount being either the whole or part of the amount set aside for the benefit of the schools in question under paragraph (*fb*) as the Minister may from time to time determine.

Consequently, to satisfy the Treasurer, clause 2 of the Bill states—

> In section 2 of the Principal Act, for paragraph (*fd*) there shall be substituted the following paragraph:—
>
> " (*fd*) from the amount set aside under paragraph (*fb*) as the share for the benefit of the Mildura High School, the Mildura Technical School or the Irymple Technical School there shall be paid out of the Mildura Schools Fund to or on behalf of the Council of any of the schools in question—
>
> (i) the whole amount of the share as requested; or
>
> (ii) such part of the amount of the share as is from time to time requested—
>
> by the Council and approved by the Minister."

I conclude by saying that members of the National Party support this Bill, even though we maintain that no error in fact apparently existed in the Bill which was introduced in 1976.

The motion was agreed to.

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

## ADJOURNMENT.

**The Hon. V. O. DICKIE** (Chief Secretary): By leave, I move—

> That the Council, at its rising, adjourn until Tuesday next at a quarter to two o'clock.

The motion was agreed to.

*The House adjourned at* 4.18 *p.m. until Tuesday, May* 3.

## *QUESTIONS ON NOTICE.*

## ROAD FATALITIES.

(Question No. 473)

**The Hon. B. A. CHAMBERLAIN** (Western Province) asked the Chief Secretary—

(*a*) In what proportion of road fatalities in Victoria this year has alcohol been detected in the drivers of the vehicles involved?

(*b*) What proportion of road fatalities in Victoria this year have involved drivers under 25 years?

(c) In view of the high degree of fatalities among young car drivers, will he consider legislation forbidding the sale of high powered vehicles to drivers under 25 or providing for speed governors on vehicles driven by such drivers?

**The Hon. V. O. DICKIE** (Chief Secretary): As the answer is statistical and lengthy, I seek leave to have it incorporated in *Hansard* without my reading it.

*Leave was granted, and the answer was as follows—*

(a) Details in relation to road fatalities in Victoria from 1st January, 1977, to 25th April, 1977, are—

| Number of fatal accidents | Number of fatalities | Number of drivers involved | Number of drivers in whom alcohol was detected | Percentage of drivers involved in whom alcohol was detected |
|---|---|---|---|---|
| 258 | 294 | 310 | 47 | 15·16 |

(b) 9·67 per cent of the drivers referred to in part (a) of this answer were under 25 years of age.

(c) There is no evidence to suggest that there is a relationship between engine capacity and accident involvement among motor car drivers.

Consequently, there is no positive indication that prohibiting the sale of high powered cars to young drivers would reduce their involvement in accidents.

The use of speed restricting devices such as governors has been considered in several countries but has not been adopted. In general, governors can be easily rendered ineffective. In addition, an over-all speed limiting device may restrict vehicle acceleration when such acceleration is required to avoid an accident.

The Road Safety and Traffic Authority is at present undertaking an evalution of a speed selection governor which does allow emergency override but discourages the sustained use of speed above the selected setting. The authority is also undertaking a comprehensive driver training development and evaluation programme at present which will attempt to identify factors which bring about the over representation of drivers under 25 years of age in road accidents.

Based on the results of the programme, further accident counter measures, with respect to young drivers, can then be considered.

# Legislative Assembly.

*Thursday, April 28, 1977.*

The SPEAKER **(Sir Kenneth Wheeler)** took the chair at 10.4 a.m. and read the prayer.

## ABSENCE OF MINISTERS.

**The SPEAKER (Sir Kenneth Wheeler):** I have to advise the House that the Minister of Public Works, the Minister of Transport, the Minister of Housing and the Minister for Youth, Sport and Recreation will be absent from the House.

## *QUESTIONS WITHOUT NOTICE.*

## INCIDENCE OF CRIME.

**Mr. WILKES** (Northcote): In view of the alarming increase in crime rate in Victoria reported in the daily papers in the past few days, will the Premier prevail on the Chief Secretary to organize a top level conference between the Government, the Police Department, the trade union movement, local authorities and other interested parties in the community——

Mr. JONES: And the Opposition.

Mr. WILKES: And the Opposition, with a view to outlining some plan whereby definite action can be taken by all people concerned to help eliminate this alarming increase in crime in Victoria?

**Mr. HAMER** (Premier and Treasurer): This question should properly be directed to the Chief Secretary or his representative in this House, as it is a matter for him. I share the concern expressed by the honorable member at the recent increase in crime, although last year

it appeared to be on the decline. No doubt these events are cyclical in some respects. If any action can be taken to assist the police in their prime task of solving crimes and bringing the offenders to justice, action will certainly be taken. All I can do at this stage is take up the matter with the Chief Secretary.

## NEWPORT POWER STATION.

**Mr. ROSS-EDWARDS** (Leader of the National Party): Is the Premier aware of the source of the information which appeared in certain sections of the media purporting to give detailed information on the finding of the Newport Review Panel? If he is not aware of the source of that information, can he take steps to ascertain it? It is of concern, certainly to me, that the media should have information about this before presumably the Premier, and most certainly the Parliament.

**Mr. HAMER** (Premier and Treasurer): I think the Leader of the National Party is in error in saying that this was the finding of the panel. What it appears to be is part of a submission made to the panel. The item in the newspaper did not indicate what the final decision was, or what it was likely to be. It is a matter of concern that these leaks occur. They could have occurred at various points because the calculation and the submission were prepared not by the panel itself but by experts who were called in as consultants to advise the panel and present submissions. I saw the article this morning. I have no knowledge of its origin. I can make inquiries. Whether the newspaper sources will be revealed I have very considerable doubt.

## TEACHER-PUPIL RATIO.

**Mr. SKEGGS** (Ivanhoe): In view of the claim that there is still a shortage of teachers in Victoria, can the Minister of Education advise how the increased enrolment of students this year compares with the increased number of teachers appointed by the department in the final count?

**Mr. THOMPSON** (Minister of Education): The latest figures relating to primary schools were produced earlier this week. The over-all position is that some 2,500 additional teachers have been employed, and 1,500 additional pupils have been enrolled. In other words, there are more additional teachers right across the service in the three divisions than there are additional pupils.

Part of the change arises from the fact that there was to be an estimated 7,000 increase in primary school enrolments. It was expected that 59,000 would be enrolled and 52,000 would leave. However, a detailed check indicates that some 3,500 pupils left State primary schools between grade 1 and grade 6. This is an interesting development that took place for the first time last year and the only explanation is the possible movement to independent schools, which was not apparent last year, or the movement of children from this State to another State.

In both technical and high schools, the department employed some 2,000 additional teachers for 1,300 additional students, and in the Primary Schools Division, the detailed figures I have just given. Amazingly, the over-all position for this year was 2,500 additional teachers for 1,500 additional pupils.

## ABSENCE OF MINISTERS.

**Mr. HOLDING** (Leader of the Opposition): In view of the importance of question time to the effective and proper functioning of Parliament, will the Premier circulate a memorandum to his Ministers indicating that, save for absence on account of illness or perhaps being interstate on Ministerial duties, their first obligation, when the House is sitting, is to be present during question time so that the House is able to perform

its functions, and that the grave discourtesy shown to the House by the absence today of four Ministers, without any reasonable explanation from any of them, will not be repeated.

**Mr. HAMER** (Premier and Treasurer): I will do no such thing. The Ministers are well aware of their obligations and almost without exception they regularly attend question time.

Mr. HOLDING: But where are they?

Mr. HAMER: The Leader of the Opposition knows perfectly well that this morning the House is meeting an hour earlier and he has no idea for what reasons the Ministers are not present. They may well have obligations which they cannot escape. They have made their apologies to the Speaker and I believe they do not need reminders that this is an important part of their Parliamentary duties.

## HOTEL WINDSOR.

**Mr. WHITING** (Mildura): Now that tenders for the lease of the Hotel Windsor have been advertised to close on 21st May, can the Premier indicate whether there is any provision within the leasing agreement to provide adequate accommodation for country members of this Parliament?

**Mr. HAMER** (Premier and Treasurer): This matter will have to be discussed with the successful tenderer or lessee. I will be interested in seeing that some such arrangement is made because it would be very convenient for members of Parliament who wanted to avail themselves of the opportunity to have quarters at a reasonable cost just across the road. That was one of the things that the Government had in mind when it purchased the Hotel Windsor in the first place.

I can inform the honorable member that this matter will certainly be taken up with the successful tenderer or lessee of the Hotel Windsor.

## VICTORIAN FAMILY AND COMMUNITY SERVICES PROGRAMME.

**Mr. ROPER** (Brunswick): I address my question to the Minister of Education in his capacity as Leader of the House. In view of the importance that should be attached to the Ministerial statement on the Victorian Family and Community Services Programme made by the Minister for Social Welfare yesterday, can the honorable gentleman give a guarantee to the House that the Government will provide adequate time for a full debate on that statement during this sessional period?

**Mr. THOMPSON** (Minister of Education): I informed the honorable member yesterday that some time would be made available to him to reply next week. The interpretation of what is or what is not a full debate is another matter. The amount of time that will be allocated will depend on the progress made with Government business next week.

## LAND PRICES.

**Mr. EDMUNDS** (Ascot Vale): Is the Premier aware of the high cost of land in the community, especially the prices of building blocks? Is he also aware that the legal fees, agents' commission and stamp duty on land transfers add a burden which puts the purchase of land almost beyond the price range of anyone but those above the middle income level? If the honorable gentleman is aware of that, will he consider appointing an inquiry into all aspects of agents' fees, legal transfer fees and stamp duty costs with a view either to reducing or in some other way making it easier for people to purchase land? If he will not accept that proposition, will the Premier consider appointing an all-party inquiry into these aspects affecting the high cost of land to the average person?

**Mr. HAMER** (Premier and Treasurer): For some time the Government has had an inquiry into

methods of keeping down land prices and, for that matter, house prices. The costs which the honorable member indicated are not by any means the most important or the largest element in the price of land. The real concern is the high and rapidly escalating cost of providing services which now cost anything up to $10,000 a block. I believe we should concentrate, and possibly gain more fruitful advantage, on inquiring into how we can keep these prices down and prevent a rapid escalation in the cost of supplying roads, sewerage and power to blocks. That may be the most fruitful way of keeping down the price of land. However, the matters raised by the honorable member will be considered in the context of the current inquiry.

## NATIONAL SONG.

**Mr. JONES** (Melbourne): I direct my question to the Premier in his capacity as Minister of the Arts. I refer to the forthcoming national poll to be held conjointly with the referendum on 21st May to decide a national song for Australia. Has the Government taken a view on which national song ought to be adopted and, if so, will the Minister of the Arts be campaigning on behalf of the Government? If the Government has not taken a decision, is the Premier prepared to express a personal preference or give an *ex cathedra* answer?

**Mr. HAMER** (Minister of the Arts): I must confess that I have not given much attention to the question, and neither has the Government. I believe the people will express their own personal preference on a song for Australia and the Government does not intend to express a particular point of view. I should imagine that on the Government side of the House, just as on the Opposition side, there would be quite marked differences of opinion. My view is that the people are quite entitled to have that choice.

## WHITTLESEA TECHNICAL-HIGH SCHOOL.

**Mr. PLOWMAN** (Evelyn): Is the Minister of Education aware that the position of principal at the Whittlesea Technical-High School may well become vacant at the beginning of the second term as the present principal has applied for promotion to Sunshine? Will the Minister ensure that if this position does become vacant, the position is gazetted and open to applications from all comers rather than having the appointment made as a consequential appointment?

**Mr. THOMPSON** (Minister of Education): I am aware that the new technical-high school at Whittlesea has as its principal a woman, Mrs. Hepworth, who is proving to be an extremely capable principal. The residents of the district are most concerned that she is leaving and want an adequate replacement. I am having consultation with officers of the Technical Schools Division to ensure a replacement is made promptly and possibly along the lines indicated by the honorable member for Evelyn, so that the school suffers in no way from the sudden loss of this very capable woman leader.

## COMMERCIAL FISHING LAWS.

**Mr. CATHIE** (Carrum): Is the Minister for Conservation aware of an article in the *Geelong Advertiser* this week headed, "Abalone war threatens", and sub-headed "Bombs and bullets", relating to poaching in the industry, in which it is alleged that no fisheries officers are available in Geelong? Can the Minister state how many officers are available to police the fishing laws of the State and why no officers are available in either Geelong or Melbourne to meet that emergency?

**Mr. BORTHWICK** (Minister for Conservation): The content of that article is not absolutely correct. In fact, an officer did attend and

evidence is being gathered. It is hoped that, as a result of the attendance of the officer, sufficient evidence will be collected to launch a prosecution. So, from that point of view, the article is inaccurate.

The Government recognizes that there are not sufficient people policing commercial fishing along the coast of this State. We are in the process of recruiting another six officers specifically for this work. This will enable the equivalent of one full-time officer to be located in each of the major commercial fishing ports. I hope that we can then proceed to reforming the enforcement section of the Fisheries and Wildlife Division throughout the State as a whole and to develop a system of regional officers and a new administrative structure under which officers of that division can expect some promotion within it.

We are aware of the situation. We are taking action and I am hopeful that the Treasurer will be sympathetic towards the latest plans I will be putting to him. I thank the honorable member for raising this matter.

## STERILIZATION CLINIC.

**Mr. TREWIN** (Benalla): I direct a question to the Minister representing the Minister of Health. Is it a fact that a walk-in, walk-out, sterilization clinic has been opened or is to be opened in a Melbourne suburb? If so, does the Government support such a clinic? If not, what action is being taken to stop the creation of such a clinic?

**Mr. JONA** (Assistant Minister of Health): The Government and the Minister of Health are aware that such a clinic has been opened. The Minister has already indicated that he is having all aspects of this clinic, particularly the legal aspects, investigated to ensure that the operator is not even innocently breaking the law. From the point of view of the Department of Health, part of the investigation and examination of the whole question will relate to health aspects.

The Minister is awaiting a report on both the legal and the health aspects. When it is received, if any action is necessary, the appropriate steps will be taken. The results of that examination will be made known.

## PUBLIC TELEPHONE VANDALISM.

**Mr. CRELLIN** (Sandringham): I direct a question to the Minister representing the Chief Secretary. Has the Minister's attention been directed to a report in last night's *Herald* about a serious and vicious sexual attack in Elsternwick yesterday. In view of the statements by police that this attack on a woman may have been avoided if public telephones in the area had not been put out of order by vandals—honorable members know what happens to public telephone booths—will the Minister make urgent representation to Telecom Australia with a view to having adequate public telephone facilities maintained? Will he also make inquiries into setting up some other system to facilitate emergency contact with police?

**Mr. SCANLAN** (Minister of Special Education): I will be happy to take up this matter with the Chief Secretary. No doubt all honorable members recall that at the time of the tragic and untimely sudden death of John Coleman certain reforms were initiated by the State Government with the support of what was then the Postmaster General's Department to ensure that people were adequately advised of what they should do in an emergency. The attitude of the Commonwealth was that it was happy to examine the matter jointly with the State Government. Whether or not a system of police telephones should be considered and whether or not alternative forms of communication should be provided, warrant deep consideration.

## CURRICULUM SERVICES INQUIRY.

**Mr. FORDHAM** (Footscray): Can the Minister of Education indicate when the curriculum services inquiry report will be submitted to the Government and can he assure the House that it will be made public immediately?

**Mr. THOMPSON** (Minister of Education): I cannot give an exact date. It was the intention of the Government that the report should be circulated. Printing may provide problems, but the report will be made available as soon as practicable.

## PENALTIES FOR DRUG OFFENCES.

**Mr. COX** (Mitcham): In the light of an article appearing in today's *Sun News-Pictorial* headed "Jail may go as pot penalty in New South Wales", will the Chief Secretary take this matter up with his New South Wales counterpart and monitor the New South Wales attitude in view of the enormous difficulties that will occur by Victoria retaining the gaol penalties?

**Mr. SCANLAN** (Minister of Special Education): This question relates also to the administration of the State Department of Health and to various Commonwealth Government departments. The attitude of the Victorian Government is clear in regard to penalties for all drugs and narcotics. It is that the policy should be uniform and based on recommendations made by the national standing committee on drugs of dependence which meets regularly and which consists of Chief Secretaries, Ministers of Health and of Commonwealth Ministers responsible for customs and health and other Commonwealth departments that might have an interest in this question.

I shall certainly take up the suggestion with the Chief Secretary, bearing in mind however that as far as possible Victoria abides by national and uniform codes for penalties in this area.

## ETHNIC RADIO.

**Mr. HOLDING** (Leader of the Opposition): Is the Minister of Immigration and Ethnic Affairs concerned at the wide-ranging opposition within the ethnic communities at recent appointments made by his Federal colleague in the handling of ethnic radio? Will the Minister support the representations being made by Victoria's ethnic community that the body responsible for the control of ethnic radio ought to be composed of people nominated by ethnic communities in this State and people who have a record of service in Victoria and not the nominees of the Federal Minister and some public servants?

**Mr. JONA** (Minister of Immigration and Ethnic Affairs): The honorable member will appreciate that the question of ethnic radio and radio generally is the responsibility of the Commonwealth Government and not of the State Government. However, in respect to ethnic radio particularly, because of the effect and influence it has within the ethnic communities of Victoria in which the Victorian Government has a considerable responsibility, the Victorian Government is vitally concerned to ensure that it works and operates as effectively as possible. That is an important preamble.

There has been a considerable amount of misunderstanding of the role of the national and State bodies in respect of ethnic advisory councils. Membership of the National Ethnic Advisory Council which has been established is necessarily small because of the nature of the work it intends to do on the general overall policy recommendations of the Commonwealth Minister, but the State bodies will be larger and will have more direct responsibility in recommending the programming within the States.

It was not the intention of the Commonwealth Government to have representatives of any ethnic organization or group on either the

national body or the State bodies. Were they to do so, then for every ethnic group that was directly represented, there would be at least twenty ethnic groups whch would have felt, rightly so, that they were being prevented from having direct representation. Consequently, those people who have been appointed to the national body and those who will be appointed to the State body will be appointed because of their personal qualities and qualifications.

I remind the Leader of the Opposition that the Federal Minister for Immigration and Ethnic Affairs has invited all ethnic organizations in Victoria to make nominations to him of suitable people who might fulfil that role. If the Leader of the Opposition believes there are any particular ethnic organizations with qualifications to so nominate, or if he believes there is anyone in the community who would be well chosen to be on such a committee, it is his duty to make that nomination to the Federal Minister.

## DANDENONG MARKET.

**Mr. GINIFER** (Keilor): Does the Minister of Agriculture recall that last week I raised a question relating to practices occurring in the Dandenong market which might militate against the interests of producers of fat stock whose stock is being auctioned at that market? Can the Minister indicate whether he has had an opportunity of having inquiries made into the matter I raised? If so, can he indicate to the House what those inquiries have revealed?

**Mr. I .W. SMITH** (Minister of Agriculture): I recall the question asked by the honorable member. I have discussed the matter with my departmental officers who either have attended or will be attending the market to gain first-hand knowledge of the practice to which the honorable member has drawn my attention. As a result of their observations and report, action may or may not be taken, depending on the report.

## DONCASTER-TEMPLESTOWE ELECTRICITY SUPPLY.

**Mr. WILLIAMS** (Doncaster): The Minister for Fuel and Power will be aware of the concern of the City of Doncaster and Templestowe for the viability of its electricity supply undertaking. I believe other municipalities are in a similar position. Is progress being made in revision of agreements with the State Electricity Commission to improve the viability of the municipal electricity supply undertakings?

**Mr. BALFOUR** (Minister for Fuel and Power): I am fully aware of what has been taking place. I suggest that progress has been made. However, the honorable member's question might have been more properly directed to the Premier.

## SCHOOL ASSEMBLY HALLS.

**Mr. HANN** (Rodney): I ask the Minister of Education whether a decision has been made regarding the future capital funding arrangements of school assembly halls? If so, what are the details?

**Mr. THOMPSON** (Minister of Education): Yes, the Assistant Director-General of Education, Mr. Barwick, has been working on this for some weeks. One of the major difficulties, of course, has been combating inflation so that any sensible subsidy scheme can remain in operation for more than two or three months. For many years the subsidy has been on the basis of $3 to $1 with a Government grant of about $72,000, but during periods of rapid inflation it has been found that when approvals are given to schools to go ahead, by the time the contract is let the amount of money raised is inadequate to meet the cost of the hall. Therefore, the aim has been to establish some flexible scheme that can remain in operation despite a reasonable degree of inflation. I expect to make an announcement next week. I thank the honorable member for his question.

## SETTLEMENT OF PETROL DISPUTE.

**Mr. TREZISE** (Geelong North): I direct a question to the Premier. In view of the fact that petrol is now flowing to motorists through the pumps of Victorian petrol stations, is the Premier in all fairness prepared to express the Government's appreciation and gratification for the tremendous role played by Mr. Hawke in bringing the two warring parties together to a successful conclusion?

**Mr. HAMER** (Premier and Treasurer) : I stress that throughout the dispute the Victorian Government has maintained that a solution could be achieved through the ordinary process of arbitration. To the extent that Mr. Hawke contributed to the process of arbitration, he assisted in the ultimate solution—there is no doubt about that—but I do not know to what extent his intervention was useful or critical because the parties, for their own reasons, have kept most of the negotiations under tight security control.

In any event, I suggest that what this dispute has shown is that, firstly, the ordinary processes of arbitration can work if they are allowed to work and are supported and, secondly, that the whole community is placed at risk when a very small group of people handling an essential commodity chooses to hold the community to ransom.

## PETITION.

### ELECTIONS FOR SOUTH BARWON CITY COUNCIL

**Mr. BIRRELL** (Geelong West) presented a petition from certain ratepayers of the City of South Barwon praying that the House take such action as is necessary to require a new election for the whole number of the councillors of the city. He stated that the petition was respectfully worded, in order, and bore 10,764 signatures.

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

## HEALTH COMMISSION BILL.

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

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

## SESSIONAL ORDERS.

**Mr. THOMPSON** (Minister of Education) : By leave, I move—

That for today Sessional Orders be suspended to allow Government business to take precedence.

This will allow debate to proceed on certain important Government Bills. I thank the Deputy Leader of the Opposition and the Deputy Leader of the National Party for their constructive and co-operative approach towards facilitating the workings of the Parliament.

The motion was agreed to.

## BAIL BILL.

**Mr. MACLELLAN** (Minister of Labour and Industry) : I move—

That this Bill be now read a second time.

Its purpose it to improve and modernize the law relating to bail, and in particular to implement recommendations made by the Statute Law Revision Committee in its report dated 13th February, 1975, upon bail procedures.

Honorable members will be aware that the committee's report was the result of an extensive investigation of relevant matters in Australia and overseas. The recommendations in the report involve significant changes in both the law and procedure relating to bail. As the committee pointed out, at the time of its investigation consideration was being given in England to reforms similar to those which it has recommended. Since then legislation has been passed by the Parliament of the United Kingdom, the Bail Act 1976, and this Bill contains a number of provisions based on that legislation. In addition, the Bill takes

into account changes in the Canadian criminal code since the committee reported to Parliament.

At the present time, the law in Victoria relating to bail has to be discovered from an examination of a number of statutes and from the common law. The committee recommended that there be a separate Bail Act which sets out the whole of the law on the subject, and this Bill gives effect to that recommendation. The committee also recommended that the whole concept of bail and its application be recast, and this has been done.

Bail is fixed primarily to ensure that an accused person will attend his trial, but there has been growing concern in the community about the way the present law and procedure relating to bail has been achieving this object. The Statute Law Revision Committee requested the Social Welfare Department to carry out some research on persons held in the remand section at Pentridge. The results of the research showed that at the date of the inquiry substantial numbers of people were held on remand merely because they were unable to find bail in the amount set. Thus the system appeared to have the effect that some people were unnecessarily held in custody pending their trial. This imposes a penalty on those who are poor or unable to find the required security.

However, there has been concern about the availability of bail to persons who have absconded or who have committed further offences whilst free awaiting trial, particularly where those offences have involved the use of firearms or violence. Many submissions have been received on these matters from the Australian Bankers Association, the Australian Bank Officials Association, interested members of Parliament and concerned citizens.

This Bill represents an attempt to balance the conflicting rights of accused persons to be free pending their trial and the interests of the community in ensuring that the accused commits no further offences and does in fact appear when required.

The Bill states at the outset the basic proposition that an accused person is prima facie entitled to be released pending his trial, subject to such conditions as appear necessary to ensure the accused's appearance in court and to satisfy the need for public safety.

It then establishes criteria to be considered in deciding whether or not an accused person should be kept in custody. In particular, it provides that bail shall be refused in a number of circumstances. These include cases where the accused is in custody for failing to answer bail, except where that is due to causes beyond his control, and cases where there is an acceptable risk that the accused would—

(*a*) fail to answer bail;

(*b*) commit an offence whilst on bail;

(*c*) endanger the safety or welfare of members of the public; or

(*d*) interfere with witnesses or otherwise obstruct the course of justice.

The Bill clearly sets out, in written form, for the first time in Victoria, those matters which the court must consider when deciding whether or not to grant bail and on what conditions. The court is required to have regard to all relevant matters including the nature and seriousness of the offence, the strength of evidence against the accused, the accused's background and environment and his history regarding previous grants of bail.

As I have said, the Bill proceeds upon the basis that accused persons have a prima facie right to bail.

However, it recognizes that in certain cases the prima facie position should not apply automatically. So, under the Bill, for those charged with crimes involving the use of firearms, explosives or offensive weapons or who have a history of absconding while on bail, the onus is reversed. That is, they are required to show why they should be allowed bail. This provision, which has certain counterparts in the English and the Canadian legislation, indicates the Government's concern about crimes involving firearms and places a new significance on a person's prior history of failing to answer bail.

On proper consideration of the factors set out in the Bill, the court will be in a position to decide what is necessary to ensure that the accused attends his trial. In some cases it may appear sufficient for a person merely to give an undertaking to appear without a deposit or surety, while at the other extreme it may appear that nothing will ensure the attendance of an accused at the trial other than keeping him in custody pending the trial.

This Bill, therefore, gives the court a broader range of options in dealing with the issue of bail than it has under the present law. These range from release of an accused on his own undertaking to release on his undertaking plus security and sureties, and, in an appropriate case, the imposition of special conditions. The Bill requires the court to consider these alternatives in turn so that it should not impose a more onerous obligation than necessary in the particular case.

Incidentally, it should be noted that the technical word "recognizance" has been dropped in favour of the word "undertaking". It is believed the latter word will be more readily understood by members of the community generally, and its use is in accordance with the Government's policy of writing statutes in modern language.

