Primary School, as advised by letter of 17th May, 1977; if so, when it is expected that work will commence?

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

The Public Works Department has completed a scheme and estimate for the siteworks at the Newport West Primary School and this has been referred to the Sunshine region for the allocation of a priority on the capital works programme.

It is not possible to indicate at this stage when the work is likely to commence.

STUDENT TEACHERS.

(Question No. 2893)

Mr. MUTTON (Coburg) asked the Minister of Education—

1. Whether some teachers in primary schools are refusing to take student teachers from Coburg State College for field experience?

2. Whether teachers who take student teachers on field experience are still paid teachers training allowances?

3. Whether student teachers on field experience are covered by accident insurance; if no, why?

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

1. Yes. Some teachers who are members of the Victorian Teachers' Union have refused to take students from the State College of Victoria at Coburg for school experience. It should be noted that supervising school experience is not a compulsory duty of a teacher.

2. Responsibility for the payment of an allowance for supervising school experience rests with the training institution. The council of State College of Victoria Coburg is responsible for paying an allowance to teachers who serve the college in this matter.

3. Student teachers who hold State Government studentships are covered under the workers compensation provision. Other students are covered under the Medibank provisions and in most cases by special accident policies taken out by tertiary teacher training institutions.

Legislative Council.

Tuesday, November 15, 1977.

The PRESIDENT **(the Hon. W. G. Fry)** took the chair at 3.57 p.m. and read the prayer.

JOINT SITTING OF PARLIAMENT.

STATE COLLEGE OF VICTORIA.

The PRESIDENT (the Hon. W. G. Fry): I have received the following communication from the Minister of Education—

Dear Mr. President,

At the joint sitting of the Legislative Council and the Legislative Assembly on 18th October, 1977, Barry Owen Jones Esq., M.P., was recommended for appointment to the Senate of the State College of Victoria for the four year term commencing 14th November, pursuant to the provisions of section 7 of the State College of Victoria Act 1972.

Following his resignation from the Parliament I should be grateful if you would arrange for a joint sitting to recommend a member to replace Mr. Jones. I have addressed a similar letter to the Speaker of the Legislative Assembly.

Yours sincerely,
(L. H. S. THOMPSON)
Minister of Education.

The Hon. V. O. DICKIE (Chief Secretary): I move, by leave—

That this House meet the Legislative Assembly for the purpose of sitting and voting together to choose a member of the Parliament of Victoria to be recommended for appointment to the Senate of the State College of Victoria.

The motion was agreed to.

It was ordered that a message be sent to the Legislative Assembly acquainting them with the foregoing resolution and requesting them to name the place and time of such meeting.

QUESTIONS WITHOUT NOTICE.

HOUSING COMMISSION LAND PURCHASES.

The Hon. D. R. WHITE (Doutta Galla Province): Is the Chief Secretary aware of the written report of Chief Inspector Walters following his investigation of Colin Cooke and Brian Durston regarding allegations of corruption in the Melton land purchases? If he is aware of the report, will he make it available to honorable members by laying it on the table of the Library?

The Hon. V. O. DICKIE (Chief Secretary): These are matters which are being thoroughly investigated by the inquiry and any answer will be made there as that is the proper place for it.

FIREARMS.

The Hon. W. A. LANDERYOU (Doutta Galla Province): I direct a question to the Chief Secretary. It relates to the motion which I moved recently on the use, manufacture, supply and distribution of firearms. Has the Government given consideration to that motion and, particularly in view of the recent, astonishing theft of firearms, when does the Government intend to debate the matter further?

The Hon. V. O. DICKIE (Chief Secretary): After Mr. Landeryou quite properly moved his motion relating to firearms I had the necessary machinery put into operation for thorough reports on the matter to be prepared for me by the Chief Secretary's Department and by the Police Department. The reports are not yet available and I will not be in a position to debate the matter fully until they are. But I assure Mr. Landeryou and the House that the moment the Government is in a position to debate the motion it will do so.

STATE DISASTER PLAN.

The Hon. S. R. McDONALD (Northern Province): Can the Chief Secretary inform the House of the reason for the delay in releasing the State Disaster Plan, and when it will be available?

The Hon. V. O. DICKIE (Chief Secretary): When Mr. McDonald last asked this question a problem had arisen because of the retirement of the Chief Commissioner of Police, Mr. Jackson, and the appointment in his stead of Mr. Miller. As Mr. McDonald knows, all matters relating to the State Disaster Plan, both the original and the updated plan, come within the ambit of the Chief Commissioner of Police. The present incumbent of that position, Mr. Miller, is giving top priority to this plan, and so are my department and other people involved. However, at the moment, I can tell Mr. McDonald only that I have not received reports from them but I hope it will not be long before I do so.

DROVERS' DOGS.

The Hon. F. S. GRIMWADE (Bendigo Province): Has the attention of the Chief Secretary been directed to an article which appeared in the *Age* of 11th November headed, "Union set for a dog fight". The article referred to a claim by the Meat Industry Employees Union. Part of the claim was that a stockman, drover or penner-up who used his own dog should receive an extra $50 a day, plus a muzzle and 2 lb. of meat for each dog. Without canvassing the Minister's opinion about the claim for $50 a day, I ask whether he considers 2 lb. of meat a day sufficient for a dog?

The PRESIDENT (the Hon. W. G. Fry): The whole question asks for an opinion and is therefore out of order.

WATER CHARGES.

The Hon. D. M. EVANS (North Eastern Province): I direct a question to the Minister of Water Supply. It relates to the Robertson inquiry into the water supply of the Goulburn–Murray district. In view of the conclusion that primary producers cannot pay higher water charges, will the Minister indicate whether there will be any increase in water charges this year?

The Hon. F. J. GRANTER (Minister of Water Supply): I am not sure that Mr. Robertson did say that primary producers could not pay more for water by way of water charges. I think he did say that the charges levied in Victoria were the lowest in the Commonwealth. He went into the pros and cons of primary industry up to a point, although that was not within his terms of reference, and he did say that primary industry was in a difficult situation and that some

consideration should be given, perhaps by the Federal Government, to this.

Up to now, no final decision on water charges has been made. However, I have received a number of deputations and many representations from irrigators and I hope to be in a position to make an announcement shortly.

MENTAL INSTITUTIONS AT ARARAT.

The Hon. R. J. EDDY (Thomastown Province): Can the Minister of Health advise me how many medical practitioners and psychiatrists are working within Aradale Mental Hospital and "J" ward at Ararat?

The Hon. W. V. HOUGHTON (Minister of Health): The question calls for statistical information which I am unable to provide offhand, but I will be happy to give it to Mr. Eddy as soon as possible.

NANDINA INVESTMENTS PTY. LTD.

The Hon. W. A. LANDERYOU (Doutta Galla Province): I wish to move the adjournment of the House for the purpose of discussing the failure of the Government to appoint an investigator from the office of the Commissioner of Corporate Affairs to investigate the affairs of a company registered as Nandina Investments Pty. Ltd.

Approval of the proposed discussion was indicated by the required number of members rising in their places, as specified in Standing Order No. 53.

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

That the House do now adjourn.

If ever a company required the urgent and immediate attention of the Commissioner of Corporate Affairs, it is Nandina Investments Pty. Ltd. It has been an extraordinary company in its brief history. Although ostensibly a land development company, it has acted as a fund raiser for certain members of the Liberal Party and specifically as a fund raiser extraordinary for a member of the Cabinet.

The company made a profit of $200,000 from its involvement in the purchase of land at Melton by the Housing Commission of Victoria. It arranged, or so it appeared on the surface, for another company to receive a gift of $110,000 or, at least, to absorb a profit of $110,000 on land transactions in which it was involved at Balnarring. Nandina Investments Pty. Ltd. is prominent in the current inquiry with respect to Housing Commission land purchases. It was formed by Mr. Colin Cooke and Mr. Peter Leake in an endeavour to create a consortium comprising Lewis Land Corporation Ltd. and Cambridge Credit Corporation Ltd., under the name of Welmac Pty. Ltd.

As is now known, Nandina, through odd arrangements, was able to arrange for land at Melton to be sold to the Housing Commission for $4·6 million.

Profit from that transaction amounted to $2·5 million and it is known that the share of Nandina Investments Pty. Ltd. in that amount was $200,000.

Mr. Peter Leake, while conducting his enterprise of Nandina Investments Pty. Ltd., was chairman of the Liberal Party Flinders Federal electorate committee and also purchased land at Balnarring. In extraordinary circumstances he also raised $13,000 for one of the Ministers of the present Government. An amount of $10,000 came from the Lewis Land Corporation Ltd. and his own company, Nandina, and Nandina also received $2,000 from Cambridge Credit Corporation Ltd. and an additional $1,000 from another source. After the State election $1,400 remained of the $13,000 in the separate account that had been established for the special election fund for Mr.

Alan Hunt, and that $1,400 was then returned to Nandina Investments Pty. Ltd.

Thanks to a vigilant press, attention has again been drawn to yet another extraordinary series of actions by this altogether extraordinary company. I refer, of course, to the Stumpy Gully estate. In 1973 Nandina held an option on land in that estate. That option inexplicably passed to Grosvenor Nominees Pty. Ltd., which then purchased twenty blocks of that land at $27,230. That transaction took place on 19th March, 1976, and the price paid represented the amount originally paid by Nandina Investments for the option in 1973. As a result of that extraordinary transaction between Nandina and Grosvenor Nominees, by October of 1976 Grosvenor Nominees was able to sell the land for $136,125, which is a little less than $110,000 profit or 500 per cent. That 500 per cent profit was made in a brief period.

The Hon. R. J. LONG: It is not a brief period; it is four or five years.

The Hon. W. A. LANDERYOU: Grosvenor Nominees acquired the land on 19th March, 1976, and was able to make that extraordinary profit by October, 1976.

The Hon. H. M. HAMILTON: But you said it had an option in 1973.

The Hon. W. A. LANDERYOU: Exactly, Nandina had an option on the land, which was valued at $27,230 in 1973, but two and a half years later it ostensibly sold, but presumably really gave, that option to Grosvenor Nominees.

The Government is responsible for administering the Companies Act and it is clear that it has not done so. It has been in power so long it has forgotten any connection it ever had with facts, and the facts in this case are that land purchased under an option in 1973 was sold by Nandina to Grosvenor Nominees three years later at the 1973 price and Grosvenor Nominees was able to sell it within weeks at 500 per cent profit. Even the most extreme, Tory, right-wing member of this Government could not believe that to be an open, fair and honest transaction.

The Hon. H. M. HAMILTON: Is it a violation of the Companies Act?

The Hon. W. A. LANDERYOU: I shall come to that in a moment. Why the Government has not already ordered an investigation of these facts by the Commissioner of Corporate Affairs is beyond my comprehension, but the questions that must be asked are whether the company complied with the provisions of the Stamps Act concerning the amount of money, if any, paid by Grosvenor Nominees; whether the amount attracted gift duty and whether that duty was paid; whether the directors at all stages disclosed their interests, in accordance with the Companies Act; and whether all necessary reports were lodged with the Commissioner of Corporate Affairs.

Those questions need to be answered as a matter of urgency for the following reasons. The public is well aware that Nandina Investments operated as a fund-raiser *extraordinaire* for a senior member of this House; it is known that Nandina made a profit of $200,000 out of land purchases associated with a purchase made on behalf of the Government by the Housing Commission; and the same company arranged for a gift—to put it at its kindest—to Grosvenor Nominees Pty. Ltd. of $110,000.

The Hon. R. J. LONG: You are making a lot of suppositions.

The Hon. W. A. LANDERYOU: They are not suppositions. The transaction with Grosvenor Nominees is conceded by no less a person than the Treasurer of Australia, who at the time was supposed to be the shadow Treasurer of this country. The matter is serious and the allegations surrounding these dealings reflect upon the personal integrity of that

man. He is the most powerful financial officer of Australia and a company acting on his or his family's behalf either raided or accepted as a gift the increased value of the land between 1973 and 1976.

The Hon. H. M. HAMILTON (Higinbotham Province): I raise a point of order. The honorable member has been speaking now for approximately ten minutes on a motion relating to the Companies Act. As yet he has established no violation of that Act. Does he intend to establish such a violation or does he intend to use the House as a forum for Federal election politicking?

The PRESIDENT (the Hon. W. G. Fry): Order! There is no point of order. Mr. Hamilton has put forward a point of view. Nonetheless, I ask Mr. Landeryou to adhere to the motion.

The Hon. W. A. LANDERYOU (Doutta Galla Province): Grosvenor Nominees Pty. Ltd., which is an in-house company of a large firm of chartered accountants in Melbourne, acted on behalf of the Federal Treasurer's family trust company.

The Hon. H. M. HAMILTON: Is that a violation?

The Hon. W. A. LANDERYOU: Nandina ostensibly gave the Lynch family trust company a gift of $110,000. The public of Victoria is entitled to ask whether that gift was made because Mr. Lynch is regarded by Nandina Investments as being a man of great public stature and deserving of such a gift.

The Hon. H. M. HAMILTON: Is that a violation of the Companies Act?

The PRESIDENT (the Hon. W. G. Fry): Order! At the appropriate time Mr. Hamilton will have an opportunity of discussing these matters but he should cease interjecting. The honorable member making the contribution has referred to his main points three times and is almost reaching the stage of tedious repetition. I ask the honorable member not to continue reiterating those points.

The Hon. W. A. LANDERYOU: I accept that ruling, Sir, but the points are the central hub and core of the argument I am putting to the House. I suggest that without a complete and thorough investigation of the activities of these weird, if not evil, men associated with Nandina Investments Pty. Ltd., this House, Parliament and the people of Victoria will never know the facts associated with the three assertions that I have made. The third point should, in my view, be of paramount importance to every honest politician regardless of his political persuasion.

Nandina Investments arranged, for whatever reason, a gift of $110,000 to the man who is now the Federal Treasurer. Section 170 (1) of the Companies Act states—

> Where it appears to the Minister that—
>
> (*a*) it is desirable for the protection of the public or of members or creditors of a company or of holders of debentures of a company or of interests made available by a company;
>
> (*b*) it is in the public interest because fraud or misfeasance or other misconduct by a person who is or has been concerned with affairs of a company is alleged; or
>
> (c) in any case it is in the public interest—
>
> to appoint an inspector to investigate affairs of a company he may by instrument in writing appoint an inspector.

I assert that the Attorney-General and the Government have failed to take that action even though the public record, through the press, the police inquiries ordered by the Government and the inquiry presently being conducted in Housing Commission land purchases, clearly reveals the extraordinary carryings on of this extraordinary company, Nandina Investments Pty. Ltd.

In my view it is important that the public of Victoria and this House should get the facts in order to understand how it is possible, under

the cloak of secrecy, under the cloak of a trust loan and under the cloak of using the Treasurer of this country, to arrange a gift of $110,000. If that is to be thrown aside by this House then this House deserves condemnation. It was either a gift or a bribe for services expected in future. If ever there was justification for the attention of the Commissioner of Corporate Affairs being directed against one specific company in terms of investigation it is certainly Nandina Investments Pty. Ltd.

The Hon. HADDON STOREY (Attorney-General): This is one of the most disgraceful adjournment motions that has ever been moved in this House because it was used as a cloak to make an attack upon a Minister in another Government and in another place. Mr. Landeryou's comments had nothing to do with the subject of this adjournment motion. The alleged failure of the Government relates to something the Government has never been asked to do.

A statement was made by the honorable member purely on supposition and based on facts about a company which Mr. Landeryou himself said were supposition, something on the surface without knowledge or understanding about what those facts were. The critical point is that the Companies Act provision relating to the appointment of inspectors is intended to be used only for Companies Act matters. This is the way in which the provision has always been used, not only in this State but in every State of Australia and it has nothing to do with the questions referred to by Mr. Landeryou. The honorable member has used this adjournment motion as an excuse to peddle supposition and make innuendos about a man of importance in the community. Mr. Landeryou asked whether it was the subject of gift duty. He himself does not know whether it was a gift or related to another transaction.

The Hon. D. R. WHITE: Was it blackmail?

The Hon. HADDON STOREY: It could have been a proper commercial transaction of any nature. If Mr. Landeryou comes into this House and uses words such as "bribe" or "blackmail" he is utilizing the forms of this House to make an unwarranted attack on some person.

The Grosvenor company is apparently a nominee company and undoubtedly held interests for other people. There is nothing unusual about property being transferred to a nominee company. That is done regularly and is recognized by the Acts which were formerly administered by the Labor Government in Canberra which saw no reason to change those Acts. Those Acts still remain the same. The question of whether gift or stamp duty was paid is not a question which would concern a Companies Act investigator because they do not go to the administration of the Companies Act or the necessity to ascertain whether the provisions of the Companies Act are being complied with. Mr. Landeryou sought desperately to find a basis upon which to relate his remarks to the adjournment motion and asked whether all the interests of directors were disclosed, and whether all the necessary documents were filed. Obviously the honorable member does not know if they were but used that as an excuse to relate his remarks to the question of an alleged failure of the Government to appoint an investigator under the Companies Act.

Section 170 of the Companies Act is used in cases where questions are raised about the alleged failure of a company to comply with the requirements of the Companies Act. That is the sense in which reference to public interest is used, and in which the appointment of an investigator is desired.

The Hon. D. R. WHITE: That was the sense in which the Geelong Gas Company was investigated. There is a precedent.

The PRESIDENT (the Hon. W. G. Fry): Order!

The Hon. HADDON STOREY: Mr. White is talking about a totally different type of inquiry to that suggested by Mr. Landeryou. Mr. Landeryou raised those questions in a desperate attempt to find some provision in the Companies Act which may be applicable. I repeat, no request has ever been made, to my knowledge, to the Corporate Affairs Office, to my office, to me or the Corporate Affairs Commissioner for such an investigation to be made. That would be the first step.

The grounds upon which Mr. Landeryou based this motion are all grounds of supposition. There is not one single fact amongst them.

The Hon. W. A. LANDERYOU: Is $110,000 not a fact?

The Hon. HADDON STOREY: I do not know whether $110,000 was a fact or not but even were it a fact the question of a company making a profit is not a reason to appoint an investigator.

The Hon. D. R. WHITE: We are talking about blackmail.

The Hon. HADDON STOREY: Mr. Landeryou and Mr. White are talking about bribes and blackmail because they know they are protected by the privileges of this House.

The PRESIDENT (the Hon. W. G. Fry): Order! I ask Mr. White to cease interjecting on this line. The Attorney-General and the House heard Mr. Landeryou in comparative silence. The honorable gentleman did not question any facts while the honorable member was speaking. The Minister is now refuting what was said and is answering in his own way, and is entitled to be heard in the same way as Mr. Landeryou. I say to Mr. White what I said to an interjector on the other side of the House: he will be perfectly at liberty to have his say when he speaks on the motion.

The Hon. HADDON STOREY: The nature of the interjections illustrate the real reason why this adjournment motion has been moved. It has nothing to do with the appointment of an inspector under the Companies Act. The facts were totally unrelated to the question of investigation. Mr. Landeryou has advanced no reason to justify the appointment of an investigator under the Companies Act, and indeed, has not sought to relate his remarks to such an appointment. This is not a case where the Government has failed to do something; it is a case where no case has been made for the appointment of an investigator. I am sorry and regret that this motion has been used in the way it has been used by Mr. Landeryou to impugn the integrity of a Minister in another Government who is not able to answer these allegations or deal with them in the ordinary way. The motion deserves to be thrown out and I hope the House will do so.

The Hon. D. R. WHITE (Doutta Galla Province): In 1971, during an adjournment debate Mr. Frank Wilkes, the present Leader of the Opposition in another place, raised the matter of the Geelong Gas Company and said that because he felt people were——

The PRESIDENT (the Hon. W. G. Fry): Order! The matter of the Geelong Gas Company is not under consideration today. It has nothing to do with the motion and unless Mr. White can show me that it has, I ask him to discontinue that line of debate.

The Hon. D. R. WHITE: Mr. President, I am endeavouring to show that there is a precedent for calling for an inspector to be appointed under the Companies Act by this Parliament where it can be demonstrated that it is necessary in the public interest. In 1971 it was demonstrated that there was a prima facie case that people were acting on prior information to take advantage of a takeover bid then being made by the Gas and Fuel Corporation for the Geelong Gas Co. Because that information was abroad and because it affected the public interest the then Attorney-General appointed Mr. Marchesi of the Companies Office

to carry out an investigation into whether anyone had been acting on prior knowledge.

The Hon. HADDON STOREY: In relation to a company takeover, which is a proper matter under the Companies Act.

The Hon. D. R. WHITE: The investigator was appointed because actions were arising in the activities of that company which may have been detrimental to the public interest. The Opposition is claiming today that the activities of Nandina Investments Pty. Ltd. have been demonstrated to be against the public interest. Firstly, we have the example at Melton where this company entered into and was part of a syndicate set up by Lewis Land Corporation Ltd. and Cambridge Credit Corporation Ltd. and was part of a consortium which sold land to the Housing Commission. In the course of selling land to the Housing Commission, Nandina Investments Pty. Ltd. attempted to mislead the partners involved in the consortium, namely, Lewis Land Corporation Ltd. and Cambridge Credit Corporation Ltd. It attempted to deceive them and the Housing Commission by saying that before the Housing Commission could buy the Welmac land it first had to buy the Nandina land known as Kampala at Melton. It was not until the property manager talked to Paul Day of Lewis Land Corporation Ltd. that they were able to determine what Nandina were up to. They tried to put one over the Housing Commission by saying that the commission could not get access to the Welmac land until and unless it bought the Nandina land.

It is also true to say that against the public interest they raised the funds from Lewis Land Corporation Ltd. for Mr. Alan Hunt's election campaign. Alan Hunt became the endorsed candidate for two parties, on the one hand the Liberal Party and on the other hand land developers in Melton. It was as a result of getting $13,000 which came through Nandina Investments Pty. Ltd. One of the directors, Colin Cooke ran the account and helped in the election. Nandina recovered the $1,400 left in the account.

Finally we come to the actions of Nandina Investments Pty. Ltd. in relation to land on the Mornington Peninsula. Nandina took an option on the land in 1973 and told the original owners of the land that its option would be exercised by Grosvenor Nominees. There is no evidence of consideration in 1975. The titles were not exchanged until March, 1976. Grosvenor Nominees Pty. Ltd. was able to buy twenty blocks of land on the Mornington Peninsula at 1973 prices, namely $27,000, put them on the market immediately and gain a gross profit of $110,000. Where is the consideration that Peter Leake and Colin Cooke of Nandina received for that transaction? What did they get out of handing that option over to Nandina Investments Pty. Ltd.?

In the public interest the people of Australia want to know and have the right to know the involvement of the Treasurer of Australia in that transaction. If that is not in the public interest and if that is not sufficient reason to appoint an investigator, I do not know what is. If there was sufficient reason in 1971 to appoint an inspector to investigate the Geelong Gas Company there is even more reason today, because what we have here is a prima facie case that Peter Leake and Colin Cooke of Nandina made available a business transaction which would gross the Treasurer of Australia and his family $110,000 and there is no evidence of any consideration.

Grosvenor Nominees Pty. Ltd. is a company set up in the fashion of Irish, Young and Outhwaite. It was set up in the way that many chartered accountants and solicitors adopt. It was the trust company of the Treasurer's family which made use of that company to get access to the land on the Mornington Peninsula. That netted the Treasurer of Australia $110,000 and enabled him to pay for

his penthouse in Surfers Paradise. Every person in Australia is asking where he got the money from.

Where did the Federal Treasurer get the money for his penthouse at Surfers Paradise on his salary? He got it from Peter Leake and Colin Cooke. The people of this State and this country are entitled to know what those men wanted in exchange. That justifies the appointment in the public interest of an inspector under section 170 of the Companies Act.

If it was in the public interest for this Government to appoint an inspector in 1971 to look into the affairs of the Geelong Gas Co. because shareholders and prospective shareholders were taking advantage of an offer being made by the Gas and Fuel Corporation, there is even more justification for an examination of the activities of Nandina Investments Pty. Ltd. to ascertain who is responsible for the sale of the Welmac land to the Housing Commission. In that operation Nandina attempted grossly to mislead the Housing Commission by pointing out that unless the commission bought Nandina's land, called "Kampala", at Melton, it would not get access to the Welmac land.

Peter Leake was chairman of the Mornington branch of the Liberal Party and chairman of the Western Port Planning Authority. Yesterday at the inquiry the Minister for Local Government said that blackmail was a feature of the operations of the Liberal Party on the Mornington Peninsula and that many people had attempted to blackmail him but that he was beyond it. All we are saying is that there is justification to appoint an inspector into the operations of Nandina which is involved in giving a consideration to the Federal Treasurer of $110,000 gross. It is in the public interest to appoint an inspector.

The Treasurer of Australia has placed himself in an invidious position and has failed to demonstrate satisfactorily to the public why he got access to the land at 1973 prices and was able to sell it within twelve months at a gross profit of $110,000. According to the Westminster tradition this information should be public knowledge. The fact is that it is not. That is why the Liberal Government has got into this trouble. The public should know precisely what the Treasurer of Australia is up to. It must be realized that no person in Australia is vested with the Treasurer's powers to affect the operations of the companies involved in these practices.

Australian Equity Corporation provided the discounting finance for Grosvenor Nominees Pty. Ltd. to enable them to gross $125,000 and is a wholly-owned subsidiary of the Commercial Banking Co. of Australia banking operation. All those companies' operations are affected on a day-to-day basis by the decisions of the Treasurer of Australia. If that is not sufficient reason for the appointment of an inspector, I do not know what is.

Cooke and Leake have a reputation in the industry of coming from the gutter and engaging in any sort of practice. It has been pointed out that it was really Cooke who made allegations that senior officials in the Housing Commission were accepting bribes. If it had not been for the operations of Nandina in Melton, the Housing Commission land inquiry into the operations of the commission at Melton would not have been warranted. It is because of Nandina's involvement that it has become warranted.

Paul Day wanted Nandina as part of the consortium because of its intimate knowledge of senior political figures in the community. That is why Nandina was invited to the consortium and the basis on which the transaction with the Housing Commission was arranged. It was because of their knowledge and because Peter Leake was the chairman of the Treasurer's campaign committee. As a result of that, the Treasurer of Australia was able to gross $110,000.

The position is clear. In the public interest, some form of investigation is urgently needed into operations such as the bribery and blackmail referred to yesterday by the Minister for Local Government in connection with the Liberal Party on the Mornington Peninsula.

Members of the Labor Party want this matter and the allegations brought to the fore immediately and cleaned up. Otherwise the Federal Treasurer, the Minister for Local Government and the Chief Secretary should all resign. The fact is that Peter Leake and Colin Cooke have used their position and knowledge and introduced themselves to the land development industry because of their connection with the South Eastern Province and the Mornington Peninsula. There is an urgent need for an inspection of the operations of Nandina Investments Pty. Ltd.

The Hon. O. G. JENKINS (Geelong Province): The subject of the adjournment motion and the contributions to the debate by Mr. Landeryou and Mr. White are scurrilous in the extreme and do nothing for Parliament and certainly nothing for the honorable members. I challenge them to walk outside the door of this House and make similar allegations.

The Hon. W. A. LANDERYOU: Those allegations were made on the *PM* and *AM* radio programmes of the ABC.

The Hon. O. G. JENKINS: I will make a couple of allegations about the honorable member and he can deny them.

The PRESIDENT (the Hon. W. G. Fry): Order! Mr. Landeryou has had his say about allegations and the matter should rest at that.

The Hon. O. G. JENKINS: Even if these allegations are justified, I know of no reason why the Government should have an inquiry and the Attorney-General has no evidence on which he would be required to commence an inquiry. I made an inquiry of the Corporate Affairs Office. Nandina Investments Pty. Ltd. is an exempt proprietary company under the Companies Act. It lodges a certificate in lieu of accounts, because its accounts are audited by the firm of chartered accountants, Wallace McMullin and Smail.

Therefore, there would be nothing on the files of the company at the Commissioner of Corporate Affairs which would give the Attorney-General, the Commissioner of Corporate Affairs or any of its officers any justification for making an inquiry. As I understand it, no honorable member has asked in this Parliament or in another place either in questions without notice, questions on notice or in any debate concerning this matter, that the Attorney-General or the Government should undertake an inquiry. Today is the first time the matter has been raised and today the Government is being condemned for failing to take action.

It is interesting that Mr. Landeryou of all people should make these allegations because, on information that I have which has appeared in the press and which has never been denied by Mr. Landeryou or by any members of the Labor Party there are some valuable precedents for such action. Does Mr. Landeryou deny that ACTU-Solo made a substantial donation to the Australian Labor Party and that the donation was laundered through his union, the storemen and packers union? At that time was any allegation made that that donation had some connotation of bribery, blackmail or squaring off, such as has been made today in Parliament?

It is all right for members of the Labor Party to laugh, but in the *Geelong Advertiser* of 14th August, 1976, there is a report of the meeting of the Federal executive of the Australian Labor Party. This is relevant to the debate, because if Mr. Landeryou can make allegations about the Liberal Party and the way in which it receives funds, surely it is in order for a member of that party to give a precedent in which Mr. Landeryou

was involved and an integral part. I will make this article available to members of the Opposition. It states—

> Startled executive members also heard during the debate the Storemen and Packers' Union had been used to "launder" funds given to the Labor Party by ACTU-Solo.
>
> A gift of $20,000 from the ACTU's cut-price oil company had been channelled through the union to help meet Labor's campaign debt.

I challenge Mr. Landeryou to deny that that took place. Was the storemen and packers union used as a device by which a gift was made to the Australian Labor Party by ACTU-Solo?

The Hon. W. A. LANDERYOU: I challenge the honorable member to get the Commission of Corporate Affairs to investigate that. Be honest for once!

The Hon. O. G. JENKINS: It is interesting that although members of the Labor Party constantly talk about public disclosure, the two major companies in which the Australian Labor Party is interested in this country, ACTU-Solo and Bourke's ACTU store, do not file details of their annual accounts with the Commissioner of Corporate Affairs. I have heard Robert James Lee Hawke say on television that he believes this procedure is correct. At the same time he and members opposite will say that the affairs of companies other than ACTU-Solo and Bourke's ACTU store should be made public. I claim that there is an absolute parallel between the allegations made by Mr. Landeryou today and the events that actually took place in 1976. To my knowledge this has never been denied by Mr. Landeryou or anyone else. Mr. Landeryou may recall that at the Federal meeting a number of resolutions were proposed and ultimately the final resolution was watered down.

I refer to allegations made by Mr. White. Would it not be a fact that at that earlier time ACTU-Solo would have intimate knowledge—I quote Mr. White's words—of senior political figures in the community, because many senior members of the Australian Labor Party, Ministers and others were known to be friends of the people involved in ACTU-Solo? No one asked at that time for any inquiry to be made into that company.

The Hon. D. G. ELLIOT: I cannot see the analogy.

The Hon. O. G. JENKINS: I challenge Mr. Elliot to talk about it. There is a direct analogy between the claims made today by Mr. Landeryou and what went on in 1976, which was public knowledge and never denied. It is the old Labor Party trick. Members of the Labor Party move an adjournment motion and they use the whole exercise to smear not only people in this Parliament but also Ministers in another Parliament.

The Hon. W. A. LANDERYOU: I have not smeared anyone. The Federal Treasurer got $110,000 and I want to know why.

The Hon. O. G. JENKINS: It is a common feature of the operation of family trusts for transfers of land to be made between members of a family and a family trust at a certain sum. Those transfers can be made for a number of reasons. They may involve income tax planning, estate duty or matters of estate planning. I have no doubt that probably many members on both sides of this House have set up family trusts or family companies. It is common practice for land to be passed between members of a family for a number of perfectly legitimate reasons.

Mr. Landeryou and Mr. White have not demonstrated that any transfers that took place in Grosvenor Nominees or any other company were directly involved with the matter of land deals. It is likely that they had nothing to do with it. It is also quite common for a person who bought land many years ago on the fringe of a city area to find the land has increased many times in value. He may set up a family trust and transfer the land to that trust a long

time before his death as part of the estate planning process. I see nothing wrong with that.

The Hon. D. G. ELLIOT: There is nothing wrong with it.

The Hon. O. G. JENKINS: There is certainly nothing wrong with it, and there is no evidence adduced here today to suggest that the proceedings which took place were conducted with the intent of defrauding the Housing Commission or this Government. I deplore the contribution made by Mr. White. On a number of occasions since he became a member of this Chamber, he has exhibited his paranoia. I recall him stating that he does not care whether it takes him ten years but he will work day and night to see the Chief Secretary and other Ministers lose their place in the community and enjoy every minute of it. If that is the remark of a reasonable man I should be very much surprised.

The Labor Party stands condemned for introducing this motion today, for the actions of its members who brought the matter before the House and because the Labor Party itself has taken part in a transaction similar to the one alluded to by Mr. Landeryou, a transaction which has never been denied.

The Hon. W. V. HOUGHTON: If I remember rightly Solo received a pay-off from the Minister.

The Hon. O. G. JENKINS: At that time it would have been in a position to take advantage of certain information. It made a substantial profit from it, and that has never been denied either. Although allegations have been made today, an inquiry is not the type of action which should be taken in this matter. I condemn the members of the Labor Party for bringing this motion forward and I suggest that it should be thrown out.

The Hon. S. R. McDONALD (Northern Province): Before putting forward the point of view of the National Party on this motion, I suggest that a few minutes ago Mr. Block made a very perspicacious interjection when he said that there must be an election in the air. Between now and the end of this sessional period the House will probably have similar adjournment motions each day as the Labor Party endeavours to gain what electoral advantage it can from the situation.

I do not believe Mr. Landeryou or Mr. White have substantiated their case. They have not provided any specific evidence to back up the claim contained in the adjournment motion. Most of what has been said today has been irrelevant, and I am not going to take up any more time of the Chamber other than to say that the adjournment motion moved by the Labor Party is ill-conceived, it has not been substantiated and has not brought forward any worth-while evidence. Therefore the National Party will not support it.

The Hon. D. G. ELLIOT (Melbourne Province): During this debate there has been point and counterpoint, thrust and counter-thrust and various allegations made across the Chamber on the stature of Mr. Lynch in the community and his credibility which could perhaps be a reinforcement of the accusations made from the Opposition side of the House. I thought it might be advisable to refer to the Australian Reference Services Pty. Ltd., and to advise you, Mr. President, that under instructions that service will supply full transcripts of comments and broadcasts, Parliamentary or otherwise, from radio and television, and indeed a full transcript of what takes place in any investigation in relation to anything, even if it is of an entertainment nature.

I refer to the report of Australian Reference Services Pty. Ltd. on "Land Deals and Treasurer Lynch", being the text of a radio report of *PM* ABC national radio public affairs, monitored through 3AR, Melbourne, Thursday, 10th November, 1977 at

6.5 p.m. The compere of that programme was Huw Evans, a person who is much admired in the community. This is the text—

> Compere (Huw Evans): You'll recall that last night "P.M." reported on certain land transactions that took place last year involving the Melbourne company, Grosvenor Nominees.
>
> It's been alleged, in the current inquiry into the Victorian Housing Commission's land deals, that those involved in the company were—and I quote:
>
> ". . . the family of one, I think perhaps the wife or a trust organization of Mr. Phillip Lynch."

The Hon. R. J. LONG (Gippsland Province): I raise a point of order, Mr. President. This quotation has nothing to do with the motion before the House. The motion relates to the failure of the Government to appoint an investigator from the office of the Commissioner of Corporate Affairs to investigate the affairs of the company registered as Nandina Investments Pty. Ltd. My submission is that the statement that Mr. Elliot is reading has nothing to do with Nandina Investments Pty. Ltd. and therefore I ask you, Mr. President, to rule that it is out of order.

The PRESIDENT (the Hon. W. G. Fry): Order! I take Mr. Long's point, but I find that much of what Mr. Elliot has already said could be relevant to the motion. It may be relevant in a broad sense, but the quotation covers land deals in Melbourne, and the Chamber is considering a specific motion. However, I will allow Mr. Elliot to continue but I want him to show me pretty soon how closely this is involved with the call to investigate the affairs of Nandina Investments Pty. Ltd.

The Hon. D. G. ELLIOT (Melbourne Province): I have been meted out a little injustice by Mr. Long as I have spoken for only approximately 60 seconds and I have not had sufficient time to develop my argument. What I want to put to the House is that this transcript concerns a company named Grosvenor Nominees Pty. Ltd. which is closely associated with Nandina Investments Pty. Ltd., which is the company that the Labor Party says should be the subject of an investigation. If I am incorrect in that assertion, I readily acknowledge that the remainder of the transcript from Australian Reference Services Pty. Ltd. is irrelevant, but if it is not I shall continue.

The PRESIDENT (the Hon. W. G. Fry): As I see it, the matter is relevant because I understand that Grosvenor Nominees Pty. Ltd. is a holding company for the other company. I will allow Mr. Elliot to continue.

The Hon. D. G. ELLIOT: Thank you, Mr. President. The report included the statement made by the Treasurer himself and in all fairness I consider that should be included in this debate. The report continues—

> That allegation was made by a land developer and former chairman of Mr. Lynch's electoral committee in the seat of Flinders, Mr. Peter Leake.
>
> In reply to a Question on Notice from the Leader of the Opposition, Mr. Whitlam, on October the 18th, Mr. Lynch said—and I quote:
>
> "I can inform the Honorable Gentleman that a private company owned by a family trust, the beneficiaries of which are my wife and three children, and in respect of which I have no shares or beneficial interest and am not a director or trustee, made an investment in residential land when the Liberal and National Country parties were in Opposition.
>
> This transaction was in no way connected with land purchased by the Victorian Housing Commission and currently subject to an inquiry in Victoria."

It has been stated that it is a little different but I consider that it is not, and what I am trying to do is not exactly to pour oil on troubled waters but to establish a few facts. The report continues—

> Spokesman for Mr. Lynch:
>
> After our report last night on the purchase of land by Grosvenor Nominees in March, 1976, we approached the Treasurer, Mr. Lynch, for clarification. He wasn't available for comment. A spokesman told us he was in a Melbourne hospital undergoing treatment for a stone in the kidney.
>
> However, the spokesman said that last night's report on "P.M." was, and I quote:

"Grossly inaccurate. The reply Mr. Lynch gave to Mr. Whitlam was entirely correct. The firm, Grosvenor Nominees, is not a family trust company."

". . . Possible To Be Beneficiaries:"

This report from Chris Nash:

Reporter: Mr. Lynch has said that Grosvenor Nominees was not a family trust company.

However, it appears that, while Grosvenor Nominees may not be a family trust company for the Lynchs, it's quite possible for members of the family to be beneficiaries under the trust.

That is a fact which should be established loud and clear. I would have liked the Attorney-General to be present and to hear what he said, as I suggest that that is a statement which deserves an explanation. The report continues—

Mr. Lynch didn't say that himself or members of his family were NOT beneficiaries of trusts set up under Grosvenor Nominees.

We've approached the directors of Grosvenor Nominees several times today to find out whether any members of the Treasurer's family are the beneficiaries of their trust. We haven't had any reply, and the directors of Grosvenor were unable to come to the phone.

On the 19th of March, 1976, Grosvenor Nominees bought 20 blocks of land from Stumpy Gully Estate—the blocks averaged about 60 x 160 feet. Grosvenor Nominees paid $27,230 for the land.

Honorable members may recall that the company received $136,125 on the resale of the land which represented a gross profit of almost $110,000. The report continues—

Grosvenor Nominees completed the transfers of title on three of the blocks. The company's interest in the other 17 blocks was sold to a finance company, Australian Equity Corporation, in June and September of 76.

For the two financial years over which Grosvenor was conducting these transactions, which appeared to have grossed them a profit in excess of $100,000, their annual accounts statements, furnished to the Companies Office, state that the company didn't trade during the year, and that no income was earned during the financial years ending on June 30th, 1976 and 77.

I understand that the definition of 'trade' in the Companies' legislation is a very complex, legal one.

Grosvenor Nominees is a Company set up under the auspices of Irish, Young and Outhwaite, a firm of chartered accountants. It was incorporated in March, 1967, issuing 10,000 shares at $1 each. Three of the shares were taken up by the three directors of the company, all of whom were chartered accountants with Irish, Young and Outhwaite.

I do not propose to read the remainder of the report unless I am requested to do so by honorable members. All of this information poses a number of questions which I feel should be asked, and it is quite reasonable that they be asked. Whether this matter is political or not, this is a political all-in time as to what we say about members of Parliament, particularly on the national scene. However, I do not want to enter into that area, but this series of questions can rightly be asked—

Firstly, did any member of the Lynch family seek the services of the accountant firm, Irish, Young and Outhwaite, in order to obtain certain lands for the eventual benefit of the family?

Secondly, is the Treasurer, or any of his family, beneficiaries of the trust undertaken by Grosvener Nominees Pty. Ltd.

Thirdly, how was Grosvenor Nominees Pty. Ltd. able to buy land from Stumpy Gully estate that it could resell at five times the price in a matter of weeks?

If we could get answers to those questions from the Federal Treasurer, well and good. But will there be a consistent attitude of evasion? Perhaps not, because I am sure all honorable members would like to see this matter cleaned up once and for all. At present there is no doubt that there is a shadow cast over the whole episode. It pinpoints the Federal Treasurer, amongst other people, and it would be remiss of us and we would not be performing our duties as members of Parliament if we did not ask for these questions to be answered, not only for the benefit of members of this Chamber but also for the Australian people. Let us

hope that the Federal Treasurer may be compelled or induced to give us a more adequate explanation. I sincerely hope this will be forthcoming.

The Hon. H. M. HAMILTON (Higinbotham Province): Last week we heard a debate on bull. This week we have heard a debate of bull. This has been one of the most deplorable debates I have ever heard. On the flimsiest possible pretext, the Opposition has tried to drag into the dirt the names of every member of the Liberal Party that it possibly can. Members of the Opposition have gone fishing with a vacuum cleaner to see what they can catch, but they have condemned themselves out of their own mouths.

One member of the Labor Party said that the Federal Treasurer had made $110,000 profit on a transaction; the next Opposition speaker said that the Treasurer did not make that profit and that that was not being alleged, so what are honorable members to believe? What is this Labor Party? It is the party with the worst record of corruption in the history of Australian politics. I can go back as far as I remember——

The Hon. I. B. TRAYLING (Melbourne Province): I raise a point of order. Unless Mr. Hamilton is willing to substantiate that claim about the Labor Party, I ask him to withdraw it.

The Hon. H. M. HAMILTON (Higinbotham Province): I will substantiate it immediately. I am pleased to receive the challenge; nothing delights me more. I said that it goes back as far as I can remember, and I remember Mr. Theodore.

The Hon. D. G. ELLIOT: What, old "Red Ned"?

The Hon. H. M. HAMILTON: Yes, and he was drummed out of Parliament for corruption. I remember the last Victorian Labor Party Government, which had as one of its members a gentleman whose reputation extended far and wide throughout Victoria as "Mr. Ten Per Cent". Honorable members have mentioned scandals that occur from time to time, but no scandal in recent history was greater than that surrounding the Iraqi loans affair. How much further do we have to go?

The PRESIDENT (the Hon. W. G. Fry): Order! Normally I would rule what Mr. Hamilton is saying out of order, except that he was challenged, but I hope he will not continue to speak on the Federal scene too much. Mr. Hamilton has made his point; perhaps he will continue speaking to the motion.

The Hon. H. M. HAMILTON: I shall just make one more point, Mr. President, and then I will get back to the subject. Since I was challenged, I should like to know what was the full involvement of the former Leader of the Labor Party with Mr. Graeme Hill, who is known as a gentleman who has raised funds for the Labor Party in the land developments in Gippsland, and whether they tried to "con" the Victorian Government into buying land at a hundred times its actual value. The land was sold for $178,000, and they tried to "con" the Minister into buying it for $1·9 million. Who is talking about scandals?

The Hon. D. G. ELLIOT: That is ten times, not a hundred times.

The Hon. H. M. HAMILTON: I was speaking metaphorically. This debate began about a company called Nandina Investments Pty. Ltd. It seems to have been transferred to discussion of a company called Grosvenor Nominees Pty. Ltd. I do not know what the relationship between those companies is, other than in the suspicious minds of members of a party which is used to dealing in corruption.

For the purposes of this argument, I shall explain in simple terms to Mr. Landeryou and Mr. White—I hope they will be able to understand—that Grosvenor Nominees Pty. Ltd. is the in-house company of a large and

reputable firm of public accountants. Is there something wrong in making a profit? Is this what members of the Opposition are complaining about?

The Hon. D. R. WHITE: What was the consideration for the $110,000?

The PRESIDENT (the Hon. W. G. Fry): Order! I ask Mr. Hamilton to ignore the interjections that are being hurled at him and to speak to the question. If Mr. Hamilton prefers to engage in private debate, that is his affair.

The Hon. H. M. HAMILTON: Mr. President, I am answering directly the comments made by Mr. Landeryou.

The PRESIDENT: I know that is so. I should like Mr. Hamilton to address his remarks to me and to ignore the interjections of other people on the sidelines who are trying to take over the position of the Chair.

The Hon. H. M. HAMILTON: I apologize if I did not appear to have been addressing you, Mr. President; I am sure you understand that I had no intention of bypassing you.

Grosvenor Nominees Pty. Ltd. is an in-house company of a large and reputable firm of public accountants. It may have any number of members —1,000 or 200—who knows?—I have not searched the company's files, and obviously neither has the Opposition, or it would probably be able to provide that information.

Mr. Elliot has now informed the House that Mr. Landeryou and Mr. White lied to the House, to put it in blunt terms.

The Hon. D. G. ELLIOT: No, I did not.

The Hon. H. M. HAMILTON: They said that Mr. Lynch made $110,000 profit, but Mr. Elliot said that Mr. Lynch had no interest, beneficial or otherwise, in the company.

As a minor diversion, Mr. Landeryou asked whether gift and stamp duty were paid. Perhaps I have been misinformed, but I have always understood that any transfer of land had to be approved by the Comptroller of Stamps and that stamp duty had to be affixed to the transfer. I understood that the commissioner always investigated whether the consideration in the transfer was true and that this was an automatic proceeding; when similar names are involved, certain steps have to be taken to ensure that the correct amount of stamp duty is paid and that gift duty is not being evaded. From my limited knowledge of these affairs, I believe it can safely be assumed that the commissioner is never lax in checking up on these matters; in fact, he is quite on the ball. I suppose these questions by Mr. Landeryou were rhetorical, designed to pad out an unsatisfactory and completely unconvincing case.

The truth of the matter is that the Council is being asked to adjourn to discuss the failure of the Government to appoint an investigator from the office of the Commissioner of Corporate Affairs to investigate the affairs of a company registered as Nandina Investments Pty. Ltd. There has not been the slightest suggestion of any good reason why that company should be investigated.

I suggest that members of the Opposition should put aside the subject of this debate, together with that of the previous debate about the bull, and try to think of a new one.

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

Ayes	.. ..	8
Noes	.. ..	29
Majority against the motion	.. ..	21

AYES.

Mr. Eddy	Mr. White
Mr. Elliot	
Mr. Galbally	*Tellers:*
Mr. Trayling	Mr. Landeryou
Mr. Walton	Mr. Thomas

NOES.

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

PAIR.

Mr. Knight	Mr. Saltmarsh

MAGISTRATES (INTERSTATE ENFORCEMENT) BILL.

The Hon. HADDON STOREY (Attorney-General), by leave, moved for leave to bring in a Bill to make the directors of a body corporate personally liable to pay certain moneys payable under certain convictions and orders against the body corporate, to amend section 26A of the Commercial Goods Vehicles Act 1958 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

PAPERS.

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

Environment Protection Authority—Report for the year 1976–77.

Melbourne and Metropolitan Board of Works —Statements of accounts, together with particulars of rates made, for the year 1976–77.

Statutory Rules under the following Acts of Parliament—

Fisheries Act 1968—No. 326.
Industrial Training Act 1975—No. 328.
Labour and Industry Act 1958—No. 321.
Marine Act 1958—Nos. 322 and 323.
Melbourne and Metropolitan Board of Works Act 1958—No. 324.
Public Service Act 1974—No. 329.
Water Act 1958—Nos. 325 and 327.

Town and Country Planning Act 1961—Shire of Flinders Planning Scheme 1962—Amendment No. 99, 1977.

Victoria Grants Commission—Report for the year ended 31st August, 1977.

HEALTH (AMENDMENT) BILL.

The debate (adjourned from November 9) 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 my opinion the purpose of this Bill is adequately explained in the accompanying notes and clauses. With the exception of some concern in respect of those amendments which involve the use of health inspectors in the stamping of carcasses in retail butcher shops, the Labor Party offers no opposition to the Bill.

Clause 15 does not prohibit a person from slaughtering or destroying animals where the animals are not for sale or for use in the preparation of any food for sale. I might put forward a point of view on this clause at the Committee stage.

The Hon. B. P. DUNN (North Western Province): This is a rather detailed Bill which contains a number of unrelated clauses. For this reason one cannot discuss the Bill as a whole. Honorable members have not had a great deal of time to study the proposals in depth because of the approaching end of this session of Parliament. However, I shall comment on a number of clauses in the Bill about which the National Party is concerned.

The National Party has the greatest concern about clause 3. It relates to a council having the power to authorize one or more of its officers, such as a health inspector, to serve notices relating to various nuisances, which are referred to in section 43 of the Act, and include such things as foul ditches, manure heaps, stables and cowsheds, which are offensive or

dangerous to health and are a liability to the community. Under the present Act the council is the prime mover in serving a notice on the author of a particular nuisance, requiring action be taken to clean up the nuisance situation. The Minister said that this clause was necessary because of a one-month delay that can occur in the commencement of proceedings to abate or remove a nuisance. That is a legitimate point, but I consider that the clause gives to the council officer the authority which the council had in relation to the serving of a notice.

Section 44 of the principal Act states, *inter alia*—

(1) The council if satisfied of the existence of a nuisance shall serve a notice on the author of the nuisance or if he cannot be found on the occupier or owner of the house or premises on which the nuisance arises or continues requiring him to abate it within the time specified in the notice and to execute such works and do such things as are necessary for that purpose, and (if the council thinks it desirable) specifying any works to be executed to prevent a recurrence of the nuisance.

This Bill inserts the following new sub-section (1A)—

"(1A) The council may either generally or in a particular case authorize one or more of its officers or employés to exercise its powers and discretions under sub-section (1)."

That means that a council can authorize its officer to serve a notice on the owners of any of these nuisances in the community and can thereby avoid the stigma of serving the notice as elected representatives of that area. I do not know whether this is a wise provision because it gives to officers of the council a very wide ranging power to decide that something in the community is a nuisance and then, if the notice is not complied with, legal proceedings can be instituted by the council. The officer's authority does not extend to legal proceedings. I shall make further comments on this clause during the Committee stage, but I see the handing over of this power as a problem.

Clause 5 relates to the handing over of power to officers of the council in relation to granting approval for the installation of septic tank systems, but there is one inherent difference in this clause as compared to clause 3. Clause 5 states, *inter alia*—

(5A) Subject to sub-section (5B), the council may delegate its powers and discretions under this section to one of its officers.

(5B) Where an officer authorized under sub-section (5A) approves the application of a person, such approval shall be as valid and effective as an approval given by the council; but where such officer refuses to grant an application, such refusal shall be of no effect until it is ratified by the council.

There is a safeguard in the delegation of an officer's powers in relation to a septic tank system. The officer can approve the installation of such a system and therefore avoid the one-month delay involved in referring the matter to council. If an officer does not give approval, the decision is not final until it is ratified by council.

I would like the Minister to comment on and clarify the points I have raised during the Committee stage.

Clause 6 relates to the reuse of waste water, subject to the control of the commission. In the time that we have had available to study it, this clause appears to be reasonable.

Another clause introduces a wide interpretation of various skin penetration processes such as acupuncture and tattooing. The regulations that cover premises on which those activities are carried out set various standards. Under the existing Act, acupuncture is not completely covered.

I shall not repeat the provisions of some of the clauses because I would be only reiterating the Minister's explanation. However, several other clauses are worthy of comment. Clause 15 relates to the slaughter of animals, which has always been a point of some concern. The safeguard which the National Party wants, and which the Minister apparently agrees with, is that the

farmer should be permitted to slaughter for his own use on his own property. Section 306, which will enable the farmer to slaughter for domestic use on his own premises, provides—

> Nothing in this Division shall operate to prohibit any person from slaughtering or causing or permitting any person to slaughter any animal on any premises being farm land within the meaning of section 254 (1) of the Local Government Act 1958 for consumption by persons on such premises and not for sale nor for use in the preparation of any food for sale.

Whether or not it is adequate, it covers the farmer's situation where he is killing stock for his own use. However, some farmers kill for perhaps two or three members of the family, or for two or three farmers who run stock on a joint basis.

The Hon. N. B. REID: They want to keep the deep-freeze filled.

The Hon. B. P. DUNN: Mr. Reid would know the situation where the mother and father have retired into the town and the son who still lives on the property supplies them with meat from the property. This sort of arrangement exists with many families. In some instances one family cannot use the whole beast and therefore it is shared with other members of the family. Where a farmer actually takes the animal off the property, even for members of his own family, he comes outside the provisions of the new section. I wonder whether some provision could be written into the Act to cover this sort of situation without losing sight of the purpose of the section.

Clause 16 relates to the cultivation of prohibited plants and increases the penalties up to $4,000 or ten years gaol or both. This is another effort by the Government to aim a further blow at the availability of drugs. The Act covers cannabis and other plants from which drugs can be obtained. It will be a worth-while provision if it can be policed and made effective.

Clause 18 transfers the administration of the Hairdressers Registration Act to the Department of Labour and Industry, where it rightfully should be. The National Party will support that provision.

As I said earlier, the Bill is difficult to debate at the second-reading stage because the amendments proposed are so unrelated. I will defer any further comments until the appropriate clause is under discussion in Committee and when the Minister may allay some of the fears that have been expressed. Unless the National Party receives a satisfactory answer to its queries on clause 3, it will be bound to oppose that clause.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6270 section 33).

The Hon. W. V. HOUGHTON (Minister of Health): I thank the spokesmen for the other parties for their consideration of this measure. As they have said, the Bill contains a number of unrelated amendments which all need to be dealt with individually. Mr. Dunn has raised a question concerning two particular provisions which he has compared. I suppose they do bear some comparison, but the essential difference between clause 3 and clause 5 is that the first relates to something that is temporary whilst the other relates to something that is permanent.

Nuisances are temporary, and the Bill is designed to remove them. In clause 3 powers are given to the council to authorize its officers to act in its place. The reason is that a nuisance may be brought to notice on the day after the council has met and could continue to exist for another month and be extremely offensive to people who suffer from its consequences, particularly if they

had to wait a month for the council to make its decision and then perhaps longer for action to be taken by council officers to abate the nuisance. Some councils have been delegating this authority to their officers quite illegally. It was felt that at least this was practical action on the part of the council, even if it were illegal, and therefore it seems appropriate to make such delegation legal. Where a nuisance exists, a council officer may be delegated authority to give notice to abate the nuisance immediately. That is the important thing about a nuisance.

Clause 5 deals with something permanent—a septic tank. Under the Bill, an officer may be given authority to approve a septic tank, but if he does not approve of it, the clause provides that the council ought to have the right to say whether it will approve. I am dealing with these matters at this time in the hope that my explanations may be acceptable to members who raised the queries.

Mr. Landeryou referred to the sale of branded meat in retail butcher shops. The Abattoir and Meat Inspection Act provides that all meat sold in a retail outlet is required to be branded to ensure that the purchaser knows that in fact it has been inspected by a meat inspector. I am not sure what Mr. Landeryou's objection was, but probably he could restate it when the clause is under discussion.

Mr. Dunn raised the matter of a farmer slaughtering an animal for consumption on the premises. The provision excludes him from transferring the meat to any other property. If Mr. Dunn's suggestion were accepted, and the farmer were permitted to give that meat to some other person, whether a relative or not, it would change the whole intention of the section and leave it wide open to abuse.

The Hon. B. P. DUNN: It will be hard to police.

The Hon. W. V. HOUGHTON: That may be the case, but all the Government can do is to legislate in this way. Conditions for slaughtering animals in abattoirs and so on have become the responsibility of the Department of Agriculture, while the sale of meat through retail butcher shops still remains with the Department of Health.

The Hon. W. A. LANDERYOU: Only retail butcher shops? What about hotels and so on?

The Hon. W. V. HOUGHTON: That is the responsibility of health inspectors.

The Hon. W. A. LANDERYOU: Section 307 refers only to retail butcher shops.

The Hon. W. V. HOUGHTON: That is so, but other sections of the Health Act make hotels and so on the responsibility of the health inspector.

The Hon. W. A. LANDERYOU: The Government is introducing requirements for branding and so on with respect to retail butcher shops, but does that apply to hotels, eating houses, take-away food shops and so on?

The Hon. W. V. HOUGHTON: They can only acquire meat that has been branded and inspected in any case.

The Hon. W. A. LANDERYOU: That could apply also to butcher shops. A large chain of take-away food shops could obtain meat through some private arrangement.

The Hon. W. V. HOUGHTON: Under existing legislation, that should not be possible. If it is happening, it would be illegal, and the department should know about it.

The clause was agreed to.

Clause 3 (Amendment of No. 6270 s. 44).

The Hon. B. P. DUNN (North Western Province): The Minister's explanation does not allay the fears of members of my party. The Minister said that a nuisance must be dealt with urgently, but surely provision can be made for a council to deal

with it urgently. Under the Bill, power is being handed over to an officer to serve notice on an occupier or owner requiring him to take certain action on what is classified as a nuisance. That could all take place without the council having anything to do with it. There is no right of appeal to the council. There is no way in which the matter can come before the council again unless the person concerned fails to carry out the details of the officer's notice. Then the council may institute various proceedings against the person concerned.

That is a wide power to hand over to an officer. In the majority of cases it might be exercised reasonably and well, but there could be cases in which a particularly harsh officer could deal with a person severely. The person would have every right to be aggrieved about the officer serving the notice and the council not discussing or dealing with the matter in any way.

The most reasonable way to approach a nuisance such as this is for a council to deal with the matter and to direct the officer to take the required action, instead of having the officer run around the community, as he could do, picking on a particular nuisance and serving a detailed notice on the person concerned. Section 44 of the principal Act provides that if a council is satisfied about the existence of a nuisance, it shall serve a notice. This Bill allows the council to delegate that power to one or more of its officers or employees. How many people will be exercising those powers of discretion? Members of the National Party believe the council should deal with such matters. If cases of urgency arise, surely they can be dealt with, perhaps by extra sittings of council. I do not know whether the Minister can add to what he said. His comments on clause 2 did not allay the fears of the National Party that this clause could be used to the detriment of some people in the community.

The clause also provides councils with the opportunity of opting out of a field that carries a great deal of stigma. When something has been classified as an offensive nuisance in the municipality the council can delegate one of its officers to serve the notice on the person responsible. Surely the council is the responsible body to do that.

The Hon. W. V. HOUGHTON (Minister of Health): The National Party seems to believe council officers and employees will not exercise responsibility in the matter. The Government takes the opposite view, that they are responsible people.

The Hon. B. P. DUNN: I did not imply that.

The Hon. W. V. HOUGHTON: Those people are employed by the councils and I assume that most of them value their jobs and know how to carry them out. I presume the council will delegate such authority only to those who know how to do their jobs. The advantages of removing a nuisance immediately are important. It is all very well to say that a council can meet in an emergency. I do not know how much experience Mr. Dunn has had of municipal council affairs, but I have had seventeen years' experience in that field and I believe an officer appointed by the council for the purpose would carry out his duties responsibly and would be answerable to the council if he did not.

Also I cannot concede that the council can opt out of its responsibility for serving a notice. Surely the council must bear responsibility for the actions of its officers. I do not believe it could in any way escape the stigma that would attach to an officer applying his authority incorrectly. The council would not be able to escape the results of the actions of its officers or its employees.

The Hon. B. P. DUNN (North Western Province): The Minister has incorrectly inferred that I may have been reflecting on council officers. I said that in the majority of

cases the power would be exercised in a proper way. However, there is no safeguard in the cases where that power is not exercised in the proper way, and surely the council is the ultimate authority.

If the person upon whom the notice is served carries out the details of the notice, nothing more is known about the matter. However, if he does not, the matter goes before the council. Members of the National Party believe that to be a dangerous principle, and therefore oppose the clause.

The clause was agreed to, as were clauses 4 to 7.

Clause 8 (Repeal of No. 6270 s. 205).

The Hon. A. J. HUNT (Minister for Local Government): I should like to thank my colleague, the Minister of Health, for his co-operation in removing this section from the principal Act. As he said in his second-reading speech, it has served the community well, but its time has passed. It is proposed to replace the section which has become a little meaningless because it differs in application so greatly from area to area, by the more sophisticated set of provisions which relate to Regulation 1701 of the Uniform Building Regulations.

Many municipalities along the Murray have already received copies of the draft, as have areas such as Werribee. The new provision has generally been claimed as putting the municipality in charge of its own situation, enabling it to use its own knowledge and judgment, and to lay down any special conditions that may be reasonable in respect to land which may at some stage be covered with water, whether an inch or two or a little more.

Those conditions to be laid down under the Uniform Building Regulations at a time which coincides with the repeal of section 205 of the Health Act, will, I believe, give much greater flexibility to meet the differing needs of differing councils. The council will, in fact, be in charge and will be able to lay down the conditions which best suit it as a basis of granting a permit.

The Hon. S. R. McDONALD (Northern Province): I ask the Minister when section 205 will be repealed, and when the new building regulations will come into effect.

The Hon. W. V. HOUGHTON (Minister of Health): The Minister for Local Government has said that the regulations will come into effect on the same day, and will be proclaimed without delay.

The clause was agreed to, as were clauses 9 to 14.

Clause 15 (Insertion of Division 1 in No. 6270, Part XV.).

The Hon. W. A. LANDERYOU (Doutta Galla Province): During the discussion of clause 2 there was an exchange between myself and the Minister. Although I realize that Department of Agriculture inspectors operating under the Abattoir and Meat Inspection Act have similar powers under the provisions proposed in this Bill in respect to abattoirs, meat inspection depots and so forth, this clause does not make the matter clear. It picks up the implication from the previous section of the old Health Act that it differs from the previous requirements of the Health Act in that it is limited in its application to retail butcher shops.

Although it might be asserted, as it has been from the table by the Minister, that other regulations apply, and as I have indicated, I acknowledge that the inspectors have powers in respect to those inspections, it seems that the clause would be far tighter if it was reworded. Perhaps the Government could have this done between now and when the Bill is debated in another place. If the clause is reworded so tightly that the implication of it is that the public will at all times be protected not only

in the sense of retail butcher shops but as I quoted earlier, that would be far more satisfactory.

The Hon. W. V. HOUGHTON (Minister of Health): I take Mr. Landeryou's point. Perhaps there is a little misunderstanding about the different responsibility of the Department of Agriculture under the Abattoir and Meat Inspection Act and the responsibility of the Department of Health under the Health Act. When the meat inspection provisions under the Health Act were taken over under the Abattoir and Meat Inspection Act, there was no provision in the Health Act for killing of meat on farm premises. This clause seeks to correct that situation.

In addition it was thought appropriate and was recommended by the Meat Industry Committee at the time the matter was being examined, that meat inspections should be carried out by the Department of Agriculture under the Abattoir and Meat Inspection Act to the point of retail sales. If that retail shop also indulged in the practice of processing, perhaps boning out, or large-scale production of smallgoods other than sausages in the butcher's shop in the old-fashioned way, the meat inspectors under the Abattoir and Meat Inspection Act were to carry out the necessary inspection. Therefore all meat is covered up to the retail stage, including wholesale meat. This may be the point Mr. Landeryou is making, that as hotels do not obtain their meat supplies from retail shops but may deal with wholesalers—that would be pretty common—the meat at that stage in the abattoirs needs to be branded on the killing floor by the meat inspectors.

The Hon. W. A. LANDERYOU: Does that also apply to meat that goes through butcher shops?

The Hon. W. V. HOUGHTON: Yes, it does, but health inspectors are at present unable to initiate prosecutions under the Health Act.

The Hon. W. A. LANDERYOU: So how does it apply to wholesale butchers?

The Hon. W. V. HOUGHTON: For other people, it is the responsibility of the Department of Agriculture. I take Mr. Landeryou's point in respect to outlets such as hotels which may deal directly with the wholesaler. I will consider the point and when further amendments are made to the Health Act during the next sessional period—the Act is always under review—if necessary I shall propose further amendments to cover what Mr. Landeryou has raised.

The Hon. S. R. McDONALD (Northern Province): The Minister has referred to the recommendations made by the Meat Industry Committee some years ago, which led to the introduction of the Abattoir and Meat Inspection Act. The Minister will recall—and Mr. Elliot and other former members of the committee will support me in this—that there was some feeling and some difference of opinion between elements of the Department of Health and the Department of Agriculture. What concerns me is that clause 15 introduces an offence under the Health Act of selling unbranded meat. Under the Abattoir and Meat Inspection Act, the same person, at the same time, could again be guilty of the same offence. I ask the Minister to check at a later stage whether this duplication is necessary.

It is possible that it is, but it appears that the Minister set out to include something in the Health Act which was not in the Abattoir and Meat Inspection Act. There was no prohibition of slaughtering in any place and the Minister wanted that prohibited except on a farm property. But I think the provisions of proposed sections 305, 306 and 307 may go too far. Are they really necessary?

The Hon. D. G. ELLIOT (Melbourne Province): As I understood the position when I was a member of the Meat Industry Committee, there was a clear mandate which we were required to keep in mind and it should apply to this situation. If the answer is that it does, then the

situation is satisfactory. The position was that meat would be under the control of the Department of Agriculture through the abattoirs and even in the trucks delivering it to retail outlets. But it came under the control of the Department of Health at the point of sale in retail outlets.

Mr. Landeryou asks why wholesale supplies should not be in the same situation but, as I see it, there is no conflict. The branding aspect is quite clear. Meat must be branded whether it is sold at wholesale or retail. Inspection of meat to determine whether it was branded would be by the Department of Agriculture in certain premises but, in other premises, particularly butcher shops and supermarkets, the inspection would be the responsibility of the Department of Health. If that is the position, there is no difficulty but, if it is not, perhaps the Minister might explain what the position is.

The Hon. W. V. HOUGHTON (Minister of Health): When large quantities of meat are sold by a wholesaler to a hotel, the hotel is not subject to the same scrutiny as a butcher shop under this provision, but a hotel is still subject to inspection by municipal health inspectors. I have undertaken to Mr. Landeryou to make certain that this position is covered and I will have it examined.

If I understand Mr. McDonald correctly, he says we may have gone too far with proposed sections 305, 306 and 307.

The Hon. S. R. MCDONALD: I should have said we might go too far with proposed section 307.

The Hon. W. V. HOUGHTON: I have explained the deficiency. When the powers were transferred from the Health Act to the Abattoir and Meat Inspection Act, no new provision was inserted in the Health Act to deal with butcher shops.

The Hon. D. G. ELLIOT: The purpose was to enable any disease to be traced back to the point of origin.

The Hon. W. V. HOUGHTON: Everybody is happy with this arrangement. There is no argument between the Department of Health and the Department of Agriculture. It is accepted that municipal health inspectors have the right to inspect meat in retail outlets. The Department of Health is happy to undertake that responsibility and the Department of Agriculture is happy about the arrangement. If that is Mr. McDonald's point, I give that assurance.

The Hon. B. P. DUNN (North Western Province): The Abattoir and Meat Inspection Act says that the provisions shall not apply to meat or meat products in a retail butcher shop or a dwelling place, or to pet foods in a retail shop or dwelling place. The Minister says that Act operates up to the retail outlet, but then does not apply. At that stage the Department of Health moves in under the Health Act. Mr. Landeryou was concerned about retail butcher shops. The proposed section 307 refers to a person who in any retail butcher shop within the meaning of the Abattoir and Meat Inspection Act 1973 sells or exposes for sale any meat which is not branded.

The definitions section of that Act states—

> "Retail butcher's shop" means a shop where meat is sold by retail exclusively or mainly for human consumption, and includes any room—
>
> (*a*) attached to the shop; or
>
> (*b*) in such close proximity to the shop that the shop and the room are parts of the same premises—
>
> where the room is used for boning out or cutting or manufacturing into small goods meat for sale in the retail butcher's shop.

It is a very wide definition. In the broad sense it means any shop where meat is sold by retail; so the situation is probably covered.

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

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

The sitting was suspended at 6.25 p.m. until 8.3 p.m.

JOINT SITTING OF PARLIAMENT.

STATE COLLEGE OF VICTORIA.

The President announced that a message had been received from the Legislative Assembly acquainting the Legislative Council that the Legislative Assembly have agreed to meet the Legislative Council for the purpose of sitting and voting together to choose a member of the Parliament of Victoria to be recommended for appointment to the Senate of the State College of Victoria, and, as requested by the Legislative Council to name the place and time of such meeting, name the Legislative Assembly Chamber as the place and Tuesday next at six o'clock in the afternoon as the time of such meeting.

MEDICAL PRACTITIONERS (FEES) BILL.

The debate (adjourned from November 9) 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): The Opposition is opposed to the proposed measure because the Government is attempting to use medical practitioners' fees as a form of State taxation.

A question by Mr. Roper, the honorable member for Brunswick in the Assembly, on 19th April this year, was directed to the Minister and asked, *inter alia*—

What is the current membership of the Medical Board of Victoria, specifying the date of appointment, period of appointment, and relevant qualifications of each member?

How many persons paid fees to the board in each of the past three years, specifying the income derived from each type of fee, the number paying the fee, and the amount and source of any other income?

What costs have been incurred by the board in each of the past three years and how such costs have been met?

The Minister replied—

Fees paid by persons in respect of registration by the Medical Board under the Medical Practitioners Act—

which the Bill seeks to amend—

are paid to Consolidated Revenue.

Although the Minister's answer is detailed, I shall read only the totals of the fees, which are as follows—

1973–74 $86,517
1974–75 $915,920
1975–76 $110,863.

Costs incurred by the Medical Board were—

1973–74 $42,115
1974–75 $49,884
1975–76 $50,879.

From the answer it is clear that in 1973–74 the Medical Board of Victoria incurred costs of $42,115 while the income from fees paid was $86,517. In 1974–75 costs incurred by the board amounted to $49,884 and income from fees imposed was $91,920; and in 1975–76 when the income was $110,863 the costs incurred amounted to $50,879. On an average over the three years more than half the fees received were paid into the Consolidated Fund. The Bill proposes to give authority to increase those fees further, despite the fact that there was a surplus in 1973–74 of $44,402; a surplus of $42,036 in 1974–75; and in 1975–76 the surplus was $59,984. The total surplus or profit for the three years was $146,422. The Government is proposing to impose a selective State tax through this House.

The Hon. S. R. MCDONALD: It is one of several hundred of the same nature.

The Hon. W. A. LANDERYOU: I agree, but the Government is endeavouring to impose yet another form of taxation through the back door, so that it can raise funds to lift the income of the Consolidated Fund.

Members of the Labor Party consider that the surplus of fees over revenue that has gone to the Consolidated Fund over the past three years is quite a substantial amount. The Minister has not explained adequately why the Government needs to introduce the Bill at this time and has not attempted to explain what the Government has done with the funds that have already gone into the Consolidated Fund or what it plans to do with the additional surplus the Bill will create. For those reasons, and in the absence of satisfactory explanations, the Labor Party opposes the proposed measure.

The Hon. B. P. DUNN (North Western Province): The Bill is another example of a general direction by the Government to increase all fees. In some cases the fees have been raised although the increase has been necessary for the purposes of the particular Act.

If one examined the way in which that principle is applied to the full range of State Acts and the fees covered by legislation and regulation, one would find some cases in which millions of dollars were being provided to the Consolidated Fund that are surplus to the costs incurred in the administration of the Acts concerned.

Examined in that light the proposed measure becomes a form of indirect taxation, but the Bill really sets out to increase fees paid by medical practitioners for registration; for renewal of registration; for restoration of name to the register; for the issue of a certificate of temporary registration; for the registration of a specialist; and for late registration. The whole range of fees is to be increased, upon the passage of the Bill, by approximately one-fifth, but the Bill sets new maxima that will allow the Government, by regulation, to increase the fees by a far greater amount than one-fifth. The Government can act inside the maxima set by the proposed legislation.

Members of the National Party do not agree that a high maximum should be included in a Bill and that the Government should then be allowed, over a period of years, to increase fees within the maximum without referring the matter back to Parliament. The Government has become a destroyer of Parliamentary authority because wherever possible it has taken the power to make decisions away from Parliament and placed it in the hands of the Governor in Council. Anyone with a high regard for Parliamentary democracy would regard that as bad. I shall not canvass the argument, but rail freights and water rates are set without members of Parliament having an opportunity of discussing them. This principle should not be embodied in legislation.

The Bill relates to medical practitioners and does not involve large sums of money to be paid by individuals. The present registration fee is $30 and the maximum prescribed in the Bill is $50, so the Government can impose an increase of $20 without bringing the matter back to Parliament. Some would say it is an area of the community that can perhaps afford to pay these fees. There seems to be some conflict between what the Minister said and the answer to a question quoted by Mr. Landeryou. In his second-reading speech the Minister said—

> It has become apparent that the existing fees under the Act do not represent an adequate return for the administrative work required to be performed by the Medical Board in carrying out its duties and responsibilities under the Act

Who is wrong? The Minister has said it is required for increased administrative costs and yet in an answer to a question he outlined that in fact the Medical Board received far in excess of the administrative costs from these registration fees. Perhaps the Minister could clarify the matter during the Committee stage of the Bill.

Generally the National Party is prepared to support the provisions of the Bill which perhaps involve a

principle that should not be encouraged, but which has been forced on this House by the Government in so many Acts and in respect of so many different fees over a period of years.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 (Short title).

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

Ayes	..	25
Noes	..	7
Majority for the motion	..	18

AYES.

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

NOES.

Mr. Landeryou	Mr. White
Mr. Thomas	*Tellers*:
Mr. Trayling	Mr. Eddy
Mr. Walton	Mr. Elliot

PAIRS.

Mr. Dickie	Mr. Galbally
Dr. Howard	Mr. Knight

Clause 2 (Amendment of No. 8061).

The Hon. B. P. DUNN (North Western Province): Honorable members have not received a satisfactory reply from the Minister about an important principle. The Minister stated quite clearly in his second-reading speech—

> It has become apparent that the existing fees under the Act do not represent an adequate return for the administrative work required to be performed by the Medical Board in carrying out its duties and responsibilities under the Act.

Evidence has been submitted to the House tonight that is contrary to that statement by the Minister. If that is true that is a misleading statement by the honorable gentleman concerning the need for an increase in these fees. The Minister said the increase was necessary for administrative purposes and yet an answer was provided in Parliament which shows the increase is not necessary. Unless the Minister can justify these increases I do not see how the National Party can support the clause. If the Minister is not prepared to answer at this stage he should report progress and later provide the Committee with a complete explanation of the situation and why these increases are necessary. If the Minister is not prepared to do so the National Party will not support clause 2.

The Hon. D. G. ELLIOT (Melbourne Province): I am amazed that the Minister has not seen fit to provide an answer to the request of my good friend Mr. Dunn from the National Party. In this modern day and age it is up to Governments to contribute as much as possible to alleviate the need for increased fees, particularly when they concern the health of the community. In his sagacity or otherwise the Minister sees fit to remain silent in the face of a legitimate request for an answer by Mr. Dunn. This is cavalier treatment of this Committee. I ask the Minister to say either yes or no because this is something on which the National Party should declare itself and co-operate with the Labor Party in signalling to the Government that we do not agree with what it is doing.

The Hon. A. K. BRADBURY (North Eastern Province): Mr. Dunn has raised a very important point. I regret that it appears that the Minister intends to sit silent in the light of a statement which he made in his second-reading speech that these fees are being increased to meet administrative costs, whereas Mr. Landeryou quoted an answer to

a question in another place which showed the Minister's statement to be inaccurate. It is a bad situation when a statement made by a Minister in a second-reading speech is challenged by an answer to a question given in another place and the Minister is not prepared to give an explanation to this Committee. That leaves members of the National Party no alternative, as Mr. Dunn has said, but to oppose clause 2 because we believe two vital principles are at stake. Firstly, it appears that the Minister has misled the House or does not know the facts, in which case he should, in all fairness to the Committee, report progress.

The Hon. W. A. LANDERYOU (Doutta Galla Province): I am astounded at the silence of the Minister. I put the matter, I thought, in fairly conciliatory terms. I know that the Minister was probably reading from notes when he made his second-reading speech, but he did give an answer to a colleague in another place. I put it to the Minister that he has had the opportunity at least of responding to the criticism, and the apparent contradiction between the second-reading notes and the reply given on his behalf to the honorable member for Brunswick on 19th April, 1977. I repeat, the surplus to the Government in terms of payment to Consolidated Revenue for the three-year period totalled $146,422.

In his second-reading speech the Minister told the House that it has become apparent that the existing fees under the Act do not represent an adequate return for the administrative work required to be performed by the Medical Board in carrying out its duties and responsibilities under the Act.

In answer to question on notice No. 1646, part 5, which asked—

> What services are provided to the board by the Department of Health and other Government departments, specifying the cost of such services?

The Minister replied—

> 5. All administrative services to the board are provided by the Department of Health. The salaries of the officers concerned with this administration at present amount to $26,056 per annum. In addition to the departmental services the board has obtained service from the electronic data processing section of the Public Service Board, the Law Department, the Auditor-General and the Government Printing Office. The cost of the services by the electronic data processing section, the Auditor-General and the Law Department are not available. The cost of printing services by the Government Printer during the year 1975–76 amounted to $7,240.

If one adds together the income from doctors' registration fees for 1973 to 1976 and subtracts the costs incurred by the Medical Board of Victoria, there is a surplus of $146,422. The Minister has been uncharacteristically silent tonight.

If this exorbitant increase, surcharge, State tax, indirect tax, slug against the medical profession, whatever it is, is to be justified because of other costs properly incurred by the Government or Government agencies, then that $26,056, which is the salaries presumably in the fifth year for the officers concerned with this administration, plus the Government Printing Office bill of $7,240, which totals $33,296, the total surplus is only $113,126. So even using the inflated figures of the past fiscal year and projecting them through time at such a rapid and perhaps distorted calculation against the income of those three fiscal years, the board still has a healthy surplus.

The Minister has not yet responded to what I said, nor did I think he would. I assumed that someone had picked up the answers given to the honorable member for Brunswick in another place and the obvious mistake contained in them. Although challenged by Mr. Dunn, the Minister is again strangely silent. I find that extraordinary. I urge the Minister to explain to honorable members, if he can, why there is this discrepancy and contempt for facts supplied by way of answer—or is it again the fault of the unfortunate Assistant Minister of Health!

If the Minister is uncertain of the facts at this stage, I ask him to report progress and give himself an opportunity of answering the assertions. There cannot be almost a 50 per cent surplus in the three fiscal years in question, and yet currently the costs are such that fees must be increased in order to meet the cost projected for the next fiscal year.

The Hon. I. B. TRAYLING (Melbourne Province): Both my colleagues on this side of the Chamber and members of the National Party have had to express disappointment at the Minister's apparent reluctance or inability to respond to what appeared to be reasonable questions. In the Minister's isolated position at the centre table, it should be clear to honorable members that he is not within earshot of someone who can tell him what to do.

The Hon. D. G. ELLIOT (Melbourne Province): I am appalled at the reluctance or disinclination of the Minister at least to explain the position. Certain fundamental priorities exist. I unashamedly confess them to honorable members. I inherently and fervently believe good health should be a common right, education a matter of ability instead of financial stability, and there should be dignity in old age. The Minister is tinkering with the fundamental right of every individual and he is treating this Chamber disdainfully. Honorable members must stand up and be counted on certain things. It does not matter how modest the amount is. Medical practitioners in our society today are probably reasonably well looked after, but if there is any way in which the Government can contribute to a lessening of the increased cost factor in medical treatment for the average individual, it should be discussed and not ignored. I want an answer from the Minister.

The Hon. W. V. HOUGHTON (Minister of Health): Mr. Chairman, I seem to have provided a field day for the Opposition with this measure. I am forced to rise, of course, because Mr. Elliot has quite wrongly accused me of tinkering with a fundamental. I have never tinkered with a fundamental or anything else for that matter. This certainly is not tinkering with any fundamental. In fact, the Bill does not set any fees.

The Hon. B. P. DUNN (North Western Province): During debate on other Bills, honorable members have begun to form the opinion that the Minister is fair in his consideration of the views put forward. He has shown a preparedness to consider them. On the Minister's assurance, which is contained on page 11075 of *Hansard*, that these increases are absolutely necessary, members of the National Party were prepared to support the Bill on the basis of the Minister's explanation of it. However, it has become apparent that these increases are not necessary. There has been no evidence to the contrary.

It is evident that they are the result of a general Government direction to increase fees across the board for all sorts of things, regardless of whether it is necessary. Apparently the Minister is not prepared to explain further the reasons for these increases. It is a frightening situation for Parliamentary democracy when a Government can sit on its benches and with sheer weight of numbers completely ignore the views put forward by the representatives of the people of Victoria. In such a situation Parliament and this Chamber are certainly being denigrated and their authority reduced. Surely before this important legislation is accepted, honorable members should be able to debate it for as long as necessary to make sure that the Minister explains the Bill. Otherwise we will have to vote against it, in which case the Government by weight of numbers will be seen to belt the legislation through the House without reason and without necessity, which is deplorable.

The Hon. D. G. ELLIOT (Melbourne Province): Casting my eyes over the Government benches, particularly the Ministerial bench, I see

the Leader of the House who is famous for stone walling. I respect him. Honorable members know where they stand with him. On the Government benches one finds various degrees of vacillation, acceptance or agreeability when a forceful argument is put forward for consideration. There is a complete ignoring of a logical argument. The Minister spoke briefly—for about 30 seconds. It was like a commercial during *Doctor in the House*. He said that there is nothing to do with fees in this measure, or something along those lines.

The clause refers to renewal of registration as a legally qualified medical practitioner—$25; and restoration of a name to the register —$50, and so on. It is all right to be smart, but I do not associate that type of ad libbing with the Minister of Health. However, I have found that latterly he is inclined to be a little intolerant. An autocratic attitude occasionally rears its ugly head in contrast to his humble brother, a Church of England Labor supporter from South Melbourne. Honorable members deserve a more adequate explanation than they have received from the Minister up to date. If he does not give it, he is adopting the tactics of his Leader in days of yore, but who has been inclined to be more explanatory in his latter years.

The Hon. V. O. DICKIE: Keep saying nice things about me.

The Hon. D. G. ELLIOT: The Leader of the House is not a bad bloke. He has the ability to survive, and survival in politics fills me with respect. It is more than I can say for myself as I am on the way out. For that reason, I am sure honorable members will indulge me. It is time the Minister gave an answer right from the shoulder. It does not become the Minister to treat honorable members in such a cavalier fashion. I hope he will explain why this has happened.

People are using inflation as an excuse to charge as much as possible. It is ruining the whole principles of marketing, whether it be the Medical Board of Victoria, any form of service or any product. Some medical practitioners are charging fees that for some reason are loaded. Others, to quote an Australianism, are fair dinkum from the start. It is highly desirable to alleviate this situation in any way. One excellent way in which to alleviate it is for the Government to set an example. Once again, most humbly, I call on the Minister to comment.

The Hon. A. K. BRADBURY (North Eastern Province): I am amazed at the answer that the Minister gave a few minutes ago when he said that the Bill does not increase the fees.

The Hon. W. V. HOUGHTON: I did not say that.

The Hon. A. K. BRADBURY: You did, a moment ago.

The Hon. W. V. HOUGHTON: I said that it does not set fees.

The Hon. A. K. BRADBURY: The Minister said that it does not increase fees. The honorable gentleman is hiding behind the Governor in Council.

The Hon. W. V. HOUGHTON: The Bill does not set fees. The honorable member has just read it for the first time and he has misread it.

The Hon. A. K. BRADBURY: I have not misread anything.

The ACTING CHAIRMAN (the Hon. W. M. Campbell): Order! I suggest that the honorable member should address the Chair.

The Hon. A. K. BRADBURY: In his introductory speech, the Minister said—

> Upon the passage of this measure it is proposed to increase all existing fees under the Act by about one-fifth, and regulations in this regard will be submitted to the Governor in Council in due course.

The increases may not yet be approved, but surely the honorable gentleman does not expect us to be

so naïve as to accept that as an explanation. The National Party has consistently opposed provisions in Acts which delegate power to the Governor in Council. Acording to the Minister's second-reading speech, it is abundantly clear that the purpose of the Bill is that in future the several fees specified in the Medical Practitioners Act 1970 will be set by regulation, even those which are set out in sections 5 and 10 of the Act and which were last adjusted in 1975.

The clear intention is to take away from the Parliament the power of fixing fees, and for the Governor in Council to fix these fees. The Parliament has not received an adequate answer from the Minister of Health and in view of his determination to ignore representations from this side of the Chamber, the National Party is left with no alternative but to vigorously oppose this clause—that is the only way in which honorable members can receive a satisfactory answer.

The Hon. D. G. ELLIOT (Melbourne Province): In order to clear up this matter I seek the support of what I might call my demi-grey friends in the corner whose attitude changes from time to time according to their political requirements. Of course, that is what goes on in politics. I ask the Minister of Health here and now to declare the intention of the Government on how clause 2 is to be implemented. The key words in the clause are, "shall not exceed". I give the Minister the opportunity now, with all due humility, to explain the purport of clause 2, or to report progress so that he can advise the Committee later and give some help to the consumer, the average person, because if the fees payable by medical practitioners to become registered are increased, it is the consumer who will ultimately have to pay. The Minister should indicate that the fees shall not exceed such and such an amount and to enable that to be done, the Minister should report progress or otherwise inform the Committee.

The Hon. W. A. LANDERYOU (Doutta Galla Province): It is difficult to understand the slightest possible reluctance of the Minister of Health to be frank with the Committee. As Mr. Bradbury has pointed out, and despite the Minister's reply to Mr. Elliot earlier, it was announced in the Minister's second-reading speech that on the passage of the measure, the Government intended to increase the fees by one-fifth. If that is done, looking at the position in terms of income received during the last fiscal year and working on the assumption that there is no increase in the number of registered medical practitioners, the Committee is considering another $23,000 or $25,000 increase in the income of the Medical Board in the next full fiscal year.

In terms of his obligation to this Committee, the Minister is at least duty bound to meet the contradiction in his reply to the question on notice asked by the honorable member for Brunswick and his assertion in his second-reading speech—

> It has become apparent that the existing fees under the Act do not represent an adequate return for the administrative work required to be performed by the medical board in carrying out its duties and responsibilities under the Act. It is therefore necessary to increase the fees to which I have just referred.

Clause 2 provides that the fees will be increased, although not astronomically.

The Hon. A. K. BRADBURY: It is the principle that is at stake.

The Hon. W. A. LANDERYOU: Exactly. What the Minister now says, almost flippantly, as a result of his entrance into discussion with Mr. Elliot, is that this Bill does not set fees. That may be so, it sets the maximum, but the facts are that in his second-reading speech justifying the introduction of the Bill, the Minister informed the Parliament that it was his intention and the intention of the Government to increase fees immediately by one-fifth upon the passage of the measure. That will

take the fees within $9 of the maximum fee permissible for the registration of a legally qualified medical practitioner and it would not be long, if the Government keeps raising tax revenue in this way, before a further amending Bill was introduced.

The issue which I find incontrovertible is that the Minister of Health has not seen fit—that is if he understands the notes and I find it difficult to accept that he would not—to explain why it is necessary to raise the fees to increase the revenue when, according to his own answer to a question on notice in another place, the income received by the board has been considerably higher—at least on two occasions—than expenditure, apart from expenses incurred in terms of administrative charges and charges in relation to electronic data processing. The other charges have not been calculated, or are not capable of being calculated. It is extraordinary that we still have this reason being given for the increase in fees. If the Government has something to hide, it should say so, and the Minister of Health should have the character and capacity to admit at this stage that the Government is wrong or at least he should have the integrity and decency to stand up and tell us where we are wrong.

It is the answer of the Minister to a series of questions posed by the honorable member for Brunswick in another place that honorable members are questioning. The Minister has either misled the honorable member or is misleading this Committee, and that seems clear whatever standards are adopted. It is relevant to know whether the Government will tolerate a position where Ministers can make a mistake and not be prepared to admit it or mislead the House. I am certain that the people of Victoria will not accept that the Minister of Health can act the part of a mute Minister. He should at least meet the issue and, if he is wrong, admit it or extend to members of the Committee the courtesy of telling them where they are going wrong.

The Hon. B. A. CHAMBERLAIN (Western Province): I refer to two matters raised by the National Party on this clause. The first is that the National Party objected to this Parliament again delegating authority to the Governor in Council. Parliament has discussed this principle in the past and it has objected to a provision which gives the Governor in Council power to set fees without any maximum limits being imposed. The Committee will recall that some three years ago the Subordinate Legislation Committee took strong objection to that practice and as a result every subsequent piece of Government legislation has exercised the principle of giving the Parliament the power to set the maximum fees payable.

The Hon. B. P. DUNN: It still should not be done.

The Hon. B. A. CHAMBERLAIN: Mr. Dunn has not spoken in the Parliament on that principle in the past and if he goes along with what is being suggested now, that every level of fees should be set by this House, then the House will be so inundated with tittling legislation that it will not get substantive legislation passed. The principle has been established and the guidelines set by the Subordinate Legislation Committee and this clause is in accordance with that principle.

The National Party seems to believe there is some magic with the medical profession. In some respects the National Party wants fees payable by medical practitioners set by Parliament. Why does it not then argue for the same principle for other professional people? The fees of the legal profession, of which I am a member, are set by statutory regulation of the Law Institute of Victoria and they are currently about $200.

The Hon. A. K. BRADBURY: Set by the Governor in Council.

The Hon. B. A. CHAMBERLAIN: By powers stated under the Act, and in that case the fees payable are about three or four times the fees payable under this Bill. The Committee is concerned with only a fairly modest fee in this case and, if the National Party is so concerned, it should look at fees set for other professions and attempt to bring them all under the veil of Parliament.

The Hon. B. P. DUNN (North Western Province): I must take issue with Mr. Chamberlain because he has misconstrued what members of the National Party have been putting forward. We stated that in introducing this Bill, the Minister of Health said that there was a reason for increasing the fees, namely, that the cost of administering the Act was exceeding the fees being received by the medical board. To my mind that is the big point at issue, because it is a misleading statement, when read in conjunction with the answer given to the honorable member for Brunswick in another place. That answer revealed that there was a surplus from the fees paid over the administrative costs incurred.

The Hon. R. J. LONG: What about the electronic data processing costs?

The Hon. B. P. DUNN: Mr. Long wants to listen, because that is the big point at issue and, to my mind, that is the point that has not been adequately explained to the Committee. Members of the National Party were ready to accept the Bill, that it was necessary as the Minister stated in his second-reading speech, and if he could prove that it is necessary, we would be prepared to consider the Bill and perhaps support it. However, the honorable gentleman has not given us anything to the contrary and I am disappointed that the Minister has not agreed to report progress on this clause or taken steps to provide a satisfactory answer which would meet with the approval of the Committee.

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

Ayes	20
Noes	12
Majority for the clause	8

AYES.	
Mr. Block	Mr. Long
Mr. Chamberlain	Mr. Reid
Mr. Crozier	Mr. Saltmarsh
Mr. Granter	Mr. Stacey
Mr. Grimwade	Mr. Storey
Mr. Guest	Mr. Taylor
Mr. Hauser	Mr. Ward
Mr. Houghton	
Mr. Hunt	*Tellers*:
Mr. Jenkins	Dr. Foley
Mr. Knowles	Mr. Gleeson

NOES.	
Mr. Bradbury	Mr. Trayling
Mr. Dunn	Mr. Walton
Mr. Eddy	Mr. White
Mr. Elliot	
Mr. Evans	*Tellers*:
Mr. McDonald	Mr. Landeryou
Mr. Thomas	Mr. Wright

PAIRS.	
Mr. Dickie	Mr. Galbally
Dr. Howard	Mr. Knight

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

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

That this Bill be now read a third time.

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

Ayes	**21**
Noes	12
Majority for the motion	9

AYES.	
Mr. Block	Mr. Hunt
Mr. Campbell	Mr. Jenkins
Mr. Chamberlain	Mr. Reid
Mr. Crozier	Mr. Saltmarsh
Dr. Foley	Mr. Stacey
Mr. Gleeson	Mr. Storey
Mr. Granter	Mr. Taylor
Mr. Grimwade	Mr. Ward
Mr. Guest	*Tellers:*
Mr. Hauser	Mr. Knowles
Mr. Houghton	Mr. Long

NOES.

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

PAIRS.

Mr. Dickie	Mr. Galbally
Dr. Howard	Mr. Knight

The Bill was read a third time.

LABOUR AND INDUSTRY BILL.

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

Discussion was resumed of clause 2 (Filling of vacancies on wages boards).

The Hon. F. J. GRANTER (Minister of Water Supply): I thank Mr. Landeryou and Mr. Evans for their contributions to the second-reading debate. I apologize for not being present during the debate, but I had a pressing engagement. I thank the Committee for not proceeding past this stage in my absence. I must also thank Mr. Block, who made a worthwhile contribution. I note that he foreshadowed an amendment. It was a pleasure to read in *Hansard* the comments made by Mr. Landeryou, Mr. Block and Mr. Evans. All three speakers were constructive and their criticisms are worthy of consideration.

I do not propose to comment at length on the matters they raised, but I refer to what Mr. Landeryou said about clause 4. He stated that clause 4 provided for the principal Act to be amended to provide for reference of draft regulations as to wages to the Industrial Appeals Court. In considering the reference to the Industrial Appeals Court of draft regulations prepared by the Industrial Training Commission, it must be realized that, in this case, the Industrial Training Commission is the court of first instance. The commission hears arguments for and against increases in wages for apprentices, and it is able to prepare draft regulations to give effect to any decision it makes.

The reference by the Minister of draft regulations to the Industrial Appeals Court leaves it to the court to review—and I emphasize the word "review"—the draft regulations.

I will move amendments to clauses 9 and 13, and Mr. Block will move amendments to clause 7. Notes on the proposed amendments have been circulated.

The clause was agreed to, as was clause 3.

Clause 4 (New section inserted).

The Hon. W. A. LANDERYOU (Doutta Galla Province): I am pleased that the Minister has circulated the notes on the amendments, because I can understand them better now.

In reply to my assertion about the court of first instance the Minister said that the draft regulations prepared by the Industrial Training Commission under the Industrial Training Act will mean that they come from the court of first instance.

The Industrial Training Act defines regulations as meaning regulations made up under that Act. It makes no provision for people who are likely to be working under wage rates and conditions that will be prescribed as a result of the carriage of this clause to participate in the decision-making process. It was argued in the House during the second-reading debate that that was flying in the face of the philosophy behind the Victorian wages board system, where there has been direct participation between employee and employer representatives and the so-called independent chairman appointed by the Government of the day.

That is not what I envisage, as I understand from what the Minister of Water Supply said, with respect to those whose remuneration and wage rates will be determined by draft regulations prepared by the Industrial Training Commission. There will be no participation in the court of first instance by the employers covered by those regulations.

Therefore the determining factor, the propositions both for and against, will be put in the Industrial Appeals Court. They will not and cannot be put in the province of those who formulate the regulations. There will be draft proposals with respect to wage rates.

The Committee is being asked to agree to yet another instance of the philosophy of the entire Victorian wages board system being pushed aside and the Industrial Appeals Court, despite what the Minister said, still being used as a court of first instance. That is contrary to the spirit and practice of the law that has operated in Victoria since the inception of the Victorian wages board system.

The clause was agreed to, as were clauses 5 and 6.

Clause 7 (Trading hours for special shops).

The Hon. P. D. BLOCK (Boronia Province): During the second-reading debate I spoke about an amendment that I proposed to make during the Committee stage, and the President was kind enough to allow it to be circulated then. I also spoke at some length on the proposed amendment, so I do not propose to do so again, other than to remind the Committee that the first proposed amendment is a purely machinery matter that will allow the second amendment to take effect.

The second proposed amendment will overcome an anomalous situation that currently exists *vis-a-vis* the operation of open air markets where people who propose to enter into a legitimate marketing arrangement find that they are operating outside the law.

I explained quite clearly that this is a popular way of merchandising; thousands of people take pleasure in visiting open air markets on a week-end. For inspectors of the Department of Labour and Industry to go out at week-ends and proceed against the people who are operating in a way that can only be described as salutary for the marketing system in Australia is wrong, and the practice should be stopped.

It is a bad law, and the proposed amendment is designed to fix it up in the identical way in which it is proposed to allow leniency in the hours of marketing in Acland Street, St. Kilda, and in St. Kilda generally. Under this arrangement, if councils believe open air markets are operating properly, they can approach the Minister of Labour and Industry and he will then have the power to allow stallholders to operate in a normal fashion without being harassed.

The Hon. D. G. ELLIOT: But Acland Street is covered as a tourist area, isn't it?

The Hon. P. D. BLOCK: No, the Bill allows St. Kilda City Council to approach the Minister. The proposed amendment will operate identically to the provision for the exemption of Acland Street traders.

I understand that the Government and the Minister of Labour and Industry have smiled on the proposed amendment. Therefore, I move—

Clause 7, sub-clause (2), page 4, at the end of the sub-clause insert—

"80E (1) Notwithstanding anything to the contrary in this Act the council of a municipality may apply to the Minister for an order exempting shopkeepers of shops conducted on a market site or sites registered pursuant to the provisions of section 49 (1) (*c*) and situated in its municipal district from being required to close and keep closed their shops in accordance with this part.

(2) Upon an application under this section the Minister may make an order granting exemption subject to such conditions limitations and restrictions as he thinks fit in respect of shops on a particular market site or market sites but no order shall—

(*a*) exempt any shopkeeper from being required to close and keep closed his shop on Good Friday or Anzac Day in accordance with this part; or

(*b*) operate to permit the sale or disposal of liquor within the meaning of the Liquor Control Act 1968 by any shopkeeper at any time when he would, but for the order, be required to close and keep closed his shop in accordance with this part.

(3) The Minister may at any time by order amend vary or revoke an order under this section but an order shall, subject to any amendment or variation, operate from year to year until revoked."

The Hon. D. G. ELLIOT (Melbourne Province): I tried to get an answer from Mr. Block by interjection, but sometimes Mr. Block, like myself, keeps on going for fear that he may be interrupted unnecessarily. I realize, because I remember the legislation being passed through this Chamber, that for a number of years trading in Acland Street, St. Kilda, has had what has been called a tourism permissiveness, and that makes Acland Street, like King's Cross in Sydney, a most attractive area.

However, is Mr. Block suggesting that this type of proposed legislation should be extended to such enterprises as trash and treasure and Sunday markets in other areas, or does it apply only to Acland Street, St. Kilda?

The Hon. P. D. BLOCK (Boronia Province): I think Mr. Elliot misunderstood me, and that is my fault. The two matters are unrelated and operate in clearly defined, distinctly separate areas. Only the machinery that is being used allows them to operate in the normal way.

The Hon. W. A. LANDERYOU (Doutta Galla Province): Perhaps Mr. Block would also explain for my benefit why it is necessary to keep St. Kilda separate from other areas. Last week I listened to Mr. Block speaking on behalf of small traders. Why is it necessary to have a stall situation applying under the proposed amendment? Mr. Block has not explained that, and I cannot understand why it is necessary to include that provision.

The other matter that worries me —and I speak personally on this— is that the Minister has been given quite wide powers under the proposed amendment, and in ordinary circumstances perhaps I would not argue with that. However, it seems to be a mid-twentieth century approach that the exemptions referred to in proposed section 80E (2) (*a*) should still apply. A number of situations can lead to an unnecessary prosecution. For instance, I understand that a number of nurserymen were prosecuted for trading on last Anzac Day afternoon. It seems extraordinary to maintain that provision when this section of the Act is being reviewed. I should have thought a free trade and private entrepreneurial advocate of the calibre of Mr. Block would have taken up the cudgels on behalf of these nurserymen.

I live in an area that is rapidly changing. as Sir Kenneth Wheeler has suddenly realized. As a result of increased population in the area, a number of people want to trade on the days that are available to them. It seems that in a well organized society, Parliament ought to be concerned that employees are protected and that consumers are given every right of access to the market.

The Government is prepared to make special provision for traders in St. Kilda and Warrandyte, and for trash and treasure market operations, and I have no quarrel with that. However, I regret that the Government and Mr. Block did not acknowledge the contribution to the debate in another place made by the honorable member for Knox, Mr. Stephen Crabb, which no doubt gave rise to the Government's sympathetic consideration of this amendment.

As I said, I speak for nurserymen in the electorate that I represent who traded on Anzac Day, as they concede, and have been prosecuted. While the measure is before the Committee the matter should be discussed and views exchanged on this point, because the Victorian law is quite lenient on some trading activities that occur on Anzac Day, but apparently still considers it to be a completely closed shop day. I know that some people would argue in favour of Anzac Day, Good Friday and other days being complete closed

shop days. However, I believe, provided that the majority of the community is not offended, there should be no restriction on direct trade from supplier to consumer, as Mr. Block mentioned, when it does not amount to outright exploitation.

I put that view not on behalf of the Labor Party, but on behalf of the people in the province I represent who have approached me. No doubt members of the Victorian Nurserymens Association have approached the Minister of Labour and Industry, and I hope he will give serious, sympathetic consideration to the matter.

The Hon. P. D. BLOCK (Boronia Province): I shall comment on some of the points raised by Mr. Landeryou, although I did not fully understand the first one. I think the honorable member was asking why the Government needs to use this type of provision to apply to the Acland Street traders, but what Mr. Landeryou meant was not clear, so I cannot answer.

The Hon. W. A. LANDERYOU: I was making the point that if it is good enough for the Government to experiment with the right to determine what is permissible in St. Kilda, why is the Government not adventurous enough to carry out similar experiments in other areas?

The CHAIRMAN (the Hon. W. M. Campbell): The first matter which Mr. Landeryou mentioned has nothing whatever to do with Mr. Block's amendment. The first part should be directed to the Minister, and Mr. Block can deal with the second part.

The Hon. P. D. BLOCK (Boronia Province): If I was to talk about Anzac Day, I would have sympathy with the point of view which Mr. Landeryou was advocating. But he said, "Why do we not take up the cudgel of Anzac Day?" I say, "One cudgel at a time." I have great sympathy for the concept of evolution rather than revolution, and I am not convinced that the community is ready to have open slather of marketing as Anzac Day is still a strongly revered day for many members of the community. I happen to know that the Minister in another place is simply allowing people to merchandise in markets where the community wants it.

There are positive moves in this Bill. The fact that Mr. Landeryou thinks the Bill does not go far enough is something I can sympathize with, but I still think it is a first class measure, and if at a later time the community expresses itself with enough vigour, I am sure further opportunities will be brought to bear by the Minister to express this point of view.

The Hon. D. G. ELLIOT (Melbourne Province): I have just been perusing the amendment proposed by Mr. Block, and I must apologize to the House for not having had a closer look at it earlier.

Honorable members can readily recognize in the amendments put forward by Mr. Block, and in legislation which has found its way into this House over the past few years, that we have inevitably come to accept that there will be wider trading hours of all descriptions in the State of Victoria. We may or may not agree individually with that concept, but whether we are members of the Labor Party, the Liberal Party, or the National Party, this is going to happen.

The amendment proposed by Mr. Block seems to me a little hypocritical because the idea is only developed in certain directions and should proceed a little further. This probably sounds amazing coming from a Labor member who in past years would have opposed it, but I cannot see anything wrong with this amendment providing the working conditions of the employees are protected—and we are all inclined to see that that is done. It is necessary for the Government to brighten up its thinking so that the convenience of the consumer is considered.

Honorable members talk about Anzac Day. Let us not kid ourselves, Anzac Day has been eroded year by year and will continue to be eroded year by year. We have almost a holy day on 11th November. I certainly feel it at 11 o'clock on that day, and there is no known way I will not pay respect to my former comrades at this time every year. As the French say, "*Toujours passe.*" "Let us not forget", but by the same token, whether we want to forget or not, Anzac Day, with football matches and race meetings and goodness knows what else throughout Australia, is moving away from its original concept.

The amendment was agreed to, as was a verbal amendment.

The Hon. F. J. GRANTER (Minister of Water Supply): Mr. Landeryou and Mr. Elliot's remarks gave me a feeling that perhaps they are considering a free enterprise system. I thank them for their contribution. I believe traders need time to adjust to change, and gradual changes are the appropriate way of adjusting to change. I think that is the way the Government is moving. I think Mr. Elliot really suggested that in his speech.

The Hon. D. G. ELLIOT: I did, but I cannot see it as being applicable to nurseries on Anzac Day.

The Hon. F. J. GRANTER: In my electorate which embraces the Central Highlands I have more nurseries than any member in the Legislative Council. I have not received any representation on behalf of nurseries in respect of Anzac Day, but I am sure if representations are made by nurserymen, the Minister will consider them.

In respect to race meetings and football matches which operate on Anzac Day, I believe the proceeds from them are given to charity. Certainly there is no doubt that the old tradition of Anzac Day, as Mr. Elliot mentioned, has been eroded.

The Hon. W. A. LANDERYOU: Milk bars trade on Anzac Day.

The Hon. F. J. GRANTER: They are small shops and they have always traded on Anzac Day. There has been no change in that respect. I do not think the Bill is departing from that.

The Hon. D. G. ELLIOT: Bring in the nurseries. Wouldn't you like to be able to buy nice azaleas or rhododendrons on Anzac Day?

The Hon. F. J. GRANTER: I would, and I would present one to Mr. Elliott. As I stated before, if representations are made to the Minister, he will give them due consideration.

The clause, as amended, was adopted, as was clause 8.

Clause 9 (Amendment of No. 6283, s. 191).

The Hon. F. J. GRANTER (Minister of Water Supply): I move—

Clause 9, lines 1-3, omit the words and expressions on these lines and insert:—

"In section 191 (1) (*a*) of the Principal Act—

(*a*) the words "upon a direction in writing signed" are repealed;

(*b*) after the expressions "(i)", "(ii)", and "(iii)" (where respectively occurring) there shall be inserted the words "direction in writing of"; and

(*c*) after sub-paragraph (iv) there shall be inserted the following expression:—".

It was proposed to amend clause 9 in order to make the original proposal properly effective. The concept of the original clause 9 remains unchanged. Honorable members will recall that its purpose was to allow shopkeepers to take action against other shopkeepers who remained open at times when they were required by law to be closed.

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

New clause.

The Hon. F. J. GRANTER (Minister of Water Supply): I propose the following new clause to follow clause 13—

"AA. In the Fifth Schedule to the Principal Act for the item 'Art and handicraft galleries' there shall be substituted the item 'Shops for the sale of works of art and handicraft'".

The Labour and Industry Act 1958 was amended in 1974 by including "art and handicraft galleries" in the list of shops contained in the Fifth Schedule to the Act. This meant that those premises where art and handicraft galleries were being conducted were not obliged to observe the trading hours laid down in section 80 of the Labour and Industry Act.

The amendment was to provide for the practice which had gone unnoticed over many years where galleries displaying paintings and works of art and handicrafts were open at times when by law they were required to be closed.

Since the amendment there has been a growth in the sale of works of art and handicrafts at week-ends at open air venues. An art show has become a popular form of fund raising activity for religious, charitable and other purposes. Artists and craftsmen are also selling their works in a variety of open air situations including the Esplanade at St. Kilda, a number of week-end markets, and places where tourists are likely to congregate.

In a recent decision given by the Industrial Appeals Court in the case *Rosetta Nice* v. *Kevin Patrick Tucker*, the court found that a stall conducted by the appellant on which works of art and handicraft were displayed for sale did not come within the meaning of an art and handicraft gallery, the court's opinion being that a gallery required to be something more than a stall in the open air. The Government believes that works of art and handicrafts should be allowed to be sold at any time from shops conducted both inside buildings and in the open air. For this reason, it proposes that the phrase "Shops for the sale of works of art and handicraft" be substituted for the phrase "Art and Handicraft Galleries".

The new clause was agreed to.

The Bill was reported to the House with amendments, and passed through its remaining stages.

CONSUMER AFFAIRS (AMENDMENT) BILL.

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

Discussion was resumed of clause 2 (Amendment of No. 8276, s. 8).

The Hon. F. J. GRANTER (Minister of Water Supply): I thank those honorable members who contributed to the second-reading debate on this Bill, Mr. Landeryou, Mr. Dunn and Mr. Stacey. Their contributions were interesting to read. Mr. Landeryou referred to interest charged on items purchased under hire-purchase agreements.

The Hon. W. A. LANDERYOU: As the Bill was requiring the price of goods to be indicated, why not also require the seller to indicate what the total price will be if an article is sold on terms, not just the deposit and the weekly payments?

The Hon. F. J. GRANTER: The Attorney-General has advised me that a number of these items will be included in the proposed consumer credit legislation, based on the Molomby report which was tabled in this House some years ago. I am sure that the Attorney-General will be bringing this proposed legislation before the House at an early date.

Reference was also made to the provision relating to the Small Claims Tribunals. Honorable members will recall that everybody recognized that this legislation would need to be amended from time to time. When the Bill which brought the Small Claims Tribunal into being was before

Parliament, it was debated whether the amount which could be referred to the tribunal was being set at too high a figure. That figure has been amended, and I suggest that it will be even further amended as the years pass.

The real contribution made by the Small Claims Tribunals is recognized by all honorable members and by the community in general. I trust that the legislation will be further reviewed as required.

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.

LITTER BILL.

The debate (adjourned from October 11) on the motion of the Hon. A. J. Hunt (Minister for Local Government) for the second reading of this Bill was resumed.

The Hon. I. B. TRAYLING (Melbourne Province): The problem of litter is worrying, and a great many people and organizations have been concerned about it for a long time. Not a great deal has been done about the problem and, in terms of community response to what has been done, there has not been very much effect.

Therefore, when the Government introduced a Bill to take up the problem of litter, my party and I were optimistic enough to hope that the Bill was seriously designed to do just that. However much we support any attempt or measure to cope with the serious problem of litter, this Bill fails to do it.

The unfortunate thing about the Bill is that, quite clearly, it is a cosmetic measure. It indulges in an attempt to pacify certain pressure groups concerned to do something about litter. The response by the Government or the Minister, I suspect, has been hasty and designed to appease those pressure groups. The Government has failed adequately to draft a Bill that will accommodate those problems which this measure clearly seeks to do. In tackling the problem the Government has sort of worked in reverse. The Government is getting on to the end user or the end litterer in the process of things which cause litter. That is not the way in which it should be tackled. The Bill provides severe penalties for littering, up to $500 or gaol. A gaol sentence of one month is included in the Bill.

I want to examine the sorts of priorities that the Government has in its legislative processes in dealing with various community problems. Under the Summary Offences Act, to be in possession of an offensive weapon, not being a firearm, merits a fine of $50.

The Hon. A. J. HUNT: That includes a shanghai.

The Hon. I. B. TRAYLING: It includes a shanghai, a spear or any other offensive weapon which might be used, excluding a firearm. A knife and all sorts of things can be an offensive weapon, the possession of which merits a fine of $50. However, a child throwing a lolly paper out of a car window manifests the possibility of gaol for the driver of a car although he may not even know it has happened, or the owner of a car who is not even in the car.

The obvious haste with which the Government has responded to pressures put upon it to deal with a real problem is unfortunate. If the Government had taken more time, I am sure it could have come up with something much better than this Bill.

I wish to suggest how the problem should have been approached. If the Minister who is responsible for the introduction of this Bill is concerned enough about his Ministry, he will take note of this. In South Australia a Bill has been enacted to cope with this problem in the correct way. In drafting the Bill the South Australian Government has said, "Let us get

to the root of the problem. First of all, what is the cause of litter in the community?" Of course the cause of a great deal of the litter is the type of container manufactured. No regard is paid to what will happen to the containers produced, which will be bought by consumers and thrown away because they are non-returnable. That is where the problem begins and that is where the Government should have started to cope with the problem. The South Australian Act provides for a complete prohibition on the sale of non-returnable beverage containers constructed of glass. That places no hardship on the manufacturer or the consumer.

I suppose the best example of how a return system can work is that of Carlton and United Breweries Ltd. with respect to bottles. It has a magnificent record of providing sufficient incentive to consumers, and another company which is involved in the collection of bottles, to return bottles. This results in a minimum of left-over bottles to pollute the roadways, the beaches, the parks and so on and also to create a safety hazard when broken. The bottle collection system instigated by that company is the best in the world. More than 80 per cent of the company's bottles are returned.

That does not mean that the consumers take their empty bottles back to the brewery. The bottles are collected with domestic refuse and the collectors are paid to return them to a large company which is now a subsidiary of Carlton and United Breweries Ltd. Those bottles are reused.

Apart from reducing the amount of litter, the company has a bonus in that its product costs are reduced. This in turn is passed on to the consumers who also benefit. In South Australia the Act prohibits the sale of beverages in non-returnable glass containers. That provision should be contained in this Bill. If the Government is serious about tackling the litter problem of the State it should give this matter serious consideration.

The South Australian Government also approves the sale of other containers only in Government approved collection areas with collection depots. That relates to all containers of beverages, glass and non-glass. They must be able to be disposed of. It is an offence for a retailer to sell any beverage if the container for that produce cannot be taken out of the litter truck and either returned to the vendor, as with the glass container, or disposed of in a defined collection area.

In South Australia a prohibition has been placed on ring-pull containers which are perhaps the most significant cause of litter. Our public highways are littered with beer cans and soft drink cans. Wherever one goes these are visible, and more so in country areas. The problem can be prevented only as was done in South Australia, by banning that type of container. The Bill does not attempt to cope with any of the matters to which I have referred. It is a cosmetic Bill, hastily drafted in respect of certain pressure groups in the community. The Government has made a sincere attempt to cope with the problem but has failed to get to the heart of the matter.

Three steps are involved: The manufacturing process when the beverage is produced; the retail process, and the consumption process. In South Australia the Government has started with the manufacture and has gone through the three processes. This Bill, however, starts at the other end and concentrates only on the consumers who, the Government believes, are the guilty people. The Victorian Government is not concerned with who caused the problem in the first place, and who created the environment for littering—the manufacturers. In the chain of events the retailer and, in the end, the poor, hapless, very often innocent consumer has been blamed. The consumer will

be punished although he often has no choice in the product that he buys in a container.

The Bill fails to come to grips with the root cause of the litter problem. It provides for severe penalties for littering—fines of up to $500 or imprisonment. With the fine of up to $500 no distinction is made between the person who wilfully litters and the person who accidentally litters or, for instance, a child who, sitting in the back seat of a car, takes the wrapper off a sweet, puts the sweet in its mouth and allows the wrapper to be sucked out of the window of the car. That could not be described as wilful littering. The child may be only three years old. However, the driver of the car or the absent owner of the car, or both, may be adjudged to be guilty of an offence and fined $500.

The Hon. A. J. HUNT: Not if the name of the child is disclosed. A three-year-old child would not be prosecuted.

The Hon. I. B. TRAYLING: I have had advice on this. This Bill has some real problems about which the Labor Party is concerned. I shall refer to clause 5 in more detail during the Committee stage when I will move amendments. It provides for the clause to be proclaimed after a period of two years. Places of public recreation, amusement, sport and so on will be treated in the same way as public highways. Under the Bill those places will be exempt for a period of two years.

When that clause is finally proclaimed, clause 2 will have to be repealed. It was never the intention of the Government that that should be done. It is a clumsy way of trying to educate the Victorian community progressively about litter. I reiterate that the Minister and the Government know that this is not an adequate Bill to deal with the problem of litter. Once again it incorporates the incredible Government philosophy that if penalties are made harsh enough, the problem will go away. That is not the solution to the litter problem, as it is not the solution to most other problems. Merely by increasing the penalties sharply—the Labor Party agrees with that in relation to wilful littering—and by introducing owner-onus or person-in-charge-of-the-vehicle responsibility, the Government has not thought the Bill through properly. I am disappointed that more time was not spent on this measure, for those reasons.

The Hon. K. I. WRIGHT (North Western Province): This Bill amends the Litter Act. The National Party finds it to be rather like the curate's egg—good in parts. The Litter Act of 1964 is the principal Act but the Local Government Act also provides some penalties for littering. Any actions that have been taken by the courts have more likely been taken under the Local Government Act than under the Litter Act. Under the Litter Act litter is defined as any bottle, tin, carton, package, paper, glass or other refuse or rubbish. Under both the Litter Act and the Local Government Act the maximum penalty is $200 and a term of imprisonment of up to one month can be imposed under the provisions of the Litter Act, although I have not discovered any case of a person having been penalized under that section. The Litter Act also makes provision for compelling an offender to clean up the rubbish he has left, and that is a commendable provision.

An interesting case occurred when a resident of Essendon took some rubbish to the country and dropped it outside a farmer's property. The farmer discovered the name of the owner of the rubbish and took it back to Essendon and dropped it outside the residence of the person who was alleged to have left it in the country. Unfortunately, the farmer was proceeded against for littering; so what the farmer had thought to be proper justice backfired on him.

In both New South Wales and Queensland the maximum penalty for littering has been increased to $300.

In his explanatory second-reading remarks the Minister mentioned the four Es—education, example, equipment and enforcement. So far as education is concerned, letters have been sent to various local government bodies and schools, and example has been provided by litter bags being placed in Government cars.

The Minister said that seven out of ten people hold the view that our current litter laws are neither tough enough nor sufficiently enforced. He also said—

> As previously worded, the section led many police to believe that the undertaking of a litter prosecution was useless unless it was possible to prove wilfulness or that the amount of litter was substantial, or related to broken glass.

The honorable gentleman went on to say—

> The recast provision makes it clear that these qualifications need not apply and furthermore raises the maximum penalty from $200 to $500.

Nowhere has the Minister justified the increase from $200 to $500. He simply used ten words—

> and furthermore raises the maximum penalty from $200 to $500.

Nowhere has the Minister said, for example, that there were 500 fines of $200 and it has been found that the fines are inadequate so it is necessary for the Government to increase them. I have made inquiries of various Government departments and it appears that no statistics concerning fines that have been exacted are kept. There seems to be no past experience to justify the Government's action and on that basis alone the increase from $200 to $500 should be opposed. If any figures or any argument had been put forward to justify the increase the National Party would certainly have considered them, but they have not been put forward.

Clause 2 also increases the penalty under an on-the-spot infringement notice from $5 to $50 and the National Party supports that. It does not mean that an offender who is detected has to reach in his pocket and find $50. He has 28 days in which to pay that sum.

Clause 3 introduces a new provision to cover owner and driver onus for litter thrown from a vehicle and the National Party also supports that provision. One of the worst littering offences occurs when a person throws a bottle from a car, which is extremely dangerous. It is also difficult to detect the person responsible and an owner and driver onus seems a sensible provision.

Clause 5 makes provision for the Government's intention to bring places of entertainment to which people are charged an entrance fee within the ambit of the Act. The National Party also agrees with that proposed measure, although having seen various racecourses after race day or the Melbourne Cricket Ground after the football grand final one can foresee difficulties in the enforcement of the provision. However, it is a step in the right direction.

The cost of effective enforcement is a problem and the police have difficulty in policing roads, highways and recreation areas. A great deal of littering takes place at night time or at week-ends and the offenders are often hard to detect. One of the greatest problems is that the police appear to regard these offences as relatively unimportant. I know quite a few policemen in the various areas of the electorate that I represent and I have discussed the matter with them. Most of them have never had the experience of issuing proceedings against any person who has infringed the provisions of the principal Act and it is therefore obvious that the provisions of the Bill will be of little use unless the police are encouraged to enforce them.

As I mentioned earlier, the record under the provisions of the Local Government Act is somewhat better in that most of the cases which I was able to find took place when proceedings had been taken by council officers. Generally speaking, those officers have been able to track down

the offender from a name and address on a cardboard carton or an invoice or something of that nature in the rubbish.

Passengers and motorists are often responsible for littering and *Royal Auto* of June, 1977, the magazine published by the Royal Automobile Club of Victoria—the organization that ably represents the interests of motorists in Victoria—contains an article concerning roadside litter. The article states—

> Figures compiled by the Ministry of Transport show that it costs Victoria $600,000 a year to clean up the disgusting roadside mess dumped by motorists, money which should be going towards improving our roads and making motoring safer for everyone.
>
> Since the 34-kilometre Hume Freeway between Wallan and Broadford opened in May last year, the Country Roads Board has spent $5,000 a month to clean up motorists' litter.
>
> And in one month last year, more than 1,500 cans were thrown from cars on a one-kilometre section of the Western Highway near Stawell. This equates to one can per 30 vehicles using the highway.

That is a disgraceful and worrying situation.

Many councils in the electorate that I represent—which is, of course, also represented by Mr. Dunn—and right throughout the State have been particularly concerned about non-returnable beverage containers. Mr. Trayling also dealt with this matter. A report prepared by the House of Representatives Standing Committee on Environment and Conservation in December, 1974, deals with this matter and makes particular reference to non-returnable containers for beer and soft drinks. The report states that these containers are highly visible and readily identifiable and that they form a growing proportion of litter.

The report refers to the high cost to the consumer and estimates that each container costs an additional 3 cents. It says that these containers are forming a higher proportion of litter and that in 1972–73, of 3,491 million bottles and can containers, 91·1 million were littered. The committee considers that non-returnable containers are an avoidable use of scarce resources.

The answer is a system of deposits and the report states that such a system has been successful in Norway, Sweden and Alberta.

The Shire of Swan Hill and other municipalities in the North Western Province made representations to the Minister for Conservation and suggested the complete prohibition of such containers. The Minister replied on 27th July, 1977, and some of his remarks are relevant to the debate. The Minister said—

> The views which have been expressed to you by the municipalities in your electorate have been noted and perhaps I could say that the question of non-returnable containers, in fact, has been raised with the Government by local government authorities on a number of occasions. Indeed, I understand that the subject was discussed by the members of the Executive of the Municipal Association of Victoria during a deputation received by the Premier and other Ministers earlier this year.
>
> The proposal that non-returnable containers should be prohibited, and the alternative proposal that such containers should carry a compulsory deposit involves complex issues and as you may be aware a public enquiry into the problem of non-returnable containers has, in fact, been conducted by the House of Representatives Standing Committee on Environment and Conservation.

The Minister continued in that vein and stated—

> I can understand the concern of local government bodies about non-returnable drink containers but I believe that it is self evident that any action needs to be taken on an Australia-wide basis if it is to be effective.
>
> With this in mind, I am happy to assure you that this State would certainly examine carefully the adoption of any recommendations which may ultimately be made by the Australian Environment Council to assist with the problem of beverage container disposal in Australia.

There is no doubt that uniformity is desirable but members of the National Party have been informed that the South Australian Government has already banned disposable containers and uniformity will be difficult to

achieve if the recommendation of the Australian Environment Council is not in line with that decision. The municipalities in the North Western Province have certainly given wise counsel.

Mr. Trayling made reference to the manufacturers and castigated them severely for their alleged lack of concern.

The Hon. I. B. TRAYLING: I said that it was the Government's fault.

The Hon. K. I. WRIGHT: That may be so. The annual report of Carlton and United Breweries Ltd. for 1977 discusses the collection system used by that company and, on page 24, states—

> The collection system today comprises over 100 authorized agents who operate throughout the State of Victoria, the border interstate areas, and includes arrangements for recovery of beer bottles from other States. The MBCV bottles currently enjoy a recovery rate of 80 per cent and the system is regarded as one of the most successful beer bottle recovery operations in the world.
>
> The network currently collects around 250 million empty beer bottles from the public each year. This means that every working day 1 million used beer bottles are collected and returned for refilling. The MBCV operates a fleet of 34 semi-trailers which travel almost 2 million kilometres per year collecting these bottles from its agents and returning them to the brewery for re-use.

I commend the company on that achievement. The report also mentions the City of Knox, which is to be commended for having introduced a system of the recycling of bottles. It states—

> The Gity of Knox has already introduced the system and the results are most encouraging. During the first three months of operation, with virtually no publicity, 200,000 beer bottles and 160,000 other bottles were recovered. This represents an annual recovery of 1·5 million bottles or, alternatively, the removal of some 850 tonnes of solid waste from the Knox waste stream.

I suggest to the Minister that other municipalities could be persuaded to take the same action.

The *Australian Municipal Journal* of August, 1977, states—

> The Garden State concept is a positive Government lead and the anti-litter campaign fits into that concept.
>
> Councils can play an important role to promote this concept and in doing so may alleviate one of our most irritating problems.

However, it sounds a warning note by saying—

> The maximum fine of $500 and the "on-the-spot" fine of $50 should act as a deterrent to most people who have a reasonable sense of responsibility. For the offenders, who are in a minority in the community, the penalties will not be easy to apply—

That is the greatest of understatements.

> particularly in mass situations. It is one thing to have the power, it is another thing to effectively apply it.

I commend the municipal journal for that wise statement. One must have the feeling that in this matter the Government has to some degree passed the buck to the councils because, under this legislation, the councils will be required to provide equipment. I can see nothing in the Bill whereby the Government will reimburse local government for the equipment that is required.

I wish to praise the City of Mildura. Honorable members who have been to Mildura recently will have seen that every 10 yards or so there are attractively painted receptacles with "Keep Mildura Beautiful" painted on them. Unfortunately they are not always used. There are hundreds of them, so it is annoying to see groups of people along the river front who drink and throw the cans and bottles down beside them, making no effort when they leave to pick them up, so the bottles are left behind. This is most disconcerting, and one would like to see the Police Force enforce this Act even more stringently.

I return to the matter mentioned by the Minister, and Mr. Chamberlain would be probably interested to hear that the Hamilton High School

and other schools in that city have a number of projects in which they collect and identify the amount of litter in that city. In 1977 the combined litter collection count by those schools was 54,609 items. That represents only one city in Victoria. If that was multiplied for the whole of Victoria honorable members would realize how much is involved.

The Hamilton High School Keep Australia Beautiful Committee made the following recommendations—

(*a*) Ban all non-returnable bottles and set reasonable return fees for all returnable bottles;

(*b*) Set compulsory returning fees for fees for all cans, sufficient to make them worth collecting and;

(*c*) Appoint special Litter Officers with power to fine offenders. These might be special Traffic Officers—separate from the present Police Force structure—authorized to administer Traffic Litter and other areas of community supervision.

I should like to quote more of that report but time does not permit, except for me to commend the schools in Hamilton for what they have done.

Recently the steel can group promoted a seminar which was conducted in Sydney on 25th and 26th August, and in Melbourne on 30th and 31st August. The group published a newsletter entitled "Litter Reduction and Solid Waste Management Seminars Attract Large Audiences", which states that each seminar was attended by approximately 200 representatives from Federal, State and local government, industry and trade unions who came from every State, indicating the growth of interest in these topics. The newsletter also stated—

Several clear messages came from the addresses and the lively question and answer sessions. Principal amongst these were—

1. Litter cannot be legislated away.

2. People must be continually educated in the need for litter control.

There were eight points, but I shall not go on with them. The Minister missed out on the legislation but the group agreed with what he said on education. I think I have made the views of the National Party known in this regard. Members of the National Party are concerned about the prevalence of litter. It is distasteful. Unfortunately we do not believe the legislation and its enforcement are adequate.

The Hon. D. G. ELLIOT (Melbourne Province): On numerous occasions in this Chamber I have said a few words about litter. It is probably a subject which influences each and every member. I shall not go into the appalling sights I have seen and which honorable members have no doubt seen during their travels along the highways and byways of Victoria. Honorable members may remember me discussing the disgusting sight of litter which is cast upon the Tullamarine Freeway. I am sure that the Minister will remember that. It is an expensive job to keep that freeway near reasonably clean. One can travel the highways and country roads of the State and find green polythene bags of rubbish which have been dumped by people who take the easy way out when disposing of rubbish.

Without going into a long story, I wish to make three suggestions. The first suggestion is the compulsory installation or inclusion of a litter bag in motor vehicles. Since I put that suggestion to the House some months ago, as is my wont, I asked people who drive cars what they thought of the idea of including litter bags in cars and did not find anyone who was not in favour. They said that the fact that it would be compulsory is something to which they would not object. The mere fact of a litter bag being in the car would encourage people not to take the easy way out, of opening a window and throwing a cigarette packet, a butt, a can or a bottle out of the window because the aesthetic effect of leaving it in the car is intolerable. Some people confess that their children eat as they go along—perhaps an ice

cream, a pie or cakes—and the wrappers are thrown out because there is nowhere to put them in the car.

It seemed to me that the Victorian Government had great fortitude—I pay full tribute to the Road Safety Committee—with relation to the installation of seat belts. I know of no reason for not doing something about the inclusion of a litter bag in a car. It can take many forms, as the Minister knows. A litter container can be magnetically attached to the dashboard, or a medium sized bag similar to that used in a kitchen tidy can be used. There are hundreds of ways of disposing of litter inside an automobile. When we face first things first there is no doubt that the problem of litter in Victoria today is that which is thrown out of a car. It makes me ashamed of society; there is a sick element.

The Hon W. M. CAMPBELL: Don't you think the main trouble comes from the people who stop by the side of the road to have a drink and then leave rubbish there.

The Hon. D. G. ELLIOT: That is certainly part of the litter scene. I have taken the trouble to ask people. I took a sample of 100, which is not a bad sample. I received no negative response to the idea of a compulsory litter bag in a car. At the same time I received many confessions that the major trouble in this direction is what goes out of a car while it is in motion. The problem mentioned by Mr. Campbell is a separate one but I think it is relevant. I do not particularly blame the people who use turn offs and parking areas because in the vast majority of areas inadequate bin space is provided for refuse. The result is that litter is thrown on the ground.

England employs an excellent method on the highways. Fixed litter bins are not used. Containers of quadruple strength paper of a reasonably solid nature are attached to a fixture which enables an employee of the local county or shire, or whatever the equivalent is in England, to come along and without having to get out to physically empty them; they are tipped up and replaced. It is an efficient method and one from which we can perhaps learn. That method of collection should be examined urgently by the Government with a view to experimental areas in Victoria. I strongly recommend that suggestion to the Government in experimental areas in Victoria. I have put the suggestion to the Minister previously. No doubt the reports he has received have persuaded him to bring in this legislation.

In spite of the good intentions of Government this legislation is cosmetic in content because it does not get to the root of the problem. The same applies to safety. We should go back to the schools. Unless we are prepared to introduce safety sessions at schools on road safety, first aid, what to do crossing roads, safety in the homes and industrial safety and unless we can get a moral outlook which emanates from extreme youth rather than corrective adults we are tackling the problem in the wrong way.

Reverting to litter bags, it would be a simple piece of legislation which would not cost any money. It would cost the average car driver literally nothing, just a few cents for a litter bag. Incidentally, the type of litter he would put into that bag would render it reusable after it was emptied in the bin at home after a day's outing.

Another suggestion I wish to make is most practical. It has been touched on tonight. Many schools throughout Victoria are trying to supplement their ancillary funds by encouraging parents throughout their particular zone of activity to collect house to house on the recycling project.

The Greenvale school in Bulla has approached the shire engineer at Sunbury with an idea that seems to be growing as a result of learning

these things. Many schools, but not enough, indulge in the collection of recycling materials, and bottles that have a returnable value. Many hundreds of dollars have been collected by schools from this pursuit. This is something the Government should make not mandatory but voluntary.

What about a scheme which is stimulated and assisted by the Government? Perhaps a small subsidy could be paid by the Government for the establishment of placement areas adjacent to schools or in areas close to schools where materials such as waste paper and returnable bottles can be placed if the local populace see fit to donate them instead of using them as rebates when purchasing soft drinks or libations of any description. Cans can also be recycled. I have seen three bins provided, one for cans, one for paper and one for bottles. Why can this move not be stimulated by the Government so that litter can be put to good use by State schools or private schools?

The other suggestion I make is that the Government should go beyond legislation and form a litter squad. This litter squad would have a 24-hour-a-day job, if it so desired, driving around the highways of Victoria on a planned basis, picking up litter bags and examining them in an attempt to trace the people who have lodged them illegally and irresponsibly. Once again, I have done some research on that aspect. I have found that Centre Road, Tullamarine, which turns into Foster Road and goes to Keilor, is a favourite dumping place for people who want to get rid of refuse. I have opened a dozen bags in the vicinity and in all but one case I found identification of the person who dropped the litter. It might have been an address on a letter. The litter squad could justifiably frighten the life out of people by immediately having a means of prosecution.

Honorable members, including Mr. Wright, have mentioned that any type of litter Act is only as good as its enforcement. Unfortunately, in the vast majority of litter infringements, it is almost impossible to prosecute. The situation is similar to that of the speeding motorist. People look behind and around and if the coast is clear, down goes the window and out goes what they want to get rid of. It is human nature. We should be ashamed of that aspect of it. It is symptomatic of a sickness in our society that people should lack that sense of responsibility. I will not refer to cities that I have visited such as Copenhagen. In Moscow such behaviour would not be tolerated.

The Hon. A. K. BRADBURY: What about Singapore?

The Hon. D. G. ELLIOT: Singapore is wonderful. This litter squad could sheet home more prosecutions than a litter Act, a local government Act, and so on. I should like consideration to be given to such a squad.

I make a supplementary suggestion to the question of bringing the moral values of litter disposal before our children. I have always advocated a safety programme presented in interesting form by, say, a travelling unit in schools—not only State but also private schools. Safety could be made interesting. This could also incorporate education on the disposal of litter. I always find that, if young people are given a sensible lead, in the vast majority of cases they respond unless they are poisoned by the dilatory and lazy attitudes of their parents. This is the way in which we should tackle these matters.

I leave these few suggestions with the House. They are the result, not of my personal opinion, although I support them, but of a reasonable amount of research on my part with people—not only infringers but also people who are genuinely concerned that the litter problem should be dealt with sensibly, pragmatically and practically.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 7145 s. 3, 3A, 3B).

The Hon. A. J. HUNT (Minister for Local Government): I thank all honorable members who have spoken for their thoughtful contributions to the debate and I indicate that all the suggestions and proposals will certainly be considered. The Bill was certainly not the first of the matters in the Government's mind when it embarked on an anti-litter programme. As Mr. Wright correctly said, there were four central elements in the campaign—education, example, equipment and enforcement. The suggestion which Mr. Elliot raised in the previous sessional period that litter bags or bins should be compulsorily installed in motor vehicles was an important element which the Government took into account. The Government decided, by way of example, in the first instance, to install litter bags in all Government vehicles, and that has been done. Municipal councils, employer organizations and the trade union movement have been encouraged to take similar action. In turn, it is hoped that action at these levels will encourage private citizens to voluntarily install litter bags or bins in their vehicles. It may be that in the not-too-distant future, the installation of litter bags or bins in vehicles will be compulsory, but at least the first step has been taken along the road to voluntary co-operation.

That brings into account two of the four elements referred to by Mr. Wright and by me in my introductory speech—equipment and example. As has been said, the campaign has been furthered by correspondence to municipalities, and by sending kits and correspondence to schools in the hope that a wider educational programme will be undertaken. These all preceded the Government's decision that the action it was taking in the three fields of education, example and equipment needed to be supplemented by more adequate enforcement and tougher legislation. Actually, it was not the Bill that came first, the Bill came last. It was designed to supplement these essential four elements and to indicate that the Government was serious in its desire to make a real and positive attack on the litter problem. The Government was influenced in the penalties provided in the Bill by what has occurred overseas. Tonight, Singapore has been mentioned. Many honorable members have visited Singapore. Some have had the opportunity of comparing it in the old days when penalties were low and there was no enforcement with recent days when penalties have been high and there has been strong enforcement.

The existence of high penalties for such offences makes police and municipal authorities consider it worth while to prosecute. These penalties contribute to the stricter enforcement of the law, particularly by municipalities which receive the penalties as part of their revenue if they prosecute and, therefore, have funds available for improved equipment. Therefore, the Bill is part of a total package and should not be seen in isolation as a panacea. It is not intended to be a panacea. It is intended only as a contribution to an over-all programme.

If I may quote an analogy, several years ago a brand new theft Act was passed which made the law relating to larceny, as it was then known, or theft as it is now known, more simple. No one would pretend for one moment that the new theft Act makes everyone honest. It would be ludicrous to expect it. Similarly a tough new litter Act will not make everyone take notice and observe its provisions. As has rightly been said, to achieve that type of observance requires a continuous process of education and example, and that, indeed, is the objective.

Many sensible suggestions have been made. Mr. Trayling rightly placed emphasis on the packaging

problem. I am not fully convinced that the abolition of non-returnable containers is a solution to the problem. It was tried in Vermont in the United States of America where the Litter Commission recommended abandonment of the experiment after a short period when it was found that costs were rising and that the quantity of litter had not diminished but merely changed in character. I know that the House of Representatives Committee has made different findings and this is currently under examination by the Council of Environment Ministers. We will certainly be looking again at that issue in the light of the findings of that council. However, I appreciate Mr. Trayling's remarks and, as I indicated in my second-reading speech, discussions are currently taking place on excessive packaging, which makes the problem of litter somewhat worse than otherwise might be the case.

I think there is a long way to go before the Government can accept the South Australian model as the ideal. It could rightly be said that rather than suggest that this Bill is hasty, it could be argued that the South Australian measure was hasty. Mr. Wright, with his usual assiduity, has examined the problems of municipalities. I concede that I and the Government sincerely trust that the increased penalties will make it far more worth while for municipalities to contribute to the enforcement of the Act.

The Hon. K. I. WRIGHT: Their Act will have to be amended, too.

The Hon. A. J. HUNT: I am not convinced of that but I will be pleased to talk to Mr. Wright if he believes there is any deficiency.

The Hon. D. G. ELLIOT: Which Act is that?

The Hon. A. J. HUNT: The Local Government Act. If there is the slightest doubt that the penalties will go to local government, I assure the honorable member that that doubt will be removed. As I understand it, under the principal Act that is already so, but if there is any doubt I shall be prepared for an amendment to be moved in another place to make the position clear beyond doubt.

Mr. Elliot's vast experience in these matters is appreciated. I have already acknowledged his personal contribution towards the existence of this measure. I will discuss with my colleague, the Minister for Conservation in another place, who shares responsibility in this Bill with me, the further suggestion that Mr. Elliot has made today.

The Hon. I. B. TRAYLING (Melbourne Province): The Minister for Local Government has said nothing when speaking to clause 2 that suggests that the Government is prepared to face up to the problem of littering as I suggested it should. I said earlier that it is a cosmetic Bill and I reiterate that as my colleague, Mr. Elliot, has also suggested it. The Minister steers away from the problems caused by manufacturers who produce non-returnable bottles, pull top cans and non-returnable containers without providing the necessary collection areas.

The Minister confines the Bill to an attack on the problem by hitting at the consumer. He does nothing about the manufacturers of these containers, or the retailers. He just wants to get to the innocent consumers. On behalf of the Labor Party, I reiterate strongly that this is a cosmetic Bill.

The problem of littering is one about which honorable members are all acutely concerned. I should have thought, if the Government was concerned to transfer its responsibility in sharing that concern, it would have done more in the Bill to meet the problem effectively.

In 1971 a report was published by the Victorian branch of the Keep Australia Beautiful Council. I suppose it must be out of date now, but an interesting study was conducted in conjunction with the University of

Melbourne and its Institute of Applied Economics and Social Research on 2 miles of road, 1 mile located in a residential urban area and 1 mile of highway with through traffic to the Dandenong Ranges. The study revealed that the litter averaged out in its composition to 71 per cent paper items, 9 per cent cans, 3 per cent plastic items, and 1 per cent so-called bottles and jars. There would be a greater percentage of cans now. That is mainly because of the shift to the use of cans, which has increased since the survey was taken and through the good efforts of Carlton and United Breweries Ltd. with bottle collection. Miscellaneous litter covering car parts, tyres, timber and so on represented 6 per cent and unclassified items of small pieces of material represented 11 per cent. The unclassified items on both stretches of road, both residential urban and highway, included such things as food scraps, rags, metal straps, and ropes; and on both stretches of highway, contraceptive condoms.

It is difficult to prevent littering no matter what the penalty. I have stressed that one has to get to the root of it, and that is the manufacturers and the retailers.

I propose to move three amendments to clause 2 and I seek leave of the Committee to have the three amendments considered at the one time because they all concern penalties. If it is the wish of the Committee, I will move the amendments separately, but I am prepared to move the three amendments together if leave is granted.

The CHAIRMAN (the Hon. W. M. Campbell): I will test the Committee on the first amendment and then the honorable member can make up his mind on his further amendments.

The Hon. I. B. TRAYLING: I move—

Clause 2, page 2, line 8 omit "$500" and insert "$200".

The reason for the amendment is that it is proposed to have a $500 penalty for littering. Where the littering may be accidental, the penalty is too severe. I again give an example of the case where a child in a car may take a sweet out of a wrapper, which floats out of the window because it is open. A policeman or a by-laws officer might be travelling behind the car and feel duty bound to report the offence. He does not know who is responsible or whether anyone is responsible, but to him there has been an act of littering.

Under this Bill there is provision for a $500 fine, or if the person who littered cannot be tracked down, the person in charge of the vehicle and /or the person who owns the car, who might be a remote owner at the time of the alleged offence, may be adjudged guilty.

There is too much arbitrariness about imposing such a heavy penalty. Therefore, I commend the amendment, which provides that the penalty be reduced from $500 to $200 for littering because penalties of this nature will not help overcome the problem.

The Hon. A. J. HUNT (Minister for Local Government): The Government cannot accept the amendment because even a maximum fine of $200 would leave the penalties precisely as they are. It would not in any way indicate the desire of the Government to regard these offences more seriously. In suggesting that a child of three years of age, who accidently drops a sweet wrapper from a motor car or the paper is inadvertently drawn from the car by suction, might somehow be fined $500, or the owner or driver is liable to the fine, Mr. Trayling is clearly drawing the long bow.

There are two levels of offences under the Act. This was not understood by the police because it was confusing, and so the Government has substituted a simple offence with a maximum penalty of $500. It is

therefore left to the court to determine the appropriate penalty, having regard to the nature of the offence.

In the case of a sweet wrapper thrown from a window by a small child or lost by suction, to use Mr. Trayling's somewhat far-fetched suggestion, so long as the driver discloses who was responsible or how it happened, that driver cannot be prosecuted. The small child cannot be prosecuted either, as any child under seven years of age cannot by law be prosecuted. One can hardly imagine a child being prosecuted under the circumstances Mr. Trayling mentioned. In any event, no court would impose the maximum penalty in circumstances such as that. Surely we must have some faith in our court system.

If, however, it is thought fit to give an infringement notice, then a penalty of $50 exists. Again if the identity of the child is disclosed, no infringement notice would lie in respect to either the driver or the owner.

That is the simple answer. The Government believes it is essential to have an increased maximum penalty as part of the total programme of there being a deterrent to littering, of educating the community, of keeping Australia beautiful and of maintaining Victoria as the garden State.

The Hon. K. I. WRIGHT (North Western Province): During the second-reading debate, on behalf of the National Party I claimed that the proposed increase in the fine from $200 to $500 was excessive, considering that absolutely no evidence had been produced by the Minister for Local Government on the efficacy of the imposition of fines in the past. I have been unable to obtain any evidence from the Minister or any other source. However, I have been able to find some newspaper cuttings, and the highest fine that I could find that has been imposed by the courts was $100, which is only 50 per cent of the present maximum fine of $200.

As I said during the second-reading debate, I believe it is a matter not of increasing the maximum fine from $200 to $500 but of ensuring that the relevant authorities, including the Police Force, are aware of the importance of this offence. Therein lies any success we are going to have in preventing littering. The National Party proposes to support the amendment moved by Mr. Trayling.

The Hon. D. M. EVANS (North Eastern Province): My first remark relates to a comment made by Mr. Trayling, that the consumer was the person at fault and not the manufacturer. In my view the consumer plays a significant part because what he wants tends to be what the manufacturer provides. If the penalty for using and disposing of goods was related to the difficulty of disposing of the packaging of those goods, that would influence the consumer to purchase only goods packaged in a certain fashion, and automatically the manufacturer would be forced to produce what the consumer wanted.

The CHAIRMAN (the Hon. W. M. Campbell): Order! The amendment moved by Mr. Trayling relates to a penalty, and Mr. Evans is moving a little beyond that.