Where a court refuses bail, it is required by the Bill to record a statement of such refusal and the reasons for refusal. Further, the Bill requires a court granting bail to issue to the person concerned a notice in writing stating any conditions imposed and setting out the penalties for breach of the conditions. This will ensure that persons on bail fully understand their obligations.

It also provides for the possibility of variation of conditions of bail where the accused is unable, within 24 hours, to comply with those conditions, and provides for a new right of appeal to the trial court against refusal of bail or against the amount or conditions of bail.

One other provision of this Bill which deserves special mention is that it creates an offence of failing to appear in court following release on bail. Under the Bill, it will be possible for accused persons to be released upon their own undertaking to attend trial. It must be made clear that any failure to attend trial will be a serious matter. Accordingly, absconders will be charged with a separate offence punishable by up to twelve months' imprisonment and also it will be more difficult for them to get bail on future occasions.

The foregoing comments explain the purpose and effect of the main provisions of the Bill. There are, of course, more detailed provisions in the Bill, and I have circulated an explanatory memorandum with the Bill which indicates the details of the clauses. As I have mentioned, basically it follows the recommendations of the Statute Law Revision Committee. So far as I am aware, this is the first time in Australia that a separate Bill dealing with bail has been introduced. It proposes major changes in the law and procedure relating to bail. It represents a real attempt to balance the conflicting interests involved and its implementation should result in a more rational system of granting bail in the future.

I commend the Bill to the House.

On the motion of Mr. CAIN (Bundoora), the debate was adjourned.

It was ordered that the debate be adjourned until Thursday, May 5.

## VICTORIAN DAIRY INDUSTRY AUTHORITY BILL.

The debate (adjourned from the previous day) was resumed on the motion of Mr. I. W. Smith (Minister of Agriculture)—

That this Bill be now read a second time.

and on Mr. Hann's amendment—

That all the words after "That" be omitted with the view of inserting in place thereof the words "this Bill be withdrawn and redrafted to provide for a contribution of funds from the Government equal to 30 per cent of the amounts payable under the Bill as compensation for the surrender of milk contracts by contract holders".

**Mr. McINNES** (Gippsland South): The previous contributions in this debate have adequately covered the history over recent years which has led to legislation setting up the Victorian Dairy Industry Authority. Factors, such as the contraction of overseas markets for butter, skim milk powder, and other products, coupled with poor prices, have led to farmers producing for these markets turning an envious eye on the domestic liquid milk market. Some 87 per cent of dairy production was previously exported or used for domestic products, and 13 per cent, or 250,000 gallons of milk a day, went into the liquid milk market to service the urban consumer. It should be remembered that this liquid milk market has been serviced well by those 6,500 Victorian dairy farmers who were contracted to the Milk Board, and they in turn had the responsibility of ensuring an adequate and continued supply of a high quality product to meet the needs of Melbourne and other regional cities.

The need to give every dairy farmer in Victoria an equitable share in this market has now arisen in order to save the dairy industry. There has been some unfair criticism directed against some of those farmers who elected years ago to service that liquid market and who adjusted their farm business accordingly to meet the demands and specifications of that contract. That is why compensation is an essential feature of the Bill. Compensation needs careful consideration as it affects the farmers themselves. I believe the controlled phase-out of existing contract holders cannot be achieved if the phase-out period is to be unduly prolonged. I suggest five years is a more appropriate time than the nine years proposed by the Government.

Equally, it is impossible to predict when the average contract holder will relinquish his contract, unless there is some incentive to take that action. A 10 per cent phase-out in volume over ten years, or a higher percentage over a shorter time, will ensure increased access to the liquid milk market by all dairy farmers in Victoria.

The very wide powers proposed for the Victorian Dairy Industry Authority are necessary if the farmer is to obtain a fair and equitable return. He frequently works in adverse conditions and he maintains a high level of physical and mental effort. His farm business is exposed to severe economic and climatic conditions, and he has a very large investment in land, equipment and livestock. These same powers, if wrongly used, or in the wrong hands, would in effect socialize the dairying industry and reduce farmers to a peasant state. It might be more appropriate to say that they would keep farmers in bondage while the rest of the community thrived on the sweated efforts of a few dairy farmers. That is why the National Party believes it is imperative to have a farmer controlled board with four elected dairy farmers, and a chairman selected from their number having a casting, as well as a deliberate vote, on an eight-member authority.

There have been arguments that board members must possess financial and administrative talents for the board. I do not say this is not reasonable but at the same time I point out that expertise and administrative skills can be hired and if executives do not perform satisfactorily they can be fired. The first and foremost role of the board, in my view, must be to ensure a just return for the producers it represents.

Mr. FOGARTY: All sections of the industry.

Mr. McINNES: All sections of the industry, but primarily the dairy farmer producers, because they are the basis of the triangle. If their needs are not taken care of, then all the consequent structure falls to the ground. That is the point that unfortunately has been lost sight of over the past few years by companies and distributors in the industry. The farmer has been "milked dry" as it were, and pushed to a point where he was forced to absorb the additional costs that were incurred. These charges have been passed on to the farmer with the comment, "Sorry, chum, you have to bear the cost." That attitude must come to an end, and that is the point I want to make quite clear.

It has been suggested that there should be a consumer representative on the authority. I do not believe that is necessary. Consumer reaction is important; it will keep the authority in line. The Dairy Industry Authority is not in a position to demand that people drink milk; it will have to encourage them to drink milk and consume dairy products. If prices are set at a high level, if service is poor and unsatisfactory, then inevitably the consumer response will be adverse. It is hoped that this authority will be quick to respond to domestic market signals and, at a later stage, to the export market as well.

The Government has called on the dairy industry to meet the full cost of paying out contract holders. The compensation payable to contract holders will come from the industry itself. The Government appears to be acting benignly. But farmers should not lose sight of the fact that they will be paying the cost of compensation if the legislation which the Government has put forward is accepted in its entirety.

The National Party believes that some of the larger contract holders have already obtained beneficial compensation by substantially enhanced values of properties which are located in urban subdivisions——

Mr. FOGARTY: Such as at Berwick.

Mr. McINNES: Yes, and Narre Warren, and other places. It would have been fairer if compensation had been reduced on the larger contracts. It has been a burden to some extent for smaller contract holders of, say, 15, 20 or up to 50 or 60 gallons, to continue with the production of milk for Melbourne and to pay the necessary costs to ensure that supply was maintained. They have not done as well out of it as many other farmers such as the larger contract holders with contracts of the order of 60 and up to 200 or 300 gallons and the odd super-contract holder whose contract goes up to 750 gallons and who has done amazingly well, perhaps at the expense of some of his fellow farmers.

The compensation should have been higher for the smaller contract holders and inversely reduced as it went up to the point where the farmer who holds a 750-gallon contract would have received *pro rata* a substantially reduced rate of compensation per gallon although, at the same time, I do not deny that he is justified in receiving appropriate compensation. That could have been decided by a review panel within the proposed Victorian Dairy Industry Authority.

As honorable members well know, the United Dairyfarmers of Victoria made a strong claim for $180 a gallon compensation. They said that this was all that the industry could

stand, bearing in mind that the money would come from the industry itself. With the intention of protecting the larger contract holders, the Government has opted for $250 a gallon. Accordingly, a strong case could be made that the Government should accept the burden of compensation payments in excess of $180 a gallon and the substantive motion moved by the National Party is designed to give effect to this proposition and to place the responsibility for larger surrendered contracts where it rightly belongs.

Obviously, the immediate application of the Bill relates to the liquid milk market. However, the proposed authority must be ready to co-operate with the Australian Dairy Corporation. In any deliberations, it has to exercise responsibility and a strong voice in line with the major role that the Victorian dairying industry plays in the national scene. The development of export markets rests primarily with the Australian Dairy Corporation and, unless the Victorian dairying industry is to be confined to domestic markets, a concerted approach must be made by both the Victorian authority and the national bodies. Unless these overseas markets are to be developed profitably, and they certainly have not been for some time, the industry will be forced to limit its production and the Australian economy, in terms of export earnings, will be very much poorer as a result.

At some future time we may see the contraction of the dairying industry to Victoria—there is strong support for that from certain quarters which believe that Victoria is the most appropriate State for the industry, and perhaps Tasmania —and if this occurs it will become very much a State matter. Be that as it may, there will still be other sections of the industry supplying their State metropolitan markets. Whilst those conditions persist, without neglecting the interests of the Victorian dairying industry, the Victorian Dairy Industry Authority should relate to the national scene as well as undertaking its State responsibility.

The dairy farmer is no longer willing to be a mere pawn in the hands of others. He is no longer willing to be used, abused, or trodden over, and he will no longer tolerate a lower standard of living or expectation. More importantly, neither will his wife or family.

**Mr. BURGIN** (Polwarth) : Because of the limitation of time, I only wish to make one or two general comments and then touch on three or four particular matters concerning the Bill. I compliment the Minister of Agriculture on bringing the Bill before the House. It is many years since the dairying industry has had a Bill of this nature discussed in the Parliament. This is the start of a new era for the industry and it has been a great achievement for the Minister to have this Bill before Parliament today.

I also compliment the honorable member for Rodney on his assessment of the problems of the dairying industry. Because of a shortage of time, all I will say on that matter is that I agree substantially with this assessment. I wish that the honorable member had been able to come up with some solutions to the problems and I wish that I could do the same. The situation is much more difficult and certainly I agree with the assessment of the problems by the honorable member for Rodney and I compliment him on what he said.

There are four areas in the Bill which will cause a great deal of discussion. One is the abolition of milk contracts, which has been a particularly difficult subject for the Minister to handle and a difficult problem for the industry to overcome. I must again compliment the Minister on the fact that he has achieved the phasing out of milk contracts. The dairying industry has talked about abolishing milk contracts for as long as I can remember.

Although everybody may not be satisfied with the method that is being used, through the Minister of Agriculture and the Government, the industry is achieving the phasing out of milk contracts.

Many different ideas on compensation and how the contracts should be phased out have been submitted. I suppose one opinion is as good as another. The Government has come up with what is admittedly a compromise because the subject of milk contracts is a very intricate, vital and complex part of the dairying industry. The contracts started in previous years when transport was a problem, when there was no refrigeration and when the supply of milk to the consuming public had to be assured. Although times have now changed, the only factor that has not changed is the need to ensure a milk supply to the consuming public. What is being done now will guarantee that the public will have an adequate liquid milk supply and that the dairying industry will receive benefits right across the board following the decisions taken in that matter.

Another point that will be stressed, and certainly has been so far, is the composition of the proposed Victorian Dairy Industry Authority, which is an important matter. Once again, many ideas have been put forward on how that authority should be constituted. We can go from the recommendation in the report of the Board of Inquiry that there be 8 members with a consultative committee of 37 members, through to various other suggestions that there should be 8 members, 9 members, 11 members, and the Government's suggestion in this Bill that there should be an authority comprising 6 members.

It is interesting that of all the proposals that have been put forward, except the two submitted by the Opposition and the National Party, not one had a majority of farmers on the authority. It is strange that honorable members have heard from the Opposition and the National Party the contention that farmers must have a majority on the proposed authority, when the industry itself has not put forward that proposition.

Mr. B. J. EVANS: What do you think the average farmer thinks about it?

Mr. BURGIN: The average farmer is a member of his union and has his say through that union. If he has not exercised his say then he has negated a privilege that is available to him. Although the Government has listened to everybody throughout the country, it must take substantial notice of a major State organization which looks after the farmers' interests. On no occasion did that organization, the board of inquiry, or anybody else, suggest that there should be a majority of farmers on the authority.

Originally, the United Dairyfarmers of Victoria suggested eleven members on the authority of which only four would be farmers. Later, and certainly as a compromise, the United Dairyfarmers of Victoria suggested an authority of eight members of which three would be dairy farmers. Therefore, the dairying industry itself does not support the proposition of a majority of farmer members on the authority. I believe they see the common sense of this approach because they know that the authority will be predominantly a marketing authority and, goodness knows, the industry needs a lot of work done in that regard.

Another point I wish to touch on relates to the powers under the Bill. One power which has been criticized by the National Party is the power of the authority to market intrastate and interstate. I agree with earlier comments that interstate marketing is a Federal matter. When the Federal Government is able to get ahead of Victoria and introduce legislation, as it should perhaps be doing before Victoria needs to move

in this matter, and we know what is in that legislation, then this power may not be necessary. Until the Federal Government brings in that type of Bill, the power must be included in the Victorian legislation in the event that, as a last resort, the power needs to be used. Honorable members should treat it as being in the Bill until it is known what will be included in Commonwealth legislation on this matter.

A further point that needs mentioning is the vesting of milk in the authority. The honorable member for Gippsland East considered that this was a Socialist act and that it should not be tolerated by the Government. It is very awkward but, as a last resort, milk must be vested in the authority.

Mr. B. J. EVANS: I agree.

Mr. BURGIN: The honorable member could have fooled me last night. If a situation arose where there was not sufficient milk to supply the liquid milk market at any time or in any given area, and a factory decided that it would continue with the manufacture of milk products because it brought in higher profits, then it would be necessary for that milk to be vested in the authority. I believe that power has to be there. If one looks back at what has happened in the dairying industry in the past, one realizes that the Milk Board has always had that kind of power. We should not bring about the type of situation which is proposed. The clause is necessary for emergency purposes.

I cannot support the proposals which have been put forward for a 10 per cent reduction in the volume of milk supplied under contract. I am not as sure as the United Dairyfarmers of Victoria that adequate milk will be available to supply the liquid milk market. There should be a few years of normal supply with a gradual running down in milk contracts to ensure that that market can be properly serviced. It is important that dairy farmers keep this in mind because this is their most lucrative market. Milk contracts are running down at a satisfactory rate. To impose a 10 per cent decrease in volume on top of that could be a dangerous step and for that reason I reject that suggestion.

I commend the Bill to the House. It represents a great step forward for the dairying industry. Honorable members will have differing opinions about how the authority should be formed or who should be its members, and on how the milk contract system should be phased out, but they will all agree that these things should be done. That is what the Bill does, and better things will be done later on the recommendation of the authority.

**Mr. JASPER** (Murray Valley): I first wish to join with other honorable members in congratulating the honorable member for Rodney for his contribution to the debate last night. The honorable member for Polwarth congratulated the honorable member for Rodney but his attitude was in contrast to some of the comments made by back-bench members of the Liberal Party when the honorable member for Rodney was addressing the House. I particularly refer to the comments of the honorable member for Benambra, who is not now present to take part in the debate.

There is a huge number of dairy farmers in the Murray Valley electorate. One member of the Liberal Party commented last night that members of the National Party were representing and expressing the views of the United Dairyfarmers of Victoria. We have listened to the comments made by members of that organization and taken note of what they said and, indeed, we have incorporated some of their suggestions in the amendments which we will propose to the Bill. However, the statement that we are representing them is not correct. Many of the amendments which we will propose

stem directly from the members of the National Party and the particular interest they have in the dairying industry.

The Government should be congratulated for introducing the measure. In recent years, the dairying industry has been in a desperate position. I have spoken to many dairy farmers in the electorate I represent, particularly those located at the western end of the Murray Valley. One only has to appreciate their circumstances to understand the desperate plight of the industry. I have taken up many of their cases with the Rural Finance and Settlement Commission because they have been in great need of financial assistance.

It is ridiculous that some dairy farmers should receive between 60 cents and 65 cents a pound butterfat, and others receive as much as $1.50 a pound butterfat. When inequities such as that exist within an industry, drastic action must be taken to change the situation. The worst sufferers in this industry are the people who entered it in the past ten years or so, and particularly young people who entered it within the past five years. They have been subjected to poor markets and low prices for their products.

There are many aspects of the Bill with which members of the National Party do not agree. One is the ten-year phase-out period. We will propose an amendment to that provision. It was recommended that compensation of $180 a gallon be paid. That was raised to $250 a gallon by the Government but no suggestion has been made about where the extra money will come from. There is no doubt that it will come from the industry itself and obviously, as a result, the return to dairy farmers will be reduced. The people worst affected will be those receiving small returns.

The National Party will propose an amendment providing for producer control of the authority. We believe the experts should be on tap, but should not be on top. The producers should be able to control their own industry. In Victoria and, for that matter, throughout the world, company executives and directors do not have all the specialized expertise essential to operate their companies, but they seek expert advice whether it be on advertising, finance, or other matters, and are therefore able to make the necessary decisions. The same principle should apply in the dairying industry. If the authority were controlled by the producers, they could seek expert advice when it was needed and still make the decisions relating to their own industry. The chairman of the authority should be a producer.

Small contract holders have been dealt a hard blow. By strictly enforcing the letter of the law, some of these contracts have not been renewed because some small contract holders could not supply milk to meet their contracts for a period of six or eight weeks in the middle of last year. But, considering the small amount of money which would be paid to these people, this is a hard blow to those who are most desperate. It is these people who should be shown some leniency. Their contracts should continue until 1st July so that they can obtain compensation for their 12, 20 and 25-gallon contracts.

The Bill will alleviate the hardship in the industry. It is a step towards co-ordinating the industry as a whole. I hope the new arrangements will lead to a better marketing of dairying industry products. There is no doubt that a great improvement in the marketing of these products is needed. If some improvement could be made—to butter, for instance, to make it more spreadable—that would surely help dairy farmers.

The National Party will support the Bill but it asks the Government to seriously consider the amendments it will propose. These amendments have been drawn up after a great deal of consideration and

thought by members of the National Party and I believe they will commend themselves to the Parliament, which will accept at least some of them.

**Mr. GINIFER** (Keilor): Mr. Speaker, as I have already addressed the House on the second-reading motion, I now specifically relate my remarks to the amendment moved by the National Party in order to indicate the attitude of the Opposition to it. Earlier in the debate I said that the Labor Party would move an amendment which would, in effect, give the dairy farmers control of the Victorian Dairy Industry Authority. However, if there is to be an injection of public funds into that authority, the argument I put forward for producer control could not be sustained.

The Labor Party's proposition was based on the premise that the dairy farmers should be given an opportunity to finance and administer their own industry and to accept the responsibility for the decisions made by the authority. However, if we take that point of view, we cannot consistently say that there should be an injection of funds into the authority from the public purse. If public funds are to be committed, we would have to reconsider whether the producers were entitled to control the authority. For that reason, the Labor Party will not support the amendment.

I have been compelled to state this position because the honorable member for Gippsland East who, I understood from what he said when I interjected, was absent from the Chamber during a large part of the debate, was apparently not aware that I had clearly set out the Labor Party's attitude on this.

**Mr. B. J. EVANS** (Gippsland East): On a point of order, Mr. Speaker, I ask whether it is acceptable for the honorable member for Keilor to make a completely untrue allegation about me. I seek a withdrawal of his comment because I have been in the Chamber during the whole of the debate on this Bill.

**The SPEAKER (Sir Kenneth Wheeler):** This is not a matter for a point of order, but the honorable member for Gippsland East has taken an exception to the inference that he was absent from the Chamber during the course of the debate. The honorable member has declared that he was not absent at any time during the course of the debate and asks for a withdrawal of the innuendo that he was.

**Mr. GINIFER** (Keilor): Having heard the statement by the honorable member for Gippsland East, Mr. Speaker, I withdraw my suggestion that he was absent from the Chamber during this debate. However, last night, when the honorable member was speaking, I indicated by interjection that the Opposition had fully expounded its proposals on the composition of the authority and that it believed it should be producer controlled. The honorable member said that he did not know that. If he was in the House, he could not have been paying attention. This is why I am putting the position of the Labor Party clearly now.

The Opposition believes in producer control of the authority, but producer control means producer responsibility for the whole of the activities and financing of this authority. Therefore, the Labor Party will not agree to the amendment proposed by the National Party. If the Labor Party agreed to the proposition that there should be an injection of Government funds, it could not agree that the producers should control the authority.

The House divided on the question that the words proposed by Mr. Hann to be omitted stand part of the motion (Sir Kenneth Wheeler in the chair)—

| | | |
|---|---|---|
| Ayes | .. | 59 |
| Noes | .. | 7 |
| Majority against the amendment | .. | 52 |

AYES.

| | |
|---|---|
| Mr. Austin | Mr. McArthur |
| Mr. Balfour | Mr. McClure |
| Mr. Billing | Mr. McKellar |
| Mr. Birrell | Mr. Mackinnon |
| Mr. Borthwick | Mr. Maclellan |
| Mr. Burgin | Mrs. Patrick |
| Mr. Cain | Mr. Ramsay |
| Mr. Cathie | Mr. Reese |
| Mr. Coleman | Mr. Roper |
| Mr. Collins | Mr. Scanlan |
| Mr. Cox | Mr. Simmonds |
| Mr. Crabb | Mr. Simpson |
| Mr. Crellin | Mr. Skeggs |
| Mr. Culpin | Mr. Smith (*South Barwon*) |
| Mr. Doube | Mr. Smith (*Warrnambool*) |
| Mr. Dunstan | Mr. Stephen |
| Mr. Ebery | Mr. Stirling |
| Mr. Edmunds | Mr. Suggett |
| Mr. Fogarty | Mr. Thompson |
| Mr. Fordham | Mr. Trezise |
| Mr. Francis | Mr. Vale |
| Mr. Ginifer | Mr. Weideman |
| Mr. Gude | Mr. Wilkes |
| Mr. Hamer | Mr. Williams |
| Mr. Jennings | Mr. Wilton |
| Mr. Jona | Mr. Wood |
| Mr. Jones | *Tellers:* |
| Mr. Lacy | Mr. Kennett |
| Mr. Lieberman | Mr. Richardson |
| Mr. Lind | |
| Mr. Loxton | |

NOES.

| | |
|---|---|
| Mr. Evans (*Gippsland East*) | Mr. Whiting |
| Mr. McInnes | *Tellers:* |
| Mr. Ross-Edwards | Mr. Hann |
| Mr. Trewin | Mr. Jasper |

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 (Short title).

**Mr. GINIFER** (Keilor): I suggest to the Minister that as a large number of amendments have been circulated in his name and in the name of the honorable member for Rodney, he might be prepared to report progress, at least until later this day, so that members of the Opposition may have an opportunity of perusing the amendments which have just been circulated.

**Mr. I. W. SMITH** (Minister of Agriculture): It is necessary that this Bill should be passed this morning, so that the Geelong Regional Commission Bill can be considered immediately after the suspension of the sitting to enable it to be sent to the Upper House in time to be dealt with. The best assistance I can give to honorable members is to explain the amendments to them as they are dealt with.

The clause was agreed to.

Clause 2 (Division).

**Mr. I. W. SMITH** (Minister of Agriculture): I move—

Clause 2, line 14, after "Functions" insert "Assets".

This amendment is self-explanatory.

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

Clause 3 (Repeal Schedule).

**Mr. I. W. SMITH** (Minister of Agriculture): I move—

Clause 3, omit sub-section (2).

This amendment deletes provisions in the Bill which are not required as only specified provisions of the Milk Board Act 1958 are being repealed. The entire Milk Board Act is not being repealed.

The amendment was agreed to, as was a consequential amendment, and the clause, as amended, was adopted.

Clause 4 (Authority).

**Mr. GINIFER** (Keilor): I move—

Clause 4, page 3, lines 4 to 7, omit "but does not include—

(*a*) cream, and

(*b*) condensed dried or dessicated milk or milk powder or milk of other similar prescribed form".

During the second-reading debate I mentioned that the reason for this amendment was that there was some confusion in the minds of dairy farmers in the State because the definition of dairy produce contained in the clause included many items which the definition of milk seems to exclude from the provisions of the Bill. Perhaps the Minister can assure the dairy farmers who may still be separating their milk on their properties that the cream which is

derived from the milk will be included with the other commodities which are listed, such as condensed, dried or dessicated milk or milk powder or milk of other similar prescribed form, and that all these things will be the responsibility of the Victorian Dairy Industry Authority. If that is done the Opposition will not pursue this amendment.

I should like to hear the Minister's comments because I thought he indicated, by interjection, during the second-reading debate that he was coming to that decision.

**Mr. I. W. SMITH** (Minister of Agriculture): The intention of the Government is that every product will be encompassed in this Act. I am advised that the various provisions in the Act do this. Representations have been made to the Government for the exclusion of cream but they have been rejected.

**Mr. GINIFER** (Keilor): Having received that assurance, the Opposition will not proceed with this amendment, but if at any time there should be a challenge to this legislation I hope the Minister will arrange for suitable amendments to meet the challenge.

The amendment was negatived, and the clause was agreed to, as was clause 5.

Clause 6 (Objects of Authority).

**Mr. HANN** (Rodney): I move—

Clause 6, after paragraph (*b*) insert the following paragraph:—

"( ) to provide for orderly marketing and a just return as soon as practicable to Victorian dairy farmers at the farm gate;"

This amendment is virtually self-explanatory. The National Party believes it would be reasonable and an advantage to have this as an object of the authority. It is not spelt out in the objectives included in the clause, and that may have been an oversight. It would certainly be the ultimate aim of the authority to have objects of this type. If the Minister will not accept the amendment now, I hope he will consider having this included as an objective of the authority before the Bill is dealt with in another place.

**Mr. I. W. SMITH** (Minister of Agriculture): I will consider the matter before the Bill reaches another place. Pararaph (*b*) of the proposed objective of the authority states that one of them is—

to achieve as soon as practicable that all Victorian dairy farmers participate equitably in returns from the markets of milk for human consumption and dairy produce;

That is a sufficiently broad objective for the authority, which will be under the administrative direction of the Minister. I do not see any problem but I will consider the proposal.

**Mr. McINNES** (Gippsland South): Members of the National Party feel obliged to propose the amendment because we are not sure of the meaning of object (*b*). We think it is too broad in its general meaning. None of the other stated objectives get to the nub of the matter. We are trying to restructure the industry so that those who take part in it will receive a fair return. It is vital to include the amendment proposed by the honorable member for Rodney because it spells that out and reflects the wish of the dairy farmer, that when the produce leaves his control at his farm gate he should be assured of a fair and just return.

**Mr. WOOD** (Swan Hill): One of the most important aspects of clause 6 is paragraph (*b*), which provides that an objective of the authority will be—

to achieve as soon as practicable that all Victorian dairy farmers participate equitably in returns from the markets of milk for human consumption and dairy produce;

This is certainly the most important part of the Bill. I believe most honorable members would have had some communication in their electorates with dairy farmers and dairying organizations on this part of the Bill.

Last year in this House when honorable members were debating the plight of primary industry I mentioned a survey of eleven dairy farms

which had been conducted in part of my electorate and which showed that the average net income of those dairymen was approximately $5,600 per annum. That was based on 70 cents a pound for butterfat, and the price has not increased since then. In fact, it has decreased, whereas farm operating costs, as honorable members will appreciate, have risen. The income received by these farmers is low. At that time it worked out at 80 cents an hour for every hour worked by the farmer and his family. I am sure the Opposition would not tolerate that position for two minutes if it applied to any union wage scale.

The returns of the dairymen supplying milk for human consumption as compared with milk for manufacture is very high. I have taken out figures and have used as an example two neighbouring farms, one with a milk contract and one without a contract, which supplies milk to a manufacturer. They each milk 100 Jersey cows. The gross return for the milk contract holder is approximately $36,000, whereas that of the neighbour supplying a manufacturer is about $18,900. I appreciate, as the honorable member for Werribee said, that an extra cost is involved in supplying milk for human consumption, but the returns are not equitable.

To give an indication of the relative prices farmers receive for liquid milk and those which contract holders receive as against those supplying to manufacturers, I point out that in 1973–74 those supplying milk for human consumption received between 92 cents and 102 cents a pound butterfat, whereas the dairyman supplying the manufacturing industry received approximately 64·5 cents. In 1974–75 the price paid for liquid milk rose to between 107 cents and 115 cents a pound butterfat while those supplying manufacturers received only 70·5 cents. In 1975–76 the milk contract holder received 115·7 cents a pound butterfat whereas the supplier to the manufacturer received between 54 cents and 60 cents. Since January this year, those who supply milk for human consumption received 135 cents a pound butterfat and the dairyman supplying milk to a manufacturer received 70 cents.

Over the four-year period the contract holder received an increase of 43 cents a pound butterfat whereas the supplier to manufacturers received an increase of less than 6 cents. Because of inflation and the rising costs of living during the past four years there has not been any actual rise in income to those dairy farmers who are not milk contractors. But farm operating costs have risen. That is why they are in dire straits and why prices must eventually be equalized to give financial stability to the majority of dairy farmers by the phasing out of milk contracts.

Many dairy farmers have questioned the time element in achieving this equity. The United Dairyfarmers of Victoria believes there should be a compulsory phasing out of contracts at the rate of 10 per cent per annum. I agree. I should like to see this in the Bill, as I believe this will ensure quicker financial relief to dairymen. The possible surrender of 10 per cent of contracts each year would be a guaranteed benefit and this would flow on to dairymen supplying milk to manufacturers. Time alone will tell what will happen. One can only speculate at the moment.

I have discussed the matter many times with the Minister, hoping that provision would be made for at least a 10 per cent compulsory surrender by contract holders. The Minister has assured me that twelve months after this Act has been in operation the situation will be reviewed in the light of the then volume of contracts that have been voluntarily surrendered. If it is found that the number of contracts surrendered does not total at least 10 per cent definite action should be taken to ensure that the spirit behind parts of this Act will not be lost.

**The ACTING CHAIRMAN (Mr. Stephen):** Order! I hope the honorable member is addressing his

remarks to the amendment before the Chair and not to the clause generally.

Mr. WOOD: I am speaking to the clause and for the amendment.

The ACTING CHAIRMAN: I ask the honorable member to speak to the amendment at this stage.

Mr. WOOD: I am speaking to the amendment because it applies to the over-all problem of dairy farmers. I think the National Party would agree with that.

Mention has been made of the socio-economic problems of dairymen who supply manufacturing milk. The honorable member for Rodney mentioned this, and I agree with him. It does not stop there. Many towns in Victoria are dependent on the viability of dairy farmers. If the income of dairy farmers falls, so does that of the businessmen. If dairy-farmers cannot enjoy a good income they are not able to spread their money around.

Mention was made that the market for milk for human consumption is too lucrative. Figures were given of the amount of money contract holders with large contracts are making, and it was suggested that their returns are so high that the majority would not surrender their contracts and that there should be a compulsory 10 per cent phase out. This could be so, but during the same debate it was mentioned that millions of dollars would be needed to purchase the gallonage which would be surrendered by contract holders under contract at $250 a gallon. There was talk of $30 million being needed and this would break the Dairy Industry Authority. It cannot be both. It is ridiculous to say on the one hand that the industry is too lucrative and therefore no one will voluntarily surrender contracts, and on the other hand that millions will be needed because they will. I believe we must make certain that all dairymen receive an ever-increasing share of that lucrative market of milk for human consumption so that some annual relief to the disadvantaged dairymen can be ensured. If this is not provided the spirit of clause 6 will be completely negated.

**Mr. I. W. SMITH** (Minister of Agriculture): Having listened to the comments made by honorable members and having previously said that I would consider this matter before the Bill was dealt with in another place, I can accept the amendment of the honorable member for Rodney.

The amendment was agreed to.

**Mr. HANN** (Rodney): I move—

Clause 6, omit paragraph (*d*) and insert the following paragraph:—

"( ) to integrate the activities of the Authority with the activities of the Australian Dairy Corporation in the promotion and marketing of dairy products within and outside Victoria;"

I understand that the Minister is sympathetic to this amendment. He may wish to have it as a separate object rather than as a substitution. The National Party believes that in the long term it is essential that the two should be integrated, and therefore this self-explanatory amendment is proposed.

**Mr. I. W. SMITH** (Minister of Agriculture): Under current circumstances there is no way in which the Government can accept this amendment. The Government has been foremost in striving for and trying to achieve a national industry for dairymen. That has been denied to us time and again, particularly at meetings of the Australian Agricultural Council. Judging by the actions of other State Governments, I think it is very important, for the survival of what is the most efficient dairying industry of any State in Australia, that dairymen should be able to exploit the national market to the full when it suits them. One of the prime objects of the industry will be to do just that. On the other hand, if as a result of this measure passing through the Parliament, enlightenment finally comes to people in other States who have been preventing our products from flowing to their natural market

advantage, then of course the objectives which the honorable member sets out in his amendment will automatically flow.

One would always wish and hope for a national industry, where co-operation at a State level was complemented by a Federal body, in this case the Australian Dairy Corporation, acting as a co-ordinating and promoting agent for our products. It is most regrettable that organization is not currently acting in the best interests of Victorian dairy farmers. I do not envisage what I suggest will happen in the immediate future. If and when it is likely to happen, then the authority would work towards it. In the current circumstances this amendment is quite unacceptable.

**Mr. GINIFER** (Keilor) : I am at a loss to understand the attitude of the Minister to the amendment because it is only being written into the Bill as an objective of the authority. The objective can only be attained first of all if there is goodwill between the authority and the Government in relation to its activities and associations not only with the other States but also with the national Government.

It is most desirable and in the long-term interests of the dairy farmers in Victoria that we do not attempt to make political capital by not co-operating with other Governments in Australia. There is no doubt in the minds of members of the Opposition that unless we are in common cause with national trade for Victorian dairy farmers for whom we are attempting to do our best by passing this Bill, because they produce far beyond the capacity of the home market, we can only negotiate on a nation to nation basis. I fail to understand the reasoning behind the comments made by the Minister for not allowing this to be one of the objectives of the authority.

Perhaps this would be a step forward for this Government by showing that in effect it is prepared to co-operate and accept an amendment which would give the Victorian Dairy Industry Authority the power to co-operate closely with a national authority on behalf of all dairy farmers in the Commonwealth.

**Mr. HANN** (Rodney) : The National Party still believes that the Government should give consideration to the amendment. It does not intend to press it to the extreme but it is essential in the long term to integrate the activities of the authority with those of the Australian Dairy Corporation. The National Party hopes that the Minister may give further consideration to this amendment when the Bill is between this and another place.

The amendment was negatived, and the clause, as amended, was adopted, as was clause 7.

Clause 8 (Constitution of authority).

**Mr. GINIFER** (Keilor) : In rising to speak——

**The ACTING CHAIRMAN (Mr. Stephen)** : Order! Will the honorable member discuss amendments Nos. 2, 3, 4 and 5, as circulated on his sheet, together? They are interrelated and all rely on the carrying of the first amendment to be moved by the honorable member for Keilor.

**Mr. HANN** (Rodney) : On a point of order, my query concerns interpretation. The National Party is to move an amendment on this clause and I ask where it fits into the cycle.

The ACTING CHAIRMAN: That would be later in the discussion in Committee. To put the amendment of the honorable member for Rodney first would stifle the amendments the honorable member for Keilor is seeking to move.

**Mr. GINIFER** (Keilor): Thank you, Mr. Acting Chairman, for your guidance. I should be most happy to move my first amendment to this clause and speak to the four amendments because they are interrelated and they all depend on the successful carriage of the first amendment

which increases the representation to seven farmers on this proposed authority. The authority is proposed to have six members and the Opposition believes that the primary producers should be able to manage their own marketing authority. Therefore, I move—

Clause 8, line 39, omit "two" and insert "three".

The other three amendments that I propose to move are—

Clause 8, page 5, line 1, omit "two shall be representatives" and insert "one shall be a representative".

Clause 8, page 5, sub-section (2), after paragraph (b), insert the following paragraphs :—

"( ) one shall be a representative with special marketing and financial knowledge; and

( ) one shall be nominated by the Victorian Trades Hall Council to represent consumers of dairy produce."

Clause 8, page 5, line 8, after "interests" insert "including the interests of licensed dairy farmers in the various dairy farming areas of Victoria".

The first amendment is based on the fact that members of the Opposition have proposed that the six-man authority should consist of three representatives of dairy farmers, instead of two representatives of the manufacturing, processing and distributing industries. We believe one person should be representative of that organization and that there should be one member with a particular interest in marketing and finance as well as a representative of consumers who would be nominated by the Trades Hall Council.

In speaking to these amendments, I point out that the thinking behind this is in line with modern practice for the administration of an authority. One must bear in mind that it is envisaged that the personnel of the authority will be part-time members, but one of the propositions is to include practising dairy farmers as members of the authority.

It is our proposal also that the three dairy farmer representatives should not be nominated by any particular organizations whose purpose is to speak on behalf of dairy farmers of this State, but in effect the State should be divided into three zones of licensed dairy farmers and that these three zones should be entitled to elect one representative each to the authority.

At the same time we are also suggesting that from each of those three zones one alternative member should be elected. So, if it is impossible for one of the elected dairy farmer representatives to attend a meeting, provision will be made for him to be replaced by an alternative member or a proxy member. If this were to happen, we believe the practising dairy farmers in Victoria would be adequately represented.

It may be construed that by having only one representative of the manufacturing, processing and distributing interests, the expertise associated with manufacturing, processing and distributing available to the authority would be lessened. In practice this would not be so because many of the people who are the opinion leaders or industry leaders in the dairying industry have also been involved in the co-operative movement and have been directors of co-operatives which have interests in manufacturing, processing and distributing. Undoubtedly in my mind the person who would be elected as a representative of dairy farmers would also be a person with quite an amount of experience in co-operatives.

It is also necessary for a person on the authority to have experience in the field of promotion or finance. To this extent, it is desirable for someone to serve in a part-time capacity because I know full well that it is the intention of the Government to include a full-time person on the authority who shall be the manager of the authority and who will be seeking advice and expertise from people who will have an understanding of marketing and finance in the industry.

It is also important that there be included on the authority a person who is in a position to have a clearer understanding from the professional viewpoint of the advice given to the authority and who can relay the advice, if need be, to other representatives on the authority who would not have expertise in promotion and finance.

This would be an answer to critics who believe that dairy farmers are not well qualified to administer an authority such as this. I believe they would be well qualified if they had these other personnel on the board with them. The authority should also have a representative from the Trades Hall Council who would represent the consumer interests. I put my proposition forward in line with modern management thinking. It is also desirable for people on boards and authorities to represent the work force and to have experience in the manufacturing side of this industry or in the transport side.

These types of people would be able to bring to the authority a closer or fuller understanding of the needs not only of consumers but also of people employed in the industry. It is on that basis that these amendments have been foreshadowed. The proposal of the Opposition is that one of the dairy farmer representatives should be the chairman of the authority and one other representative should be the deputy chairman.

Given that basis of the six representatives of dairy farmers on the authority and that one of them would be the chairman, if a division occurred in the deliberations of the authority, the chairman would have use of his casting vote. The dairy farmer representatives would be elected by practising dairy farmers who would, in effect, have control of the industry.

**Mr. HANN** (Rodney) : Members of the National Party are not prepared to support the amendment moved and those foreshadowed by the Opposition. We propose to put forward an amendment for a restructured authority including a greater number of farmer members and more representatives of the manufacturing and processing interests. Therefore we believe the amendment put forward by the Opposition in its present form is far too restrictive. For that reason and because we believe our amendment is more suitable for both the consumers and the industry as a whole, members of the National Party will be opposing the amendment.

**Mr. I. W. SMITH** (Minister of Agriculture) : The Government has considered the position of the authority at great length. It has listened to all views from sections of the industry and after a lengthy debate on the constitution of the authority made its decision and that is incorporated in the Bill. The Government does not propose to change its view.

**Mr. WILTON** (Broadmeadows) : I support the remarks of the honorable member for Keilor in explaining the amendments to the Committee. Although the Minister may want to use as the Government's excuse for rejecting the amendment that a considerable amount of discussion has taken place prior to the debate on this legislation it would be fair comment that quite valid arguments for the Opposition's proposals were put to the Minister over a long period. After listening to his remarks this morning, I consider that these arguments have fallen on deaf ears.

If the Committee accepts the principle, first of all, that the producer has an inherent right to control any authority that is established by Parliament for the purpose of rationalizing and creating an orderly situation within the industry in which that section of the community has a personal interest, we ought to be prepared to put that principle into practice. The only way in which we can put that principle

into practice is to ensure that when the authority is being restructured that section of the community that has a vital stake in the industry has control of the industry.

The Government is proposing to reject the amendment on an argument which honorable members have not heard. As the Minister pointed out, there were some discussions but the Government made the decision. The honorable gentleman has not explained to the Committee what arguments the Government considered in arriving at its decision. It seems to me that the Minister is adopting a closed-mind attitude—that the Government has decided and the people will accept the decision—and to achieve this the Government will use its numbers in the Committee to ensure that the decision is accepted.

To me that implies that the Government is only paying lip service to the dairying industry, taking into account the tremendous amount of time and pressure which had to be applied to the Minister and to the Government even to move towards restructuring the industry and introducing legislation. One can only assume that what the Minister is doing is indicating very reluctantly that he is prepared to introduce legislation but is not prepared to be responsive to a suggestion which will create a situation where the producers will control their own industry.

If the Government will not accept that principle, I would be interested to know its philosophy with regard to the medical and legal professions which—this is clearly demonstrated every day of the week—are rigidly controlled by their members. Once again honorable members have evidence of the political hypocrisy of the Government and of its attitude to various sections of the community. Today we are dealing with the dairying industry and the people involved in it.

Referring to the part of the amendment of the honorable member for Keilor concerning consumer representation on the authority, the Opposition has always taken the view that that section of the dairying industry, which is made up of the work force within the industry, has as big a stake as does the processor and the producer—the dairy farmer. It would be a common-sense and practical step to have as a member of the authority a representative not only of the consuming public but also of the large work force involved in the dairying industry.

No organization in this State is better qualified or more entitled to represent the interests of the consumers than the Trades Hall Council. When one looks at the structure of that body, through its affiliates which include those members of the work force who are members of industrial trade unions, and extends that representation to the families, one is looking at a body which represents some two-thirds of the whole population of the State.

Mr. DUNSTAN: About 60 per cent of them vote Liberal.

Mr. WILTON: The Minister of Public Works should be extremely grateful for that.

Mr. DUNSTAN: We are, and that is why we look after them.

Mr. WILTON: We, on this side of the House, have to continue our long-suffering penance as a result of the honorable gentleman's presence in the Chamber. I suggest to the Minister of Public Works that he did not show his appreciation the other night for the support he was getting from the trade union movement.

The workings of the authority would be improved if the Minister of Agriculture accepted the amendment moved by the honorable member for Keilor. It would then become a workable authority with all sections of the dairying industry participating—the producer, the processor, the work force and the consumer. One of the most important

functions of the authority will be the promotion and marketing of the product. Nobody could deny that the dairying industry is now facing stiff competition in the market place. Honorable members have already seen what has happened to the consumption of butter and other dairy products and comments were made last night about the decline in the consumption of milk and so on. The first task facing this authority will be to get the products back into the market place and to get the consumption of those products up to the levels they enjoyed many years ago.

To enable this to be achieved, the authority will need the expertise of promotion and marketing personnel as they will have to work in an expert field. The large retail organizations recognized this many years ago, as did the manufacturing interests particularly those involved in the production of consumer goods. Dairy products are consumer articles, and there will be a need to go into the market place to woo the consumer to promote the products.

A representative of the consumers could play an important role, along with a person with special marketing and financial expertise. For that reason alone, the amendment should warrant the support of the Government and the National Party.

I was surprised at the narrow-vision approach adopted by the National Party especially as it consistently seeks to raise matters concerning the consumer and then goes to the community and holds itself out as a supporter of the farmer. I am surprised that the National Party rejects out of hand the amendment moved by the Opposition, especially as it did so on the spurious argument that it will be moving an amendment later. If members of the National Party had common sense—even the tiny mind of the Minister of Public Works could grasp this fact—they would realize that their amendment will not even hit the deck. That being the case, one would have thought the National Party would support the Opposition's amendment, and if that amendment were not accepted the National Party could put forward its amendment. The National Party has adopted the dogmatic attitude which it persistently adheres to and which is reflected not only in this Parliament but also in the national Parliament.

**Mr. EBERY** (Midlands): This is one of the most contentious clauses in the Bill. So far I have not heard any logical reason why the composition of the membership of the proposed authority should be changed. Once an appointment is made, the appointee, who may have been a farm worker, must work for the interests of the industry as a whole. There is no need for a parochial attitude to be adopted once a person becomes a member of the authority.

The honorable member for Rodney suggested that there should be four producer members on the authority. No evidence has been submitted to support that proposition.

**Mr. B. J. EVANS** (Gippsland East): On a point of order, Mr. Acting Chairman, the honorable member for Rodney has not moved his amendment, so I cannot see how the honorable member for Midlands can comment on it.

**Mr. EBERY** (Midlands): On the point of order, the honorable member for Rodney mentioned his foreshadowed amendment during his second-reading speech.

**The ACTING CHAIRMAN (Mr. Stephen):** Order! I cannot uphold the point of order. The honorable member for Midlands is commenting in passing on the comments made by the honorable member for Rodney and his foreshadowed amendment when the Bill was being debated in the House.

Mr. EBERY: There is no basis to support the contention that there should be an alteration in the membership of the authority. I am not sure of the reasons why there should

be a certain number of farmer representatives on the authority. Is it for geographic reasons that there should be a number of dairy representatives on the authority? Is it because they have certain requirements in the Mildura area because of their isolation or is it because there are salinity problems along the River Murray leading to salted milk? No explanation for a change in the membership has been given. It has not been suggested that an increase in the number of representatives on the authority will improve its effectiveness. There are a multitude of question marks relating to the size of the authority.

The honorable member for Keilor suggests that there should be a member from the Trades Hall Council to look after the interests of the consumers. I wonder why that is necessary. Housewives are consumers, so why should there not be a member of the Victorian Housewives Association on the authority? We could also include representatives of the various milk depot associations and the transport industries involved in the dairying industry. If it was desirable that the producers should have dominant representation on the authority, there could be 20, 25 or 30 members of the authority, and then it would be unworkable. There is no justification for support to be given to the amendment moved by the honorable member for Keilor.

To go a little further, perhaps there should also be representatives from the butter and cheese industries. One of the problems is: Where does one start and where does one finish? I believe an authority containing a small number of members is the most effective and, once the appointments are made, the members work for the industry as a whole and not for sectional interests. The promotion and marketing of dairy products are matters for specialists, but at the same time those specialists would not be working solely for their own interests. I suggest that the amendment proposed by the honorable member for Keilor should be rejected for obvious reasons.

**Mr. McINNES** (Gippsland South): This is a most important part of the Bill. The National Party rejects the amendment put forward by the honorable member for Keilor because it has a far better proposition to advance, and this will be fully outlined at the appropriate stage.

I wish to comment on some of the points raised by the honorable member for Broadmeadows. Honorable members who represent country areas are well aware of the need to safeguard the interests of the people in country towns. The work force engaged in the dairying industry is a vital component of this, not only because of its contribution to the industry but also because the economic status of towns such as Yarram, Maffra, Leongatha and Sale depend heavily on the spending power of those workers, their goodwill and the rewards they receive for their efforts in the industry. Members of the National Party do not underrate those things in any way.

However, the interests of those people can best be safeguarded by having a healthy and profitable industry and by a positive commitment of people in country areas to spend their money in their own towns and to support local industry and commerce. It cannot be accepted that a representative from the Trades Hall Council would be the only person qualified to represent the consumers of the produce, because everybody is a consumer.

The authority will need to be aware of the market signals, and if there is resistance to the sale of various products it will act accordingly. It will be well aware of the interests of the consumer. Those interests run parallel with the interests of the producer. To some people that may appear to be a surprising contradiction of terms but I do not believe it to be so. A common interest is involved.

In many marketing boards there is an inbuilt conflict of interest. The Australian Meat Board is a good example. The desire of most marketing boards is to give control to the prime interests within the industry and the boards have to account for their performance to the members of the industry. If there are any shortcomings in performance by the board there is reaction from both the consumer and from the industry which may be suffering as a result.

The industrial interests of the work force in the dairying industry are already adequately protected by the conciliation and arbitration awards. There is a forum to which these people may go to present their case. That case is immeasurably strengthened if the industry is profitable. If it is not, everybody concerned goes down and that includes producer, processor and worker.

**Mr. GINIFER** (Keilor): I am astounded at the narrow-minded attitude taken by the National Party about having the proposed authority grower-controlled. I have heard the criticism that has been levelled by the National Party, which is concerned because the Opposition has moved an amendment which gives the producers control of their own industry. The producers have the expertise and will have the benefit of advice of people employed within the authority on running the industry.

The honorable member for Midlands was rather confused when he went on *ad nauseam* about who else could be added to the authority. I wonder what the wheat farmers in his electorate would think about his logic in relation to the structure of the Australian Wheat Board. Of the fourteen members of that board ten must be grower representatives. Does the honorable member for Midlands oppose that principle? He states that if there are grower representatives, consumer representatives or council representatives or other representatives of employees, there must be more and more. I remind him of the Australian Wheat Board, on which I should like to hear his views at some time, and which has 10 grower representatives, 1 representative of flour-millers, 1 representative of employees and 1 representative with financial expertise.

The thinking behind the amendment moved by the Opposition is apparent. Members of the Opposition believe the producers in any industry should be given the opportunity of administering their industry and of accepting full responsibility for it. On that basis the Opposition hopes the Government will seriously consider the amendment and inculcate into the Bill the principle which will allow producers and people associated directly with the industry to participate in the decision-making process. The producers should have the ultimate control of the industry.

The Committee divided on the question that the word proposed by Mr. Ginifer to be omitted stand part of the clause (Mr. Stephen in the chair)—

| | | |
|---|---|---|
| Ayes | .. | 47 |
| Noes | .. | 18 |
| Majority against the amendment | .. | 29 |

AYES.

| | |
|---|---|
| Mr. Austin | Mr. McArthur |
| Mr. Balfour | Mr. McClure |
| Mr. Billing | Mr. McInnes |
| Mr. Birrell | Mr. McKellar |
| Mr. Borthwick | Mr. Mackinnon |
| Mr. Burgin | Mr. Maclellan |
| Mr. Coleman | Mrs. Patrick |
| Mr. Cox | Mr. Ramsay |
| Mr. Crellin | Mr. Ross-Edwards |
| Mr. Dunstan | Mr. Scanlan |
| Mr. Ebery | Mr. Skeggs |
| Mr. Evans (*Ballarat North*) | Mr. Smith (*South Barwon*) |
| Mr. Evans (*Gippsland East*) | Mr. Smith (*Warrnambool*) |
| Mr. Francis | Mr. Suggett |
| Mr. Gude | Mr. Thompson |
| Mr. Hamer | Mr. Trewin |
| Mr. Hann | Mr. Vale |
| Mr. Hudson | Mr. Weideman |
| Mr. Jennings | Mr. Whiting |
| Mr. Jona | Mr. Williams |
| Mr. Kennett | Mr. Wood |
| Mr. Lacy | *Tellers:* |
| Mr. Lieberman | Mr. Jasper |
| Mr. Loxton | Mr. Richardson |

NOES.

| | |
|---|---|
| Mr. Cain | Mr. Roper |
| Mr. Cathie | Mr. Simmonds |
| Mr. Crabb | Mr. Simpson |
| Mr. Culpin | Mr. Trezise |
| Mr. Doube | Mr. Wilkes |
| Mr. Edmunds | Mr. Wilton |
| Mr. Fordham | |
| Mr. Ginifer | *Tellers*: |
| Mr. Lind | Mr. Fogarty |
| Mr. Mutton | Mr. Stirling |

PAIRS.

| | |
|---|---|
| Mr. McCabe | Mr. Holding |
| Mr. Plowman | Mr. Jones |
| Mr. Rafferty | Mr. Amos |
| Mr. Templeton | Mr. Kirkwood |

**Mr. HANN** (Rodney): I invite the Committee to vote against this clause. I understand, with the permission of the Chair, that I may deal with the new clause that I wish to insert in place of clause 8. I should like to read the proposed new clause.

**The ACTING CHAIRMAN (Mr. Stephen):** Order! The proposed amendments have been circulated amongst honorable members for over an hour. I do not believe it is necessary for the honorable member to read the proposed new clause.

Mr. HANN: The alternative is, with the permission of the House, to have it incorporated in *Hansard*, and I seek leave to do so.

The ACTING CHAIRMAN: If the amendment proposed by the honorable member for Rodney is accepted, it will automatically be incorporated in *Hansard*.

Mr. HANN: But I seek leave for it to be incorporated.

The ACTING CHAIRMAN: In any case, it will be shown as a proposed amendment.

Mr. HANN: My concern it that it may not be included in *Hansard*, and that is why I seek the leave to do so. Otherwise, I shall feel obliged to read it.

The ACTING CHAIRMAN: Order! The honorable member may canvass fully the merits of his proposal, but at this stage in the debate he can gauge the feeling of the Committee on how far he should proceed with the proposed amendment.

Mr. HANN: Thank you, Mr. Acting Chairman.