The Hon. D. M. EVANS: Thank you, Mr. Chairman, but I have made my point. The second point relates directly to penalties. It is perfectly true to claim that an increase in penalties will not deter people from this disgusting habit of littering; rather it is the application of those penalties. It is necessary that the penalties be applied frequently and at the same time be severe.

In the present measure there is sufficient provision to deal quite severely with people for littering, but I was interested to note that the Government has made no provision in the Bill for on-the-spot fines. If I am incorrect, I shall be happy to be corrected. Therefore, the Government has the difficulty of taking to court a person who transgresses against the litter laws, proving

the offence and then collecting the penalty and so on. Instead of increasing the penalties, more benefit would be obtained if provision were made for an on-the-spot fine of $25, $50 or $100, which would be a standard fine to be applied to a person found guilty of littering, exactly as it is in many of the motor car driving offences. The person could either pay the fine or go to court and face the prospect of a much more severe penalty. Certainly there would also exist the right to either prove or disprove the guilt or innocence of the person charged. I offer that suggestion to the Government.

The Hon. I. B. TRAYLING (Melbourne Province): I regret that Mr. Evans has a total lack of understanding of the science of marketing. It is not the consumer who dictates what the producer provides for the consumer but the reverse. The marketer produces the goods, which the consumer has the choice of buying, and that principle has applied for a long time. If Mr. Evans could understand that when considering Bills of this nature, he would have a somewhat different understanding of what I am speaking about.

On the question of penalties, the Minister for Local Government either did not understand what I was trying to say in using the example of the child with the sweet wrapper or chose to skirt around it.

I am not suggesting that any law officer would attempt to prosecute a child for throwing a wrapper out of a car window. But, if he were behind the car when the wrapper or some other object came out of the car, he would not know whether a young child or someone else had thrown it out. The law officer would not necessarily know that a child in the back seat of the car had thrown out the object. That cannot be seen from the rear. All one can see is something coming out of a window and one cannot tell whether it is from the front or rear window, particularly if one is some distance behind.

The policeman or the by-laws officer would have to make an arbitrary decision on whether the driver dropped the object out of the car, whether it was drawn out by the force of nature, or was thrown out by a child. As a result of that arbitrary decision a penalty might be imposed on an innocent person, possibly the owner of the car who may not have been in it at the time. The law officer may insist that the object came from the front window, and let us not deny that this sort of thing could happen.

The Hon. A. J. HUNT: Are you suggesting that he will prosecute on the basis of a number plate?

The Hon. I. B. TRAYLING: That is what the Bill provides. For the reason I have outlined, I oppose the penalty in the Bill and suggest a smaller penalty.

The amendment was negatived.

The Hon. I. B. TRAYLING (Melbourne Province): As an amendment, I move—

Clause 2, page 2, lines 20–23, omit "or in lieu of the penalty provided by sub-section (1) sentence the offender to imprisonment for a term of not more than one month" and insert "the penalty provided by sub-section (1) order the offender to pay an additional fine up to $500 and to pay the costs of removing such litter or unwanted material".

In relating this amendment to the Bill it is necessary to understand that the Labor Party strongly frowns on wilful littering. In fact, it is prepared to go even further than the Government is on penalties for this offence. But members of the Labor Party do not believe a penalty of one month's gaol for littering is appropriate; that is an absurdity and it will not act as a deterrent. If this amendment is accepted new section 3 (2) will provide that where a person is convicted of an offence under sub-section (1) and the court is satisfied that the offence was committed wilfully, the court may, in addition to the penalty provided in sub-section (1) order the offender to pay an additional fine up to $500 and to pay

the costs of removing such litter or unwanted material. The Labor Party did not want a total fine of $1,000, but because the first amendment I moved to this clause was negatived, that will be the result. But members of the Labor Party want to make the point—this is why I am proceeding with this amendment—that there should be no gaol penalty.

The Hon. A. J. HUNT (Minister for Local Government): Again, the Government cannot accept the amendment. The Goverment proposes the reserve power of gaol to meet the worst of all offences and also to show it is serious about the problem of littering. All honorable members have heard of cases in which a bottle has been thrown from a car so carelessly that it has gone through the window of another car.

The Hon. B. P. DUNN: Or has hit a pedestrian!

The Hon. A. J. HUNT: That is so. It is an extremely dangerous practice, which might well warrant the extreme penalty of gaol for a period of 1 day, 2 days, or, depending on the circumstances, possibly 1 month. The Government believes the ultimate sanction should be included as a deterrent and as a sentence which the courts may impose if it is warranted. I imagine gaol would be imposed only in extreme cases, but the penalty should be available as a sanction of last resort.

In so far as Mr. Trayling suggests that there should be some power to recover from the offender the cost of rectifying the littering, I point out that this is already provided for in section 3A of the principal Act.

The Hon. K. I. WRIGHT (North Western Province): The National Party will not support the amendment. Its members believe a term of imprisonment should be available for the worst cases of littering, to be imposed if the magistrate thinks it fitting.

The amendment was negatived.

The Hon. I. B. TRAYLING (Melbourne Province): I shall not move the third amendment to clause 2 circulated in my name.

The Hon. A. J. HUNT (Minister for Local Government): Several issues have been raised during the debate on this clause, which have not been answered but which should be answered. The question of litter infringement notices was raised by Mr. Evans. This is provided for in section 3B of the principal Act. Under the Bill, the penalty pursuant to a litter infringement notice will be raised from $5 to $50. The use of an infringement notice is extended to the case of litter being dropped from a vehicle which is intercepted at or about the time of the offence. An infringement notice cannot be served unless the vehicle is intercepted at or about that time; it will not be possible to rely on a number plate alone.

The second issue raised was whether penalties would be paid into municipal funds. Section 4 (2) (*a*) of the principal Act provides that penalties for offences against the Act, where they are recovered in proceedings instituted by or on behalf of a municipality, will be paid into the municipal fund of that municipality.

The clause was agreed to.

Clause 3 (Liability of owners of vehicles).

The Hon. I. B. TRAYLING (Melbourne Province): As an amendment to this clause, I move—

Clause 3, page 2, lines 30–42, and page 3, lines 1–37, omit all words and expressions on these lines.

This provision refers to the onus of guilt on the person in charge of a vehicle, or the owner of the vehicle, whether he is in charge of the vehicle or, perhaps, not even in it. The really offensive part of the proposed section 3C to be inserted by this clause is sub-section (3) which

the Labor Party proposes should be deleted. Proposed section 3c (3) states, *inter alia*—

> Notwithstanding anything in this section an owner of a vehicle shall not be or be deemed to be guilty of an offence under this section if—
>
> (*a*) before or within fourteen days after the service on him of a summons—

That is under the owner-onus provision—

> in respect of the offence concerned he supplies in a sworn statement in writing to the informant the name and address of the person who was in charge of the vehicle at the relevant time.

That simply means that if the owner is prepared to dob in his friend or, to use another Australian expression, to put him in, the owner will avoid the penalty. All he has to do is to become an informer against the friend to whom he has lent the vehicle and he will escape penalty. That is what the provision means. Apparently the Government is impressed by what has been done about the litter problem in Singapore. But if the Minister thinks we have yet arrived at the authoritarian sort of rule that prevails in that island city, he is mistaken. We might be moving towards that with legislation such as this, but it is not the Australian way for a man to inform on his friend.

The Hon. F. S. GRIMWADE: He does not have to do it; he can pay the fine himself.

The Hon. I. B. TRAYLING: The bleating members on the Government benches apparently have not yet read the Bill. I have read out the proposed sub-section and there is no possibility of misunderstanding or misinterpretation because of ambiguity of the wording.

The Hon. A. J. HUNT: You mean that it is well drafted!

The Hon. I. B. TRAYLING: I mean that the meaning is quite clear. The Bill provides for the owner of a vehicle to act as an informant. He can avoid a penalty by informing on someone to whom he has lent the vehicle. Obviously, that would be a friend or a relative.

I return to the case of the child who drops something out of the window of a car. The law officer behind the vehicle would not know whether the object came from the driver's window or from a passenger on the driver's side of the car. He could take the number of the car and make a statement to the effect that the driver threw something out of the window, or a passenger on the driver's side of the car threw something from the car.

If he is not able to apprehend the delinquent person at the time, a prosecution may be launched against the owner of the vehicle. If the owner is prepared to say that he was not driving the car at the time but that he had lent it to his brother, or his friend, whose name is so and so, and that he must be the guilty person, he, the owner, avoids a penalty.

This is not Singapore and this is not in keeping with the Australian character. Perhaps the Liberal Party is prepared to say that prosecutions will be launched only when they are justified. But I am sure all honorable members know of or have read about prosecutions that have resulted from lack of judgment, misunderstanding, and so on, by law officers who have failed to properly observe what actually occurred. That is what it is all about. That provision should be removed from the Bill. In fact the Labor Party contends that the whole section referred to in the proposed legislation should be deleted.

It is interesting to note the comment in the pamphlet to which I referred earlier, *A Study of Roadside Litter* by the Keep Australia Beautiful Council, which reads—

> The high incidence of soft drink cans and food and sweet wrappings on the highways suggests that child passengers are responsible for much of the litter.

I believe that, but it is very difficult for a law officer at the rear of a vehicle to judge who threw an article from one of the windows of a car.

The Hon. R. I. KNOWLES: What about parental responsibility?

The Hon. I. B. TRAYLING: I do not absolve parents from responsibility for their children's actions, but it is not always possible to control children, and on occasions things can be thrown from an open window.

The Hon. F. S. GRIMWADE: Like cigarette butts and lighted matches.

The Hon. I. B. TRAYLING: There is no need for the provision related to informing to be included in the Bill. The Labor Party opposes the whole section concerning owner onus. This is not a parking offence, and the Bill provides for a fine of $500 or one month's gaol. So long as the provision is contained in the Bill, the possibility for its use remains.

The Minister and Government supporters should not be overly concerned about possible misuse of the provisions of the Bill. The Minister for Local Government said that he was most impressed at what happens in Singapore. We know a lot about what happens in Singapore, and obviously Victoria is moving towards becoming the sort of authoritarian State that Singapore is, and apparently the Minister applauds that. Members of this side of the House do not.

The Hon. A. J. HUNT (Minister for Local Government): I do not propose to reply to the final argument Mr. Trayling used because its illogicality speaks for itself, but I want to speak for a moment on the construction of the clause.

I refer Mr. Trayling to proposed new section 3c (6) which provides that—

> No proceedings shall be instituted under this section unless the person in charge of the vehicle was advised at or about the time of the commission of the alleged offence that proceedings might be taken in respect of the alleged offence.

In other words, the vehicle must be intercepted at or about the time of, or shortly after, the commission of the offence. It is no good merely to take a registration number and proceed against the owner of the vehicle on the basis of a number about which one could perhaps be mistaken, so interception and advice to the person in charge of the vehicle is required.

The person in charge of the vehicle has the option of saying who the offender was. The passenger responsible has the opportunity of admitting the offence. If the passenger does not admit to it or if, to use Mr. Trayling's phrase, the person in charge of the vehicle is not prepared to "dob in" his mate but prefers to take the onus himself, then that is what the Bill provides shall happen. There must be either an admission by the person concerned or a statement by the driver, or the driver must accept the consequences.

I might say that if the identity of the offender is established, the Bill provides that no proceedings can be taken against the driver or the owner. If the offender is a child, then no prosecution would result if the child were under 7 years of age and, as a matter of practice, no proceedings would be taken if the child were under 12 years of age. As a matter of normal administration, if the child were between 12 and 15 years of age, a warning would be given and nothing more would be done.

Let us assume that there is a conspiracy of silence by all in the car and the driver gives a name that turns out to be false, so he cannot be traced; in those circumstances owner onus applies, and only in those circumstances. The owner can be prosecuted only if the identity of neither the offender nor the driver can be established. If that situation applies, the owner still has a number of options open to him. He can show that the vehicle was stolen; he can show that he did not know or could not with reasonable diligence ascertain

the name and address of the driver, or he can, in common with the owner-onus provisions that apply in respect of parking, supply an affidavit or declaration setting out the name and address of the person he believes was in charge of the vehicle at the relevant time. That is the way in which owner onus applies.

Thus it is a very rare circumstance in which the owner, not being present in the vehicle at the time, could be prosecuted for an offence. It would then be a matter for the court to fix a penalty, having regard to whether it believed he was covering up or did not know. If it were the latter case, that he did not know, then he would escape entirely—everybody would escape.

An owner-onus provision of this kind, which I might add is a driver-onus provision before it is an owner-onus one, and is an offender-onus provision before it becomes a driver-onus one, is, in the Government's view, an essential back-up to enforce the anti-litter campaign in respect of material thrown from motor vehicles. Too often something is thrown out, a vehicle is intercepted, and everyone denies knowledge of it.

The Bill endeavours to provide a weapon to deal effectively with that situation, and the Government certainly trusts that that will be its result.

The Hon. K. I. WRIGHT (North Western Province): The National Party cannot support the amendment moved by Mr. Trayling because it believes that littering from a motor car is a particularly bad offence, especially, as was previously stated, if bottles, glass and similar materials are thrown.

Therefore, provisions of the Bill lay down a satisfactory procedure. After all, the driver can accept the responsibility; he can give the name of the person responsible for throwing litter or declare that he genuinely does not know that person's name and address. Furthermore, if the vehicle is found to have been stolen, that is another satisfactory excuse.

Another safeguard is the provision that the vehicle must be intercepted at or near the time and place of the offence. Members of the National Party accept the provisions of the Bill as they are.

The Hon. I. B. TRAYLING (Melbourne Province): I make a final comment on the provisions of the proposed section, and that is on the obsession of the Government and the Minister for Local Government with end-user penalties for offenders who are the unfortunate recipients of the products they are forced to buy and which they cannot return or dispose of in collection areas or depots.

It is a sad reflection on the philosophical attitude of a Government that will do nothing to overcome the problem by making regulations which must be adhered to by packagers. Consequently the law concentrates only on the so-called end-use offender, whether he is guilty or not guilty. It is a symbolic reflection.

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

Clause 5 (Amendment of No. 7145 as amended by the preceding provisions of this Act).

The Hon. I. B. TRAYLING (Melbourne Province): If clause 5 is not to come into operation for approximately two years, will clause 2 still remain a part of the Act at that time?

The Hon. A. J. HUNT (Minister for Local Government): Clause 2 amends section 3 of the principal Act and makes it an offence to deposit litter in or on any public place other than in any place of amusement, sport or recreation, to which a fee has been paid for admission; or in or on any other land owned or occupied by or under the control and management of any person otherwise than with the express consent of the

owner, occupier or person having the control or management of such place.

Clause 5 proposes to amend the definitions in section 2 of the principal Act to include as part of the definition of "public place", any racecourse, cricket ground, football ground or other such place; any open place to which the public is admitted whether or not on payment for admittance, and any theatre, hall or other place of entertainment. Clause 5 goes on to provide that as from the date on which this provision comes into operatin the words in section 3 "other than in any place of amusement, sport or recreation for admission to which he has paid a fee" shall be repealed.

The combined effect of these provisions is that at this moment the exemption which exists on places of sport or amusement for which a fee is paid, does not take effect. Clause 5 merely serves notice as from some future date, which I indicated earlier is likely to be two years hence. When clause 5 is proclaimed, the definition of "public place" will be extended to include places of sport and amusement for which fees for admission have been paid. The exemption in section 3 in the Litter Act will remove places for which a fee has been paid.

I have indicated that that clause is not to be used immediately because an education process is necessary before this can be done, and the authorities will need to provide much better equipment to receive litter than now exists. This is anticipated to take effect in about two years. The amendment is prospective in its nature; it will not take place on proclamation of the Act but will require further proclamation when the time is right.

The Hon. I. B. TRAYLING (Melbourne Province): I thank the Minister for the explanation. The Labor Party supports what the Government is trying to do, but does not approve of the way in which it is going about it. Unless the Government is prepared to take other measures, in terms of public education, and as Mr. Elliot suggested make it compulsory to have litter bags in cars and vehicles generally, this will not be possible in two years, and will fall a long way short of it. That is my prophecy. The only way in which it can be done is by undertaking a public education programme on litter, not based on increasing the severity of penalties, but on positive encouragement by example, and by having the public accept that littering is an anti-social act.

The Government has not offered enough at this stage to convince the Opposition that clause 5 will be proclaimed in two years' time.

The Hon. A. J. HUNT (Minister for Local Government): Without necessarily adopting every word Mr. Trayling used, I accept the thrust of what he says.

The clause was agreed to.

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

PUBLIC WORKS AND SERVICES BILL (No. 2).

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.

RACING (FEES) BILL.

The debate (adjourned from October 25) on the motion of the Hon. F. J. Granter (Minister of Water Supply) for the second reading of this Bill was resumed.

The Hon. R. J. EDDY (Thomastown Province): The Bill increases the fees charged for certain licences and permits issued under powers conferred by the Racing Act 1958. I point out that these fees have not been reviewed for a number of years.

The controlling body of the three branches of the racing industry, the Victoria Racing Club, the Trotting Control Board and the Greyhound Racing Control Board have been advised of the proposed increases and have raised no objection.

Clause 2 amends the four relevant sections of the Racing Act. It increases the maximum fee that may be charged under section 22 (*a*) (i) for a permit to conduct trotting races at agricultural shows from $2 to $10. This doubtless appears to be a substantial increase, but one must consider the work involved in the application to the Department of Youth, Sport and Recreation, which has to obtain details of where races are to be conducted. It is then referred to the Police Department, which investigates whether the trotting track is safe for the public. It also goes to the Trotting Control Board to ensure that the races meet with its approval. Much paper work and time is involved for a fee of $10.

Section 27 of the Racing Act provides that the maximum fee for a licence for a racecourse or trotting ground shall be $20. The Bill increases this maximum to $40. This concerns only the metropolitan tracks, of which there are four. Honorable members are conversant with the metropolitan tracks. The fee of $20 will remain for country tracks, irrespective of which sport is concerned. At present there are 60 country tracks. Those tracks will be paying that fee of $20.

There are approximately a dozen country greyhound racing tracks and only two metropolitan tracks, Olympic Park and Sandown. The Government must realize that the racing industry is reaching a crisis with ever-increasing costs. Today the Government obtains approximately $750,000 a week in revenue from the Totalizator Agency Board. The racing industry also contributes to hospitals, and, in recent years, to the Department of Youth, Sport and Recreation. The industry must meet increases in the cost of wages, power, printing, and many other costs which amount to 10 per cent or 12 per cent per annum. Last year the increase in return from the Totalizator Agency Board to racing clubs was a little under 4 per cent. It is understandable that the clubs need some Government relief.

Recently in the television programme *World of Sport,* Jack Elliot pointed out how badly the racing industry is situated at present. Tonight I point out that the clubs are paying more than they are receiving from their return from the Totalizator Agency Board or from the Ministry of Youth, Sport and Recreation. The Government must consider raising extra revenue from other forms of legalized gambling such as Tattslotto, Soccer Pools and Bingo. The Government and the Minister should consider the raising of extra finance from these other avenues of gambling to assist the racing industry. If it does, it will provide urgently needed relief to the racing industry.

I also point out that the Thoroughbred Owners Association is suggesting that it should receive appearance money in the same way as players of football and cricket. The association is making the point that it will probably be asking for appearance money for some of the top horses, which many of those people own. It is up to the Government to provide some urgent relief to the racing industry. Accordingly, I ask the Minister to take the matter up with the Minister for Youth, Sport and Recreation. The Opposition does not oppose the measure.

The Hon. S. R. McDONALD (Northern Province): The National Party supports the Bill to amend sections 22, 27, 58 and 59 of the Racing Act. I will not go through the Bill in detail. The reasons for the amendments are increasing costs and the fact that the current revenue from these fees does not meet the administrative costs involved.

I make one point concerning the relative fees paid by metropolitan and country clubs. It seems to

be slightly illogical that the four metropolitan racing clubs pay $40 and the smaller country clubs, which may race only three or four times a year, pay one-half of that amount. The Minister has stated that the proposals have been put to the associations that control horse-racing, trotting and greyhound racing in Victoria, that they have accepted these changes and do not oppose them.

The Hon. B. A. CHAMBERLAIN (Western Province): I also support the Bill, the basic purpose of which, as has been pointed out, is to increase fees for licensing the different forms of racecourses. I want to look at the costs facing racing clubs, particularly country racing clubs, and their ability to meet cost increases.

In order to assist me, I sought the views of the various racing clubs in the Western Province. I received replies from the Edenhope, Camperdown, Warrnambool, Hamilton, Penshurst, Stawell and Casterton racing clubs and the Hamilton Trotting Club. The replies show a consistent pattern. In all cases, the clubs increased stakes during 1976. In every case, they have increased Totalizator Agency Board turnover and, in the case of Warrnambool, there was an increase of some 25 per cent. According to the Totalizator Agency Board report, Totalizator Agency Board turnover on country gallops increased by 13·72 per cent, that on country trotting by 6·47 per cent and that on country dog racing by 54·9 per cent. These country clubs made a substantial contribution to Totalizator Agency Board revenue.

The replies also indicated that the prospects for stake increases in this coming year are dismal despite large cost increases for owners and trainers. As one who is marginally involved on the sidelines, I can vouch for the increased costs of keeping a horse in training, particularly when the horse does not win too often. There is a definite need for increased stakes to keep owners and trainers interested in this activity, because it is an expensive hobby.

The clubs have found in recent years that to attract the horses they have to pay for things like losing riders' fees, various other fees, the increased cost of officials whether in the form of salaries or meals, the cost of the photo-finish arrangements, and other costs associated with presenting a race meeting. All these costs have gone up astronomically. Now, under this Bill, clubs are being asked to pay even more fees.

All honorable members know that clubs rely heavily on Totalizator Agency Board allocations to keep them going. Allocations from the Totalizator Agency Board account for about one-half of their revenue. In dealing with racing clubs, the 1977 report of the Totalizator Agency Board shows that its revenue increased by 9·95 per cent to $546 million. Victorian punters are investing an average of $1·5 million a day with the board, which is a substantial sum in anyone's terms. However the surplus funds, which are payable to clubs and from which they have to meet extra costs, have gone up by only 3·63 per cent. Although the board's total revenue has increased by 9·95 per cent, allocations to the clubs have increased by only 3·63 per cent.

The administrative costs of the clubs that are met by the Totalizator Agency Board represents 16·9 per cent this year; last year it was 14·13 per cent. Again, there is a considerable increase in administrative costs and therefore the clubs are being forced into fund-raising activities. For example, the Edenhope Racing Club conducts bingo nights, sheep-raising activities, a ball and caters for various activities. It is a real community effort in an attempt to keep the race club going.

An examination of the Totalizator Agency Board report for 1977 indicates that the Hospitals and Charities Commission received $31·6

million, the Department of Youth, Sport and Recreation $6·7 million, and that the total Government payout for those two activities increased by 11·8 per cent. That increased by more than the increase in revenue because the Government shares in mixed investments such as the daily double, the quadrella and so on. As I said before, the allocations to clubs increased by only 3·63 per cent, or an amount of $19·2 million. In western Victoria, this meant a minimal increase. In some cases, the anomalous position existed where a club had a substantial increase in Totalizator Agency Board turnover but the return from the board decreased. The Warrnambool Racing Club received $1,350 less despite a 25 per cent or $1 million increase in Totalizator Agency Board turnover, plus considerable gate increases.

The Hamilton Racing Club's allocation was reduced by $1,100. The Totalizator Agency Board turnover for the Hamilton Trotting Club increased by 23 per cent, gate receipts by $3,000 and yet there was only a marginal increase in board allocations. Mr. Hilton Nicholas, Chairman of the Totalizator Agency Board, has warned that allocations for next year will be even less despite these increases in costs. This puts the clubs in a very difficult position, particularly those that want to adopt overdue development programmes, such as the Hamilton Racing Club, but are now unable to do so because their future is so unclear. One of the problems is that the basis of Totalizator Agency Board distribution is unknown and unpredictable and therefore it is difficult to budget for the coming year.

What are the future prospects for these clubs? They depend on an increase in their sources of revenue and, without disturbing the allocations to the Hospitals and Charities Commission and the Department of Youth, Sport and Recreation, the only possibility seems to be dividend fractions being made available to the racing industry. The 1977 report of the Totalizator Agency Board shows that $2·5 million of unclaimed dividends were included in the board, revenue last year. However, fractions paid into the Consolidated Fund last year amounted to $4·13 million and approximately $12 million over the past three years. I am sure that the Minister will support my contention that these fractions should be ploughed back into the racing industry. On my rough figuring, that could mean an increase in the allocation to clubs situated within the province I represent of something like 15 per cent, which would help them offset the cost increases I have outlined.

The Government has to be careful that it does not kill the goose that lays the golden egg. The Totalizator Agency Board provides considerable funds for hospitals and for youth, sport and recreation—benefits which flow back to the whole community. We have to be careful that in trying to overcome increases in costs incurred by clubs, we do not diminish the number of horses available for racing and therefore reduce public interest in racing.

Country racing and trotting alone last year accounted for $190 million in Totalizator Agency Board turnover, which is not an insubstantial amount. City race meetings have traditionally required a high percentage of country horses to keep their meetings going, so it is important for country clubs to be kept viable, although most of the arguments that I have advanced tonight relate to both city and country clubs.

I support the Bill because the small increases included in it have not been opposed by the clubs themselves. However, earnest consideration must be given to helping country clubs and I commend the remedial courses of action I have suggested.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Increase in fees payable).

The Hon. F. J. GRANTER (Minister of Water Supply): I thank Mr. Eddy, Mr. McDonald and Mr. Chamberlain for their contributions to the debate—Mr. Chamberlain certainly carried out a lot of research.

Mr. Eddy believes the racing industry has reached a crisis point. I would not say it has reached a crisis point, but I know that racing administrators throughout the State are concerned because they are expected to provide high stakes to command horses of good quality, especially horses from New Zealand, to participate in the Melbourne and Caulfield cup carnivals, which have just been completed. The Melbourne Cup carnival was a magnificent success. It enjoyed record crowds and probably had a record turnover on the tote, both on and off-course, and through investments with the registered bookmakers.

One could say much about the system under which racing operates in this country, having both totalizator operations and registered bookmakers. It is a wonderful set-up under which, if a person wishes to gamble, he has the opportunity of having an investment either on the tote, with on-course or off-course facilities, or with the registered bookmakers.

I agree that sponsorship has contributed large amounts in the provision of stakes at race meetings throughout the State. Many firms make a real contribution to racing. Admittedly, they obtain a benefit from their sponsorship, but this is a business and I know that racing clubs, whether located in the country or in the city, agree with the principle of sponsorship.

The Melbourne Cup is one of the famous races in the world—to my mind it is the greatest, although I know others will differ with my view. I do not believe appearance money is paid in Victoria and Mr. Eddy did not suggest that it was, but he said that one day the stage might be reached when it is paid. I believe it is paid by some racing clubs in Australia, but it has not yet been paid in Victoria.

As I said initially, Mr. Chamberlain has undertaken a lot of research. He was concerned about the allocations paid to city and country racing clubs from the Totalizator Agency Board. Although the returns to the Totalizator Agency Board from racing, trotting and greyhound meetings have increased, the Totalizator Agency Board allocations to racing clubs have decreased. I know that this is a worry to racing clubs, especially country racing clubs because they are faced with increased costs. Club administrators, owners, trainers or jockeys, they are all facing increased costs and it is hard to make ends meet, especially for small clubs where much voluntary work is carried out.

Mr. Chamberlain highlighted the Edenhope Racing Club, which involves a community effort to keep it going. Mr. Chamberlain suggested that, as a means of clubs receiving extra revenue, they should retain the fraction when a dividend is declared. At present when a dividend is declared and there is a fraction of less than 5 cents which cannot be declared in the dividend, that amount is retained by the club initially and then paid into the Consolidated Fund. Mr. Chamberlain suggests that it should be ploughed back or retained by the club permanently, and as a racing administrator with the Bendigo Racing Club I agree with his suggestion.

The Hon. D. G. ELLIOT: What about unclaimed dividends?

The Hon. F. J. GRANTER: Mr. Chamberlain mentioned that unclaimed dividends are retained. I

thought they went back to the Consolidated Fund because there is a period of time during which those dividends can be claimed.

The Hon. D. G. ELLIOT: It is a big amount.

The Hon. F. J. GRANTER: It is a large amount, I understand a move has been made by both the metropolitan and country racing clubs for the Treasurer to approve of the clubs retaining the fractions in order that they might remain viable. Many of the smaller racing clubs will not remain viable if they do not obtain increased revenue, and personally I support Mr. Chamberlain's argument.

The motion was agreed to.

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

LOCAL GOVERNMENT (PROMOTION OF DECENTRALIZATION) BILL.

The debate (adjourned from November 10) 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. M. WALTON (Melbourne North Province): This small Bill amends the Local Government Act in a couple of ways. It assists country municipal councils that indulge in the doubtful pastime of trying to attract industries to their towns. Those councils encounter problems of various sorts. The first one was mentioned by the Minister in his second-reading speech—that councils wish to assist in the provision of electricity. It has been found that they have no authority under the Local Government Act to do so. The Bill provides them with that power

The second provision contained in the Bill has been requested by many councils who have had difficulty with the matter for a considerable time. It enables councils to make loans to decentralized industry from moneys borrowed for that purpose, the Government guaranteeing the funds. The provision will be made retrospective to cover commitments that have already been entered into. The Labor Party offers no opposition to this Bill.

The Hon. K. I. WRIGHT (North Western Province): This Bill amends the Local Government Act to enable councils to promote or assist the development of decentralization. The provisions of the Bill have been actively sought by members of the National Party as well as members of the Opposition and the Government. Naturally the National Party supports them because a number of country municipalities are involved. I should like to mention two of them briefly. The first is Donald. As the Minister for Local Government and the Minister for State Development and Decentralization will realize, at least 250 workmen are employed in the Countryside Meatworks at Donald This Bill includes provisions favourable to that enterprise. I also refer to Mildura City Council which has purchased land at Mildura and is prepared to build factories on the land for lease to industry. It has attracted a tenant for the first factory to be built on the land. These amendments will help in both instances. The National Party supports the Bill.

The Hon. R. J. LONG (Gippsland Province): I wish to speak on the amendment to section 693 of the Local Government Act. I thank the Minister for Local Government for his assistance in putting forward these amendments. In the Loch Sport area there is a problem in relation to the provision of electricity. After a great deal of investigation the State Electricity Commission reached the conclusion that it is not a viable proposition. As a result the amendment was required so that the Shire of Rosedale, if it sees fit, can establish a scheme to provide the residents of Loch Sport with electricity. Both my colleague and I

sincerely hope that that will be accomplished within a short time. We thank the Minister for his assistance in producing the amendment. I also support the other amendments dealing with decentralized industries. In view of the success of the decentralization policy of this Government, it is only a further step in assisting country Victoria.

The motion was agreed to.

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

MAGISTRATES (INTERSTATE ENFORCEMENT) BILL.

The Hon. HADDON STOREY (Attorney-General) : I move—

That this Bill be now read a second time.

It is designed to give effect to an agreement made between Commonwealth and State Ministers of transport in relation to problems of enforcement of provisions for road maintenance contributions. Part II. of the Commercial Goods Vehicles Act 1958 requires the owner of every commercial goods vehicle with a load capacity in excess of 4·1 tonnes to make a contribution towards compensation for wear and tear of public highways in Victoria. All States except Tasmania have similar legislation, which has been held to be constitutionally valid by the High Court.

In 1965 legislation was enacted by this Parliament, and subsequently adopted in other States, which made the directors of a corporation that is the owner of a commercial goods vehicle liable to the same obligations as the corporation. The 1965 amendment was most effective in ensuring that road charges were paid.

Unfortunately, in the case of *Welker* v. *Hewitt and another* 120 C.L.R. 503, and subsequently in *Cox* v. *Tomat* 126 C.L.R. 105, it was decided by the High Court by a majority that the law of a State could not impose an obligation on a person not resident or domiciled in the State simply because he was a director of a company that operated a vehicle in the State. This has led to an ever expanding use of the device of registering a company in a State other than the State in which the directors are resident, and in particular in South Australia. The companies are invariably "straw" companies in the sense that they have no assets, and there is no point in seeking to recover fines or road tax contributions from the company.

Because of the High Court decisions, no action can be taken against the directors unless it can be proved that they were actually involved in the operation of the vehicle in the State. To make this virtually impossible, the directors of the straw companies are usually persons who have no real connection with the company. Transport operators who make use of this device are able to compete unfairly against other transport operators who do not and cannot adopt such devices.

The problem has been discussed on many occasions by the Australian Transport Advisory Council and by the Standing Committee of Attorneys-General. As a result of these discussions, it has been agreed that the only practical way to deal with the straw company device is for complementary legislation to be enacted in all States and Territories which imposes on every person who is resident or present within a State or Territory, and who is a director of a transport company, an obligation to ensure that fines and road contributions are paid by the company or in default by themselves.

To ensure that an honest director who has done everything that he might reasonably be expected to do in relation to the operation of the company is not made liable, provision is made for a person who would otherwise be liable under the proposed legislation to be exculpated if he can prove that he had reasonable and probable grounds for believing that the company would be able to

meet its liabilities, and that he had taken all reasonable steps in carrying on the business of the company to ensure that the company would be able to meet its obligations as they became due.

It is also proposed to amend the existing legislation, which is still effective in relation to the directors of Victorian companies, to enable those directors similarly to exculpate themselves from liability.

This Bill is an important piece of legislation that has been developed through the co-operation of every Government in Australia. The Bill is necessary not only to protect the revenue of the State, but also to ensure that the law applies equitably to everyone engaged in interstate transport. I commend the Bill to the House.

On the motion of the Hon. J. M. Walton, for the Hon. R. J. EDDY (Thomastown Province), the debate was adjourned.

It was ordered the debate be adjourned until Tuesday, November 22.

PUBLIC WORKS AND SERVICES BILL (No. 2).

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

That this Bill be now read a second time.

I present to the House the Public Works and Services Bill 1977, seeking approval to appropriations totalling $399,043,148 from the Works and Services Account to cover expenditure on a wide range of public works during the currency of this Bill.

Some $245 million of the proposed provision covered in the table to clause 2 of the Bill relates to works carried out by the Public Works Department on public buildings and port facilities under its control, and on buildings and services for its " client departments ". The Bill also provides the necessary authority for expenditure on the general hospital building programme carried out by the Hospitals and Charities Commission and other purposes which fall outside the scope of standing appropriations and of the three annual Bills appropriating funds from the Works and Services Account in respect of water supply, transport and forests.

In accordance with established practice, the proposed provisions have been calculated to cover expenditure on the various items during a period of approximately twelve months from the coming into operation of this legislation until a similar measure is again proposed late in 1978. Two documents have been circulated with the Bill for the information of honorable members: an explanatory statement and an explanatory memorandum. The explanatory statement sets out for each item in the table the proposed expenditure in the current financial year compared with actual expenditure in 1976-77 as well as the proposed provision in the Bill. The explanatory memorandum contains explanations of the content of each item and details of proposed expenditure in 1977-78 to assist in the consideration of the Bill.

While it is not my intention to elaborate on details of individual items of the Bill, which are contained in the explanation memorandum to which I have referred, there are several matters to which I want to draw attention. The building industry is being paralyzed by a continuous series of industrial stoppages, which lead to greatly increased project costs and very long delays in completion. The Government is most concerned that these actions by militant unions are severely affecting the provision of schools, hospitals and other high priority public buildings, and I want honorable members to be in no doubt as to the seriousness of completely unjustified union sabotage.

The Victorian Public Offices Corporation, which was established in 1975 to provide and manage Government offices throughout Victoria,

now has a long range plan for construction of projects on a priority basis, with special emphasis on provincial centres where accommodation needs are rapidly increasing because of the regionalization ond decentralization of Government departments. The State Accommodation Committee is responsible for providing advice to the corporation on needs and programmes and the Public Works Department is the responsible construction and management authority. The department is planning to provide and manage common facilities in new office buildings which will house a number of departments.

The corporation funds projects from the Public Offices Fund which receives finance from the sale of redundant State property, loans and appropriations from the Works and Services Account. I would like to draw attention to the excellent progress on the Geelong and Mildura public offices, both of which are scheduled for completion and occupation towards the end of 1978. Construction of a public office building at Ballarat is expected to commence in 1978.

The work load administered by the department has increased substantially in recent years. In response to these pressures, the departmental organization has been restructured to provide for four divisions, the building, ports and harbors, property and services and administration divisions. These arrangements, coupled with a regionally based contract and maintenance and minor works administration, mean that the department is now "client oriented". Joint project planning arrangements with client departments are now more common, and increased client satisfaction has clearly resulted. The completion of a new police station at Sale, planning for the redevelopment of the Mental Health Authority training centre at Travancore and the new schools being completed each year, are all good illustrations of improved arrangements. There was a very smooth start to the 1977 school year with respect to buildings involved.

When introducing the Public Works and Services Bill for 1976, I referred to the provision of $1.8 million for the construction of a new Government pavilion at the Royal Agricultural Society's Showgrounds to consolidate the display of the work of Government departments. I am pleased to advise honorable members that this tight construction programme was successfully completed on time and on budget by the Public Works Department and that very favourable comment on the performance of the building was received from visitors to this year's Royal Melbourne Show.

A new Government computer has recently been commissioned to service major departmental data based systems. The public works and education departments are to be the largest users and are now implementing major systems. The Public Works Department works recording system will operate through "on-line" terminals and its system is designed to support procedures for works planning, monitoring and accounting. All works managed by the department will be included. By regular updating of design and construction progress, a report on the state of any work will be immediately available either for the manager of a project to make a payment, or to answer an inquiry. Efficiency of the department will also increase by officers being freed from many of the time-consuming meetings and written progress reports now necessary to adequately control progress on Treasury and client department programmes. Item 50 of the Bill covers the provision of equipment and facilities for electronic data processing and associated systems, planning and development.

It is also worth mentioning, for the information of honorable members, that the work of the Property

and Services Division of the Public Works Department has increased rapidly in recent years. The division now administers some 465,000 square metres—5 million square feet—of Government office accommodation. Fitting out of office buildings, provision of services and purchase of specialized real estate for the Government and the leasing and fitting out of electorate offices throughout Victoria are other features of the varied work of the division.

The need for beach restoration work to provide additional public recreational opportunity around Port Phillip Bay and the Victorian coastline is urgent, and honorable members will be pleased to know that the Premier has agreed to separately fund approved projects on the forward-look programme. Also included in the Bill is a proposed provision for the purchase of piping to enable the dredge *April Hamer* to pump sand ashore for beach restoration work. I commend the Bill to the House.

On the motion of the Hon. R. J. Eddy, for the Hon. A. W. KNIGHT (Melbourne West Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, November 22.

The House adjourned at 12.41 *a.m.* (*Wednesday*).

QUESTIONS ON NOTICE.

EXPENDITURE FROM MOTOR REGISTRATION FEES.

(Question No. 570)

The Hon. B. A. CHAMBERLAIN Western Province) asked the Chief Secretary—

Further to question No. 504 answered in this House on 20th September, 1977, on what projects were the funds allocated to the Traffic Authority Fund and the Roads (Special Projects) Fund spent in 1976–77?

The Hon. V. O. DICKIE (Chief Secretary): The answer is—

(*a*) Apart from moneys which were applied for, or towards, the cost of the administration of the Road Safety and Traffic Authority, moneys from the Traffic Authority Fund were expended on the following projects in 1976–77—

Project	Expenditure
	$
Maintenance of STATCON signs and line markings	348,877
Road safety publicity and promotions	124,232
Research and consultants	34,610
Data processing	92,290
Subsidies for traffic management	511,100
	1,111,109

(*b*) After allowing for refunds of motor registration fees and amounts brought forward from 1975–76, a total of $32,421,530 was available for expenditure from the Roads (Special Projects) Fund in 1976–77. Moneys from the fund were expended on the following projects in 1976–77—

Project		Expenditure
		$
South-Eastern Freeway		59,686.44
Tullamarine Freeway—Essendon	*Cr.*	68,598.58
St. Kilda Road Underpass—South Melbourne		2,675.39
Eastern Freeway—Collingwood to Bulleen		13,102,640.86
Johnson Street Bridge—South Melbourne	*Cr.*	909,506.74
Mornington Freeway	*Cr.*	19,862.02
Princes Freeway—Orbost		4,023,711.08
Princes Freeway—Moe to Hernes Oak		139,186.41
Princes Highway—Morwell to Traralgon		1,173,263.91
Bass Highway—Lang Lang to Dalyston		209,785.14
Princes Freeway—Drouin to Warragul		1,667,094.07
Tullamarine Freeway—Lancefield Road		1,489,244.36
Omeo Highway—North of Omeo		61,976.43
Calder Highway—Harcourt to Bendigo		367,892.97
Princes Highway—Pakenham		425,348.63
Goulburn Valley Highway—Trawool		609,595.22
Statcon/Metcon		375,361.42
Bellarine Highway—Bawtree Road to Grubb Road		692,971.95
Great Ocean Road—Calder River		660,844.98
Princes Highway East—Simpson Creek to Bellbird		1,047,913.92
South Gippsland Freeway—Hampton Park		3,852,162.61
Total		28,963,388.45
Road Safety and Traffic Authority—	$	
Statcon signal installations	982,577	
Statcon signs and line markings	346,777	
Oncost for signals, signs, and line markings installations	137,533	
Reimbursement of expenditure on the Statcon Programme which was expended prior to 31st December, 1976	1,700,000	
Balance carried forward	233,113	
		3,400,000
Public Works Department—		
Floating dry dock No. 12 South Wharf		33,503
Balance carried forward		24,638.55
Grand Total		32,421,530.00

BEACH INQUIRY.

(Question No. 614)

The Hon. R. J. EDDY (Thomastown Province) asked the Chief Secretary—

(*a*) What is the date, charge, and outcome of every proceeding taken against a member of the Police Force following the inquiry by Mr. Barry Beach, Q.C. into allegations against members of the Victoria Police Force?

(*b*) What proceedings are still to be taken as a result of the inquiry?

The Hon. V. O. DICKIE (Chief Secretary): The answer is lengthy and statistical, and I ask 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 the information requested are—

CRIMINAL MATTERS

Name and rank of members of Police Force charged	Charge(s)	Date of court decision	Outcome of proceedings
Senior Constable B. W. Howard Constable P. C. Ure	False Imprisonment	26th November, 1976	At the Melbourne Magistrates Court, Mr. K. O'Connor S.M. discharged the informations laid against the two members
Sergeant V. J. McKoy Senior Constable J. J. Gangell	Assault	2nd December, 1976	At the Melbourne Magistrates Court, Mr. E. Ross, S.M discharged the information laid against Senior Constable Gangell and committed Sergeant McKoy for trial on this matter
Constable P. J. Strang	Assault	7th December, 1976	At the Melbourne Magistrates Court, Mr. E. Danaher, S.M discharged the information laid against this member
Senior Sergeant L. J. Dam Sergeant P. W. Higgins Senior Constable M. F. Melotte	Assault occasioning actual bodily harm Aiding and abetting assault occasioning actual bodily harm	13th December, 1976	At the Melbourne Magistrates Court, Mr. J. Duggan, S.M. dismissed the informations laid against the three members
Senior Sergeant B. A. Gaudian	Demanding money with menaces	16th December, 1976	At the Melbourne Magistrates Court, Mr. K. Mason, S.M. discharged the information laid against this member
Senior Sergeant R. J. Topp Sergeant P. W. Higgins Sergeant D. K. Lewis Sergeant E. W. Dixon	Malicious damage	13th January, 1977	At the Melbourne Magistrates Court, Mr. E. Ross, S.M. dismissed the informations laid against the four members
Sergeant G. J. Davies Sergeant C. B. Pavey	Perjury and conspiracy	18th January, 1977	At the Melbourne Magistrates Court, Mr. E. Danaher, S.M. discharged the informations laid against the two members
Constable W. J. Harris Constable L. P. Proud	False imprisonment	3rd February, 1977	At the Melbourne Magistrates Court, Mr. W. Maloney, S.M. discharged the information laid against Constable Harris and committed Constable Proud for trial on this matter
Inspector G. M. Williams Senior Sergeant R. E. Murphy Senior Sergeant B. F. Fennessy Sergeant N. G. O'Laughlin Sergeant P. J. Tamblyn	Conspiracy	1st April, 1977	At the Melbourne Magistrates Court, Mr. J. Duggan, S.M. discharged the informations laid against the five members
Sergeant G. J. Davies Sergeant T. W. Skan	Perjury	25th May, 1977	At the Melbourne Magistrates Court, Mr. H. Daley, S.M. struck out the informations laid against the two members
Senior Sergeant B. A. Gaudion	(*a*) Bribery (*b*) Attempting to solicit secret commission (*c*) Inciting to bribery (*d*) Misconduct as a public officer	21st September, 1977	At the Melbourne Magistrates Court, Mr. W. Maloney, S.M committed Senior Sergeant Gaudion for trial on these matters

(b) OFFENCES AGAINST POLICE REGULATION ACT

Name and rank of members of Police Force charged	Charge(s)	Date of board decision	Outcome of proceedings
Senior Sergeant R. J. Topp Senior Constable D. B. Newton	Improper conduct	30th May ,1977	
Senior Constable P. B. J. Ferguson Constable A. P. F. Williams	Improper conduct	2nd June, 1977	
Inspector P. Delianis	(a) Failing to allow communication with Solicitor	7th June, 1977	All of these matters were heard before the Police Discipline Board and all charges with one exception were dismissed
Senior Constable D. B. Newton	(b) Improper conduct		
Sergeant T. W. Skan Senior Sergeant L. A. Lalor Senior Constable M. F. Melotte	Disgraceful conduct	10th June, 1977	The exception was the charge against Constable A. N. Osborne which was withdrawn on the advice of Counsel assisting the Board
Sergeant L. F. Halvy Constable N. T. Cuddy	(a) Disgraceful conduct (b) Failing to allow communication with solicitor (c) Unnecessary arrest	25th July, 1977	
Senior Constable B. E. Traynor	(a) Disgraceful conduct (b) Failing to allow communication with solicitor	25th July, 1977	
Constable A. N. Osborne	Failing to allow communication with solicitor	25th July, 1977	

HIGHWAY TRAFFIC COUNTS.

(Question No. 623)

The Hon. K. I. WRIGHT (North Western Province) asked the Minister for State Development and Decentralization, for the Minister of Transport—

What are the latest highest and lowest through traffic counts for Swan Hill (Murray Valley Highway), Warracknabeal (Henty Highway) and Wycheproof (Calder Highway)?

The Hon. D. G. CROZIER (Minister for State Development and Decentralization): The answer supplied by the Minister of Transport is—

No details are available of through traffic on the Henty Highway in Warracknabeal or on the Calder Highway in Wycheproof.

A Country Roads Board traffic survey conducted on the Murray Valley Highway in Swan Hill between 7.30 a.m. and 6 p.m. on one day in each of April and May, 1976, disclosed that through traffic was 526 and 648 respectively.

ECHUCA POLICE STATION.

(Question No. 625)

The Hon. N. B. REID (Bendigo Province) asked the Chief Secretary—

(a) Is it proposed to construct extensions to the Echuca police station; if so, when will the extensions be funded?

(b) How many police staff are currently employed at Echuca police station, and is it proposed to increase the staff in the future?

The Hon. V. O. DICKIE (Chief Secretary): The answer is—

(a) Yes. However, the proposed extensions are at the design development stage only. I am, therefore, unable to indicate at present when funds will be made available for the project.

(b) Details of the number of members of the Force currently stationed at the Echuca police station are—

Branch	Senior Sergeants	Sergeants	Senior Constables or Constables	Total
Uniform	1	3	13	17
Criminal Investigation	..	1	1	2

There is also a divisional inspector stationed at Echuca. There are no plans to increase the staff at the station in the foreseeable future. However, a proposal to base two members of the Mobile Traffic Section at Echuca, as part of a plan for the deployment, on a regionalized basis, of the Mobile Traffic and Highway Patrol Units operating in country areas, is currently under consideration.

STONY CREEK.

(Question No. 631)

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

What progress has been made in the realignment and the proposed beautification of Stony Creek east of the rail line to Hyde Street, Yarraville, and when is it proposed to commence work on the scheme?

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

Detailed proposals for the works on this section of Stony Creek are presently being prepared by the Melbourne and Metropolitan Board of Works. These proposals will be submitted for consideration to other public authorities which may be affected. Subject to agreement with other interested public authorities, it is anticipated that construction could commence approximately in mid-June, 1978.

OPEN CHANNEL SYSTEMS CLOSE TO URBAN AREAS.

(Question No. 633)

The Hon. I. B. TRAYLING (Melbourne Province) asked the Minister of Water Supply—

Is the State Rivers and Water Supply Commission investigating the economic viability of alternative solutions to the problems associated with the presence of open channel systems close to urban areas; if so—(i) who is conducting the investigation and what commission officers are involved, indicating the officer's designation in each case; (ii) what are the terms of reference of the investigation; and (iii) when, and to whom, is the report to be made?

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

The commission has no specific programme for investigating the economic viability of alternatives to open channel systems close to urban areas.

However, in recent years, many open channels and drains close to and within residential areas have been replaced with pipelines or relocated in several irrigation areas in conjunction with a continuing programme of remodelling.

Where the land use within irrigation districts changes because of urban expansion, the commission considers each subdivision application on its merits and, where necessary for safety or reasons of proper functioning of supply works, recommends the undergrounding of pipelines or the provision of security fencing.

District engineers are also required in the course of their normal duties, to report on channels and drains which represent a hazard to the public and submit recommendations to the commission for the implementation of appropriate safety measures.

BOARD OF WORKS RATES.

(Question No. 642)

The Hon. I. B. TRAYLING (Melbourne Province) asked the Minister of Water Supply—

(*a*) Does the report produced by Aberdeen Hogg and Associates Pty. Ltd. for the Melbourne and Metropolitan Board of Works provide rate comparisons between rural family businesses, i.e. farms with urban family businesses?

(*b*) Have studies been made of the relative impact of rates imposed on urban small businesses and on farms with an account taken of the residential component of most farms; if so, will he list these studies; if not, will he authorize such a study?

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

(*a*) No.

(*b*) No studies have been undertaken of the relative rating burden on urban small businesses.

SMALL BUSINESS DEVELOPMENT CORPORATION.

(Question No. 647)

The Hon. S. R. McDONALD (Northern Province) asked the Minister for State Development and Decentralization—

(*a*) Where did each of the 391 country residents live, who made inquiries for assistance from the Small Business Development Corporation in the last financial year?

(*b*) How many of those persons were personally interviewed by staff of the corporation and, of those, how many were interviewed—(i) in Melbourne only; (ii) in the country only; and (iii) both in Melbourne and in the country?

(*c*) At what country centres have small business training seminars been held, and when?

The Hon. D. G. CROZIER (Minister for State Development and Decentralization): The answer is long and statistical in nature and I ask leave of the House to have it incorporated in *Hansard* without my reading it.

Leave was granted, and the answer was as follows—

(*a*)

Avoca	1	Endeavour Hills	1	Narre Warren	1
Ararat	1	Eaglehawk	2	Ocean Grove	1
Ballarat	30	Eklin South	1	Orbost	1
Bendigo	15	Fish Creek	1	Portland	7
Bairnsdale	3	Geelong	26	Point Lonsdale	1
Bacchus Marsh	3	Gisborne	1	Paynesville	1
Beechworth	1	Gembrook	2	Portarlington	1
Berwick	2	Glenthompson	1	Robinvale	1
Baxter	1	Heyfield	2	Red Cliffs	1
Belmont	2	Harrisfield	1	Rutherglen	1
Balook	1	Healesville	3	Rye	1
Bil Bal	1	Horsham	1	Rosedale	1
Blairgowrie	1	Heathcote	1	Swan Hill	3
Benalla	1	Hastings	2	Shepparton	20
Barham	1	Hamilton	2	Stawell	4
Castlemaine	3	Kilmore	2	Sale	2
Cranbourne	6	Kilsyth	1	Sorrento	2
Cowes	2	Korumburra	2	Sunbury	5
Churchill	2	Koo Wee Rup	1	Springhurst	1
Corio	1	Kyabram	1	Somers	1
Craigieburn	1	Kilcunda	1	Sebastopol	1
Crib Point	1	Lilydale	6	Seymour	1
Charlton	1	Leongatha	3	Tinamba	1
Cockatoo	1	Laverton	4	Traralgon	23
Coldstream	1	Langwarrin	1	Torquay	1
Cooma	1	Leopold	1	Wendouree	4
Colac	1	Lara	1	Wangaratta	7
Cowwarr	1	Lakes Entrance	1	Werribee	4
Creswick	3	Inverloch	1	Warrnambool	12
Cohuna	1	Jeeralang	1	Wodonga	9
Clydesdale	1	Mount Eliza	5	Woomelang	1
Casterton	2	Mount Evelyn	4	Welshpool	1
Cobden	1	Mount Beauty	2	Whittlesea	1
Cape Woolamai	1	Montrose	1	Wedderburn	2
Coongulla	1	Morwell	13	Woodend	1
Dunnolly	2	Monbulk	2	Wonthaggi	1
Doreen	1	Mornington	9	Warragul	4
Dookie	1	Mildura	10	Wahgunyah	1
Dromana	2	Moe	2	Wandin	1
Darlington	1	Melton	4	Yallambi	1
Daylesford	2	Maldon	1	Yarrambat	1
Drysdale	1	Maryborough	2	Yarrawonga	2
Dartmouth Dam	1	Merrigum	1	Yackandandah	1
Dimboola	1	Marysville	1	Yallourn	1
Euroa	2	Nagambie	1		
Echuca	10	Nhill	1	Total inquiries	391

(*b*) Personally interviewed by staff before 30th June, 1977 which was the formation period of the corporation—

(i) in Melbourne	40
(ii) in the country	30
(iii) both in Melbourne and in the country	2
	72
Country inquiries requiring only telephone or written attention	319
	391

Since 30th June, 1977, staff have made further visits to country centres and interviewed a further 60 inquiries. Additional visits are planned.

(*c*) Small business training seminars were held in Hamilton on 4th August, 1977, and in Bairnsdale on 22nd September, 1977. In addition to these seminars, meetings and addresses have been given to the following—

1. Joint activity of chambers of commerce and manufactures in Ballarat on 11th November, 1976.

2. Meetings with local business groups in Albury–Wodonga on 24th February, 1977.

3. Participation in and discussions at Latrobe Valley Trade Exhibition in Morwell on 21st-22nd March, 1977.

4. Meetings with Ballarat Chamber of Commerce and local small business people in Ballarat on 29th March, 1977.

5. Meeting with Creswick Businessmen's Association 15th August, 1977.

6. Participation in Industrial Survival Forum on 24th August, 1977.

7. Meeting with Bacchus Marsh Chamber of Commerce and small business people on 8th September, 1977.

8. Meetings with Shepparton chambers of commerce and manufactures and also Shepparton Shire Council on 12th September, 1977.

9. Visit by corporation members to Bendigo at which meetings were held with the Bendigo Development Committee and small business people on 29th September, 1977.

Visit to Warrnambool for meetings with local small business groups is programmed for 24th November, 1977. A similar visit to Portland is programmed on 25th November, 1977.

Further visits are currently being planned for other country centres.

CATCHMENT, FLOOD PLAIN AND RIVER MANAGEMENT COMMITTEE.

(Question No. 650)

The Hon. D. M. EVANS (North Eastern Province) asked the Minister of Water Supply—

(*a*) What are the terms of reference of the Catchment, Flood Plain and River Management Committee set up by the River Murray Commission, and who are its members?

(*b*) Has the committee met; if not, when will it meet?

The Hon. F. J. GRANTER (Minister of Water Supply): The answer is lengthy and I ask leave of the House to have it incorporated in *Hansard.*

Leave was granted, and the answer was as follows—

(*a*) The terms of reference of the committee are as follows:—

1. To examine, report and where necessary, recommend to the River Murray Commission on—

1.1 The arrangements for the protection and conservation of Hume catchment having regard to the prevention and control of soil and stream bank erosion and the preservation of water yield and quality.

1.2 River channel remedial works, including desnagging and bank erosion control.

1.3 Aspects of flood plain use and development which have an influence on the conveyance of regulated and flood flows including the effect of structural alterations on the floodplain such as levees, road embankments, etc.

1.4 The navigability of the river.

1.5 The recreational use of the river.

2. To make recommendations to the commission for investigation into matters that the committee sees as necessary.

3. To liaise with and consult the Environmental Advisory Committee, where appropriate, at the earliest practicable opportunity.

The committee membership is:—

Chairman: Mr. K. E. Johnson, Executive Engineer, River Murray Commission.

Members:

New South Wales, L. D. Longworth, Special Soil Conservationist, Soil Conservation Service.

D. Rankin, Principal Engineer, River Improvement, Water Resources Commission.

Victoria, D. J. Dole, Divisional Engineer, Water Management, State Rivers and Water Supply Commission.

South Australia, W. H. Deer, Assistant Engineer, Irrigation and Drainage, Engineering and Water Supply Department.

Commonwealth, J. D. Edwards, Principal Research Officer, Water Branch, Department of National Resources.

(*b*) The inaugural meeting of the Catchment, Flood Plain and River Management Committee of the River Murray Commission was held at Albury on Wednesday, 18th May, 1977.

The next meeting of the committee is to be held in Sydney on Thursday, 17th November, 1977.

Legislative Assembly.

Tuesday, November 15, 1977.

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

QUESTIONS WITHOUT NOTICE.

HUME FREEWAY.

Mr. WILKES (Leader of the Opposition): Is the Minister of Transport aware of any further deterioration or breaking up of the Hume Freeway, particularly the section that has

already been repaired? If he is aware of this, can he give the House any indication of the extent of the further breaking up; what it will cost to repair it, and who is responsible?

Mr. RAFFERTY (Minister of Transport): A series of questions have been asked. The answer to the first question is that I am aware that there has been further deterioration. I recently received a report from the Country Roads Board stating that an area, not a very large one, was suspect and is presently being examined. I have not received a further report from the board of the possible extent. Additional investigations are being undertaken in an attempt to determine if there is any deterioration beyond that which is presently apparent, which is not very extensive.

The third part of the question relates to the time it will take to repair the freeway and the cost and responsibility. That information is not yet available. As soon as it is available I shall be happy to provide it to the honorable member.

LOY YANG POWER STATION.

Mr. ROSS-EDWARDS (Leader of the National Party): Regarding certain major contracts associated with the Loy Yang project which have recently been let, can the Minister for Minerals and Energy inform the House of the additional cost involved by those contracts being let on a trade credit basis rather than on a cash basis?

Mr. BALFOUR (Minister for Minerals and Energy): I regret that I cannot give the honorable member that information off the cuff. If he would like to put the question on notice, I shall get the information for him. Regarding the credit that the Government has been able to arrange, one could not pay cash for items of that magnitude. I believe the Government is doing quite well. I will be pleased to inform the honorable member of the exact procedures.

BLUE TONGUE.

Mr. STEPHEN (Ballarat South): Has the attention of the Minister of Agriculture been drawn to a recent outbreak of blue tongue in Northern Territory cattle? If it has been brought to his attention, what action has his department taken to protect Victorian cattle?

Mr. I. W. SMITH (Minister of Agriculture): In routine tests carried out in the Northern Territory by the Commonwealth Scientific and Industrial Research Organization, it was suspected that the virus of blue tongue was carried by some insects. It has not been absolutely confirmed whether the virus is currently carried by or infecting animals in the Northern Territory. As a precaution, this morning an Order in Council was approved by the Governor in Council to prevent the entry into Victoria of ruminants or cud-chewing animals from the Northern Territory. This order will be strictly policed until further and more definite information is available on the nature of the virus and how widespread it is, whether it is carried by insects or by an infection in ruminant animals. This is the best protection that we can give to livestock in this State.

The matter is being taken seriously and senior officers from all States have met to identify the courses of action that should be taken and these courses are in train.

HOUSING COMMISSION LAND PURCHASES.

Mr. EDMUNDS (Ascot Vale): Can the Premier and Treasurer advise the House whether he was aware, when he approved the purchase by the Victorian Housing Commission for $3·4 million of land at Sunbury, that no decision to buy the land had been made by the commission? If he was so aware, who advised the Premier and Treasurer to buy the land or to sign the approval for the purchase of the land and could the honorable gentleman elaborate on why he approved of such purchase?

Mr. HAMER (Premier and Treasurer): Approval was given in the normal fashion. A decision by the Housing Commission, together with a recommendation from the Minister of Housing, came before me and approval was given in the ordinary way on that recommendation.

APPRENTICESHIPS AND CADETSHIPS.

Mr. WHITING (Mildura): As the Industrial Training Commission and the Minister of Labour and Industry have been urging private industry to take on more apprentices, can the Minister explain why there was a 2 per cent or 3 per cent reduction in the amount of money made available to the various departments for cadetships for those people who wish to be employed in the departments at that level?

Mr. MACLELLAN (Minister of Labour and Industry): The honorable member really refers to two matters. Firstly, he mentions apprenticeships, which scheme generally has been very successful in attracting more and more young people into apprenticeship and industrial training. Secondly, the honorable member referred to cadetships. Applications by various departments to the Treasurer for funds from this year's Budget would have been made individually by the departments and instrumentalities concerned, and I am unable to give any interpretation of their success or lack of success in obtaining funds from the Treasurer for that purpose. I do not think it is fair to assume that cadetships and apprenticeships necessarily cater for the same people.

Industrial training uses the capacity of tradesmen who are employed so that individually they can provide experience and pass on their skills to young people through the apprenticeship system. Cadetships can be more properly equated with the sort of training opportunities that are provided for people who have undertaken tertiary studies or who are pursuing tertiary level activities rather than those of an industrial nature.

HELICOPTERS FOR POLICE FORCE.

Mr. CRELLIN (Sandringham): In view of the alarming situation in Melbourne regarding armed robberies and the proven value of helicopters in the apprehension of criminals, can the Minister of Special Education, for the Chief Secretary, inform the House when a number of helicopters can be purchased for the Victoria Police Air Wing?

Mr. SCANLAN (Minister of Special Education): There is an air wing attached to the Victoria Police Force, which I understand is considerably more efficient than that existing in any other State. The use of helicopters has been under active consideration by the Chief Secretary and by the police. A number of aircraft have been under lease to the air wing and currently a helicopter has also been taken on lease by the police so that an evaluation can be made of the functional usage of this type of aircraft in police work. Recently an expert in air wing activities in the United States of America, a policeman attached to the Los Angeles police department who had gone to New Zealand was brought to Victoria and a number of seminars was conducted so that information about the role and effectiveness of the helicopter could be made more generally available to the police. That evaluation will lead to the strengthening and improvement of the Victoria Police Air Wing.

HOUSING COMMISSION LAND PURCHASES.

Mr. CRABB (Knox): In consideration of the fact that on 16th July, 1973, the Premier cautioned the Honorable V. O. Dickie, the then Minister of Housing, that the utmost care and caution should be exercised in purchasing land on behalf of the Housing Commission of Victoria, what action did the Premier take to ensure that

such care and concern had been taken prior to giving his approval, as Premier, to the purchases at Pakenham, Sunbury and Melton?

Mr. HAMER (Premier and Treasurer): The ordinary care and consideration was given to such application. I point out that the Housing Commission has been in the habit and practice of purchasing numerous properties throughout the State.

Mr. FORDHAM: Not on this scale, though.

Mr. HAMER: On various scales ranging from small to large. Each case has been treated exactly the same and with the same consideration.

BREAD INDUSTRY.

Mr. JASPER (Murray Valley): I direct a question to the Minister of Labour and Industry. As an assistance to small bakeries, and especially country bakeries, and to assist the stabilization of the industry, will the Government consider introducing legislation similar to that in New South Wales which will state the maximum discount on bread and also prevent the return of unsold bread?

Mr. MACLELLAN (Minister of Labour and Industry): The honorable member asks whether I will foreshadow legislation along the lines described in his question. Any such legislation would, firstly, be a matter of Government policy, but secondly, I would imagine the Government would have to receive some approach from the bread industry along those lines. I do not think an approach has been received from the bread industry, even under the section that relates to country bakeries, to establish such a system in Victoria. Regard would also have to be taken of the fact that it would take an army of inspectors to enforce such legislation. As it is, there is difficulty in enforcing the existing rules in relation to carting bread 48·3 kilometres away from where it is baked. We also have difficulty with the application of section 92 of the Commonwealth Constitution along the borders of the State and the fact that bread is transported across the border and re-exported back into Victoria with the protection of section 92. These considerations suggest that the approach adopted in New South Wales would not be successful in Victoria.

SCHOOL BOOK ALLOWANCES.

Mr. GUDE (Geelong East): Can the Minister of Education advise the House of the basis of paying book allowances to parents of school-age children in 1978? Will the Minister favourably consider an early payment of these allowances in 1977 to allow bulk purchases to take place?

Mr. THOMPSON (Minister of Education): The position is that there will be two payments, one at the beginning of the 1978 school year and one in the middle of the 1978 school year. There are, however, a number of schools that make discount arrangements for the purchase of books, which save parents a certain amount of money. It is necessary to enter into those arrangements prior to the commencement of the school year. In other words, they will be making these arrangements in November and December of this year. We will favourably view any application to have an advance payment of the money so that those favourable arrangements can be preserved.

TENANTS ADVICE SERVICE.

Mr. WILTON (Broadmeadows): As the Minister for Social Welfare acknowledges the importance of the service provided by the Victorian Tenants Advice Service, and as this service can survive for only another ten days without financial assistance, is the honorable gentleman prepared to allocate $12,000 to the service to enable it to carry on in the New Year, and will the Government make an annual contribution of funds to the service, particularly as Government agencies are the largest customers of the service, and the Victorian Government has made no financial contributions to it?

Mr. DIXON (Minister for Social Welfare): Firstly, it is not true that the Victorian Government has made no financial contribution to the Tenants Advice Service. Secondly, the submission from the Tenants Advice Service has been with my department since 4th October. It has to be studied in conjunction with many other submissions for funds and that study is being undertaken.

In addition, the Tenants Advice Service has recently written to the Premier and the Minister of Housing indicating that it believes funds could also be made available from the Ministry of Housing. I have had discussions with the Minister of Housing concerning that matter and both departments have the matter under consideration. I expect to be in a position to announce the Government's decision no later than early next week.

PIG TATTOO APPLICATORS.

Mr. HANN (Rodney): As tail tags, which are used in compulsory tail tagging, are made freely available to cattle producers, has an approach been made by the Minister of Agriculture for body tattoo applicators for pig carcasses to be made freely available to pig producers?

Mr. I. W. SMITH (Minister of Agriculture): Not that I am aware of.

DEPRO-PROVERA.

Mr. McARTHUR (Ringwood): I refer the Minister for Social Welfare to various claims in the *Truth* newspaper that a drug called depro-provera has cancer-inducing ingredients, and that this drug has been used in contraceptives which are provided at the Winlaton Youth Training Centre, Nunawading. If that is so, will the Minister consider withdrawing the drug from State institutions?

Mr. DIXON (Minister for Social Welfare): It is true that for some five years the drug depro-provera has been used at Winlaton as a contraceptive, with the consent of the parents concerned, and under medical supervision. To date this year it has been used by 47 of the girls. Rather than being associated with cancer-inducing properties, the drug is usually used to attempt to cure cancer in human beings. The Victorian Poisons Advisory Committee has listed the drug under Schedule Four.

Mr. WILKES: Who has contraceptives at Winlaton?

Mr. DIXON: It is for girls who require the use of contraceptives. The drug is listed under Schedule Four, which means that it is freely available on prescription from medical practitioners.

Mr. WILTON: Will the Minister table the document from which he is reading?

Mr. DIXON: Certainly.

The SPEAKER (Sir Kenneth Wheeler): Order! Question time is becoming half an hour of interruptions. When Ministers are asked questions, they are entitled to silence while answering them.

Mr. WILTON (Broadmeadows): Mr. Speaker, I should like you to indicate whether it will now be permissible for honorable members to read documents in this House other than second-reading speeches prepared for Ministers.

The SPEAKER (Sir Kenneth Wheeler): Order! On the point of order, it is not permissible for extensive reading of documents unless they are to be tabled. Usually somebody asks whether the document will be tabled and, in the majority of cases, as I have observed, it is tabled. In respect to the reference to a particular section, it is the same as a reference to copious notes and I do not think objection can be raised to a Minister answering a question when some specific section or reference is required to make sure that the answer is positively correct.

Mr. DIXON (Minister for Social Welfare): As I informed the honorable member for Broadmeadows, I have no objection to tabling the document which is a memorandum to me from the Director-General of Social Welfare and it concerns——

Mr. FORDHAM: You just happened to have it in your pocket!

Mr. DIXON: The Deputy Leader of the Opposition is saying that I happened to have it in my pocket. It happens to be an important matter. It has been raised sensationally and I believe there are hundreds of people affected——

Mr. FORDHAM: Questions without notice!

The SPEAKER (Sir Kenneth Wheeler): Order! The honorable member for Ringwood asked a question——

Mr. FORDHAM: Not without notice, though.

The SPEAKER: I am not to judge whether it was or was not. I ask the Minister to answer the question without interruption.

Mr. WILKES (Leader of the Opposition): On a point of order, Mr. Speaker, I agree with your assessment that it is not your place to assess whether questions are with or without notice, but the Minister has made it abundantly clear to the House that the question is not a question without notice. I listened carefully to the question, as did you, Mr. Speaker, and I believe notice of the question was given to the Minister. The point I make is that the Minister has every right and prerogative to make a Ministerial statement on contraceptives at Winlaton, if he wants to do so.

The SPEAKER (Sir Kenneth Wheeler): Order! I am quite prepared to rule on the point of order. I gave the call to the honorable member for Ringwood who rose in his place to ask a question. The honorable member asked his question and I then called on the Minister to reply. The relevant point of order relates to Standing Order No. 124, which provides—

> A member may be at liberty to ask an oral question without notice at the time of giving notices of motion, provided that no question shall be asked after the lapse of 30 minutes from the time Mr. Speaker calls on questions.

If an honorable member, being a member of the Opposition, the Government party or the National Party, makes a reference to something that has occurred outside the Chamber, that is no business of mine. All I am asked to do is to rule on whether the question is an oral one, and as I visually saw what happened, I believe it was an oral question. I cannot say whether the honorable member had a prepared statement.

Mr. DIXON (Minister for Social Welfare): It is customary for matters which are raised in newspapers, particularly when they affect the administration of this State, to be referred to by honorable members and I took the precaution to make certain that I was adequately informed.

Dr. McCloskey has approved of the drug being in Schedule Four, and in addition only last week, Dr. Aldred, who is Chairman of the Poisons Advisory Committee, which is the body charged with responsibility for recommending which drugs may be used or may not be used, recently researched this particular drug and has indicated that its listing as a Schedule Four drug need not be changed.

EMPLOYMENT OF TEACHER.

Mr. FORDHAM (Footscray): Will the Minister of Education receive a deputation from the President of the Technical Teachers Association of Victoria and the principals of Kingsbury and Fawkner technical schools to discuss the application for employment in 1978 of Mr. Barry York?

Mr. THOMPSON (Minister of Education): This matter has been handled by the Director-General of

Education in conjunction with the Assistant Directors-General, Mr. Moore and Mr. Hird.

I should be happy for the principals of those schools to arrange to see the three people whom I have just mentioned.

ARMED HOLDUPS.

Mr. SKEGGS (Ivanhoe): In view of the alarming incidence of armed bank holdups in Victoria, particularly as occurred in West Heidelberg last week, will the Premier advise the House what steps are being taken by the Government in general to counter this situation?

Mr. HAMER (Premier and Treasurer): Firstly, as the House may be aware, there has in recent times been a considerable tightening in bail procedures under an Act passed by Parliament last session that has had the effect of ensuring that people charged with having committed armed holdups are not readily released on bail, but, on the contrary, are held in remand until trial.

Secondly, there has also been a speeding up in the trial procedures designed to sheet home the blame for offences where they can be proved and for the offenders to be punished with the greatest possible speed. I believe even the Leader of the Opposition might approve of that.

Mr. WILKES: I do.

Mr. HAMER: Thirdly, there is before the House—and I hope it will be passed this week—a Bill to establish a new crime of armed robbery, carrying a maximum penalty of 25 years' gaol.

In addition, two discussions on bank security have been held. The Government is reluctant to change the Uniform Building Regulations to make it compulsory for banks to install bullet-proof screens, for a good reason that has been put up by a number of authorities both in Australia and overseas, namely, that there is a real risk in such a case that bank customers may be taken as hostages during a holdup. This is a matter that has to be resolved.

I stress that the Government is most concerned about security in banks, and will encourage to the full the taking of the greatest possible precautions by banks, their staffs and the police in apprehending and punishing bank robbers.

I also stress—and it is not sufficiently publicized—that last year 90 per cent of all crimes of bank robbery were solved and the offenders caught and punished. So far this year, 70 per cent of all crimes of bank robbery have been solved, and I have no doubt that by the end of the year 90 per cent will have been solved.

GARDEN STATE EXHIBITION.

Mr. CATHIE (Carrum): I ask the Premier on what basis groups were invited to the recent "Garden State" exhibition in the Fitzroy Gardens; whether groups such as the Conservation Council of Victoria, the Victorian National Parks Association and the Australian Conservation Foundation were also invited, and, if not, why not?

Mr. HAMER (Premier and Treasurer): The "Garden State" festival was run by the *Herald* newspaper. As far as I am aware, all invitations were issued by the *Herald*. The festival had the full support of the Government, and it was a tremendous success. If anyone is offended because he was not invited, I suggest he write to me and I will inquire why. It was intended to be and was a tremendous festival which touched the minds and hearts of many people. I am glad to note that the festival will be repeated next year on a larger scale.

"MIGRANTS' MELBOURNE."

Mr. REESE (Heatherton): Can the Minister of Immigration and Ethnic Affairs advise the House whether it is intended to publish an updated edition of the book *Migrants' Melbourne*, which was first published last

year; if so, when it is proposed the publication will be released and will it be produced in languages other than English?

Mr. JONA (Minister of Immigration and Ethnic Affairs): Because of the power strike during recent months the publication of *Migrants' Melbourne*, like so many other publications in Victoria, was deferred because power was unavailable. During the delay of approximately seven to eight weeks the opportunity of further updating the draft publication was taken and it is now expected that the book will be available for release in January, 1978.

I point out that the 1978 edition will be far more comprehensive than the previous edition and will be probably the most comprehensive community resources manual ever published in Victoria. Steps are also being taken to extend further editions of *Migrants' Melbourne* to *Migrants' Victoria* by the inclusion of relevant information in a special section that will be set aside, in due course, for information pertaining to all rural areas in Victoria.

The 1978 edition will be published in seven languages, including English. The languages other than English are Italian, Greek, Croatian, Arabic, Spanish and Turkish, and the department has received excellent co-operation from those communities, which assisted with translation services to ensure that the publication could be presented in those languages.

Mr. SUGGETT (Bentleigh): I raise a point of order. In view of the large number of members on the Government side of the House, will you, Mr. Speaker, give consideration to a more equitable distribution of questions at question time?

The SPEAKER (Sir Kenneth Wheeler): Order! I take exception to the point of order. It is a reflection on the Chair. If the honorable member cared to check, as I have done and do on every occasion, he would find that the questions are evenly distributed. I will make the figures available to the honorable member in my chambers.

Mr. SUGGETT: I make it quite clear that I in no way intended any reflection on the Chair.

PETITIONS.

Protection of Unborn Children.

Mr. KENNETT (Burwood) presented a petition from certain citizens of Victoria praying that the House legislate to protect the lives of all unborn children by amending the Crimes Act 1958. He stated that the petition was respectfully worded, in order, and bore 28 signatures.

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

Liquor at Tertiary Education Institutions.

Mr. SIMMONDS (Reservoir) presented a petition from certain citizens of Victoria praying that no approval be given which will allow the provision of liquor for students at universities and colleges of advanced education. He stated that the petition was respectfully worded, in order, and bore 34 signatures.

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

PUBLIC ACCOUNTS COMMITTEE.

Auditor-General's Report.

Mr. REESE (Heatherton) presented a report from the Public Accounts Committee on the Auditor-General's report for 1975-76.

It was ordered that the report be laid on the table and be printed.

PAPERS.

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

Environment Protection Authority—Report for the year 1976–77.—Ordered to be printed.

Melbourne and Metropolitan Board of Works—Statement of accounts, together with particulars of rates made, for the year 1976–77.

Town and Country Planning Act 1961—Shire of Flinders Planning Scheme 1962, Amendment No. 99, 1977.

Victoria Grants Commission—Report for the period ended 31st August, 1977.—Ordered to be printed.

SECURITY OF FIREARMS.

Mr. EDMUNDS (Ascot Vale): I desire to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, the failure of the Government to take adequate steps to prevent the theft of firearms, thus adding to the possibility of an increasing number of armed holdups and other crimes in the community.

Approval of the proposed discussion was indicated by the required number of members rising in their places, as specified in Standing Order No. 26 (*b*).

Mr. EDMUNDS (Ascot Vale): I move—

That the House do now adjourn.

Mrs. PATRICK (Brighton): Mr. Speaker, I raise a point of order. I wonder whether the required number of members stood indicating their approval of the proposed discussion.

The SPEAKER (Sir Kenneth Wheeler): The required number is twelve.

Mr. SCANLAN (Minister of Education): On a point of order, Mr. Speaker, I submit that you should give consideration to the wording of the motion. The motion, as circulated to honorable members, refers to—

The failure of the Government to take adequate steps to prevent the theft of firearms, thus adding to the possibility of an increasing number of armed hold-ups and other crimes in the community.

The SPEAKER (Sir Kenneth Wheeler): Order! I appeal again to honorable members. If honorable members want to have conversations or discuss private matters, the proper place for that is outside the Chamber. I cannot hear what the Minister is saying and I am sure that *Hansard* is having difficulty in hearing him. Everybody who cares to listen should be afforded the opportunity of hearing what is being said.

Mr. SCANLAN: I submit that the motion is very wide and ambiguous, and in terms of its effect, it is largely beyond the competence of a State Administration. Firstly, the terms of the motion do not relate solely to Victoria. One can assume, therefore, that a motion of this kind could have certain ramifications. For example, it could open up debate into the general question of firearms in other States, such as South Australia, New South Wales and Tasmania. It is beyond the competence of this Parliament to debate because it is not an area of State Government administration. Secondly, there are large areas of Commonwealth held territory in Victoria which again is beyond the competence of this State.

Thirdly, the motion relates to those many farmers and householders throughout this State who have firearms and over whom the Government has no jurisdiction, nor could have any jurisdiction, because of the individual nature of the persons holding the weapons. To make it more specific, I suggest that if this motion is to be entertained by this House, it should more properly have been worded, "The failure of the Government to take adequate steps to restrict the sale of or to combat the availability of firearms, or to licence retailers of firearms or increased penalties for the theft of firearms."

The wording of the motion is very broad and, to put it into perspective, it could easily have related to the failure of the Government to take adequate steps to prevent the theft of marbles or golf balls. It is a matter that goes beyond the jurisdiction of legislation and of this Parliament. Indeed, may I make the final comment that, having regard to the general terms of the motion there is no urgency associated with it that

has not existed since the days of Ned Kelly when firearms were stolen. I suggest that the motion is so general that it exceeds the ability of this Parliament in terms of its administrative responsibilities. If motions of this type are to be admitted adjournment motions will be moved on a wide variety of general subjects concerning which there is no real urgency.

Mr. EDMUNDS (Ascot Vale): On the point of order, Mr. Speaker, the Minister's argument has no relevance to the question of urgency. As the House is aware, that has already been determined. The Minister suggested that the motion is wide; that is his interpretation of the motion. The Opposition has moved the motion because a serious event occurred in our community last week when over 250 hand-guns were stolen. The guns are now circulating in the community and as honorable members will be aware, only the criminal element will be able to purchase or use them. This is the first available opportunity that the responsible Opposition has had of bringing before the people of Victoria the importance of Government responsibility in controlling gun dealers and guns in the community.

There is no other forum to discuss the matter and I submit that this is the only opportunity which has been presented under the rules of Parliament. Of course, the Governor in Council which is the Government, has the responsibility to make rules and regulations with respect to this matter. That huge theft of guns showed that those rules and regulations have broken down. I submit that the point of order should be thrown out and that the Opposition should be allowed to present its case to the Government which obviously has something to hide in respect of this matter.

Mr. RICHARDSON (Forest Hill): On the point of order, Mr. Speaker, I emphasize that the very wording of this motion is suspect and, therefore, I support the Minister in his contention. The motion refers to the failure of the Government to take adequate steps to prevent the theft of firearms. The honorable member for Ascot Vale has identified the theft concerned, namely, the theft of firearms from commercial premises. It would, therefore, be reasonable, in terms of the motion, to suggest that the proprietor of those premises should have taken adequate precautions to prevent the theft of firearms. No firearms were stolen from Government premises. The motion refers to a proprietor of premises from which firearms were stolen. Although the theft is a matter of concern, the wording of the motion is totally inadequate and perfectly consistent with the incompetence of the Opposition.

Mr. WILKES (Leader of the Opposition): The motion moved by the honorable member for Ascot Vale clearly states that because of the failure of the Government to take adequate steps to prevent the theft of firearms there is a possibility of an increase in the number of armed holdups and other crimes in the community. Mr. Speaker, I direct your attention to the Firearms Act and the fact that the Government has hopelessly fallen down because of its inadequacy. The Firearms Act is inadequate to do what the honorable member for Moonee Ponds claims the Government should have done. I refer to section 5 of the Firearms Act, No. 6251.

AN HONORABLE MEMBER: You are debating the motion.

Mr. WILKES: I am stating why this is the responsibility of the Government. Section 3 (2) of the Firearms Act provides—

> The provisions of this Act as to selling and purchasing shall apply to letting on hire giving lending transferring disposing of and parting with possession, and to acquiring hiring accepting borrowing and taking into possession or custody for repair testing proving or inspection or for any other purpose whatsoever in the same manner as they apply to selling and to purchasing, and the words "seller" and "purchaser" shall be construed accordingly.

The Act clearly makes it obligatory on the Government to be responsible for the control of firearms in this State. There is no doubt about that. If further proof of relevance is required I refer honorable members to section 24 of the Act, which states—

> (1) A person shall not sell to any other person any firearm unless the purchaser produces to the seller a pistol licence or shooter's licence or other authority authorizing the purchaser to purchase such a firearm or unless the purchaser gives reasonable proof that he is by virtue of this Act entitled to purchase such a firearm without producing such a licence or other authority.

In his objection to the motion, the Minister referred to the use of firearms on farms. The Act explicitly deals with the use of firearms on farms. It is clearly the Government's responsibility to control the sale and storage of firearms in this State, by whom they are sold, to whom they are sold, and by whom they are stored. The Opposition submits that because the Act is not expressed in the way that it should be expressed with respect to the storage of firearms, the Government is culpable for the lack of control over the firearms in this case, as the motion points out. There is no doubt about the relevancy of the motion or the responsibility of the Government. Accordingly, the motion is in order.

Mr. THOMPSON (Minister of Education): At page 365 of the seventeenth edition of *May* are set out certain criteria which must be observed for an adjournment motion to be ruled admissible. The first refers to specific matters, and the second prevents the couching of such motions in general terms. I suggest that this motion does not fall within those bounds. In the first place, it talks about the failure of the Government to take adequate steps to prevent the theft of firearms. Firearms can be stolen from a variety of places. They can be stolen from gun shops, gun repairers, suburban houses, farm houses and even sheds. In drawing up the motion the Opposition has failed to be specific. The motion is drafted in general terms rather than in the specific terms which are necessary for the motion to be ruled admissible on the ground of specificity.

Mr. FORDHAM (Footscray): To summarize the situation, it is quite a simple matter, and I am surprised that the Government has gone to such trouble in an attempt to avoid the debate. The first criterion is whether it is a matter of specific Government administration, and this is quite clear in accordance with the Firearms Act and the general law relating to theft. The next question is the matter or urgency, and that has already been determined by the House.

Mr. CRELLIN: It has not.

Mr. FORDHAM: Precedence has determined that urgency is decided by the number of members rising in their places. The honorable member for Sandringham should examine the Standing Orders. The key matter that has caused some confusion is that the subject must be raised at the first available opportunity. Obviously, the motion is related to events over the past few days when there has been a spate of armed holdups and robberies, particularly relating to firearms. I submit that the motion is clearly in line with the Standing Orders and that the House should not waste its time in further debating its admissibility.

The SPEAKER (Sir Kenneth Wheeler): At the outset, I say quite clearly that I have some doubts as to the admissibility of the motion. A copy was made available to me about 1.45 p.m. and I gave a lot of thought to it. The Minister of Special Education put forward a good and positive argument. The matter raised by the honorable member for Forest Hill did not have a great deal of relevance to the subject.

In circumstances such as this, when there is a doubt concerning admissibility, I have taken out some previous rulings. One particular ruling strikes me as appropriate. In this case the Speaker was extremely doubtful as to

the admissibility of the motion but ruled it admissible in order to maintain the rights of the minority. I will admit this motion on that ground. As I said, its admissibility is doubtful, but I have always ruled to protect the rights of the minority. For that reason, I accept the motion.

Mr. EDMUNDS (Ascot Vale): I repeat that the subject of the motion is—

> The failure of the Government to take adequate steps to prevent the theft of firearms, thus adding to the possibility of an increasing number of armed holdups and other crimes in the community.

There are six points that depict the Government's inertia which has caused firearms and bullets to plague the public of Victoria. The Government is culpable because—

1. It has allowed the proliferation and distribution of extremely dangerous guns, rifles and revolvers in the community.

2. It has failed to make more effective laws relating to the sale, purchase, storage and use of all types of firearms.

3. It has failed to define in the law that replica firearms are undesirable and dangerous weapons.

4. It has failed to curb vandalism by firearms as evidenced by damaged road signs and other community property.

5. It has failed to reduce the use of firearms by criminals for financial gain.

6. It has failed to strengthen regulations related to security in gunsmiths' and gun dealers' premises.

At the outset it is necessary to look at what has occurred since 1st January this year, which has been one of the worst periods for armed holdups. I do not rely on my own statistics, but on those provided by the Government in answers to questions on notice in this place. In reply to question on notice No. 2882, on 8th November, the Minister of Special Education provided details of armed holdups reported to the Victoria Police Force from 1st December, 1976, to 23rd October, 1977. The amount of money involved totalled $1·3 million, of which only 4·8 per cent had been recovered. So far as assaults with weapons are concerned, from 1st January to 30th September this year, some 96,619 offences involving assaults with a weapon have been reported to the police. This is a record number of these offences.

Last year, 120 people were murdered by the use of firearms in Victoria. In this State, no test is required for any person who seeks a licence to own a gun. Currently, one person in six owns a firearm and Victoria has the greatest number of gunsmiths and sports stores selling guns in Australia. In Melbourne alone, there are 33 sports gun shops which deal directly with the public and sell guns across the counter. This does not take into account the many wholesalers who operate in the city.

Today, the high-powered rifle and the sawn-off shot-gun are competing with the ·22 which is normally cut down by criminals and used as the official weapon to hold up banks, Totalizator Agency Board agencies, chemist shops and garages. The incidence of such crimes and the facts are therefore alarming. But what has the Government done? Some time ago, the control of firearms was referred to the Statute Law Revision Committee, which committee presented a report to the Government. However, the Government has done little to implement the recommendations of the Committee. The Government adopts a *laissez-faire* attitude to the use of firearms in the community. Over the past few months armed holdups in banks have decreased in numbers. This is because the Victoria Police Force has been putting a maximum effort into bank security. This has deterred the average would-be criminal from having a "go" at a bank.

However, in the past week the Government has placed a different emphasis on the Victoria Police. It ordered some 250-odd policemen to stand nose-to-nose with demonstrators at the F19 Freeway. While those constables were busily occupied in doing nothing but standing there and demonstrating the Government's priorities on freeways, the criminal element in Victoria was busy. Bandits grabbed an arsenal of pistols at South Melbourne. They stole 250 pistols. A press article stated—

> Five bandits took the pistols and revolvers in a raid on national sporting goods distributor, Guthrie Trading in Bank Street.

They did not stop at that. Police and three armed bandits exchanged shots during a wild car chase through Pascoe Vale. The bandits were apprehended after robbing a bank in Barry Road, Coolaroo, of $6,974. In the same week it was discovered that these bandits had a daily $200 drug-use habit. The Victoria Police Force does what it can to apprehend these people, but in this same week there has been another raid in which $28,000 worth of goods, cigarettes and cheques were stolen from a house in Ivanhoe Court, Thomastown. There is sufficient evidence to show that during the time the Victoria Police are occupied on nebulous duties, such as demonstrations, the criminal element has the best opportunity of getting about its business. By that I mean, the use of guns in holdups.

Last week there was also the burglary of a safe at Moorabool Street, Geelong. The thieves got away with only $80 belonging to a social club. During the same week there was a further report of two youths bashing a 55-year-old hospital orderly and stealing morphine from Hampton Hospital. Members of the Victoria Police are most alarmed at the lack of support which they receive from the Government. It is necessary for the Government to take the matter more seriously. It has been a considerable time since the Firearms Act was examined. The Victoria Police Force has made representations to have the Act modernized and tightened. The Government is quite prepared to accept these holdups and bank robberies in the community so long as not too much fuss is made about them.

On 8th November a question on notice was asked relating to the number of armed holdups reported from December, 1976, to 23rd October, 1977. Approximately $1·3 million was stolen from various institutions by armed bandits in that time. The biggest single weakness in Victoria is that the Victoria Police Force is virtually invisible. One would think there were no police in the city. At present there would be a handful of young constables on point duty at central street corners and a few outside this building. That is all one would see in the whole of Melbourne.

The honorable member for Sandringham is squirming in his seat because the moon will be coming up soon and that means he will begin bellowing and yelling again. I do not mind the honorable member ranting and raving about the Victoria Police Force, but he does nothing at party meetings about it. He should do something about it at party meetings instead of grandstanding in this place. He probably never gets the call at party meetings.

I return to this important motion, which refers to the increase in the number of armed holdups and of crime in the community. The Government, with its *laissez-faire* attitude, is allowing the Victoria Police Force to be desk bound. The police are more desk-bound than any other public servants in the community. They are involved in an absolutely absurd amount of paper work. The real surveillance is carried out by the employment of private security services. Incidentally, these people are all armed. Even Government buildings are now guarded by private security services. There are certainly not enough police to guard all the publicly-owned buildings in the community.

The Government has shown a cynical disregard towards improving police services which actually deter crime when efforts are made to do so. To emphasize that I point out that when the Victoria Police Force first recommended to the Government that the independent patrol groups be given some autonomy in patrolling banks, there was a marked reduction in the number of holdups. When the Victoria Police Force demonstrated that by flying helicopters and other aircraft it had greater surveillance of crime, those intent on undertaking armed holdups were deterred.

The honorable member for Sandringham asks a gimmick question about helicopters. He knows as well as I do that the Government has no intention of purchasing a helicopter at present. It certainly could not afford to do so. It has not made a decision on what type of helicopter is suitable for use in Melbourne. It is ludicrous that the honorable member should consider that he has the ability to push the Government into making a decision on this matter. In his reply the Minister should inform honorable members what the Government intends to do about the alarm in the community at the excessive use of firearms by criminals. Members of the Victoria Police Force have, by resolution, decided that they want to be armed. This is a weakness in the community. Criminals can obtain guns easily and use them in their criminal activities. This means that the average young constable cannot apprehend a criminal without the fear that he will be shot. There has been an instance of that recently.

Members of the Victoria Police Force having decided that their duties involve them in apprehending criminals, have now discovered that they must be armed to be at least on an equal footing. I agree with them. Although I abhor the use of guns, I cannot understand why young constables should be put at risk by this stupid Government, which will not tighten up the laws relating to the sale and use of guns.

Mr. Edmunds.

For example, the Firearms Act controls the purchase of guns. If one wants to buy a gun rather than get one for nothing, one goes to a police station and asks for a form for a shooter's licence. Normally, the constable produces the form and one answers the questions on it, pays the fee and obtains the licence. The fee is $2. The form is headed: "Application for a Shooter's Licence or Permit in Respect to a Firearm not being a Pistol". The form has been drawn up by the Government. There is a place for the applicant's name and address. The form deals specifically with whether it is to be a farm permit or a junior permit.

However, I am referring to a shooter's licence, where a person just wants to purchase a gun. Only two questions relate to the applicant's ability to own a gun. Question (*f*) states—

> I have/have not suffered a nervous breakdown or nervous disorder, if so, give particulars.

Then there is a space for that question to be answered. Question (g) states—

> I have/have not been convicted of an offence either in Victoria or elsewhere, if so, give particulars.

Then there are two blank lines for the answer. If the average criminal wants to buy a gun for a specific purpose and wants to obtain it legally, all he has to do is to apply for a shooter's licence and pay the requisite fee.

Mr. COLEMAN (Syndal): On a point of order, Mr. Acting Speaker, the honorable member for Ascot Vale is now discussing the purchase of guns. The motion specifically deals with theft of guns, and I do not see how the two matters are related.

Mr. WILKES (Leader of the Opposition): The Minister of Special Education has already made the point that this was a broad motion. He argued that the motion should not be discussed because of its scope. The honorable member for Ascot Vale is now pointing out how easy it is to

obtain a licence in this State. He is also referring to the failure of the Government to issue a licence for the firearm rather than to the person who uses it. That is precisely the point he is making.

Mr. CRELLIN (Sandringham): I support the comments of the honorable member for Syndal. In bringing forward this motion the Opposition has tried to impress on the House the failure of the Government to take adequate steps to prevent the theft of firearms. The House is not talking about the sale of firearms but about the security and theft of weapons. They are two separate and distinct matters.

Mr. WILKES: They are not.

Mr. CRELLIN: They are. The House has already discussed whether this motion is a proper and appropriate one for this type of debate. The Speaker has given his ruling and allowed the debate to proceed. Only in the past few minutes has the honorable member for Ascot Vale got anywhere near the motion. The matter that he is now raising is outside its ambit.

The ACTING SPEAKER (Mr. Reese): Order! I cannot uphold the point of order. The honorable member for Ascot Vale is developing his case around the motion which concerns whether adequate steps have been taken to prevent the theft of firearms. In that way he is able to refer to the matter that he has. However, he should stay within the confines of the motion presented to the House and not continue to stray, as he may have earlier.

Mr. EDMUNDS (Ascot Vale): Thank you, Mr. Acting Speaker. Before I was interrupted by the nonsensical points of order, I was referring to one of the difficulties confronting our community, that firearms can be easily obtained, as the motion alleges, for the purpose of increasing the number of armed holdups. The application for a shooter's licence goes only part of the way. After the person has filled in the form and paid the $2, he is then free to purchase a gun. As any honorable member would know, especially if he has an interest in this subject-matter, one can buy fairly high-powered weapons across the counter. The shopkeeper is not interested in whether the buyer has a shooter's licence.

What happens to the application form? Because the Victoria Police are so busy, it is almost hidden for something like three or four months before it arrives at the section which deals with the issue of the permits. When it arrives and the officer reads that a Mr. Scanlan of Oakleigh is seeking a shooter's licence, that he has a previous conviction, or has had a nervous breakdown at some time, it takes some time to check whether it is the right Mr. Scanlan or whether somebody is illegally using that name. The police then have to attempt to track down the person who bought the gun and used it in committing an offence.

The honorable member for Sandringham, who is interjecting, can keep clicking his false teeth and going on about this matter, but he is not prepared to do anything in his party meeting to have the Victorian Firearms Act modernized. I guarantee that the honorable member for Sandringham has never raised the matter at a party meeting.

Mr. CRELLIN (Sandringham): On a point of order, Mr. Acting Speaker. I do not think what I have to say or do in the party meeting of the Parliamentary Liberal Party has anything to do with this motion. The House has already canvassed the width of the motion, but how often does it have to be done before the House is able to continue the debate in terms of the motion. What people do in another place has nothing to do with what is happening in the Chamber.

The ACTING SPEAKER (Mr. Reese): Order! There is no point of order. However, I agree that what happens in the party room is not the concern of this House.

Mr. EDMUNDS (Ascot Vale): What is wrong with the Firearms Act? There are several important things which the Government should do immediately to tighten up the law. Firstly, it should do something about the theft of firearms; it should make it more difficult for people to obtain firearms to be used for illegal purposes.

Mr. ROSS-EDWARDS: Mr. Acting Speaker, I direct your attention to the state of the House.

A quorum was formed.

Mr. EDMUNDS: I was pointing out that the Firearms Act does not cover a number of things. First of all, it does not mention the shooter, but deals with the licence itself. It does not deal sufficiently with the transfer of a gun. Saturday's *Age* contains advertisements of dozens of guns for sale. One can buy a gun from any number of persons and the seller does not care whether one has a licence or not. The first thing the Act should provide is the power to license a gun as well as the individual who carries it.

My next point is that no provision has been made for the permit-holder to notify a change of address. People who live in the metropolitan area and who own a gun may change their place of residence half a dozen times, but they do not have to notify the police. The owner of a car or the holder of a driver's licence has to notify any change of address, and I do not see any difference in this respect between a gun and a motor car.

Many people collect antique firearms. Various regulations govern this activity. Some antique weapons are fairly lethal. There are now new attitudes to centre-pin firing guns. The individual weapon ought to be registered. The section of the Act that covers antiques should be repealed to enable the Government to register every gun and to control the free flow of antique firearms so that they will not be used for illegal purposes.

Another aspect for consideration is that replicas of firearms are on sale and have been used time and again for illegal purposes. They are imported and are freely displayed by all gun dealers. The Government has made no attempt to control the use of replicas, which come in many sizes, from the smallest to large hand guns and include automatic weapons. I guarantee that nobody could detect a replica until it was examined closely—certainly not the bank teller who has such a revolver thrust into his or her face. The teller will not argue whether the gun is real, and that is a terrifying experience.

Another important matter to be considered is that armed guards are privately employed and are licensed to carry pistols. There is no provision in the Act that they must be able to fire a gun. Some of these individuals are employed because of their character references, not because of their ability to use a gun.

The ACTING SPEAKER (Mr. Reese): Order! The honorable member has two minutes.

On the motion, by leave, of Mr. WILKES (Leader of the Opposition), Standing Order No. 26 (c) was suspended to enable the honorable member for Ascot Vale to continue his speech for not more than fifteen minutes.

Mr. EDMUNDS (Ascot Vale): I thank the House. Armed guards can carry a revolver, but they may have had no experience in its use. I defy anybody to be game enough to stand to one side of some of our privately-employed armed guards when they are using their pistols to apprehend someone. I do not know how they can do that legally, but I defy anybody to stand still while they are doing it.

Mr. CRELLIN: That is not a positive argument.

Mr. EDMUNDS: It is, and I will repeat it for the benefit of the honorable member for Sandringham. Many

of these armed guards, privately employed by watching companies, have no training in the use of the pistols with which they are equipped. They have probably never fired a shot in anger in their lives.

The other matter that is causing concern to the Victoria Police is the free use of air guns that can easily be cut down to be used as air pistols, and are lethal weapons. So many holdups of gun shops are reported from time to time—I will not elaborate on that—that it is fairly obvious that the regulations associated with gun dealers and the issuing of gun dealers' licences must be tightened up.

I have a roneoed letter from the officer in charge of the Chief Superintendent's Office, Pistol Section, Russell Street, which states that gun dealers' licences may be issued only on the following conditions being complied with—

(*a*) That the premises must be constructed of brick or similar material.

(*b*) That all external windows must be barred and fitted with an alarm system.

(*c*) If a static display of firearms is kept on display overnight, external doors and the ceiling must be fitted with an alarm system.

(*d*) If a mobile display of firearms, a vault to be built in the store room of the premises, to be constructed of a double row of bricks, door to be made of steel and fitted with internal hinges, the door and that part of the ceiling over the vault to be fitted with an alarm system.

The building specifications relating to gun dealers' premises are very broad. The Government ought to examine them immediately, because of the theft of 250 hand guns last week from the premises of Guthrie Trading Pty. Ltd. These weapons are now available to the criminal element in Victoria at a price.

As I understand it, the occupants of the premises were caught off guard by the criminals, but if security had been tighter it would have been much more difficult for the criminals to steal the hand guns.

The *Victoria Police Gazette* of 23rd June, 1977, states, *inter alia*—

Application for a gun dealer's licence is to be forwarded to the officer in charge of the division in which the premises to be used by the applicant are located.

On receipt of the application, the divisional officer shall make appropriate inquiries with regard to the applicant and premises concerned, and then prepare a report on the following matters—

(*a*) suitability of applicant to hold a gun dealer's licence;

(*b*) whether the premises comply with the security requirements specified—

As I just read to the House—

(*c*) whether the applicant is the sole occupant of the premises;

(*d*) what portion of the building will be used in his business; and

(*e*) whether any other business is carried on at the same address, and, if so, by whom and the nature of such business.

It is difficult to control theft on a broad basis and to specify, as the Opposition is trying to do, that the Government should tighten up the Firearms Act dealing with the theft of firearms. This requires a great deal of concentration by the Government.

At present the Minister of Special Education, who represents the Chief Secretary in this House, is concentrating on preparing his five-minute reply to the accusation. He ought to give thoughtful consideration to this matter, and in his reply should state that the community can be assured that a positive attempt will be made to prevent guns on display around Melbourne from being stolen and used for illegal purposes.

The Chief Secretary—the Minister of Special Education is only his mouthpiece—is so preoccupied with another matter that he does not have time to think about anything but his own problems. As the Opposition suggested, the Government ought to hand back the Chief Secretary's commission and allow somebody else who has more time to concentrate on some of the problems.

The Chief Secretary's spokesman in this House ought to initiate legislation to ensure that firearms in

the community are securely protected. The popularity amongst criminals of obtaining ·22 calibre rifles, sawn-off shot-guns and other high-powered weapons for use in committing crimes should not be dealt with by calls by the Government for the imposition of gimmick gaol sentences by the courts, but by making it extremely difficult for criminals to obtain deadly weapons.

I began my speech by saying that there were six points on which the Government stands condemned. These are, firstly, that the Government has allowed the proliferation and distribution of extremely dangerous guns, rifles and revolvers in the community. Secondly, it has failed to make effective the laws relating to the sale, purchase, use and storage of all types of firearms; thirdly, it has failed to define in the law that replica firearms are undesirable and dangerous weapons.

Fourthly, it has failed to curb vandalism by firearms; fifthly, it has failed to reduce the use of firearms by criminals for financial gain. Sixthly, it has failed to strengthen regulations related to security in the premises of gunsmiths and gun dealers. Every villain, desperado, hoodlum and drug addict would be a murderer if given the chance to use a gun in a holdup. Their numbers would be reduced, or they would turn to committing petty offences if the Government made it impossible or more difficult to obtain firearms.

For every statistic showing an increase in the crimes of murder, armed holdup, theft under arms and other similar offences committed by the criminal element, the rate of unsolved crime rises.

I commend the motion to the House because I believe the Government stands condemned for its inertia in controlling the use of firearms in the community.

Mr. SCANLAN (Minister of Special Education): Earlier I objected to the motion moved by the honorable member for Ascot Vale on the ground of the generality of its terms. You, Mr. Speaker, are aware of the reasons I gave for doing so. The motion is not specific but general, and my objection to the drafting of its terms was not designed to prevent debate on the matter from taking place in the House—the Government welcomes the debate—but to suggest to the Opposition that the wording of the motion could have been more appropriate and specific so that it could be debated fully in the House.

One thing that emerged during question time today when the Premier answered a question put to him by the honorable member for Sandringham was that the Government takes pride in the achievements of the Victoria Police Force, and will do everything possible to back up the police in the apprehension of criminals, particularly those involved in armed holdups and bank robberies. Last year's detection rate of 90 per cent as quoted by the Premier is a high percentage in which the community can take pride, and is the result of the activities of the police.

The Premier also stated during question time today that the current apprehension of people involved in armed holdups is 70 per cent, and it looks as though the figures will be even more satisfactory by the end of the year.

The honorable member for Ascot Vale said that Victoria has an invisible Police Force. If that is so, it is highly commendable, because its record in the detection of offenders has been established. If, however, the honorable member is arguing that every policeman should have a uniform and that there should be more and more uniformed police, then apparently he is arguing in favour of making Victoria a police State.

I should prefer to see the police, albeit in plain clothes, efficiently apprehending criminals, if that will assist in reducing the crime rate. Therefore, I believe the point made

by the honorable member about an invisible Police Force is irrelevant, unnecessary and unwarranted in this debate. Victoria is not a police State and the Government does not intend to make it one.

However, as I believe everyone in this Chamber would agree, the problem is complex. It is not only a question of the theft of firearms and the use of replica firearms; it is a question of the causes of the holdups that are occurring. I regret that the honorable member for Ascot Vale did not devote more consideration to the link between drugs and armed holdups.

The Victorian Government can take pride in the way in which it has sought to treat drug addicts by the establishment of the first combined Alcoholics and Drug-Dependent Persons Services Branch, headed by Dr. Gerald Milner, with Mrs. Ots guiding its administration. The service is working steadily towards providing cure, therapy and rehabilitation for the drug addict. It will not be easy; let no person believe there is a simple answer to that problem to be found in Victoria and nowhere else, because it is causing enormous worry throughout Europe and the United States of America. However, at least the Victorian Government, by establishing a combined branch, is attempting to rehabilitate the drug addict who is linked with armed holdups and robberies. That is an important part of the increased incidence of armed robberies.

If cure and rehabilitation of the drug addict can be effected through the Alcoholics and Drug-Dependent Persons Services Branch, then Parliament should applaud the enterprise of the Government in establishing that body.

The Government is conscious of the need to control firearms. I remind the House that Victoria achieved an Australian " first " in requiring the licensing of the shooter rather than the weapon, because it believed that it is the person behind the gun that is the danger, not the gun.

Mr. WILKES: That is why guns ought to be registered.

Mr. SCANLAN: Some points made by the honorable member for Ascot Vale could be examined in that context later in the debate.

Mr. WILKES: Aren't you going to register the gun, too?

Mr. SCANLAN: That is done in certain cases. As I said, the character of the shooter, who can maim, injure and kill, is all-important. The honorable member for Ascot Vale suggested that weapons should also be registered, thus necessitating a dual system of registration.

However, if I recall correctly, only recently, with the support of the Opposition, Parliament introduced a system of licensing the shooter to replace the system of licensing the weapon. This was done in the belief that it is essential that the character and personality of the person behind the gun should be considered and that the person should be licensed rather than the weapon.

Therefore, implicit in the approach of the honorable member for Ascot Vale is a rejection of the original, novel and unique legislation that was introduced in Victoria.

Notwithstanding the comments made by the honorable member for Ascot Vale, the Government is aware of the need to have a high efficiency and a wide range of services and facilities for the police, to guarantee the police more than a 90 per cent apprehension rate in future years when armed holdups occur. They will continue to occur because it is a world-wide problem and is not one for this State in isolation. Therefore, the air wing of the Police Force is being extended.

The honorable member for Sandringham referred to the fact that the Government has at least one helicopter. That helicopter is being effectively used in ensuring apprehension and greater efficiency in a wide range of police activities in many parts of the world. If there

is any objection to leasing a helicopter, I remind honorable members that the pattern established by a Victorian Government department indicates that leasing can be preferable to purchase of aircraft.

I remind the honorable member for Ascot Vale that not only the *Angel of Mercy* at Mornington Peninsula, but also other aircraft are leased and operated by the Department of Health and these are providing essential medical health services to the isolated rural communities of this State. It has been found in this case that leasing is a more effective way of providing aerial services than purchasing.

Comment has been made of the Firearms Act. All honorable members will be aware that in large measure section 7 of that Act gives the police power to control and ensure standards of selling and retailing of weapons by gun dealers. Section 7 (1) in Part II. of the Act provides, *inter alia*—

> If any person desiring to carry on business as a gun dealer and not disqualified as provided in this Act makes an application in the prescribed form and furnishes the prescribed particulars the Chief Commissioner of Police or any authorized officer of police may subject to this Act issue to such person a gun dealer's licence in respect of the premises at which he is to carry on such business and may from time to time renew any such licence:
>
> Provided that if the said Chief Commissioner or authorized officer of police is satisfied that any applicant cannot be permitted to carry on or to continue to carry on the business of a gun dealer without danger to the public safety or to the peace or that the premises or proposed premises are unsuitable for a gun dealer's place of business he may refuse to issue or renew a licence to such applicant or in respect of those premises (as the case may be):

The honorable member suggested that there was a need to tighten up in this general area of retailing weapons. Prior to 1st July, 1976, there were anomalies because country districts issued their own licences as opposed to the metropolitan area. If honorable members examine the conditions that are now centrally applied by the Chief Commissioner of Police for the State as a whole, they will find that the conditions are stringent. It will be seen that any person who attempts to steal weapons from a gun dealer will indeed be a professional because licensing is dependent upon the premises firstly being made of brick or similar construction—not weatherboard. Secondly, the external windows and ceilings must be fitted with an alarm system. That is in the spirit of providing security for those who retail weapons, pistols and other guns. The external doors must also be fitted with an alarm system and bolt devices incorporated therein. This again indicates the high level of security in the construction of the building in which gun dealers must operate.

Further, the mobile display cases within the premises must be fitted with an alarm system and the mobile display cases are to be locked in a vault overnight; the vault is to be constructed with a double row of bricks and is to be fitted with a steel door with internal hinges, and the door is to be fitted with an alarm system. These stringent requirements apply to those seeking a gun dealer's licence and ensure the maximum security for those weapons that are locked within their premises.

I therefore suggest that the requirements of the police in this regard indicate a tightening up as from July, 1976, in the requirements that gun dealers must meet if they are to obtain a licence to operate.

The honorable member for Ascot Vale also referred to replica firearms. It is known that from time to time these have been used in holdups. Although New South Wales has a regulation in regard to the sale of replica firearms, there is doubt as to its validity, just as there are doubts in Victoria as to the validity of any regulation that might be introduced to control more effectively the sale of replica firearms. I believe honorable members understand that over 90 per cent of

replica firearms are imported, subject to Commonwealth Government conditions, and effective action is dependent on the degree of Commonwealth co-operation. Unless the Commonwealth takes action, any action taken by Victoria or New South Wales can be aborted. If the Commonwealth does not take action it will mean that G. J. Coles and Co. Ltd., Woolworths (Vic.) Ltd. or Myer Melbourne Ltd. or any other reputable merchandising retail outlet, through its outlets in Canberra or the Northern Territory, can sell replica firearms publicly, and they can then be brought into the State.

The ACTING SPEAKER (Mr. Reese): The honorable member has two minutes in which to conclude his remarks.

On the motion, by leave, of Mr. WILKES (Leader of the Opposition), Standing Order No. 26(*c*) was suspended to enable the Minister of Special Education to continue his speech for not more than fifteen minutes.

Mr. SCANLAN (Minister of Special Education): I thank the Leader of the Opposition for his courtesy. The Government is very concerned about replica firearms. This matter is being looked at by our officers and our administration. The Government is concerned, however, to ensure that any regulation it introduces or any action it takes to regulate the sale of replica firearms will be consistent with the Commonwealth, and will control or restrict replica firearms being used in holdups.

The honorable member for Ascot Vale made two observations in his concluding remarks. He suggested firstly, that the Firearms Act does not deal with transfers of licences. Secondly, he said that it does not deal with the change of address of the licensee. I believe both these matters are entirely unrelated to theft. It would not matter what address one had of the licensee today or tomorrow, the simple fact is that it does not deter or affect in any shape or form the theft of firearms.

I come back to my original observations when I took objection to the wording of the motion. It was suggested that the Government should take action to prevent the theft of firearms. The Government does not object to that, because it has a long record of trying to minimize armed holdups, and has taken action to control those who apply for weapons and to control the sales of certain kinds of weapons. The Government has initiated action in various areas which are unique in this nation, and I have touched on the formation of the Alcoholics and Drug Dependent Persons Services Branch and the licensing of the shooter rather than the weapon. The Government cannot be made responsible for the actions of a farmer in a remote part of the countryside who may leave a shotgun at the back door because there are snakes on the premises or because he has returned home from shooting rabbits.

Mr. DUNSTAN: Particularly a Shepparton farmer.

Mr. SCANLAN: I cannot make any comment on Shepparton farmers; I do not know what they have at their back doors. I refer particularly to those householders who are casual in the way they handle ·22 rifles and where they leave them. This is a matter for public consciousness and awareness, and I believe all members of Parliament would welcome more care being taken by individuals in the way they handle their weapons and where they leave weapons which they have in their possession.

It is difficult for a Government to prevent the theft of firearms. That is the case in the United States of America and Britain, as well as in Australia. There has been a significant build-up in the carrying of weapons in the United Kingdom. The Metropolitan Police Force in London is of the opinion that it was in large measure the abolition of hanging

which led to an increase in the number of armed confrontations with police in the United Kingdom, because there is now a lesser penalty for shooting a policeman or a prison officer in the execution of his duty.

I suggest that far more is involved in deterring theft than in those arguments put by the Opposition. The Government's record in controlling the sale of firearms is a good record and one of which the Government can be proud.

Mr. WILKES (Leader of the Opposition): I have listened very patiently to the Minister who at least was fair in his observation concerning the motion when he said that it was a broad motion encompassing not only the failure of the Government to take proper precautions to prevent the theft of firearms, but the escalation in the number of armed holdups in this State because of the policy of the Government. It is not beyond the realm of reason to suggest that Melbourne is becoming the Chicago of the south because of the number of armed holdups that have occurred this year. To date, there have been almost 50 armed holdups, an average of one a week. Last week, there were seven armed holdups in four days. These holdups result from the availability of firearms to criminals.

The Minister of Special Education adverted to what the Government had done in the rehabilitation of drug dependent persons. The success of that programme remains to be seen, and honorable members will realize that the Government's record in this field is not as good as the Minister suggests. The original Act was passed about ten years ago and some five or six years later the Pleasant View Treatment Centre was opened in Preston for the treatment of drug dependent persons. In other words, there was a hiatus or time lag of some five years before the legislation was put into operation in a practical sense by providing a centre for the treatment of persons who were affected by drugs.

If the Minister maintains that criminals, such as those who were apprehended the other day, were criminals because of their dependency on hard drugs, that is another argument. However, it cannot be proved beyond reasonable doubt that the criminal who is dependent on drugs would not be criminal if he was not dependent on drugs. I agree with the Minister that if a criminal is dependent on drugs, he ought to be given the opportunity of rehabilitation and perhaps even more than what the Minister for Social Welfare sees as necessary for criminals of all types in this State.

This motion does not relate to rehabilitation of criminals, whether or not they are dependent on drugs. The motion relates to the failure of the Government to provide adequate means to prevent the widespread theft of firearms. At least, if the firearms were registered, the police would have some chance of tracing the weapons. Many that are used in crimes are not accounted for. Admittedly, the weapon with which the offence is committed might have been stolen or picked up in some way by an unregistered shooter, but if the weapon were registered at least the police would be able to trace the weapon back to its rightful owner.

Naturally, criminals are not concerned to register their weapons. I do not suggest that the police should be responsible for the registration of all firearms or that they should be responsible for issuing shooters' licences. These things should be done by somebody other than the Police Force because the force does not have the resources to undertake this work or the required number of civilian employees. If it did, they ought to be used in a multiplicity of other areas.

Currently the Police Force is being used as a tax-gathering authority for the Government. It is responsible for motor registration and the licensing of drivers. Admittedly, civilian licence testers are employed but all the money received from these fields goes

into the Consolidated Fund. Even if a traffic policeman issues an on-the-spot fine, the revenue goes into the Consolidated Fund. The Police Force does not benefit from these activities. If the money were payable to the Police Force, it could be spent on improving the training facilities at the Waverley Police Academy because, although the academy can train 500 new policemen in any one year, the force loses 300 in each year.

The SPEAKER (Sir Kenneth Wheeler): I suggest that the honorable member is getting away from the terms of the motion.

Mr. WILKES: I remind you, Sir, that the Minister referred to the Victoria Police Air Wing, helicopters, drugs, the Premier's answer to the honorable member for Sandringham, and other matters relating to the Police Force. The latter part of the motion refers to the increasing number of armed holdups and other crimes in the community. It is necessary to get down to why those other crimes are committed. It would be useless to discuss why a crime was committed without discussing how the commission of such crimes can be prevented and whether they can be prevented by the registration of firearms and the regulation of the sale of firearms, or alternatively whether more police should be trained to control the sale of firearms or at least reduce, inhibit or prevent the number of crimes that are being committed in this State. It is necessary to look at the fact that the Police Force handles the fees for gun licences although the money goes into the Consolidated Fund.

Clearly, if the Police Force is going to continue to be used for this purpose, then the money ought to be channelled into the Police Force. Any policeman or criminologist will say that the greatest deterrent to crime is the appearance of a policeman.

Mr. CRELLIN: And additional penalties when they get caught.

Mr. WILKES: The member for Sandringham has strong views on that and I do not disagree with him regarding penalties. However, the greatest deterrent to crime is the presence of a policeman. When a police car is on the road, one sees the best behaved motorists in the State. When there is no police car, one sees the worst behaved motorists on the road.

Mr. ROSS-EDWARDS: That is a pretty general statement.

Mr. WILKES: I have observed the behaviour of motorists on the highway; when they see a police car, they are much better behaved.

Mr. ROSS-EDWARDS: Some are.

Mr. WILKES: The presence of a police vehicle has a salutary effect on all drivers, including myself. For so long the Opposition has contended, and it has been supported in its contention by the Police Association and by policemen themselves, that the Government must change its priorities. Crime has reached epidemic proportions. Some 96,000 crimes have been committed this year with 50 armed holdups and more than $1 million stolen. If a similar epidemic occurred in some other field for which the Minister is responsible—let me suggest health, because the Minister is a former Minister of Health—the honorable gentleman would be the first to want the Government to take steps to prevent, cure or correct that epidemic. In this instance the Government fails to acknowledge that we have an epidemic of crime in the community and that is why the Opposition is forced to bring this matter to the attention of the Government and to insist that at least it take some steps. More than 250 hand guns were stolen last week from a warehouse in South Melbourne, which means that this number of guns is circulating through the criminal elements of this State.

Mr. LOXTON: Even if they were registered, it would not help much.

Mr. WILKES: With registration, the police would at least have some hope of tracing the rightful owner.

Mr. CRELLIN: They could still change the numbers on the guns.

Mr. WILKES: Of course they could, just as easily as they could change registration of a motor car or anything else, but the Opposition suggests that crime could be reduced by a tighter control over weapons. The controls might be along the lines adopted in South Australia. I do not agree with the Minister that Victoria ought to wait until the other States and the Commonwealth act in this matter. Whilst Victoria does that, people are being raped, shot and murdered. The Government should act. If Victoria has the record that the Minister suggests, the Government should not sit back and rest on its laurels; it should attempt to extend and to update the necessary precautions that are obviously missing from the Firearms Act.

Some twelve years ago, the Firearms Act was part of the Police Offences Act. Together with other sections which were passed into individual Acts, the firearms provisions were made into the Firearms Act. The subject was fully debated and a number of observations were made. Later the Firearms Act was amended to provide for shooters' licences. Other matters were made the subject of examination by the Statute Law Revision Committee. Further amendments were made to the Act but nothing has been done to reduce the number of occasions on which firearms have been used in criminal acts.

If the community is to be given this protection, Parliament ought to examine whether the Act provides the answer. Obviously criminals take no notice of statutes, registration or shooters' licences, but at least if these things were available, the police would be assisted. Whilst Victoria has fewer police per head of population than any other State, they ought to be given every assistance. The training facilities at the Police Training Academy, Glen Waverley, should be increased because for every 500 recruits that are put through the academy in any one year, 300 leave the force so that the net gain on average is about 200 a year. Over the past ten years, in many cases the net gain has been less than 200 in any one year.

An additional 200 policemen in any one year will not affect the crime rate in this State—96,000 in a year—so that it is absolutely essential for the Government to treat this as a greater priority. It is all very well for the Premier to say that the Government is doing all it can. Even the increase in population necessitates more than 200 additional policemen each year. The increased number of motor vehicles coming on to the road demand a greater increase in the number of police as does the increased incidence of crime and the responsibility of protecting people and their property. More private watching and security firms operate in Victoria than anywhere else because industry now realizes that it has to pay for the protection of its property. At one time, industry could rely on the Victoria Police Force but unfortunately it can no longer rely entirely on the force for that purpose.

Mr. CRELLIN: I am glad that you said "entirely".

Mr. WILKES: Of course I qualified my statement by using the word "entirely". Nobody knows better than the honorable member for Sandringham about my record with the Victoria Police. I have said categorically that it is the finest force in Australia. There is no doubt about that, but nobody can deny that at present it is inadequate. To get over that inadequacy, we must get rid of the problem at Glen Waverley.

Mr. ROSS-EDWARDS: And get rid of the street demonstrations.

Mr. WILKES: I do not know what the crime rate is in Shepparton, but I do know what it is in Melbourne. In the short time remaining, I stress that the motion criticizes the Government because of its failure to make proper provision in the Firearms Act to properly control the use of firearms. The motion condemns the Government because its lack of action in that direction has resulted in an increased number of armed holdups in this State. Today, in any newspaper, the typical news item is either a reference to the land deals or an armed holdup somewhere.

Mr. ROSS-EDWARDS: That is a different subject-matter.

Mr. WILKES: Of course it is, and I am not attempting to mention it. I commend the motion to the House.

Mr. ROSS-EDWARDS (Leader of the National Party): The matters being discussed are of great interest and concern to everybody in Victoria. There is no doubt about that. However, a motion for the adjournment of the House is not the appropriate means of debating the serious matters at issue. In such a debate one really cannot get to the crux of the problem of armed holdups and firearms being traded on the black market.

The motion criticizes the Government and the Police Force. Firstly, it says that the legislation is not good enough. It is up to the Parliament to decide what the legislation should be. Secondly, the motion implies a criticism of the Victoria Police Force. To some extent that may be justified in certain circumstances, but the Victoria Police Force is not directly under attack by the Opposition in this debate.

Mr. FORDHAM: Only the Government is under attack.

Mr. ROSS-EDWARDS: By inference, the Victoria Police Force is under attack. Firstly, the Opposition says that the statute law is not good enough, and, secondly, that the people who enforce it are not doing their job. Those are the two thrusts of the attack.

Everybody in Victoria is concerned about the armed holdups to which the Leader of the Opposition referred, which are becoming almost daily occurrences. I suggest that the police will have to provide a better means of coping with those crimes. I pay tribute to members of Parliament who have been tolerant and have taken the responsible attitude that nothing is to be gained by abusing the Police Force. It is hoped that the Chief Secretary and the Victoria Police Force are taking appropriate steps behind the scenes to cope with the job. All honorable members are disappointed that the results have not been better, and that more criminals have not been detected when committing such crimes. When one considers the vast amount of money that is stolen, one cannot understand why more adequate precautionary measures are not taken.

Whenever firearms are discussed the matter of primary producers comes under consideration. Traditionally, the primary producer, rightly or wrongly, desires a host of firearms on his property, including a shot-gun a pea-rifle, and a high-powered gun. Whether those weapons are necessary is open to argument. I can understand the needs of farmers who live in remote areas. Nevertheless, they criticize people who bring firearms on to their properties. That is probably because those people are often trespassers who have little training in the use of firearms. This is one of the real problems that needs to be resolved.

The danger in amending firearms legislation is that the honest citizen may be controlled but little effect produced on the criminal, who will make his own arrangements. This is a problem not only in Victoria but world-wide and it is a serious one. I sympathize with much of what has been said by the Opposition, but, for the reasons I have stated, the National Party cannot support the motion.

If members of the Opposition believe there should be new legislation they should persuade the Government to introduce it, or bring forward their own legislation.

Mr. WILKES: The Opposition has a private member's Bill on the Notice Paper, but is prevented from having it discussed.

Mr. ROSS-EDWARDS: Perhaps the answer would be to have it discussed. I mention the efficiency of the Victoria Police Force. If members of the Opposition wish to criticize the Police Force——

Mr. FORDHAM: We did not.

Mr. ROSS-EDWARDS: The words of the motion include—

> the failure of the Government to take adequate steps to prevent the theft of firearms—

That relates to enforcing the statutes that already are in operation. If a debate is required on the Victoria Police Force a motion should be brought forward to the effect that the police are not doing their job. However, the Opposition does not do that. If the Opposition wants to change the law, it should endeavour to have debated the private member's Bill that it claims will solve the problem. The sooner that is done, the better.

Mr. FORDHAM (Footscray): I am amazed at the attitude taken by the Leader of the National Party. The first point he made was that a motion for the adjournment of the House is not an appropriate vehicle on which to discuss a matter of this nature. The introductory words of the motion include the words, " a definite matter of urgent public importance ". From what the Leader of the National Party said, it appears that this is not a matter of urgent public importance. My constituents and, I suspect, yours, Mr. Speaker, and those of the Leader of the National Party believe this is a matter of urgent public importance. In the community there is widespread concern about the sale of firearms.

Mr. ROSS-EDWARDS: The motion is about the theft of firearms.

Mr. FORDHAM: The Leader of the National Party is becoming upset, and he has only just sat down. The Opposition is fulfilling its responsibility in bringing this matter forward. It is a matter of urgent public importance, and members of the Opposition should be given the opportunity of debating the matter today. If Parliament is not the forum, and a motion for the adjournment of the House is not the vehicle, what is the forum for matters of this nature?

Mr. ROSS-EDWARDS: Change the statute.

Mr. FORDHAM: The Leader of the National Party has been a member of Parliament long enough to know that back-bench members of the Opposition or of the National Party do not have much opportunity of changing the statute. The Leader of the National Party has had a private member's Bill on the Notice Paper for months.

Mr. ROSS-EDWARDS: I have had a 90 per cent success rate with it. If the Opposition can do as well with firearms as I have done on probate, it will be successful.

Mr. FORDHAM: The Opposition in no way withdraws from its determination to proceed with the motion. It is a most appropriate motion that ought to be debated.

The second matter raised by the Leader of the National Party was that the Labor Party was attacking the Police Force. How he can come to that conclusion after the speeches of the Leader of the Opposition and of the shadow Minister for police, Mr. Edmunds, I do not know. At no stage was an attack made on members of the Police Force, individually or collectively, and to suggest that that was done was an absolute fabrication of the truth.

The Leader of the Opposition made the point that the Government's record in training police in Victoria is

deplorable. In no way can the Police Force meet the enormous responsibilities placed upon it by the Parliament through statute, and the Government by regulation. The Government claims that 500 recruits for the Police Force are trained each year, but the numbers are becoming depleted.

Mr. CRELLIN: Where are they being depleted?

Mr. FORDHAM: They are being depleted. There ought to be another 500 or 1,000 police. There is a high resignation rate as well as a high recruitment rate. Steps must be taken to lower the resignation rate and to bring new recruits into the force. Until the staff of the training academy is increased and the facilities improved, that will not happen. The Premier can make speech after speech in Budget after Budget, but there will not be sufficient police in Victoria until the training facilities are improved.

Time after time the shadow Minister for police has said that 300 administrative assistants are required to help the police with their extremely important work in the community. I ask the Minister at the table, the Minister of Special Education, what the Government's response to that was.

Mr. CRELLIN (Sandringham): I raise a point of order. Honorable members have listened attentively to the speakers in the debate. However, I fail to see any relationship between assistants for the Police Force and the matter under discussion.

The SPEAKER (Sir Kenneth Wheeler): Order! The point of order raised by the honorable member has some relevance and I ask the honorable member for Footscray to return to the motion.

Mr. FORDHAM (Footscray): The point has been well made and the honorable member for Sandringham is in a little difficulty about the subject. He realizes that what I am saying is true. A request was made, but was refused by the Government.

I return to the licensing and theft of firearms. The Leader of the Opposition made a valid point, that serious consideration should be given to whether the police should have this responsibility. Once again, they are being diverted from their other duties. For a long time the theft of firearms in Victoria has been a public scandal. Periodically a major robbery occurs at one of the numerous gun shops that have the sorts of fireams that are taken by criminals, and there are hundreds of them in Victoria and dozens in Melbourne. Recently in Melbourne a deplorable theft of 250 hand guns occurred. That is an indication of what can be done by the criminal element and an indication of complete lack of control, not by the Police Force but by the Government.

The Minister at the table, the Minister of Special Education, is passing responsibility on to others for the Government's lack of control on this matter. That is deplorable. Whenever anything goes wrong the Government attempts to pass the buck. On numerous occasions the Opposition's shadow Ministers for police have expressed the need for tighter control over firearms, but no attempt has been made by the Government to do this. The matter needs to be given serious consideration.

A related matter is the use to which these firearms have been put in recent times. All honorable members are concerned at the growing rate of armed holdups in the community. More and more criminals are using guns, replicas or real, in carrying out armed holdups of pharmacies, banks and Totalizator Agency Board agencies, and major steps should be taken to prevent the growth of this sort of activity.

Mr. BILLING: Do you think we should arm our police?

Mr. FORDHAM: No way. The honorable member for Springvale suggested that members of the Police Force ought to be armed. I do not believe anything is to be gained by an extension of the use of guns in our society. I hope for a reduction in the number of guns being toted around Melbourne, both legally and illegally. I would not wish to be party to any other suggestion.

The relevant employee groups of banks have been trying to persuade the Government to take positive action to provide disincentives for these robberies. They have bypassed the Chief Secretary as being irrelevant, but have waited on the Premier a number of times and asked him to propose legislation for proper security measures such as exist in other parts of the world. They have pointed out that there has been a serious neglect of this type of disincentive in Victoria. For example, the Australian Bank Officials Association has stated that it is essential for bullet-proof glass to be used in banks because it is most understandably concerned for the safety of its members and for bank customers. There must be these sorts of disincentives so that the criminals will realize that the security of the banks is such that they cannot easily get away with these robberies.

The SPEAKER (Sir Kenneth Wheeler): Order! The honorable member cannot discuss the security of banks.

Mr. FORDHAM: I was making a passing reference to that, Mr. Speaker. Bank robberies are one of the effects of the Government's inability to prevent the theft of firearms. These firearms do not get into the hands of people who want to protect themselves. Australians do not follow the American idea of owning guns for that purpose. In Australia, stolen pistols and rifles find their way to the criminal element.

Mr. SCANLAN: In America it is a constitutional right to bear arms.

Mr. FORDHAM: It is not in Australia. Parliament should deplore the failure of the Government to take adequate steps to prevent the theft of firearms. This is certainly a matter of public importance and one of widespread public concern. Undoubtedly, as is pointed out in the motion so adequately moved by the shadow Minister of police, the failure of the Government to prevent the theft of firearms is leading to an increasing number of armed holdups and other crimes in the community.

Mr. CRELLIN (Sandringham): I take issue with a number of things that have been said by members of the Opposition in this debate. The Deputy Leader of the Opposition in his final statement described this matter as being one of widespread public concern and urgent public importance. Yet the motion was formulated at 1.45 p.m. today and brought before this House at 3 p.m. or thereabouts.

Mr. WILTON: What has that to do with the motion?

Mr. CRELLIN: It has a lot to do with the motion because it shows that it was prepared in haste in the same way as a lot of other matters that the Opposition has brought before this House. The motion is described as a matter of urgency. The Opposition needed only twelve members to support the motion to enable it to be discussed, and it scraped in with two to spare, as only fourteen honorable members rose in their places. When the honorable member for Ascot Vale, who describes himself as the shadow Minister of police, addressed the House, the number of Opposition members present fell to eight and then to four, although the Opposition describes this as a matter of urgent public importance.

If members of the Opposition were seriously concerned about armed holdups—and that is a matter of

public concern—they would have done their staff work and homework much better and prepared a proper case to submit to this House. It is a pity that they did not do so because this is an important subject.

Members of the Opposition brought up a lot of irrelevant information. At one stage, what they were putting sounded like the second-reading debate on the Budget because they were again discussing the operations of and funds for the Victoria Police. Members of the Opposition had five bob each way. On one hand they said they did not criticize the Police Force but, on the other hand, they criticized the Government and, if it is not the Police Force which enforces the laws on behalf of the Government, who does? It is a pity that they do not understand this.

I commend the honorable member for Ascot Vale for his new-found interest in the Police Force. But the honorable member has two problems. Like other members of the Opposition, when he gets into difficulties he resorts to personal abuse. That is a sign of poor debating techniques. His other problem with his new-found interest in police matters is that he is being force-fed with information and there is a limit to what he can digest.

It was suggested that I had made comical and ludicrous statements about the use of helicopters. But the honorable member for Ascot Vale raised this matter in a question without notice not very long ago, so who is being the comic? I direct attention to the report of the Victoria Police for the year ended 30th December, 1976. In relation to helicopters, it states that the induction into the service of an experienced helicopter pilot will enable further development and greater operational efficiency. It adds that the use of helicopters in field operations has proved invaluable.

Mr. MUTTON: What does that have to do with firearms?

Mr. CRELLIN: It has a lot to do with firearms. The importance of quick response in the apprehension of criminals has been raised in this wide-ranging debate. The need to catch criminals quickly was mentioned more than once and the use of a helicopter as an aerial observation post is an important aid in this. There is ample experience of this available throughout the world if members of the Opposition care to look for it. Earlier this year I had the privilege of being given the 1976 report of the Los Angeles Police Department Air Support Division.

Mr. EDMUNDS: Will you table it?

Mr. CRELLIN: I shall be happy to show it to the honorable member. I hope he is capable of digesting the information in it.

The SPEAKER (Sir Kenneth Wheeler): Order! The debate is on the question of firearms, not the report of the Los Angeles police. The motion is clear. It lends itself to a reasonably wide debate and I have allowed some latitude, but the discussion must be related to firearms.

Mr. CRELLIN: I shall be happy to abide by your ruling, Mr. Speaker. All I should like to say is that there is a body of experience available from other police forces and the one I have mentioned is one of the most expert. The fact that the officer in command of the body to which I referred was recently in Victoria and lecturing to our Police Force was mentioned, and I thought it appropriate to refer to the report of his organization. That is the relationship of the document to the debate. I shall refer to only a short section of it. We have spoken about armed holdups and other crimes and the need to apprehend criminals. The report states that during the calendar year 1969, the effectiveness of the air division of the Los Angeles

police, using helicopters as patrol vehicles, was evaluated, and it went on to say that helicopters used in police patrols were an effective crime repression tool. The report states that helicopters have continued to prove to be a valuable law-enforcement tool. So, when the question of the use of helicopters is raised by the honorable member for Ascot Vale as the spokesman for the Opposition on police matters, the record should be put straight.

Mr. WHITING: Who will pay for a helicopter?

Mr. CRELLIN: I suggest that the Treasury of Victoria will pay for it and it will prove to be good value. The case put by the Opposition on this motion is not one of its better efforts, although some of its leading lights have entered the debate in an endeavour to raise the standard. Serious allegations were made by the honorable member for Ascot Vale, who led the debate for the Opposition, that privately employed armed guards in Melbourne could not shoot straight.

Mr. EDMUNDS: That is right; I said they could not shoot straight.

Mr. CRELLIN: During the debate I took the trouble to find out what the situation was in a couple of the principal organizations. Honorable members would be familiar with the operations of Mayne Nickless Ltd. As well as saying that privately employed armed guards could not shoot straight, members of the Opposition made the serious allegation that they did not receive training in the handling of weapons and put people at risk.

Mr. EDMUNDS: That is what I said; they cannot shoot straight.

Mr. CRELLIN: I spoke to Mr. J. Ashby of Mayne Nickless Ltd., and he gave me permission to use this information in the House. The firm has a private range. It requires its guards on armoured cars to practise once a month with small arms and all the Metropolitan Security Service armed guards are required to practise at least twice a year. Further, a pistol club has been formed by members of the organization and many of the people concerned practise in their own time.

Mr. EDMUNDS: Have you ever fired a pistol?

Mr. CRELLIN: I have, and quite recently. I also spoke to Wormalds Ltd., which is also engaged in the security business. Mr. G. Sonnberger has given me permission to put this information on record. His company requires each of its personnel to practise three times a year, as a minimum. The company holds a practice shoot each month and trained instructors are on hand. Many members of his firm are also members of pistol clubs and practise voluntarily in their own time.

The SPEAKER (Sir Kenneth Wheeler): Order! Can the honorable member relate this matter to the subject of the theft of firearms?

Mr. CRELLIN: Statements have been made that firearms, whether obtained by theft or purchased, are dangerous, and it has been said that some people who are allowed by law to wear sidearms in their work cannot shoot straight. The Government was criticized earlier for suggesting that the Opposition was critical of the Victoria Police, but I have just heard an interjection from a member of the Opposition, who said that the police cannot shoot straight either.

Mr. ROPER: They shot one of my constituents.

Mr. CRELLIN: The Leader of the Opposition, to his credit, described the Victoria Police as one of the best forces in Australia. I would go further and say that it is one of the best in the world. It is incumbent on each member of Parliament to give support

to all the personnel of the force who go out on behalf of the community at large. The motion is ill-prepared and ill-considered, and I suggest it should not be dealt with any further.

Mr. MUTTON (Coburg): I support the motion because, unlike the honorable member for Sandringham, I consider it important. It is probable that the Opposition was prompted to move the motion because of a recent holdup that took place in Melbourne in which a large number of concealable weapons, mainly revolvers, was stolen.

The substance of the motion is—

The failure of the Government to take adequate steps to prevent the theft of firearms, thus adding to the possibility of an increasing number of armed holdups and other crimes in the community.

I should have preferred to see the word "use" instead of the word "theft" in the motion, because, as all members must realize, it is not necessary for a criminal to participate in a theft to obtain a firearm that he can use in an armed holdup. To illustrate that point I remind honorable members of a recent holdup that occurred in Broadmeadows in which the weapons used were a sawn-off shotgun and a sawn-off ·22 pea rifle. Any individual could purchase either of those weapons, provided that he was over the age of eighteen years and resided in Victoria, and any individual who knew how to use a hacksaw could, within five minutes, convert either of those weapons to a concealable weapon that could be used in an armed holdup.

I blame the Government for not taking action in this matter earlier. It had a wonderful opportunity of doing so three years ago when it introduced legislation to control the use of firearms. I believed that was a genuine attempt by the Government to bring some form of control of the use of firearms into being, but I was most perturbed when I realized that all the legislation provided for was the licensing of the shooter.

If the Government had used common sense it would not have licensed the shooter; it would have registered the firearm. The registration of firearms would have benefited Victorians, but the Government did not go that far. It drafted its legislation on the basis of a report submitted to the Chief Secretary by a sporting organization, but had the Government had the welfare and interests of the people at heart it would have gone further than that report recommended and based its legislation on the registration of firearms.

During this debate much comment has been made about the activities of the Victoria Police Force. I agree with many speakers that the Victoria Police Force is second to none, and it operates usefully and successfully in Victoria. The force's success in apprehending many of the people who have participated in armed holdups has proved that it is adequate and successful in controlling the activities of criminals, but any member of that force would say without hesitation that he wants more from the Government of Victoria. It would be of great assistance to the Victoria Police Force if the Government passed legislation to provide for the registration of firearms.

I remarked earlier that the motion for the adjournment of the House was prompted by the recent large-scale theft of revolvers, and there is no doubt that the Opposition is concerned not only about the lives of innocent citizens who may be involved in holdups but also about the increasing numbers of armed holdups carried out on banks and Totalizator Agency Board agencies. The lives of the people employed by banks and Totalizator Agency Board agencies who serve the people are in continual jeopardy, not because of the theft of revolvers but because the Government has not introduced legislation to protect them.

During the second world war any person who had a firearm of any sort was required to register that weapon

at the local police station. That registration was required under the provisions of the Federal Defence Act. If it was good enough for the Federal Government to ensure that every person in the Commonwealth of Australia registered every firearm he had, whether a sporting shotgun, a pea rifle or a ·303 rifle, it is good enough for the State Government of Victoria to do the same in peacetime. Such a step would go a long way towards protecting not only employees of banks and Totalizator Agency Board agencies but also innocent citizens who may be in those places at the time of a holdup. Many private citizens are being used as hostages, and I hope and trust that the Government will take action to protect them.

I do not agree with the honorable member for Sandringham, who suggested that the motion has been moved for the sake of political expedience. The motion is based on fact and has been moved because the Government is ignoring the safety of the citizens of Victoria. When the legislation to which I referred earlier was introduced three years ago, I remarked that it only went half way and it would not be long before the Government would be forced to introduce amending legislation to provide for the registration of firearms, and I have been proved right. I urge the Government to take notice of the motion and to introduce legislation for the registration of firearms.

Mr. GUDE (Geelong East): I oppose this ill-considered motion prepared by an inept, reactionary Opposition. A theft of revolvers occurred recently and I presume this is the first opportunity the Opposition has been afforded in the House of moving a motion against the Government.

The security measures provided for under the present Act are in my view adequate. Section 7(1) of the Firearms Act provides, *inter alia*—

> Provided that if the said Chief Commissioner or authorized officer of police is satisfied that any applicant cannot be permitted to carry on or to continue to carry on the business of a gun dealer without danger to the public safety or to the peace or that the premises or proposed premises are unsuitable for a gun dealer's place of business he may refuse to issue or renew a licence to such applicant or in respect of those premises (as the case may be):

For approximately twelve months the Victoria Police Force has been actively engaged in visiting premises where guns are sold. Members of the Police Force have visited Winchester Australia Pty. Ltd., which manufactures ammunition and is situated in the electorate that I represent. The company has advised me that the police are refusing to reissue licences and are refusing to issue new licences to persons who are not prepared to meet their standards. The standards being required are worthy of note. Premises must have brick walls, which is reasonable. Bars on windows are required and so are security alarms. All honorable members should be supporting those requirements.

Possibly the only suggestion made by members of the Opposition has been that numbers ought to be placed on guns, but that would not prevent the commission of a crime. Many crimes of violence in which guns are used are being carried out by people who obtain those guns lawfully.

The House divided on the motion (Sir Kenneth Wheeler in the chair)—

Ayes	20
Noes	47
Majority against the motion	27

AYES.

Mr. Amos	Mr. Simmonds
Mr. Cathie	Mr. Simpson
Mr. Culpin	Mr. Stirling
Mr. Edmunds	Mrs. Toner
Mr. Fogarty	Mr. Trezise
Mr. Fordham	Mr. Wilkes
Mr. Ginifer	Mr. Wilton
Mr. Kirkwood	
Mr. Lind	*Tellers:*
Mr. Mutton	Mr. Cain
Mr. Roper	Mr. Crabb

NOES.

Mr. Austin	Mr. McClure
Mr. Balfour	Mr. McInnes
Mr. Billing	Mr. McKellar
Mr. Birrell	Mr. Mackinnon
Mr. Borthwick	Mrs. Patrick
Mr. Burgin	Mr. Plowman
Mr. Collins	Mr. Rafferty
Mr. Cox	Mr. Reese
Mr. Crellin	Mr. Richardson
Mr. Dixon	Mr. Ross-Edwards
Mr. Dunstan	Mr. Scanlan
Mr. Ebery	Mr. Skeggs
Mr. Evans (*Ballarat North*)	Mr. Smith (*South Barwon*)
Mr. Gude	Mr. Smith (*Warrnambool*)
Mr. Hamer	Mr. Stephen
Mr. Hann	Mr. Thompson
Mr. Hudson	Mr. Trewin
Mr. Jasper	Mr. Weideman
Mr. Jennings	Mr. Whiting
Mr. Jona	Mr. Wood
Mr. Kennett	
Mr. Lacy	
Mr. Liberman	*Tellers:*
Mr. Loxton	Mr. Coleman
Mr. McArthur	Mr. Williams

PAIR.

Mr. Doube	Mr. Templeton

APPROPRIATION MESSAGES.

The SPEAKER (Sir Kenneth Wheeler) announced that he had received messages from His Excellency the Governor recommending that appropriations be made from the Consolidated Fund for the purposes of the following Bills—

Land Tax Bill (No. 2).

Victorian Government Travel Authority Bill.

Hospitals Superannuation (Amendment) Bill (No. 2).

JOINT SITTING OF PARLIAMENT.

STATE COLLEGE OF VICTORIA.