The reason for putting forward the proposed new clause is that concern has been expressed throughout the industry in Victoria about the size of the new authority that will be established by the Government. The United Dairyfarmers of Victoria resolved at a central council meeting that they were not happy with the size of the new proposed authority. They wrote to the Minister of Agriculture on 19th April, 1977, in the following terms—

> The United Dairyfarmers of Victoria sought in our last submission a structure of eleven authority members with four dairy farmers and we are aghast at the small size of the authority and the fact that dairy farmers will only have the same representation as those with special qualifications, namely two, and that the total number of members of the authority will only be six.
>
> We therefore urge that the structure of the authority as set out in the Bill be amended and in light of present circumstances we now recommend the following :—
>
> 3 Representatives of dairy farmers.
> 2 „ „ dairy factories.
> 1 „ „ processors or
> 1 „ „ distributors.
> 2 Members with special qualifications.
> 8 Total membership

The National Party considered this proposal and agreed with the United Dairyfarmers of Victoria on the total number of representatives. For a number of years the National Party has consistently maintained that farmers should control their marketing bodies, and wanted to increase the number of dairy farmer representatives from three to four, as recommended by the United Dairyfarmers of Victoria.

The Bill proposes to increase the number of dairy farmer representatives on the authority from two to four. The National Party decided to accede to the request for a representative of processors or distributors to be a member of the authority. A similar recommendation was

made to the Government by the Proprietary Co-operative Factories Association in a joint submission, and its proposal is identical with that of the United Dairyfarmers of Victoria.

However, the National Party wishes to propose the addition of the following new clause to follow clause 8—

A. (1) The Authority shall consist of eight members appointed by the Governor in Council of whom—

(*a*) four shall be elected by licensed dairy farmers in Victoria at an election held in accordance with the regulations;

(*b*) one shall be nominated by the Minister as a representative of co-operative manufacturing interests;

(*c*) one shall be nominated by the Minister as a representative of proprietary manufacturing interests; and

(*d*) one shall be nominated by the Minister as a representative of processing and distributing interests.

Another important provision of the proposed new clause is its provision for an election of authority members by licensed dairy farmers throughout Victoria. The National Party believes this is essential, and the suggested new clause provides that this would be done in accordance with the regulations. The regulations could be formulated along the line of the United Dairyfarmers of Victoria policy, which is that these members should be appointed from nominations made by the United Dairyfarmers of Victoria at its annual conference. That suggestion could certainly be included in the regulations proposed in the amendment, but it is essential for provision to be made to allow the dairy farmers of Victoria to elect their representative to the authority directly.

The National Party also proposes that the Chairman of the Victorian Dairy Industry Authority should be a dairy farmer and should have the casting vote. This would give Victorian farmers control over the new authority. This is vital and is a principle for which the National Party has fought for years. It is strange that some members of Parliament argue that the farmer does not have the ability to make the decisions that are needed on the marketing of his own produce. They forget—even the Minister of Agriculture is in this category—that they were farmers before they became members of Parliament, and therefore, in denigrating the ability of the farmer, they are reflecting on themselves.

One of the most successful milk marketing boards in the world is that of the United Kingdom. It would leave any similar authority dealing with the same quantity looking small by comparison. A majority of the members of that authority—eight out of eleven—are directly elected by the dairy farmers in the United Kingdom, and therefore it is a farmer-controlled marketing operation.

Other examples of farmer-controlled marketing boards are to be found in Canada and New Zealand, and their success has been proven and increased by the involvement of farmers. Accordingly, the National Party believes that the proposed new clause will give Victorian dairy farmers the ability to have a controlling hand in the running of the authority. People with the necessary expertise who have shown their ability in the work of the United Dairyfarmers of Victoria are available for this purpose.

It is of vital importance to this measure, because of the powers that are given to the Victorian Dairy Industry Authority, that farmers should have control of it. That is why the National Party proposes the insertion of the new clause 8, which will provide for a more representative body and a nationally controlled marketing authority which will also include representatives from the manufacturing and processing interests.

**Mr. B. J. EVANS** (Gippsland East): I support the remarks of my colleague, the honorable member for Rodney, on this proposal, because this is the most vital part of the Bill.

What I cannot understand about the Bill is that the clause which the National Party proposes to omit demonstrates the Government's philosophy that because a Liberal Party Government has introduced the Bill containing this clause, it cannot be socialistic. It does not matter whether a Liberal, Labor or any other party Government introduces the Bill, if its implication is socialistic. Clause 8 takes control of the farmer's product out of his hands and places it in the hands of a body over which he has no control.

It is extraordinary that earlier in the debate honorable members heard many comments from the honorable member for Midlands, who raised questions about the National Party's argument on this matter. However, now that the time has come for my party to present its arguments, the honorable member for Midlands is not present to hear them.

The proposed legislation is a compromise between violently opposite points of view. I believe the Minister of Agriculture does not fully support the proposed composition of the authority as set out in clause 8; it was forced on him by the members of his party because he was "rolled" in the party room, as he stated publicly at a meeting in Warrnambool a couple of weeks ago when speaking on this and a number of other issues contained in the Bill.

The Bill will place tremendous power in the hands of the Minister of Agriculture for the time being. As I said in the second-reading debate, members of my party greatly appreciate the job that has been done by the current incumbent of that position to achieve this situation, but the honorable member for Warrnambool may not always be Minister of Agriculture. If he was "rolled" in the party room because of some of his ideas on the proposed legislation, he could also be "rolled" from his position as Minister of Agriculture. I should hate to think what would happen if the honorable member for Werribee became Minister of Agriculture and had the powers that are given in the Bill. That possibility cannot be disregarded within the next year or two.

**The ACTING CHAIRMAN (Mr. Stephen):** Order! The matter before the Committee is the composition of the Victorian Dairy Industry Authority, not a new Cabinet. The honorable member should confine his remarks to the proposal for the omission of clause 8.

Mr. B. J. EVANS: With the utmost respect, Mr. Acting Chairman, the National Party's proposal is to substitute a new clause 8 to provide that the authority shall consist of eight members appointed by the Governor in Council. In making appointments, the Governor in Council is heavily influenced by the responsible Minister. It would be a completely false assumption to suggest that the influence of the Minister of Agriculture for the time being in the composition of the authority would not be great. The Committee is being misguided if it comes to any other conclusion.

The crux of my argument is that clause 8 of the Bill gives the Minister of Agriculture strong influence and an important role in the composition of the authority and will adversely affect the livelihood of every dairy farmer in Victoria—in fact in the whole industry—in the future.

I am amazed that the Liberal Party, which is supposedly anti-Socialist, has introduced such a proposal, and I am even more surprised that the dairy industry organization is not raising Cain around the State about this proposal.

In my view the provision proposed by the honorable member for Rodney is eminently reasonable. If adopted, it would ensure that the control of the authority would remain in the hands of the dairy farmers, which is where it ought to remain in the

interests of justice and common sense for the sake of the dairying industry.

*The sitting was suspended at* 1 *p.m. until* 2.5 *p.m.*

**Mr. I. W. SMITH** (Minister of Agriculture): I declare this Bill to be an urgent Bill and I move—

That the Bill be considered an urgent Bill.

Approval of the motion being put was indicated by the required number of members rising in their places, as specified in Standing Order No. 105 (a).

The Committee divided on the motion (Mr. Stephen in the chair)—

| | | |
|---|---|---|
| Ayes | .. .. | 36 |
| Noes | .. .. | 25 |
| Majority for the motion | .. .. | 11 |

AYES.

| | |
|---|---|
| Mr. Austin | Mr. McKellar |
| Mr. Balfour | Mr. McKinnon |
| Mr. Birrell | Mr. Maclellan |
| Mr. Borthwick | Mrs. Patrick |
| Mr. Burgin | Mr. Rafferty |
| Mr. Coleman | Mr. Ramsay |
| Mr. Cox | Mr. Scanlan |
| Mr. Crellin | Mr. Smith (*South Barwon*) |
| Mr. Dunstan | |
| Mr. Ebery | Mr. Smith (*Warrnambool*) |
| Mr. Francis | |
| Mr. Gude | Mr. Suggett |
| Mr. Hudson | Mr. Thompson |
| Mr. Jennings | Mr. Vale |
| Mr. Jona | Mr. Weideman |
| Mr. Lacy | Mr. Williams |
| Mr. Lieberman | |
| Mr. Loxton | *Tellers:* |
| Mr. McArthur | Mr. Kennett |
| Mr. McClure | Mr. Richardson |

NOES.

| | |
|---|---|
| Mr. Cain | Mr. McInnes |
| Mr. Cathie | Mr. Mutton |
| Mr. Crabb | Mr. Roper |
| Mr. Culpin | Mr. Ross-Edwards |
| Mr. Doube | Mr. Simmonds |
| Mr. Edmunds | Mr. Simpson |
| Mr. Evans (*Gippsland East*) | Mr. Trezise |
| | Mr. Whiting |
| Mr. Fogarty | Mr. Wilkes |
| Mr. Ginifer | Mr. Wilton |
| Mr. Hann | |
| Mr. Holding | *Tellers:* |
| Mr. Jones | Mr. Jasper |
| Mr. Lind | Mr. Stirling |

PAIRS.

| | |
|---|---|
| Mr. Hamer | Mr. Amos |
| Mr. Templeton | Mr. Kirkwood |

**Mr. I. W. SMITH** (Minister of Agriculture): I move—

That the time allotted in connection with the Bill will be as follows—

For the Committee stage and the remaining stages of the Bill until 3.15 p.m. this day.

**Mr. GINIFER** (Keilor): On behalf of the practising dairy farmers in Victoria I wish to express their opposition to the attitude that has been taken by this city-based authoritarian Government.

**The ACTING CHAIRMAN (Mr. Stephen):** Order! The Committee will come to order. It is impossible for the Chair to hear, irrespective of my closeness to the speaker.

Mr. GINIFER: I repeat my opposition, on behalf of the dairy farmers of Victoria, to this motion. I protest against the attitude of this city-based Liberal Government which has stood over the Minister of Agriculture in the party room, and in the Cabinet room, and now has come out into the open and is standing over him publicly by using the guillotine on the most important Bill that has been brought forward in the past 25 years concerning the dairy industry. Every opportunity should be given to the Labor Party and the National Party to put forward points of view on behalf of the dairy farmers of this State, and they should have the floor of the Chamber to do so. It is a sorry day, indeed, when such an important Bill, which will transform the dairying industry in Victoria, is guillotined. I voice my opposition on behalf of the Labor Party and on behalf of the progressive elements in this State.

**Mr. HANN** (Rodney): The National party is deeply concerned at the Government's action in guillotining this debate and restricting the Committee stage to one hour. I am surprised that the Minister saw fit to do this because when a request was made that progress be reported so

that consideration could be given to the amendments, the Minister said he would fully explain each of the Government's amendments. In the limited time of one hour, there is no way in which the Minister will be able to do that. The Minister has gone back on his previous statement and has once again given way on this important legislation to pressure from city members of his party who dominate the Liberal Party in this State.

Members of my party propose to put a number of amendments during the Committee stage, particularly concerning the appointment of a grower chairman of the authority and also the phasing out of milk contracts. Adequate time should be given to debate those necessary amendments. By using the guillotine, the Government is not allowing sufficient time for this purpose. It is an indictment of the Government and demonstrates its lack of concern for the interests of the dairying industry when a Bill of this nature is debated at this late stage of the session and insufficient time is provided.

**Mr. I. W. SMITH** (Minister of Agriculture) (*By leave*): So far five hours have been consumed by the debate on the Bill and honorable members are just reaching the nitty gritty of the clauses. If anyone cares to study *Hansard*, he will find that all of the points made by the initial speakers for each party have simply been repeated by subsequent speakers. In view of the Government's legislative programme and the need to move on with the Bills before the House, combined with the appeal to honorable members last night to be brief, the Government was amazed at the tedious repetition that has taken place during the debate on the Bill. The total time for the consideration of the measure will be six hours which, to any fair-minded person, ought to be a reasonable time in which to consider the Bill.

The Committee divided on the motion (Mr. Stephen in the chair)—

| | |
|---|---|
| Ayes .. .. | 39 |
| Noes .. .. | 25 |
| Majority for the motion .. | 14 |

AYES.

| | |
|---|---|
| Mr. Austin | Mr. McClure |
| Mr. Balfour | Mr. McKellar |
| Mr. Billing | Mr. Mackinnon |
| Mr. Birrell | Mr. Maclellan |
| Mr. Borthwick | Mrs. Patrick |
| Mr. Burgin | Mr. Rafferty |
| Mr. Coleman | Mr. Ramsay |
| Mr. Cox | Mr. Scanlan |
| Mr. Crellin | Mr. Smith |
| Mr. Dunstan | (*South Barwon*) |
| Mr. Ebery | Mr. Smith |
| Mr. Evans | (*Warrnambool*) |
| (*Ballarat North*) | Mr. Suggett |
| Mr. Francis | Mr. Thompson |
| Mr. Gude | Mr. Vale |
| Mr. Hudson | Mr. Weideman |
| Mr. Jennings | Mr. Williams |
| Mr. Lacy | Mr. Wood |
| Mr. Lieberman | |
| Mr. Loxton | *Tellers:* |
| Mr. McArthur | Mr. Kennett |
| Mr. McCabe | Mr. Richardson |

NOES.

| | |
|---|---|
| Mr. Cain | Mr. McInnes |
| Mr. Cathie | Mr. Mutton |
| Mr. Crabb | Mr. Roper |
| Mr. Culpin | Mr. Ross-Edwards |
| Mr. Doube | Mr. Simmonds |
| Mr. Edmunds | Mr. Simpson |
| Mr. Evans | Mr. Trezise |
| (*Gippsland East*) | Mr. Whiting |
| Mr. Fogarty | Mr. Wilkes |
| Mr. Ginifer | Mr. Wilton |
| Mr. Hann | |
| Mr. Holding | *Tellers:* |
| Mr. Jones | Mr. Jasper |
| Mr. Lind | Mr. Stirling |

PAIRS.

| | |
|---|---|
| Mr. Hamer | Mr. Amos |
| Mr. Jona | Mr. Fordham |
| Mr. Templeton | Mr. Kirkwood |

The Committee divided on clause 8 (Mr. Stephen in the chair)—

| | |
|---|---|
| Ayes .. .. | 40 |
| Noes .. .. | 26 |
| Majority for the clause .. .. | 14 |

AYES.

| | |
|---|---|
| Mr. Austin | Mr. McCabe |
| Mr. Balfour | Mr. McClure |
| Mr. Billing | Mr. McKellar |
| Mr. Birrell | Mr. Mackinnon |
| Mr. Borthwick | Mr. Maclellan |
| Mr. Burgin | Mrs. Patrick |
| Mr. Coleman | Mr. Rafferty |
| Mr. Cox | Mr. Ramsay |
| Mr. Crellin | Mr. Scanlan |
| Mr. Dunstan | Mr. Smith (*South Barwon*) |
| Mr. Ebery | Mr. Smith (*Warrnambool*) |
| Mr. Evans (*Ballarat North*) | Mr. Suggett |
| Mr. Francis | Mr. Thompson |
| Mr. Gude | Mr. Vale |
| Mr. Hamer | Mr. Weideman |
| Mr. Hudson | Mr. Williams |
| Mr. Jennings | Mr. Wood |
| Mr. Lacy | *Tellers:* |
| Mr. Lieberman | Mr. Kennett |
| Mr. Loxton | Mr. Richardson |
| Mr. McArthur | |

NOES.

| | |
|---|---|
| Mr. Cain | Mr. Lind |
| Mr. Cathie | Mr. McInnes |
| Mr. Crabb | Mr. Mutton |
| Mr. Culpin | Mr. Roper |
| Mr. Doube | Mr. Ross-Edwards |
| Mr. Edmunds | Mr. Simmonds |
| Mr. Evans (*Gippsland East*) | Mr. Simpson |
| Mr. Fogarty | Mr. Trezise |
| Mr. Fordham | Mr. Whiting |
| Mr. Ginifer | Mr. Wilkes |
| Mr. Hann | Mr. Wilton |
| Mr. Holding | *Tellers:* |
| Mr. Jones | Mr. Jasper |
| | Mr. Stirling |

PAIRS.

| | |
|---|---|
| Mr. Plowman | Mr. Amos |
| Mr. Templeton | Mr. Kirkwood |

Clause 9 was agreed to.

Clause 10 (Chairman and Deputy Chairman).

**The ACTING CHAIRMAN (Mr. Stephen):** Normally, at this stage the Chair would call on the honorable member for Rodney. However, his amendment to clause 10 and his amendment to clause 14 which are numbers 4 and 5 on the list of amendments circulated in his name, and new clause "A" which he proposed to move to follow clause 7, which were consequential on the rejection of clause 8, cannot now be moved because the Committee has decided that clause 8 will stand part of the Bill. Therefore, I call on the honorable member for Keilor.

**Mr. GINIFER** (Keilor): I move—

Clause 10, line 23, after "authority" insert "from the members appointed pursuant to section 8 (2) (*a*)".

If this amendment were adopted clause 10 would provide—

The Governor in Council shall appoint one member to be chairman of the authority and another member to be deputy chairman of the authority from the members appointed pursuant to section 8 (2) (*a*).

The purpose of the amendment is to ensure that the chairman and the deputy chairman of the authority shall be dairy farmer representatives. This would not only give added status to the dairy farmer representation; it would also enable the dairy farmer representatives to exercise more authority than they would if they were ordinary members. The position can be envisaged when one attitude was taken by the dairy farmer representatives and one of the other four members of the authority, and another by the other members, so that, with the chairman representing producer interests having a casting vote, the dairy farmer representatives could play a more significant role in determinations of the authority.

Because of the limited time available to debate the clauses of the Bill, I shall not explain the amendment further. I appeal to the Minister and all honorable members who want the producers to have the greatest possible say in their industry and the marketing of their products to support the amendment.

**Mr. I. W. SMITH** (Minister of Agriculture): It is possible for one of the dairy farmer representatives to be chairman, but the Government does not want to be bound by the

Bill to appoint one of them as chairman. It would rather be able to appoint the best person possible of the six-member board as chairman.

**Mr. HANN** (Rodney): The National Party would prefer to have had its own amendment accepted but, because it believes the dairy farmers should have this sort of say on the authority, it will support the amendment which provides that a dairy farmer shall be the chairman.

**Mr. WILTON** (Broadmeadows): I am at a loss to understand the attitude of the Minister, who has two important legislative measures before the Parliament—this Bill and another dealing with the Grain Elevators Board. The Government has had written into the latter Bill the provision that the chairman or the deputy chairman must be a grower. Now, when the honorable member for Keilor puts forward an amendment to this clause to bring about exactly the same situation in the dairying industry, the Minister rejects it. This is an extraordinary state of affairs. The Government is contradicting its own philosophy and I should like the Minister to explain why.

The Committee divided on Mr. Ginifer's amendment (Mr. Stephen in the chair)—

| | | |
|---|---|---|
| Ayes | .. .. | 26 |
| Noes | .. .. | 41 |
| Majority against the amendment | .. | 15 |

AYES.

| | |
|---|---|
| Mr. Cain | Mr. McInnes |
| Mr. Cathie | Mr Mutton |
| Mr. Crabb | Mr. Roper |
| Mr. Doube | Mr. Ross-Edwards |
| Mr. Edmunds | Mr. Simmonds |
| Mr. Evans (*Gippsland East*) | Mr. Simpson |
| Mr. Fordham | Mr. Stirling |
| Mr. Ginifer | Mr. Trezise |
| Mr. Hann | Mr. Whiting |
| Mr. Holding | Mr. Wilkes |
| Mr. Jasper | Mr. Wilton |
| Mr. Jones | *Tellers*: |
| Mr. Lind | Mr. Culpin |
| | Mr. Fogarty |

NOES.

| | |
|---|---|
| Mr. Austin | Mr. McCabe |
| Mr. Balfour | Mr. McClure |
| Mr. Billing | Mr. McKellar |
| Mr. Birrell | Mr. Mackinnon |
| Mr. Borthwick | Mr. Maclellan |
| Mr. Burgin | Mrs. Patrick |
| Mr. Coleman | Mr. Rafferty |
| Mr. Collins | Mr. Ramsay |
| Mr. Cox | Mr. Richardson |
| Mr. Crellin | Mr. Scanlan |
| Mr. Dunstan | Mr. Smith (*South Barwon*) |
| Mr. Ebery | Mr. Smith (*Warrnambool*) |
| Mr. Evans (*Ballarat North*) | Mr. Suggett |
| Mr. Francis | Mr. Thompson |
| Mr. Gude | Mr. Vale |
| Mr. Hamer | Mr. Williams |
| Mr. Hudson | Mr. Wood |
| Mr. Jennings | |
| Mr. Kennett | *Tellers*: |
| Mr. Lacy | Mr. Lieberman |
| Mr. Loxton | Mr. Weideman |
| Mr. McArthur | |

PAIRS.

| | |
|---|---|
| Mr. Amos | Mr. Hayes |
| Mr. Kirkwood | Mr. Templeton |

The clause was agreed to, as were clauses 11 to 13.

Clause 14 (Vacation of office by members).

**Mr. I. W. SMITH** (Minister of Agriculture): I move—

Clause 14, page 6, sub-section (2), paragraph (*a*), line 2, omit "six consecutive meetings" and insert "three meetings in any year".

The reason for the amendment is to change the current provision in the Bill whereby a member's office shall become vacant if he is absent wilfully for six consecutive meetings of the authority without leave being granted by the Minister. Six consecutive meetings may be a little too many, and that is now being changed to three.

**Mr. HANN** (Rodney): The National Party supports the Government's amendment. This has been requested by the United Dairyfarmers of Victoria and also the processing and manufacturing representatives. They believe this is a more reasonable proposition.

The amendment was agreed to.

**The ACTING CHAIRMAN (Mr. Stephen):** Amendment No. 6 standing in the name of the honorable member for Rodney was contingent on the omission of clause 8 and the insertion of a proposed new clause. Therefore, this amendment will lapse.

The clause, as amended, was adopted.

Clause 15 (Meetings).

**Mr. I. W. SMITH** (Minister of Agriculture): I move—

Clause 15, line 31, after sub-section (4) insert the following sub-section:—

"(5) Subject to this Act the authority may regulate its own procedure."

The amendment is self-explanatory.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 16.

Clause 17 (Provisions applicable where officer of Public Service appointed to the authority).

**Mr. I. W. SMITH** (Minister of Agriculture): I move—

Clause 17, omit sub-sections (1) and (2) and insert the following sub-sections:—

"(1) Where a person ceases to hold an office under the authority and that person—

(*a*) was on the 30th day of June, 1977, an officer of the public service employed with the Milk Board;

(*b*) was immediately before his appointment to an office under the authority an officer of the public service; and

(c) has continuously held an office under the authority since he ceased to be an officer of the public service—

he shall, unless he is of or over the age of 65 years, be entitled to be re-appointed by the Public Service Board to some office in the Public Service with a classification and emoluments corresponding with or higher than those he enjoyed in the office in the Public Service which he last held as if his service with the authority had been service in the Public Service.

(2) Nothing in any Act regulating or restricting the appointment of persons to offices in the Public Service shall apply to appointments made by the Public Service Board pursuant to this section."

Sub-clauses (1) and (2) have been reframed as a result of these amendments to bring them into line with the provisions of section 56 of the Public Service Act, which protects the rights of members of the Milk Board who wish to return to the Public Service Board.

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

Clause 18 (Victorian Dairy Industry Authority Fund).

**Mr. I. W. SMITH** (Minister of Agriculture): I move—

Clause 18, sub-section (3), omit paragraph (*b*) and insert the following paragraph:—

"(*b*) the amounts received by the authority from the disposal of milk and dairy produce;"

This amendment is necessary to overcome administrative problems that may arise from contract payments.

The amendment was agreed to.

**Mr. I. W. SMITH** (Minister of Agriculture): I move—

Clause 18, sub-clause (4), paragraph (*d*), page 8, line 4, after "sections" insert "13".

This amendment ensures that the remuneration, travelling and other allowances paid to members of the authority shall be paid from the funds of the authority.

The amendment was agreed to.

**Mr. I. W. SMITH** (Minister of Agriculture): I move—

Clause 18, page 8, omit sub-section (7) and insert the following sub-section:—

(7) On the 1st day of July, 1977, there shall be credited to an account to be known as the Milk Promotion Account established in the accounts of the authority an amount equal to the amount standing to the credit of the Milk Board Publicity Fund in the accounts of the Milk Board.

(8) The moneys credited to the Milk Promotion Account in the accounts of the authority shall not be expended for any purpose other than the promotion of the use of milk.

Sub-clause (7) has been reframed to ensure that moneys standing to the credit of the Milk Board Publicity Fund on 1st July, 1977, shall not be expended for any purpose other than the promotion of the use of milk.

**Mr. HANN** (Rodney): This matter has caused some concern to the dairy farmers and processing representatives because they are concerned that part of the moneys paid into the fund under sub-clause (3), which refers to the Milk Board Fund, shall not be used for any other purpose. I understand that the purpose of the Milk Board Fund at present is to provide the working capital of the board. Obviously the Minister has reframed sub-clause (7) in this amendment. He is now suggesting that this money should be used for the publicity and promotion of the board. That would appear to conflict with the actual purposes of the Milk Board Fund. An implication has been made that some of this money could have been used for the payment of compensation under the surrender of contracts. I will be pleased if the Minister can explain the situation more clearly.

**Mr. I. W. SMITH** (Minister of Agriculture): At present there is in a separate account in excess of $1 million, raised by specific levy charged on milk for the promotion of the use of liquid milk. The concern of the industry was that this money which is so important for the promotion of milk should not be dissipated for the general purposes of the authority. My view is that it is not necessary to do this, because the whole orientation of the authority will be marketing and promoting and surely it will add to the fund rather than diminish it. However, people in the industry feel that the amount should be set aside and as it was raised for promotion it should be spent on promotion. The Government is happy to concede that, but I hope more money will be spent for this purpose.

**Mr. McINNES** (Gippsland South): The question members of the National Party are asking really relates to the balance of the fund. We accept the amendment for $1 million for publicity purposes but the publicity fund could perhaps be earmarked for that purpose in future by the authority. There is approximately $6 million in the Milk Board Fund and we should like to know whether those funds will be used for compensation.

**Mr. GINIFER** (Keilor): This has some bearing on the question to which I referred in the definition clause, because the Minister has now indicated that the funds will be available for the promotion of milk. I take it that the provision refers to milk in a fluid form because the definition excludes dairy products such as condensed, dried or dessicated milk. If there is to be a limitation on the definition of milk I wonder whether it would be in the best interests of the industry to have the funds spent on products other than straight-out milk, as defined in the Bill.

**Mr. I. W. SMITH** (Minister of Agriculture): I will answer the points raised by both honorable members. In this financial year the Milk Board budgeted for an expenditure of roughly $1 million on promotion and publicity. I am not sure how much of that amount will have been expended at the end of the financial year but a big hole will be made in this separate fund. The residue will be a small amount of money which can be spent on fluid milk without upsetting the operations of the authority. The residue held in Treasury as at 30th June will be used for the purposes of the authority on its decision. The Government will not decide how the money will be spent. Theoretically, the Government can spend money on compensation, amongst other things. Obviously a lot more money will be needed.