The SPEAKER (Sir Kenneth Wheeler): I have received the following communication from the Minister of Education—

Dear Mr. Speaker,

At the joint sitting of the Legislative Council and the Legislative Assembly on 18th October, 1977, Barry Owen Jones, Esq. M.P. was recommended for appointment to the Senate of the State College of Victoria for the four year term commencing on 14th November pursuant to the provisions of section 7 of the State College of Victoria Act 1972. Following his resignation from the Parliament I should be grateful if you could arrange for a joint sitting to recomment a member to replace Mr. Jones.

I have addressed a similar letter to the President of the Legislative Council.

Yours sincerely,

L. H. S. Thompson,
Minister of Education.

I have received a message from the Legislative Council acquainting the Legislative Assembly that the Legislative Council has agreed to meet the Legislative Assembly for the purpose of sitting and voting together to choose a member of the Parliament of Victoria to be recommended for appointment to the Senate of the State College of Victoria and requesting the Legislative Assembly to name the place and time of such meeting.

Mr. THOMPSON (Minister of Education): I move—

That this House meet the Legislative Council for the purpose of sitting and voting together to choose a member of the Parliament of Victoria to be recommended for appointment to the Senate of the State College of Victoria, and, as requested by the Legislative Council to name the place and time of such meeting, name the Legislative Assembly Chamber on Tuesday, 22nd November at six o'clock.

The motion was agreed to.

TRANSPORT REGULATION (AMENDMENT) BILL.

Mr. RAFFERTY (Minister of Transport): I move—

That this Bill be now read a second time.

This Bill has three purposes. The first is to enable car pooling without the need to obtain a commercial passenger vehicle licence. The second purpose is to amend the requirements for membership of the Transport Regulation Board. The third purpose is to give the board more flexibility in the renewal of commercial passenger vehicle licences.

More than 6 million passenger trips are undertaken in Melbourne each day. Of these trips about 2·5 million

occur during peak periods. Public transport is the most efficient carrier of people for dense corridor, commuter type trips and the Government is pressing ahead with its programme to improve public transport. However, at this stage, it is difficult for public transport to provide reasonable alternatives for many of the multiplicity of journeys that people wish to make in a large metropolis such as Melbourne. For those people who wish to use their motor cars the road system has no adequate capacity for free movement during peak periods. This problem is aggravated by the fact that on many roads only 25 per cent of the seating capacity of cars is being used.

The Government is concerned to improve transport, to encourage better utilization of available road space, to conserve energy and to facilitate the movement of people in their day to day activities. With this in mind, it is proposed to encourage the use of car pooling as a further step to conserve energy and to reduce the demands, particularly during peak traffic periods, for additional road space.

Car pooling, as honorable members may know, is where two or more people get together and arrange their trips so that they can share a motor car for, say, a journey to work, and thus fewer vehicle trips are required. Car pooling can be arranged in various ways. Perhaps the most common form is where people arrange to share the use of their vehicles on a day by day or week by week basis without payment of fees or reimbursement of motoring expenses. Another car pooling arrangement is the sharing of motoring costs between passengers.

The Government proposes to encourage car pooling where people get together and share their vehicles—it is not proposed to allow the charging of fees or the reimbursement of motoring costs for car pooling. This would involve problems with insurance and registration of private motor vehicles and could encourage the setting up of unofficial taxi type operations, which may be detrimental to public transport and give rise to unregulated and unsupervised forms of public transport.

Clause 2 of the Bill amends section 3 of the Transport Regulation Act to enable car pooling, without the need to obtain a commercial passenger vehicle licence from the Transport Regulation Board. Honorable members may be aware that section 19 of the Act provides that a commercial passenger vehicle shall not operate on any public highway unless licensed by the board. The present definition of a commercial passenger vehicle includes the carriage of passengers for hire or reward or for any consideration.

The term "any consideration" in its wider sense, can include arrangements to share vehicles on an exchange car pooling basis. Such an interpretation would make it an offence to operate a vehicle for car pooling without a commercial passenger vehicle licence from the board.

This measure makes it clear that car pooling by the sharing of a motor vehicle without the payment of a fee or reimbursement of expenses will not require a commercial passenger vehicle licence from the Transport Regulation Board.

To promote car pooling, the Ministry of Transport, in conjunction with the metropolitan transit authority when this is established, will set up a computer matching bureau to assist persons interested in car pooling to make contact with one another. I will be writing to industry associations and large employers seeking their support and requesting them to encourage car pooling by reserving prime parking facilities for car pool vehicles.

If there is a good response to car pooling, the Government will look at the provision of exclusive lanes for car pool vehicles where the provision of these priority facilities can be justified.

I turn now to clause 3 of the Bill which amends section 5 of the principal Act to provide that the Transport Regulation Board shall consist of three members appointed by the Governor in Council, of whom one shall be appointed as chairman, one shall be a person with experience as a primary producer and one shall be a person with experience in the carrying on of commercial pursuits outside a radius of 40 kilometres from the General Post Office. Under this provision the Transport Regulation Board will continue to be a three-man board with a chairman and one member with experience as a primary producer and one member with commercial experience outside 40 kilometres of Melbourne.

The amendment makes it clear that the position as a member of the Transport Regulation Board is not a part-time one and replaces the present requirement to consult with the Chamber of Agriculture and the Melbourne Chamber of Commerce on these appointments.

Honorable members may know that the Chamber of Agriculture is no longer in existence and that it is Government policy that board members are appointed for their expertise, knowledge and background and not as representatives of a particular organization.

Clause 4 amends section 27 of the principal Act to enable the board to renew commercial passenger vehicle licences for periods of up to seven years. Under the provisions of the present Act, where commercial passenger vehicle licences are renewed, they must be renewed for the same duration as the licence being renewed. This means that licences are renewed for periods from four to seven years.

Honorable members will be aware of the private bus study recently undertaken by consultants on behalf of the Government. The consultants pointed out that private bus services in the Melbourne metropolitan area should be rationalized and that better, more viable services could be provided by rationalization of the network and greater utilization of facilities.

There are some 70 private bus operators providing regular route services in the Melbourne metropolitan area. These operators carry some 56 million passengers per annum on more than 900 buses. The network has grown over the years as Melbourne has developed and there is scope for integration of services to better serve the community's present transport needs.

The Transport Regulation Board is currently working on proposals for improved utilization of existing transport resources to provide better, more viable private enterprise bus services tailored to present transport needs, clearly some rationalization is necessary, over a period of time.

The provisions contained in clause 4 will assist the board in its task to achieve a new transport network designed for the community's present and future travel needs. This measure will help the board to arrange common expiry dates for commercial passenger vehicle licences which will facilitate the rationalization of services in particular areas. The Bill is a further step to improve public transport in Victoria. I commend it to the House.

On the motion of Mr. CRABB (Knox), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, November 22.

HOSPITALS SUPERANNUATION (AMENDMENT) BILL (No. 2).

Mr. JONA (Assistant Minister of Health): I move—

That this Bill be now read a second time.

The Bill proposes to correct three problems which have arisen in respect of the rights which the Hospitals Superannuation (Amendment) Act 1976 purported to confer on

persons who became contributors to the new pension scheme set up by that Act.

When the Hospitals Superannuation (Amendment) Act 1976 was prepared it was intended that persons who were members of the fund constituted under the principal Act but who had continued in employment with a participating institution after reaching the age of 65 years would be eligible to become contributors to the pension scheme which the amending Act introduced.

The interpretation of "Pension contributor" in section 35A of the Hospitals Superannuation Act 1965 included such persons as being pension contributors but this inclusion was not specified in section 35ZF which applied the new pension scheme to established contributors. Accordingly such persons were unable to take up the right to become contributors to the new pension scheme. Clauses 2 and 5 of the Bill rectify the matter and are designed to apply from 1st January, 1977, when the new scheme commenced.

The second class of persons who are adversely affected are persons who became contributors to the fund between 1st January, 1977, and 30th June, 1977. It was intended that such new entrants to the scheme between those dates would have the right to be credited with 50 per centum of their past service with a participating institution. As the Act stands at present, such persons cannot avail themselves of that right to past service entitlements because the Act is worded in such a way as to require them to exercise that right before the commencement of the Act. As the Act came into operation on 1st January, 1977, after being assented to on 7th December, 1976, many intending contributors were unaware of their rights and did not make the appropriate election in time to qualify.

Clause 3 of the Bill restores that right to such persons with retrospectivity to 1st January, 1977.

Mr. Jona.

The third matter relates to recognition of past service with a participating institution. The principal Act allows breaks of up to two months in service as a right and enables the board to approve longer periods in a particular case.

The Amending Act of 1976 gives persons the right to be credited with all continuous past service but the reference to "continuous service" in the principal Act is severe in that any break whatsoever in service means that service prior to that break does not count. It is essential that the position relating to recognition of past service be clarified.

Accordingly, clauses 3 and 4 of the Bill propose that all past service which occurs subsequent to a break of more than six months in employment with a participating institution will be recognized for the purposes of the Act.

Any service prior to a break of less that six months will be recognized. This means that all past service is recognized except past service prior to a break of more than six months.

I commend the Bill to the House. I regret that its introduction was delayed for a week as a result of the Opposition's refusal last week to grant leave for the second reading of the Bill to proceed.

Mr. ROPER (Brunswick) : I move—

That the debate be now adjourned.

I point out to the Minister that many of these matters were raised by members of the Opposition when the original legislation was debated. I also suggest to him that he has had the opportunity of introducing the Bill since the start of the session. The Opposition is not really responsible for the honorable gentleman's tardiness.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until Tuesday, November 22.

CRIMES (MARRIED PERSONS' LIABILITY) BILL.

Mr. JONA (Minister of Immigration and Ethnic Affairs) : I move—

That this Bill be now read a second time.

The purpose of the Bill is to give effect to recommendations made by the former Law Reform Commissioner, Mr. T. W. Smith, Q.C., in his report No. 3 entitled "Criminal Liability of Married Persons (Special Rules)". These rules of criminal law in some cases relieve wives, and in other cases both husbands and wives, from liability for conduct which would render them criminally liable if they were unmarried.

As the commissioner pointed out in his report, these rules originated long before the civil law was reformed to remove legal disabilities of married women in matters of property, contract and family law, and long before those social changes which have reduced the discrimination to which women have been subjected in respect of education and economic matters. It is, therefore, appropriate to review the rules in the light of changes which have occurred since they were formulated.

In view of the clause notes circulated with the Bill, it is not necessary to comment on the details of the clauses. However, I should draw attention to the effect of clause 1 (3), which applies the provisions of the Bill only to offences and acts done or omitted to be done on or after the date of commencement.

For the purpose of explaining the background and object of the proposed amendments, it is convenient to deal with these matters in the order in which they appear in the Law Reform Commissioner's report.

DEFENCE OF MARITAL COERCION.

The common law rule is that, subject to certain exceptions, if a wife commits a crime in her husband's presence, she is presumed prima facie to have committed it under such coercion as to entitle her to be acquitted. The mere fact of the presence of her husband at the time of the offence is sufficient to raise the presumption. The presumption does not apply to cases of treason or murder, and it appears that some other serious crimes were also excepted. It has been said not to apply to summary offences, but only to felonies and indictable misdemeanours.

This presumption was abolished in England in 1925, and it has also been abolished in Canada, New Zealand and all of the Australian States, other than Victoria. As the Law Reform Commissioner points out, the social and economic status of married women in Victoria today is such that it seems plainly erroneous to assume that the most likely situation is that an offence committed by a wife in the presence of her husband is committed under his coercion. The probabilities are against the existence of marital coercion and it seems anomalous to retain the presumption today.

However, even if the presumption is abolished, there still remains the question of whether marital coercion should be available as a defence where there is affirmative evidence that it caused the commission of the offence by the wife. The commissioner referred to the duty and habit of loyalty and co-operation which arise from the special relationship of husband and wife which will commonly make it more difficult for a wife to resist pressure from her husband than from a stranger, and concluded that the defence should be retained.

The Government accepts the commissioner's view that the presumption should be abolished, but that the defence should be retained. However, it acknowledges that there are other relationships where similar pressures can arise, and that there might be room in the criminal law for a general defence similar to that of marital coercion. Alternatively, it may be that the defence of duress, which operates within narrow limits,

should be widened. The Government proposes to refer these questions to the present Law Reform Commissioner. In the meantime, the Bill gives effect to the commissioner's recommendations in relation to marital coercion.

The Government also accepts the commissioner's view that legislation for this purpose should set out the elements of the defence of marital coercion, state any conditions that must be satisfied before the defence is available and specify any crimes which are to be excepted from the defence. All of these matters are dealt with in proposed section 336, which appears in clause 2 (*b*) of the Bill.

Spouses as Accessories after the Fact.

The basic common law rule relating to accessories after the fact is that a person who, knowing a felony to have been committed, receives, relieves, comforts or assists the offender in order to enable him to escape being arrested, or tried or punished, is guilty of being an accessory after the fact to the felony.

The report of the commissioner has drawn attention to the anomaly arising from the fact that there is an exception to this rule in favour of wives but that the common law did not have any corresponding exception in favour of husbands.

The basis of the special rule in favour of wives rests upon the view that the relationship of husband and wife involves for the wife a deep obligation to give help and comfort to her husband and to respect his confidences. The commissioner advises that the special rule should be maintained because personal loyalty between husband and wife may properly be regarded as of fundamental importance to the stability of the family as the basic unit in our society. He also points out that the reason for the rule requires a like rule to operate in favour of the husband.

It seems clear that, having regard to the foundation of the exception in favour of wives, the rule should be maintained, but it is likewise clear that no distinction can logically be drawn between husband and wife.

The same arguments apply to the offence under section 40 of the Crimes Act 1958 of wilfully obstructing a member of the police force, the offence under section 52 of the Summary Offences Act 1966 of obstructing a member of the police force, the common law offence of obstructing an officer of justice in the execution of his duty and the offence under section 134 of the Social Welfare Act 1970 of harbouring a person known to be illegally at large.

The Government has, therefore, adpoted the recommendations in the report on these matters which are given effect by proposed section 338 in clause 2 (*b*) of the Bill, and proposed section 134 (1A) of the Social Welfare Act 1970 that is contained in clause 3.

Misprision of Felony.

Misprision of felony is committed when a person conceals, or fails to make known to the authorities, the commission of a felony of which he has knowledge or facts known to him which might lead to the apprehension of the felon.

The Government accepts the commissioner's recommendation that, for the reasons supporting the proposed exception in favour of spouses to the rule relating to accessories after the fact, there should be a corresponding exception where one spouse conceals, or fails to disclose, the felony of the other. This is given effect by proposed section 337 in clause 2 (*b*) of the Bill.

Receiving or Handling Stolen Goods.

The report of the commissioner has drawn attention to doubts whether there is a rule of common

law that a married woman is not indictable for receiving stolen property from her hubsand.

The commissioner considered that such a rule of immunity would be undesirable, and that it cannot be supported by the reasons which support the wife's immunity from prosecution as an accessory after the fact. That rule rests upon the obligation of the wife to receive and assist her husband, and the receipt of stolen goods from him would not fall within this obligation except in very special cases. The commissioner therefore recommended that the existing doubts should be removed by legislation clarifying the law. The Government agrees with these views. Clause 2 (*a*), therefore, contains an appropriate amendment of section 88 of the Crimes Act, which deals with the felony of handling stolen goods.

CONSPIRACY BETWEEN HUSBAND AND WIFE.

The common law rule is that a husband and wife cannot be guilty of the crime of conspiracy by reason of agreement made between themselves. The commissioner sets out in his report the arguments for and against the retention of this exception, and concluded that it should be retained, principally for policy reasons based upon the importance of the stability of marriages in our community. He also concluded that there should be an exception of spouses from the common law offence of incitement where one spouse incites the other to commit an offence.

However, the report recommends that these exceptions should not affect the liability of a married person as an accessory before the fact to a felony or as a principal in the second degree, or as a principal offender in an indictable misdemeanour or summary offence by reason of having aided, abetted, counselled or procured its commission. Furthermore, the report suggests that the exceptions should not extend to cases of conspiracy or incitement to commit treason or murder or the similar offences specified in section 4 of the Crimes Act. The Government adopts these views and appropriate provisions are contained in proposed section 339 in clause 2 (*b*).

I believe the amendments in the Bill are important and desirable reforms of the criminal law. I should add that the provisions as drafted have been considered by Mr. T. W. Smith, Q.C., who has indicated that he is satisfied with the drafting. 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 Tuesday, November 22.

AGE OF MAJORITY BILL.

Mr. JONA (Minister of Immigration and Ethnic Affairs) : I move—

That this Bill be now read a second time.

The objects of the Bill are to reduce the age of majority in Victoria from 21 to eighteen years of age, and to adopt the use of the words "minor" and "minority" in place of the words "infant" and "infancy" in all legislation referring to persons below the age of majority.

The Government believes the age of majority should reflect society's understanding of the capacity and responsibility of young people today, and match their needs and aspirations. There is no magic attached to the age of 21 years. Indeed, it appears that it has become the age of majority by a process of historical accident.

I am informed that in ancient Rome the age of majority was fifteen and that a similar age also applied to the early Britons. In Anglo-Saxon days the law recognized the concept of an age of majority for both males and females, but there was no fixed rule as to what that

age was. Different ages seem to have been fixed for different classes of society.

In medieval times the young burgess became of full age when he could count pence, measure cloth and conduct his father's business. The young sokeman—that means a yeoman farmer—came of age when he was fifteen, and a tenant by knight's service when he was 21. The latter age had some connection with the ability of the young man to sustain a heavy suit of armour and lift a lance or sword at the same time. No one would think that a relevant consideration today.

Gradually the rule of the knight became generally accepted by all classes of society and by the courts as the age of majority for most purposes. However, other ages were still retained as marking other points in the life of an individual, such as the right to marry without consent.

The rules as to the age at which a person had capacity to make a will, being a matter for the common law, followed the Roman rule of fourteen for a male and twelve for a female. It was not until 1837 that the common law rules as to the age of majority were applied to testamentary capacity.

In recent times, the movement has been away from the universal application of the age of 21 years. Since 1965 infants have had testamentary capacity upon attaining the age of eighteen years. In the same year the Property Law Act was amended to validate certain housing loan transactions or mortgages made with specified financial institutions by infants over the age of eighteen years. More recently eighteen year olds have been given the right to vote in both State and Federal elections.

In 1973 the Statute Law Revision Committee was asked to consider a report of the Chief Justice's Law Reform Committee which had recommended that the age of majority be reduced to eighteen years. The Statute Law Revision Committee pointed out that the historical reasons for 21 years as the age of majority are not relevant to contemporary society. They concluded that by the age of eighteen most people are ready to accept their responsibilities and rights, and recommended the reduction of the age of majority to that age.

The Government commends the report of the committee and agrees with its view. Today young people make their own decisions and behave as responsible adults by the time they are eighteen years of age. If they are regarded as old enough to vote, they should also be old enough to have the rights and responsibilities of full adulthood. Accordingly this Bill gives effect to the committee's recommendations.

The main provision in the Bill is clause 3 which provides that a person attains full legal capacity upon attaining the age of eighteen years. This means that persons between the ages of eighteen and 21, who at present by reason of their age are not of full legal capacity, will be able to enter into contracts of all types, and enforce them and be bound by them. Equally, they will be able to own property of all types. Of course, the Bill will not affect any lack of capacity attributable to any factor other than age.

It should be noted the Bill provides that the time at which a person attains a particular age is the commencement of the relevant anniversary of the date of his or her birth. It is on that day that the provisions of the Bill will take effect in respect of any individual who turns eighteen after the Bill comes into operation. People already between the ages of eighteen and 21 years when the Act comes into operation will immediately achieve full age and legal capacity.

The Bill will not affect the construction or operation of any will or instrument of trust executed before the commencement date of the Act, nor will it affect the distribution of

the estate of any person who died intestate before the commencement of the Act. It will not affect any interest in property to which a person had become entitled before the commencement of the Act.

The Bill provides that proclamations, subordinate legislation and statutory instruments will have to be construed in the light of the provisions of the Act, but this provision will not affect the operation or construction of any reference in such an instrument to an age expressed in years. Nor will this provision affect the construction of any industrial award, order, determination or agreement, or any instrument made under an Act prescribing wages or other conditions of or relating to apprenticeship, or any provisions of any Act concerning conditions of employment.

The Bill contains two schedules. The first contains a list of statutory provisions in which the words "minor" and "minors" are substituted for the words "infant" and "infants". The second makes specified amendments to various Acts to bring them into line with the provisions of the Bill and so give effect to the recommendations of the Statute Law Revision Committee. Many of these consist of substituting the age of eighteen years for the age of 21 years presently contained in the relevant provision.

Explanatory notes have been circulated with the Bill which make more detailed references to the clauses of the Bill.

The passing of this Bill will confer new rights on those between eighteen and 21 years old. But it should be remembered that it will also confer new responsibilities on them. I have no doubt that they are ready and able to accept this responsibility; and that the community will benefit from the change. 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 Tuesday, November 22.

The sitting was suspended at 6.15 *p.m. until* 8.5 *p.m.*

PUBLIC WORKS AND SERVICES BILL (No. 2).

The debate (adjourned from October 26) on the motion of Mr. Dunstan (Minister of Public Works) for the second reading of this Bill was resumed.

Mrs. PATRICK (Brighton): I refer to item 141 which deals with piers, wharves, jetties, harbors and navigational aids, and particularly to paragraph (*b*) under this item in the explanatory memorandum, which reads—

> Stage I of the reconstruction of Middle Brighton jetty. The timber jetty, which has been in use for over sixty years, has deteriorated to the stage where reconstruction is more economical than continual repair. The new structure, construction of which will be phased over four years, will be of reinforced concrete with two low landings.

I should like to be slightly frivolous in speaking about the Middle Brighton pier. I have lived in Brighton most of my life, and much of my courting was done on the Middle Brighton pier. It was very pleasant on a Sunday afternoon to walk with my present husband, to whom I have been married for 28 years, from my home in Church Street down to the Middle Brighton pier and to view the beautiful boats that were lying at anchor there. The sea was picturesque; on most days the sun was shining, and I felt very happy with life in general.

The Brighton foreshore has always been a place of joy for those who have lived there. It has deteriorated over the years, but I am happy to note that item 144 provides funds for its improvement.

Recently the Minister of Public Works was gracious enough to visit Brighton with officers of the Public Works Department and talk with Brighton city councillors and their

officers about an over-all plan for the the reconstruction of the Brighton foreshore.

Finance for several items was approved by the Public Works Department, and already the Brighton City Council has received $60,000 towards the cost of reconstruction of the Middle Brighton Baths. I am also grateful that the Minister for Youth, Sport and Recreation has seen fit to provide $52,000 for the baths.

Some difficulty was experienced with the Brighton City Council, because initially it did not believe that the Middle Brighton jetty should be reconstructed. Officers of the Ports and Harbors Division of the Public Works Department offered to take the councillors down to inspect the pier, and the councillors were finally convinced that it needed reconstruction.

A further argument developed about the alignment of the pier because the Public Works Department, in order not to inconvenience the public and people who use the jetty, decided to realign the jetty slightly south from where it had been. This removed a small area of beach, which was compensated for on the other side. Some Brighton city councillors did not like this idea because they believed they were losing part of their beach. That opinion was completely unrealistic, in my view, because, having taken my children down to this area on many occasions, I know that to get to that little piece of beach between the Middle Brighton baths and the jetty, one has to arrive early, It is a small area that is taken over quickly and becomes a slightly exclusive area. Therefore I was definitely in favour of that part of the beach being covered and another part made available on the other side.

Mr. ROSS-EDWARDS: To whom was it exclusive?

Mrs. PATRICK: It was exclusive to those who got up early to go to the beach; the early bird gets the worm!

The majority of the Brighton city councillors were still convinced that realignment was not a good thing. However, after a meeting of the councillors and council officers with officers of the Public Works Department on 6th October last, a letter dated 18th October, 1977, was sent to the department by the Brighton City Council stating that it had no further comment to make on the department's proposals to reconstruct the Middle Brighton jetty.

Officers of the Public Works Department said that adequate reason had not been given to justify the additional cost and inconvenience of continual repair, and that the department had decided to go ahead with the reconstruction as planned.

I am delighted to learn that the on-site work will commence after the peak bathing season in 1978. It is interesting to note that not only Brighton people use this beach, but people come from all over Melbourne —even from Burwood—to use the beach at Middle Brighton and its facilities. I congratulate the Minister of Public Works on his foresight and on the tremendous interest he has taken in the foreshore.

Last Thursday evening the honorable member for Sandringham and I, together with the Mayor and councillors of the City of Sandringham, went down to the beach at Sandringham. I direct the attention of the Minister to the severe problems at Sandringham, because there is a steep climb to the beach, high cliffs, and a tremendous amount of erosion of the cliffs and of the sand and an overgrowth of briar thorn which is threatening the beach. I hope the Sandringham city councillors and local members of Parliament will soon be able to consult with the Minister on a plan for the reconstruction of the Sandringham foreshore.

I have previously mentioned my concern about the foreshore as a whole. During a Grievance Day debate I said that too many

authorities were "messing around" with decisions about the foreshore, and that I believed the entire foreshore should be regarded as one problem. Officers of the Public Works Department, particularly in the Ports and Harbors Division, have now appreciated the extent of the problem, and I congratulate the Minister and the Government on the over-all view that has been taken in realizing that the foreshore is a tremendous asset to Victoria.

Our beaches are fantastic, but they are being allowed to deteriorate. I believe the Victorian beaches are a tremendous tourist attraction.

I congratulate the Government on this Bill and on the amount set aside in it for the foreshore and for the Middle Brighton jetty. I trust that this work will continue and that the whole of the foreshore will be returned to its former beauty. There are numerous problems, but if vegetation is planted on the cliffs, the natural erosion will not occur on the beaches. There has been a tremendous input of sand on beaches in Port Phillip Bay and it is realized that this is a continuing problem. In short, let us look forward to beautiful beaches in Victoria.

The SPEAKER (Sir Kenneth Wheeler): Before the honorable member for Niddrie commences his speech, I advise him that the Deputy Leader of the Opposition kindly advised me that the honorable member for Niddrie will now be taking charge of the Bill for the Opposition. I should make it clear that the honorable member for Knox led for the Opposition on this Bill and his time was unlimited. Therefore, the honorable member for Niddrie will have the time of an ordinary member available to him which is 30 minutes.

Mr. SIMPSON (Niddrie): I acknowledge the courtesy, Mr. Speaker. I am aware that the Deputy Leader of the Opposition spoke with you about my new role, which is only some hours old. I am late in handling the Bill on behalf of the Opposition in my new position. I assure the House, disappointing as it might be, that it is not my intention to speak for 30 minutes.

The total amount of money proposed to be expended under this Bill is almost $400 million. It is a staggering responsibility to ensure that that amount of money is expended carefully and in the most useful way for the people of Victoria. When the Bill was introduced, I immediately reflected on what had occurred last year, and on reading through the debate on a similar Bill last year, the first speech that I read was that of the honorable member for Bundoora. On that occasion he raised a matter that was of great concern to all honorable members. It related to the spending of $8 million on the Geelong State offices. This money was expended in that area for political purposes, and the decision was made by the Premier only some weeks prior to the State election in March, 1976.

The Premier was questioned on that project and about the company of Prentice Builders Pty. Ltd. The file on the matter was eventually made available to honorable members. Correspondence between the Premier and Mr. Prentice indicated that there had been some single tender contracts in favour of that firm, in the same vein as there had been a single tender contract in favour of J. Taylor and Sons (Aust.) Pty. Ltd. from Geelong. I tried to ascertain from the Premier the details of the single tender contracts mentioned in this correspondence with Mr. Taylor's firm and some months later in reply to a question I placed on notice the Minister of Public Works then brought to my attention that Prentice builders, with no competition, had been able to obtain contracts to the tune of $4,365,694. It seems incredible that no other tenders were called for projects involving such an amount of money. I understand that there are 63 firms that are on a secret list, and it is the normal practice of the

Government to call aside six or seven firms from the 63 on the list, depending on the size of the contract, and then to select the firm that would be best suited to the contract.

The SPEAKER (Sir Kenneth Wheeler): Order! Is the honorable member talking about selective tendering in general? If not, can he relate remarks made last year about Geelong to this Public Works and Services Bill?

Mr. SIMPSON: It is the general principle that concerns other members of the Opposition and me.

The SPEAKER: The honorable member's remarks must relate to the Bill.

Mr. SIMPSON: They relate to the Bill in that this year there will be an expenditure of $399 million, and I make it abundantly clear that the Opposition is completely opposed to single tender contracts. I believe I have only touched the tip of the iceberg, and I want to bring to the attention of the House, and to the Minister in particular, that the people of Victoria would be completely opposed to expenditure under the Bill in the same manner as the money was spent last year. I will give specific cases to add to the argument that I am developing.

It was proved beyond doubt that $4·36 million was paid by the department to Prentice Builders Pty. Ltd. on a single tender contract. As a result of that exposure, I was informed that there were other areas on which I should check, and five high schools were suggested to me. I wrote to the Minister in the form of a question on notice and he replied that $7·3 million had been paid to firms to build these schools, again adopting the single tender contract process.

I had correspondence with the Minister during the recess, but I was not making a great deal of headway in my inquiries. In a letter dated 22nd June of this year that I received from the Minister, he indicated that some 70 major contracts were awarded by invitation. These contracts could amount to a figure as large as $100 million in single tender contracts, and if this year there is a possible expenditure of $400 million under the Bill, there could be a format where one-quarter of that amount is being let out on single tender contracts. This is very disturbing to me and to other members of the Opposition, and it should also be disturbing to those honorable members who allegedly believe in the free enterprise system and who believe that healthy competition brings the best results. On the Government's own formula, there would be six firms competing against one another in tendering for some of these works.

I have been able to establish without doubt from both the Premier and the Minister of Public Works that a total of $16·8 million was expended on single tender contracts and I have had a communication this day which states that a total amount of $29 million has been detected. I intend to ask further questions to ascertain if additional sums have been expended during this session of Parliament because I find that contracts totalling $16·8 million were let to eight firms, and if I work on the basis that 70 firms are on the list, the total amount of contracts let in this way could be as high as $100 million. This could be the amount expended on single tender contracts.

I can understand that happening in the building of a school where it could be necessary for the Minister to make a quick decision in the interests of the community so that the school could be built without delay, but that should happen only in extreme circumstances. If the percentage I have calculated proves to be accurate, then one-quarter of the contracts could not have been of the urgency I have just mentioned. I hope when I place

questions on notice that the Minister will inform me how many single tender contracts have been granted.

The final letter I received from the Minister, dated 1st July, 1977, was in reply to my request for further information relating to single tender contracts. It stated—

> There is nothing I can add to previous correspondence without involving my department in many man-hours of unjustified research.

If there is a possibility of an expenditure as high as $100 million on single tender contracts, I do not know how the Minister can brush that aside by saying that he does not want to involve his department in many man-hours of unjustified research. At present there is an inquiry taking place into expenditure of $11 million. It is a very exhaustive inquiry, but it is justified because the integrity of certain Ministers is involved and also there are allegations that officers of the Housing Commission are involved. If the Minister were to respond to my questions and say, "There is nothing like the figure you have come up with of $16·8 million on single tender contracts and the new figure of $29 million is the totai amount that the Victorian Government expended on single contracts", then I would be satisfied and would accept the Minister's word. But the Minister merely replies that his department will be inconvenienced, or it will be costly in terms of man-hours to obtain the information. That does not satisfy me or the Labor Party, and I believe it will not satisfy the people of Victoria.

I also want to touch on the matter of single tender contracting in which, as the Minister informed me, 63 firms or thereabouts were able to make application to be placed on a list and were considered on their merits, and the formula which I have already enunciated is the procedure that is normally followed. The Labor Party has no quarrel with that except that the names of those firms should be made public. There is no reason why those firms who have made application to the department explaining their expertise and financial situation should not be named. This expertise and financial information is necessary because we would not want projects being stopped halfway through their construction because the firms are not capable of carrying them out. Why should not the names of those successful firms which have been placed on the short list be made public to indicate that there is nothing to hide? In future, the Opposition wants all those names to be shown.

My party has no objection to selecting six companies when tenders are being sought for a contract. The number of tenderers could vary between five and ten, but in general terms the Opposition agrees with that principle. Logically, when small contracts are being offered for tender, there will be specialists in the field from whom the companies to be nominated will be drawn. In the larger areas of schools and public offices, which can be up to $8 million, it is equally logical that the number of those invited to tender will be more limited.

During my examination of Public Works Department contracts of $200,000 and upwards, I found a set pattern emerging of some 25 firms being the successful tenderers in most cases. It is all very well for the Government to say that 63 companies are on the list, but there seems to be a club within a club comprising the 25 extremely lucky companies out of the total number of 63. Even further, there seems to be an inner club within that 25 which seem to obtain contracts on a single tender basis without even competing with others in the list.

I can assure the House that the Opposition will be striving to be alert and watchful to ensure that there is a proper distribution of the opportunities for all of these companies; that they are all given the same opportunity when there is a contract within their own category for which they

could tender. The Opposition will not have the concept of single tender contracts getting up to as much as $16·8 million, although evidence will be coming forward that this concept has been used up to $29 million. Further information that has been given to me is that a single tender contract has been let for as much as $100 million.

The other matter I want to touch on relates to a building constructed in the City of Colac. The honorable members for Bundoora and Knox and I visited Colac following information that perhaps everything was not done in accordance with the normal rules. My investigations with a firm of solicitors representing Nosnor Company Pty. Ltd., which has a paid-up capital of $2, indicated that the company decided to go ahead and build these offices at Colac on the basis of some correspondence that it received from somebody working in the Public Works Department that the department would probably rent the offices because it needed accommodation of that nature.

The SPEAKER (Sir Kenneth Wheeler): Is that building mentioned in the Bill?

Mr. SIMPSON: I am trying to establish the broad outline because I suggest that the procedure which has been adopted is wrong for the department to follow. It is on that basis that I will briefly touch on this particular matter.

On the basis of a letter from somebody in the Public Works Department this $2 company went ahead and built this building in Colac.

Mr. BURGIN: It is quite a good building, too.

Mr. SIMPSON: I take up the interjection because that opinion is not shared by the engineer at Colac, who informed the honorable members for Bundoora and Knox and I, that the building is not a substantial building. He is not over-impressed with the construction.

As a result of the letter, the company was firmly convinced that it would be able to rent out these premises. Midway during the construction, the department changed its formula concerning this type of building and, instead of renting accommodation, it decided to purchase. The company had no cause to worry, because, on completion of the building, the Public Works Department moved in like a fairy-godmother and said that it would purchase the building. It is not good enough or very businesslike that a firm should proceed with such a project on the basis of a letter from the department.

Mr. BIRRELL: You have not produced it.

Mr. SIMPSON: Today, I received from the solicitors a copy of the letter. Unfortunately, I was called into the Chamber earlier than I expected, and so it is still on my desk. When I have completed my remarks, I will be happy to show the letter to the honorable member.

The Public Works Department should not be seen as some sloppy organization which tells a firm to go ahead with a building project and that if the department changes its formula and does not rent the premises, it will buy the building. Although there might be some delay in going through the proper procedures, when a department is spending public money, it must at all times be seen to be taking maximum care because the public looks to the Government to spend its money wisely. In private enterprise it might be possible to show that on occasions delay has caused an increase because of inflation, but the same situation does not apply in the Government sphere.

At the present inquiry into Housing Commission land purchases, one Minister has said that planning may have caused some delays but it was the safe and proper way to do it, rather than go off and purchase. The Minister was referring to tracts of land, but the principle is still the same. Government departments must show caution.

There may be some occasions when the Minister will have to make an urgent decision, but these will be rare. In the vast majority of cases, the department should follow the guidelines which have been established. The present lackadaisical approach should not be allowed to continue, particularly in the building of State offices whereby the department tells a prospective builder to go ahead and that it will buy the building later.

The Bill is far-reaching in the amounts of expenditure involved. It shows the enormity of the work of the department and the responsibility of the Minister, and now my responsibility as the new " shadow " Minister. I will do my utmost to ensure that the department and the Minister are diligent in answering the requests that I have made, which are fair requests, such as that the names of the firms be made public. Constant vigilance will be exercised to ensure that single tender contracts, which has been a feature of this department in the past, do not occur in the future.

Mr. BILLING (Springvale): The allocations under the Bill are to be commended. Many honorable members would like to see the appropriation extended to $800 million but such is the economic situation today that the State must be thankful that approximately 12·5 per cent of the total Budget has been allocated by this Bill. Of that sum of money, approximately 10 per cent has been allocated to the hospital field. The hospital allocation has been spread fairly throughout the State. I note with satisfaction, although it is not within my electorate, that at last a commencement is being made on stage 1 of the Sunshine Hospital. I had great respect for the previous member who represented that area and I can remember his representations on many occasions to get hospital facilities for Sunshine.

Again, the Dandenong and District Hospital features in the list. That hospital will be one of the biggest in the State. It provides a service to people in my electorate and I am pleased that $2·4 million is being provided under the Bill for the completion of the south block and boiler facilities. I commend the Government on the continuation of this aspect of the work and I hope that next year we will see a doubling of the amount provided for hospital works.

Item 181 seeks Parliamentary authority for the State Government's 50 per cent matching share towards the cost of a new $2·05 million building to be constructed in City Road, South Melbourne, for the Victorian headquarters of the Australian Red Cross Society blood transfusion service. No honorable member will deny that the blood transfusion service conducted by the society, and supported by the Federal and State Governments, is a most vital service, and fulfils many important needs. I commend the Government on this activity and commend to all honorable members an inspection of the work undertaken by the service and the recommendation that if they are not contributors that they should take steps to become contributors.

Under the Bill, $16 million is provided for mental health services. This provision is included in item 44. The contribution from the works and services programme to Mental Health Authority capital expenditure is supplemented by funds made available by the Commonwealth Government under the hospitals development programme. A comparison of the funding from these sources is set out at page 13 of the explanatory memorandum attached to the Bill. Although there has been an increase of approximately $2 million, it is regrettable that the Commonwealth contribution has not been greater.

Out of the moneys available, the State has been allocated $1 million by the Commonwealth Government. The allocation from the State works and services programme is $11·458 million so that the provision of $11 million from State sources for $1 million from Commonwealth sources

seems to be out of all proportion as regards the responsibility of the Federal Government towards the mental health services in the State.

The State is against spreading its services, not only in the metropolitan area but also throughout country areas. The list contained on page 14 of the explanatory memorandum attached to the Bill indicates that every effort will be made to share the funds available and to develop the facilities so that people will not have to travel long distances for treatment at mental health establishments.

I also refer to alcoholism and drug-dependency services. The increasing problem of alcoholism and drug abuse in the community warrants a greater allocation of funds to allow not only for capital works but for the actual operations of these services. No one will dispute the fact that there is a problem in the community of alcoholism and of drug abuse. An examination of the appalling statistics of disasters on the roads indicates the high proportion of people affected by drugs and alcohol who are involved. The time has come when more attention should be paid to the development of these services.

I do not wish to touch on any other matter to any extent other than to say that I am happy that the Public Works Department and the Education Department have seen fit in the allocation of money this year to call tenders for the building of a multi-purpose hall for the Wellington High School which is situated in my electorate in Mulgrave. This school has been developed fairly quickly, in spite of restricted funds. The addition of this hall will do much to consolidate the activities of the school.

One area needs an additional high school. I refer to an area further east which embraces part of the electorate of Dandenong. A school is needed to serve the northern end of the Dandenong electorate and the eastern end of the Springvale electorate. The first stage of the school is in progress and I commend the Government for that.

Mr. Billing.

I recommend to the Education Department associated with the Public Works Department that an urgent survey of the area be made with a view to getting on with the job of providing a secondary school there.

The funds allocated for the school programme have also enabled a start on the Brandon Park Technical School which, in the south-eastern part of Melbourne will be the first co-educational technical school to cope with the demand being made by girls for technical training. The nearest such school is at Huntingdale and is overcrowded. It causes students to travel unnecessarily long distances from the suburbs farther east. To the south the Karingal Technical School provides a service but it is far too distant to meet the demands made, particularly by girls, in the Mulgrave subdivision of the electorate of Springvale.

I commend the distribution of the limited amount of money in this Public Works and Services Bill 1977 but speak for school councils and all who are associated with the need for public works when I say that we have confidence in the Minister of Public Works to ensure that our representations are acceded to in so far as is possible within the funds at his disposal.

Mrs. TONER (Greensborough): Looking at the Public Works and Services Bill, I note that $158·1 million has been allocated for school buildings and school sites. Like the previous speaker I regret the limitations in the amount of money available but if the money is limited, it should be wisely spent. I am particularly concerned about this matter in relation to the electorate of Greensborough.

The previous member for Greensborough, Mr. Vale, was also concerned about this matter. In the Preston region which covers the Greensborough electorate, last year, of the amount of $10·5 million allocated for expenditure in 1976-77 on major projects, only $8·39 million was spent; more than $2 million was returned.

Yet, for the whole of the State only $6·2 million was not spent. It seems, therefore, as though in the region which covers my electorate we have had a bad deal or poor treatment from those in power, or perhaps mismanagement from those in administrative positions. That concerns me greatly.

In that area there are twenty major items on the priority list, and these are reshuffled from time to time, according to who is jumping up and down the most at the particular moment. I believe parents should not have to do this sort of thing for their children's education. Mr. Speaker, you may have been present at the opening of the Greensborough Liberal Party campaign. It must have been embarrassing for the people who drove past the Greensborough Primary School and who noted that the parents of pupils at the school had to put up signs announcing that " The school is a health hazard," that " 30,000 cars a day pass the school " and, " Quiet, children at work." That is what the parents had to resort to, although they did not like doing it. They want their children to have a decent education and decent facilities as a right, and they want the limited amount of money available to be well spent.

It was in relation not only to major works that the money was not spent, but also to the maintenance of school buildings. In the Preston region in my electorate, $1·205 million was allocated for this purpose and only $1·113 million was spent. There has been a general failure to manage the money compentently. The people of Apollo Parkways, a new subdivision in my electorate, have been waiting for a school for some time. They were promised another school, but suddenly, prior to the election, they were offered a portable complex immediately. They want a permanent building and I do not blame them for that. They were prepared to wait a couple of years longer to be absolutely certain that they would not have to put up with portables, as did Greensborough Primary School, for twenty years.

I also understand that it costs $150,000 to re-site portables. It appears to be another case of false economy. Indeed, four projects were promised in the Greensborough electorate during the past seven weeks ; so the people there are inclined to think there should be by-elections more often. I believe the planning should go ahead in an area that is developing at the rate Greensborough is, and that there should be some thought before residential development is allowed to occur.

As a member of the local council there for years, I have tried to draw to the attention of State Government the fact that development is going on. When it is expected that there will be a certain number of people in the area at a certain time, nothing is done about providing school sites. It seems that rezoning occurs and residential development begins, and then the school site is acquired, at residential land prices. That worries us greatly because it means there is less money to go around. The people in the area are industrious and want to know that their hard-earned tax dollars are wisely spent. It worries them when this does not occur.

As an example of that, I cite one instance. Development is going on in the Progress Road area in Eltham North. For some time we have insisted that a school site was necessary. The council investigated a number of sites and even, at the instigation of the State Government and the Education Department, was going through the zoning process in relation to one site, but suddenly the Education Department acquired a completely new site. From that acquisition the land developer made a profit of 140 per cent by selling 22·7 acres of extremely steep and unsuitable hillside in Greensborough to the Victorian Education Department.

According to the Titles Office records, three-quarters of the land was bought by R.D.C. Projects (Victoria) Pty. Ltd. on the same day that it was sold to the Education Department. The Education Department bought this undeveloped land in Progress Road for $365,000 on 30th August, 1976, and on the same day the titles of three-quarters of the land was transferred to R.D.C. Projects (Victoria) Pty. Ltd., which is a subsidiary of R.D.C. Holdings Ltd. of Sydney, from various landowners. This means that R.D.C. paid a total of about $250,000 for 38 acres of land, a little over $6,500 per acre and of that 38 acres they sold 22·7 acres to the Education Department for $365,000, but were still left with 15 nice acres which can be developed. The site is rather an unlikely place for a school, as anybody who has seen it would realize. There are many car bodies lying around, and the council has never considered it to be an appropriate site.

That is an instance of the way in which money has been wasted. We regret the limitations of the money to be spent but it seems to us that if it was spent wisely, more value would be obtained. The people of Greensborough are extremely intelligent and like to be involved in the planning process. They know the needs of the children and I believe they are bitterly resentful about being left out in the cold and about having to allow development to go along with no facilities to match it being provided.

Another problem which arises relates to the Austin Hospital. The building programme there for the coming year was cut in half. That greatly concerns a number of people of my electorate who have been working on the site. Unemployment is a major problem. As the State Government has failed in its Budget to allocate any money for job creation programmes, it should be careful that its public works proceed, in order to provide jobs. That simply has not happened.

Mrs. Toner.

While I am here I shall be trying hard to ensure that nobody in administration, and that nobody in the State Government forgets Greensborough again and that the people of Greensborough and I, their representative, are involved in the planning process. The educational priority list contains more than twenty items and, if completed at the present rate of one a year, that brings us to the turn of the century, when our young children will have children at the school. At that rate of completion, our needs will never be met. We must move on and I am determined that nobody in this Parliament or in the Education Department will forget Greensborough.

Mr. McLAREN (Bennettswood): It is pleasing to have the honour of following the honorable member for Greensborough and to be able to congratulate her on her election and on her maiden speech in this House. That speech has shown that the honorable member will be able to make many contributions to discussions in this Chamber.

The Bill deals with public works and services in 1977 and covers perhaps the greatest expenditure of any Bill dealt with by this House. The fact that it provides for the expenditure of $399 million is an indication of the responsibility its passage places on honorable members and on the Government. In the year ended 30th June, 1977, the actual expenditure was $276 million and in the present financial year the amount will be increased to $303 million.

I repeat what I have said on a number of occasions: The Victorian Parliament and all Australian Parliaments should examine expenditure of this kind through an expenditure committee. This year, several honorable members, of whom I was one, had the opportunity of visiting the House of Commons. We realized that the House of Commons takes much pride in being able to dissect all expenditure approved by it. The members of its expenditure committee have the opportunity of calling

before them the public servants who are involved in the expenditure and are able to discuss these matters with other members and with Ministers.

Members of this House tend to deal with the expenditure of almost $400 million in an almost light-hearted fashion, although we recognize that much work has gone into the preparation of the Bill and are able to discuss it in some little detail. The Public Accounts Committee examines expenditures of this kind but all Parliaments have a responsibility to make a full investigation into these maters and to ensure that members of the bureaucracy who prepare these documents are accountable and are able to sustain the expenditure.

Almost half the amount to be expended this year will be used in the field of education. Relatively small amounts to be spent in this field come from the Commonwealth and they are increasing at no more than the present rate of inflation, approximately 10 per cent, but there is a call for increased, new and better services, not only in the metropolitan area but throughout the State, and there is a constant demand for new schools and the replacement of old schools. The matter of expenditure in the education sector is therefore of extreme importance to those who have the interests of education at heart.

I refer to the work of the regional priorities review committees which are now in operation. So long as those committees can work rapidly to achieve positive results for the regions they represent they will be of use, but if they merely delay the decision-making process they will once again have to come under review.

Item 6 deals with the Public Record Office of Victoria. I was closely associated with the Bill which became the Public Records Act 1973 and I am sure all honorable members would be pleased to see the Public Record Office and archival store at Laverton, which provides the State with a proper record handling method. Records are being taken out of offices, which provides more space in which people can work, and the material is taken to Laverton, where it is readily accessible. There was some doubt whether the material would be readily available if Parliament or a department asked for it, but even though the office is at Laverton, some little distance out of the metropolitan area, the material is readily available if called for. The comparison between the operation of this office and the Commonwealth archives office, which has been working under great difficulty, indicates that the Victorian Government has faced up to its responsibility for handling records. The Public Record Office of Victoria, under the able direction of Mr. Harry Nunn, has been carrying out its functions successfully.

Item 8 deals with the State Library and the amount allocated under this heading has increased more this year than ever before. The amount has been increased by 70 per cent. The magnificent State Library building in Swanston Street houses the State Library, the La Trobe Library, the Science Museum and the National Museum, but it has been allowed to run down. The State Library was once one of the great libraries of the world and it is our responsibility to ensure that the building and its contents are maintained properly and that the service it provides to the people of Victoria and Australia is the best possible.

Item 10, which deals with social welfare, makes an allocation for work to be carried out at Allambie, which is in the Bennettswood electorate. I compliment the Government on providing units for parents who have to stay overnight when they come to see their children at Allambie. As a former foster parent I recognize the difficulties of the changeover from the control of the Social Welfare Department to foster

parents. It is a situation which requires the greatest delicacy and every assistance should be given to the people concerned.

Conditions at Allambie have frequently been publicized and I am pleased to see that at present the situation seems satisfactory. I point out that Allambie is simply a reception centre which cares for children who are in difficulties. It provides them with accommodation until they are able to go to permanent accommodation where they will be properly looked after. The community ought to pay tribute to the Government for providing the new accommodation for adoptive parents.

Item 204 is a grant to the National Museum of Victoria Council for the purchase of Aboriginal artifacts owned by the late Fred Smith, who died in tragic circumstances. Mr. Smith had acquired an enormous collection of Aboriginal material, including books referring to the prehistory of Victoria. When one realizes the enormous contribution to the history of Australia made by Aboriginal people, one also recognizes that it is important for the Government to undertake the responsibility of acquiring a collection of this kind. I pay tribute to the late Mr. Smith for the contribution he made and I am pleased that the Government has seen fit to buy his collection.

I wish the Bill well and reiterate my belief that this House should not take the expenditure of approximately $400 million lightly. All honorable members should be prepared to ask, "Is this amount going to be well spent and will it be to the advantage of the people of Victoria?".

Mr. GINIFER (Keilor) : I congratulate the honorable member for Greensborough on her maiden speech. Not only is her knowledge and understanding of her electorate obvious, but it is also clear that the honorable member has the ability to put before the House the needs and problems which concern her and the causes she espouses. That augurs well for a long and successful representation of the electorate of Greensborough by the honorable member.

The Bill makes provision for the new Sunshine Hospital at Furlong Road, St. Albans. In recent years there has been disquiet because of the delay in the planning and construction of the hospital. For political reasons it was suggested that this delay was caused by industrial stoppages and an alleged cutback was made in the capital works programme as a reprisal for industrial action taken by some unions earlier this year. When one remembers the amounts the Premier threatened would not be utilized for the construction of the hospital, the allocation of $2·3 million makes the honorable gentleman's insincerity clear and makes it obvious that he inflated the figures he gave when threatening cutbacks.

The hospital will be unique and will need the support of the community and the Government. It was originally suggested that the area needed the services of a hospital to provide psychiatric and geriatric services as well as services for the treatment of acutely ill patients. Thanks to the leadership shown by members of the local community and the Mental Health Authority, and particularly by Dr. Refshauge from Williamstown, we now see the vision splendid of a complex which will provide those three services. The hospital will be unique in the southern hemisphere and I hope that the Government will provide funds at an accelerated rate so that urgently needed facilities can be made available in an area which has been badly serviced in the past.

One problem that may occur is that, with the establishment of the hospital, there could be a magnificent edifice which cannot provide the services it should unless action is taken to train suitable staff. It is a challenge to the Government

or the Department of Health to ensure that facilities are made available for vocational guidance so that students in post-primary schools are aware of what jobs are available and can receive the correct information and be channelled into the correct courses for advancement to tertiary education or technician courses so that they can obtain the employment they want. In making this prediction I indicate that it is expected that when the hospital is finished it will employ approximately 3,000 people. Past experience indicates that this type of facility is needed in the western suburbs because of the need for people to travel from other suburbs to staff these specialist units. I hope the Minister of Special Education will bring this matter forcibly before his colleague the Minister of Health.

I also draw attention to the educational requirements in St. Albans. In doing so I comment on a commitment of the Minister of Education to the proposed post-primary school for West St. Albans because the programme envisages that a new high school will be provided, but the Minister gave an indication in the House some months ago that before a decision was made discussions would be held with local community groups with a view to satisfying the need for a technical school. A strong case can be made for a technical school. There are three high schools and one technical school in St. Albans, but girls are not permitted to attend the technical school. In a suburb of 70,000 people technical school facilities should be provided for girls. Despite the undertaking given by the Minister that the matter would be discussed before a decision was made it appears that a decision has been made without reference to the local people.

I comment also on the part of the Bill that relates to the provision of 50 per cent more funds for relocatable class-rooms, which is a sophisticated name for portable class-rooms. It has been drawn to my attention that, for some reason best known to the Education Department, on some occasions single portable class-rooms have been replaced by twin relocatable class-rooms. I hope that at some point the Minister of Special Education will inform the House why there is a shuffle of portable class-rooms. There are benefits to some schools that may have had three single portable class-rooms removed and replaced by two double class-rooms, but there must be a good reason for moving class-rooms from other schools. I hope it is good economic management, but I also hope the educational criteria are not being neglected.

I refer now to the need for funds for hospitals, and I hope the former Minister of Health will bring to the attention of the Minister of Health the real need for a hospital within the Broadmeadows section of the electorate that I represent. He is aware of this because he received a deputation before the last State elections when he gave an indication that he was interested in establishing a hospital in the area. I hope that interest will be highlighted by the action of the Department of Health. Perhaps at the same time the honorable gentleman will consider the needs of Sunbury and the provision of hospital facilities in the Shire of Bulla, which desperately wants a hospital to satisfy the needs of local residents. Unfortunately these two areas have been overlooked for a long time.

There is also a need to provide more police stations or to improve existing police stations in the electorate. I refer particularly to the St. Albans police station. The honorable member for Niddrie has assisted in this matter because he believes the police station that was established in another area beginning with "St." should have been located in St. Albans.

The Minister of Special Education does an excellent job because he represents so many Ministries. He now represents the Chief Secretary in this House. I hope he can bring to the attention of the Chief Secretary the need to modernize and update the St. Albans police station. A new police station is needed at Craigieburn to service the Greenvale subdivision. I hope the Minister representing the Chief Secretary will bring to the attention of the Chief Secretary the need for a police station in the Craigieburn area.

Mr. HUDSON (Werribee): I take this opportunity of personally congratulating the honorable member for Greensborough on her maiden speech. Making a maiden speech is a traumatic experience and the honorable member handled it extremely well. I do not know whether she adopted my suggestion that the debate on the Public Works and Services Bill would be a suitable one in which to participate.

While congratulations are in the air, I congratulate the Minister of Public Works and his department on the presentation of the Public Works and Services Bill. The explanatory memorandum is simple and clear. The details are set out in a way all honorable members can understand. There is, however, one small mistake in the Bill. It is only a location mistake. I am sorry that the honorable member for Sunshine is not in the Chamber because I am sure he would like a new primary school to be located in Sunshine. I assure the Minister that the Iramoo Primary School is in Werribee. I am not saying that I am displeased with the allocation of funds for the Iramoo Primary School. I am pleased for two reasons; firstly, because of the type and design and class of the school and, secondly, that it is at present under construction. This is one of the special class schools of open-class design. It allows for teaching in a series of teams in which a senior teacher is in charge of each team and the other members of the team work in close co-operation with that teacher. This allows a better opportunity for the slower student to obtain more personalized attention so that he or she can catch up with the standard of the rest of the class. It also allows a greater strength of teachers and more teachers with specialized training.

I would be remiss if I did not mention the allocation to complete the second stage of the Werribee Technical School. This is a very much needed facility in Werribee. It is the type of school that could be used for trade training and apprenticeship training, and I ask the Minister and his department to look at the situation because there is a need for some trade training facilities in Werribee.

In the special school field I am pleased that the Melton special school for mentally retarded children is almost completed. It is a fascinating concept and I hope that when the Minister opens the school he will make an announcement about how good this type of school is. In Werribee, the special school of a similar type is operating satisfactorily.

Like the honorable member for Bennettswood, I am extremely pleased about the allocation of nearly $500,000 to the Public Record Office. I am pleased because it is in the electorate which I represent and because I have seen the Public Record Office grow from almost nothing to what it is today. The purchase of the building which houses this office was a sound purchase by the Government. It was formerly a large warehouse owned by D.H.A. Ltd. and was purchased for just under $2 million, which was far less than the actual cost of the building. The existing allocation will bring the total expenditure on that office to about $3 million. That money is set aside for new compactor storage units and the extension of the mezzanine floor with

more compactor storage units for future records. When this Public Record Office is in full operation, it will stand with the best public record offices in the world. I commend honorable members to go to Laverton to look at this facility. The building is fully air-conditioned and has high ceilings, which are ideal for the purpose.

Mr. GINIFER: You should be able to get us an invitation to the official opening.

Mr. HUDSON: If honorable members would like to go I shall issue an invitation.

I draw the attention of the Minister to the allocation for the building of a police station and district headquarters in North Altona, which will make the world of difference to those who live in the western suburbs. They will have a police headquarters with an inspector handy.

Another matter of concern is that court facilities in Werribee have been primitive for some time and have been conducted in a series of public halls. It has been impossible to conduct court proceedings with the dignity that this essential service deserves. This Bill contains an allocation for the construction of a new court house in Werribee and a further allocation will be provided in the future.

Mr. EDMUNDS: Can we go to Little River? We have been everywhere else.

Mr. HUDSON: I am going farther east. I now mention something that will please honorable members opposite—the further allocation of $560,000 towards the motor vehicle noise emission testing station in Altona. To please the conservationists and the environment protectionists in the Opposition, I point out that they also provide a useful service for the motor vehicle industry.

I draw the attention of the House to an extremely important aspect of the Bill, the allocation of another $350,000 to Werribee Park. For the benefit of honorable members who look askance at that remark, I point out that Werribee Park is a State Government property that was purchased by the Government in 1973 as a tourist attraction and a passive recreation area for the people of Victoria. It was formerly the home of the Chirnside family. Money has been allocated for the restoration—and I mean the restoration, not the renovation—of the magnificent and stately Italianate mansion of the Chirnside family. On 10th December of this year, this property will be open to the public. I invite honorable members to attend the official opening by the Premier on 9th December. I will have an invitation sent to every member of the House, and I commend it to them because this home will be one of the major tourist attractions, not only of Victoria but also of Australia.

The amount of $102,000 has been set aside for the Zoological Board of Victoria for the further establishment of its fauna park at Werribee Park. Overall, over $400 million has been allocated in this Bill for this State. I believe the Minister has allocated this amount equitably and fairly, and I commend the Bill to the House.

Mr. WILTON (Broadmeadows): I take the opportunity of commenting on the Government's proposed school building programme. Honorable members like to express their views on what the Government should be doing in this regard, but the Government is deserving of considerable criticism for its treatment of the Broadmeadows electorate. Under this proposed legislation the allocation of funds is such that the Lalor-Thomastown area of the Broadmeadows electorate will still be confronted with the ridiculous situation of having to contend with the problem of an expanding population without adequate educational

facilities. The post-primary sector of the Education Department will be trying to cope with the additional demands placed on it by having to improvize and use portable classrooms. It may be that from the Goverment's point of view this is an easy way of resolving the problem, but the expanding population in the Lalor-Thomastown area, which forms a considerable part of the electorate I represent clearly demonstrates that additional post-primary schools are urgently needed now, not some time in the future, and not in 1979 or 1980 when similar legislation is introduced.

It has been clearly demonstrated to the Minister by correspondence, deputations and surveys taken by departmental officers that the pressures that will come on the existing schools today, tomorrow and the next day are being overcome only by improvisation. There is a high ethnic population in these areas and that adds to the pressures. It has become the norm for the ethnic population at those schools to be 80 per cent. All this is known to the Minister and the Government and yet the Minister of Public Works introduces this Bill, because it happens to come within his area of responsibility, without making adequate provision for this area. The real decision making is done in the Cabinet room where Ministers have to bargain for their allocations from the State Budget.

The Minister of Immigration and Ethnic Affairs visits all areas of the community and makes speeches about the Government's concern for the welfare of ethnic groups. It is all so much hypocrisy. The reality of the situation is that the ethnic groups require a simple school buildings back-up service within the department to provide the various services so that they can send their children to schools that are adequately equipped with both buildings and facilities.

The school building programme is in a miserable state. That is the only way in which it can be described. Secondary schools such as those at Wendouree, Broadmeadows North, Corio North and Warrandyte, provide a grand exhibition of the Government's capability to cope with the problem. When one relates all these areas to the total area and needs of the State, it is really barely scratching the surface, but the Premier, the Minister of Education and the Minister of Immigration and Ethnic Affairs always fall over themselves to attend functions where they can give this hypothetical interpretation of the needs of the community. However, when one gets down to the guts of the business, all the speeches honorable members have heard from these Ministers are just so much crap.

Mr. SCANLAN: I hope the honorable member can spell that.

Mr. WILTON: I can. That is what it means and that is what I meant. For so long I have sat in Parliament and heard Ministers of Education, back to the time of Sir John Bloomfield, make speeches on what the Government is concerned about in education. Premiers and Ministers make these speeches and when it comes to what the Government is doing about education and what means it is providing to the various groups in the community, we find out how fair dinkum the Government is. The Bill clearly demonstrates that the Government is not fair dinkum and never has been. It plays on words. It gives lip service to the needs of the community. The electorate of Broadmeadows is a classic example of this.

At present, in the Lalor-Thomastown area there are two post-primary schools, the Lalor High School and the Thomastown High School. These schools are trying to meet the demands of a juvenile population with which the principals and staff cannot possibly cope. It is obvious to everyone in the area,

regardless of their political affiliations, that two additional post-primary schools are urgently needed.

When I refer to post-primary schools, I do not mean a group of portable class-rooms dumped in a paddock with no other facilities. I mean post-primary schools that are fully equipped with all the additional teaching aids that have come to be accepted as part and parcel of today's post-primary schools, such as library facilities, resource centres, and all the equipment and staff needed to make these schools function as they should.

The proposed legislation will not achieve that result. It contains the old hackneyed, propped-up proposals that have become the stock in trade of the present Government. That is a tragedy in itself. Therefore, I condemn the Government for its reluctance to recognize the needs of the community. If there is to be equality of opportunity in education in my lifetime, there will have to be a dramatic change in the Bills presented to Parliament under the auspices of the Public Works and Services Bill.

It appears to me that regrettably honorable members will have to wait for the election of the Wilkes Government before there is introduced in Victoria legislation to make provision for the services about which I have been speaking.

This afternoon honorable members have had the opportunity of speaking about police services in Victoria, when the honorable member for Ascot Vale, quite rightly, moved for the adjournment of the House to highlight the alarming deficiencies in those services as a result of Government inactivity.

The House heard a lot of hypocrisy from Government supporters over police services. Reports were dragged out to try to substantiate the position of the Government on this question. I return to the electorate I represent to provide a classic example, and once again to demonstrate the hypocrisy of the Government in the provision of police services to the community. This afternoon I heard the honorable member for Sandringham attempting in a most dismal fashion to try to establish the argument——

Mr. SCANLAN (Minister of Special Education) : On a point of order, Mr. Acting Speaker, the honorable member for Broadmeadows again appears to be covering the subject of a motion for the adjournment of the House which was before the House earlier today. He is referring to what the honorable member for Sandringham said during the debate on that motion and is also referring to statements made by the Leader of the Opposition. With due respect I submit that the House is considering the Public Works and Services Bill, and issues that have already been dealt with by the House are unrelated to works and services.

Mr. GINIFER (Keilor): On the point of order, Mr. Acting Speaker, when the Minister of Public Works gave his second-reading speech on this Bill in October, he referred to areas that were far removed from the Bill. He referred to industrial matters generally and in the newspapers on the following day there appeared reference to matters raised by the Minister in relation to the building industry and building trades generally. In reply to the argument advanced by the Minister of Special Education, I submit that the remarks of the honorable member for Broadmeadows are more relevant than what the Minister of Public Works said when making his second-reading speech.

Mr. WILTON (Broadmeadows): Before you make your momentous ruling on the point of order, Mr. Acting Speaker, I draw your attention to the Bill currently before the House. I concede that it is out of order for an honorable member to deal in detail with a matter that has already been dealt with by the House in the current session. However, in passing I was merely

establishing that the Government had made certain references to the police services provided in this State. I was alluding to the fact that because of the allocation provided in this Bill, it is obvious that the Government was simply paying lip service to this area of Government responsibility. That was the argument I proposed to develop in the course of my speech.

The ACTING SPEAKER (Mr. McCabe): Order! I am prepared to rule on the point of order. I quote Standing Order No. 93, which I shall read for the benefit of honorable members—

> No member shall allude to any debate of the same session upon a question or Bill not being then under discussion except by the indulgence of the House, for personal explanations.

I rule that the point of order is upheld and I ask the honorable member for Broadmeadows to speak to the Bill and not to refer, except in passing, to any Bill or motion that has been under discussion during this session, and in particular today.

Mr. WILTON (Broadmeadows): I thank you for your guidance, which is most welcome, Mr. Acting Speaker. Having established the base of my argument, I was making passing reference to the debate that took place earlier in the House when Government speakers, in my humble opinion, failed miserably in their attempts to answer the case put forward by the Opposition.

Mr. DUNSTAN (Minister of Public Works): I rise to a point of order. The honorable member for Broadmeadows probably has a better understanding of the Standing Orders than any other member of this House, but he is deliberately flouting your ruling, Mr. Acting Speaker, by again referring to the motion for the adjournment of the House, which was debated in this House this afternoon.

Mr. WILTON (Broadmeadows): On the point of order, with due reverence to the Minister of Public Works, I draw your attention, Mr. Acting Speaker, to item 5 of the Bill which relates to the Police Department. Surely if the House is dealing with financial allocations for capital works, one should be entitled to allude to the Police Department to which reference is made in item 5. I submit that capital works include a variety of matters that would affect the effectiveness of the Police Department. In passing, I was merely alluding to the frivolous comments, in some instances, which emanated from Government supporters in answer to the substantial charges made by the honorable member for Ascot Vale.

The ACTING SPEAKER (Mr. McCabe): Order! Once again I uphold the point of order. I suggest to the honorable member for Broadmeadows that he has gone beyond what he was going to say in passing. I now ask him to refer to the Bill before the House.

Mr. WILTON (Broadmeadows): I have established that the Government is supposed to be concerned about developing the services provided by the Police Department in this State, and that aspect is directly related to the miserable allocation in this Bill. Unfortunately, as has often occurred in the past, inadequate finance—on this occasion it is only $15 million—has been allocated to the Police Department. On today's modern price structure and costs, it is obvious that this allocation will be totally inadequate to meet the needs of the Police Department.

To illustrate my point, I shall refer to the buildings provided by the Police Department in the electorate I represent. The best example I can cite is the Thomastown police station, a very old station, which is totally inadequate to meet the needs of the community. The police station had a residence attached to it but that is currently being utilized by the department to house additional police personnel. It is no longer used as a residence because the police station is so inadequate that the

department has been forced to convert the residence into a police station.

When the late Sir Arthur Rylah was Chief Secretary, a ridiculous situation arose—the Government went through the charade of acquiring land from the Education Department to build a long overdue 24-hour police station for Lalor. On that occasion much publicity was given to the proposal and the local press was utilized to its fullest extent to get across to the community the message that the Government intended to take a momentous stride forward in providing improved police services in this area. It is interesting to note that the Government always engages in this exercise about six months before an election. It acquires an area of land, the local press displays a photograph of the Chief Secretary of the day on the front page and an announcement is made that the Government intends to solve the vexed problem of inadequate police services and to overcome the injustice that has been suffered by the area.

When the election is over and the Government is safely back on the Treasury bench, the publicity about the new police station dies down and announcements are made along the lines that the Government is making an in-depth study at the grass roots level—I am not sure what that means but it sounds good—and all manner of people are involved. Surveys are undertaken and this process can go on for the next three years because the Government does not have to face an election for three years. That has been the history of the Lalor police station.

At the end of nine years there is still only an area of land, overgrown with grass, and no police station. The last time I contacted the Chief Secretary's Department and spoke to the officer who is responsible for this area of planning capital works, he said, "We are conducting a survey to determine priorities." I said "Don't tell me; it is going to be at grass roots level" and he replied, "You are right." We are back to where we were nine years ago, but surely one day we can expect something more positive from the Government than what we have received to date. Government supporters may wish to treat this matter in a frivolous manner or consider it of no importance, but I assure them that the people who live in the area are concerned. The responsible people in this area—the members of the local council—have become very concerned and only a few days ago they wrote to me on this question. They have asked me to arrange a deputation to the Chief Secretary in the hope that they can make him aware of the deplorable situation his police are facing in trying to cope with the various anti-social problems which exist today.

The Government may say that it has dealt with this matter by acquiring a block of land which will accommodate a building to provide a 24-hour service type of police station, where there will be all sorts of branches, the Uniform Branch, the Criminal Investigation Branch and the policewomen's section. That will be lovely when it happens, but the people in the area want it to happen now, not at some time in the distant future.

While the allocation of $15 million may seem adequate to the Government, it is a question of priority. The situation is a little like that which exists in the health services of the State. If one takes areas such as Box Hill, Geelong and Ballarat, and compares the numbers of hospital beds for each 1,000 of the population with the number of hospital beds for each 1,000 people in such places as Northcote, Preston, Lalor and Thomastown, one finds a glaring discrepancy in the Government's allocation of finance. The same criteria can be applied to the police service. When one considers the number of police, and the particular expertise of the police in certain areas such as those in the

Uniform Branch, the Criminal Investigation Branch and the policewomen's section, and compares the services provided at Geelong, Box Hill, Ballarat, Lalor, Thomastown and Broadmeadows one finds the same glaring example of Government bias.

That is what it amounts to. The Government is concerned about protecting its party's votes. It is not concerned about the welfare of the community or about allocating funds to areas where need exists. It allocates funds where its votes will be protected. That is the Government's crime against this State and the people who live in areas where the need is greatest.

It does not matter whether it is health services, education services, or police services, the discrepancy is glaring. The Treasurer may publicly claim that his Government is spending an all-time record sum on education but whether it is in the area of primary schools or post primary schools, the position is the same as it is with health and police services; the money for education will not be spent where it is needed most.

Mr. JASPER (Murray Valley): At the outset I commend the Government for its allocation of funds to certain items. A major educational complex which will cost more than $1 million is now being constructed in Wangaratta. It will add to the Wangaratta Technical College which is one of the finest colleges in country Victoria, and which is now educating some 1,800 people. Over the years it has developed an enormous educational programme which has produced fine results. I point out that the Honorable Keith Bradbury has been chairman of the college council for more than twenty years. I suggest that a lot of the work that has been done at the college and a lot of the development which has taken place is in no small measure the result of his work over this long period.

The Government is to be commended for spending money on two special developmental schools in the Murray Valley electorate, one at Cobram and one at Numurkah. The Minister of Special Education visited the Murray Valley earlier this year and inspected the sites. He was most efficient in dealing with the projects being developed and I commend him for what he did. There is no doubt that he gave approval for these special development schools at Cobram and Numurkah to go ahead because of the work being done by the two committees. The members of the committees have worked hard and have raised money to develop these schools as training schools for the whole of the district. I am sure that the Minister recognized this with the result that the money has been made available for their development.

The explanatory memorandum attached to the Bill points out that some 70 pre-school centres will receive a grant of $30,000.

Mr. ROPER: There were 70 last year but they didn't all get that.

Mr. JASPER: These are approved projects and certainly the money will be spent. One of these pre-school centres is at Rutherglen. The land has been set aside and the committee has raised a large sum towards the local contribution and the grant of $30,000 has been approved.

These are some of the things for which the Government deserves congratulations but there are other matters for which it should be criticized. The sum of $500,000 has been allocated for solar energy research. The explanatory memorandum, at page 23, points out that in May of 1977 the Government announced the appointment of a top-level committee to advise the Government on the realistic contribution which solar energy may make towards the State's current and future energy requirements. But when will that committee, the Victorian Solar Energy Research Committee, begin to operate? When will it start using the money.

With the development of the Cobram District Hospital, the architect put forward the suggestion that solar energy be used. Plans were submitted to the Hospitals and Charities Commission but they were rejected. After discussing the matter with the architect I wrote to the Premier and, in reply, the honorable gentleman suggested that if we could supply more information he would perhaps be able to do something about it. The architect provided further information to the Hospitals and Charities Commission and the only additional money needed was of the order of $8,000 to $10,000 for this experimental project at the Cobram Hospital, which the architect believed would operate effectively.

But does anyone believe that we could get the Government to move? Nothing was done. The Hospitals and Charities Commission finally said it would not accept the suggestion. The Premier has written to me again and has again said that if further information can be provided, he will consider the matter. How much information does he need? Will the Government take the risk or does it say it will make this allocation when someone comes forward with a foolproof programme for using solar energy?

The Government should have taken the bit between its teeth. The northern part of the State would have been ideal for Government experimentation with solar energy. I ask the Minister of Public Works to consider this allocation and to ensure that the money is spent in developing solar energy programmes, and perhaps this development could be extended to hospitals. The architect has informed me that he suggested a similar proposal for the use of solar energy at the hospital at Seymour but that proposal, too, was rejected.

An allocation of funds has been made in the last week or so for the Beechworth mental home. When the National Party moved an amendment to the pay-roll tax Bill recently, in reply to the cases put forward the Government said that it could not afford to lose the pay-roll tax from the 350 primary producers who would have been exempted; that it could not afford to lose $900,000. But, now, over $2 million has been allocated for the Beechworth mental home. I agree that this money should be spent and that the development should take place; I am pleased that the project is going ahead. I do not want to be misunderstood about that.

But some months ago the Government said that the project could not be funded and, now, it has suddenly found the money and the programme is to go ahead. These are the sorts of things the Government should consider to assist primary producers.

The Government is to be congratulated for the way it is spending money in some areas but it should be criticized for the way it has dealt with the proposals for use of solar energy and, although I agree with spending money on the Beechworth mental home, I suggest that we should get our priorities in order and ensure that money is spent in country areas so that country people will be able to enjoy the best standards of public works and services.

Mr. B. J. EVANS (Gippsland East): This Bill provides an opportunity to canvass a great range of subjects but I assure you, Mr. Speaker, and the House that I do not intend to canvass more than one, particularly in view of the lateness of the hour. It is with a great deal of concern that I report that one of my constituents rang Parliament House from Mallacoota on five occasions today before he was able to make contact with me. I point out that for the past fourteen hours I have not left the precincts of the building. It is high time that some better service was brought into being so that honorable members who are wanted on the telephone can be located when they are within the building. The cost of a trunk telephone call from Mallacoota to Melbourne, which is one of the more expensive long

distance calls in the State, is about $2.50 for three minutes. Therefore it has probably cost my constituent at least $15 or $20, taking into account that he has probably had to wait for three minutes or more while efforts were made to locate me in the building. It is high time a better method of communication in Parliament House was established so that these things do not happen.

Mr. A. T. EVANS: It would not be the fault of the switchboard operator; the switchboard gives good service.

Mr. B. J. EVANS: That is what is extraordinary; in the main the service from the switchboard is very good, but provision should be made for a paging service or something of that nature to be used so that if any honorable member is engaged outside his office, as I have been today, he can be reached.

The reason for the urgency in this case was that my constituent, Mr. Garry Warren of Mallacoota, was interested in tendering for the construction of a police station at Mallacoota. He is obviously a methodical man, because he has it on record that he telephoned the Public Works Department in Bairnsdale on 10th October seeking to have his name included on a list of the names of people interested in tendering for this project. Mr. Warren was informed on that date that tenders would not be called this year, but that when they were called they would be advertised in the local press.

The local press for Mallacoota is the *Snowy River Mail*, from Orbost. Mr. Warren has since made inquiries at the office of the *Snowy River Mail* to ascertain whether tenders were advertised in that newspaper and was informed that no such advertisement was inserted. Apparently this morning he found that tenders had been advertised and had closed at 2 p.m. today, and that is why he was so anxious to get in touch with me before 2 p.m., to ascertain whether steps could be taken to seek an extension of the closing of tenders to give him an opportunity to lodge a tender.

Mr. SIMPSON: Where were tenders advertised?

Mr. B. J. EVANS: As I have only been acquainted with this situation since just after 8 p.m., I have not been able to ascertain that. Tenders may have been advertised in the Bairnsdale *Advertiser* in the belief that that newspaper would be received by all the interested people in Mallacoota. The *Advertiser* has a wide circulation, but I am not sure whether it would be as widely circulated in Mallacoota as the *Snowy River Mail.*

As I said, Mr. Warren did not know that tenders had been advertised and apparently found out by accident this morning. Another builder in Mallacoota lodged a tender by telegram this morning, having ascertained belatedly that tenders were closing today.

In view of all the circumstances, I appeal to the Minister of Public Works to extend the time for the calling of tenders until at least next Monday to give this gentleman an opportunity of tendering for the project. I am sure the honorable gentleman will appreciate that work of this nature is not often available in centres as remote as Mallacoota, and obviously builders who are established or are trying to become established in the area are extremely interested in obtaining building work on what would be considered in that area as a major construction project.

I hope the Minister of Public Works will give me an assurance that Mr. Garry Warren of Mallacoota will be given the opportunity of submitting a tender for this project. That is all he is seeking; he is not asking for special treatment or favouritism. I believe it is only fair in the circumstances, particularly as he can prove that he telephoned the Public Works Department in

Bairnsdale as recently as 10th October, and thereby displayed the genuineness of his inquiry. It would be different if he had made no attempt to ascertain the current position, but Mr. Warren has done all that he should have done, and therefore he should be given this opportunity.

Mr. TREWIN (Benalla) : The Public Works Department provides for the expenditure of almost $400 million throughout Victoria. When I first entered Parliament, that was about the total amount of the entire Victorian Budget, but it can be appreciated that over the years depreciation in the value of money has caused the Budget to be increased, and the amount provided in this Bill is now only a small portion of the total Victorian Budget.

I shall make some comments about the areas in which I am interested and naturally will be a little parochial about matters relating to the Benalla electorate, which is fast becoming a large Public Service town and regional centre. It services the north-eastern part of Victoria and the Goulburn Valley in almost all areas of Government administration.

Item 29 in the table to the Bill provides for expenditure of $18 million on public offices. The Minister of Public Works has been informed over the past three or four years of the progress that is being made through the Victorian Public Offices Corporation on the building of public offices throughout Victoria. I know the Minister is aware that public offices are urgently needed at Benalla. I understand that a firm decision is to be made shortly on when tenders will be called for the construction of this building. Public Service employees in Benalla are hopelessly overcrowded in their present accommodation, and have long awaited a decision that will relieve the urgent need for new accommodation to be provided.

At Seymour public offices are required to house employees, mainly of the Department of Agriculture and the Lands Department. Naturally, other departments will be established in Seymour, which services the southern portion of the electorate I represent and central Victoria almost as far as Bendigo. It is developing into an important Public Service area. As a result of the construction of the Hume Freeway through central and north-eastern Victoria, people are coming to live in the area, and their needs will have to be met. This can be done in many ways through State Government departments, and consequently the need for new public offices in the north-east of Victoria is extremely urgent.

Items 35, 36 and 37 deal with agriculture generally, agricultural education and research farms and stations. The amount of $461,000 has been allocated to public works programmes to meet expenditure associated with accommodation for the Department of Agriculture. Field officers working on seed research and animal health are located at Alexandra and Mansfield. These are important areas in a significant industry, and, as in other larger towns around Victoria, the need for accommodation, rented or purchased, no matter how small, in some cases, is becoming urgent.

It is interesting to note that the Government has purchased a property at 166 Wellington Parade, East Melbourne, for the use of the Department of Agriculture. I hope this will enable some of the fragmentation of officers of the department to be overcome so that operations can be centralized and more convenient working conditions provided. This in turn should lead to greater efficiency, although the Department of Agriculture is recognized throughout the State, particularly in rural areas, as being very efficient.

Under item 36 dealing with agricultural education, provision is made for expenditure on a number of agricultural colleges, which are continually in need of maintenance. At Dookie Agricultural College the duplication of the water supply is necessary, and $140,000 is being spent on this work. The water has to be pumped from the Broken River, nearly 2 miles from the tower at the college, so this requires expenditure of a great deal of money. The duplication will provide a better water supply for the increasing number of personnel who are living at the college.

Under item 37 $2 million is provided for research farms and stations. This is to be used mainly for diagnostic centres and research stations, including Burnley in the city and the Attwood diagnostic unit where the virus isolation unit is located. This has developed into a highly important unit, particularly as it is the only place in Victoria at which work on virus isolation is carried out. The allocation will be used to purchase new plant and equipment and for the construction of a new building.

At Benalla and Bairnsdale veterinary research laboratories have been constructed. The laboratory at Bairnsdale was opened about three weeks ago, and the Benalla laboratory is to be opened on Friday week. The sum of $86,000 has been provided to complete the fencing and other work on this important set of public facilities to tighten up the efficiency and security of the area.

I, like most other honorable members, have an interest in education and have an unending list of things that could be done to improve education throughout the State. New schools are required at Benalla and Euroa. The future of the Euroa Primary School hinges on the resiting of the Hume Freeway. It has still to be decided whether the freeway will be built to the north, south or through the centre of the town, and the location of the primary school depends on that decision. The people of Euroa urgently await the making of the decision so that construction of the primary school can proceed and the position on the priority list can be decided.

The special education units in Seymour and Benalla are now operating efficiently. On behalf of the people in both these communities I thank the Public Works Department for the efficient job it did in calling tenders and constructing these buildings, doing the site works and making the buildings a beautiful and effective part of the education system. Students from miles away come to Benalla and Seymour to receive special education at these units. The Minister of Special Education should be proud of the service provided by them.

The Nagambie police station is only a small item in a large budget for the Police Department. I do not say that the efficiency of the Police Department would be increased dramatically by the provision of better working conditions, but it would lead to a happier understanding between police officers, their families and the public if the facilities and accommodation were as modern as those in other sections of the community in which they live. For many years the police officers at Nagambie have been working under difficult circumstances, living in a house with a small room attached being used as an office. It is time that definite action was taken to let a tender for the rebuilding of a new office to be attached to the house. A site has been selected and sketch plans have been drawn up, and the sooner tenders are called the better it will be for the police operating at Nagambie.

I support the Bill which, as I mentioned earlier, enables $400 million to be spent by the Public Works Department in the many areas for which it is responsible. It is a large department and has branches

throughout the State. There are some very efficient men serving in the department, and I believe it is most difficult at times for them to co-ordinate their work. This is why I believe there should be reasonable accommodation in country areas. Sketch plans for new buildings need to be sent back to head office and dealt with by the department.

The motion was agreed to.

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

HEALTH (AMENDMENT) BILL.

This Bill was received from the Council and, on the motion of Mr. JONA (Assistant Minister of Health), was read a first time.

MEDICAL PRACTITIONERS (FEES) BILL.

This Bill was received from the Council and, on the motion of Mr. JONA (Assistant Minister of Health), was read a first time.

LABOUR AND INDUSTRY 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.

MELBOURNE AND METROPOLITAN BOARD OF WORKS (POWERS) BILL.

The debate (adjourned from September 15) on the motion of Mr. Dunstan (Minister of Public Works) for the second reading of this Bill was resumed.

Mr. CAIN (Bundoora): This Bill amends section 34 of the Melbourne and Metropolitan Board of Works Act. It also seeks to validate the past practices of the board in delegating its planning permit-issuing functions to its planning committee and senior officers of the board. It should be said that the provision arises out of an appeal to the Town Planning Appeals Tribunal concerning a proposal to use land at Derrimut for an abattoir complex. The appellants were a number of local residents in the area and the appeal was against an application by Protean Holdings Ltd., which was seeking what is known as a discretion permit from the Board of Works, to use land which they acquired in the Derrimut area for stock, sale-yards and abattoirs.

It seems that during the course of the application the board did not require the applicant, Protean Holdings Ltd., to advertise its intention to apply for the permit for the site, and that was one of the crucial issues in the hearing before the Town Planning Appeals Tribunal. It desired to use part of the land as an abattoirs and part as a drying and packing area for sheepskins. Permits were granted on 9th April, 1974, and 19th September, in respect of those two uses I have mentioned. One of the grounds relied upon in the appeal was that the determination made by the Board of Works was unlawful as it was made by a committee appointed by the board purporting to act under the powers conferred by section 34.

Section 34 provides for the establishment of committees to carry out certain functions and the appeal was based on whether the board had power to delegate the function of granting permits under section 34. It was suggested that section 34 gave power to the board to appoint committees only for the purpose which the board regarded as being for the better management of the board's function. The tribunal held that the board did not have power under section 34 to delegate the function of issuing planning permits.

As I understand it, the board had been following this course since 1954 or thereabouts, hence a great deal of concern was felt about permits that had been issued as a consequence of this assumed power.

The Bill seeks to make it clear that the board has the power to delegate the authority to issue planning permits. It puts that question beyond doubt and also provides that any permits already issued by the planning committtee or by the body appointed by the board under section 34 will be valid and lawful.

The exception that is made in the Bill is in respect of the application with which this appeal is concerned, namely, the appeal by the residents of Derrimut and Sunshine against the application by Protean Holdings Ltd. In clause 4 of the Bill an express exclusion is set out in respect of that application. In other words, the Bill properly requires that the applicant, Protean Holdings Ltd., in seeking from the board a permit for special use, must commence its application again and cannot rely on any of the steps it has taken to date. That was not mentioned in the Minister's second-reading speech. It was picked up by a member in another place and the Bill now has that provision attached. It is the accepted practice that where a point of law has been established and won in the courts or tribunals by an individual, that individual or company should not lose the rights that have been won by retrospective legislation.

The Opposition supports the measure in so far as it seeks to give to the board the power to delegate the function of issuing planning permits and, of course, it supports clause 4 which retains for the appellants—the local residents who were concerned with this application—the decision which they won from the tribunal.

Mr. WHITING (Mildura): The National Party supports the Bill in the belief that it should be possible for the Melbourne and Metropolitan Board of Works to delegate the authority contained within this Bill to committees. Naturally, when a doubt was raised as to the validity of previous delegations of a similar nature, it was only right that a Bill should be brought forward to clarify the situation. It is done by the addition of two paragraphs to section 34 of the Act. This should have the effect of completely clarifying the position in regard to future applications on planning matters to the board.

As the honorable member for Bundoora stated, this Bill excludes the doubt in the original Act. It is reasonable, in the opinion of the National Party, that the application mentioned should start again and that the persons concerned should have a right of appeal. This now becomes a completely legal situation. Therefore, the National Party does not oppose the Bill and believes that it is a necessary measure to cover a past situation and to clarify the position for the future.

Mr. FOGARTY (Sunshine): The honorable member for Bundoora has already stated that the Opposition does not oppose the Bill. However, I believe a few things must be said about clause 4 of the Bill in the hope that history will not repeat itself.

I have earned a jumper in this debate as I spent two hours at the Town Planning Appeals Tribunal and was closely questioned by the various representatives of the company on matters relating to the proposed building of the abattoirs at Derrimut. The Bill validates certain decisions made by committees in the past, but it does exclude the decision relating to Protean Holdings Ltd. What arose from that decision was the manner in which the company was allowed to make application by going through various procedures of the Melbourne and Metropolitan Board of Works. The City of Sunshine adjoins the Shire of Werribee and the interests of the housing estate on the boundary are far removed from the main centre of the Shire of Werribee, and the conditions which apply to the

shire are quite different from those which apply to residents in the cities of Sunshine and Altona.

Objections were lodged and it is clearly set out in the decision by the Town Planning Appeals Tribunal that the tribunal acknowledged that certain anomalies existed. The City of Sunshine had written to the Minister for Planning and I, as member for the area, had contact with the Minister and showed him around the area. Further, a ratepayers' organization had also contacted the Minister. There was a general view that the area should be rezoned. While all this was going on, the City of Sunshine, which had contacted the Minister, was not aware that an application had been made by a company to build abattoirs on the other side of the road from the city.

There is a need for the Government to examine the Act more thoroughly in the hope that history will not be repeated, so that municipalities which may have a vested interest in actions by another municipality are given every opportunity to appeal or lodge an objection. In this case, it was only after litigation, which went on for many days at the cost of thousands of dollars, that the Town Planning Appeals Tribunal was able to say that the provisions of the Act had not been fulfilled.

I sincerely hope that history does not repeat itself in the future. Notwithstanding that the Bill validates certain actions, possibly in the past views of municipalities or individual persons may not have been noted by the Board of Works through its various committees.

The motion was agreed to.

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

ADJOURNMENT.

POLICE SURVEILLANCE OF BANK STREET PRIMARY SCHOOL—HOUSING COMMISSION DEVELOPMENT AT PATTERSON LAKES — BRUNSWICK TECHNICAL SCHOOL — OVERSEAS AIR FARES — WALTONS LTD. — HOUSING COMMISSION REPORT — CLERICAL STAFF AT STATE SCHOOLS — CO-OPERATIVE FARMERS AND GRAZIERS DIRECT MEAT SUPPLY LTD. — ST. ALBANS TECHNICAL SCHOOL — WORKERS COMPENSATION—FLIES.

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. EDMUNDS (Ascot Vale) : I ask the Government for some urgent action to protect the Bank Street Primary School No. 2608 from vandalism. Vandalism is increasing to the extent that it will cost a great deal of money to repair the damage. The infant school roof has been damaged to the extent of $1,000 and repeated damage this year has reached nearly $2,304. Serious damages are reported by the principal to the police and the police eventually take some action but, because of the shortage of staff at the Flemington police station, they are finding it difficult to provide surveillance of the area.

Last year, the assembly hall was damaged by vandals to the extent of $4,000. As the parents are at work each day, the children are generally on bicycles and it is extremely difficult to keep an eye on their activities. At a recent arbor day at the school more than 60 trees were planted and protective guards were installed. All of the guards have now been wrecked and the trees are in danger.

As the area is the only open space in the Ascot Vale locality, and as there are many children and school holidays are about to descend upon us, I ask the Government to take some urgent action, through the Chief Secretary, to provide additional police for surveillance of the area through mobile patrols or occasionally a policeman on foot patrol in an attempt to impress upon the children that they cannot get away with vandalism of public property to the extent that they have in the past.

Mr. CAIN (Bundoora): I raise a matter for the attention of the Minister of Housing. It is time that the Minister offered some explanation about various matters which have been raised concerning the Patterson Lakes development. This matter was the subject of a question by the honorable member for Carrum and an article in the *Age* newspaper recently. The House is entitled to know why only one firm was invited by the Housing Commission to tender for the construction of homes worth $500,000. It has been suggested that the firm, Metricon Pty. Ltd. was recommended to the Housing Commission by the real estate company of Moore Williams Pty. Ltd., real estate agents who were associated with Dillon and Inkster in the transaction. Both these firms have figured prominently in the present inquiry into the Housing Commission land purchases.

According to the *Age*, the Housing Commission has recently stated that it did not know that there was a link between Moore Williams and Metricon. Moore Williams had also stated that there was no link between it and Metricon and that the Patterson Lakes transaction was conducted at arms length. That information was not true so far as Moore Williams and Metricon are concerned and they are one and the same. At least until Christmas last year, the controlling interest in the firm of Metricon Pty. Ltd. was held by a series of unit trusts which in turn were held by the family companies of three of the directors of Moore Williams Pty. Ltd., Mr. Williams, Mr. Minuzzo and Mr. Hetrel, and Mr. McGregor Kean, who is connected with the company and effectively a director and also a Mr. Grundy, who is the sales manager of Moore Williams.

It is quite clear that if the Housing Commission did not know what the beneficial relationships or interests were so far as this firm was concerned, it ought to have found out. It is of no use the commission sitting back now and saying that it did not know the gun was loaded. The commission should have found out who it was dealing with. True, Mr. Williams said in the *Age* that he did not know the persons concerned with the firm.

It is not possible for the Opposition to find out all these things, but at least the Housing Commission should investigate when dealing with these sorts of firms. If a firm will not tell the commission who is actively concerned or who are the beneficial owners, then the commission ought not to deal with the firm. It is time that this principle was fully established by the Minister.

Mr. ROPER (Brunswick): I raise a matter with the Minister of Education concerning the Brunswick Technical School which has some of the worst conditions of any school in Victoria. Over the past four or five years, no maintenance whatsoever has been carried out on the building. I ask the Minister for the Government's intentions concerning the school, whether the Government intends to purchase land near the school in the near future; if so, how much land it intends to purchase, and what the Government intends to do in the meantime about the present facilities, such as the lack of playground space, toilet facilities, science facilities and other inadequacies which have been ignored for a considerable time. I should like to

learn from the Minister the Government's intentions concerning the school and when they will be carried out.

Mr. COLLINS (Noble Park) : I direct my remarks to the Attorney-General and the Minister of Consumer Affairs. They relate to a similar matter that I raised on the motion for the adjournment of the sitting last week concerning overseas air fares. On this occasion, I refer to an advertisement by a travel agency known as the Travel Bag, which has offices situated in Balaclava and Moorabbin. The advertisement states "London from *$695—return". The advertisement further states—

> Reservations are now being accepted by The Travel Bag for flights to London, departing Australia from 1st April, 1978.
>
> Payment of air tickets has to be made at least three months prior to departure.

The note beside the asterisk states " Fare awaiting approval ". Alongside the advertisement is an article entitled " Travel—Straight talk by Alan Suss ". Mr. Suss happens to be the proprietor of Travel Bag. It would appear that when a person reads the newspaper, he in fact reads a sort of editorial alongside which is the advertisement. One paragraph in the article states—

> There is talk about a $695 return air fare between Britain and Australia. However, it is only in the preliminary stages of discussion, and this column will keep you posted on any further developments.

Yet right alongside the paragraph is the advertisement referring to an air fare of $695. On ringing the travel agent, I was informed that advance reservations were being made for British Airways. British Airways is taking reservations for a $695 London-Melbourne return fare. No deposit is paid, but through these travel agents the airline knows who wishes to travel next year.

I should like the Minister to find out how this company can, on the one hand, advertise an air fare payable 90 days in advance for $850, albeit for certain periods of the year only, and then in the same breath have accredited travel agents take reservations on a fare structure of $695 for the same period. The fare must be paid three months in advance. How can anyone pay three months in advance for the 1st April, 1978, when this proposed fare structure has not been approved? All one can do is to make the reservation and then pay the full fare at the time. I was advised that the fare would be currently $950. If I wanted to make an advance booking now, it is $950 and I could take my chances that in fact the fare might come down. Possibly I would obtain a transfer of fares and receive a rebate. On the other hand, nothing is guaranteed. I might have to pay $950. Quite simply I regard that advertisement in the newspaper as misleading and false advertising.

Mr. WILTON : What paper was that?

Mr. COLLINS : The *Southern Cross*. The editor of the *Southern Cross* should have a good look at his advertising control because that advertisement is misleading. It may not be meant to be misleading by the agency, which is not taking money from anybody, but it is securing names and addresses on the basis of a possible fare structure. I believe something should be done about it. It highlights the fact that it is about time fares from Australia to Europe were reduced to about $600 return.

Mr. CRABB (Knox) : I draw to the attention of the Minister of Labour and Industry a matter which concerns employees of Waltons Ltd., particularly employees who collect money from door to door on weekly repayments schemes. Each week those people are responsible for collecting large sums of money. They are given no particular method by which to collect that money, and are not provided with a receptacle, a proper wallet, bag or money box of any kind in which to place the money.

I have been approached by a former employee of Waltons Ltd. who lost $1,100 between one collection and the next. She had the $1,100 at one collection and did not have it at the next, and despite a search by the lady and the customers, the money was not recovered. She went to the police, but it was not possible to recover the money.

Waltons Ltd. did not write off the money or collect on an insurance policy of any kind, but claimed the money from the employee. The employee is now being pursued for $22 a week over 50 weeks to make up the $1,100.

I am concerned that any employee should be made responsible for those sorts of sums. A company like Waltons Ltd., which has its own insurance company, ought to be able to insure employees against loss or theft of money that is their responsibility. Secondly, consideration should be given to the fact that as people are walking from door to door and from street to street with large sums of money in bags or carried in handbags, that is a temptation to criminals to assault and rob them.

A better system ought to be provided by the employers of door-to-door collectors. A responsibility ought to be placed on employers by the State Government. I am concerned that no employee anywhere should be put under that burden of responsibility by an employer. The money belongs to the employer and the employer ought to insure against loss or theft of that money.

On the same matter, but a different aspect, I point out that it is common practice for people to leave money under front door mats, in milk bottles, behind letter boxes and so on. The Government should advise people that this is an unsatisfactory way of paying collectors from firms like Waltons Ltd. Indeed there is no responsibility for that money and anyone could take it.

Mr. Crabb.

Mr. WILTON (Broadmeadows): I raise a matter for the attention of the Minister of Housing. Last week, in the unfortunate absence of the Minister from the House, I raised with his colleague, the Minister for Minerals and Energy, the question of the tabling of the annual report of the Housing Commission. Under the Housing Act there is a liability on the Minister to ensure that the report is tabled by a date in November. As the Government has decided that this sessional period of Parliament will conclude on 24th November, I raised with the Minister for Minerals and Energy whether the Minister of Housing would ensure that the current annual report of the Housing Commission would be tabled in the House in time for honorable members to study it prior to the rising of the House.

In view of the shortage of time provided to honorable members, I now raise the matter with the honorable gentleman personally. I appreciate that last week he was unavoidably absent from the House. I hope he is able to take the necessary steps to ensure that this report is available to honorable members before the House rises.

Mr. FORDHAM (Footscray): I raise with the Premier in his capacity as Treasurer and in his relationship with the Public Service Board the matter of clerical staff employed in Victorian Government schools. This group has grown in number in recent years and there has been an enormous growth in its responsibilities. With the devolution of responsibility from the central office down to the regions at the school level, these people have taken on considerable responsibility, working in association with school principals.

Some three years ago the group known as the schools group within the Victorian Public Service Association submitted a claim to the Government for further appointments in schools and for an upgrading of their status, as well as an increase

in salaries. The matter was considered slowly through the normal channels of the Public Service Board, which certainly took some time. However, the situation was complicated with the advent of the school councils legislation under which certain powers and responsibilities were designated to school councils in the appointment of the staff.

Two aspects now concern the group, firstly, that their original claim and submission, which they followed quite correctly through proper channels, without taking industrial action and without causing strife or publicity, have not been answered. They are still in the dark about the proper structures and what ought to be their responsibilities in the new situation. Secondly, they are not sure about their security of employment and therefore their rights to transfer from one school to another, and the development of their career structures. They also are not sure of such things as their superannuation rights and the portability of a whole host of benefits to which they are currently entitled.

Given the changes in the educational structure, one can understand that there ought to be some sort of interregnum, but it seems to be far too long. I understand that the responsibility is not with the Minister of Education who, I am sure, is not willing to take it. It is with the Public Service Board at this stage, and with the Premier. I ask the Premier to indicate whether he knows what is the current future of this group and the situation of their submission of some years' standing, and whether he will give a full undertaking to have the matter investigated urgently so that the just claims and queries of the group can be given proper scrutiny by Government authorities and, if necessary, by the Parliament.

Mr. FOGARTY (Sunshine): I raise a matter for the attention of the Premier. It has some relationship to agriculture. On 8th November I asked the Treasurer whether there is any known financial reason involving the Commonwealth and Victorian Governments which may restrict negotiations by the official receiver to sell the works operated by the Co-operative Farmers and Graziers Direct Meat Supply Ltd. at Brooklyn. The answer by the Premier was, "No". Following that, I contacted Peat, Marwick, Mitchell and Co., chartered accountants, of Collins Street, Melbourne, and received the specifications for tender for the sale of the Brooklyn works. It showed a liability to the Australian Industry Development Corporation of $6·152 million. Perhaps the Premier would accept that as a fact, and that could have a bearing on whether the company can sell the works by tender. The tenders close on 30th November. The company has assets of $15·539 million, but some of the assets are doubtful. The liabilities total $14·296 million and include Australian Industry Development Corporation funding of $6·152 million.

I asked a question of the Minister of Agriculture regarding these works and the possibility of the works being used as a service abattoir. Unfortunately, the Minister thought I was referring to Protean (Holdings) Ltd. Personally, I do not care who buys the works or tenders for them. Money is outstanding to the Commonwealth and a service works is required, just as a bulldozer is required through the Newmarket abattoirs.

When one considers that the State Government sold the Ballarat and Bendigo works for $4·44 million, one realizes that if this works is sold in the same fashion, the Commonwealth will lose substantially, as will the taxpayers. I ask the Treasurer as a matter of urgency to investigate the specifications of tender, with a view to the State Government either purchasing the works outright or buying into the business. A service abattoir is needed. The Government can

operate this abattoir successfully. If that is not possible, money could be injected into the scheme so that the farmers who originally had the works will be able to operate it successfully.

Mr. GINIFER (Keilor): I draw to the attention of the Minister of Education that during the past couple of years an excellent programme has been devised at the St. Albans Technical School which allows for students to have a fuller and more fruitful education, bearing in mind the ethnic background of those children. The school council is concerned that next year's school enrolment will be greater than that of this year, and the staffing schedule forwarded to the school shows that fewer teachers will be provided.

Will the Minister of Education receive a deputation from the St. Albans Technical School council to discuss the special and unique problems associated with education in St. Albans generally, and the technical school in particular, so that he may have a fuller and better understanding of the problems and perhaps may give consideration to the needs and requirements of the St. Albans Technical School?

Mr. SIMMONDS (Reservoir): I raise a matter for the attention of the Chief Secretary or, alternatively, the Premier. It concerns a typical case of workers compensation and the real hardship of workers who have suffered long-term injuries and are seeking to maintain a family on the present rates. I quote the case of a Yugoslav worker, Dragan Stojanovic, who suffered a back injury on 31st January, 1973, which resulted from a fall from a ladder. He went before the Workers Compensation Board on 11th November, this year, and received a lump sum settlement of $4,000. Since the initial injury he had been on weekly payments with a present maximum of $107 a week, on which to support himself, his wife and two young children. The $4,000 represents a capitalization of the balance of his total entitlement of $25,930 under the present Act.

I draw attention to the fact that the Harris report recommended as a matter of urgency in July, 1976, that the rates be amended immediately and that the final report again emphasized the need to lift the maximum payment for workers compensation. I also draw attention to this particular worker, who is totally disabled and unable to find employment. He has exhausted his rights under the existing legislation and has no hope of supporting a young family in the way he would hope to support them. I ask the Minister representing the Chief Secretary to investigate the deficiencies in the rates of workers compensation and to amend the existing legislation to provide a measure of justice.

Mr. TREWIN (Benalla): I raise a matter for the attention of the Minister representing the Minister of Health. At this time of the year Victoria is plagued by flies and it is encouraging to note that the tourist authority of Victoria has joined with other tourist authorities throughout Australia to assist the Commonwealth Scientific and Industrial Research Organization and other departments in their efforts to lessen the fly problem in tourist areas. That is a step in the right direction but every effort should be made to lessen the fly population throughout Australia.

The matter has been discussed on previous occasions and the problems involved are enormous because Australia is plagued by millions of flies each spring and summer and they cause great discomfort to people who are out of doors. Victoria should join with the other States and the Commonwealth in research to solve the problem. There are approximately 3,000 different species of flies in Australia so a substance which is poisonous to one may be food for another. Sprays or other types of material that would be useful in eliminating some species of flies may not be suitable for use against other species. Because

many problems arise from the fly menace, Victoria must join in a research programme with a view to at least reducing the fly population of Australia.

Mr. THOMPSON (Minister of Education) : The honorable member for Ascot Vale pointed out that the Bank Street Primary School has suffered seriously from the actions of vandals in recent times. I will be happy to discuss the problem with the security branch of the department and the police to ascertain what immediate action can be taken to curb this vandalism.

The honorable member for Brunswick raised a problem of the Brunswick Technical School. I agree that this is one of Victoria's worst schools from the point of view of the site and buildings. Three years ago the department hoped to participate in a joint venture with the Brunswick City Council to utilize wasteland and develop an educational complex to embrace the high school, the technical school and the girls' high school, which is Brunswick East High School. That would have had the result of providing ample space. Of an area of approximately 30 acres the new technical school was to have been built on portion of the 8 acres of solid ground, but after the brickworks quarry had been rehabilitated the area would have provided a first-class complex.

As an alternative, at present the department is examining the possibility of acquiring industrial premises adjacent to the school. It is a big venture and will involve the rebuilding of the school. Of course, the industrial premises would be costly and at present we are in the process of obtaining two valuations with a view to purchasing.

I have today requested immediate action to be taken to fill in the potholes in the school's present grounds, which the principal has alleged caused a number of accidents recently, and to take any steps necessary to safeguard the safety of the children.

The honorable member for Keilor raised a complaint from the St. Albans Technical School in relation to staffing establishments for next year and suggested that I might receive a deputation from the council to hear the details of its complaint. I would like, initially, to obtain a report on the staffing establishment in the school for next year so that I can ascertain exactly what the complaints are and discuss the matter of the request for a deputation with the honorable member when I have ascertained the details of the problem.

Mr. HAYES (Minister of Housing) : Two matters were raised for my attention. The second was raised by the honorable member for Broadmeadows and concerns a question he raised last week, which unfortunately I missed. The audit of the full accounts of the Housing Commission was completed only recently. I have been pressing not only the housing authorities but also the planning authorities to have reports completed so that they can be put before the House before it rises. I do not think the Housing Commission's report will be available because it requires preparation beyond the audit, but if it is possible for it to be completed that will be done, even in duplicated form, if that would be useful to the honorable member.

As a matter of interest, an honorable member—and I do not recall just which honorable member it was—some weeks ago asked the Premier whether future reports of the Housing Commission could include details of all land purchases for the year under reveiew. That information will be included in this year's report. As soon as the report is available it will be here. I am a little sad that it is late because I want it to be here before the House rises.

Mr. EDMUNDS : What about the planning report? Will it be available?

Mr. HAYES : I have no doubt that the honorable member for Ascot Vale will raise a separate question tomorrow evening. I am endeavouring to

have all the reports due in statutory form, and some that are not due, completed as soon as possible.

The other matter which was raised by the honorable member for Bundoora concerns the Metricon-Patterson Lakes building contract. I am rather surprised that the honorable member raised the question because the same question, concerning the interest of Moore Williams and Son Pty. Ltd. and the answer I gave the honorable member for Carrum, who asked the question last week, was raised with you, Mr. Speaker, or with the Clerks today.

The honorable member for Carrum was kind enough to ring me this afternoon. He said that he expected me, in the light of the answer I gave last week, to make a personal explanation because there was some dispute as to my answer and the question he raised. I told the honorable member that I would seek to make a personal explanation at the earliest opportunity this evening or tomorrow morning to clarify the matter. There is either a lack of liaison between the members for Carrum and Bundoora or there is a degree of arrangement between them that I do not particularly like. With great respect to both honorable members, I will seek to resolve the question tomorrow at the right time and in the proper manner, as I informed the honorable member for Carrum when he telephoned me. Either the two honorable members concerned did discuss the matter or they did not. I suspect that they did and I do not like it very much.

Mr. MACLELLAN (Minister of Consumer Affairs) : The honorable member for Noble Park raised a matter of an advertisement for a $695 return air fare to the United Kingdom, which I understand from his remarks was advertised through the Travel Bag travel agency. I also understand that the advertisement bore the magic date of 1st April, 1978. I do not know what significance can be attached to that date; I hope it is not a humorous misleading of the public.

The details provided by the honorable member suggest that there is much to be investigated. The honorable member has raised previously the question of air fares and the advertising of air fares and that matter is now being investigated by the Ministry of Consumer Affairs. I shall certainly direct the matter raised by the honorable member on this occasion to the attention of the Director of Consumer Affairs and seek a report from him on the advertisement and the article which appeared with it in the publication to which the honorable member for Noble Park referred. I certainly hope we will find that there is justification for a return air fare of $695 and if there is not the Ministry will consider whether the advertisements are misleading and therefore ought to be the subject of a prosecution.

The honorable member for Knox raised the matter of a collector saleswoman engaged by a large emporium in Bourke Street.

Mr. ROPER: Waltons.

Mr. MACLELLAN: The honorable member can give as many free plugs as he wants to, but I simply said that it was a large emporium in Bourke Street. The collector saleswoman had the misfortune to lose $1,100 and the honorable member suggested that she is paying back this amount at the rate of $22 a week for 52 weeks. As the honorable member is an actuary, I hope his mathematics work out correctly. He suggested that there should be insurance to cover this situation and that a suitable box or receptacle should be provided so that people who collect money can transport it from place to place with safety.

The honorable member also raised the additional matter of clients of the company leaving money out to be collected and suggested that this money could be lost or taken by a third party. I imagine that if the collector saleswoman were not to repay the $22 for 52 weeks some legal resolution of the problem would occur. I do not know whether she admits that the

money was lost and responsibility was hers and that that is the implication of her agreeing to repay the money. I do not think the honorable member gave the full facts. I do not know whether the company does or does not have an insurance policy. The honorable member suggests that it does not. If it does not and the collector saleswoman does not pay, presumably the company will have to make a claim and attempt to establish that claim.

Mr. ROPER: She would be sacked.

Mr. MACLELLAN: It was made clear that she no longer works for the organization so the question of sacking does not arise. The question is whether she is liable to repay the money and I advise the honorable member for Knox that I cannot see any liability on an employee to repay money lost in the course of employment. It is a matter of legal opinion which ought to be examined because this lady has been persuaded to repay $22 a week which she may not be liable to repay if the circumstances in which the money was lost are as described by the honorable member.

However, I shall certainly examine the question of whether, as a matter of Government policy, these sorts of collectors ought to be the subject of an insurance policy and whether liability in such cases ought to be clarified if it is not already clear. If the honorable member can give me additional details so that the person concerned can be contacted and the exact circumstances obtained I will be pleased to investigate the matter further.

Mr. SCANLAN (Minister of Special Education): The honorable member for Reservoir raised for the attention of the Chief Secretary a matter concerning workers compensation. The whole question of workers compensation is a matter of great complexity.

It is a complicated matter but I assure the honorable member that the matter will be put to the Chief Secretary on behalf of the voter. However, I suggest, that the honorable member might provide more information in writing, if he wishes, so that some of the facts can be corroborated. That would be helpful to the Chief Secretary.

On the subject of flies and the problem created by them, which was so eloquently raised by the honorable member for Benalla, I point out that the whole question of the nuisance of flies, bush flies in particular, has been the subject of intensive research and investigation by the Commonwealth Scientific and Industrial Research Organization. It is a nuisance problem and the Commonwealth Scientific and Industrial Research Organization is a Commonwealth organization. From time to time, the Treasurer has made funds available for the mosquito abatement programme, but mosquitos are not flies and they constitute a more direct hazard to the people of the Riverina districts of New South Wales, South Australia and Victoria. I will be happy to take up the matter of bush flies. But I believe this nuisance is related to research by the Commonwealth Scientific and Industrial Research Organization, which is examining the genetics of bush flies, and it is more properly a matter for the Commonwealth.

Mr. HAMER (Premier and Treasurer): The Deputy Leader of the Opposition raised a question about the schools group at various schools and the submission which they had made to the Public Service Board. I am not able to tell him the present status of that but I will have inquiries made and let him know about it.

The honorable member for Sunshine raised the question of the sale of the Co-operative Farmers and Graziers Direct Meat Supply Ltd. works at Brooklyn. Last week he asked me whether there was any impediment and whether the State Government——

Mr. FOGARTY: State and Federal.

Mr. HAMER: In any case there is no impediment or mortgage which would prevent the sale of the works. The Australian Industry Development Corporation is a substantial creditor. In fact it is urging and pressing for the sale of the Brooklyn works, but it is not an impediment.

Mr. FOGARTY: I want the Government to buy it.

Mr. HAMER: Having disposed of two works at Bendigo and Ballarat through the Victorian Inland Meat Authority, the State Government has no intention of getting back into the meat industry. I am not sure what the honorable member wants me to do apart from that. If he likes to see me afterwards, I will have a discussion with him.

The motion was agreed to.

The House adjourned at 11.33 p.m.

QUESTIONS ON NOTICE.

The following answers to questions on notice were circulated—

COMMUNITY HEALTH CENTRES.

(Question No. 2314)

Mr. ROPER (Brunswick) asked the Assistant Minister of Health, for the Minister of Health—

1. In respect of community health centres located in or servicing the electoral district of Oakleigh, what is the—(*a*) name; (*b*) address; (*c*) approved staff; and (*d*) actual staff of each centre?

2. What additional community health centres located in or servicing the electoral district of Oakleigh are scheduled to open in—(*a*) 1977; (*b*) 1978; and (*c*) 1979?

Mr. JONA (Assistant Minister of Health): The answer supplied by the Minister of Health is—

1. Chadstone (Paramedical) Community Health Centre, Suites 75–76 Chadstone Shopping Centre, 1341 Dandenong Road, Chadstone.

As at the 4th October, 1977, the approved staff and the actual staff were—

0·2 Medical
5·6 Nursing
5·0 Allied health professionals
4·0 Administration and General.

East Bentleigh Community Health Centre, 758 Centre Road, East Bentleigh.

As at the 4th October, 1977, the approved staff and the actual staff were—

0·2 Medical
2·0 Nursing
6·2 Allied health professionals
4·0 Administration and General.

2. Priorities for 1977, 1978 and 1979 are unknown at this stage.

SOLNA CHIEF 24 OFFSET PRESS.

(Question No. 2381)

Mr. SIMMONDS (Reservoir) asked the Treasurer—

If he will lay on the table of the Library all documents relating to the replacement of the Solna Chief 24 offset press at the Audio Visual Centre including any documents referring to a two-colour Solna to be supplied by Sidney Cooke?

Mr. HAMER (Premier and Treasurer): The answer is—

No. Documents relating to the replacement of the Solna Chief 24 offset press at the Audio Visual Centre were received in the office of the Tender Board on 10th November. The matter of the replacement of the Solna is now being considered by the Tender Board.

FUNDS FOR HOSPITALS AND CHARITABLE INSTITUTIONS.

(Question No. 2403)

Mr. MUTTON (Coburg) asked the Treasurer—

1. Whether, in view of the serious financial position of many hospitals and charitable institutions, due to heavy cost increases, he will indicate what steps are being taken by the Government to ensure that ample funds are provided to enable these institutions to function fully and efficiently?

2. What amounts were received by each hospital and charitable organization from the Hospitals and Charities Commission during 1975–76?

Mr. HAMER (Premier and Treasurer): The answer is—

1. The Government believes sufficient funds have been provided in the 1977–78 Budget to enable the institutions referred to to function adequately. The special financial constraints operating in the case of recognized hospitals under the Medibank agreement cost-sharing arrangements have been fully explained in my 1977–78 Budget speech.

2. I have supplied the honorable member with the information he sought.

HOUSE BUILDING.

(Question No. 2473)

Mr. SIMMONDS (Reservoir) asked the Premier—

1. Whether he is aware that 350 companies with a capital investment of $200 million employing 16,000 people have expressed grave concern at the lack of action to arrest the decline of activity in house building in Victoria; if so, what action he proposes taking to remove such concern?

2. Whether he is aware of the recommendations of the housing industry working party, the request for immediate budgetary action to deal with the situation, and the request for him to receive a deputation for the purpose of presenting detailed submissions; if so, what action is proposed?

Mr. HAMER (Premier and Treasurer): The answer is—

Because of its concern about the state of the housing industry in Victoria, the Government has introduced two linked schemes to inject an additional $25 million into home purchase and to subsidize interest rates to assist couples to use those funds for the purchase of a new first home.

The schemes followed work done by a special committee on home building under the chairmanship of Mr. V. C. Jennings and also by the Liberal Party Housing Committee under Mr. Norman Lacy, M.P.

Details of the scheme were released to the press on 2nd November, 1977.

POLICE FORCE WORKS PROGRAMME.

(Question No. 2495)

Mr. EDMUNDS (Ascot Vale) asked the Minister of Special Education, for the Chief Secretary—

What is the current "Forward Look" works programme for the Victoria Police Force?

Mr. SCANLAN (Minister of Special Education): The answer supplied by the Chief Secretary is—

The "Forward Look" works programme is part of the Government's established and on-going arrangements for the forward planning of overall works programmes.

The inclusion of particular projects in this programme, their detailed planning and possible commencement dates of construction involve policy considerations within the total budgetary situation.

In the circumstances, it is not possible to provide the information sought by the honorable member.

RAIL LINK BETWEEN BIRCHIP AND WYCHEPROOF.

(Question No. 2649)

Mr. CAIN (Bundoora) asked the Minister of Transport—

1. Whether he has received representations in favour of building a rail link between Birchip and Wycheproof, thereby joining the Mildura line and the Sea Lake line?

2. What would be the length and cost of such a link?

3. Since such a link would enable trains from Mildura to travel to and from Melbourne via the double track to Bendigo, instead of via Ballarat, what effect such re-routing would have on the time of the journey between Mildura and Melbourne?

4. Whether such a rail linkage would cause economic hardship to Maryborough and Donald; if so, what hardship?

Mr. RAFFERTY (Minister of Transport): The answer is—

1. Yes.

2. The Victorian Railways Board has advised me that such a link would require the construction of approximately 30 kilometres of track at a cost of approximately $10–$12 million.

3. The distance from Melbourne to Mildura via Bendigo would be about 10 kilometres shorter than via Ballarat. However, having regard to the terrain of the route via Bendigo, the journey time would be approximately the same.

4. As the Victorian Railways Board has not given detailed consideration to the construction of such a link no study has been made of the likely effect on the people of Maryborough or Donald.

HOPPERS CROSSING RAILWAY STATION.

(Question No. 2702)

Mr. CAIN (Bundoora) asked the Minister of Transport—

1. What is the length of the Hoppers Crossing railway station platform?

2. What length of platform is required to accommodate the full length of trains regularly stopping at Hoppers Crossing?

3. Which trains regularly stopping at Hoppers Crossing cannot be fully accommodated at the platform and which trains stop across the level crossing, obstructing road traffic?

4. Which services require the train to stop, move along the platform, and stop again to allow all passengers to embark or disembark?

5. What plans, if any, have been made for lengthening of the Hoppers Crossing platform, what are the details and when work will be completed?

6. What other plans have been made for improvements to the platform, car-parking and other parts of the Hoppers Crossing station, and when each will be completed?

Mr. RAFFERTY (Minister of Transport): The answer is—

1. 257 feet.

2. 600 feet.

3. The following trains scheduled to stop at Hoppers Crossing cannot be fully accommodated at the platform—

From Melbourne

*7.07 a.m. to Geelong, Monday to Friday
7.12 a.m. to Geelong, Saturday
*4.59 p.m. to Werribee, Monday to Friday
*5.19 p.m. to Werribee, Monday to Friday
*6.10 p.m. to Geelong, Monday to Friday
11.20 p.m. to Geelong, Monday to Thursday and Saturday.

To Melbourne

5.20 a.m. from Geelong, Monday to Friday
5.25 a.m. from Geelong, Saturday
6.00 a.m. from Geelong, Monday to Friday
6.30 a.m. from Geelong, Monday to Friday
7.05 a.m. from Geelong, Monday to Friday
7.45 a.m. from Werribee, Monday to Friday
4.20 p.m. from Geelong, Monday to Friday
6.00 p.m. from Geelong, Monday to Friday
6.05 p.m. from Werribee, Monday to Friday

* These trains regularly stop across the level crossing.

4. The following trains are required to stop, move along the platform and stop again to allow passengers to embark or disembark—

From Melbourne

7.07 a.m. to Geelong, Monday to Friday (when school children are travelling)
4.59 p.m. to Werribee, Monday to Friday
5.19 p.m. to Werribee, Monday to Friday
6.10 p.m. to Geelong, Monday to Friday.

5. The Victorian Railways Board proposes to extend the platform at Hoppers Crossing to 520 feet in conjunction with the electrification of the Werribee line. This project is expected to be completed towards the end of 1981.

6. Plans have been completed for a new convenience block on the station. However, work cannot be commenced until the Melbourne and Metropolitan Board of Works provides the connecting branch sewer.

DISTANCE BETWEEN RAILWAY STATIONS.

(Question No. 2703)

Mr. CAIN (Bundoora) asked the Minister of Transport—

1. What is the distance between the Werribee and Hoppers Crossing railway stations?

2. What is the minimum distance allowed between stations for the construction of new stations in urban areas?

3. Whether there are any plans for the construction of new railway stations on the Werribee line; if so, what are the details?

Mr. RAFFERTY (Minister of Transport): The answer is—

1. 3·5 kilometres.

2. The Victorian Railways Board has advised me that there is no set minimum distance between stations in urban areas. Each case is considered individually having regard to the population density of the area, likely usage and availability of funds.

3. The possible provision of a new station on the Melbourne side of Altona Junction is being considered by the Victorian Railways Board.

PORT FAIRY TO WARRNAMBOOL RAILWAY LINE.

(Question No. 2728)

Mr. CAIN (Bundoora) asked the Minister of Transport—

In respect of the railway line from Port Fairy to Warrnambool—

1. What is the length of the line?

2. When the service closed?

3. What is the length of the railway bridge at Dennington?

4. Whether any estimate has been made of the costs of—(*a*) rebuilding the bridge; or (*b*) strengthening the bridge at Dennington to take heavier loads, if so; what are the details?

5. In each financial year from 1974–75 to 1976–77 inclusive, how many passengers used the Port Fairy line and how much freight, indicating the value and number of parcels/consignments, was carried?

6. Whether he will give consideration to providing a rail car for a daily service to Melbourne, with a connection at Warrnambool?

7. Whether it is the Government's intention to dismantle the line?

8. What is the attitude of the local government bodies in the area to the closure of the line?

9. Whether the Government is aware of the 28 per cent growth in tourism to Port Fairy in 1976; if so, whether it has considered the likely effects of the rail service curtailment?

Mr. RAFFERTY (Minister of Transport): The answer is—

1. 20 miles 23 chains 51 links.

2. The line between Dennington and Port Fairy was closed to all rail traffic as from 12th September, 1977.

3. Approximately 615 feet.

4. (*a*) I am advised the approximate cost of rebuilding the bridge is $2 million.

(*b*) The last detailed inspection of this bridge by the railways was in 1975. On the basis of this inspection, the cost of maintenance to bring the bridge to an acceptable standard would be approximately $45,000 at present day values.

5. The number of outward passenger journeys from stations between Dennington and Port Fairy inclusive in each of the past three years are as follows—

1974–75 4,752
1975–76 4,339
1976–77 3,629.

The Victorian Railways Board does not maintain records of inward passenger journeys.

Details of freight carried to and from stations between Dennington and Port Fairy inclusive in each of the past three years are as follows—

	1974–75	1975–76	1976–77
Outward tonnes ..	4,491	5,476	5,453
Outward revenue ..	$53,558	$73,910	$90,391
Inwards tonnes ..	27,399	62,488	23,512
Inwards parcels revenue	$3,429	$3,959	$2,143

The Victorian Railways Board does not maintain records of inward goods revenue or the number of parcels consignments carried.

6. A road bus service under contract to the Victorian Railways Board has been provided for the carriage of passengers and parcels between Port Fairy and Warrnambool. There are no plans to alter this arrangement.

7. The Victorian Railways Board does not propose to dispose of the railway reserve between Dennington and Port Fairy at this stage. However, the board is considering requesting approval to remove rails, sleepers, track fastenings, and so on, from the Dennington to Port Fairy line as they believe the materials could become subject to deterioration, vandalism and theft if left in position.

8. I suggest the honorable member seeks the views of these bodies.

9. The present and future traffic requirements of the areas previously served by rail between Warrnambool and Port Fairy were fully taken into consideration before the decision to close the line was taken. These demands will be met by the replacement road service.

HAMILTON TO BALMORAL RAILWAY TRACK.

(Question No. 2748)

Mr. CAIN (Bundoora) asked the Minister of Transport—

1. Whether the Education Department has had to run thirty buses from Hamilton to Balmoral this week for excursion purposes, when its expressed preference was for a special train?

2. Whether the Victorian Railways Board told the department that the track between Hamilton and Balmoral was unsafe; if so, whether this track is still in use?

Mr. RAFFERTY (Minister of Transport): The answer is—

1. I understand the Education Department chartered twenty buses on 5th October for a school excursion from Hamilton to Balmoral.

2. I have been informed that the railways advised the school that due to the poor condition of the track, passenger trains were no longer operated over this section of line.

Goods trains are operating over this line on an " as required " basis.

RANDOM BREATH TESTING.

(Question No. 2776)

Mr. EDMUNDS (Ascot Vale) asked the Minister of Special Education, for the Chief Secretary—

In view of the ineffectiveness of random breath testing in lowering the road toll together with the public resentment and inconvenience caused by tests, will the Government abandon the tests and use the available manpower to patrol the roads where accident statistics are excessive; if not, why?

Mr. SCANLAN (Minister of Special Education): The answer supplied by the Chief Secretary is—

Breath-testing stations are operated in such a manner that the minimum of inconvenience is caused to the public. The indications to date are that there is widespread public acceptance of the random breath-testing programme.

At the present time, it is not possible to state conclusively the effect of the operation of breath-testing stations on the number of road accidents. However, the Road Safety and Traffic Authority is currently conducting an evaluation study into the matter. It is expected that the report on the study will be prepared by April, 1978.

A decision on the system will be made after the report has been examined.

LUGGAGE TROLLEYS AT RAILWAY STATIONS.

(Question No. 2779)

Mr. WHITING (Mildura) asked the Minister of Transport—

1. How many hand luggage trolleys are available for passengers at Flinders Street and Spencer Street railway stations, respectively?

2. What steps are being taken to provide additional trolleys on country terminal platforms, particularly those adjacent to the arrival points of sleeping cars?

3. Whether he will undertake to ensure better distribution of luggage trolleys at terminal railway stations and co-ordinated rail-road junctions?

Mr. RAFFERTY (Minister of Transport): The answer is—

1. Flinders Street—three.
Spencer Street—36.

2. The Victorian Railways Board has advised me that luggage trolleys have been provided at Ararat, Ballarat, Bendigo, Geelong and Sunshine. The board considers the number of trolleys at each location is sufficient to cater for the demand.

3. The Victorian Railways Board is investigating the need for additional luggage trolleys at Spencer Street station.

The board considers that the present distribution of luggage trolleys at other stations is satisfactory. However, if the honorable member has a specific location in mind I will arrange for the matter to be examined.

POULTRY PROCESSING.

(Question No. 2810)

Mr. FOGARTY (Sunshine) asked the Assistant Minister of Health, for the Minister of Health—

Whether the "multi-chain" system of killing and dressing poultry has increased the production rate within the poultry industry with a corresponding increase in offal, by-products and residue; if so, why the conditions of employment specified in sub-division 11 "Closets, Urinals, Changing, Shower and Bathrooms" of Division 1 of part 2 of the Offensive Trades Regulations applying to abattoirs and slaughterhouses are not extended into Division 3 "Poultry Killing or Cleaning and Dressing" of these regulations?

Mr. JONA (Assistant Minister of Health): The answers supplied by the Minister of Health is—

Officers of the Department of Health understand that poultry processing has increased over the past few years and the "multi-chain" system has been introduced to cope with the demand. Inquiries concerning the actual production rate should be directed to the Minister of Agriculture.

The offensive trades regulations are currently being reviewed by the department and this review will include the suggestion that the section on "closets, urinals, changing, shower and bathrooms" which now applies to abattoirs and slaughterhouses be extended to all offensive trades.

SUNBURY–RIDDELLS CREEK ROAD.

(Question No. 2830)

Mr. GUY (Gisborne) asked the Minister of Transport—

1. What allocations have been made through the Country Roads Board to the shires of Bulla and Gisborne for the current year for maintenance and improvements to the Sunbury–Riddells Creek Road?

2. What is the latest traffic count for the road on—(*a*) weekdays; and (*b*) week-ends?

3. Whether the board has recently considered declaring the road a main or tourist road; if not, why?

4. What plans exist for the re-alignment of access sections to the Jacksons Creek Bridge and for replacement of the bridge itself?

Mr. RAFFERTY (Minister of Transport): The answer is—

The road from Sunbury to Riddells Creek is known as Riddell Road in the Shire of Bulla and the Riddell–Sunbury Road where it forms the joint boundary of the shires of Gisborne and Romsey. Riddell Road and the Riddell–Sunbury Road are unclassified roads under the care and management of the councils concerned.

1. The Country Roads Board made a bulk allocation for financial year 1977–78 of $212,000 to Bulla Shire Council for works other than patrol maintenance on unclassified roads including the following works on Riddell Road—

Intersection treatment at Elizabeth Drive.

Maintenance reseal of approximately 1·6 kilometres north of Elizabeth Drive.

Reconstruction and widening of approximately 1·6 kilometres south of Settlement Road.

The board also made a bulk allocation of $12,000 to Bulla Shire Council for expenditure on the patrol maintenance of an approved list of unclassified roads. Riddell Road is included in the approved list of roads.

The Gisborne and Romsey Shire Councils did not submit an application for funds for works other than patrol maintenance on the Riddell–Sunbury Road for the financial year 1977–78.

The board made a bulk allocation of $7,400 to Gisborne Shire Council for expenditure on the patrol maintenance of an approved list of unclassified roads. The Riddell-Sunbury road is included in the approved list of roads.

2. (*a*) The result of traffic counts taken on weekdays during the period 13th September, 1976, to 16th September, 1976, was an average of 1,036 vehicles per 24 hours.

(*b*) No week-end traffic counts are available.

3. No. The board does not consider the road to be of sufficient importance to be declared as a main road or tourists' road.

4. The Country Roads Board has no current proposals for the replacement of the bridge over Jacksons Creek at the joint boundaries of Bulla, Romsey and Gisborne.

GOROKE RAILWAY GOODS SHED AND CARPOLAC RAILWAY LINE.

(Question No. 2831)

Mr. CAIN (Bundoora) asked the Minister of Transport—

1. Whether it is proposed to sell the railway goods shed at Goroke; if so, when?

2. Whether it is proposed to dismantle the centre line at Carpolac; if so, when?

Mr. RAFFERTY (Minister of Transport): The answer is—

1. I am advised that the goods shed at Goroke is presently being utilized by a Mr. A. B. Major. I understand the Victorian Railways Board has asked Mr. Major to vacate the building by 31st January, 1978, and at that time a decision will be made as to whether it will be removed or sold.

2. The railways do not propose to dismantle the centre line at Carpolac.

OFFENCE STATISTICS.

(Question No. 2886)

Mr. AMOS (Morwell) asked the Minister of Special Education, for the Chief Secretary—

How many offences were reported in respect of the towns of Traralgon, Morwell, Yallourn, Yallourn North, Churchill, Moe, Warragul, Pakenham, Drouin, Korumburra and Koo-wee-rup, respectively, for the years 1975 and 1976, and in this year to date, indicating the types of offences and the outcome in each case?

Mr. SCANLAN (Minister of Special Education): The answer supplied by the Chief Secretary is—

Town	Year	Theft		Burglary		Sexual		Drugs		Assaults		Others	
		Number of offences reported	Number of persons charged	Number of offences reported	Number of persons charged	Number of offences reported	Number of persons charged	Number of offences reported	Number of persons charged	Number of offences reported	Number of persons charged	Number of offences reported	Number of persons charged
Traralgon.. ..	1975	226	56	100	19	39	13	..	..	17	2	45	31
	1976	244	93	116	42	6	4	1	1	35	22	35	17
	*1977	178	61	99	28	12	10	3	1	31	18	31	19
Morwell	1975	352	179	89	33	68	11	2	1	50	36	58	42
	1976	392	123	117	47	90	15	6	4	86	32	81	51
	*1977	358	119	145	34	44	9	10	5	39	25	55	31
Yallourn	1975	35	5	21	11	..	..	2	1	7	4	6	4
	1976	65	12	12	2	..	..	..	..	17	10	8	7
	*1977	42	4	37	9	2	..	5	3	1	1	2	1
Yallourn North ..	1975	5	5	..	..	..	..	..	..	3	2	..	..
	1976	8	8	9	1	..	..	..	..	49	8	22	3
	*1977	15	1	5	1	..	..	1	1	1	1	..	..
Churchill	1975	45	15	19	10	..	..	..	..	1	1	7	6
	1976	22	3	23	6	4	2	4	2	12	7	9	4
	*1977	39	3	3	1	..	..	..	..	16	10	..	..
Moe	1975	183	60	89	45	36	8	3	1	88	23	68	36
	1976	298	109	138	89	29	6	1	1	23	15	33	21
	*1977	247	96	120	19	28	4	6	3	23	11	57	22
Warragul	1975	87	63	93	41	4	4	..	..	18	14	23	16
	1976	108	79	71	27	6	3	1	1	31	23	36	23
	*1977	92	61	50	33	2	1	3	3	13	11	25	18
Pakenham ..	1975	71	47	33	9	..	..	2	1	..	..	10	10
	1976	63	26	31	14	..	..	1	1	3	1	13	9
	*1977	67	32	38	23	1	1	..	..	8	4	12	9
Drouin	1975	29	14	33	15	1	1	..	..	13	9	22	17
	1976	32	11	38	19	2	2	..	..	11	7	19	14
	*1977	38	14	24	12	3	1	1	1	8	6	11	4
Korumburra ..	1975	37	19	17	7	4	4	..	..	8	8	22	22
	1976	35	19	22	13	..	..	5	5	9	9	28	28
	*1977	18	9	23	17	..	..	5	5	15	15	2	2
Koo-wee-rup ..	1975	31	8	16	6	..	..	..	..	..	..	4	..
	1976	29	4	12	8	..	..	..	..	4	3	7	2
	*1977	27	7	8	5	..	..	..	..	..	..	..	..

* To 22nd October, 1977.

Because of the difficulties involved in separating offences not normally investigated by the Criminal Investigation Branch occurring in specified areas, from police sub-district records the above statistics do not include offences such as wilful damage under $500, driving offences, street offences and others.

THERMAL FIRE ALARMS IN SCHOOLS.

(Question No. 2894)

Mr. ROPER (Brunswick) asked the Minister of Public Works—

In respect to the installation of thermal fire alarms in schools—

1. Which schools have had such alarms installed?

2. In which schools it is proposed to install such alarms, specifying the schools for which tenders have already been called and for which it is expected to call tenders within this financial year?

3. What is the existing policy with respect to the installation of such alarms in—(*a*) existing; and (*b*) new schools?

Mr. DUNSTAN (Minister of Public Works): The answer is—

1. Although a number of installations have commenced none has yet been completed.

2. Contracts have been let for the following schools—

Oakleigh East Primary School 4327
Richmond West Primary School 5044
Fitzroy Primary School 450
Oakleigh Technical School
Dandenong Mid-level College
Glen Waverley Special School
Collingwood Technical School
Elwood High School
West Melbourne Primary School
Gippsland Regional Education Centre
Middle Park Primary School
Koonung High School
Brunswick North Primary School

Tenders will be called this financial year for the following schools—

St. Albans High School
Footscray Girls High School
Geelong North Primary School 1889
Geelong South Primary School 2143
Geelong High School
Geelong Technical School
Matthew Flinders Girls High School
Sunshine Primary School 3113
Sunshine West High School
Brunswick High School
Richmond North Primary School 2798
Richmond High School
Williamstown High School
Malvern East Primary School
Moreland Primary School
Dandenong High School
Coburg West Primary School
Coburg High School
Moreland High School
Ascot Vale Special School
Canterbury Girls High School
Huntingdale Technical College
Moorabbin Mid-level College
Newport Technical School
Nepean Special School
Queenscliff High School
White Hills Technical School

3. (*a*) As Education Department approval is given, schools consisting of two or three storeys are provided with thermal alarms.

(*b*) In schools of two or three storeys the provision of thermal alarms is included in the documents.

SALVATION ARMY.

(Question No. 2912)

Mr. TREZISE (Geelong North) asked the Premier—

Whether, in view of the cost to the Salvation Army in providing family relief in recent weeks as an outcome of the power strike, he will consider making a State contribution to subsidize this organization's community services?

Mr. HAMER (Premier and Treasurer): The answer is—

The Government of Victoria has contributed $10,000 towards the Salvation Army family relief programme.

RANDOM BREATH TESTS.

(Question No. 2914)

Mr. TREZISE (Geelong North) asked the Minister of Special Education, for the Chief Secretary—

1. Whether random breath tests have proved effective in reducing the road toll; if so, on what evidence this assessment is based?

2. How many motorists have been tested under this scheme, indicating how many recorded a level in excess of the allowable limit?

Mr. SCANLAN (Minister of Special Education): The answer supplied by the Chief Secretary is—

1. At the present time it is not possible to state conclusively the effect of the operation of breath-testing stations on the number of road accidents. The Road Safety and Traffic Authority is currently conducting an evaluation study into the matter. It is expected that the report on the study will be prepared by April, 1978.

2. From the date of introduction of the random breath testing programme up to the 25th October, 1977, 21,761 motorists were required to undergo a preliminary breath test at a breath-testing station, of whom 289 were charged with having a blood alcohol level in excess of ·05 per cent.

CANCER.

(Question No. 2920)

Mr. CATHIE (Carrum) asked the Assistant Minister of Health, for the Minister of Health—

1. Whether the Minister is aware of the findings of the United States National Cancer Institute that people working and living near petroleum manufacturing industries have a significantly higher cancer rate than the rest of the community?

2. What studies are being undertaken or are proposed in relation to the risk to Victorians of working in and living near oil refineries, indicating the name and scope of each study and the statistical evidence to date?

3. In which industries it is known that workers have a greater risk of contracting certain cancers, indicating the industry and the type of cancer in each case?

4. What statistical information on cancers is currently available?

Mr. JONA (Assistant Minister of Health): The answer supplied by the Minister of Health is—

1. Yes. However a copy of the report of the investigation on which these findings were based is not yet available to the Department of Health.

2. No studies are being undertaken, or proposed, in Victoria at the present time.

3. Investigations have shown that workers in a variety of industries have a greater risk of contracting certain types of cancer as indicated in the following list extracted from reports by Sir Richard Doll, Professor of Medicine at Oxford University and one of the foremost authorities on cancer—

Occupation	Cancer-producing agent	Type of cancer
Asbestos workers, including miners, insulation workers	Asbestos	Pleura and peritoneum (mesothelioma
Arsenic workers, (for example smelters of arsenic containing ores)	Arsenic	Lung
Benzene workers (including some rubber workers)	Benzene (used in rubber glues)	Leukaemia
Chimney sweeps	Combustion products from coal. Polycyclic hydrocarbons	Lung, bladder
Chromate workers	Chromium ore and pigments	Lung
Dye manufacturers	1 and 2—naphthy-lamine	Bladder
Furniture makers	"Hardwood" dust	Nasal sinuses
Leather workers	Not known	Nasal sinuses
Nickel workers	Nickel ore	Lung, nasal sinuses
Polyvinyl chloride makers	Polyvinyl chloride	Liver
Road workers (and others exposed to pitch)	Polycyclic hydrocarbons	Skin
Rubber workers	1 and 2 naphthy-lamine	Bladder
Radium miners (underground)	Radioactive gas radon	Lung
General		
Outdoor workers (most types)	Ultraviolet rays from sun	Skin

4. The Australian Bureau of Statistics registers cancer deaths by type of cancer, local government area, age and sex. Leukaemia is a notifiable disease in Victoria.

The Anti-Cancer Council of Victoria has, for over 30 years, collected detailed clinical data of public patients in a number of teaching hospitals in and around Melbourne. This enables research workers to evaluate types of treatment and to give an indication of the relative frequency of cancers by age, sex, type and certain clinical attributes.

WEST GATE BRIDGE.

(Question No. 2926)

Mr. CAIN (Bundoora) asked the Minister of Transport—

Whether he will provide the member for Melbourne and each member of the House with a copy of diagram No. 71/107/15 in the two volumes of drawings prepared by Hardcastle and Richards Pty. Ltd., consulting engineers, in support of the Fairhurst "Plan A" for reconstructing the West Gate Bridge; if not, why?

Mr. RAFFERTY (Minister of Transport): The answer is—

No. All honorable members had the opportunity to study diagram 71/107/15 during the two weeks it was in the Library with other documents requested by the honorable member.

If the honorable member seeks more time to study the document I will again place it on the table of the Library.

FUNDS FOR CONSERVATION.

(Question No. 2932)

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

1. What funds have been provided from—(*a*) the National Estate programme; (*b*) nature conservation grants; and (*c*) wildlife

protection works, in each of the past two financial years, indicating for which projects and the amount in each case, and what are the estimates for this financial year?

2. Whether the Edithvale wetlands is still considered a highly significant wildlife and swamp habitat; if so, what other areas of State conservation interest have a higher priority for the provision of funds?

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

1. I regret that as the meaning of the expression "provided from wildlife protection works" is not known to my department, I am not sure what particular information the honorable member is actually seeking under this heading.

However, with regard to the balance of the question, it is assumed that details are being sought of funds made available to the State of Victoria by the Commonwealth under its National Estate Programme and under the States Grants (Nature Conservation) Act 1974 respectively.

Details of expenditure under the National Estate Programme during the financial years 1975–76 and 1976–77 are set out in the accompanying table.

A notional allocation of $500,000 has been made by the Commonwealth to Victoria for the programme for 1977–78, which includes a provision of $110,000 for 1978–79 and $30,000 for 1979–80.

The specific projects to be financed from the allocation are yet to be approved by the Commonwealth.

In addition, I understand that the Heritage Commission will finance on its own volition some projects which are considered to have a national character.

The following funds were made available by the Commonwealth in 1975–76 for purchases under the States Grants (Nature Conservation) Act—

Mount Richmond—$2,250.

Mallacoota—$33,053.

In 1976–77, funds were made available for the purchase of land for the Yellingbo State Faunal Reserve.

The honorable member will recall that details of the Yellingbo programme have already been provided to him in my reply to his earlier question (No. 2685).

2. The Edithvale wetlands form a valuable refuge for birdlife in the Melbourne metropolitan area and the significance of the swamp is recognized for such purpose.

The honorable member will recall that he made representations to me earlier this year on behalf of the Dandenong Valley Authority and the Port Phillip Conservation Council seeking funds for the purchase of an area of privately-owned land as a buffer for the swamp.

The estimated cost of the purchase was $900,000.

On that occasion, I advised the honorable member that the Edithvale Swamp was not as highly significant in relation to other land in the State requiring protection.

It would not, of course, be appropriate for me to identify specific areas or blocks of land in which the State may have an interest for future purchase for conservation.

However, land purchase priorities must be determined in the light of various criteria.

These include the significance of the land, the urgency of protection, its scientific value, whether or not the land contains rare or endangered species of animals or vegetation or is a remnant of a land type, its viability, recreational potential, and whether or not the land would add a particular feature or greater diversity to an established park or reserve.

Based on such considerations, together with the inherent difficulties of maintaining the existing wildlife values of the swamp in a developing urban environment, I do not believe that the expenditure of $900,000 for the proposed buffer area for the Edithvale Swamp would be the wisest use of funds on behalf of the conservation needs of the State.