Last week the authority was liable for almost $7·5 million on contract compensation. I suppose by the end of the financial year the authority will be liable for something like $15 million, and possibly in excess of that amount. Therefore, we are talking about the need for large sums of money to be raised on the

finance market, all of which will be lumped into the general budgeting of the authority. This money is held in the Treasury, together with huge borrowings for the purposes for which the authority is responsible under the Act.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 19 and 20.

HEADING OF PART II.—TRANSFER OF POWERS, FUNCTIONS AND LIABILITIES OF THE MILK BOARD.

**Mr. I. W. SMITH** (Minister of Agriculture) : I move—

Page 9, line 20, after "FUNCTIONS" insert "ASSETS".

The amendment was agreed to.

Clauses 21 to 24 were agreed to.

Clause 25 (Milk contracts).

**Mr. GINIFER** (Keilor) : I move—

Clause 25, sub-section (1), paragraph (c), line 14, omit "1986" and insert "1981".

The purpose of the amendment is to limit the phasing-out period from ten years to five years, which is nearer the time which was the consensus of the primary producers of the State and closer to the findings of the Board of Inquiry into the Victorian Dairy Industry. The Opposition believes if there is to be a phasing-out period an opportunity should be given for those who are at present outside the contract system to participate in it. To attempt to project the changeover period for the elimination of contracts over a ten-year period and ascertain the future economy of the country and the dairy industry in Victoria would be difficult. Whatever is proposed now may not be operative in ten years' time. This opinion is strongly supported by a large number of dairy farmers in the Goulburn Valley, the Murray Valley and the Western District of the State. Members of the Opposition would be happier if the phasing-out period could be shortened to something more in line with the thinking of dairy farmers, but unfortunately, that is not acceptable to the Government.

**Mr. I. W. SMITH** (Minister of Agriculture) : I am aware of the views of large sections of the farming community on this aspect of phasing-out. I am concerned that there should be the quickest possible phase-out period, but I am also concerned that justice should be done to people who have not owned a dairy farm for long and who have paid an extra amount of capital to acquire a farm with the traditional right of a milk contract. This opinion is based on all the advice and figures available to me. At the end of last week, approximately 24 per cent of milk contract holders had surrendered 14 per cent of the total gallonage of milk contracts. This has occurred even before what is proposed by the Bill is common knowledge, let alone its having been enacted and taxation opinions cast on it. My advice is that by the end of the third year something like 75 per cent of contract gallonage can reasonably be expected to be surrendered, and by the end of the fifth year probably only about 10 per cent will remain.

Therefore, effectively we are close to the forecast based on the expert advice I have received on the aspirations of dairy farmers in this regard. In one sense, we will be better off because I am confident that by the end of the third year more contracts will be available for redistribution amongst non-contract holders than would otherwise have been the case if there was a phasing-out period of five years.

**Mr. HANN** (Rodney) : The National Party supports the amendment because it was certainly recommended by the board of inquiry and supported by the United Dairyfarmers of Victoria. It is not the official policy of the United Dairyfarmers of Victoria at present. The National Party will move an amendment providing for a compulsory reduction of 10 per cent on contracts to move in line with the Bill. The amendment I foreshadow would

bring this about because, by creating a compulsory reduction of contracts after about the third or fourth year, the majority of contract holders will probably decide that it will be more appropriate to surrender their contracts and receive compensation.

The National Party is prepared to support the amendment proposed by the honorable member for Keilor as we certainly have no major objection to it.

**Mr. WILTON** (Broadmeadows): In his reply on the amendment the Minister substantiated the case put by the honorable member for Keilor when he quoted the figures which are starting to flow into his department, and which show the number of contract holders who have already surrendered a percentage of their contract milk. He then indicated to the Committee that he himself was confident that at the end of the three years approximately 75 per cent of the milk contracts will have been surrendered.

If the amendment is accepted by the Government, and if the Minister's figures and predictions are correct, at the end of the five-year period only a small amount of contract milk will be available to be dealt with. In the over-all interest of the industry, five years is a reasonable period of time. The Minister made this the first point and then went on to destroy it by saying that a number of dairy farmers in recent years would have made a large capital investment in purchasing dairy farms with Milk Board contracts. This point was debated extensively within the dairying industry. It is a problem that is experienced when sections of the community operate in an advantaged position and an artificial valuation is added to their place of business.

In this case dairy farmers with Milk Board contracts have always had artificial valuations on their properties directly related to the contracts. Many dairy farmers who have not been in that privileged position of having Milk Board contracts have argued in favour of phasing out the contract system and contended that it should be extended over a ten-year period. The Opposition believes that it is unrealistic to suggest that it will take ten years to phase it out.

Some of the people who have bought dairying properties in recent years would be merely investors and not true dairy farmers. They invest in a business operation, whether it be liquor retailing, a dairy farm, a wool property or a wheat property. They are not farmers and they are in the minority. I do not think it is reasonable for the Government to argue that it is concerned about the welfare of those people. The surrendering of contracts has a capital gains value over and above the privileged position those farmers have in regard to their returns, as compared with the returns of non-contract holders.

**Mr. GINIFER** (Keilor): I am not convinced by the arguments put forward by the Minister of Agriculture. His basic argument rested on the proposition that dairy farmers who entered the industry recently, and who had had a big capital outlay, would be disadvantaged by a phasing out period of five years. The Minister must think the Opposition is not completely aware of the rest of the provisions in the Bill. Provision is made for people who feel aggrieved by the provision of funds for the purchase of or compensation for contracts, under clauses 26 and 27. Those people can appeal to the Valuer-General and additional or supplementary compensation can be awarded. The Minister's argument does not convince the Opposition, which will proceed with this amendment.

**Mr. HANN** (Rodney): I believe the Minister has, by his statement to the Committee, proved the need for a provision for the abolition of contracts. As part of his argument he said that people who had bought dairy farms in recent years needed time to finance themselves out of it. If the compensation which the Government has generously offered to

contract holders is worth anything, these people will surrender their contracts.

The figures I quoted in the debate last night indicate that contract holders will, in many instances, be better off if they keep their contracts for the whole ten-year period and then surrender it or it is completed at the end of that time. If they did that they would be in pocket. I shall repeat a couple of the figures I mentioned last night. I used the example that a 100-gallon contract holder would, over the ten-year phase-out period, receive an amount of $131,000 more than a farmer supplying the same amount of milk for manufacturing. If the contract holder surrendered his contract he would receive compensation of $25,000 which, if invested at 10 per cent per annum at compound interest, would accrue to $64,839 after the ten years. This would mean a cash advantage of $66,000 by retention of the contract.

If one multiplies that amount by those contract holders who have contracts for 200, 300, or 400 gallons —the figure is 650 in one case, and 755 gallons in another—and if one looks at the amount of money these people can get in return—for example, the gross income from the contract milk alone in the largest contract is approximately $178,000 a year under the provisions over a ten-year period—those farmers would be well in pocket if they held on to the contract. That matter has created a lot of concern.

The Opposition believes the Government should have accepted the recommendation of the United Dairyfarmers of Victoria for a compulsory phase-out of 10 per cent a year. The National Party has prepared an amendment—it is doubtful if the Government will allow it to be debated because of its use of the guillotine—which would provide for a planned phase-out of contracts.

It is interesting to note that senior officers of the Department of Agriculture have indicated concern that under the Government's proposal for the phasing-out of milk contracts it is impossible to plan how the phasing-out of contracts might work. They do not know from year to year what quantity of milk will be coming in as a result of the surrender of contracts. They literally have to wait until 30th June in any year to find out whether a contract holder will suddenly surrender his contract. It is not possible to make provision for planning in regard to a regular supply of milk in these circumstances. If the Government had been prepared to accept the recommendation of the special conference held on the matter and the policy of the United Dairyfarmers of Victoria for a compulsory phase-out of 10 per cent per annum over a ten-year period this would not only give both the Department of Agriculture and the authority a more orderly method of phasing-out these contracts but would also enable them to regulate the supply of liquid milk for the liquid milk market in a more orderly manner.

The Minister stated that a month ago about 12 per cent of contracts had been handed in and now he says the figure is 24 per cent. Nobody knows how many will be handed in by 30th June. In this situation as soon as contracts are handed in people will apply for compensation and all of a sudden there will not be sufficient milk to maintain the market. If there were an orderly arrangement and the authority knew it would be reduced by a certain quantity on 30th June it could indicate to dairy farmers that there would be certain incentives for them to gear up production. It is obvious that incentives will have to be provided for the farmer who is prepared to milk during the winter period because most of his milk will go to the liquid milk market.

Under the system introduced by the Government there is no plan built into it and senior officers of the Department of Agriculture have indi-

cated that it is literally impossible for them to know exactly what is going to happen by 30th June. Consequently, we believe the Government should have accepted the recommendation of the United Dairyfarmers of Victoria. It is an indictment on the Government that it was not prepared to do that.

**Mr. McINNES** (Gippsland South): I agree with the proposition put forward by the honorable member for Rodney. If the matter is left as it is it will create an elite, although small, group. I accept that there will be an exodus of contract holders in the early stages, but there will be a core of large contract holders who will remain to the bitter end. As yet it is not known, as compensation is to be financed from the industry, at what rate that levy will be. Figures of 1 cent a gallon up to 4 cents a gallon have been mentioned. Surely, from a budgeting point of view, the Government should see the wisdom in a logical wind-down of contracts.

**Mr. BURGIN** (Polwarth): At this stage the figures quoted by the honorable member for Rodney must be challenged and shown for what they are worth. He has given figures for and against holding contracts and has pointed out the difference involved. He has not taken into consideration two vital factors. The first is the influence of income tax and the other is the influence of the contracts that are coming into the system all the time and are being redistributed among other members of the dairying industry. Over a period of two years the two figures will move closer together. Unless those two factors are taken into account the figures presented to the Committee are worthless.

I wish to comment quickly on the point that the volume of contracts should be reduced by 10 per cent per annum. I should not like to stand here this afternoon and say that we are at all times going to have enough milk to supply the liquid milk market. Anyone who is game to do that would be a fool. To some extent we have to play this by ear in the early stages of this authority. But to say to the authority that it will, as well as accepting contracts, also cut down the volume of all other contract holders by 10 per cent a year would, in my opinion, be a poor way of doing it.

The Committee divided on the question that the expression proposed by Mr. Ginifer to be omitted stand part of the clause (Mr. Stephen in the chair)—

| | | |
|---|---|---|
| Ayes | .. | 39 |
| Noes | .. | 24 |
| Majority against the amendment | .. | 15 |

AYES.

| | |
|---|---|
| Mr. Austin | Mr. McClure |
| Mr. Balfour | Mr. McKellar |
| Mr. Billing | Mr. Mackinnon |
| Mr. Birrell | Mr. Maclellan |
| Mr. Borthwick | Mrs. Patrick |
| Mr. Burgin | Mr. Rafferty |
| Mr. Coleman | Mr. Ramsay |
| Mr. Collins | Mr. Richardson |
| Mr. Cox | Mr. Scanlan |
| Mr. Crellin | Mr. Smith (*South Barwon*) |
| Mr. Dunstan | Mr. Smith (*Warrnambool*) |
| Mr. Ebery | Mr. Suggett |
| Mr. Francis | Mr. Thompson |
| Mr. Gude | Mr. Vale |
| Mr. Hudson | Mr. Williams |
| Mr. Jennings | Mr. Wood |
| Mr. Kennett | *Tellers:* |
| Mr. Lacy | Mr. Lieberman |
| Mr. Loxton | Mr. Weideman |
| Mr. McArthur | |
| Mr. McCabe | |

NOES.

| | |
|---|---|
| Mr. Cathie | Mr. Mutton |
| Mr. Crabb | Mr. Roper |
| Mr. Doube | Mr. Ross-Edwards |
| Mr. Edmunds | Mr. Simmonds |
| Mr. Evans (*Gippsland East*) | Mr. Simpson |
| Mr. Fordham | Mr. Stirling |
| Mr. Ginifer | Mr. Trezise |
| Mr. Hann | Mr. Whiting |
| Mr. Jasper | Mr. Wilkes |
| Mr. Jones | Mr. Wilton |
| Mr. Lind | *Tellers:* |
| Mr. McInnes | Mr. Culpin |
| | Mr. Fogarty |

PAIRS.

| | |
|---|---|
| Mr. Hamer | Mr. Amos |
| Mr. Jona | Mr. Cain |
| Mr. Plowman | Mr. Holding |
| Mr. Templeton | Mr. Kirkwood |

**The ACTING CHAIRMAN (Mr. Stephen):** The time allotted for the discussion in the Committee stage has expired, and the question therefore is—

That the clause and the remaining clauses of the Bill and the schedules together with the printed and circulated amendments of the Government be agreed to, and that the Bill be reported to the House with amendments.

The motion was agreed to.

*The printed and circulated amendments of the Government referred to in the motion were—*

11. Clause 25, sub-section (1), omit paragraph (*g*) and insert the following paragraph:—

"(*g*) Where the holder of a milk contract who is the owner of the land to which the contract relates dies and the Authority is satisfied—

(i) that the interest of the estate of the deceased in the milk contract does not form part of the share (if any) of the widow or a child of the deceased in the estate of the deceased; and

(ii) that no other person had prior to the death of the deceased a substantial legal or equitable interest in the milk contract—

the Authority may cancel the milk contract in whole or in part and the provisions of this Part shall apply as if the contract had been surrendered or varied accordingly;".

12. Clause 25, sub-section (1), page 13, line 19, after paragraph (*j*) insert the following paragraph:—

"( ) Where the holder of a milk contract has requested the Milk Board to accept the surrender of a milk contract on or after the 15th day of December, 1976 and before the 30th day of June, 1977 and the offer to surrender the milk contract has not been accepted by the Milk Board and the milk contract has been cancelled by the Milk Board the milk contract may be treated by the Authority as having been surrendered on the 30th day of June, 1977;"

13. Clause 25, page 13, line 23, omit "(*l*)" and insert "(*m*)".

14. Clause 25, page 13, lines 26 and 27, omit "and plant".

15. Clause 26, line 7, omit "and plant".

16. Clause 26, line 11, omit "and plant".

17. Clause 27, line 15, omit "and plant".

18. Clause 29, line 28, omit "by" and insert "to".

19. Clause 33, line 28, after "Authority" insert "pursuant to section 31".

20. Clause 36, page 18, line 11, omit "and".

21. Clause 37, line 38, omit "Industry" and insert "Inquiry".

22. Clause 38, line 23, omit "specifide" and insert "specified".

23. First Schedule, page 20, Third Column, paragraph 3, after "16(1)" insert "16(3)".

24. First Schedule, page 20, Third Column, paragraph 3, omit "23" and insert "23(1), 23(1A), 23(3), 23(3A) (where first occurring), 23(4)".

25. First Schedule, page 20, Third Column, after the expression 'In section 21 the expression "or any member of the police force" shall be repealed'. insert the following paragraph:—

'In section 21 the expression "or member" wherever occurring is repealed'.

26. First Schedule, page 20, Third Column, last paragraph, omit "any officer where services are made use of by the Board under this Act".

27. First Schedule, page 20, Third Column, after the last paragraph, insert the following paragraph:—

'In section 28 the expression "or member" (wherever occurring) is repealed'.

The Bill was reported to the House with amendments, and the amendments were adopted.

**Mr. I. W. SMITH** (Minister of Agriculture): I move—

That this Bill be now read a third time.

**Mr. GINIFER** (Keilor): Because the guillotine procedure has been used I am disturbed because I was unable during the Committee stage to present a number of amendments on behalf of the dairying industry. I take the opportunity on the third reading of indicating the proposals that I should like to see incorporated in the legislation.

**The SPEAKER (Sir Kenneth Wheeler):** Order! I advise that any third-reading debate on the Bill should apply to the Bill as it is. As the Bill has gone through the Committee stage, discussion must be confined.

Mr. GINIFER: In that case I would be at liberty to address myself to weaknesses in the Bill as it stands.

The SPEAKER: Order! In the eighteenth edition of May's *Parliamentary Practice*, at page 531, this passage appears—

> Debate on third reading, however, is more restricted than at the earlier stage, being limited to the contents of the bill (*f*) ; and reasoned amendments which raise matters not included in the provisions of the bill are not permissible (*g*).

Mr. GINIFER: Thank you, Mr. Speaker. I shall do my best to comply with your ruling. If I am in error I know that you will bring it to my attention.

The SPEAKER: I will.

Mr. GINIFER: I point out that the Bill provides for a phasing out period of ten years. It is the belief of the United Dairyfarmers of Victoria—a resolution to this effect was passed by a conference—that the phasing out should be done in an orderly fashion. Provision has not been made for it to be done under a system of a 10 per cent annual content. That is the weakness and I bring that to the attention of the Government. Before lodging my protest I said that I hoped the Government would consider this matter in time.

One matter which was raised during the second-reading debate is of great importance but the Minister at no stage alluded to it. Have any representations been made to the Commonwealth on compensation payments? Will they attract taxation? Will persons who obtain compensation be at a loss because of the Commonwealth's taxation procedures? I pose these questions in the hope that the Minister will indicate whether the Government has made representations and, if so, what the results are. Dairy farmers would be influenced in their decisions if inroads into compensation payments were made by taxation.

**Mr. B. J. EVANS** (Gippsland East): The House is dealing with a Bill which has been reported as having been dealt with thoroughly by the Committee. I regret to say that in fact the Committee did not deal with all the proposals and all the clauses in detail. Therefore, honorable members were denied an opportunity of putting their arguments on all the various aspects of this important measure.

**Mr. DUNSTAN** (Minister of Public Works) : On a point of order, Mr. Speaker, you have just ruled and supported your ruling with a quotation from *May*, that amendments, whether dealt with or foreshadowed or actually debated during the second-reading stage, are not permitted to be canvassed again or even canvassed at all during the third-reading stage.

**Mr. WILTON** (Broadmeadows): I submit that, although the Minister of Public Works may have been correct in repeating your ruling about matters that have been canvassed, the point to be taken into consideration is that the honorable member was acquainting the House with certain matters which were not taken into consideration by the Committee. They were not canvassed because of the use of the guillotine. The honorable member is talking about matters or material which have not been before the Committee.

**Mr. B. J. EVANS** (Gippsland East) : On the point of order, Mr. Speaker, I direct your attention, before you rule, to the fact that I made no reference whatever to amendments that may or may not have been proposed. I simply referred to the fact that clauses of the Bill were not discussed.

There are many questions about which dairy farmers are concerned. I believe the opportunity should have been presented to members to put forward their questions seeking clarification. This is normally done in Committee, and you have frequently ruled in the past that questions of this kind should be raised during the Committee stage of a Bill. I am simply acquainting you with the fact that this did not happen

on this occasion. Honorable members were not given that opportunity, and that is the point I was making.

**The SPEAKER (Sir Kenneth Wheeler):** I do not uphold the point of order on these grounds. The honorable member has developed an argument on amendments that were not made to the Bill. If the honorable member embarked on an argument that mentioned proposed amendments that had not been made to the Bill, I would have to rule him out of order. If he does not develop an argument on the amendments or suggest their inclusion, or attempt to debate them, the honorable member will be in order.

**Mr. B. J. EVANS** (Gippsland East): Thank you, Mr. Speaker, for your advice. The point I make is that the Bill as it stands can be disastrous for the dairying industry in Victoria. I sincerely hope that all primary producers will take serious note of the form of this legislation and the way in which it has been dealt with by Parliament.

For many years I have endeavoured to point out to primary producers that unless they banded together and organized their own affairs, actions would be taken against them which they would not like. This will be a classic illustration as the provisions in this Bill will be most onerous on dairy farmers in the years to come because of the way in which the Bill is drafted. If suggested amendments had been made by the Committee a good Bill would have resulted, but under the circumstances it will prove to be a bitter pill for the dairy farmers in this State. They may have achieved the objective which they have sought for many years—the phasing out of the liquid milk contract system—but I am afraid that is the sugar coating on the pill which may well be, as I interjected earlier, a sugar-coated cyanide pill which will destroy the industry in years to come.

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

## GEELONG REGIONAL COMMISSION BILL.

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

Discussion was resumed of clause 1 (Short title).

**Mr. BALFOUR** (Minister for Fuel and Power): I move—

Clause 1, sub-section (1), line 7, omit "1976" and insert "1977".

Honorable members will be aware that this Bill was first introduced late in 1976 and therefore it is necessary to amend the date.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 2.

Clause 3 (Objects).

**Mr. BALFOUR** (Minister for Fuel and Power): I move—

Clause 3, line 18, after "of" insert "and for".

This is a drafting amendment to make the objects of the Bill perfectly clear and is in accord with the desires of the Government for the Geelong region.

The amendment was agreed to.

**Mr. BALFOUR** (Minister for Fuel and Power): I move—

Clause 3, line 21, after "region" insert "and the protection of areas within the region of natural beauty or of special significance to the region".

The requirement for the commission to take into account the need to protect the environment during the planning and development process is covered in clauses 14 and 15. However, it is considered advisable to spell out the requirement in the objects of the Bill which are the guidelines under which the future development and growth of the Geelong region will be controlled.

The amendment was agreed to.

**Mr. TREZISE** (Geelong North) : I assume that clause 3, as amended, provides me with the opportunity of making a few general remarks on the Bill. I do not desire to repeat in detail the arguments I advanced last week but I want to correct some of the views which Government supporters put forward without giving proper consideration to them. Perhaps they gave a false impression of what the community thought of the Bill.

As was mentioned by other honorable members, one of the significant aims in the Geelong area relates to the improvement in the employment situation which has been depressed for many years. In his second-reading speech the honorable member for Polwarth said that he believed the unemployment situation in Geelong had largely been created since the Whitlam Government came into office.

I want to correct the record and to state the true position. Honorable members on both sides of the House have known about the unemployment situation in Geelong for at least twelve to fifteen years that I can remember. It was 1968, some nine years ago, when the then member for the South Western Province, the Honorable G. W. Thom, a Liberal Party member, pointed out that the Government should act to overcome the unemployment situation. Before that, Sir Thomas Maltby, a former Minister in a Victorian Government, called for action from the State Government to remedy the unemployment situation. For many years the unemployment situation has affected the Geelong area irrespective of whether there was a Liberal Party Government or a Labor Party Government in office.

During the thrust of the debate last week, a question was asked about which honorable member truly represented the views of the Geelong community. The Opposition claimed that it was speaking for the Geelong people, and Government supporters claimed that the Bill was what the people required. From the impression given in the *Geelong Advertiser* last Saturday morning, the majority of the people of Geelong were in agreement with the view expressed in the newspaper, which coincided with the views put forward by the Opposition.

As I said before, this is a very vital piece of legislation and one which has been needed in Geelong for many years. I hope it is passed in the manner in which it has been intended since it was first suggested some years ago.

**Mr. GUDE** (Geelong East) : I refer to matters raised by the honorable member for Geelong North, and point out that I support the arguments advanced by my colleague, the honorable member for Polwarth. I shall make a brief reference to the figures relating to unemployment in the Geelong area over a number of years. At the outset I make it clear that I share the views of the honorable member for Geelong North that there is concern in the region over those persons who are unfortunately without work.

I shall take the latest figures available for March, 1977, and go back to March 1970. The unemployment figures for the Geelong area reveal that in March, 1970, there were 1,144 unemployed; March, 1972, 2,069; March, 1973, 1,737; March, 1974, 1,881; March, 1975, 6,096; March, 1976, 5,364, and after one year of a Liberal Party Government in Canberra, March, 1977, 5,156. I make the point that there have been a number of people unemployed but the remarks of the honorable member for Polwarth were not necessarily out of context.

The other matter raised by the honorable member for Geelong North related to the view expressed by Government supporters, particularly over clause 15 (6), which was contained in the original Bill. I make the point again that as at 4th April

of this year, the majority of municipalities in the Geelong region were in favour of the inclusion of clause 15 (6).

Mr. TREZISE: That is not true now.

Mr. GUDE: The honorable member for Geelong North interjects that that is not true now, and he is quite correct. However, that was not the situation on 4th April. On 5th April I received a telephone message from the President of the Shire of Corio, which is situated in the electorate of the honorable member for Geelong North, indicating that that shire had changed its view. On the same day I received a telegram which I shall not read, but which said exactly the same thing on behalf of the City of South Barwon. The move by those two municipalities on 5th April, 1977, changed the views of the community and today the words of the honorable member for Geelong North are quite accurate.

The clause, as amended, was adopted, as were clauses 4 to 6.

Clause 7 (Constitution of commission).

**Mr. TREZISE** (Geelong North): I move—

Clause 7, sub-section (1), lines 30-32, omit "on the nomination of the Minister after consultation with the Minister administering the Town and Country Planning Act 1961" and insert—

"(i) one on the nomination of the Geelong Waterworks and Sewerage Trust; and

(ii) four on the nomination of the Minister after consultation with the Minister administering the Town and Country Planning Act 1961".

Clause 7 covers the composition of the new commission. I am putting forward the predominant point of view of the Geelong community. I think my colleagues on the Government side of the House will agree unanimously that the Government appointee on the commission should automatically be a representative of the Geelong Waterworks and Sewerage Trust, which is the supplier of water and sewerage facilities for the region covered by the nine municipalities. The trust carries out the planning for the region and can give advice on future demands in the region. The availability of water and sewerage is essential for any future population or industry in Geelong. A representative of the Geelong Waterworks and Sewerage Trust should automatically be a member of the commission appointed under clause 7. Whether the Minister is prepared to accept that proposal as an amendment or give an assurance that a member of the Geelong Waterworks and Sewerage Trust will automatically be a member of the commission, probably does not make much difference, but that is what the Geelong community would desire.

I also refer to the question of who shall be the senior officer of the commission. The Leader of the Opposition last week made a comment about the fact Mr. Colin Atkins could have his appointment vetoed by local members of Parliament under an agreement reached some two years ago. I do not know whether that agreement still stands and perhaps the Minister could inform me whether I have the power to veto the appointment of any senior officer to the commission. I think that power is wrong because no member of Parliament is a member of the commission and therefore should not interfere with the appointment of its officers.

On that aspect, I refer to a letter I received yesterday. I shall not provide the name of the person who forwarded it to me, but it is available for private scrutiny. That letter states—

Dear Mr. Trezise,

I am not in your electorate, but I taught at Geelong for 30 years and entirely abhor the new Geelong Regional Commission Bill as so far revealed, though owning a prime area of land overlooking Bell's Beach.

But what distressed me most in reading the extracts from *Hansard* reprinted in The *Geelong Advertiser* was not so much the Bill

itself or the hypocritical machinations of some of those who support it (some of course are genuine worshippers of "free enterprise" at all times) but what appears at end of page 32 and beginning of 33 on Saturday, April 22.