Brief description of project	Funds expended 1975–76	1976–77
	$	$
A coastline study by the Town and Country Planning Board with emphasis on zoological and botanical aspects	20,711	
A study of the coastline from Peterborough to Torquay and Inverloch to Shallow Inlet	2,548	
A survey to plot and produce strip photographs of buildings in potential historic areas of Victoria	21,605	
A study of the township of Yackandandah	10,000	
A study of conservation areas in Carlton and East Melbourne	16,000	
Microfilming of early rate books	9,659	341

Brief description of project	Funds expended 1975–76	1976–77
	$	$
A survey of open space in the Melbourne Metropolitan area	25,000	
A survey of the Lal Lal blast furnace	10,000	
A study of the town of Port Fairy	7,000	
A study of industrial ownership on the west bank of the Yarra River	13,000	
Restoration of Black Rock House, Sandringham	15,000	
Restoration of the Congregational Church building, Beechworth	12,857	987
Restoration of the Athenaeum Hall, Chiltern	5,000	
Restoration of "Tasma Terrace"	64,725	
Restoration and maintenance of the gardens, garden features and gardener's cottage at Rippon Lea	994	
Restoration of "Barwon Grange" Geelong	24,835	
Restoration of "Motts Cottage", Port Fairy	3,417	
Restoration of "Rio Vista", Mildura	5,000	
Restoration of Ercildowne House, Footscray	8,100	
Maintenance to the Federal Standard building, Chiltern	3,777	
Restoration and maintenance of "Barwon Park" Winchelsea	14,009	
Acquisition of land as an addition to the Macedon Forest Park	47,000	
A public education programme by the Macedon Ranges Conservation Society	1,850	
Assistance with the acquisition of the Carisbrook Ceremonial Site, Tullaroop Creek Valley	18,666	
Assistance with a Study on the compensation provisions of the Victorian Town and Country Planning Act	3,000	
Assistance with the acquisition of 21 acres of land in South Warrandyte		126,322
Assistance with land costs for the Yellingbo State Faunal Reserve	27,171	2,790
A survey of Aboriginal archaeological sites in Victoria	3,146	15,956
Assistance with a study into the social consequences of preservation and conservation measures in South Melbourne	10,000	
Assistance with costs for a conference of historical societies to discuss their participation in the National Estate Programme	938	
Assistance with acquisition of land adjacent to the Organ Pipes National Park	12,350	
Assistance to identify the route of Major Mitchell's journey of discovery in Western Victoria	800	
Wyperfeld study		3,287
Bend of Islands area study	20	7,980
Bendigo Whipstick—assistance with land acquisition		38,154
Dandenongs—Puffing Billy line assistance with land acquisition adjacent to the line		13,000
Grampians Aboriginal rock art study—assistance with the study to determine reasons for deterioration		1,329
Assistance with land acquisition at the Mount William axe quarry site		11,381
Assistance with the protection of the Carisbrook ceremonial site	1,750	1,509
Assistance with the protection of the two Garden Range rock shelters	580	50
Assistance with the acquisition of the Keilor River Terrace archaeological site		19,530
Assistance with microfilming of early rate books		9,608
Assistance with tree-planting and restoration work at Maldon	680	
Further assistance with the restoration of "Tasma Terrace"	15,000	275
Further assistance with restoration of Rippon Lea gardens	20,000	
Assistance with purchase and storage of cast iron for the Cast Iron Museum	1,700	
Assistance with the restoration of "Woodbine" at Port Fairy	1,800	
Assistance with the restoration of a portable iron house in South Melbourne	5,000	
Assistance with the restoration of the Beechworth Carriage Museum	2,000	
Assistance with the restoration of a blue-stone lock up at Smythesdale	1,000	
Assistance with the landscaping of "Barwon Grange", Geelong	32,000	
Assistance with the restoration of Portarlington Mill	500	
Assistance with the restoration of "Lake View" at Chiltern	2,000	
Assistance with the repair of the Lal Lal blast furnace	9,529	471
Assistance with a conservation study of sub-standard residential streets in the the Melbourne city area		1,659
A survey of gardens of historic significance in Victoria and South Australia	4,260	9,740
Further assistance to identify and film the route of Major Mitchell's journey of discovery in Western Victoria	1,182	241
Assistance with an architectural study of Beechworth		18,000
Assistance with research into terrestrial photogrammetry		10,000
Assistance with a cave and karst study	5,000	
Assistance with a pilot scheme for the redevelopment of inappropriate subdivisions in the Dandenongs		13,000

Brief description of project	Funds expended 1975–76	1976–77
	$	$
Assistance with a landscape study—Shire of Bright		6,040
Assistance with a study in Chewton, near Castlemaine		5,000
Further assistance with the study of Yackandandah Township	1,179	
Assistance with a study of roads and verges in country areas near Melbourne and Geelong		3,087
Assistance with a survey of historic areas in the Melbourne and metropolitan area	10,082	6,038
Assistance with a conservation study of old residential and commerical areas in central Bendigo	1,500	8,404
Further assistance with the restoration of " Rio Vista ", Mildura	5,000	
Further assistance with the restoration of the Steam Packet Hotel, Portland		8,000
Assistance with the restoration of the former Court of Petty Sessions, Stawell	9,000	
Assistance with the restoration of " The Willows ", Melton	2,000	
Assistance towards the compilation and printing of a directory of pictorial sources concerning the National Estate		20,000
Assistance towards the publication of the *Green Bans—The Story of an Australian Phenomenon*	5,000	
Further assistance with a research programme to include the examination and recording of historic buildings and areas in Melbourne		20,000
Assistance with the restoration of the Harrow Log Jail		2,529
Assistance with the acquisition of " The Briars " on Mornington Peninsula		140,767
Assistance with the protection of important Aboriginal house structures known as the Kinghorn Site Complex		2,230
Conservation study of Fitzroy		5,000
Totals	555,920	532,705

McLEOD ROAD, CARRUM.

(Question No. 2935)

Mr. CATHIE (Carrum) asked the Minister of Transport—

Whether any alterations have been made to plans to realign McLeod Road at Carrum to link directly with Thompsons Road as part of the new freeway development; if so, what is the new alignment and why the line has been changed?

Mr. RAFFERTY (Minister of Transport): The answer is—

There is no proposal to realign McLeod Road.

The Country Roads Board's proposal involves the extension of Thompsons Road westerly over the freeway to join McLeod Road approximately 500 metres west of Gladesville Boulevarde.

PUBLIC WORKS PROJECTS IN RODNEY ELECTORATE.

(Question No. 2945)

Mr. HANN (Rodney) asked the Minister of Public Works—

In respect of the Public Works and Services Bill (No. 2) what projects are to be funded in the district of Rodney in this financial year and what is the estimated cost of each project?

Mr. DUNSTAN (Minister of Public Works): The answer is—

	$
Rochester Primary School—Toilet block	70,000
Echuca High School—Internal and external renovations	17,500
Echuca Primary School—internal and external renovations	36,000
Cohuna High School—Internal and external renovations	24,000

GEELONG–MELBOURNE RAIL DUPLICATION.

(Question No. 2946)

Mr. CAIN (Bundoora) asked the Minister of Transport—

1. What is the cause of the delay in planning of the Geelong–Melbourne rail duplication?

2. On what date planning commenced?

3. What materials associated with the works are contributing to the delay?

4. When physical work on the duplication will commence?

Mr. RAFFERTY (Minister of Transport): The answer is—

1. Planning of the Geelong line duplication has been completed.

2. Planning for the duplication of the Geelong line commenced many years ago.

3. None.

4. Work on the duplication of the remaining section of single line, between Corio and Little River, commenced in August, 1977.

FOOD PREMISES.

(Question No. 2949)

Mr. MUTTON (Coburg) asked the Minister of Agriculture—

1. Whether officers and inspectors of the Department of Agriculture are carrying out formal duties and exercising authority over proprietors of businesses who are operating premises registered with the Coburg City Council under the provisions of the Health Act 1958?

2. How many premises in—(*a*) Victoria; and (*b*) the City of Coburg, have dual registration?

3. Whether the dual registration system is in keeping with Government policy; if so, why?

4. Why it is necessary to have a dual system of meat inspection in some abattoirs where meat inspectors of the Commonwealth Department of Primary Industry are responsible, but where a Department of Agriculture meat inspector is also in attendance?

Mr. I. W. SMITH (Minister of Agriculture): The answer is—

1. Officers and inspectors of the Department of Agriculture are authorized under a number of Acts of Parliament to carry out formal duties and exercise authority over proprietors of businesses operating premises registered under the provisions of the Health Act 1958.

Under the Milk and Dairy Supervision Act 1958 there are licensed in the City of Coburg—

2 pasteurizing dairies
4 delivery dairies
1 cheese factory
3 dairy produce stores.

These premises are visited from time to time by officers authorized under the Milk and Dairy Supervision Act 1958.

Under the Abattoir and Meat Inspection Act 1973, there are licensed in the City of Coburg, five meat premises being—

2 boning rooms
1 wholesale meat distributor
1 export smallgoods manufacturer
1 local smallgoods manufacturer.

These premises are visited from time to time by officers authorized under the Abattoir and Meat Inspection Act 1973.

Under the Fruit and Vegetables Act 1958, officers are empowered to visit premises and inspect fruit and vegetables in fruit and vegetable shops. Officers authorized under the Fruit and Vegetables Act 1958 visit retail fruit and vegetable shops in the City of Coburg from time to time for purposes of inspection.

All the premises referred to above could be expected to be registered with the Coburg City Council under the provisions of the Health Act 1958.

As well as this, officers of the Department of Agriculture, authorized under the Vegetation and Vine Diseases Act 1958, the Stock Diseases Act 1968, the Bees Act 1971, could if necessary take action in respect of premises in the City of Coburg in the event of outbreaks of disease affecting plants, animals or bees.

2. In the light of the answer provided to 1, it will be seen that it would not be possible to specify how many premises in (*a*) Victoria have dual registration under Acts of Parliament nor is it possible to specify how many such premises there are in (*b*) the City of Coburg.

3. Registration or licensing of premises under various Acts of Parliament is necessary in certain instances to allow appropriate legislation to be properly enforced.

4. There are, in Victoria, eighteen meat establishments which are licensed under the Abattoir and Meat Inspection Act 1973 as export abattoirs. The percentage of meat produced at these abattoirs exported from time to time varies considerably but is usually not more than 50 per cent of the total output, the remaining 50 per cent being disposed of on the local market. Inspectors of the Commonwealth Department of Primary Industry are responsible in export abattoirs for dealing with export requirements. Meat inspectors from the Department of Agriculture are responsible for the inspections required by the State under the Abattoir and Meat Inspection Act 1973.

FOOTSCRAY EARLY TREATMENT CENTRE.

(Question No. 2987)

Mr. ROPER (Brunswick) asked the Minister of Public Works—

Whether additional work was carried out at the Footscray Early Treatment Centre after it was handed over to the Department of Health; if so, what works were carried out, at what cost, and why?

Mr. DUNSTAN (Minister of Public Works): The answer is—

Yes.

Additional toilet facilities on level 3 (treatment level), re-organization of and additional partition to level 1 (administration area) level 2 and 4 (accommodation level) and level 3 (treatment level);

conversion of a room to a laundry to provide personal laundry facilities (basement level);

additional joinery fittings to various rooms throughout the centre; and

related services alterations;

at a cost of $120,000.

Because they were requested by the client department.

REGISTRATION OF DOCTORS.

(Question No. 2991)

Mr. ROPER (Brunswick) asked the Assistant Minister of Health, for the Minister of Health—

1. Whether a Dr. David Sender, who practised from a clinic in Emerald, sought to continue his registration with the Medical Board of Victoria; if so, whether his registration was continued or lapsed?

2. Whether any other doctors who did not pay their fee for registration have also been dropped from the list of registered doctors?

Mr. JONA (Assistant Minister of Health): The answer supplied by the Minister of Health is—

1. The name of Dr. David Sender was removed from the medical register of Victoria on the 1st January, 1977, on account of his failure to make application for renewal of registration. Subsequently Dr. Sender applied to the board in the terms of the Medical Practitioners Act to have his name restored to the register. This application was refused.

2. Yes.

PROPOSED DAM ON UPPER MITCHELL RIVER.

(Question No. 3001)

Mr. GINIFER (Keilor) asked the Minister for Conservation, for the Minister of Water Supply—

1. What site has been chosen for the proposed dam on the Upper Mitchell River, indicating whether this site was recommended by the Public Works Committee and, if not, why this site was chosen?

2. Whether any properties have been acquired for this proposed dam; if so, what properties, indicating—(*a*) the address of each property; (*b*) the Titles Office identification; (*c*) the names of the owners from whom the properties were acquired; and (*d*) the compensation paid?

3. If the Minister will lay all files, correspondence and memoranda on the table of the Library?

Mr. BORTHWICK (Minister for Conservation): The answer supplied by the Minister of Water Supply is—

1. The Parliamentary Public Works Committee reported on the Mitchell River in 1972, recommending construction of a storage at the "Billy Goat Bend" site in the Mitchell River Gorge, also known as site 15. Representations were subsequently made to the Government seeking further consideration of the environmental effects of a storage at that site, with particular regard to ecological and recreational features of the area that would be submerged.

In 1974, the Government received a report from the Water Commission on the technical, economic and environmental aspects of the originally recommended storage (site 15) and two alternatives (site 10 on the Mitchell River near Tabberabbera and site 3A on the Wentworth River). The section of that report dealing with environmental aspects was prepared by an interdepartmental study group comprising officers of the Forests Commission, National Museum, Soil Conservation Authority, National Parks Service, Fisheries and Wildlife Division and the Water Commission. On the basis of information in that report, the Government decided to adopt site 10, being of the opinion that the environmental costs that would be associated with use of site 15 would outweigh the additional economic cost (about $1·5 million at 1974 prices) involved in construction at site 10 instead of site 15.

2. (*a*) One property has been acquired and was known as "Tabberabbera" Station prior to its acquisition.

(*b*) Certificates of Title Volume 2836 Folio 121, Volume 3297 Folio 243, Volume 4148 Folio 428, Volume 7750 Folio 045, Volume 3575 Folio 808, Volume 2995 Folios 900, 901 and 902, Volume 7559 Folios 089, 090 and 091, Volume 7720 Folio 128, Volume 1168 Folio 493, Volume 4060 Folio 975, Volume 6080 Folio 986, Volume 6071 Folios 007 and 008, Volume 3057 Folio 301.

(*c*) William Neville Haughton and Joan Margaret Haughton.

(*d*) The amount of compensation paid to a landowner is regarded as a confidential matter between the commission and the landowner and is not normally made available without the consent of the landowner concerned. In this case, however, the figure can be ascertained from the files to be laid on the table of the Library.

3. Arrangements will be made for the appropriate files to be laid on the table of the Library.

DAMAGE TO CROPS IN BALLARAT AREA.

(Question No. 3048)

Mr. CATHIE (Carrum) asked the Minister of Agriculture—

Whether, on the week-end of 5th and 6th November, complaints were received of damage to crops of tomatoes, french beans, lettuces, and potatoes in the Ballarat area; if so, what was the cause?

Mr. I. W. SMITH (Minister of Agriculture): The answer is—

An unusually late frost occurred over a large part of the western district, including the Ballarat area, on the night of 5th November.

French beans and tomato plants in home gardens in the Ballarat district suffered severe damage with a high mortality of plants. These plants are not commercially grown in the district. Only one crop of potatoes has been reported to have sustained slight damage and the yield of this crop is not likely to be reduced to any marked degree.

Most of the main potato crop has just been planted in this area and will not be adversely affected by the cold conditions. There appears to have been some slight damage to cereal crops in the district but the extent of this damage will not be evident for some weeks. Lettuces were not affected.

There was severe damage to pea crops through the south and many of these are likely to be a complete write-off. There have also been reports of severe damage in some vineyards at Great Western resulting in the total loss of this year's crop and prospects of a reduced crop next year.

MARS CONFECTIONERY AUSTRALIA.

(Question No. 3053)

Mr. HANN (Rodney) asked the Minister for Minerals and Energy, for the Minister for State Development and Decentralization—

In respect of the announcement by the Premier that Mars Confectionery Australia will be constructing a new factory in Ballarat—

1. Whether the Minister can advise—(*a*) whether consideration was given to the possible location of this new factory in the town of Kyabram; (*b*) whether any discussions were held with either the town council or any other groups in Kyabram concerning this matter; and (*c*) why Kyabram was not selected as the site for this new factory?

2. If the Minister will lay the relevant files on the table of the Library?

Mr. BALFOUR (Minister for Minerals and Energy): The answer supplied by the Minister for State Development and Decentralization is—

1. (*a*), (*b*) and (*c*): The company chose the Ballarat location after making its own evaluation of its requirements.

2. In view of the confidential contents in the file relating to this company's intended operations I suggest that the honorable member discuss the matter personally with the Minister for State Development and Decentralization.

PROPOSED VICTORIAN INSTITUTE OF MARINE SCIENCES.

(Question No. 3059)

Mr. TREZISE (Geelong North) asked the Minister for Conservation—

What is the estimated cost of—(*a*) land purchase; (*b*) establishment; and (*c*) permanent staff ultimately employed for the proposed Victorian Institute of Marine Sciences?

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

(*a*) I regret that I am unable to assist the honorable member at this stage as negotiations with the relevant Commonwealth authorities are still proceeding.

(*b*) and (*c*). These are matters for the Council of the Victorian Institute of Marine Sciences.

Legislative Council.

Wednesday, November 16, 1977.

The PRESIDENT **(the Hon. W. G. Fry)** took the chair at 2.32 p.m. and read the prayer.

JUDGES SALARIES BILL (No. 2).

This Bill was received from the Assembly and, on the motion of the Hon. V. O. DICKIE (Chief Secretary), was read a first time.

QUESTIONS WITHOUT NOTICE.

GRANTS TO MUNICIPALITIES.

The Hon. H. R. WARD (South Eastern Province): My question is directed to the Minister for Local Government. Special grants have been made through the Treasury relating to employment opportunities, to be used with matching amounts on works in municipalities. I ask the Minister what were the criteria on which these grants were based.

The Hon. A. J. HUNT (Minister for Local Government): The first and major criterion is that the grants are made available in areas of greatest unemployment. The second criterion is that the works should be of an employment-generating nature and that the funds are predominantly to be spent on employment of labour. The third is that the works, if practicable, should be of lasting value to the municipality. A number of issues are examined such as questions of urgency, and so on, but these are the main criteria.

STORM DAMAGE AT RED CLIFFS.

The Hon. K. I. WRIGHT (North Western Province): I direct a question to the Minister for Local Government which concerns the hail disaster which occurred at Red Cliffs last month. Meetings have been held and requests made to the Government and other departments for various assistance, but the Shire of Mildura has excused payment of rates amounting to more than $200,000. It was considered that next year the Victorian Grants Commission, because of the special nature of that expenditure, could possibly reimburse the council for part of this payment. I ask the Minister whether he will encourage the Victorian Grants Commission to take this action.

The Hon. A. J. HUNT (Minister for Local Government): The cost to municipalities of that disaster is taken into account in two ways. As the honorable member will be aware, under the Commonwealth—State agreement there is substantial assistance for reimbursement of costs directly incurred through natural disasters. The Victorian Grants Commission also considers the cost directly occasioned by natural disasters, and in previous years has certainly allowed some factor for the additional cost to municipalities. The commission is an independent body and is certainly not subject to the direction of the Minister in any way. The whole purpose of the commission is to be impartial and above suspicion in carrying out its task. Therefore, the shire should rely heavily on that factor in making its submission next year for grants payable in 1977-78.

HOUSING COMMISSION LAND PURCHASES.

The Hon. W. A. LANDERYOU (Doutta Galla Province): Will the Minister for Local Government investigate whether Mr. Peter Leake, while Chairman of the Western Port Regional Planning Authority, used any information gained in that position in the land deal at Stumpy Gully in which Mr. Leake, Mr. Colin Cooke, and Mr. Phillip Lynch were involved; if so, whether any such action was in breach of the Local Government Act?

The Hon. A. J. HUNT (Minister for Local Government): I know nothing of the issue referred to by the honorable member. I will take it up with my colleague, the Minister for Planning.

SENTENCE FOR CONVICTED PERSON.

The Hon. S. R. McDONALD (Northern Province): I direct a question to the Attorney-General which relates to a question asked by Mr. Hamilton last week concerning a conviction, effectively of three years' imprisonment, in a certain case in which a policeman was shot during a bank holdup. Can the Attorney-General advise the House of the result of his review of that case?

The Hon. HADDON STOREY (Attorney-General): Last week I said in the House that I would examine that decision. When I returned to my office I found that the procedure was in course that applies whenever penalties are imposed for these types of crimes. The case was examined, and the appropriate recommendation is already on its way. I have since instituted an appeal in that matter.

MOUNT RIDLEY LAND.

The Hon. D. R. WHITE (Doutta Galla Province): Is the Attorney-General aware that interests associated with Australian Equity Corporation Ltd. and real estate agents, Moore Williams and Son Pty. Ltd., stand to make considerable profits if the Government goes ahead with its plan to rezone the Mount Ridley area? Will the Attorney-General investigate whether any irregularities are involved, and whether, as a result of the Stump Gully deal, any attempts were made by any of the parties named to bring about the Government's sudden change of mind on Mount Ridley, and if any such irregularities or attempts involved any breach of company law?

The Hon. HADDON STOREY (Attorney-General): I am not aware of the alleged facts referred to by the honorable member. Nothing he has said would suggest any need for an examination by the Corporate Affairs Commission into these companies. I regard the question as simply an assertion by the honorable member which does not require any examination.

ONE-MAN POLICE STATIONS.

The Hon. D. M. EVANS (North Eastern Province): I direct to the Chief Secretary a question which refers to one-man police stations in country areas. Does the Government have a policy of closing down one-man police stations? If not, is the Government still prepared to consider the establishment of these stations in strategic areas if they prove to be worth while and necessary?

The Hon. V. O. DICKIE (Chief Secretary): Like Mr. Evans, I represent a large area of Victoria and I know how much one-man police stations and the presence of one policeman in the district are part of country life. There is a long ranging, over-all policy, and it has obviously been pursued by the police, that where economies can be effected they will be implemented, but only after full consultation with the areas concerned. There would have to be an extremely good reason before I would approve of the closing down of one-man police stations.

ST. ARNAUD POLICE STATION.

The Hon. K. I. WRIGHT (North Western Province): My question to the Chief Secretary concerns the magnificent new police station at St. Arnaud. There is great concern in the town that apparently the registration department of the station is going to operate on only two days a week. Will the Chief Secretary consider providing additional staff at the station, perhaps civilian staff, to keep this necessary adjunct to the station operating throughout the week?

The Hon. V. O. DICKIE (Chief Secretary): The staffing at police stations throughout Victoria, metropolitan and country, is done on the recommendation of the Chief Commissioner of Police through the Assistant Commissioner of Police who is responsible for operations. If at the appropriate time they believe there is a need for this type of operation at St. Arnaud, it will most certainly take place. The planning of St. Arnaud police station was such that the police foresaw that there would eventually be a need for all these operations. At present it is not considered that the work load warrants extra personnel, but the magnificent police station at St. Arnaud is built in such a way that I hope in the foreseeable future it will be fully staffed and carrying out the various operations which the honorable member and other people in the district believe are necessary.

LUKE LTD.

The Hon. I. B. TRAYLING (Melbourne Province): Is the Attorney-General aware that a share market raid has been carried out against Luke Ltd., an old established Victorian public company, in spite of the fact that there is an existing offer for all ordinary shares which has been recommended by both the board of Luke Ltd. and its advisers, Hill Samuel Australia Ltd.? Does the Government intend amending legislation in order to ensure that these practices, which clearly have an adverse effect on minority shareholders, will not be allowed to continue?

The Hon. HADDON STOREY (Attorney-General): I am aware that large numbers of shares have been purchased on the Stock Exchange of Melbourne in the circumstances outlined by Mr. Trayling. I do not want to call it a share raid, although that is certainly the name attached to it by financial writers. I agree that this sort of operation in the case of a takeover offer creates problems for shareholders who may not sell their shares to the person who applies on the exchange. I have sought advice from the Corporate Affairs Office on what possible legislative changes or amendments to regulations should be considered to deal with this situation. I hasten to point out that, as I understand the existing law and regulations, there is nothing illegal about what is happening, but it causes a degree of concern and for that reason it will be examined. The other thing I should point out is that under the provisions of the Interstate Corporate Affairs Commission, any legislative changes will have to be agreed to by the four States involved.

HUME FREEWAY.

The Hon. J. W. GALBALLY (Melbourne North Province): I wish to move the adjournment of the House for the purpose of discussing the failure of the Government to ensure the proper repair of the section of the Hume Freeway between Wallan and Broadford.

Approval of the proposed discussion was indicated by the required number of members rising in their places, as specified in Standing Order No. 53.

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

That the House do now adjourn.

Many years ago there was a doctrine known as Ministerial responsibility. It was a stern, unbending principle that, so far above suspicion must our rulers be, even where they bore no form of personal culpability, Ministers accepted the blame for mistakes made by their officials. The answerable Minister took the rap and left—*noblesse oblige.*

That is a very important principle of democratic government because the responsibility of a Government for acts of its officials is the line that separates us from the rule of the tyrant. But that does not seem very far away in Victoria at times. The tyrant is answerable to no one, Parliament, the press, or the public, but Ministerial responsibility in Victoria is dead and has been for a long time.

Six months after our $35 million super road, the Hume Freeway was opened, it broke up. At that time the Country Roads Board estimated that repairs would cost $1 million. But things were doubling up. The tenderers, Galli Bros., were paid $17·5 million for a section of the work, which represented a 100 per cent increase on the original tender —all this cost is to be borne by the taxpayer, eventually.

There were calls for action in Parliament over a year ago, but the Government chose to disregard the warnings that the engineering and so on of this section of the Hume Freeway were not what they should be. I should add, by the way, that it has already cost $1·8 million to repair parts of the freeway. Of

course, the Country Roads Board, being a technical board, must accept some share of the responsibility—there is no doubt about that. But, under our system, it is the Government which, and the appropriate Minister who, must bear the ultimate responsibility, whether the Minister likes it or not and whether he is culpable or not. As I said, this is a stern, unbending principle.

The Hon. R. J. LONG: Can you tell us what is wrong with it now?

The Hon. J. W. GALBALLY: If members of the Government party think I am going to tell them what the Government should do to repair the Hume Freeway, it is time they were sacked. Building roads is not in my line, and apparently it is not in the Government's line, either.

The Hon. H. M. HAMILTON: You have not yet established that anything is wrong with it.

The Hon. J. W. GALBALLY: Except that one cannot drive over it. I certainly can establish that something is wrong with it. In this Parliament, on 7th September, Mr. Rafferty, the Minister of Transport, made a long statement about what was wrong with the freeway and what was going to be done about it, and so on. If members of the Government party have not found out about the freeway not being in proper order, I refer them to their Minister's statement, which took up about twelve pages of *Hansard,* when he explained what was wrong. If it is any comfort to the honorable members who have been interrupting me, the Minister of Transport did refer to the breakdown on the Hume Freeway as an isolated incident, just as though a dog had got in the way, or something of that nature had happened.

But he did say that, unfortunately, it was an isolated incident of what he called some proportion. He said the cost of making the necessary repairs would be $1·8 million. A Ministerial statement covering nearly twelve pages of *Hansard* was a lot from the Minister. In this House we cannot get "boo" out of Ministers. The Minister of Transport said that this trouble, costing $1·8 million, would not be repeated. He said that in the future standards would not only be maintained but would be improved.

It seems that yesterday the Minister's predictions were not only not upheld but were tragically proved to be false. This Government is prone to accidents. In my time and yours, Mr. President, we have managed to catch the world's headlines about our engineering. There was the King Street Bridge which, to the chagrin of Sir Henry Bolte, almost fell down, but props were applied. That episode made the world's headlines. I was in Germany at the time and the report appeared in the German newspapers. Of course, Sir Henry was a great propagandist. Then we had the West Gate Bridge tragedy, with appalling loss of life. These things happened within the space of a decade. The crunch is that responsibility must reside somewhere, and under our system it ought to reside fairly and squarely with the Government.

The Hon. R. J. LONG: Do you blame the Minister for the West Gate Bridge tragedy?

The Hon. J. W. GALBALLY: I blame the Government and the appropriate Minister. One day Mr. Long will learn what Ministerial responsibility means. If that attitude is departed from, harsh and unconscionable as it may be at times, then we have the rule of the tyrant who is responsible to no one. I have seen this attitude taken by the Government over the years. I saw it last night and, no doubt, I will see it this evening. The Government will claim that I made a scurrilous attack on the Minister or somebody else.

The Government, I understand, and so the Minister said, gave the Country Roads Board a spanking, and let it go at that. Road building is one of mankind's oldest skills. It did

not come with the motor car, the dray, or even the horse. Some Roman roads are still being used 2,000 years after they were built, notwithstanding the fact that they did not have to let an extra contract to Galli Bros. or someone like that. Those roads were built to last.

As we know, a stretch of the Hume Freeway, built at a cost of nearly $40 million, broke up after six months. Another $1 million or so went down the drain, so it appears from the latest news, all to no purpose. The Hume Freeway would have cost a Roman emperor his head, not just a Ministerial post. But, in Victoria today, the Hume Freeway does not cause the Minister or the Government a bout of indigestion. To them it is just a matter of, "Oh well, we will fix it up; we will just give Galli Bros. another contract". The Minister responsible did not even have his ego shaken.

I forgot to add—and I do not make a point of this—that the contractors were really of the best blood to be found in the community. They were all very close to the Liberal Party and were all of the same political faith. But faith became uneasy hope and hope was spelt s-h-i-p-w-r-e-c-k, the wreck of the Hume Freeway.

The Hon. D. G. ELLIOT: Do you think they were too pally with Galli?

The Hon. J. W. GALBALLY: I do not really like that allusion. It cannot be said that the Government skimped on the renegotiation of the contract. A contract originally negotiated at $7·7 million became a contract at a cost of $17·5 million. Added to that were the costs of the first repairs, $1·4 million, and the cost of the second repairs, $1 million. Where will it all end? Will the appetite of the contractors working there ever be satisfied? This seems to be a bottomless pit but it is not a pit which one can drive a motor car through.

The final fact is that all this is done without the Government or the Minister agreeing to accept responsibility or accountability. As a matter of road-making skill, this is a landmark of Government waste and errors. Apart from the waste and errors—and I hope the House will judge this today—is there to be, once again, an abandonment of the principles of responsible Government in Victoria?

The Hon. A. J. HUNT (Minister for Local Government): Everybody has known for some time that there have been faults in the Hume Freeway. That has never been denied. It was plainly stated to the public and the Country Roads Board accepted responsibility.

The faults arose from a simple fact. A certain quality of stone from a local quarry was specified for the road in accordance with normal policy. It is always desired that local stone be used, to assist industry in the locality where road construction is taking place, and to avoid transport costs. The stone was of a kind which had been used previously. But it transpired, contrary to all expectations, that in the area in question it did not compact properly and provide a sound base for the road.

The Hon. W. A. LANDERYOU: Miraculously, the stone turned into mud.

The Hon A. J. HUNT: No, it did not. On the contrary, it proved to be too hard, and did not compact down. Cement flue dust was one of the materials used to recitify this, as had been done in other places. As it transpired, this interacted with the stone in question to produce a breakdown of the pavement.

Repairs have been undertaken, but it appears that because of the unsatisfactory base, those repairs have, as yet, not been adequate to overcome the difficulties. Some months ago a firm of leading management consultants, P.A. Consulting Services Pty. Ltd., began investigating many aspects of Country Roads Board organization and procedures. They brought from England a consultant engineer of world standing, Mr. J. M. Armour. That investigation is well under way. It relates

to: Methods of using the various skills and disciplines available to the board for letting, supervising and administration of works contracts; methods by which designs, specifications and standards for work and materials for particular projects are determined; the setting of terms of contracts; the system of calling and evaluating tenders and selecting a suitable tenderer; procedures for regular review of progress of work and quality of work and materials; procedures for considering and determining any need for change and for the making of necessary changes in design, construction procedures or contracts during the contract period; and the management of the contract system generally, and the management of particular major project contracts.

I suggest to the House that the Minister was both prompt and correct in his procedures in calling for such an investigation as a result of the failure on the Hume Highway. That indeed is the Minister's responsibility. The honorable gentleman cannot for one moment be expected to be the technical expert. I do not suppose that anyone here would hold the Attorney-General, for example responsible for the way in which a Crown prosecutor conducts a case; that is quite different from an administrative matter.

The Attorney-General certainly accepts responsibility for administrative decisions of the organization of the department generally. Just as he cannot accept responsibility for the way in which a professional man in his department, say a Crown prosecutor, conducts an individual case, neither can the Minister of Transport be expected to accept responsibility for the highly technical decisions of skilled experts in a semi-autonomous instrumentality.

The Hon. J. W. GALBALLY: But one is dealing with the administration of justice.

The Hon. A. J. HUNT: Yes, I point out that the Country Roads Board is, in fact, an authority with a high degree of autonomy, which uses professional experts in the determination of these questions. What is the Minister's responsibility in these circumstances? It is clear. It is to ensure that the instrumentality is properly organized; it is to perceive defects in the organization as they arise; and is to ensure that if mistakes occur, or errors are made by the technical experts, the reasons for them are promptly ascertained and remedied. That is what the Minister has done in this case. I suggest that he has acted promptly and properly, and with full regard to the notion of Ministerial responsibility.

If Mr. Galbally desires to read any modern text on the question of Ministerial responsibility, the most recent of all is the report of the Royal Commission on Australian Government administration, the chairman of which was Dr. H. C. Coombes, and the members of which were Mr. P. H. Bailey, Ms. Enid Campbell, Professor J. E. Isaac and Mr. P. R. Munro. I commend that to the study of honorable members, and believe it sets out fully the extent and limits of the doctrine of Ministerial responsibility to which this Government certainly fully subscribes.

The Hon. W. A. LANDERYOU (Doutta Galla Province): I support the motion moved by Mr. Galbally. I believe the Minister has not carried out his responsibilities to the Parliament. Mr. Galbally pointed to the twelve-page Ministerial statement. In the Minister's own words, he acknowledges that in December, 1976, nearly a year ago, the Country Roads Board drew his attention to the pavement instability of that section of the Hume Highway that is the concern of this motion for the adjournment of the House.

It is important to understand that nobody, least of all me, is suggesting, what the Minister for Local Government sought refuge in, that Government members should physically participate in building a road,

because the roads that the Government instrumentalities are arranging to have built through personal patronage of members of the Liberal Party, are falling apart—just like the Government.

When one considers what gave rise—again referring to that Ministerial statement—to the failure of this particular section of the so-called super highway, the highway that was to be built by computer design, one finds that it was faulty material. By interjection, when the Minister was speaking, I said that the rock had turned to mud and that that was indeed a modern miracle. Where did the rock that turned to mud come from? It came from Apex Quarries.

Galli Bros., which apparently changed its name to Galli Constructions Pty. Ltd., during the period of contract, also obtained from this Government a loan of $300,000 through the Victorian Development Corporation, as a result of forming Apex Quarries Ltd. The purpose of that loan was to develop a new blue metal quarry near Kilmore. When the then Leader of the Victorian Labor Party raised this matter on 20th August, 1976, he asked the then Minister, the Honorable Murray Byrne, to make public all applications for loans from the Victorian Development Corporation. He warned the Government that there was a danger of allegations of political patronage and payola in such an atmosphere of secrecy.

There was firstly a construction company with a contract which was at a set price. During the period of construction of this section of the freeway that same company went to the Government in a cloud of secrecy to tell it, without one public comment from the Minister who was told in December, nearly a year ago, that this section of the proposed freeway was faulty. The Minister waited until he was badgered by questions on notice and questions in another place by the former member for Melbourne, Mr. Barry Jones, until 7th September, when the honorable gentleman issued a Ministerial statement—some nearly ten months after he had been advised by the Country Roads Board that the material used in the road construction was faulty.

Where did the material come from? It came from Apex Quarries. Apex Quarries Ltd. obtained the money from this Government through the Victorian Development Corporation at a time when money was supposed to be in short supply, at the magnificent interest rate of 7 per cent. The guidelines for loans from the corporation exclude a number of industries and indicate that loans are supposed to spur decentralization. The industries that are excluded include home building, sawmilling, agricultural packaging and extraction of minerals. The Government apparently ruled that blue metal quarrying is not extraction of minerals and that in a tight money market situation and ostensibly for decentralization purposes, this company was qualified to receive a loan of $300,000 at the interest rate of 7 per cent.

The quarry is 37 miles from Melbourne, at Kilmore. It employs about five people. That is not decentralization, nor is it labour-intensive in the sense of providing employment in a decentralized industry. Curiously enough, the Act places a limit on loans for areas within 50 miles of the General Post Office, Melbourne. However, that does not exclude Kilmore, which is only 37 miles from the General Post Office. In other words, if the quarry had been 37 miles from Melbourne but in a different area, it would not have been eligible for the loan.

What would prompt the Government to give such extraordinary favourable treatment firstly to the contractor and then the same personnel, the Galli Bros., with respect to

the quarry? A contract at a set price was secretly negotiated and something like $10 million was added to the price for the construction of that particular section of the freeway, and in addition, because the materials that were provided by the quarry which was financed from taxpapers' money of the State of Victoria, were faulty, the repair work was undertaken again at no cost to Galli Bros. That repair work cost $1·4 million. Again there was secrecy in the renegotiation of the contract. It is interesting to note that less than one-third of the Government members are present in the Chamber to hear these facts.

The Hon. C. A. M. HIDER: That is not surprising; it is a lot of rubbish.

The Hon. W. A. LANDERYOU: I should have thought that those honorab'e members with a sense of shame would not have stopped to listen.

I am not a person who loosely accuses Liberal Governments. This Government admits publicly that it has secret, selective tendering. As Mr. Galli is known to be a prominent executive member of the Liberal Party and has been a Liberal Party candidate for State and Federal elections on two occasions, how can a Minister, under the cloak of secrecy with that man's company, administer a contract at cost plus 15 per cent, with an inbuilt profit margin that means another debt to the State of $17 million for a road that has faults in the faults?

Although the road is falling to pieces, the Minister for Local Government assures the House retrospectively that, in effect, the Minister was acting in a responsible way, having regard to his obligations to the Government and Parliament and his oath of office. In his own words, he knew in December, 1976, that the pavement was faulty, but he waited until the matter was publicly exposed. At the beginning of the Ministerial statement the Minister said—

> There has been much publicity given to the pavement failures on a section of the Hume Freeway between Wallan and Broadford. This has led to a great deal of public discussion concerning the events that led up to the failure.

If Ministers try to cover things up, hide them from the Parliament and treat Parliament with contempt, as the Minister of Health did last night and as the Minister of Transport did for more than twelve months, what do they expect members of the Opposition to believe? If the Government wants to cover up the renegotiation of a contract that involved additional payments of over $10 million to a company whose principal was an executive member of the Victorian Branch of the Liberal Party and who has stood for public office on two occasions as an endorsed candidate for the Liberal Party, and if it has nothing to hide in these matters, by what standard of morality are those actions to be judged?

It is extraordinary that the Government, by sheer dominance of numbers, can ignore the basic morality of the position stated by Mr. Galbally. It is extraordinary that the Government can continue to hide and to cover up its mistakes and, apparently those of the Country Roads Board, as the Victorian Government has done virtually since it took office. Every time the Government has been in a dilemma, every time the Melbourne *Age* or *Herald* published editorials of similar import, the Government has appointed an inquiry. In this case it is the poor old Country Roads Board that is being investigated by P.A. Consultant Services Pty. Ltd., as the Minister of Transport in another place said in his Ministerial statement. The honorable gentleman announced in September that he had told the firm that once the investigation commenced, he expected to receive a report within three months. That means that more than twelve months will have elapsed from the

date on which the Minister admitted that the Country Roads Board had told him that the road was faulty.

I want to make one or two detailed points. Whether the Government realizes it, because of sheer arrogance, indifference or through a death wish, there is broadly felt disquiet throughout the community about the way in which the Government conducts its business with private contractors, whether they be land developers, road constructors or bridge building engineers.

The admission has fallen from the Minister's lips that selective tendering occurs. I do not know; perhaps the firm of Galli Bros. Constructions Pty. Ltd. was the only firm that was asked to tender for construction of the two sections of the highway. If that is so, that was a marvellous position for that firm to be in, because it could calculate the inflation rate or its cost estimates, then go to the Government or the Minister involved and say that because of the cost-push position in its operation it wanted to renegotiate.

According to the Minister, that is not done in secrecy but on the ground of efficiency. If the operation had been efficient it should be subject to scrutiny by the Parliament and the public, but that did not occur. Again the Government acted under the cloak of secrecy and renegotiated a contract with an enormous pay-out to a company run by Mr. Michael Galli, who at that time was Managing Director of Apex Quarries, a prominent member of the Liberal Party and an endorsed Liberal Party candidate.

I suppose it could be argued in Mr. Galli's defence that in certain circumstances membership of the Liberal Party could be a liability in negotiations with some Ministers. That is probably a valid argument, but if that is so, and if we are expected as reasonable men to be intellectually honest and uphold our own integrity, why were the negotiations conducted in secrecy? Why did a senior member of the Liberal Party and the Government representative negotiate with another senior member of the Liberal Party, who is not yet a member of the Government?

The Ministerial statement makes it perfectly clear who was conducting negotiations. When the Opposition disclosed early in 1975 that the Government had secretly renegotiated millions of dollars' worth of road building contracts with the Galli road building company, no public announcements were made by the company. No matter how difficult to understand it may be for those who, I hope, will not be in this place much longer, no explanation has been made by the Minister for Local Government of the motion moved by Mr. Galbally for the adjournment of the House and why in a fixed contract position there should be secret negotiations to upgrade the pay-out to the firm of Galli Bros. Constructions Pty. Ltd. An extraordinary amount of money was made available as a loan at 7 per cent—a delightfully low rate of interest in comparison with the ruling rate. One wonders why that amount of public money was used to bank-roll yet another Galli Bros. enterprise.

In the context of the challenge made at the time by Mr. Walton and others, no use was made of the wide powers available to the Country Roads Board to lend money to country councils to buy land—given the Government's record in respect to land purchases, I can perhaps understand its reluctance on that occasion to do so—or to take shares in country industries or sponsor research into decentralization.

Funds were not made available to the board from the $200 million that was provided under the Act for that purpose, but were made available for important friends, particularly executive members of the Liberal Party, for quarrying projects.

As I indicated earlier, what else can reasonable men conclude when they are denied access to the truth and

when facts emerge, as they have from the Ministerial statement, showing that there was an enormous amount of political wisdom in the warning issued by Mr. Clyde Holding in August, 1976?

The Hon. O. G. JENKINS: He has gone to greener pastures. You might have had something to do with that.

The Hon. W. A. LANDERYOU: That may be so, but Mr. Holding warned Mr. Jenkins that he was in danger of being accused of supporting political patronage because he used Government funds to help Government party supporters outside Parliament. Although the Premier at that time described that statement as infamous, what else can one conclude when all the facts have not been made available, and when the Government will not say frankly and openly what went wrong, but only blames the technical advice given by the Country Roads Board?

I have heard Ministers in this House and members on both sides of the House publicly praise the technical and other work of the Country Roads Board. That does not suggest that the board cannot be wrong in one area or another, but in the absence of all the facts being supplied by the Minister as they came to his knowledge, that is the conclusion that is reached. As the Minister failed to report to the House for nearly twelve months, in my view Parliament can only conclude that he has something to hide. If the Minister is linked with Galli Bros. through political patronage, to say that that is infamous, as the Premier stated, is an understatement.

It is extraordinary that so far the principal arguments put to the House by my Leader have not been answered by the Government. I look forward with interest to hearing the contributions of members who have just come into the Chamber so that it can be established once and for all that at least there is some strength in the Government, despite the pressures referred to by one Minister, and that Ministers still have the courage to stand up and do what the people of Victoria expect—that is, introduce honesty into Government.

The Hon. A. K. BRADBURY (North Eastern Province): Honorable members have before them an adjournment motion moved by Mr. Galbally on the failure of the Government to ensure the proper repair of the section of the Hume Freeway between Wallan and Broadford. This is a disaster road. I have travelled along the freeway ever since it was opened about eighteen months ago, in May last year. Almost since the day of the opening it has been evident that there was something radically wrong with the construction of the bypass section of the freeway.

Last year I asked a question in the House about the cost of the repairs. From memory, the answer was that it was about $80,000 or $90,000 in the six months since it was opened. However, as time went by, one would have thought that the whole freeway was being reconstructed. The enormousness of the repairs led to a Ministerial statement being made by the Minister of Transport in another place. At the outset the Minister of Transport stated—

> I make this Ministerial statement to ensure that honorable members and the public have accurate information concerning the reasons for the failure, the costs of the project, and the steps taken to see that such events should not occur again.

This statement was made some months ago. I travelled along the freeway again on Monday of this week. I doubt that there has been a week during the past twelve or fifteen months when some sort of construction gang of the Country Roads Board has not been carrying out repairs to the road.

I believe Mr. Galbally made out a strong case for Ministerial responsibility. To whom do we, as members of Parliament, look if not to the Minister for adequate and firm answers about any instrumentality or department?

I give the Minister credit for making a Ministerial statement in an effort to try to allay, as it were, any doubts in the minds of the people that the Government was not doing its duty in repairing the defects that showed up in the Hume Freeway.

The Hon. R. J. LONG: Do you also believe the Minister relied on the best technical advice he could get?

The Hon. A. K. BRADBURY: I shall say a little more about that later. The Minister for Local Government said that the Country Roads Board agreed to the use of local stone. The National Party supports local material being used, but as Mr. Long has just reminded me, with all the engineering expertise of the Country Roads Board—and I pay a compliment to the ability of its officers—surely the local stone would have been minutely examined to determine whether it was suitable to be used on such a highway in the State of Victoria. Is there any highway which carries heavier traffic than the Hume Highway?

The Hon. R. J. LONG: Yes, the Princes Highway.

The Hon. A. K. BRADBURY: That is doubtful. The main stream of heavy transports that travel north to Sydney and Brisbane use the Hume Highway. The Government and the Country Roads Board should have ensured that the quality of the metal used on the highway was such that it would stand up to the pressure placed upon it by these heavy transports.

The Minister made several comments in this Ministerial statement and I want to refer to one or two of them. For example, the honorable gentleman said—

> Following an examination of the failed areas, the board concluded that the most significant single cause of the extensive failures was the unsatisfactory performance of rock paving materials used in sections of the job. These materials were supplied to the contractors, Galli Contracting and Keathsons, by a sub-contractor, Apex Quarries from its Kilmore East plant, over the period December, 1974, to July, 1975.

Has not the whole section of the road from Wallan to Broadford failed? From my experience of travelling on that road every day, I consider that it has failed because it is an almost entirely reformed road. The Government is faced with a repair cost of $1·08 million, and a headline in the *Herald* last night stated, "Hume repairs suspect, the Government states". This is on a bypass road which originally cost $36·5 million and which has already cost $1·08 million in repairs.

I have always had the greatest admiration for the Country Roads Board and have commented on the excellent roads in Victoria as compared to other States when travelling interstate as a member of the Public Works Committee. Yet on a project of this nature, according to this front-page article in the *Herald*, it is not known what repairs still have to be done to the road—

> "Repairs to the $36·5 million highway are suspect", Mr. Rafferty said today. Mr. Rafferty told Parliament he had called for a report on the deterioration of the repairs.

It would appear from that article, which I take to be accurate, that not only was the original construction faulty, but the repairs are still suspect.

If the Government is not prepared to accept Ministerial responsibility, there is something wrong with the system of government in this State. It does not give honorable members confidence in other major reconstructions of highways which are taking place throughout the State. This section of the highway extends from Wallan to Broadford, where the bypass concludes. The major duplication of the highway beyond Seymour to Avenel, from Avenel to Euroa, and from Violet Town to Baddaginnie was only opened a fortnight ago, and it is contemplated in the future to duplicate the road almost from Melbourne to Albury. It is frightening to think what that will ultimately cost. An assurance is required from the Government that there will be no

repetition of these failures. The future in road construction presents a gloomy picture.

I do not believe the Minister gave an adequate answer to the motion moved by Mr. Galbally. The House is entitled, in the light of the Ministerial statement, to receive assurances that the repairs still to be made to this highway will be satisfactory. In the light of the case presented by the Minister on behalf of the Government, the National Party has no alternative but to support the adjournment motion moved by Mr. Galbally.

The Hon. F. S. GRIMWADE (Bendigo Province): I have listened to some extraordinary speeches in this debate and some were extreme exaggerations. Mr. Bradbury said that the whole road has failed. I have driven along it almost as often as Mr. Bradbury, travelling at the speed limit and sometimes a little slower. I find it a most pleasing road with a smooth surface and magnificent gradients. Trucks have no trouble in taking the hills, and there is never any delay on the road. This bypass would probably cut ten minutes off a journey between Seymour and Wallan. It is a particularly well-engineered road.

It disturbs me that everybody assumes that the road making process has finished, and therefore any repairs that are being done now indicate a failure in the road. They do not understand the road making system. A final asphalt surface has yet to be put on the road, I am surprised that my country friends are not aware of the road-making process. They should know very well that it is preferable to construct roads during the winter months when there is a lot of moisture and consolidation. There is an initial priming and the road may be sealed, but quite often roads are consolidated for a number of years before the final surface is applied. That is what will happen in this case—asphalt will be put over the top of this highway. I find it extraordinary that my country friends, who ought to know better, think this is the end of the construction process. That is not so.

I listened with great interest to Mr. Galbally and Mr. Landeryou, who unfortunately are not now in the Chamber. Mr. Galbally talked about Ministerial responsibility but did not speak very much on his motion. Mr. Landeryou barely touched on the motion at all in his outpourings of bile and wild accusations. I thought he was supposed to be the numbers man in the party, but he cannot get his numbers right. If he had read the Ministerial statement he would have seen that there were actually three contracts, A, B, and C. The two contracts for sections A and B went to Galli Bros. Constructions Pty. Ltd., which later became Galli Contracting Pty. Ltd. The third contract went to another contractor who was not mentioned by any of the previous speakers, Keathson Earthmovers Pty. Ltd., later Keathson Pty. Ltd. David Keath is a local boy who has made good.

The Hon. J. M. WALTON: Is he a member of the Liberal Party?

The Hon. F. S. GRIMWADE: I do not know. He may even be a member of the Labor Pary, but David Keath had one-third of these contracts and the other two contracts went to Galli Bros. Constructions Pty. Ltd. The initial contracts were let as bulk sum contracts.

The Hon. B. P. DUNN: Is he any relation to Robert Keath?

The Hon. F. S. GRIMWADE: I do not know. I know there are a number of Keaths in the contracting business. It became obvious in the early period that the contractors would go bankrupt if they were held to their contract. David Keath spoke to me and said, "I am particularly worried about my contract because of the way costs are escalating. It would be better for me to pull out now." I said, "Don't do that because we would have to retender the whole business over again. You would delay the

whole project for a number of years. There must be some way in which agreement can be reached."

The Hon. S. R. McDONALD: I hope Mr. Grimwade is not going to say that he came up with a cost plus.

The Hon. F. S. GRIMWADE: I came up with two contractors, and together with the Country Roads Board, I said that they should attempt to renegotiate the contract and that it should receive Government approval. Mr. Landeryou made great play about the secrecy of this renegotiation. It was not a secret from me or from many other people who live in the area that, if the contractors were held to the contracts they would have gone bankrupt and, in order to safeguard themselves and their employees, they would have terminated their contracts. Accordingly, the contract was renegotiated.

Another contract was renegotiated not so long ago which will affect many people in Australia. This was the sugar contract for the supply of sugar to Japan. That renegotiation has taken a long time but it was a similar situation whereby, if we had been held to the contract which was untenable, the whole industry would have been completely disrupted. Accepting a renegotiated contract was the correct thing to do.

Mr. Landeryou adds up his figures and says that the first lump-sum contract was for $7·5 million and that that escalated to $17·5 million. What Mr. Landeryou has failed to do is to add in the authorized variations which were made to the lump-sum contract and involved $1·5 million. I am surprised that a numbers man has failed to understand the numbers in the Minister's statement.

I now come to the allegations concerning the quarry at Kilmore. Kilmore is one of the places that have been designated as a decentralization area. For centres outside of the 50 mile radius of Melbourne, decentralization is automatic, but the legislation provides that a number of centres shall be deemed to be decentralized areas within a radius of 3 miles of the post office in that town. Those centres are Kilmore, Broadford, Bacchus Marsh, Woodend and Gisborne.

This fact is well known and there is no secret about it. Indeed, together with other members of Parliament for the area, I have been instrumental in getting industries to move out of the metropolitan area into these particular centres because I represent them in Parliament and I want to see people move into these country towns and employment to be available. I was delighted when Apex Quarries decided to establish just outside of Kilmore.

Following the establishment of the quarry, a spur line was built by the Victorian Railways. Daily many thousands of tonnes of crushed rock are transported from the Kilmore district to the metropolitan area. This is good business for the local people, for the railways, and for decentralization. I am sick to death of hearing people who have no interest in decentralization criticizing the Government for encouraging entrepeneurs and businessmen who are prepared to spend their money in this way. Government money is not involved, because the businessmen have to meet repayments and interest charges.

The Hon. A. K. BRADBURY: The material used in the freeway must have been unsatisfactory for the job; the Minister said that himself.

The Hon. F. S. GRIMWADE: Mr. Bradbury sets himself up as an expert and claims that some 34·5 kilometres of road has completely failed, but he does not take into account that an asphalt surface was to be put on top of that and therefore the road could not be considered to be finished at that stage. One would expect to see some movement in the present pavement. If Mr. Bradbury is such an expert, I am

pleased that he lives in a different shire from me because I would not want him to build my roads.

I note that in a Ministerial statement, the Minister of Transport mentioned that problems arose with the crushed rock and that attempts were made to correct them. The Minister said that at the time it was considered to be a satisfactory method of resolving the problem. When roads are being constructed, problems will always arise. I can remember that when the shire of which I am a councillor was building a road through some granitic country, a grader struck a spring and water spurted everywhere. Since then, that area has been a bog and is extremely difficult to control. Five or six attempts have been made to repair it but still the situation is unsatisfactory.

There are many experts and so-called experts, but the Government has acted responsibly in calling in P.A. Consultant Services Pty. Ltd. to look at a wide range of terms of reference and to ascertain what exactly can be done and what should not be done in this situation. The mere act of asking these consultants to report in three months completely answers the proposition put forward by Mr. Galbally that the Government has failed to ensure the proper repair of the section of the Hume Freeway. The Government has in hand the means of ensuring that the section will be properly repaired and that, in due course, the Hume will become the finest highway in Australia.

The Hon. D. M. EVANS (North Eastern Province): I was interested that, when Mr. Galbally introduced the motion, he delved into history and went back to Roman times. I imagine that if the people who are in charge of this highway had acted so badly in those times they would have been sentenced to the galleys for their trouble.

In his comments, the Minister for Local Government said that the original problem had been recognized and understood, and that remedial action was taken, yet today's newspapers include a news item relating to problems on the section of highway that failed. Once again, the Government and the constructing authority have not learned from their errors. This is a serious situation.

The National Party is not concerned with some of the extraneous issues which were brought in by certain speakers, who alleged some skullduggery. The National Party is concerned where the actual responsibility for the fault lies and who accepts that responsibility. Somebody must accept that responsibility. Does the community have to pick up the bill? I well recall, when the highway was being constructed, a large sign stating, " Your Taxes at Work ". It would seem that at that stage the community had some responsibility or was at least paying the bill. When one is paying the bill and one is not receiving full value, it is usual to do something about it, and to find out whether something is being done. Again, it comes back to who is responsible.

If the Country Roads Board is not responsible, then perhaps it is the Minister in charge of highway construction in this State. At least he must share some of that responsibility. The Country Roads Board does not control the Minister. The Government is responsible for spending the taxes. When the freeway was officially opened, the Government took the credit, but I wonder whether, when the holes opened, the Government was there to accept responsibility for them. If the Government accepts responsibility for the good things, it must accept responsibility for the bad, and the community expects the Government to do so.

Members of the National Party recognize that mistakes will be made and that unexpected problems will arise, but the Government should not repeat these mistakes. If, as Mr. Grimwade stated, it will be necessary to resurface the highway

within a few months and after little use, and if it is going to be necessary to continue to do that forever and a day, where do we finish and who is going to accept responsibility for the funding of the highway? Where are we going to stop the community's funds and taxes from being put to work, and when are we going to stop pouring taxpayers' money on to the road? The question is who will accept responsibility for it.

It has been suggested that the Country Roads Board accepts responsibility for the problems, but it has not dealt with them. If it is necessary continually to drain the public purse to repair the Hume Highway, someone must accept responsibility. At what stage should they accept that responsibility? Should we go on until we have resurfaced the road a few times, or should we stop at once or twice? My suggestion is that it should stop after the first resurfacing and, if it has to be done more often than that, then, as the guardian of the community's purse, the Government should examine closely the situation. If the work has to be redone more than twice, members of the National Party will closely watch the situation.

As I mentioned earlier, certain extraneous matters were raised during the debate. With the vast increase in costs from 1972–73 onwards, many firms which undertook contracts for large public projects would find that, having quoted on a particular cost basis, they were way out of court. In 1972, the inflation rate was about 4 per cent and anyone who engaged in a three-year contract at that time would take into account that inflation rate when working out his calculations. When a contractor was faced with a 15 per cent, and up to 24 or 25 per cent, inflation rate, obviously his calculations would be out, and reasonably and sensibly the contracts would have to be renegotiated. I do not quarrel with that. In the interests of the employees and of the public and of getting the job done as efficiently as possible, it is preferable that the people who are carrying out the work are not held to a contract price. That is reasonable enough.

The difficulty is when we come to consider the repairs, which to date have cost close to $2 million, which is equivalent to the total Country Roads Board allocation to five or six rural municipalities for twelve months. This is not the only case of a road failure. Tonight's *Herald* contains a news item that the F19 Freeway, before even a truck has travelled over it, has to be repaired. Where does accountability start and finish? These are the questions that have to be answered. Certain reasons have been given for the difficulties with the Hume Freeway, and it has been stated that the surface must be consolidated and flattened by traffic, but before any of that has occurred the F19 Freeway has failed. I do not know whether this is the normal pattern or whether we can expect even greater problems.

I drive along the Hume Highway once a week between Melbourne and Benalla, and from time to time between Wangaratta and Wodonga I notice that enormous numbers of trucks use the road and certain sections are fairly old. The road has been down for many years, and the construction was apparently satisfactory. Certain sections have been resurfaced over the years, but the road has withstood the traffic. Admittedly, some of the old sections were constructed for a lesser traffic load. The Romans were able to build roads in their time, as did the road construction worker of 30 years ago, but the people responsible for constructing this section of the Hume Freeway were not able to perform the task adequately. Somewhere there must be someone responsible for this and at this stage the responsibility lies with the Country Roads Board, which appears to be taking the blame. Although the Country Roads Board is a Government instrumentality, the people must turn to the Government and expect it to accept responsibility.

The last point I make relates to substantial problems arising from the freeways and highways of this State. Honorable members who support the Government would know why that is so. It is because of the enormous traffic loads being required to use the roads as increasingly the Victorian Government is tending to direct on to the highways more and more of the freight carried in this State. The National Party is constantly opposing in this House the closing down of the railways. The railways in the Western District——

The PRESIDENT (the Hon. W. G. Fry): Order! It is perfectly obvious that the railways do not come into this debate, which relates to the failure of the Government to ensure the proper repair of that section of the Hume Freeway between Wallan and Broadford. There is definitely nothing about railways.

The Hon. D. M. EVANS: Thank you, Mr. President, you are probably correct.

The PRESIDENT: Order! It is not a matter of my being probably correct. Mr. Evans will not continue to speak about the railways.

The Hon. D. M. EVANS: Thank you, Mr. President. I shall deal with the situation on the roads. The connection between other modes of transport and road traffic is the result of a constant increase in the volume of traffic being forced to use the roads. That increase in traffic usage will not assist in reducing the road failure that occurs. One of the reasons for the new highway was to provide a dual carriageway to meet an increased traffic flow which has occurred because so much more transport carrying goods and providing services in this State are forced to use the roads.

I was suggesting, by referring to other modes of transport, that there are alternatives which are not being fully utilized. The Government has deliberatiely ignored these alternatives. This has led to the failure of the Government to deal with the problem encountered on the Hume Freeway. Repairs have been made necessary because of this extra heavy traffic.

The National Party is concerned over the waste of public money in this area. Not only the Country Roads Board should accept a share of the responsibility, which it has, but also the Government which has the Country Roads Board under its control. It is vital that the Government should act, but it has not done so yet.

The Hon. R. J. EDDY (Thomastown Province): I support the motion so ably moved by my Leader, Mr. Galbally. The House has heard from a number of speakers but there have been only two speakers from the Government party, and they did not utter one word on the motion. Government supporters must intend to support the motion because they have not spoken against it. Like our freeways, this Government is falling apart and rapidly collapsing.

Construction on the Hume Freeway commenced in December, 1971, when contracts were let by the Minister for Local Government. At that stage tenders were accepted for only sections A and B of the freeway. The successful tenderer was Galli Bros. Constructions Pty. Ltd. Later on section C was let to Keathson Earthmovers Pty. Ltd.

The Hon. A. J. HUNT: With great respect, the Country Roads Board accepts the tenders and the Minister subsequently approves.

The Hon. R. J. EDDY: What is important is that tenders were accepted from a member of the Liberal Party who at the time was a candidate for election to the House of Representatives. What concerns the Opposition is how a tender could be accepted from a person in the position of Mr. Galli.

Honorable members interjecting.

The PRESIDENT (the Hon. W. G. Fry): The position, as outlined in *May's Parliamentary Practice,* is that when arguments are referred to by various speakers, a continuation or repetition of the same argument is not to be pursued. I do not mind a brief reference, but Mr. Eddy has made his point, and I suggest that he does not go too far down that road.

The Hon. R. J. EDDY: Thank you, Mr. President. There is only one road and it is a long one.

The Hon. A. J. HUNT: Is Mr. Eddy suggesting that the Country Roads Board should have rejected the contract because of Mr. Galli's association with the Liberal Party?

The Hon. R. J. EDDY: I thought the Minister should have done so.

The Hon. C. A. M. HIDER: Do you say that it should be rejected because of his association?

The Hon. R. J. EDDY: I have been asked by the President not to refer further to the matter, but I am being forced to come back to this gentleman. After that firm had carried out certain work over a period of two years or more, it realized that it could lose under the contract. Firms which tender for contracts, if they consist of good business people, should realize that prices will increase, and submit a tender price that is a little above what is necessary to cover the years ahead. However, within two years this firm returned to the Country Roads Board and explained that it would cease work unless it could renegotiate the contract. If that was the position, I find it difficult to understand how that firm could have received the increase it did under the renegotiation because in the first instance the tender price was increased from $7·5 million to $9·1 million and the contract price was $17·5 million.

The construction of the Hume Freeway has cost the taxpayers of this State $36·5 million, and even as late as yesterday we learned that once again there will be additional costs to be met from the pockets of the taxpayers who can ill afford to pay over and over again for the repair of a road which it was the responsibility of the Government to see was constructed in a fit and proper manner in the first instance.

Mr. Grimwade stated that the Hume Freeway is a fine road. I have been along the freeway and it is a good road, but a little over three months after its construction the road surface started to collapse. The construction of the freeway was supposed to have been completed in May last year but between August and November sections of the freeway commenced to break up. Repairs which cost the taxpayers of this State over $1 million have been carried out, but again further repairs are required to be carried out.

I certainly hope it will be a fine freeway, as Mr. Grimwade claimed, but the State did not experience this trouble when the Tullamarine Freeway was constructed.

The Hon. F. J. GRANTER: The Board of Works built it.

The Hon. R. J. EDDY: I do not care who constructed it; it was the responsibility of the Government to ensure that the job was carried out thoroughly, and in this case the Government has not done so. Then within a period of a few months there was the collapse of a section of the Hume Freeway between Wallan and Broadford, and some twelve months later repairs are once again required, all at the expense of Victorian taxpayers.

The motion must be supported by all members of this House. It is the responsibility of the Government to ensure the proper repair of those sections of the Hume Freeway which have collapsed. Today honorable members learned that a section of the F19 Freeway, at the Bulleen Road end, needs repair even before

cars have used it. The Government must stand condemned for not carrying out its responsibilities to the taxpayers of this State.

I appreciate the point made by Mr. Grimwade that the Hume Freeway still has to have the asphalt surface laid before the road is completed. That is understandable because in all road construction works traffic is allowed to use the road to enable the surface to settle before the top layer of asphalt is laid. However, within a period of twelve months the Hume Freeway has collapsed on two occasions. That is not good enough, and it is fortunate that someone has not been seriously injured through the collapsing of those sections of the freeway.

The responsible Minister must take this matter in hand to ensure that it does not happen again. It may be hard for the Minister to do so at this late stage, especially as it has happened on two occasions already, but the Government cannot afford to have it happen again.

Too much public money has already gone into the construction and repair of this section of the Hume Freeway, which at the time of the letting of contracts was to cost only approximately one-quarter of what it has cost to the present time. All members of the House should support the motion moved by Mr. Galbally.

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

Ayes	.. ..	13
Noes	.. ..	22
Majority against the motion	.. ..	9

AYES.

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

NOES.

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

PAIR.

Mr. Knight	Mr. Knowles

VARDIN INTERNATIONAL (AUST.) PTY. LTD.

The Hon. HADDON STOREY (Attorney-General): By leave, I move—

That there be laid before this House the report of the inspectors appointed pursuant to section 170 (1) of the Companies Act 1961 to investigate and report on all the affairs of Vardin International (Aust.) Pty. Ltd. during the period of 25th September, 1970, to 7th December, 1971.

I wish to make a statement. Vardin International was involved in pyramid selling. It was incorporated in Victoria, but its activities were carried out mainly in New South Wales and the directors resided there.

In December, 1971, an officer of the New South Wales Corporate Affairs Commission and an officer of what is now the Victorian Corporate Affairs Office were appointed inspectors to investigate the affairs of the company. Appointments of the same persons were concurrently made in New South Wales. The inspectors completed their report in 1973 and it was submitted to the then Attorney-General for Victoria on 16th April, 1973. In the same year Victoria introduced legislation prohibiting the practice of pyramid selling and this came into operation on 19th December, 1973.

In May, 1973, the report was forwarded to the Victorian Crown Solicitor for advice as to whether there were grounds for the institution of charges in the State of Victoria. The question of possible offences was also considered in New

South Wales. In October, 1974, the Victorian Crown Solicitor pointed out that the more serious offences that may have been committed would appear to have occurred in New South Wales and the persons concerned were residents of New South Wales. The Crown Solicitor noted there might be serious jurisdictional problems involved in proceedings in Victoria and advised that it would be preferable to await advice from New South Wales as to what action it was proposed to take in that State.

In May, 1977, the Attorney-General of New South Wales advised me that he intended to table the inspectors' report in the Parliament of that State and it is desirable that similar action be taken here.

It appeared that, following legal advice as to jurisdictional difficulties and problems of proof, no further action was to be taken in New South Wales on the matters raised in the report. In the light of that advice the matter was re-examined in Victoria, but prosecutions were not considered appropriate.

However, I am happy to join with the Attorney-General of New South Wales in a simultaneous tabling of the report in the respective State Parliaments. The report and the events described therein reinforce the wisdom of the step that Parliament took on 19th December, 1973, when pyramid selling was banned in Victoria.

The motion was agreed to, and it was ordered that the report be laid on the table.

CHANGE OF OWNERSHIP NOTICES BILL.

The debate (adjourned from November 10) on the motion of the Hon. A. J. Hunt (Minister for Local Government) for the second reading of this Bill was resumed.

The Hon. I. B. TRAYLING (Melbourne Province): This small Bill increases the penalty for not advising the various authorities of a change in ownership and makes consequential amendments to various Acts involving notices of change of ownership. It also provides for a new form to be sent to the authorities concerned. The Opposition does not oppose the Bill.

The Hon. K. I. WRIGHT (North Western Province): Members of the National Party are a little concerned about the fact that a change of ownership must be notified within 30 days of the execution of a contract of sale. Some years ago I was involved in a profession whose members received extracts from the figures compiled from these notices. Various inaccuracies appeared in those figures. On some occasions different sets of figures were provided, indicating that a particular property had been sold, on the one hand, on terms and, on the other hand, for cash, and different prices were given. The completion of the form within 30 days does not take into account the fact that for some reason or other a particular contract of sale may never be consummated or that different conditions may be imposed.

Members of the National Party have discussed the matter at length and believe people should not be asked to provide the information within 30 days of the execution of a contract of sale. The National Party would agree to a period of 30 days, but suggests that it should be 30 days from the settlement of the transaction. No doubt, when the Bill is discussed during the Committee stage the Minister will provide an explanation for the provision.

I also indicate that the National Party considers the increase in the penalty from $20 to $200 to be too great. The National Party opposes that part of the measure.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6289 ss. 15 and 83).

The Hon. A. J. HUNT (Minister for Local Government): The prime purpose of the Bill is to substitute a common form of change of ownership notice for the different forms that now exist. One form exists under the Land Tax Act; there is a different form under the Local Government Act and various forms under the Water Act. Consequently, there are often failures to fill in other than the land tax form, which is the most readily available. It is obviously sensible that one strike should be made so that a common form can be filled in and sent to the relevant authorities. All of the professional institutions involved have agreed to that principle and to the form and to making the provisions uniform.

The maximum penalty under the Land Tax Act was $200, whereas under other Acts the amount differs. The provisions will now be brought into line with the maximum penalty of $200. Of course, one would never expect prosecutions to be made under more than one Act. The Land Tax Office will send reminders.

The Hon. I. B. TRAYLING: Is the onus on the owner?

The Hon. A. J. HUNT: The onus is on the former owner. The vendor gives notice.

Under the Land Tax Act the time limit was one month. In other Acts the time limit was two months. The Bill will again bring them all into line with a limit of one month. The vendor's agent or solicitor will have to prepare within a month a single set of forms with two or three copies, depending on whether there is a separate water and sewerage authority as well as the council. These forms will be sent to the Land Tax Office, the servicing authority and the local municipality. The whole procedure is designed to simplify matters for everyone and to bring the provisions in all Acts into line. I regard this as a major breakthrough that has the support of all institutions.

The Hon. D. G. ELLIOT (Melbourne Province): I should like to ask the Minister a question. As all honorable members would be aware, I ask this with a deep reservation about the efficiency of solicitors in general and accountants in particular. What will be the position—this will happen—when a solicitor representing a vendor or buyer in the transfer of land omits to lodge this form within the one-month period? Who will be responsible? I take it that the individual who has bought or sold the land will be responsible, irrespective of the dereliction of duty of the solicitor concerned.

The Hon. S. R. MCDONALD: That is what happens when one deals with income tax.

The Hon. D. G. ELLIOT: Yes, I can see this happening on scores of occasions. Why should a person have to pay for the inefficiency of a solicitor or accountant? Perhaps a clause could be included to provide that if he did not lodge the documents he would have to pay a fine. I would support such a clause. That is what people will be faced with in future.

The Hon. A. J. HUNT (Minister for Local Government): If a solicitor failed to lodge the form and the vendor was prosecuted he could have a double situation. Firstly, if he informed the court that the failure to lodge the form was the fault of his solicitor upon whom he had relied, I could not imagine that the court would convict him, but would be likely to use the process of adjournment without conviction. Secondly, he would have an action for negligence against his solicitor, which would include the cost of representation at the hearing on any such charge.

The Hon. K. I. WRIGHT: You could not get another solicitor to take up the case.

The Hon. A. J. HUNT: Yes, you could. It would include the cost of expenses and perhaps even for time and worry and if needed, in the unlikely event of there being a fine it would include the fine. People engage solicitors to do things that they are bound to do themselves. If the solicitor fails, then an action clearly lies against the solicitor.

The Hon. D. G. ELLIOT (Melbourne Province): I am grateful for that reply. I think I have struck a blow for the ordinary man who finds himself in the grip of legal procedures that mystify him. The same would apply when an accountant represents someone and puts an income tax return in late. The accountant does not pay the late fee or imposition for lodging a late return. It is the taxpayer who pays.

The Hon. O. G. JENKINS: If he is any good, he does.

The Hon. D. G. ELLIOT: Not all of them are as good as that. I am glad Mr. Jenkins is in the good category. That is why I asked the question. This will be noted with satisfaction by many people.

The Hon. J. V. C. GUEST (Monash Province): I should like to elaborate on certain practical details for the benefit of people who might think it onerous for the client whose solicitor has failed to put in the forms he ought to and is prosecuted. The client, nonetheless, has to go back to court to defend himself or employ someone to defend him at expense and inconvenience and then has to start an action against his former solicitor to recover damages of a nominal character. That is not a satisfactory state of affairs. But it is fair to say that anybody who actually got to the point of being prosecuted, which is unlikely, because his solicitor had failed to put in the form would telephone the solicitor who would be extremely embarrassed and say, " Don't worry, I will look after it and go to court and explain what happened." I think that is what would happen.

The Hon. D. G. ELLIOT: Mr. Guest might look at life through rose coloured glasses.

The Hon. J. V. C. GUEST: Most solicitors are concerned about their professional brethren in the Law Institute. Most would think it is not worth losing or damaging their reputation by failing to do the right thing in a comparatively trivial matter and would look after the interests of their client—even though he is a former client.

The clause was agreed to.

Clause 3 (Amendment of No. 6299 s. 879, Schedule 32A).

The Hon. K. I. WRIGHT (North Western Province): Clause 3 deals with section 879 (1) of the Local Government Act, which states—

> Any person who sells conveys or transfers any land in any municipal district shall within two months after the date of the execution of the contract of sale or (where there is no contract of sale) of the conveyance or transfer give notice in writing of such sale conveyance or transfer to the municipal clerk in the form of Schedule Thirty-two A.