It astonishes me that uproar did not break out among all Labor members and all genuine Liberals when Mr. Holding revealed that Mr. Hunt had promised Mr. Aurel Smith that any application for appointment by Mr. Atkins would not be proceeded with if any local member of Parliament objected to it, and that the Premier himself was informed of this by Mr. Aurel Smith, and apparently did not immediately reject the suggestion but acquiesced in it.

I do not know Mr. Atkins or any of those involved in the promise to allow him to be "blackballed" for any appointment. I have sometimes voted Conservative and sometimes Labor. As a virtual political independent (though I have taught at least six of the present members) I expect you and your party to stress in the strongest terms the denial of basic human rights involved in this situation. It is basic to democracy that all be given an equal chance to compete for appointments on the basis of assessed merit. That a political man should be promised the opportunity to ruin the career of a professional man for purely political reasons in an insult to Australian democracy and the very idea of "equal opportunity" that the Liberals so often boast about. Please do act on the matter.

If any honorable member wishes to read that letter I shall let him have it. I believe Mr. Atkins has the confidence of the Geelong regional authority and should not be demoted or sent to Siberia or dismissed purely because I or any other member of this House do not agree with him personally.

**Mr. BALFOUR** (Minister for Fuel and Power) : The Government does not agree to the proposal contained in the amendment by the honorable member for Geelong North. An assurance was previously given to the Geelong Water and Sewerage Trust that it would be represented on the Geelong regional authority. I understand that in this case the assurance has been given again. I again assure the honorable member that a representative of that authority will be on the Geelong Regional Commission. However, the Government believes it should not actually name the various authorities or bodies which will be represented because some change may take place in the future. That can be done by an administrative process rather than by an amendment to the legislation. I assure the honorable member that in the initial stages there will be representations from the Geelong Water and Sewerage Trust which is certainly an important body to include when planning a region such as the Geelong region and should be in on the ground floor.

The gentleman named by the honorable member for Geelong North is not known to me but I hope that when the members of the commision are appointed by the Governor in Council the best people possible will be selected for the various jobs.

**Mr. CATHIE** (Carrum) : It is apparent from the way this clause is drafted and from the Minister's answer that it is wide open for any of the shabby, shameful manoeuvrings that have been decried by the honorable member for Geelong North. Honorable members have not yet heard the views of the Minister as a result of the ramifications of the debate and the ideas put by the Opposition during the second-reading stage.

During the second-reading debate I expressed my disappointment that once again Parliament is considering a regional planning authority but the Government seems to have been careful to avoid writing into the constitution of any of these authorities the principle of direct election. I do not know why the Government is frightened by a bit of democracy and frightened to involve people in this very direct way in the planning process. Unless the Government is prepared to do so planning will frequently be misunderstood in the community.

Indeed, when a seminar was held at Upwey to discuss the Upper Yarra Valley and Dandenong Ranges Authority Bill which involved a similar authority to the one being

discussed by the House, every group that attended the seminar came along with the strong desire for the principle of direct election to be written into the constitution of the authority. It is not being done here; the body is to be nominated. It is not known who will be nominated or what bodies will be represented under clause 7(1) (*a*) and once again there is the indirect system whereby municipalities have a right to nominate or appoint a member of the commission.

Mr. BIRRELL: It is just like the Melbourne and Metropolitan Board of Works.

Mr. CATHIE: It is similar to the Board of Works. Honorable members know what trouble the Board of Works has got itself into. There will be a public inquiry into what is going on there. The council representative on these regional bodies, instead of going along as a representative of his area on the body, acts as representative of the Dandenong Valley Authority, the Board of Works or whatever it is, on the council. We must get back to democracy and the principle of direct election. If that cannot be done, at least a number of technical advisory committees should be set up so that other people can take part.

People involved in rural pursuits or primary industry in the region ought to be able to assist by being involved in a technical advisory committee. I can see an advantage in the area of conservation and there could be an advisory committee for recreation, and so on. If direct election cannot be achieved, local people must be involved directly through one process or another in the planning decisions of the Geelong Regional Commission.

**Mr. AUREL SMITH** (South Barwon): The honorable member for Geelong North quoted a letter at length which, if I understand it correctly, alleges that I have mentioned a certain person as not being suitable for appointment to a particular position on the Geelong Regional Planning Authority, as it then was. I have the file copy of the letter referred to. It is dated 14th January, 1976, and is addressed to the Honorable Murray Byrne. In that letter no single person is mentioned. I refute the allegation and shall read the letter for the benefit of the honorable member. It reads—

> Dear Mr. Minister,
>
> Thank you for your letter of the 23rd ult advising me of the Government's intention to advertise for a chairman, two deputy chairman and two part-time members for the Geelong Regional Authority.
>
> We doubt the salaries being offered for the three full-time members of the authority will attract many applicants for these important positions.
>
> I wish to bring to your attention the firm undertaking given by our colleague, the Honorable Alan Hunt, M.L.C., Minister for Local Government, that before finality was reached in making these appointments the local members would be consulted and that if two members objected to any one nomination that person's nomination would not be pursued any further, and if one member objected to any nomination the proposed nomination would be seriously reviewed.
>
> I look forward to hearing from you further in this matter in due course.

At no time has any person been named in that letter, as alleged by the honorable member for Geelong North. I shall now quote from *Hansard* of 25th November, 1975, where at page 9263, the Premier was reported as having said in relation to the Geelong Regional Authority Bill—

> The first statement relates to the chairmanship of the proposed Geelong Regional Authority. I want to make it clear that the Government expects that the chairman will be entirely independent.

To infer that in this letter which has been referred to the honorable member for Geelong North I have named a certain person as not being eligible for appointment is entirely false.

The amendment was negatived.

**Mr. BIRRELL** (Geelong West): There was probably some misunderstanding of the position of Mr. Atkins

as Director of the Geelong Regional Planning Authority. I have always supported him. I admire his ability, and think he is a good fellow. The honorable member for Geelong North is probably mistaking his position as an administrative officer and the director. As far as I am aware Mr. Atkins will retain that position. The Government is seeking to appoint someone as chairman of the new commission. I do not think those two facts ought to be mixed up as they have been by the honorable member for Geelong North without realizing it.

There is no dissention on this point. The Director of the Geelong Regional Planning Authority will still be the professional gentleman in charge of the Geelong Regional Commission when set up, but a chairman of the commission will be appointed in much the same way as there is a mayor of the city and a professional engineer under him.

The clause was agreed to.

Clause 8 (Removal and resignation of members, acting members and so forth).

**Mr. BALFOUR** (Minister for Fuel and Power) : I move—

Clause 8, line 38, omit " may " where first occurring and insert " shall ".

The amendment makes it mandatory for local municipal councils to appoint a substitute member who may represent the municipality during the absence of the nominated member. This amendment was suggested by the majority of local municipalities.

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

Clause 9 (Proceedings of commission).

**Mr. BALFOUR** (Minister for Fuel and Power) : I move—

Clause 9, page 6, line 4, after " Commission " insert " and each municipal council that may appoint a member ".

As well as each member of the commission receiving seven days' notice of the commission meeting, each member municipal council shall also receive similar notice. The amendment ensures that member councils have every opportunity of having representatives at meetings of the commission.

The amendment was agreed to.

**Mr. BALFOUR** (Minister for Fuel and Power) : I move—

Clause 9, page 6, insert the following sub-sections to follow sub-section (10) :—

" ( ) Subject to sub-section (13) all decisions of the Commission shall be made at meetings of the Commission open to the public.

( ) Nothing in sub-section (11) shall prevent the Commission holding meetings which are not open to the public.

( ) Where the Commission is of the opinion that a decision with respect to any particular matter at a public meeting would be likely to prejudice the Commission in carrying out its functions under this Act, it may make such decision at a meeting which is not open to the public ".

It has always been envisaged that the meetings of the proposed commission would be open to members of the public, as are meetings of the existing planning authority in Geelong.

However, several submissions have been received suggesting that this possibility should be provided for in the legislation. The Government agrees that confidentiality in certain matters must be preserved and provides the commission with some discretionary powers. In such cases, decisions may be taken in committee.

The amendment was agreed to.

**Mr. BALFOUR** (Minister for Fuel and Power) : I move—

Clause 9, page 6, line 16, after " shall " insert " as soon as practicable ".

I have already explained the reason for the suggestion. This and the following proposed amendment involve the declaration of pecuniary interests by members.

The amendment was agreed to.

**Mr. BALFOUR** (Minister for Fuel and Power) : I move—

Clause 9, page 6, line 17, after " debate " insert " and voting ".

The amendment makes it quite clear that a declaration of pecuniary interest must be made and that a member declaring his interest should leave the room until debate and voting on the matter has been concluded.

The amendment was agreed to.

**Mr. BALFOUR** (Minister for Fuel and Power) : I move—

Clause 9, page 8, insert the following sub-section to follow sub-section (25) :—

" ( ) A member of the Commission shall not make improper use of information acquired by virtue of his position as a member to gain directly or indirectly an advantage for himself or for any other person or to cause detriment to the Commission.

Penalty : $1,000. "

The proposed new sub-section is designed to preserve the confidentiality of the commission's dealings, and is consistent with a similar provision in the Upper Yarra Valley and Dandenong Ranges Authority Act 1976.

The amendment was agreed to, as were verbal amendments, and the clause, as amended, was adopted, as was clause 10.

Clause 11 (Delegation).

**Mr. BALFOUR** (Minister for Fuel and Power): I move—

Clause 11, line 13, insert the following paragraph before paragraph (*a*):—

" ( ) of adopting estimates for the purposes of section 14(5), section 14(6) and section 21(3) ; "

The commission will be able to delegate to its sub-committees the exercise of its powers and responsibilities, except certain functions. These are the recommendation that land be compulsorily acquired, the fixing of prices at which land may be disposed of, and the fixing of terms and conditions of sale or purchase of land.

The councils in the Geelong region proposed that the commission should not be able to delegate the functions of adopting estimates for its expenditure, and this has been agreed to.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 12.

Clause 13 (Commission to inform public of proposals and plans for development).

**Mr. BALFOUR** (Minister for Fuel and Power) : I move—

Clause 13, line 14, after " (1) " insert " Except insofar as the publication of any information would prejudicially affect the Commission in carrying out its functions under this Act, ".

This and the following two proposed amendments are also designed to protect the confidentiality of the commission's dealings where necessary and in no way to restrict the requirement of the commission to keep the general public fully informed of all planning developments.

The amendment was agreed to.

**Mr. BALFOUR** (Minister for Fuel and Power): I move—

Clause 13, lines 17-27, omit the words and expressions on these lines commencing with the words " and shall consider " and ending at the end of the sub-section.

This is in line with the previous amendment.

The amendment was agreed to.

**Mr. TREZISE** (Geelong North) : I move—

Clause 13, insert the following sub-section to follow sub-section (1) :—

" ( ) Notwithstanding sub-section (1) the Commission shall not be required to inform the public of any proposal or plan if and for so long as it considers that publication of such proposal or plan would prejudice the Commission in carrying out its functions under this Act. "

The Geelong Regional Commission should not have to notify the public at all times about its plans. If it

had to inform the public of what is taking place, that would be contrary to accepted practice and to what occurs in other Government departments. If the commission is obliged to tell the public that it is thinking about introducing an industry to a certain part of Geelong, even if it is only considering doing so, that would give rise to speculation by people in Geelong and by investors and developers from other areas. Speculators would start to move in and that would upset the plans for the area. If the proposed industry did not ultimately settle in the area, many people could have their fingers burnt and may have moved away or sold their properties under a false impression.

In the past few years the Geelong Promotion Committee has tried, even though in a small way, to attract industry to Geelong. When the executive officers of the committee are contemplating a project for Geelong, it is often kept secret from the other members of the committee.

For the commission to have to publicize its intentions and tell the whole State or country what it is considering doing in certain areas of Geelong would be against the interests of Geelong.

**Mr. BALFOUR** (Minister for Fuel and Power) : The Government does not accept the proposed amendment. The amendments which have already been accepted, and a further amendment that is proposed to clause 13, to insert a new sub-section following sub-section (4), will cover the matters raised by the honorable member for Geelong North.

Certainly I agree that confidentiality must be retained. There will be occasions when negotiations are occurring—I have had experience of this—and the council or authority is having discussions with industry, and if information leaks out because of an innocent remark, the whole game can be blown.

I have studied the amendment proposed by the honorable member and believe that, as its intention will be covered by the Government's proposed amendments to clause 13, there is no reason to include it.

The amendment was negatived.

**Mr. BALFOUR** (Minister for Fuel and Power): I move—

Clause 13, insert the following sub-section to follow sub-section (4) :—

"( ) An officer or employé of the Commission or a member of a consultative committee shall not make improper use of information acquired by virtue of his position as officer employé or member to gain directly or indirectly an advantage for himself or for any other person or to cause detriment to the Commission.

Penalty : $1,000."

This provision has been taken from similar legislation dealing with confidentiality. As I said earlier, I trust that the various amendments to clause 13 will cover the difficulties envisaged by the honorable member for Geelong North.

**Mr. CATHIE** (Carrum) : Clause 13 is important because it refers to environmental studies, and that means that protection is written into the tasks of the Geelong Regional Commission in protecting the interests of residents when they are faced with a nuisance caused by industry.

It ought to be a firm principle of planning that wherever an industry is established, if it is likely to cause a nuisance to the surrounding area, a buffer zone should be placed between the industry and the residential area. In the clause which the Committee has already amended, reference is made to the enhancement of the area.

During the second-reading debate I referred to the pollution coming from the works of Australian Portland Cement Ltd. This is a case which has the highest recorded dust pollution figures in Victoria, and yet the municipalities—before they had a regional authority, and now they

have a regional commission—were not able to cope with this nuisance on behalf of the residents.

I have in front of me minutes of the Public Works Committee of the City of Newtown. Under the heading, "Cement Dust Nuisance", the minutes read—

Letter from H. Hughes—Moved by the mayor, seconded by Cr. Richardson, that the cement company be notified of the complaint and informed that this council is anxious that there shall be no further delay before effective measures are taken to abate the nuisance.

The motion was carried.

**The ACTING CHAIRMAN (Mr. Billing):** Order! I am finding it difficult to relate the matter being debated by the honorable member to this clause, as amended.

Mr. CATHIE: I am referring to the environmental studies that need to be taken out. I think you will understand my point, Mr. Acting Chairman, when you know that the minute I have just read is dated 16th March, 1932—over 40 years ago. Since then, municipalities have been trying on their own to get protection from nuisance in their areas. It is important in a regional commission Bill that there should be powers written into the Bill for environmental studies to be taken, and nuisances such as this, abated. I do not know why the Environment Protection Authority has been ineffective, and I hope one of the studies which the Geelong Regional Commission will undertake is the cause of this considerable nuisance to the cities of Newtown and Geelong West.

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

Clause 14 (Commission to be responsible authority for the purposes of the Town and Country Planning Act 1961).

**Mr. BALFOUR** (Minister for Fuel and Power): I move—

Clause 14, page 11, line 4, after "scheme" insert "or order".

This amendment, and the next one, rectify oversights in the initial drafting of the Bill.

The amendment was agreed to.

**Mr. BALFOUR** (Minister for Fuel and Power): I move—

Clause 14, page 12, line 4, omit "1·5" and insert "0·75".

This amendment is designed to achieve consistency with the Upper Yarra Valley and Dandenong Ranges Authority Act and to accord with the decision of the Government last October to revise the formulas under which regional planning authorities are funded; that is, from a 1 : 2 basis with the local municipalities to a 2 : 1 basis.

The amendment was agreed to, as was a consequential amendment, and the clause, as amended, was adopted.

Clause 15 (Powers of commission).

**Mr. BALFOUR** (Minister for Fuel and Power): I move—

Clause 15, page 13, line 4, after "purchase" insert "or sell".

The commission will now require the consent of the Minister for State Development and Decentralization before land can be purchased or sold.

The amendment was agreed to.

**Mr. TREZISE** (Geelong North): I move—

Clause 15, sub-section (1), page 13, paragraph (f), line 14, after "purposes" insert "and for residential purposes".

The growth centre of Albury-Wodonga illustrates the need for this amendment. Power was given to that authority to develop land for residential purposes and this has proved an asset. Something like 25 industries have gone to Albury-Wodonga in the past twelve months, and there are about 70 in the pipeline. They have been attracted by, firstly, land, and secondly, the availability of residential development. When a new industry goes to an area, demand is always created

for housing for employees, particularly skilled employees or specialist employees who are not available in the local area. The first requirement of employees who move to another area is a house to live in with their families. The Albury-Wodonga Development Corporation has developed hundreds of houses in the past couple of years. I believe similar powers should be given to the Geelong Regional Commission.

If an industry were to inquire about housing in Geelong at present, it would run into a brick wall. The main development by the Government in Geelong is by the Victorian Housing Commission. There is a tremendous, and growing, waiting list for houses from the commission. At present there are 1,600 applicants on the waiting list, either to buy or rent houses in Geelong through the commission. The record of the commission over the past two or three years has not been good. It is all right to say the Government has done this or that, but any person who applies to the Housing Commission for a house at Geelong must wait between two years and two and half years to buy a house, and twenty months from the date of application to rent a house. This position would deter new industry from being established in Geelong if it needed to worry about housing employees.

In the last half of 1976 one house was completed by the commission. It was built for a family whose name was on the waiting list. This year there has been a speed-up; to the end of April, 30 houses have been completed. This has helped to reduce the waiting list to about 1,600. Therefore, for the commission not to have the power to develop residential land to attract new industry is a great deterrent to the establishment of industry, which is badly needed, in Geelong.

There is no reason why the Government should refuse this amendment which gives the commission power to establish housing or residential developments. This will reduce the Housing Commission waiting list and will give special treatment to new industries wanting to establish themselves in Geelong. The commission and the Housing Commission could work hand in hand to reduce the waiting list and help the great need for housing in the Geelong area. I therefore submit this amendment.

**Mr. BALFOUR** (Minister for Fuel and Power): I realize what the honorable member intends by his proposed amendment. However, the Government proposes amendments to this clause by omitting clause 8 and inserting a new clause which will give the commission specific powers to become involved in the residential area by arrangement with the Housing Commission, the Decentralized Industry Housing Authority, and the Teacher Housing Authority. By doing that, the Government believes it will provide for housing in the Geelong area.

The Housing Commission, under its charter, because of limitations on salaries and so on, cannot always provide the accommodation necessary for industrial development and this has to be done in some other way. The Government believes the amendment that it will propose will accomplish what is behind the honorable member's amendment.

During the second-reading debate, the honorable member for Geelong North said that the Housing Commission had completed only one house in the Geelong area during the past six months. I checked that statement with the Housing Commission and found that the honorable member was factually correct. In the period June to December, 1976, only one house was completed for occupation, but the true value of the commission's operations in Geelong can be seen if one looks at the results over the past few years. In the year ended 30th June, 1975, in the Whittington estate, 103 units were completed and in the Corio

C estate 97 units were completed. The figures for the year ended 30th June, 1976, were: Whittington estate, 78; Corio C estate, 39; and Corio E estate, 100. At the end of December, 1976, there were under construction 28 houses in the Whittington estate; 110 in the Corio E estate, and 23 in the Corio-McKinley estate. I understand that at least 50 of those houses have now been completed. I mention those figures because a wrong impression may be given concerning the Housing Commission's operations in the area. The honorable member for Geelong North was factually correct, but no doubt the larger contracts brought that situation about.

In view of the amendment that the Government will be proposing, it is not necessary to accept the amendment moved by the honorable member for Geelong North.

**Mr. TREZISE** (Geelong North): Much as I would like to be able to fully support the Minister's proposals, I do not believe the people of Geelong will be behind them because, from what the Minister says, presumably the Housing Commission will develop housing for industries. I suggest that there will be a riot if the Housing Commission develops estates in the Geelong area in the future for people coming to new industries. The only fair method to adopt is the first-in-best-dressed principle.

It would be unfair for the commission to provide houses for people coming from outside to be employed in an industry in Geelong when local people have been waiting two and a half years for such accommodation. Undoubtedly, other local members for the Geelong area and I will have some irate applicants on our doorsteps, and complaints will be made that the Housing Commission is building houses in Geelong for people from other places, and that these outsiders will obtain accommodation practically overnight.

The proposal will also create chaos for the Housing Commission. Only a certain amount of money is available to be divided amongst Housing Commission operations in various parts of the State, and I am sure that honorable members representing other areas will not be happy to see the Geelong area take a slice of their particular cake when that money could provide houses in their electorates. Only last week, the honorable member for Ascot Vale complained about the long waiting lists in the metropolitan area. The statement of the Minister for Fuel and Power that the Housing Commission will use a lot of its funds to build houses in the Geelong area is an insult to the honorable member for Ascot Vale and other honorable members in whose electorates long waiting lists exist for Housing Commission accommodation.

Many of the people who have moved to Albury have required rented accommodation for a certain period until they have settled down. Perhaps the father has moved to the area and requires temporary accommodation until he is able to organize the education of his children and bring his family to the district. Often, he will require rented accommodation until he can buy a house either through the commission or more probably on the private market.

In the Geelong area, only one house was built for purchase in the last half of 1976, but not one house has been built for rental in the area in the past few years. The commission will certainly need to do a turnabout in its concentration on houses for purchase in the Geelong district. The people of Geelong will be particularly concerned if the commission develops houses in Geelong estates only for people who are employed in new industries when many Geelong families who have been waiting for two years and more will have to stand aside and continue to occupy unsatisfactory accommodation.

The members representing the area will be in for a great deal of abuse. It would be far more satisfactory for the Geelong Regional Commission to develop residential estates in conjunction with the Housing Commission and to have more finance and more houses available to assist people in the Geelong area and also those coming to work in Geelong at the new industries.

I put on record my position so that, if any complaints are made to me in the next twelve months concerning preference being given to people coming from outside the Geelong area, I can say that I opposed the principle in the first place.

**Mr. BIRRELL** (Geelong West) : The reference by the honorable member for Geelong North to only one house being completed in the last six months of 1976 indicates that one should not quote figures unless one knows what they really mean. In that year, the great bulk of the houses were completed in the first half of the year and only one was completed in the second half. With bulk contracts for many houses, inevitably this must occur. The honorable member for Geelong North was correct, but one should look at the whole year's operations in order to assess what has been happening.

Concerning the availability of homes for industry, the amendment which the Minister will propose shortly includes a reference to the Decentralized Industry Housing Authority which will cope with the precise problems indicated by the honorable member for Geelong North. That authority makes funds available for housing, particularly for people in the higher or middle income brackets.

A further point is that when the Housing Commission constructed houses in the Drysdale Road area of Newcomb some years ago, following the establishment of the Alcoa alumina refinery at Point Henry, in the allocation of those houses priority was given to employees whom Alcoa regarded as strategic employees in the works. At that time, there was no great uproar, and this was the regular practice followed in regard to such developments. I can see no cause for complaint if additional houses are provided above the normal allocation and those homes are allocated for a particular incoming industry.

**Mr. HOLDING** (Leader of the Opposition): From an examination of the proposal put forward by the honorable member for Geelong North, it appears extraordinary that a Government which claims it is committed to the institution of private enterprise can virtually establish a Geelong Regional Commission and give it somewhat limited powers over residential development, and yet when it comes to building a house the commission can deal only with a limited range of Government instrumentalities and authorities.

Consider the case of a married man with three or four children who has been on the end of a Housing Commission list for two and a half years to obtain accommodation for his family. It is unbelievable that an honorable member, as experienced as the honorable member for Geelong West, should state that such a provision as this Bill contains should not produce any local hostility if a Geelong resident, who may have lived there all his life, can be told by the Housing Commission that it is sorry but although a house is being built up the road he cannot have it because it is to go to someone who is coming into the area from outside Geelong.

Mr. BIRRELL : That is happening all over Victoria.

Mr. HOLDING : That is going to produce tension which in my view is unnecessary. If the honorable member for Geelong West had taken the trouble to go to Albury-Wodonga, he would have discovered that the Albury-Wodonga Development Corporation has acquired land for residential purposes but because of the

pressures on the Housing Commission it has approached private enterprise and made arrangements with developers and local builders in order to get a housing programme under way.

What I do not understand is this: If that principle and concept is good enough for Albury-Wodonga, why is it not good enough for Geelong?

Mr. BIRRELL: Give us $100 million and we will accept it.

Mr. HOLDING: If the honorable member for Geelong West was given $100 million for Geelong, under the limitations contained in this Bill it would not be possible for the Geelong Regional Commission to comply with a request to provide 200 houses for a technical work force, most of whom would be earning above $160 a week. I suggest that the honorable member for Geelong West wants to preclude those persons who —following inflation and the subsequent movement in wages—were applicants for Housing Commission houses, but many of whom now find that they are excluded from eligibility by a matter of a few dollars.

Only last week I intervened on behalf of a State Electricity Commission employee who had actually refused his indexation payment because he had been on a waiting list at the Housing Commission for at least two and a half years and was due to obtain a house. If he had accepted his wage entitlement he would have lost his eligibility.

This Bill will create a building authority through Government instrumentalities. If there was a large industrial complex set up, such as has been established in Albury-Wodonga, requiring a highly skilled technical work force whose average take home wages would be in excess of $180 a week, where would they get their houses because they would be outside the eligibility requirements of the Housing Commission?

Mr. BIRRELL: They are living there now.

Mr. HOLDING: Every time the honorable member for Geelong West opens his mouth he indicates the problems that he is creating for himself. A man earning $180 a week is not eligible to be housed by the Housing Commission. However, the range of his income is such that he cannot easily obtain finance through a permanent building society and with bank finance being limited it could mean that the work force for a new factory could virtually not be housed within the framework of the proposals contained in the amendment proposed by the Minister.

If the Government proposes a regional commission and it is to have powers, surely it should have the same powers as the Albury-Wodonga Development Corporation. It is bad in principle to go to one area and create a regional commission with powers of land development but in another area to exclude that power or make it so limited that it is almost useless. The Geelong Regional Commission will find itself in that situation.

For example, if a large manufacturer wanted to establish a business in Geelong and could be accommodated with industrial land but needed homes to house a technical work force receiving a wide range of salaries, the majority of whom did not fall within the criteria of the Housing Commission limitations, why should not the Geelong Regional Commission have the capacity, if it is able to acquire land, to go to a private developer or private building company in Geelong and ask it to construct 25 or 30 middle income houses as quickly as possible? What is wrong with that idea?

I should have thought a Government which believes in private enterprise would not consider that an about-face. The only group in the community which the Geelong Regional Commission cannot contact or

deal with is that sector of the building industry which is most experienced and which still fulfils the major role of housing development in this State.

It is absolute madness, and if one compares the proposals outlined by the Minister with the amendment moved by the honorable member for Geelong North, one will see that the amendment of the Opposition is clear, concise and sound in principle. It gives the proposed commission the power to acquire land to subdivide, to resubdivide and to develop for residential purposes. It may well be that in particular circumstances it will rely on authorities such as the Housing Commission. In other circumstances it may rely on the Decentralized Industry Housing Authority although up to date one would not like to see that authority as the ultimate determinant of the type of housing for that area. Then again the authority may rely on the Teacher Housing Authority.

Why is the limitation imposed? Why is it necessary for the powers of this commission to be limited? This is the difference between the proposal of the Minister and that of the honorable member for Geelong North moved on behalf of the Opposition. The Government is providing the Geelong Regional Commission with limited powers over the development of land for housing, but the powers are so limited that if one wanted to build a house, the only authority one could talk to would be the Housing Commission. The pressures on that organization are extraordinary and because of the statutory limitations imposed there will be a large group of people who cannot be accommodated in the Geelong region on that basis or by the two other statutory authorities.

A builder may have excess capacity and resources. He may want to keep his work force together. In those circumstances he could make a generous offer to the commission for the building of five or ten houses, but the commission could not accept that offer. What is the logic of that? It can be found only in the convoluted negotiations which have taken place in the Government party on this matter. What has emerged is a compromise which suggests that members of that party have not thought the Bill through properly.

We have a half-baked proposal which unrealistically limits the capacity of the Geelong Regional Commission to deal with the one group in the community which, in Geelong as everywhere else, forms the major component of the building industry; that is the private sector. Surely there must be some reason why the Government says that a builder who might be operating in Geelong—it could be Jennings or Taylors—and who is anxious to build residential premises because of particular pressures at a certain time is the one type of person with whom the commission cannot deal.

Mr. SIMPSON: Perhaps the McCanns do not have a building company.

Mr. HOLDING: I would not be as uncharitable as that. My point is that we have a set of convoluted proposals which are wrong in principle. They put the Geelong Regional Commission at a disadvantage in comparison with the authority at Albury-Wodonga and all other regional planning authorities in Australia. It is also wrong, if we are really attempting to provide a balanced structure, to exclude the private sector from any meaningful role. The Minister and the members of the Liberal Party Bill committee who have produced this hotch-potch of proposals must explain to the House what is so extraordinarily evil about the operations of the private building industry that it cannot play a role in providing homes on behalf of the commission. That question should be answered. If the Government cannot provide an answer, it should suggest that progress be reported so that it can consider this matter again. Alternatively, the Government should

accept the amendment moved by the honorable member for Geelong North.

**Mr. GUDE** (Geelong East) : I am a little surprised at the lack of faith which the Leader of the Opposition has in the private sector although, remembering the party to which he belongs, perhaps I should not be. The honorable member should examine clause 15 (1) (*a*) which provides that at the request of any owner or occupier of land in the region the commission may advise or assist him in respect of the use of such land or the subdivision or development of it in a manner which is consistent with any approved statement of planning policy which relates to the region or any planning scheme for the region or any part of it. Clearly, if there is a piece of land which is designated for housing—there is much of this type of land in the Geelong area—the commission has every opportunity to assist the landowner to develop it in a private-enterprise way; indeed, the clause specifically encourages that. I immediately dispel the thought that this measure has no commitment to the private sector to develop land and homes for private builders.

The Leader of the Opposition referred to the commission's involvement in building 100 homes if a new industry opened in the region. He said that if the sum of $100 million was made available to the commission it could not do that. I put it to him that if even $20 million was made available there are two active authorities, the Housing Commission and the Decentralized Industry Housing Authority—both have been criticized but I do not want to debate that today—which would be glad to show what they could do with that sum. The Housing Commission is not restricted to building welfare housing. The fact is that the Housing Commission and similar authorities throughout Australia have directed their attention to that area because of the funds made available to them. But, if a special allocation was made available for a particular reason, there is nothing to prevent that authority from producing executive homes or any other type of home.

Clause 15 (1) (*m*) provides that the commission shall promote public interest in the development of the region. That also means that the commission will have a responsibility, under this Bill, to encourage the people of Geelong, including the land developers and the builders, to produce this very sort of housing in a way which the Leader of the Opposition suggests will not be allowed by the Bill.

**Mr. AUREL SMITH** (South Barwon) : In supporting other members of the Liberal Party who have spoken on this matter, I should like to answer the Leader of the Opposition who asked why the Geelong Regional Commission would be different from the Albury-Wodonga Development Corporation. I direct attention to a statement made by the Premier on 25th November, 1975, during the debate on the Geelong Regional Authority Bill, which is reported at page 9264 of *Hansard*. The Premier said—

> The third point is that in the second-reading speech which I gave when I introduced the Bill I indicated that it was the opinion and the desire of the Victorian Government that there should be a large participation by private enterprise in the development and growth of Geelong. I reiterate that point because it is different from the type of growth which will be seen in Albury-Wodonga, where the whole area is to be acquired, managed, sold and subdivided entirely by the development corporation.

In answer to an interjection from a member of the Opposition, the honorable gentleman stated—

> It is just another way of doing it. The Government sees no advantage in having a sole, all-powerful development authority; it would like to see the competition which results from variety and private enterprise.

**Mr. HOLDING** (Leader of the Opposition) : I rejoin the debate to correct some of the misstatements which I hope have been made unintentionally by members of the Liberal

Party. Any authority which is created under an Act of this Parliament has power only to carry out the activities within the scope of the legislation; it cannot act *ultra vires* that legislation. As the Bill creates a specific set of heads of power which deal with the way in which the regional commission can operate in respect of buildings, it is absolute nonsense to suggest—as has been suggested by the honorable member for Geelong East—that the power to promote public interest in the development of the region will give the commission authority to enter into contracts with private sector builders to construct residential premises.

I was making a narrow and specific point which has not been answered by members of the Government party. As a simple matter of law the Minister's amendment proposes firstly in clause 15 that the commission may acquire land in only a fairly limited way. Having acquired land—it may be a small parcel or a large parcel of land—if the commission wants to have it developed to build upon, that is if it wants to develop houses in which people can live, where and with whom does it deal? It is necessary to go back to an extremely specific clause which says that the authority may enter into arrangements with the Housing Commission, with the Decentralized Industry Housing Authority and with the Teacher Housing Authority in respect to the subdivision, re-subdivision and development of land in the Geelong region for residential purposes. That is narrow and specific and deals in an extremely limited way with the power of the commission to enter into agreements with outside bodies.

Mr. BALFOUR: That is followed by clause 15 (1) (g).

Mr. HOLDING: Where is there a power under that paragraph to enter into arrangements with other persons in respect to the subdivision, re-subdivision and development of land? There must be differentiation between the development of land and the building of houses for residential purposes. I point out that oversight.

The honorable member for Geelong East said this is covered in clause 15 (1) (*a*). That paragraph is also narrow. It deals with the situation of an owner-occupier of land who asks the commission to assist him in the use of such land or the subdivision or development of the land in a manner which is consistent with any approved statement of planning policy. The commission can provide assistance only in accordance with the provisions of the Act. It cannot give assistance outside the provisions of its own Act. Clause 15 (1) (*a*) is narrow and deals only with the situation where an owner of land approaches the commission for assistance; the only assistance he can receive is in accordance with the Act.

The Bill enables the commission to develop land for residential purposes but the commission's capacity to enter into arrangements in respect of buildings for residential purposes is narrowed to dealing with the Housing Commission and two other authorities. Would the commission be acting *ultra vires* its powers if it were to enter into an agreement in respect of land that it had acquired on its own behalf with a private builder and said, "There is a contract to build 25 houses at a price of $45,000."? Unless one reads the concept of subdivision, resubdivision and development of land in an extraordinarily broad way, clause 15 (1) (g) has to be read in conjunction with the very prescriptions which the Government has put in. If it is the intention of the Government that the private sector, that is a private builder, ought to be able to negotiate with the commission, then a further amendment would be necessary to the Government's own clause 15 (1), to provide that the commission may enter into

arrangements with the Housing Commission or any other builder. As it stands, the clause is necessarily restrictive. It does not enable the commission to carry out its own functions fully and, more importantly, it does not enable it to perform one of its more important tasks of providing mixed housing and dealing with people outside the prescriptions for Housing Commission houses. I do not know whether this aspect has been overlooked.

I do not know whether the honorable member for Geelong East believes the commission ought to have the power to deal with the private sector in terms of building contracts and building arrangements. The result of the Bill in its present form will be an extraordinary exercise which could be open to legal challenge if the commission wished to deal with a private builder. If that is not the intention of the Government progress ought to be reported and the Government ought to obtain further legal advice on the matter. If it is the intention of the Government to restrict the operation of the Geelong Regional Commission in this way, it should say so. The arguments advanced by the honorable member for Geelong East would not hold water in any court of the land.

The honorable member for South Barwon was more concerned to state that this Bill is different from the Albury-Wodonga Bill because that is what the Government intended.

Mr. AUREL SMITH: The Premier said that.

Mr. HOLDING: The Premier said that the honorable member for South Barwon should not be involved in any of the planning principles in the Bill because of his private interests. That does not seem to be what finally emerged. I do not set great store on what the Premier said. If he did say it in those terms, honorable members must ask themselves whether this commission is the best sort of structure that can be created in the interests of Geelong.

The very limitations proposed in the Government's amendments will be so impossibly prohibitive that they will make the operations of the commission limited indeed and the commission will not be able to fulfil its operations appropriately. I am concerned about the role that the private sector can play, particularly in the building industry. The simplest way out of this problem which commends itself to me is to support the amendment moved by the honorable member for Geelong North.

Progress was reported.

## THE UNITING CHURCH IN AUSTRALIA BILL.

The Order of the Day for the resumption of the debate on the motion for the second reading of this Bill was read.

**The SPEAKER (Sir Kenneth Wheeler):** I have examined this Bill, and am of the opinion that it is a private Bill.

**Mr. MACLELLAN** (Minister of Labour and Industry): By leave, I move—

That all the private Bill Standing Orders be dispensed with, and that this Bill be treated as a public Bill.

The motion was agreed to.

The debate (adjourned from April 21) on the motion of Mr. Scanlan (Minister of Special Education) for the second reading of this Bill was resumed.

**Mr. JONES** (Melbourne): This is an historic Bill, the purpose of which is to create the Uniting Church in Australia. It is expected that the new church will be inaugurated on 22nd June, 1977. The Uniting Church in Australia will consist of the Congregational Union of Australia, the Methodist Church of Australasia and the majority of members of the Presbyterian Church of Australia.

The 1976 census figures on church membership are not yet available but in the 1971 census the Victorian

adherents of the Congregational Union numbered 9,252, the Methodists numbered 256,058, and the Presbyterians 364,338. Mr. Speaker, as you would know, there is a difference of opinion within the Presbyterians churches throughout Australia. There were 917 Presbyterian congregations which voted to join the Uniting Church in Australia and 520 voted to remain outside. So it is difficult to calculate the precise number of nominal adherents of the Uniting Church. Assuming that approximately two-thirds of Victoria's Presbyterians will join, the Uniting Church will have more than 500,000 nominal adherents in this State. This places the Uniting Church third after the Roman Catholic Church with 1,003,826 members in Victoria and the Anglican Church, as we now must call it, with 892,568.

Most honorable members will be aware that Christianity was not established by statute. Its doctrines were settled in less than three years. The explanation may be that at that stage the Christian church held no property. However, 2,000 years later its property is extensive and disputes over property have proved to be more contentious than doctrinal problems. Hence the need for the introduction of this Bill.

The Uniting Church in Australia has been twenty years in the making. In 1957 the first serious efforts were made towards setting up a Uniting Church. I should declare my interest. As a Methodist I am proud that the Methodist Church has been so assiduous in promoting union. It will be a great day when the Uniting Church is established. I regret that it was not felt possible for a number of Presbyterian churches to join. There is some doctrinal divergence. I hope in time these churches may feel able to join the Uniting Church.

I have referred on previous occasions to the distinction between private and public Bills. In the New South Wales Parliament this measure was dealt with as a public Bill. In South Australia it was dealt with as what is apparently known in the Standing Orders as a "hybrid Bill"—that is to say, it is private in that it deals with the disposition of property not in Government hands, and it is not a Bill for which the Government takes direct responsibility. However, it contains issues of public policy about whether the church should be given the right to unite under whatever terms Parliament determines.

The procedure followed by the South Australian Parliament could be adopted to advantage here. The Bill having been declared a "hybrid", was referred to a Select Committee of the Legislative Council consisting of six members. On eleven occasions the committee met, and advertisements inviting suggestions were placed in the *Advertiser*, the *News*, the *Sunday Mail*, the South Australian country newspapers, a weekly paper published in Portland, Victoria, and the *Age* newspaper in Melbourne. As a result, twenty witnesses were called and examined on the clauses of the Bill. This is an excellent example of the way in which our own neglected Standing Orders on private Bills ought to be working. We did not refuse leave to treat this a public Bill because it would have been unconscionable at this stage to have delayed the Bill. If the House is to rise next week it would have been impossible to enact the legislation before 22nd June.

This Bill contains a number of clauses where serious questions could be asked of the people proposing the Bill. For example, clause 8 states—

> The Inaugurating Assembly shall be deemed to have been validly convened.

We know perfectly well why the clause was put in. It is to prevent parties from going to the courts to invalidate the inaugurating assembly. Yet there could be some serious defect in the way in which the inaugurating assembly is constituted. It might be constituted by a minority

group in some way, and perhaps there might be valid objection to the way in which it was set up.

The problem is that with Bills of this nature, Parliament finds itself committed to a certain course of action for which it and the Government do not really want to take responsibility. Perhaps the Parliament does not fully understand all the implications. Honorable members do not have, and will not have, time to debate the matter fully. I do not imagine that there is time at 5.15 p.m. on a Thursday to debate these matters as closely as they deserve. In cases of this kind—not that I imagine another Bill like this is likely to appear while you are still in the chair, Mr. Speaker—the Bills ought to be referred to a committee so that they can be examined in depth.

As I said, in South Australia twenty witnesses were examined at length and a number of recommendations were made on how the draft Bill should be changed. This led to a vigorous and well-informed debate in the South Australian Parliament because members had been through the Bill and the report thoroughly.

I should like to refer to clause 27. I should be interested to hear the views of the honorable member for Caulfield on clause 27, which states—

> No purchaser, mortgagee, lessee or other person dealing with the Trust, and neither the Registrar-General nor the Registrar of Titles nor any other person registering or certifying title shall, upon any sale, exchange, mortgage, lease or other dealing purporting to be entered into by the Trust, be concerned to see or enquire into the necessity for or the propriety of the exercise by the Trust of its powers or the mode of exercising them.

This gives *carte blanche*. I do not say that whatever the trustees do will not be done in good faith, but the House is giving its approval to a clause that gives enormously wide powers and says that nobody can go to a court and inquire into what the trustees are doing. It may be all right and it may not. The Parliament should know a little more about it.

**The SPEAKER (Sir Kenneth Wheeler):** Order! The honorable member has made his preamble. I hope he will get on with the Bill. He has referred to it as being a private Bill and referred to the way in which it was handled in South Australia.

Mr. JONES: If you will forgive me, Mr. Speaker, I referred specifically to clause 27 and said that I was troubled that in this case we did not really know precisely why it was there. It is not possible for the Minister of Labour and Industry, who is at the table, to say, "This is the reason; this is how it happened" because it is not his Bill; he is not here to defend it. He is simply acting as the *accoucheur* to bring the Bill to birth.

Mr. MACLELLAN: There is a note on clause 27 in the explanatory notes.

Mr. JONES: I concede that. It does not help us much. Nevertheless, honorable members are precluded from inquiring into the reason behind the clause.

Attempts were made in the High Court of Australia to prevent the union going ahead. Objections were taken by certain Presbyterian Church groups in New South Wales in a case called *Attorney-General for New South Wales (on the relation of Macleod) and Another* v. *Grant and others*, which appears at 10 *Australian Law Reports*, page 1. The decision was handed down in the court by Gibbs, Stephen, Mason, Jacobs and Murphy, JJ, in August 1976. The approval of the High Court made it possible for this Bill to be introduced. Similar Acts have now been passed in all other States of the Commonwealth.

Apart from the property clauses of the Bill, which make up its bulk, at the end there is a schedule which sets out the theological basis of union. Clause 10 of Schedule One

advances a cautiously pluralistic attitude towards the doctrines current in the Uniting Church in Australia. It reads—

The Uniting Church continues to learn of the teaching of the Holy Scriptures in the obedience and freedom of faith, and in the power of the promised gift of the Holy Spirit, from the witness of reformation fathers as expressed in various ways in the Scots Confession of Faith (1560), the Heidelberg Catechism (1563), the Westminster Confession of Faith (1647), and the Savoy Declaration (1658). In like manner she will listen to the preaching of John Wesley in his Forty-Four Sermons (1793). She will commit her ministers and instructors to study these statements, so that the congregation of Christ's people may again and again be reminded of the grace which justifies them through faith, of the centrality of the person and work of Christ the justifier, and of the need for a constant appeal to Holy Scripture.

There is something in there for everyone. Clause 5 of the schedule emphasizes the centrality of the Bible, and clause 9 states—

The Uniting Church enters into unity with the Church throughout the ages by her use of the confessions known as the Apostle's Creed and the Nicene Creed. She receives these as authoritative statements of the Catholic Faith, framed in the language of their day and used by Christians in many days, to declare and to guard the right understanding of that faith. She commits her ministers and instructors to careful study of these creeds and to the discipline of interpreting their teaching in a later age. She commends to ministers and congregations their use for instruction in the faith and their use in worship as acts of allegiance to the Holy Trinity.

Mr. MACLELLAN: It is certainly not sexist. God is "He" and the church is "She".

Mr. JONES: I agree. The Uniting Church is also conscious that it is a creation of the twentieth century, and the result is that there is at least an obeisance in the direction of science and the changing view of man's relationship to the universe and the twentieth century.

Clause 11 of the schedule states—

The United Church acknowledges that God has never left his Church without faithful and scholarly interpreters of Scripture, or without those who have reflected deeply upon, and acted trustingly in obedience to, his living Word. In particular she enters into the inheritance of literary, historical and scientific inquiry which has characterized recent centuries, and thanks God for the knowledge of his ways with men which are open to an informed faith.

Mrs. PATRICK: We can read all this for ourselves.

Mr. JONES: *Hansard* readers ought at least to know what honorable members are debating. Clause 11 continues—

She lives within a world-wide fellowship of Churches in which she will learn to sharpen her understanding of the will and purpose of God by contact with contemporary thought. Within that fellowship she also stands in relation to contemporary societies in ways which will help her to understand her own nature and mission. She thanks God for the continuing witness and service of evangelist, of scholar, of prophet and of martyr.

There have not been many of those lately.

She prays that she may be ready when occasion demands to confess her Lord in fresh words and deeds.

The penultimate point I make is that there is a strong emphasis on the ecumenical nature of the Uniting Church. Clause 2 of Schedule One states—

The Uniting Church lives and works within the faith and unity of the One Holy Catholic and Apostolic Church. She recognizes that she is related to other Churches in ways which give expression, however partially, to that unity in faith and mission, Recalling the Ecumenical Councils of the early centuries, she looks forward to a time when the faith will be further elucidated, and the Church's unity expressed, in similar Councils.

She declares her desire to enter more deeply into the faith and mission of the Church in Australia, by working together and seeking union with other Churches.

Mr. RICHARDSON: Surely the lesson endeth here?

Mr. JONES: I said that it was the penultimate point I wanted to make.

The final point to which I refer is something that was written by Hans Küng, the great Catholic scholar, in his recent book, *On Being a Christian.*

Mr. RICHARDSON: Do you support the Bill?

Mr. JONES: Of course I support the Bill. If the honorable member would like to move that the quotation be made an amendment to the Bill, I think it could be added to the schedule.

Hans Küng wrote on pages 502–3—

It is clear that the differences today are not the traditional doctrinal differences : for instance, in regard to Scripture and tradition, sin and grace, faith and works, eucharist and priesthood, Pope and Church. On all these specific issues a theoretical agreement is at least possible or has already been attained.

Mrs. PATRICK : I wondered why I could not get that book from the Library.

Mr. JONES : It is my own copy.

All that is required is for the Church's machinery to put the theological conclusions into practice. The essential difference lies in traditional basic attitudes, which have developed since the Reformation, but which today can be overcome in their one-sidedness and integrated into true ecumenicity.

" Catholic " as a basic attitude means that special importance is attached to the Catholic—that is, to the entire, universal, all-encompassing, total—Church. In the concrete, to the continuity in time of faith and the community of faith enduring in all disruptions (tradition) and to the universality in space of faith and the community of faith embracing all groups (against " Protestant " radicalism and particularism, which are not to be confused with evangelical radicality and congregational attachment).

" Protestant " as a basic attitude means that in all traditions, doctrines and practices of the Church special importance is attached to constant, critical recourse to the Gospel (Scripture) and to constant practical reform according to the norm of the Gospel (against " Catholic " traditionalism and syncretism, which are not to be confused with Catholic tradition and breadth of vision).

And yet, correctly understood, " Catholic " and " Protestant " basic attitudes are by no means mutually exclusive. Today even the " born " Catholic can be truly Protestant in his outlook and even the " born " Protestant truly Catholic, so that even now in the whole world there are innumerable Christians who—despite the obstructions of the Church's machinery—do in fact live out an evangelical Catholicity centered on the Gospel or a Catholic evangelicity maintaining a Catholic breadth of vision : in a word, they realize a genuine ecumenicity. In this way a Christian today can be such in the fullest sense, without denying his own denominational past but also without obstructing a better ecumenical future. Being truly a Christian today means being an ecumenical Christian.

The Opposition supports the Bill.

**Mr. JASPER** (Murray Valley) : I support the Bill on behalf of the National Party. It facilitates the establishment of the Uniting Church in Australia. The honorable member for Melbourne made it quite clear that he is a Methodist. My background is a little more troubled than that. My mother was a Presbyterian, and my father was a Methodist. I was brought up as a Methodist, but my schooling years were spent at a Presbyterian school. Members can understand my personal support for this Bill, which will facilitate the joining together of the Congregational, Methodist and Presbyterian churches.

The problems of the churches are highlighted in country districts, particularly in small country areas, where over a period of years the three churches have operated as separate entities. They have struggled for survival, to keep the doors open and to maintain ministers. In many country areas in the past three years, such as in my town of Rutherglen, the Congregational Church closed first. The people from that church joined with the Methodist or Presbyterian church, going to the church of their second choice after the Congregational Church.

Finally, about two or three years ago, the churches joined together. One Sunday services are conducted in the Methodist Church, and on the next Sunday the services are held in the Presbyterian Church. This really highlights the problem with people who are dyed in the wool with a particular religion and who say, " I am a Presbyterian—I will not go into a Methodist church ".

It will be a long time before the Uniting Church will have people from the three different churches getting together throughout Australia to worship. I am disappointed that some sections of the Presbyterian Church have decided not to become part of

this union. As mentioned by the honorable member for Melbourne, this will make it difficult for the three churches to come together and say, " Yes, we will unite ".

I believe unity is strength. As the three churches have now decided to come together it will mean that in country areas and small towns people of these three faiths will be able to worship together, and the people who are appointed to preach will be of a better calibre. The Uniting Church will give a general strengthening to their faiths.

I am sure every one will wish the churches well in coming together under the Uniting Church on 22nd June, 1977.

**Mr. MACLELLAN** (Minister of Labour and Industry): I thank the honorable member for Melbourne for his most generous comments. There would not be anyone left in any doubt that the honorable member is indeed a Methodist. We will all look forward to his becoming a member of the Uniting Church on 22nd June, 1977, and gaining a broader experience in that new church.

I thank the honorable member for Murray Valley for his support of the Bill on behalf of the National Party. I think the whole Parliament will join together to offer the church best wishes in the years ahead and in uniting in Australia.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 37 were agreed to.

Schedule One (Basis of union).

**Mr. JONES** (Melbourne): I wish to move an amendment to delete the word " consumation " with one " m " on page 17, the top paragraph, sixth line, and substitute the word " consummation " with two " m " s.

**The ACTING CHAIRMAN (Mr. Billing):** It is considered that this amendment is unnecessary; the matter will be attended to by the Clerk.

Schedule One was agreed to, as were the remaining schedules.

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

## POLICE OFFENCES (CHILD PORNOGRAPHY) BILL.

This Bill was received from the Council and, on the motion of Mr. SCANLAN (Minister of Special Education), was read a first time.

**Mr. SCANLAN** (Minister of Special Education): I move—

That this Bill be now read a second time.

Its purpose is to amend the Police Offences Act 1958 to make it an offence for any person to keep for gain, make, sell or distribute an obscene article portraying, describing or representing children or to procure children for the making of such an article. The Bill also makes it an offence for any person to make available for gain an obscene article which portrays, describes or represents a child if that other person reproduces that obscene article for the purpose of sale publication or distribution.

The Government believes that material of this nature not only debases and degrades the children directly involved in its production and the persons, including children, who peruse or inspect it, but also that the material transgresses the bounds of standards expected by decent-minded citizens of this State. It is also possible that material of this kind could incite persons to commit sexual attacks on children.

At a conference held in Sydney on 14th April, 1977, the State Ministers indicated that they intended to take various forms of action to deal with the evils of child pornography.

The publications to which objection is taken present various facets of sexuality in relation to children. Let me refer to a few examples to illustrate the point.

Some publications depict persons who are apparently over the age of sixteen years but expressly represent

those persons as being children. In other publications, persons who are apparently over the age of sixteen years are by implication portrayed as children. Initially, by the title and the sequence of pictorial representations, the publications purport to refer to children. So conditioned, the reader is then led to pictures of sexual activities between persons over the age of sixteen years.

In addition there are the publications which relate to persons, obviously children, some of whom are in attitudes which emphasize sex. For the legislation to be effective it must encompass all facets of sexuality so far as it relates to children.

Consequently the Bill inserts an additional sub-section into section 164 of the principal Act the effect of which is that a person shall be deemed to be a child if either the person appears to the court to be a person under the age of sixteen years or the court is satisfied that the person is expressly or by implication represented to be a person under the age of sixteen years.

Substantively, the Bill proposes to insert three additional sections into the principal Act. Proposed section 168A makes it an offence for any person for gain to make available to any other person an obscene article which portrays describes or represents a person who is or who is deemed by this Bill to be a child if that other person reproduces that obscene article in whole or in part for the purpose of sale publication or distribution.

Proposed section 168B inserts three separate provisions into the principal Act. Paragraph (*a*) makes it an offence for any person to keep for the purpose of gain an obscene article which portrays describes or represents a child or a person deemed to be a child.

Paragraph (*b*) provides that every person who prints photographs records or makes or who is in any way concerned in the printing photographing recording or making of an obscene article which portrays describes or represents a person who appears to the court to be a child shall be guilty of an offence.

Paragraph (*c*) provides that every person who sells publishes or distributes or who assists in the selling publishing or distribution of an obscene article which portrays describes or represents a person who is or is deemed to be a child shall be guilty of an offence.

Proposed section 168C provides that every person who invites or procures or attempts to procure a person who is or who appears to the court to be under the age of sixteen years to be in any way concerned in the making of an obscene article shall be guilty of an offence. A person found to be guilty of any offence under this Bill shall be liable to a penalty of not more than $5,000 or to imprisonment for a term of not more than two years.

The effect of the Bill is to create specific offences and provide higher penalties where a publication which relates to children is held to be obscene under the general provisions of the principal Act. By specific definition those offences and penalties relate not only to persons who are actually children but also to persons who, expressly or by implication, are represented to be such.

On the motion of Mr. EDMUNDS (Ascot Vale), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, May 3.

## STATE LIBRARY AND NATIONAL MUSEUM BUILDINGS COMMITTEE BILL.

The debate (adjourned from April 21) on the motion of Mr. Hamer (Minister of the Arts) for the second reading of this Bill was resumed.

**Mr. JONES** (Melbourne): This is an important Bill to set up a committee to establish a new State Library and National Museum on the site of the Queen Victoria Market. In 1971 when the Government first proposed the redevelopment of the Queen Victoria Market site the Labor Party indicated its opposition. The original plan in 1971 was to demolish the market, erect multi-storey office buildings, hotels and a convention centre. That idea was knocked on the head.

In 1973, there was another plan to put the State Library and National Museum on the site and to obliterate the Queen Victoria Market. The plan was also stopped by our opposition. By 1976 a compromise proposal had been produced, and, it was agreed that the northern and north-eastern sections of the existing market would be preserved—that is the area on which the historic buildings including the meat market will be preserved by the State Government —and that the State Library and National Museum would be placed on the car-parking area to the south of the Queen Victoria Market site.

Having originally opposed the establishment of the library on that site, the Labor Party had good reasons for changing its position. It now supports the establishment of the library on the market car parking area.

However, when the Bill reaches the Committee stage, the Opposition will propose two small amendments. Its only concern over the proposed library and national museum is that it might be too narrowly confined to the traditional custodial, depository role of libraries. The State Library, in contrast to public and municipal libraries, is intended to contain the largest single collection of books in the State. The Opposition is anxious to ensure that when plans are drawn up for the new library, there is plenty of opportunity for non-book materials to be stored as well, and that tremendous emphasis should be put on providing information services. Information services are extremely important as we move towards an information-based society. We need to change the general nature of our attitude towards libraries, and it is important and urgent for an information policy to be adopted by the Government and by all political parties in this Parliament.

Less than one-third of Victorians use public libraries or cultural facilities. Our community is divided between the "information rich" and the "information poor". Women, migrants, the aged, the young, the poor and the handicapped are victims of inadequacies in the system. Our cultural facilities are remote from those who need them most. They do not know what is available and do not know how to remedy their lack of information. This might be classed as the "silence syndrome". Libraries should be less like cathedrals and churches and more like supermarkets.

The effective working of democracy depends on the availability of adequate information and the capacity for its independent evaluation. The right to know, to be informed, is basic to every person. It is useless to have libraries as the preserve of the affluent or highly educated. Libraries must be designed to provide information facilities which make people aware of the value of the information available. Access to information and the right to its availability should be vigorously pursued. In a society like ours, access to information is a commodity, and like other commodities it should not be concentrated in the hands of the rich.

Australia is rapidly moving towards a post-industrial society. This will be an information-based society in which individual freedom and individual efficiency will be largely influenced by the individual's ability to obtain the right information at

the right time. Otherwise the gap between the "information rich" and the "information poor" will widen and extend.

In 1975 the then Prime Minister, Gough Whitlam, when he opened the conference of the Library Association of Australia in Wilson Hall, said *inter alia*—

Whereas libraries were once a function of literacy they are rightly seen as a function of liberty.

The library's function is to provide information. The library's function is to organize that information and ensure that everyone has access to it. These functions are basic to any concept of true democracy. Libraries that are free, open and accessible are just as much bastions of freedom as universities or parliaments. Freedom of speech is a precious freedom, but it has a much higher value, a much richer significance when freedom of information goes with it.

I hope when this committee is set up to plan a library and museum it will adopt the over-all principles and recommendations contained in the report of the Committee of Inquiry into Public Libraries published in 1976. It is known as the Horton report because the chairman was Mr. A. R. Horton, the librarian of the University of New South Wales. Contained in the summary of conclusions and recommendations are these guidelines—

The following broad guidelines should be accepted as a basis for a programme of assistance to public libraries in Australia :

(*a*) the provision of public library and information services should be the collective responsibility of the Commonwealth, State and local levels of government, funded in part by each of these levels of government;

(*b*) the provision of equality of service on the basis of reasonable need should be ensured by the Commonwealth and State Governments;

(*c*) the provision of public library and information services should be free of charge to all members of the community;

(*d*) the provision of total library service cannot be achieved by any one type or unit of library or information service, but only by the co-operative efforts of all types of information agencies working towards a commonly accepted and planned system;

(*e*) the expansion and extension of individual library and information services should be achieved through co-operation, and/or contract and the formation of library systems and networks, with each service retaining its autonomy within the over-all State plan for the development of these services;

(*f*) the integration of these State systems and networks into a national network should be ensured by the Commonwealth Government in consultation with State Governments, with the Commonwealth Government giving highest priority in assistance to State Governments who demonstrate effective plans to develop a State system and networks;

(*g*) the further development of the informational role of the public library should be given priority by funding authorities and the library profession, while at the same time the recreational and educational role should not be diminished;

(*h*) the participation of users in marketing, developing or extending public library service should be actively encouraged by State and local authorities;

(*i*) the improvement of public library service is dependent on the clarification of the role of the public library, the assessment of user needs, the education programmes for staff, the provision of increased resource materials, the introduction of new methods and management techniques and the provision of support services.

**The SPEAKER (Sir Kenneth Wheeler):** Order! I appreciate what the honorable member is doing, but really he may as well have asked for the material to be incorporated in *Hansard* because I am sure no honorable member could understand what the honorable member was saying when he read as fast as he did. I know that the honorable member is trying to conclude within a reasonable time to enable the House to rise, but I am sure he read too fast for honorable members to understand.

Mr. JONES: I would be quite happy to have the information incorporated in *Hansard*.

The SPEAKER: All I am saying is that if the honorable member read at a reasonable pace, other honorable members could hear and understand what he is saying.

Mr. JONES: It is very important that public libraries must become information resource centres, and should include local data banks. They should also involve information about access to Government services, with greater emphasis on non-book material such as gramophone records, tapes, cassettes and audio-visual material generally.

Libraries must provide services for non-English speakers and provide a network which will involve non-urban and migrant communities. Special grants should ensure that libraries buy foreign language books, periodicals and recordings. Libraries should, as the need arises, recruit Greeks, Italians, Turks, Maltese and members of other language groups on a short-term basis so that they can help ethnic groups feel at ease in libraries. Public libraries should become community information centres.

Public libraries are essential in assisting self-development and continuing education. They are aimed at individual needs rather than mass needs which are served by the media, and to enable people to make independent evaluations of pre-digested media information in their own time and in their own way, thus promoting individual social responsibility.

If these facilities are not available access to information is meaningless unless people are made aware of its availability by effective publicity. As a former municipal councillor, Mr. Speaker, you would know that the libraries which have the highest usage are situated in the more affluent suburbs in the east, and that in the areas where the greatest need is, that is in suburbs to the west, the libraries have the lowest patronage.

We have to find a way of turning our libraries into information service centres and then provide means to enable society to know what information is available to it.

At the Committee stage, the Opposition hopes the Committee will agree to enlarge the size of the planning committee so that there is at least one representative of the ethnic community and also a representative of the trade union movement. The Opposition welcomes the principles contained in the Bill.

**Mr. JASPER** (Murray Valley): The National Party supports this Bill which provides for the appointment of a State Library and National Museum Building Committee. In recent years many developments have taken place in the cultural life of Victoria, mainly in Melbourne. The most outstanding example is the erection of the Arts Centre. Members of the National Party want country people to have the greatest possible access to the new building when it is erected. Obviously, it will not be built in the country but, during holiday periods, week-ends, and so on, the centre should be open for the maximum period for the benefit of country people. No doubt it will advance the cultural life of this State.

Obviously, the Ministry for the Arts will be responsible for this development as it will come under its administration. In the short time that I have been a member of this Parliament, I have come to the conclusion that the Ministry is understaffed. When I have wanted to obtain assistance from it I have found that it has taken longer than I would have expected. I hope that, with the passing of this Bill, there will be an expansion of the staff of the Ministry to assist in cultural activities, not only in Melbourne, but throughout Victoria. All country people, and members of the National Party in particular, support the establishment of this committee.

**Mr. RICHARDSON** (Forest Hill): I have a great deal of pleasure in knowing that, again, I am not in dispute with much of what my friend, the honorable member for Melbourne, has said. He was correct in his assertion that there are some in the community who are information rich and some who are information poor. The only matter on which I take issue with the honorable member is his implication that libraries are built for the wealthy and that this is a manifestation of the class struggle which he claims is still going on. Libraries have done much to bridge the gap between sections of the community, and the State Library of Victoria has been instrumental in bringing closer together the various groups in society over a period of many years.

The State Library of Victoria began operations as the Public Library in 1854. It has a long and distinguished record of service to the community. A 1910 report signed by the then chairman of the board of trustees, Henry Giles Turner, states—

> When the first Governor (Mr. Charles J. Latrobe) landed on the banks of the Yarra, on 2nd October, 1839, he found that the only centre of what Matthew Arnold called "Light and leading" consisted of a small reading-room attached to the public-house kept by Mr. Pascoe Fawkner. That worthy pioneer had advertised that "five monthly, and three-quarterly reviews, together with a late encyclopædia" might be perused there. There was one drawback. That mental pabulum had, like his wines, to be consumed on the premises, and there were men who thought it was not desirable that youth seeking knowledge should be brought into close contact with the cup that cheered—and also inebriated.

One of the people of the time who was associated with that view was a young Irish barrister who was distressed by the absence of literature and what he considered adequate learning at a high enough level in the Colony to which he had come. He set out to rectify that deficiency. His name was Redmond Barry and he is acknowledged to be founder of the State Library of Victoria. Certainly, others made significant contributions, but Barry must be given the credit of being the founder of the library and for its great strength over many years. Barry first established a small private reading room and then moved on to establish the Public Library.

The history of the library is that, by a proclamation in the *Government Gazette* of 20th July, 1853, the Governor appointed five trustees to conduct the affairs of the library, with Barry as the senior trustee and chairman. On Monday, 3rd July, 1854, the foundation stone of the university and the public library was set by the new Governor, Sir Charles Hotham. The trustees held a competition to determine who should be the architect for the building and the winner was Joseph Reed, who contributed much to early Melbourne. He won a prize of 150 pounds. Among other buildings designed by Joseph Reed were the town hall, the Scots and Independent churches in Collins Street and the Exhibition Building. The second prize of 75 pounds was won by a Mr. Burgoyne.

The tender of a Mr. Metcalfe was accepted for the building of the library. It is coincidental that, in the 1850s, the name of Metcalfe was associated with the Victorian Public Library and, in the 1950s, John Wallace Metcalfe was the Principal Librarian of the Public Library of New South Wales and the architect of the public library system in that State; he was one of Australia's great librarians.

The opening of the Public Library took place in 1856. The first librarian appointed was Augustus Henry Tulk. The first clerk to the trustees was Marcus Clark who—as the honorable member for Ascot Vale would not know because he cannot read—was the author of the novel *For the Term of His Natural Life*. The Public Library of Victoria began simply but with great vision and that vision has been sustained until today.

In the nineteenth century, it was one of the six great libraries of the English-speaking world. It has remained one of the great libraries of the English-speaking world but, as the honorable member for Melbourne suggests, it is not now among the first six. Although the State Library of Victoria has not held its position of pre-eminence in the world, other library systems in Victoria are the envy of other States. Australian libraries are readily accepted overseas and so are Australian librarians, as the honorable member for Melbourne would know. He would further know that the size of the public cake is not limitless and the money has to be distributed equitably. One cannot expect the State Library of Victoria to sustain itself with the enormous amounts of money that must be spent. I am perfectly satisfied with the state of libraries and librarianship in Victoria in view of the amount of public capital which is avalable to be utilized.

Two buildings are involved in the concept of a new State Library of Victoria and a new Museum because the two institutions cannot work successfully in the same building. The committee which will come into being as a result of the Bill must not address itself only to the needs of the present because libraries are no longer collections of books but are multi-media information factories, as the honorable member for Melbourne pointed out earlier.

The library which is to be built by this committee must meet the needs of the community for the next 150 years. The committee will need to have an appreciation and understanding of the fact that the new building must be adaptable to advances in technology which we know will occur, although there is no way of knowing precisely what those advances will be. The advances in technology which have taken place in the last twenty years have been outstanding. The advances that will take place in the following twenty years will be even more so and this building will accommodate the library into the 21st century.

I believe the State Library which will be housed on the new site must be a balance between a librarian's library and a people's library as the existing State Library indeed is. The honorable member for Melbourne was correct when he referred to the information explosion which is taking place at present and to the increasing need of the community as it moves into the 21st century to have access to information in all its forms and to the technology which will enable this information to come into its hands.

The new State Library will have to be a resource centre which can send information all over the State, all over the Commonwealth and indeed all over the world by means of laser beams, television channels and all manner of new technologies which will develop over the years that lie ahead.

It must also be a people's library. It must provide a service to members of the community and not just to scholars who wish to enter its doors as they have been doing since 1856. The library must be all things to all men.

Mr. JONES: And women.

Mr. RICHARDSON: And to all women. It will be a library of equal opportunities. The library committee could be well advised to consider wide-ranging consultation with the community. The honorable member for Melbourne stated that there should be an alteration to the composition of the committee but it seems to me that to be effective this committee should consult widely throughout the community. I suggest for example, that the organization of municipal librarians known as

Minterlib should be encouraged to develop a committee of say three people which would consult with the building committee. The building committee could ignore their submission completely if it wished and there should be no sense of compulsion on the building committee to do anything other than to listen to what was being said.

I suggest also that industrial groups in the community could come together. Perhaps the Trades Hall Council, the Victorian Employers Federation and the Small Business Corporation could form a committee which could also provide advice. I suggest that the migrant community could do the same; it could provide a small group of people to inform the building committee of its views. That is a more effective method than the method which the honorable member for Melbourne suggested.

The building committee would be well advised to consult widely in the way I have suggested because, after all, the building must provide a service for the community well into the 21st century. It must continue the tradition of the State Library of Victoria and its associated institutions such as the National Museum which has a fine record in its contribution to the study of natural history and anthropology. The community has been well served by these institutions. I suggest that the community will continue to be well served by them but, as the honorable member for Melbourne and I agree, the society in the 21st century will be such that the State Library and the network of information systems and back-up programmes that it will provide for the community will be essential if this community is to survive adequately.

I wish the building committee well, as I am sure all honorable members do. It has a task of great responsibility. I join with the honorable member for Melbourne and the honorable member for Murray Valley in commending the Bill to the House and commending the work of the Premier in persisting with his view that libraries are important and vital in this State.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

Clause 4 (Members.)

**Mr. MACLELLAN** (Minister of Labour and Industry): I propose that progress be reported.

Progress was reported.

## ADJOURNMENT.

**Mr. THOMPSON** (Minister of Education): I move—

That the House, at its rising, adjourn until Tuesday next, at two o'clock.

The motion was agreed to.

*The House adjourned at* 6.16 *p.m. until Tuesday, May* 3.

## *QUESTIONS ON NOTICE.*

*The following answers to questions on notice were circulated—*

### STATE ELECTRICITY COMMISSION NUCLEAR ENERGY DEVELOPMENT.

(Question No. 1828)

**Mr. CATHIE** (Carrum) asked the Minister for Fuel and Power—

1. What estimates were used by the State Electricity Commission in determining the costs of developing nuclear energy?

2. Whether the estimates have been revised in the light of increasing costs; if so, what are the new estimates?

3. Whether the commission has drawn up any plans for a nuclear reactor; if so, what site or sites have been considered?

**Mr. BALFOUR** (Minister for Fuel and Power): The answer is—

1. The most recent detailed study of the cost of construction and operation of a nuclear power station in Victoria was completed by the commission in 1974.

2. The cost estimates produced in 1974 have been revised since then using known cost escalation factors and published information from overseas on nuclear fuel and processing costs. The most recent revision is included in the commission's "Report on the Proposed Extension to the State Generating System—Loy Yang Project—1976", which was tabled in Parliament on 2nd June, 1976. I would refer the honorable member particularly to pages 64 to 66, inclusive, of that report.

3. The commission has no firm plans for the installation of a nuclear power station. While there have been general surveys of power station sites from time to time, and some sites reviewed could be suitable for a nuclear installation, it would be premature now to nominate any location specifically for this purpose.

The economic advantage of the Loy Yang project as compared with a nuclear power station has precluded the installation of a nuclear plant in Victoria at least until completion of the Loy Yang project, planned for the early 1990s.

## ESTATE AGENTS FOR HOUSING COMMISSION.

(Question No. 1931)

**Mr. EDMUNDS** (Ascot Vale) asked the Minister of Housing—

1. Which estate agents act for the Housing Commission in all matters affecting commission properties?

2. In what areas of Victoria each agent operates and what authorization in respect of sales, tenant supervision, rent collection, etc., each agent has been granted?

3. What criteria are used to appoint an estate agent to act on behalf of the commission?

4. Whether the Minister will list the scales of commission used for agents' fees in all instances?

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

1. A complete list of agents dealing with tenancy and/or house sales (List A) together with a list of agents handling land sales and leases (List B) is attached hereto.

2. List A referred to in 1. shows the locality (estate) for which the agent is authorized to act.

In regard to tenancy, the agent is authorized to install new tenants as instructed by the commission, receive maintenance complaints, collect rent, advise of vacancies and take any other reasonable action expected of an agent in the interests of both the landlord and the tenant. In relation to sales he is authorized to contact persons approved as purchasers by the commission, arrange for completion of all necessary documents in relation to the sale and arrange occupancy for the purchaser.

List B referred to in 1. shows the locality (estate) in which the agent is authorized to act. The five agents listed under land sales are authorized to effect sales of land. Land can be withdrawn from sale at any time by the commission.

Bob Hamilton Pty. Ltd. is authorized to install new tenants, prepare leases, receive maintenance complaints, collect rent, advise of vacancies and take any other reasonable action expected of an agent in the interests of both the landlord and the tenant in regard to the special project known as "Emerald Hill", South Melbourne.

3. A person licensed under the Real Estate Agents Act with preference given to a member of the Real Estate and Stock Institute. If no licensed person is available a selection is made from those other persons willing and capable of acting as agent. (List A and List B relate).

4. List A—Commission payable on rent collection is as shown on list referred to in 1. above whilst 2·5 per cent is payable on purchase instalment collections. Selling commissions are 0·5 per cent of sale price on a new unit, 1 per cent of sale price on a vacated unit and 1·5 per cent of sale price on a tenanted unit.

List B—Commission payable on land sales is 5 per cent on the first $8,000 of sale price, and 3 per cent on the next $42,000 or any part thereof—this being the standard rate of commission payable on property sales.

Commission payable to Bob Hamilton Pty. Ltd. on rent collection is 6 per cent.

## PILGRIM PUPPET THEATRE.

(Question No. 1932)

**Mr. JONES** (Melbourne) asked the Minister of the Arts—

1. What representations have been received from Pilgrim Puppet Theatre Pty. Ltd. of Burwood Road, Hawthorn?

2. When these representations were made?

3. What action has been taken to evaluate the work of the theatre?

**Mr. HAMER** (Minister of the Arts): The answer is—

1 and 2. Written applications were made for financial assistance on 14th February, 1976, and 28th February, 1977.

3. Viewing of performances. Discussion between officers of the Ministry and the management of Pilgrim Puppet Theatre Pty. Ltd.

## GRANTS FOR BUSH-FIRE VICTIMS.

(Question No. 1986)

**Mr. HOLDING** (Leader of the Opposition) asked the Premier—

Whether the Premier's Department issued a circular on 3rd March last stating that cash grants would be available to bush-fire victims in necessitous circumstances for the provision of food, clothing and accommodation, repairs to houses, and repair or replacement of essential items of furniture and personal effects; if so—

(*a*) Whether the Government has provided any emergency food or clothing or was this provided by organizations such as the Red Cross and volunteers?

(*b*) Whether the Government has provided any furniture or was this also made available from volunteer and charitable sources?

(*c*) Whether the Government made available any cash payments in the first four weeks following the fire or were these cash payments made by the Red Cross and the Commonwealth Department of Social Security?

(*d*) Whether the Government provided and catered for the feeding of volunteers and Government officials, including those with living away from home allowances, during the relief operation or were these arrangements made by local Red Cross organizations?

(*e*) Whether the Government made any distribution of money prior to Tuesday, 5th April, or have such distributions been limited to a small number of families and drawn exclusively from relief funds raised by the Melbourne, Ballarat and Hamilton city councils?

(*f*) What guidelines and time-table have been laid down for the determination of claims for emergency relief?

(*g*) Whether any inquiry into the fires will include in its terms of references the conduct of subsequent relief operations in all their aspects?

**Mr. HAMER** (Premier and Treasurer): The answer is—

Yes.

(*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) Yes.

(*e*) Yes.

(*f*) Guidelines as set out in the letter referred to. Closing date for applications is set for 14th June, 1977.

(*g*) Yes.

## STREET CLOSURE SCHEME AT SEAFORD.

(Question No. 2089)

**Mr. CATHIE** (Carrum) asked the Minister of Public Works, for the Minister for Local Government—

1. What applications have been made by the City of Frankston for a street closure scheme in the Mile Bridge estate, giving the date of each application?

2. What is the reason for the delay in bringing this scheme to finality?

**Mr. DUNSTAN** (Minister of Public Works): The answer supplied by the Minister for Local Government is—

1. No formal application for a street closure scheme in the Mile Bridge estate at Seaford has been received from the council of the City of Frankston. On 28th July, 1976, the council sought consent to use part of the drainage reserve on lodged plan of subdivision No. 22224 between Moresby and Bardia avenues, Seaford for road purposes and at that time it was intimated that the council was considering a proposal for the closure of Milne Avenue, Moresby Avenue, Govan Street and Bardia Avenue to through traffic under section 539c of the Local Government Act 1958 for the purpose of protecting the residential amenity of the area westerly from the Kananook industrial estate.

2. After obtaining consent to use the drainage reserve for road purposes, as outlined above, the council prepared a proposal for the street closure. The town clerk of the City of Frankston advises that statutory advertising and services of notices of the proposal have been completed, and that council will proceed, as soon as it appears appropriate, to set a date for the hearing of objections lodged by those who consider they would be disadvantaged by the proposal. The council recently resolved however, not to set any hearing date until firstly, the road link between Moresby and Bardia avenues is completed and secondly, further traffic counts in the area have been completed. This appears to be a sensible course.

## TURANA YOUTH TRAINING CENTRE.

(Question No. 2141)

**Mr. ROPER** (Brunswick) asked the Minister of Special Education—

In respect of the Turana Youth Training Centre—

1. What is the current enrolment of the school, what are the Teachers Tribunal and Education Department staffing figures, respectively, and how many staff are currently employed at the school?

2. Whether all staff have special education training?

3. Whether teacher aides have been appointed to the Education Centre, or will be appointed to the centre; if so, when?

**Mr. SCANLAN** (Minister of Special Education): The answer is—

1. (*a*) Twenty-six full-time students plus 200 students on a sessional basis. Each session covers half a day and the number of sessions attended by the 200 students ranges from two to six per week.

(*b*) Teachers Tribunal scheduled entitlement (staff)—12; Current staff—12·5.

2. All staff currently appointed hold relevant special education qualifications.

3. There have been no teacher aides appointed to the centre. In 1977 there have been only three teacher aide positions allocated to the special education field. At this time it is not known whether additional positions will be made available.

# Legislative Council.

*Tuesday, May 3, 1977.*

The PRESIDENT **(the Hon. W. G. Fry)** took the chair at 2.13 p.m. and read the prayer.

## THE UNITING CHURCH IN AUSTRALIA BILL.

This Bill was received from the Assembly.

**The PRESIDENT (the Hon. W. G. Fry):** I have examined this Bill, and am of the opinion that it is a private Bill.

**The Hon. HADDON STOREY** (Attorney-General): In another place, this Bill was also ruled to be a private Bill, but it was treated as a public Bill. I propose that a similar procedure be adopted in this House. Therefore, I move—

That this Bill be dealt with as a public Bill.

The motion was agreed to.

On the motion of the Hon. HADDON STOREY (Attorney-General), the Bill was read a first time.

## *QUESTIONS WITHOUT NOTICE.*

## EFFECT OF FREEWAYS ON COLLINGWOOD FOOTBALL CLUB.

**The Hon. J. W. GALBALLY** (Melbourne North Province): I declare a passionate but not a pecuniary interest in the question that I now ask the Leader of the Government. Is the Chief Secretary aware that the Eastern Freeway, the Hoddle Street freeway and the Johnston Street minifreeway have created a Berlin wall for the Collingwood football ground, which is having a most serious effect on the club? There is no room for parking. The facilities associated with the railway did enable some parking to occur but that facility has been removed. The Collingwood Football Club has been there, to the pride and joy——

**The Hon. W. M. CAMPBELL** (East Yarra Province): On a point of order, Mr. Galbally should be asking a question and not making a second-reading speech after he has asked the question.

**The PRESIDENT (the Hon. W. G. Fry):** I uphold the point of order. Despite the fact that this matter is dear to the heart of an honorable member other than yourself, Mr. Galbally, perhaps you might get to the question.

**The Hon. J. W. GALBALLY** (Melbourne North Province): Does the Government have any proposals or plans for meeting the situation of injurious affection? The club was there first, the Government has superimposed its will and attendances at football matches have deteriorated considerably.

**The Hon. V. O. DICKIE** (Chief Secretary): The building of freeways and similar structures has some effect on private people, organizations and so on. Judging by the results obtained this year by the Collingwood Football Club, perhaps the Government should be building more freeways because the club is doing remarkably well. In the