Under the amendment, one is asked to do this within one month of the contract of sale being executed. Many contracts of sale are executed today with special provisions, such as the sale being subject to the sale of the purchaser's property or obtaining $50,000 from the Commonwealth Bank, and so on. To my mind and that of the National Party the provision is onerous and should read " within 30 days of the completion of settlement ". As I indicated earlier, the National Party believes the increase in the penalty from $20 to $200 is too steep—it is an increase of 1,000 per cent. I would appreciate an explanation from the Minister.

The Hon. D. G. ELLIOT (Melbourne Province): Before the Minister answers I wish to ask another question to be included in his answer. It is along more or less the same lines as those outlined by Mr. Wright. If one purchases an hotel

for $400,000, usually on a contract of sale one has to pay 10 per cent down, which would be $40,000. The contracts are drawn up and sometimes this takes many weeks following discussions and arguments between the two solicitors. Certain provisos are applicable to licensed premises. A sale may depend on orders of the Liquor Control Commission. A commission inspector does not come when it suits one but when it fits into his schedule, which at times takes him all over Victoria or his particular district.

The Liquor Control Commission may require that certain things be done. They do not worry about how much it will cost but perhaps say that bedrooms must be fixed or a bar room roof repaired. The work could cost $50,000 and put a blanket on the transaction. The contract may not be proceeded with although the contract of sale has been signed. During that period one is duty bound to say that approval will take place, but in many cases it will not take place because of the contingencies that are applicable to that contract of sale. I think the Minister should take the Bill away and have another look at it.

The Hon. A. J. HUNT (Minister for Local Government): The suggestion on clause 3 to make the period two months rather than one month destroys the whole notion of commonality. We have dealt with clause 2 in which we have accepted the period of one month under the Land Tax Act in accordance with what has always existed until now. However, I appreciate the points raised by Mr. Wright and by Mr. Elliot that two months, which was the more common period for the Board of Works and councils and the Water Act may have been a more sensible choice than one month as the common period, which was the shorter period under the Land Tax Act.

After the passage of the Bill in this place and before it is passed in the Legislative Assembly I should like to consult the statutory authorities and institutions concerned and if it is then thought fit we may make the period two months. I do not give an undertaking that that will be done. I want the opportunity to consult between the passage of the Bill here and its final passage in another place. I undertake to do that.

Let me turn now to the question of penalties under the various Acts, which ought to be common and uniform and should not depend upon the Act under which the prosecution happens to be taken. Otherwise the tendency would simply be to take the prosecution under the Act with the highest penalty. There would be no point in having differential penalties under the different Acts. The maximum penalty under the Land Tax Act is already $200. The others are merely being brought into line.

Mr. Wright made a further suggestion, which has consequences that may not have been fully thought through. He suggested that the period should have been two months after the completion of transfer. Many people may have a contract on a 20-year term, be in possession for 20 years, and the transfer may not take place until 20 years after that. However, I intend to examine the desirability of extending the period to two months from the date of contract.

The Hon. K. I. WRIGHT (North Western Province): I am pleased to receive the Minister's undertaking because this will probably be of value. However, the relevant point has been missed. There is an enormous amount of needless paper work flowing between one place and the other which can be prevented by forwarding the form to the appropriate authority designated within 30 days to 60 days —I do not care which. If it were within so many days of settlement, all this needless paper work and many of the inaccuracies would be cut out. I know there are inaccuracies because I receive the finished product and, in many instances, it is most unsatisfactory.

The Hon. A. J. HUNT: This is a great improvement though, is it not?

The Hon. K. I. WRIGHT: It is a step in the right direction, but there is a long way to go. We are making a simple common-sense proposal, which is that the obligation to send out these forms should be within 30 or 60 days of settlement. That would take in the cash sale and also the terms sale. There is always a settlement, no matter what kind of contract it is. The date from which the obligation commences should be when settlement takes place.

The Hon. D. G. ELLIOT (Melbourne Province): I have some sympathy with Mr. Wright's proposal. I have had moderate experience in these undertakings and the frustrations are extreme. I refer to a matter that is in Mr. Wright's province as he was a real estate agent and may still have an interest.

The Hon. K. I. WRIGHT: No.

The Hon. D. G. ELLIOT: That is good. That shows that the honorable member is a cleanskin. However, he has had extensive experience in that direction. If Mr. Wright was handling the transfer of a hotel at Manangatang, when he applied for a licence it would be independent of the contract of sale. The Minister is probably aware of the procedure. Three people must vouch for the person who applies for the licence. There is a personal check by the Police Force, which sometimes takes a long time. By regulation the Liquor Control Commission is required to inspect the premises and place the orders on it that the commission considers are necessary for the establishment's service to its immediate public. This can sometimes go on for four or five months. Recently I had a share in a hotel which was sold. It took about five months to achieve agreement and for the transaction to proceed. In the meantime the contract of sale had been signed and it was contingent on certain things. The arrangements took an almost interminable time to complete. An application for the grant of any type of liquor licence is accompanied by a thorough investigation into the people concerned.

The Hon. A. J. HUNT (Minister for Local Government): If I understand the suggestions now made by Mr. Wright and Mr. Elliot, they vary slightly from the original suggestion put forward that the period should be longer. They now suggest a change in the entire concept so that the notices should be given within a certain time after the date upon which possession takes place.

The Hon. D. G. ELLIOT: Not possession—settlement.

The Hon. A. J. HUNT: Possession or final settlement.

The Hon. D. G. ELLIOT: I will give the Minister another example.

The Hon. A. J. HUNT: I appreciate that there can be many different circumstances.

The Hon. D. G. ELLIOT: If a licence was applied for within the past three weeks, it could not be obtained until February.

The Hon. A. J. HUNT: Even with a sale of dwellings there may be contracts that are contingent on the purchaser selling his home, and the purchaser may sell his home on a similar basis. Therefore, there are three inter-dependent contracts. I appreciate the problems. The variety of circumstances now being raised indicates the difficulty. I will examine the possibility of a settlement or possession date being taken into account rather than the date of contract or transfer, as the case may be.

I give no undertaking that I will adopt the suggestion, but I undertake that it will be discussed. If there is inadequate time for discussion before the end of this sessional period, I will ensure that the Bill does not proceed in another place. I will have it introduced into another place, but I will ask my colleague not to proceed with it until I advise him of my

discussions with various bodies. As a matter of courtesy, I will also advise Mr. Trayling and Mr. Wright, as the spokesmen for their respective parties, of the results of those discussions before the Bill proceeds to a final stage in another place.

The Hon. D. G. ELLIOT (Melbourne Province): I apologize to Mr. Trayling in this regard because I agree entirely with what he said. The Liquor Control Commission is the best thing that has happened to the hotel industry in Victoria. It has lifted the general standard of hotels above any others in Australia.

The Hon. A. K. BRADBURY (North Eastern Province): Members of the National Party thank the Minister for his undertaking to my colleague, Mr. Wright, and other honorable members, that he will give further consideration to this matter before the Bill is debated in another place. A few matters were overlooked when the Bill was drafted. In 1973 I had the misfortune to have my property flooded, and I decided to build in another position.

The Hon. D. G. ELLIOT: On higher ground.

The Hon. A. K. BRADBURY: Yes. I put my house on the market. I put a condition in the contract of sale that on the sale of the purchaser's house he would buy mine. The purchaser sold his place within a fortnight of signing his contract of sale. Under the provisions of this Bill, on the signing of the contract of sale the solicitor would have had to send out all the necessary notices, but unfortunately, through the negligence of the purchaser's solicitor, it took three months to get finalization. I even went to the extent of asking my solicitor to issue a notice of cancellation of the contract of sale. The contract of sale was not concluded until three months afterwards. Naturally the solicitor carried out these transactions on my behalf. He sent out the notices. Unfortunately, the purchaser and the vendor have to pay the bill in the long run. In some cases a contract of sale runs for 60 days. If one is purchasing property even the Rural Finance and Settlement Commission may take its time. It is usually 60 days but sometimes it may be 90 days.

The point I make is that the cost always comes back on the individual purchaser or vendor. Speaking from my experience, I had reached the stage of issuing a notice of cancellation. If that had proceeded and the contract of sale had been cancelled, a fresh notice would have had to be sent to the municipality, the Land Tax Office and so on. I would have had to pay further costs to the solicitor.

I applaud the Minister. I am sure that he is reasonable and understands that many contracts are signed in which the final payment is not made for some years, but technically the settlement has taken place. I am sure the Minister in his wisdom will have another look at this point before the Bill is debated in another place and will try to achieve an amicable and sensible arrangement without adding further costs to the vendor and purchaser, who are the people who pay in the long run.

The Hon. A. J. HUNT (Minister for Local Government): Members of the Opposition and the National Party who have not had Ministerial experience may be unaware of the practices of Ministers handling a Bill between one place and another. The Minister in charge of the Bill in the House in which it originates has a card on which he traces, for the benefit of the Minister in another place, the history of what occurred in the House in which the Bill originated.

The Hon. D. G. ELLIOT: I did not know that.

The Hon. A. J. HUNT: I thought this was a convenient time to explain this practice. One of the provisions on the card relates to the undertakings given by the Minister in charge of the Bill in the House of origin. I shall read to honorable members what I have put on this card—

It is directed by the Minister for Local Government that the Bill will not proceed past the Minister's second reading in

Assembly until the Minister for Local Government is consulted further on time limits and advises Opposition and National Party spokesmen in Council of his conclusions.

The Hon. K. I. WRIGHT (North Western Province): Members of the National Party appreciate the Minister's undertaking because there have been cases of six sales in a row. That means that if the first sale falls through there are six of these notices to be corrected.

The other point is that, by interjection, I said something about not being an estate agent. In view of the present climate, I wish to clarify that statement. I hold an estate agent's licence but I do not practise as an estate agent. I am a full-time Parliamentarian and I have no income as an estate agent.

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.

CONSTITUTION BILL.

The debate (adjourned from November 23, 1976) on the motion of the Hon. Haddon Storey (Attorney-General) for the second reading of this Bill was resumed.

The Hon. J. M. WALTON (Melbourne North Province): This measure was introduced into the House by the Attorney-General in November, 1976. Upon the resumption of the debate, Mr. Galbally handled the Bill on behalf of the Opposition and expressed some doubts about its provisions and suggested that they ought to be examined by the Statute Law Revision Committee. All parties at that time agreed with the suggeston, and consequently the Bill was referred to the Statute Law Revision Committee for report and recommendation. The Attorney-General asked the committee to treat the matter urgently. The committee reported on 19th April, 1977, and only at this time has the Attorney-General seen fit to bring the Bill back for debate in this House. Perhaps the urgency that applied when the matter was referred to the Statute Law Revision Committee no longer exists.

One of the intentions of the Bill is to give rights to prisoners and parolees to vote at State elections. This is to be achieved by the repeal of section 48 (2) (*b*) of the principal Act. This section disqualified certain people from voting at elections for the Legislative Council and the Legislative Assembly, and included prisoners and persons on parole. The repeal of the section would enable these persons to vote.

The Statute Law Revision Committee examined the proposal and commented that no provision was proposed to be inserted in place of the paragraph to be repealed. In other words, it was not provided where and when the prisoners should vote, how they could vote, who they would vote for and, if they were in Pentridge whether they would be able to vote for a member for Coburg, whether they would vote at their last named address and, if they were vagrants who had no address, where they would be able to exercise their right to vote.

The committee suggested in the report that the Minister should not proceed with the clause but that the honorable gentleman ought to bring in a separate measure. It would have been helpful for me in this debate to know whether the Minister intends to accept that recommendation of the Statute Law Revision Committee. The Labor Party would not be particularly happy if the Minister decided not to proceed with the clause in this Bill and did not accept the recommendation immediately to bring in another Bill to replace the provision and so give prisoners voting rights. Otherwise it would take away from prisoners and parolees something which this Bill proposed to give them. Although it did not say whether prisoners should have a vote, the Statute Law Revision Committee

did say that, if prisoners were to have a vote, then the provision ought to be enacted in this way.

The second part of the Bill relates to persons elected to Parliament and who hold an office of profit under the Crown. Section 61 of the Act provides that a person employed in the Public Service, the Teaching Service, the Railways Service or the Police Force shall not be disqualified from election as a member of this Parliament, and that, upon their election, such employment ceases. This provision applies only to members of the services that I mentioned, but many officers of other statutory bodies and Government instrumentalities could be elected and then find themselves disqualified under the present legislation.

It is the Government's intention under this Bill to amend the Act so that any person who is in that situation will also have the benefits conferred by section 61 on the classes of persons mentioned. I see nothing wrong with the proposal. It is quite reasonable, and the Statute Law Revision Committee commented on the manner in which it is proposed to be done.

In his second-reading speech, the Minister referred honorable members to the sixteenth edition of *May* at page 214, which deals with disqualifications for membership. It states—

> Offices without salary.—What constitutes an office, or place, one of profit is often a question of difficulty as well as urgency, in view of the heavy penalties which a common informer might obtain against a member who inadvertently sits while holding a disqualifying office (see below, p. 217). The principle that has been adopted is that, if emoluments have ever attached to the office, the fact that emoluments are not received by the particular holder is irrelevant (*d*).

May then goes on to give a few examples. Whether or not a person receives an emolument is quite irrelevant. Only a year or so ago, it was necessary for Parliament to pass legislation to cover members from all sides of the House who inadvertently transgressed with respect to activities outside Parliament.

The Hon. S. R. McDONALD: How do you think Mr. Galli would have gone if he had been elected?

The Hon. J. M. WALTON: The Government probably would have passed legislation to excuse him. As I said, the Bill proposes to extend to any person who occupies any office under the Crown the benefits of section 61. By clause 4, the Bill proposes the insertion of a new section 61A which will enable the relevant House of Parliament to act in appropriate cases. The proposed new section provides—

> (1) Notwithstanding anything in this Act where it is made to appear to the relevant House that any act matter or thing whether occurring before or after the commencement of this Act has or may have caused a person to be disqualified from election to that House or the seat of a member of that House to become vacant the relevant House may, if it is satisfied that the act matter or thing—
>
> (*a*) has ceased to have effect;
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> (*b*) was in all the circumstances of a trifling nature; and
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> (*c*) occurred or arose without the actual knowledge or consent of the person or was accidental or due to inadvertence—
>
> by resolution direct that any such act matter or thing for the purposes of all or any of the provisions of this Act be deemed never to have occurred or arisen but any such resolution shall save as aforesaid not affect the determination of any petition with respect to the validity of any election or return that has been addressed to the Court of Disputed Returns.

The Statute Law Revision Committee closely examined the proposed section and various alternatives. The committee came to the conclusion that if the Houses decided that they did not want to pass the resolution and took the course that is open to them to refer the matter to the Court of Disputed Returns, that court, by its charter, after hearing the matter as provided under section 303, could only decide that any person would not qualify to be a member of Parliament, that any person was not capable of being elected, or of sitting as a member of Parliament, or that there was a vacancy in the Parliament. Therefore,

under these conditions, the member would be in the same situation that he is in now. No discretion is given to the Court of Disputed Returns, and it has been suggested by the Statute Law Revision Committee that some discretion ought to be given to the Court of Disputed Returns so that it can make a finding where the act was done inadvertently or was of such a trivial nature that the member should not be disqualified.

Generally, the Opposition does not object to the aims of the Bill. I note that when the Statute Law Revision Committee voted on the matter, the only member of the Labor Party who was present was Mr. Edmunds, M.L.A., who objected to taking out clause 2 unless it were replaced with a provision that would give prisoners the right that the Bill intended. I shall be pleased to learn the Attorney-General's intentions on this matter.

Otherwise, the Bill will help Parliament to get over what can be a difficult situation. It is surprising how many candidates at an election do not know the law with respect to their obligations when they are elected to Parliament. They become candidates out in the field and suddenly find that they have been elected, that they have some sort of emolument which brings them under the Act and that they are liable to disqualification. This can affect members of all parties. Members of my party become involved in wages boards, schools and so on, and can find themselves in this difficulty.

They can find themselves in the same sort of difficulty because of some trivial happening. About seven years ago the Court of Disputed Returns found that a member of this House, a member of the Labor Party, could no longer be a member of Parliament. He is about to become a member of another place because, in the meantime, the law has been amended. But he has been deprived of sitting in this Parliament for about seven years. If the Bill is passed and it does what it is intended to do, the Labor Party will have no opposition to it.

The Hon. HADDON STOREY (Attorney-General) (*By leave*): Mr. Walton indicated that he would like to know what the Government proposes to do about the recommendations of the Statute Law Revision Committee so that his party can finally determine its attitude to the Bill. That is a reasonable request and by leave of the House I will explain the Government's attitude. The Statute Law Revision Committee proposed two amendments to the Bill. The first is the deletion of clause 2, which deals with the right of prisoners to vote. The committee said that it did not wish to comment on the principles contained in the clause but believed that it should be omitted. It suggested that if it were intended to pursue the proposal another Bill should be introduced dealing with the principle and the details.

As a matter of principle, the Government believes that prisoners should have the right to vote and intends to proceed with the clause, and not to delete it from the Bill. But it realizes that details must be spelt out and should be considered by the House. The Leader of the House, the Chief Secretary, is the Minister responsible for that part of The Constitution Act Amendment Act which relates to electoral matters, and, in due course, he will introduce a Bill dealing with electoral reform generally and that Bill will cover the right of prisoners to vote.

In the meantime one of the amendments I shall propose will cover the proclamation of clause 2 of the Bill so that it can come into operation independently of the rest of the Bill. It will therefore be possible to make certain that the machinery is adequate to deal with the principle before it is put into effect.

To answer Mr. Walton directly, I point out that the Government does not propose to adopt the recommendation that clause 2 be deleted.

The Hon. J. M. WALTON: Will prisoners be able to vote in the forthcoming Federal elections?

The Hon. HADDON STOREY: That is subject to Federal law but my understanding is that they are entitled to vote in that election. This Bill does not affect their rights in Federal elections.

The second recommendation of the committee was the extension to the Court of Disputed Returns of the power to deal with inadvertent and accidental offences against the Act, particularly trivial matters. At present under the Bill this power is confined to Parliament. Mr. Walton has said that this is a sensible recommendation of the Statute Law Revision Committee and the Government agrees. In due course I shall move an amendment to give effect to that recommendation.

The Hon. S. R. McDONALD (Northern Province): I thank the Attorney-General for his explanation of the Government's attitude to the Statute Law Revision Committee report on this important matter. My party holds the view expressed by Mr. Walton, that the amendment concerning the right of prisoners to vote should be proceeded with. The procedures outlined by the Attorney-General will meet that requirement.

When this Bill was introduced a year ago it was one of two Bills introduced to validate the election of some members of this House and some members of another place. This Bill was designed to cover cases in which members may have contravened the Constitution Act in one of several ways, perhaps by holding an office of profit under the Crown or by having a contract with the Crown. At that time, Mr. Walton and I were unable to express our points of view before the matter was referred to the Statute Law Review Committee.

But the National Party accepts the proposals in the Bill as being desirable and making sense. They will do away with the situation that has occurred from time to time. One of the best examples was the case in which the Premier was found to be a director of a company which had a contract to supply a small quantity of glue to the Education Department. I cannot remember the consequences of that but, no doubt, there was a lengthy debate which need not have taken place. Had the proposed amendment to the Act operated then, it would have been competent for either House to have decided that the matter was of a trifling nature or was due to inadvertence. This is a satisfactory way to approach the problem.

The Statute Law Revision Committee has gone a step further and suggested that if the Parliament or either House does not desire to take that action, the matter can be referred to the Court of Disputed Returns. It is more than likely that in most cases each House would deal with the matter on its merits. But the Statute Law Revision Committee made that recommendation and the National Party will support the amendment which the Minister has foreshadowed.

I make one suggestion, and in doing so I revert to the 1973 elections. At the time a committee of the Parliament was examining the whole question of pecuniary interests and possible conflict of interest of members. It got as far as preparing a code of ethics for members and Ministers but the questions relating to contracts with the Crown and offices of profit under the Crown were not finally resolved. There is some merit in the suggestion that that committee should again examine the situation and complete the deliberations which were embarked upon then.

While Mr. Walton was speaking I interjected about the case of Mr. Galli. Had Mr. Galli been elected to the Victorian Parliament while he was involved in multi-million dollar contracts with a Government department, he would have found himself in serious difficulties. I believe every

candidate for Parliament should be aware of the consequences of this section of the Constitution Act.

Clause 3 of the Bill clarifies and explains section 61 of the principal Act, which relates to public servants and holders of offices within Victoria and provides that they will not be disqualified or prevented from being elected to either House of this Parliament. The National Party supports that clause; the provision is obviously desirable.

There is another matter that I wish to discuss but I shall wait until I have seen the amendment the Minister proposes. Generally, the National Party supports the Bill.

The motion was agreed to.

The Bill was read a second time, and it was ordered that it be committed.

The Hon. HADDON STOREY (Attorney-General): I move—

That it be an instruction to the Committee that they have power to consider a new clause and consequential amendments with respect to giving effect to the recommendation of the Statute Law Revision Committee that a similar power should be given to the Court of Disputed Returns in the determination of matters relating to qualification of members or vacancies in either House as is proposed to be given to either House by clause 4 of the Bill.

The motion was agreed to.

The Bill was committed.

Clause 1 (Short title).

The Hon. HADDON STOREY (Attorney-General): I move—

Clause 1, sub-clause (1), line 6, omit "1976" and insert "1977".

I see from the notation on the Bill that today is the anniversary of its introduction into the Legislative Council and it is appropriate that the date in the title should be changed from 1976 to 1977. In the meantime, of course, the Statute Law Revision Committee has reported on the Bill and I express appreciation of the work done by the committee. Its report illustrated the wisdom of Mr. Galbally's suggestion that the Bill be referred to the committee.

The amendment was agreed to.

The Hon. HADDON STOREY (Attorney-General): I move—

Clause 1, sub-clause (3), lines 9 and 10, omit this sub-clause and insert the following sub-clause—

"( ) This Act, except section 2, shall come into operation on the day upon which it receives the Royal assent and section 2 shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*."

The Hon. R. J. EDDY (Thomastown Province): I seek clarification of the Attorney-General's answer to Mr. Walton's interjection about the right of prisoners to vote in the forthcoming elections. I have never known this to happen within Victoria and I ask the Attorney-General what the arrangements will be and who will be entitled to vote.

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

Clause 2 (Repeal of No. 8750 s. 48 (2) (*b*)).

The Hon. HADDON STOREY (Attorney-General): I should like to assist Mr. Eddy, but I cannot. I recall that some time ago he asked me a question on notice and I answered that from inquiries made. I understood that under the Commonwealth legislation prisoners had the right to vote. Carrying that out is a matter, I assume, for the Commonwealth electoral authorities in conjunction with the Minister for Social Welfare. I do not know the answer to the question of how in practical terms this is carried out. I can only say that this Bill does not affect what happens in the Federal election.

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

New clause.

The Hon. HADDON STOREY (Attorney-General): I move—

Insert the following new clause to follow clause 4—

"AA. Section 303 of The Constitution Act

Amendment Act 1958 is hereby amended as follows—

(*a*) Before the words "On the hearing" there shall be inserted the expression "(1)";

(*b*) At the end of the section there shall be inserted the following sub-section—

'(2) Notwithstanding the foregoing provisions of this sub-division, where the Court is satisfied that an act matter or thing whether occurring before or after the commencement of this Act has or may have caused a person to be disqualified from election to either House or the seat of a member of either House to become vacant, the Court may if it is satisfied that the act matter or thing—

(*a*) has ceased to have effect;

(*b*) was in all the circumstances of a trifling nature; and

(*c*) occurred or arose without the actual knowledge or consent of the person or was accidental or due to inadvertence—

determine that such act matter or thing for the purposes of all or any of the provisions of the Constitution Act 1975 be deemed never to have occurred or arisen but any such determination shall not affect the determination of any petition with respect to the validity of any election or return that has been addressed to the Court of Disputed Returns pursuant to section 279.'"

The basis of the proposed new clause is to give effect to the Statute Law Revision Committee recommendation that in the case where Parliament decides to refer a matter to the Court of Disputed Returns, the Court of Disputed Returns should have the same power as Parliament is given under this Bill to determine that no offence has occurred in an appropriate case.

The Hon. S. R. McDONALD (Northern Province): I support what the Minister has said regarding this new clause. I ask the honorable gentleman to clarify one point. He stated that the reason for the new clause is to implement the recommendations of the Statute Law Review Committee that it should be possible for the Court of Disputed Returns to have the power to rule in the same manner as either House of Parliament. However, at the end of the clause the following words appear—

shall not affect the determination of any petition with respect to the validity of any election or return that has been addressed to the Court of Disputed Returns pursuant to section 279.

Section 279 of The Constitution Act Amendment Act permits petitions to the Court of Disputed Returns. What is the situation if Parliament refers one of these cases to the Court of Disputed Returns and, at the same time, a person or group of persons petitions the Court of Disputed Returns on the same matter?

The Hon. HADDON STOREY (Attorney-General): That is an interesting point. I can only surmise that where it is a petition addressed to the Court of Disputed Returns, the power conferred by the proposed new section would not apply. If Parliament referred a matter which had been raised by Parliament to the Court of Disputed Returns, the power would apply. The court would be in a dilemma if it were the same matter referred in each case. I think I should not try to answer that hypothetical question.

If, under section 279 of the Act, a petition were addressed by aggrieved electors or similar people, Parliament would undoubtedly leave it to the people who had already addressed their petition to the court, rather than attempt to deal with it itself. That would be the practical answer. If Parliament did not adopt that practical solution, there would be a problem. At this stage I do not know whether it is the sort of problem that can be overcome. It was not the intention of the Statute Law Revision Committee that the court should have this power in general terms, but that in the case where Parliament would have had the power but decided to refer it to the Court of Disputed Returns, the court should have the same power as Parliament would have exercised.

The new clause was agreed to.

Title.

The Hon. HADDON STOREY (Attorney-General): I move—

Title, after "Assembly" insert "to amend The Constitution Act Amendment Act, 1958".

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

The Bill was reported to the House with amendments, including an amended title, and passed through its remaining stages.

HOUSING COMMISSION LAND PURCHASES.

The Hon. A. J. HUNT (Minister for Local Government) (*By leave*): This afternoon Mr. Landeryou raised a question on which I have undertaken urgent investigations from both the Westernport Regional Planning Authority and the Shire of Hastings, in addition to discussing the matter, as I said I would, with the Minister for Planning. The land to which Mr. Landeryou referred is an old subdivision at the north-east corner of Stumpy Gully and Hastings roads, Flinders. It was subdivided into urban allotments in 1922, and that fact has been public knowledge ever since.

In 1959 the Shire of Hastings first obtained planning powers. In 1967 the shire exhibited a planning scheme which showed the land as urban. On 5th March, 1968, the Shire of Hastings adopted that plan. It has never been formally approved one way or the other by the Government but has been prospective urban at all times. This has been a matter of public record and knowledge at all times. Purchases of the allotments by interests associated with Mr. Leake commenced first on 12th October, 1973, more than a year after he had retired from the regional planning authority. In any event it is quite clear that the status of the land was public knowledge at all relevant times, and not confidential knowledge.

I am further informed that there has since been no application whatsoever for any rezoning or for permits for change of use in respect of the land.

JUDGES SALARIES BILL (No. 2).

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

That this Bill be now read a second time.

Its purpose is to adjust the salaries of the judges of the Supreme Court and of the County Court. These salaries were last reviewed in the Judges Salaries Act 1976, which was proclaimed on 8th June, 1976. The increase on that occasion was a flow on of the 6·4 per cent increase awarded by the Conciliation and Arbitration Commission in its national wage case decision on 13th February, 1976.

Since that adjustment the commission has handed down the following decisions—

(i) $198 per annum increase on 28th May, 1976.

(ii) 1·5 per cent increase on 12th August, 1976.

(iii) 2·2 per cent increase on 22nd November, 1976.

(iv) $297 per annum increase on 31st March, 1977.

(v) $198 per annum increase on 24th May, 1977.

(vi) 2 per cent increase on 22nd August, 1977.

Other full-time Crown appointees and permanent heads received the cumulative benefit of the first five of these adjustments on 14th August, 1977, and the recent 2 per cent increase was passed on to them from 11th September, 1977. This Bill brings judges' salaries into line with the salary movements I have outlined previously.

Honorable members will agree, I am sure, that the judiciary in Victoria has established a tradition of high standards and impartiality in its activities over the years, and in order to continue to attract from the legal profession persons of the highest calibre, it is necessary that salaries of judges be maintained at levels commensurate with their responsibilities.

This Bill increases the salary of the Chief Justice of the Supreme Court from $48,370 to $51,900 and the salaries of puisne judges from $43,920 to $47,190 a year.

Furthermore, the Bill provides for the salary of the Chief Judge of the County Court to be increased from $43,350 to $46,580 and of other judges of that court to be adjusted from $36,960 to $39,820 a year. 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 Tuesday, November 22.

PROBATE DUTY BILL (No. 2).

This Bill was received from the Assembly and, on the motion of the Hon. V. O. DICKIE (Chief Secretary), was read a first time.

STATE FORESTS WORKS AND SERVICES BILL (No. 2).

This Bill was returned from the Assembly with a message intimating that they had made the amendments suggested by the Council on the consideration of the Bill in Committee.

The message was referred to the Committee on the Bill.

Postponed clause 2 and the schedule, including the amendments suggested by the Council as made by the Assembly, were agreed to.

The Bill, including the amendments suggested by the Council as made by the Assembly, was reported to the House without amendment, and passed through its remaining stages.

CROWN RESERVATIONS (REVOCATION AND EXCISION) BILL.

The debate (adjourned from October 11) on the motion of the Hon. W. V. Houghton (Minister of Health) for the second reading of this Bill was resumed.

The Hon. H. A. THOMAS (Melbourne West Province): The first part of the Bill concerns the public recreation reserve in the township of Warragul known as the Warragul showgrounds. The area is under the control of the Shire of Warragul as committee of management. The proposed excision of two areas of land is required by the Country Roads Board for the deviation of the Princes Highway south of Warragul as part of the proposed freeway between Melbourne and the Latrobe Valley. The other piece of land that is proposed to be excised is cut off from the showgrounds by the Hazel Creek.

The freeway is designed to lessen the effect on the main community centre features, namely, the West Gippsland Hospital, the Warragul High School and the showgrounds. It also provides suitable access to the township through the intersection of Warragul and Korumburra Roads. For this purpose portion of the showgrounds reserve is required.

In the freeway design it was necessary for the Country Roads Board to acquire a severed piece of freehold land that abuts the southern boundary of the showgrounds. The board is prepared to surrender this piece of land to the Crown for addition to the showgrounds reserve. The result will be that the showgrounds will have a larger area than they previously had. I have checked with the authorities concerned, including the Royal Agricultural Society, the Trotting Control Board, the greyhound coursing interests and local municipalities, and they agree with the proposal.

Item 2 concerns a reserve in the Shire of Marong that is vested in the State Rivers and Water Supply Commission. The Crusoe reservoir and its catchment area are in the major water reserve, which is the major water strorage for the City of Bendigo.

Crusoe Road runs through the water reserve and an unused recreation reserve abuts it. Because

of the danger of pollution to the water supply for Bendigo it is proposed to relocate Crusoe Road, and the unused portion of that road and the recreation reserve will be vested in the State Rivers and Water Supply Commission.

It is proposed to acquire land for these purposes, and all owners have agreed to accept the offer made by the shire council. Therefore the Labor Party has no objection to the Bill.

The Hon. S. R. McDONALD (Northern Province): The National Party supports the Bill which provides for the revocation of permanent reservations of Crown land. As Mr. Thomas stated, the first area in the township of Warragul was acquired for the purpose of highway realignment, and the second area is in the Shire of Marong. Water supply works for the City of Bendigo need to be carried out.

In both these cases there has been no indication of any opposition from the municipalities and local residents. The reasons outlined by the Minister of Water Supply in respect to both revocations are valid, and therefore the National Party supports the Bill.

The motion was agreed to.

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

SOCIAL WELFARE (HOMELESS PERSONS) BILL.

The debate (adjourned from October 18) on the motion of the Hon. W. V. Houghton (Minister of Health) for the second reading of this Bill was resumed.

The Hon. R. J. EDDY (Thomastown Province): The proposed legislation amends the Social Welfare Act 1970 with respect to certain homeless persons, and the Vagrancy Act 1966.

This measure is entirely due to the efforts of my Leader, Mr. Galbally, who has introduced many private members' Bills in this House. He must be given credit for the Bill now being debated.

The last amendment to the Act was introduced in 1966. The Premier stated that this legislation is contained in the British Acts and should be retained. The Premier at that time, Sir Henry Bolte, and the late Sir Arthur Rylah, both forcefully supported the continuation of the vagrancy provisions in the Act. The Opposition at the time opposed the retention of the vagrancy provisions and also opposed the consorting provisions. This Government has been backward in its thinking on the Vagrancy Act but has at long last recognized that, in the twentieth century, insufficient means of support is no longer a crime.

The Labor Party is concerned that homelessness will now be looked on as a new crime, for clause 2 (3) of the Bill provides—

> Any person having no fixed or other satisfactory place of abode who refuses or neglects to seek lodgings and persistently remains at night—
>
> (*a*) in a public place so as to be disorderly or a nuisance, obstruction, or annoyance to any member of the public; or
>
> (*b*) on private property without the permission of the owner or occupier of the property—
>
> shall be guilty of an offence against this section.
>
> Penalty: $100 or imprisonment for one month.

I should like the Minister to explain during the Committee stage his definition of " lodgings ".

The Hon. B. P. DUNN: That provision applies only if the person is disorderly or is a nuisance on private property.

The Hon. R. J. EDDY: That is correct, and I will come to that later. People who are apprehended under this provision and who do not have financial resources to pay a fine will have no other alternative than to go to gaol. Even a fine of $20 would

have this result for a homeless person. This situation should be avoided. In the past, people were considered to be homeless if they had nowhere to reside and were apprehended sleeping under a bridge or whatever. They were then charged before a magistrate or a justice of the peace, and they generally finished up at Pentridge. I have sat on the bench and I know this happens, and under this Bill that procedure will continue.

The Opposition is concerned about two aspects of the Bill. Firstly, the clause creates a new crime, although it is not the same as the vagrancy provisions. Courts have held that caravans are places of abode, but not motor vehicles.

The Hon. B. P. DUNN: What about panel vans? One cannot even sleep in a panel van.

The Hon. R. J. EDDY: I will deal with that in a moment. This clause will write into the status that people can be prosecuted for adopting a lifestyle of driving from place to place in a car and sleeping in it overnight. Sleeping in a caravan does not constitute a crime, but a person who drives on to a property and sleeps in a car overnight can be apprehended under this measure because he has no lodgings.

The Hon. B. P. DUNN: What if he parked in your backyard?

The Hon. R. J. EDDY: I have never known anyone to drive into a person's backyard and sleep in his car overnight. They might drive into the backyard of Mr. Dunn, because he lives in an open paddock up in the bush. They cannot do that in the city.

The PRESIDENT (the Hon. W. G. Fry): Order! This does not help the debate. Mr. Eddy should address me and ignore the interjections.

The Hon. R. J. EDDY: I can see that some members would like to fill the gaols with vagrants. Surely it is not the intention of the Minister or of the Government to do this. The question of homeless persons is an extremely difficult and complex area of social welfare. The Labor Party suggests that the Minister, the Government and the Social Welfare Department, in co-operation with the Commonwealth, should provide financial assistance to voluntary agencies and organize an intake centre. Voluntary agencies are called upon far too often to give financial assistance to people to obtain a bed, if they can, in such places as the Gill Memorial in the city. Even if the Government provides the services and sets up an intake centre, homeless persons will continue to be a social problem, but being homeless should not be considered a crime.

As I indicated, I believe this Bill introduces a new crime. A census study of Melbourne's homeless population was referred to in a statement in the *Age* newspaper in 1971, as follows—

> "Maxwell Larson, 45 spent the past six months living in a small cubby hole under the bridge on Footscray Road."
>
> As could be expected, public gardens and parkland were commonly used. The Flagstaff Gardens was a common site reported. Other reports referred to the Exhibition Gardens, Studley Park, Albert Park and parks in Prahran, St. Kilda and South Melbourne.
>
> Frequently reported were vacant houses, vacant allotments and building sites, railway carriages and goods yards. One man reported sleeping in a worker's shed on a building site.
>
> Other sites included 'under King Street Bridge', 'a boat shed on Albert Park Beach', 'behind factory in Abbotsford', 'shop doorway in Clarendon Street, South Melbourne', 'South Melbourne Beach', and a man who 'walked around the city all night'.

This is what has happened over the past years with homeless persons who have nowhere else to go.

The sitting was suspended at 6.15 *p.m. until* 8.3 *p.m.*

The Hon. R. J. EDDY: Before the suspension of the sitting, I was referring to *Melbourne's Homeless Population*, a census study conducted by Hanover Welfare Services. I was

pointing out how a number of our homeless people are housed during the night. I mentioned that if they were not sleeping in a park or a doorway, they were being housed or looked after in various watchhouses situated in the metropolitan area. We should further examine that aspect because the study contains—

> Research could be conducted into the no fixed address admissions and releases of public hospitals, mental hospitals and prisons. Emphasis in the preliminary stages of such a survey should be given to examining the discharge policies of these institutions.

If the discharge papers of people who live in these institutions as homeless people were researched, I suggest that would be something from which we would all benefit.

The Hon. B. P. DUNN: Is there not a more recent report than that, which was published in 1971?

The Hon. R. J EDDY: Yes. I understand that a further report was to be made, but it is not yet available through the Parliamentary Library. I have been referring to homeless men but it goes a little further than that as there are quite a number of homeless women in the community who also should be considered.

The Hon. B. P. DUNN: Some are not very old either.

The Hon. R. J. EDDY: That is correct. On page 93 of the study it is stated—

> (i) in situations similar to derelict or skid row homeless men,
>
> (ii) in other situations of poverty, social isolation and poor housing, or
>
> (iii) seeking refuge from domestic, often violent crisis.
>
> All areas have been under-researched, and the scant material available usually stresses the 'deviant' status of the women, attributing it to personal maladjustment to the conventional female sex-role.
>
> From a small number of interviews with women in one of the existing hostels, it was found that the women were young, of working class background, had few, if any relationships with friends or family to give them support, and tended to live in very poor housing. Most had children but were not living in a marital relationship.

The study indicated further that most of the women were between 20 and 25 years of age. It is a shocking situation and an indictment on our society that there are homeless women of those ages in Victoria.

The Hon. B. P. DUNN: What do you think is the major reason for that, Mr. Eddy?

The Hon. R. J. EDDY: In the case of the younger women it would be because of broken marriages. They are from broken families and have few relationships with the people with whom they are trying to reside. I have also seen a number who have been affected by alcohol. It is unfortunate that, when women become homeless and have few friends, they turn to alcohol. The result is that the majority finish up in prison.

The introduction of this measure is ten years too late. No one can deny that it is well meaning, but it will create more problems. The last part of the Bill introduces a number of amendments to the consorting provisions of the Vagrancy Act. The Government was not prepared to accept the recommendations of the Statute Law Revision Committee. I refer to the report of the Statute Law Revision Committee upon the proposals contained in the Vagrancy (Amendment) Bill 1974. Section 6 of the Vagrancy Act 1966 provides—

> (1) Any person who—
>
> (*a*) is the occupier of a house or place that is frequented by reputed thieves or persons having no visible lawful means of support;
>
> (*b*) is found in a house or place in company with reputed thieves or persons having no visible lawful means of support who, on being thereto required by the court, does not give to the satisfaction of the court a good account of his lawful means of support and also of his being in such house or place upon some lawful occasion;
>
> (*c*) habitually consorts with reputed thieves or known prostitutes or persons who have been convicted of having no visible lawful means of support unless such person, on being thereto required by the court, gives to the satisfaction of the court a good account of his lawful means of support and also of his so consorting.

Section 6 (1) (c) concerns me most because it makes it an offence to associate with a person who is a known thief even though that person has not been convicted of stealing.

The Hon. R. J. LONG: What you are asking is: How do you know he is a known thief until he steals?

The Hon. R. J. EDDY: Even the police do not have to know that. A person only has to be, in the opinion of the policeman, one who is likely to steal. That is why this provision in the Act is so ridiculous. The policeman does not have to satisfy himself that the person has been convicted of an offence.

The Hon. R. J. LONG: He has to have a basis for his belief.

The Hon. R. J. EDDY: I just made it quite clear that, in the opinion of the policeman, he has to be a person likely to steal. The policeman does not have to satisfy himself that that person has been convicted of any offence.

The Hon. R. J. LONG: But he must have a basis for his belief.

The Hon. R. J. EDDY: The provision means that a person can consort with a convicted murderer but is not allowed to consort with a convicted thief.

That provision should have been repealed in this measure. It should have been thrown out by the members of the Statute Law Revision Committee when they had the opportunity of doing so. However, the majority of the members of the committee did not support the members of the Labor Party who were prepared to do that.

Under the Vagrancy Act, habitual consorting can be proved if a person receives nine to fourteen " bookings " over a period of one to four months.

A man may work on the waterfront as a painter and docker or he may be a member of Parliament, but he can be booked if he stands in a hotel and talks with people whom the police suspect are capable of stealing. This is unfair. It makes life extremely difficult for any person who has been convicted of a crime and who has served his sentence. Such a man is as good as anyone else and he should not have to face the threat of being booked for consorting.

It is unlikely that a man who had served his sentence would meet other people with whom he was associated in gaol and plan a crime in a public place. It is much more likely that they would discuss the football or the races or any other topic. The proposed legislation was an opportunity for the Government to introduce reform but it has been in office for 22 years and has forgotten about the needs of the people. It is not concerned about people and it will not be in office much longer.

The provision is a punishment for the person who knows only the sort of people categorized in the Bill.

The Hon. B. P. DUNN: Clause 6 does not apply to a person who consorts on only one occasion or by accident.

The Hon. R. J. EDDY: I have made the point that he must receive between nine and fourteen bookings before he is charged. Many people find it difficult, after having served a gaol sentence, to form associations with people who know nothing of that sort of life. They may work with men with whom they were associated in gaol, and if they visit the hotel after finishing work and have a drink with their workmates they are booked if the Consorting Squad enters the premises. But people in those circumstances have no other choice.

I shall give an example. In 1958 I became the Mayor of Collingwood. I had been attending a function and I entered a hotel and saw two men whom I had known for years. I was aware that they had been unfortunate and had served gaol sentences. They congratulated me on my appointment and, naturally, I bought

them a drink. The police arrived and told me that I was consorting with convicted thieves. I explained that I had known the men involved for years and that I was under the impression that they had served their sentences. I told the police that I believed I was entitled to drink with them and that they were entitled to re-enter society as decent citizens and to associate with other decent citizens. My name was taken and nothing happened to me, but any honorable member who spoke to men like those in similar circumstances could be booked for consorting with them.

People in that position are not able to be friendly with ordinary citizens, so they are forced to retain their old associations. The provision will not benefit them or help them to reform. It will simply encourage them to return to their old way of life. They should not have to run the risk of being charged with a criminal offence simply because they speak to old acquaintances. It is time the Government realized that. If it had endeavoured to introduce reform the proposed legislation would have provided it with the perfect opportunity, but it has not taken that opportunity. One never hears of this sort of thing happening in upper-class areas. It always takes place in the poorer areas because these unfortunate people are forced to live in those areas.

It is unfortunate that the majority of the members of the Statute Law Revision Committee voted as they did in connection with the proposed legislation and not as the members of the Opposition on that committee voted.

The Hon. W. M. CAMPBELL: Members of the Liberal Party voted on the evidence presented to them as committee members, and did not vote on party lines.

The Hon. R. J. EDDY: Members of the Labor Party were not instructed to vote on party lines, either.

There is no doubt that, because of Government action, reform has taken a backward step and the Bill will not achieve its aims. The Opposition does not oppose the proposed legislation but is critical of it, as I have indicated.

The Hon. B. P. DUNN (North Western Province): The Bill deals particularly with the situation of a homeless person or a person who has no lawful means of support. As Mr. Eddy pointed out, the problem seems to be growing and it will probably always be present, although it is likely to be worse at a time like this when costs are high and unemployment opportunities are limited. The number of people who drop out or fall by the wayside will probably increase. Under the Vagrancy Act these people were classified as vagrants and could be treated as criminals because they had nowhere to live and no lawful means of support.

No doubt most honorable members would support the contention that it is not a crime for a person to be poor or without a home and that he should not be treated as a criminal. Mr. Galbally must be given some credit for the introduction of the Bill because this is a matter about which he has constantly urged the Government to take action. He has displayed a great deal of knowledge and a great depth of feeling for mankind.

Mr. Eddy raised several points that lead me to believe that his interpretation of one of the clauses was not quite right. Clause 2 (3) (*a*) deals with a person who refuses or neglects to seek lodgings and persistently remains at night in a public place. Mr. Eddy suggested that the provision would create the crime of homelessness, but that is not so because the clause provides that being homeless or without lodgings is not a crime. It is considered to be an offence for a person who is homeless or without lodgings persistently to remain at night in a public place so as to be disorderly or a nuisance, obstruction or annoyance to any member of the public. That is fair enough.

The Hon. R. J. EDDY: But he is put in gaol.

The Hon. B. P. DUNN: The clause stipulates that the person must be disorderly or a nuisance, obstruction or annoyance in a public place. People who act in that way can be put away regardless of whether they are homeless.

Clause 2 (3) (*b*) deals with the person who persistently remains at night on private property without the permission of the owner or occupier of the property. Why should that not be an offence? When Mr. Eddy was speaking, I drew attention to the fact that his front lawn would be as good as an example of private property as any other. A person who persistently remained at night on his front lawn or front verandah would be committing an offence, and that situation would apply on any private property anywhere in the State. I do not think the clause creates a crime for homeless people because it goes on to define that that in itself is not a crime, but if they persistently remain at night in these places, or are a nuisance, or obstruction and so on, that is a crime. That is fair enough.

The Statute Law Revision Committee did some excellent work on this matter and its recommendations are contained in a report on the subject. The committee in fact recommended that clause 5 be withdrawn or repealed and that another section be placed in the Act to do away with the offence factor of vagrancy and homelessness and also lead action away from criminal action towards action to help and rehabilitate these people. Surely that is the thrust of this legislation. To take away this law is to take away the provision of the Vagrancy Act but, more importantly, it is essential that the Government recognizes the problem in the community and that some of the organizations and bodies working in this field are doing a good job.

In his second-reading speech, the Minister acknowledged those organizations and mentioned Ozanam House, the Salvation Army and Hanover Centre. One has only to be in the vicinity of Ozanam House to realize the tremendous contribution that it makes to homeless and destitute men from the Melbourne area. There are many of them who seem to come from all parts of Melbourne for meals.

The Hon. R. J. EDDY: What about the women?

The Hon. B. P. DUNN: I will come to them. Their work is, to a large degree unrecognized by the community which shrugs the problem off by saying that it is a hopeless alcoholic situation. When looking at the welfare and care of people throughout the whole spectrum of the community this section requires attention.

Mr. Eddy asked about homeless women. The problem of homeless women with children concerns me and must surely concern most people. It is much more prevalent in today's society than it has ever been before. Various reasons have been put forward but the whole thrust of Government welfare aid must be towards preventing that situation from developing. When it does develop there must be somewhere for these people to go. A woman can become homeless and destitute in a short space of time. She can be thrown into the street with her children by her husband or from any other relationship that may exist without any means of support, without employment or anywhere to go. When discussing the provisions for homeless people under this legislation that is another very important aspect to be considered.

There is a lot of room for Government assistance in the field of alcoholism, drug dependency, homeless people and so on and Government support for voluntary organizations is continually needed at a level which helps to share the heavy load. The consorting provisions mentioned by Mr. Eddy are, according to the Minister, necessary because they allow the police to move in certain

areas where criminals can congregate and, under this provision of habitual consorting, the police are enabled to apprehend people. The Minister pointed this out in his second-reading speech.

When I interjected "massage parlours" I was not using my words but the Minister's who said that in the opinion of the police the retention of this legislation is justified because it is a necessary and useful provision for the control of massage parlours and to look to consorting provisions activities. It is a sad state of affairs when the Government has to admit to a clause such as this to control the operations of massage parlours in the city.

As I read section 6 of the Vagrancy Act, consorting really applies to any person who is the occupier of a house frequented by reputed thieves or is found in a house in company with reputed thieves—that is in the crime of consorting—or who habitually consorts with reputed thieves or known prostitutes. In other words, if one went into an hotel and bought a drink for a couple of fellows who were reputed thieves that would not really be an offence because one is not habitually consorting with them, nor is one in a house with them, nor are they in a house with you.

The Hon. W. A. LANDERYOU: You would still have your name taken by the police.

The Hon. B. P. DUNN: They might be able to take your name, but under the Act as I read it, one is not liable for an offence of consorting unless one habitually consorts or is actually found in a residence or place with thieves or they are found in your place of residence. Perhaps Mr. Landeryou can add to my interpretation of what the clause means.

The National Party generally supports the provisions of the Bill, which it hopes will take away the stigma of vagrancy as far as homeless people are concerned. It will still allow the police to remove people who are a nuisance or are disorderly. That provision must be retained in the interests of the public. Generally, the Bill is a step forward and it is hoped that the Government will back it up with the necessary assistance to tackle this real problem in the community.

The Hon. W. A. LANDERYOU (Doutta Galla Province): It has been said that there is no crime in being poor. As far as I am concerned poverty is a crime against society, not the individual, and the law should protect the rights of the individual. This law, particularly with respect to the matter referred to by Mr. Eddy and Mr. Dunn in terms of the freedom of association, goes to one of the fundamental rights of people. If we talk in terms of the rights of the homeless I suppose it is time to remind the Government it spent nearly $12 million on land allegedly for the Housing Commission without building one home. That $11·9 million mainly went to its mates.

This legislation seems to ignore the concept of rehabilitation. Indeed, I have heard the Attorney-General, not only in this House but outside it, argue the philosophy behind the Government's approach to this difficulty. I have also heard the Minister for Social Welfare argue the same concept with different emphasis. I do not disagree with either honorable gentlemen, in terms of their public position, but I can assure Mr. Dunn that in the last twelve months I have personal experience of a man who was booked and charged under section 7 with respect to vagrancy. I am prepared to give his name to the Attorney-General or anyone else in the House. This man earns something like 50 per cent over the average weekly earnings. As a result of his employment he is provided with transport and a telephone. He is a man of reasonable means, by any measurement, in the community. He holds credit cards for all of the significant department stores in this city including Georges.

The Hon. W. V. HOUGHTON: I can't afford that.

The Hon. W. A. LANDERYOU: That is exactly my point. I am glad that the Minister of Health is one of the few Ministers who is not in a position to afford such things. Not only is this man paid reasonably well for his employment but well above the average person in our society. He holds credit cards with the principal retail stores within the State—as I say, even at Georges. In addition he had in excess of $2,000 in a bank account or perhaps two accounts. I am not absolutely certain about the last point. However, I stand by the other points. It is clear that this man was obviously a man of some substance.

The Hon. S. E. GLEESON: He must have sold blocks of land.

The Hon. W. A. LANDERYOU: He may have sold blocks of land and given advice behind closed doors in the form of some contract with the Government. When he appeared in court I sat in the body of the court prepared to be a witness, if necessary, in his defence. The evidence clearly led to what I have just outlined, that he was a man with a more than average income and conditions of employment. He was provided with a car and instant communication with the outside world through Telecom and held charge accounts together with substantial savings and yet he was charged by members of the Victoria Police Force as a result of them making a booking on the occasion that he was seen with so-called reputed thieves because that is what the Act requires.

The Hon. B. P. DUNN: Once?

The Hon. W. A. LANDERYOU: That is right, only on one occasion. In a case of habitual consorting before the police charge someone they go into various places, including licensed premises, and if they see someone who is known to them as a criminal or a convicted person they will then take the names of all those people in his company. Once that list of bookings grows to some extent a decision is then made about whether that person will be charged with consorting.

In the past twelve months people have been sentenced to gaol for no other crime than drinking in a public house with these people. The man to whom I refer has a criminal record in the sense that he has served six months in gaol.

The circumstances for which he served that six months' gaol resulted from his association with a lady of ill repute with whom he was living at the time. He is now happily married. He tried to persuade her that she should lead a better life. He was working as a waterside worker at the time and got a job with the Education Department at the Royal Melbourne Institute of Technology. He worked on the early shift and cleaned the technical college in order to supplement his income. He did this to encourage this woman to give up her former life and to sustain her at the standard of living to which she had been accustomed. He made sacrifices to entice her, as one might say in this Chamber, to a better style of life. Eventually she succumbed and returned to her former way of life.

When he discovered that, he went to the Renown Hotel in Fitzroy. He knocked off as a cleaner at the Melbourne Technical College, as it was then called, because he was so emotionally disturbed. He did not go to the waterfront to work the afternoon shift but went in search of his *de facto* wife. When he found her at the Renown Hotel he was so angry that he slightly damaged—only slightly in terms of the medical report—his *de facto* wife's shoulder. He did so in the presence of policemen who were in the hotel. The policemen apprehended him and charged him. He received bad legal advice in that he was advised to plead guilty because it would only be a nominal charge. As a result of the police evidence and the wrong legal

advice he was sentenced to gaol and because he had pleaded guilty he could not appeal against the sentence. He came out of gaol. His *de facto* wife had seen the error of her ways and they again lived together in harmony for five years during which time she did not return to the streets.

The Renown Hotel was 300 yards or less from this man's home. He was employed in a container depot in Melbourne where there was a fair amount of theft. A number of police, I believe nine, regularly visited the hotel, which was a stopping-off place for this man after he left work in the container depot. He knocked off early in the afternoon and he would go to the hotel. He was booked by the policemen for consorting because he was drinking with people with whom he had grown up in the Collingwood-Fitzroy area, who may or may not have had convictions. There were approximately 26 bookings in the Renown Hotel. This was not outside, or in a private home or a common meeting place, but in an hotel within walking distance of this man's home.

As a result of that, he was charged by the police and incurred enormous legal fees in defending his freedom because he faced a twelve months' gaol sentence for consorting. Yet the police knew that he was working full time in an occupation which paid him handsomely, more than 50 per cent over average weekly earnings, provided him with transport, a telephone, more money in the bank than I have, and credit cards with all the major retailers of this city. Nevertheless, he was charged under the Vagrancy Act. This was an extraordinary circumstance.

I am a member of the Statute Law Revision Committee and I think I understood the general gist of the evidence put to that committee. One of the principal arguments put by senior policemen was that this section of the Act should be retained because it means that once police detect criminals they make sure they move to another State. According to the police, Victoria exports troublesome people to other States so that they become the problem of the Police Force there.

The friend to whom I have referred is now happily married, despite the traumatic experience of the past twelve months associated with this section of the Act. It is crystal clear that junior policemen are directed by senior personnel to ensure that they make a number of bookings under this section. They are seen in hotels and other places for no other reason than to make sure that they maintain their average of bookings. Therefore, if in the judgment of someone more senior they want to level a charge of vagrancy against a certain person, they can do so.

On the day I attended court when my friend was charged, another man was charged in similar circumstances on the same evidence of eight or nine policemen. Most of those charges were also associated with the Renown Hotel. This man was sentenced to three months' gaol for consorting.

I completely agree with Mr. Dunn's argument. If it is a matter of the law providing for the protection of the average person against nuisance, I subscribe to that. If it is a matter of the law providing for the protection of the public from persons who are disorderly, I subscribe to that. If it is a matter of the law providing for the protection of the public from obstruction, I also subscribe to that. However, it cannot be held that one man—in this case my friend—clearly with visible means of support and known by the policeman involved to be employed regularly on a day-to-day basis on a weekly contract, should be charged, as was the other man who did not have such visible means of support. Presumably because my friend had superior counsel he defeated the charge. This is an extraordinary set of circumstances which warrants the sort of criticism that Mr. Eddy has levelled.

The assertion about massage parlours is an extraordinary admission from a Government full of guilt.

The only way in which it can keep under control master criminals who operate in the massage parlour field is to use the Vagrancy Act and the threat of consorting against the pimps, the prostitutes and the petty criminals. Is the Government so bedevilled by internal crime within its ranks that it cannot understand that the community needs honesty and integrity, not only in the Ministerial ranks or on the back benches of the Government which has been in power for too long, but also in the Police Force which has constantly said to the Government that it is time it made up its mind on massage parlours. They should be licensed, or the criminals should be run out of town. This cannot be achieved by prosecuting people like my friend or his mate who happened to be charged with similar offences before the same court and sentenced to gaol when the Government is turning a blind eye to the real crime that is occurring both inside and outside of this Government.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (New section inserted).

The Hon. W. V. HOUGHTON (Minister of Health): I am breaking my unaccustomed silence. I join with honorable members in paying tribute to Mr. Galbally who from time to time has introduced private members' Bills in an effort to do more or less what the Statute Law Revision Committee ultimately resolved as a result of the legislation which has been introduced. The honorable member is not the only one. The Minister for Local Government introduced a Bill with the object of dealing with this vexed problem. The Minister introduced those provisions with the best of intentions. During the year that I held the portfolio of social welfare, it concerned me considerably that the Act which was administered by the Chief Secretary's Department existed on the statute-book. I worked hard to find some other way. It was not merely a matter of repealing that section of the Act; it was a matter of making provision for the unfortunate people who were discovered in a derelict situation. That is the only way in which to describe it. It was a matter not of picking them up but of helping them.

The Hon. D. G. ELLIOT: The Minister is more like his brother now.

The Hon. W. V. HOUGHTON: Thank you.

That was my chief concern. I was disappointed that I was unable to achieve that object before I left the Ministry of Social Welfare, but I am pleased that my successor took up the work. As an indication of the difficulties of providing this sort of legislation, it has taken a year and a half to introduce it. Credit is due to Mr. Galbally and many other Ministers and members on this side of the House. Mr. Hider, who is absent on business, has been most concerned about the matter. This Bill is the result of a lot of work, determination and feeling by many members of this House. A tribute ought to be paid also to the Society of St. Vincent de Paul which runs Ozanam House, and to the Salvation Army, amongst whom there are no better in the welfare field, particularly in the care of the homeless and derelicts. I might say that these people are provided with considerable help from the Social Welfare Department and the Government of Victoria. There are fine workers in the field of homeless people and vagrants and they do a lot of other good work as well.

The Hon. R. J. EDDY: I asked the Minister to increase their allocation of funds.

The Hon. W. V. HOUGHTON: That is the intention of the Government; instead of these vagrants being looked after in prison, they will be looked after by a voluntary agency with the support of the Government.

For Mr. Eddy to say that this amendment creates another crime, the crime of homelessness, is sheer nonsense. If Mr. Eddy listens to me for a little while, he will agree with what I say, because his front lawn is becoming as famous as Sir Arthur Rylah's teenage daughter.

The Hon. D. G. ELLIOT: I think we deserve an explanation. I do not know what the Minister is talking about.

The Hon. W. V. HOUGHTON: I think Mr. Elliot does. Clause 2 (3) of this Bill does not affect a person who has no fixed or other satisfactory place of abode; it is only if he refuses or neglects to seek lodgings and persistently remains at night in a public place so as to be a nuisance that the provision comes into operation. I am glad Mr. Dunn agrees with me. Nor does this clause prevent him from being on private property. However, it does prevent him from being in a public place under certain conditions. Those conditions are if he is disorderly or a nuisance, obstructs or is an annoyance to any member of the public. He is not entitled to remain on private property without the permission of the owner, and that is a reasonable condition. I have now convinced Mr. Eddy that this clause does not create a new crime of homelessness, but rather seeks to remove any person who may be acting as a nuisance. It does not matter whether he is rich or poor, criminal or honest; if he is creating a nuisance he comes under the provisions of this Bill.

It needs to be realized that other members of the public have rights in respect of the ways in which they can enjoy their environment, as they say these days, or their property or possessions. People ought to be protected in enjoying those rights and they should not be affected by people who seek to be a nuisance. That is one of the limitations placed on those persons who have no fixed place of abode or who refuse or neglect to seek lodgings.

The whole thrust of the Bill is to provide lodgings other than prison for those people who need care. Sometimes in the past, prison has been welcomed, and that is a very sad state of affairs.

A great deal has been said about consorting. Mr. Landeryou gave the House interesting case histories. I am not able to comment on them because I have not read the evidence of those particular cases, but I do not disbelieve what he says.

The Hon. D. G. ELLIOT: Have you ever been to court to see those cases actually heard?

The Hon. W. V. HOUGHTON: Yes, and I have read a great deal of evidence about the whole field of vagrancy.

The Hon. D. G. ELLIOT: How many times have you seen a fellow labelled a vagrant?

The Hon. W. V. HOUGHTON: Not very often, but I have seen them during my visits to Pentridge Prison. This provision was not introduced without argument. Strong representations were made by the police to retain the consorting provision in the Vagrancy Act. The police have said recently that criminals congregate in massage parlours and that they need to have authority to pick up, to use a common term, people who consort in such places. The provision is wider than that.

Amendments to section 6 of the Vagrancy Act remove the provisions that make it a crime to be poor or to have no visible means of support. I was not on the Statute Law Reform Committe but I know that the police made a strong request to the committee that the provisions relating to consorting should be retained. It behoves the members of Parliament and the community to give weight to police recommendations. The Police Force is comprised of a reputable body of men who do a good job. They have

insisted that they need these provisions to carry out some of their duties, and they have therefore been left in the Bill.

This is a good measure. It demonstrates a pattern of reform that the Government has carried out over the past five years. Of course, Mr. Galbally is a great liberal thinker, and he is supported in this particular aspect by many great liberal thinkers on this side of the House.

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.

RURAL FINANCE AND SETTLEMENT COMMISSION (AMENDMENT) 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.

CATTLE COMPENSATION (AMENDMENT) BILL.

The debate (adjourned from October 25) on the motion of the Hon. W. V. Houghton (Minister of Health) for the second reading of this Bill was resumed.

The Hon. D. G. ELLIOT (Melbourne Province): When explaining the Bill, the Minister of Health said that its effect was to remove the disease, malignant tumour of the eye, from the list of diseases for which the owners may be paid compensation under the Cattle Compensation Act. This Bill has been introduced by a Government which on many occasions has, with somewhat of a forked tongue, stated that it is interested in the welfare of the cattlemen of Victoria and of Australia. What a high quotient of hypocricy? Probably even including the depression, never has the cattle industry been in a more parlous state than it is today. There may be some contributory reasons for that, such as the fact that we have no control over a very much exploited overseas market. Last year, there were record exports, but still the minimum price prevailed for the producer.

The Hon. R. J. LONG: What has this to do with malignant eye tumour?

The Hon. D. G. ELLIOT: I am pleased that you, Mr. President, are ignoring the maestro of the interruptions. Although the Labor Party has had ups and downs in its attitudes towards rural problems, I unashamedly say that when Senator Wreidt presents the party's policies for the rural community, they will be heeded and considered very seriously by the rural voters. Generally speaking, the country man, and particularly the cattleman of today, is saying that the Liberal Party despises him, the Labor Party has often ignored him and the National Party would not know whether it was Arthur or Martha. This may or may not be so, but any person who moves around the country and talks with the average cattleman will find that, unless a cattleman has a certain number of breeders—I will stand corrected by my confrère, the Leader of the National Party—at least 200 breeders, he works the farm himself, maybe with his son, who would have to be reasonably young or he would have to go out to work, and unless he can control the property by himself, he will not make money; he will lose money. I see that Mr. Grimwade agrees with me. Slowly but surely, the cattleman is going to the wall and I defy any honorable member, including the suburban country man, Mr. Long, to contradict my statement.

The Hon. R. J. LONG: Can you relate this to malignant eye tumour?

The Hon. D. G. ELLIOT: I certainly can. In travelling around Australia, which has been a pleasant and dedicated habit of mine, and speaking with people on the land, I have developed a very strong sympathy for the man on the land. He is probably one of the most consistent

labourers that we have in this country. He has to work from early light to almost dusk. He has the responsibility of running the property and worrying whether the weather will be kind to him, and whether his budget plans at the beginning of the year will work out. The Australian climate has been very harsh on the primary producer, even in the best of years.

When we come to the cattle side of primary industry, we find that over the past five or six years, despite an increase in exports which have finally exploded almost, the average cattleman in Australia is going broke, if he has not already gone broke. I find it extremely difficult to countenance or accept that the miserly Government in this State should see fit to eradicate a form of compensation which may at times mean the difference between viability and bankruptcy for the cattleman.

The Hon. W. V. HOUGHTON: The cattlemen agree with it.

The Hon. D. G. ELLIOT: I should like to hear Mr. Barry Cassells say that. Perhaps some of the more conservative members of the cattle-producing fraternity will agree, but I am sure that Barry Cassells would not. As a former member of the National Party, he is doing everything possible to help the cattlemen of Australia to continue in business. Incidentally, it will not be long before I am a member of the cattlemen's union. I love the word "union", because it stands for togetherness in the true sense of the word.

The Hon. R. J. LONG: You realize that he resigned from the National Party?

The Hon. D. G. ELLIOT: Yes, but he had experience with that party and I do not think he has resigned his sympathy with them in some respects. He is doing a good job for the cattlemen to ensure that there is a scheme of things for the average cattleman.

Cattle compensation is part of the scene and should not be withheld. Despite the Minister's assertion that it has been accepted by certain members of the cattle-producing fraternity, I have the feeling that the Bill has something to do with the diagnostic centres at Hamilton, Bendigo, Bairnsdale and Benalla. I have never known a time when these people needed more help, even thinking back to the shocking depression period of the 1930s. The cattlemen have their backs to the wall as they have never had before. They are sorely pressed. They are concerned about the feasibility or viability of the industry and whether they will go bankrupt.

The Hon. W. V. HOUGHTON: This Bill is to help the cattlemen; Mr. Elliot should read the Bill.

The Hon. D. G. ELLIOT: Is it? A lot of cattle, particularly Herefords, suffer from eye cancer. In answer to Mr. Ward's interjection, I would not know the percentage but I have run Herefords for ten years and I suggest that 4 to 5 per cent is a reasonable assessment of the percentage that suffer from eye cancer. Hereford cattle are probably the major breed in Australia, although perhaps Mr. Grimwade may suggest the Angus. Perhaps Poll Herefords and Herefords would exceed any other breed in Australia.

The Hon. F. S. GRIMWADE: It is the only place in the world where that is the case.

The Hon. D. G. ELLIOT: Perhaps we can be thankful for that. I do not want to argue the respective merits of the different breeds of cattle, but horned Herefords or Poll Herefords do make up a large proportion of the cattle population of Australia and these breeds suffer from pink eye, eye tumours and eye cancer. The disease can be controlled to a certain extent by using a pressure pack spray, but it is not entirely successful. The cattleman suffers financially when the beast gets into the sale-yard.

For that reason, especially in times of depression in an industry, every assistance should be given to the cattleman. The whole future of the industry is very much in balance and there could well be a great exodus from the cattle industry. Back in the 1970s, when there was a drop in the price of wool, the sheep population decreased by some 14 million. Although the prices at present are reasonably respectable —in some people's eyes highly respectable—there has still been a curtailment in the numbers of sheep. This could happen in the cattle industry because of the unviability of the industry.

In the last year or so, particularly in the past two months, the Labor Party has completely reappraised its thinking on the rural scene and I am pleased about that. From personal knowledge and friendship with countless scores of primary producers throughout Australia, I know that they are workers in every sense of the word and the Labor Party is fairly and squarely behind them.

The Labor Party will oppose this Bill because under no circumstances should there be any endangering of the viability of the cattle producer either in Victoria or in Australia.

The Hon. S. R. McDONALD (Northern Province): This Bill amends the Cattle Compensation Act. In his introductory remarks the Minister said—and Mr. Elliot alluded to this—that it removes a particular form of malignant tumour from a list of diseases in section 4 (2) (*a*) of the principal Act. I declare an interest in this measure. Regularly over a number of years I have received compensation for cattle with this particular disease and also for cattle with tuberculosis. I do not want to be accused of not revealing my interest in the measure.

The Minister said that the main reason for the amendment was the downturn in funds in the Cattle Compensation Fund which, in part, was due to higher amounts being paid because of the incidence of brucellosis in Victorian herds. He said that the second reason for the introduction of the measure was to provide an incentive for the eradication of the particular disease refered to, malignant eye tumour.

The National Party does not accept either of those two reasons. We do not accept what the Minister put forward as being justified. He pointed out that, last year, about $480,000 was paid out as compensation for about 5,000 cattle with malignant eye tumour. Mr. Bradbury has reminded me that although the Minister said that the additional numbers of cattle being slaughtered because of brucellosis was the main reason for the downturn in the funds in the Cattle Compensation Fund, under legislation passed by the Parliament money from that fund was used to finance the construction of diagnostic centres at the four places mentioned by Mr. Elliot, Bendigo, Bairnsdale, Benalla, and Hamilton. I think every member of every party in Parliament supported that legislation.

But, if the Minister goes back to the time when that measure was debated, he will find that the then Minister of Agriculture, the late Sir Gilbert Chandler, gave an unqualified assurance that if at some stage there was a downturn in the Cattle Compensation Fund, perhaps because of an outbreak of disease, the Government or the Treasury would reimburse the fund. I do not know whether the Minister or the Liberal Party took that into account during the preparation of this Bill.

However, I seriously suggest that the Government, having given that assurance and having seen the downturn in the level of the Cattle Compensation fund, has a responsibility to replace in part some of the money used at that time. If one examines the Bill passed in November 1975, one finds that only one-third of the amount to the credit of the fund at a particular time could be used for

the construction of diagnostic centres. That in itself indicates that the Government was not prepared to use more than a portion of the money for building those centres.

The second reason the Minister gave in support of the Bill was that it would be an incentive for the eradication of the disease. That is about the greatest load of rubbish put forward in this Parliament during my ten years as a member of this House. The result of this proposed legislation will not be the breeding industry using the right genetic stock to get rid of the disease. Rather, it will have the opposite effect. Those who have cattle with malignant eye tumour, instead of obtaining compensation for them, will keep them on their properties and breed from them. The end result will be far worse cases of eye cancer than we have ever seen.

There are good examples of this. Recently I have been in New South Wales in connection with stock virus. Herds of cattle being driven in that State now have some of the worst cases of eye cancer which I have ever known. For the Minister and the Government to put forward the argument that this will be an incentive to improve breeding programmes to get rid of eye cancer is just rubbish. I hope Mr. Gleeson will say something on this issue. It is not a simple matter at all. It is not just a matter of using the proper genetic stock in Hereford cattle, either in the long term or the short term, to solve this problem.

I do not know how many honorable members have examined the original legislation but it was based on the philosophy that the cattle owners of Victoria decided that for particular, specified diseases they were prepared to pay a certain amount for every beast bought or sold as an insurance scheme to provide compensation to owners who had these diseases incident in their herds. This amendment departs drastically from that philosophy.

The Minister said that this move had the support of producer organizations and the industry generally but he did not produce much evidence to support that claim. The National Party has been in contact with the Graziers Association and the Victorian Farmers Union. Neither organization gives unqualified support to the Bill.

The National Party believes that the best course for the Government to follow is to re-examine the situation. The National Party believes it would be reasonable to devise a scheme under which this change was phased in over a period of five to ten years so that the effect of its introduction would be nowhere near as drastic.

We have heard a great deal about the incentive to overcome this problem by a breeding programme and so on, but I suggest that some action on research and advice to the cattle industry should be taken by the Government. No doubt Mr. Gleeson will say something about this.

As I said, the Minister gave two reasons for the introduction of the measure, one of which was a financial reason. I have shown quite clearly that on a previous occasion when this House adopted measures to authorize the use of the Cattle Compensation Fund for the construction of diagnostic centres, the then Minister of Agriculture, Sir Gilbert Chandler, made it clear that if ever there was a rundown in the funds for any particular reason, such as an outbreak of disease, the Government would replace the amount taken from the fund.

I have also pointed out that the Government's argument that the removal of the disease, malignant tumour of the eye, from section 4 (2) (*a*) of the principle Act would act as an incentive for the reduction of the incidence of the disease is invalid, and that the Bill will more likely have the opposite effect. Therefore, as an amendment, I move—

That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and a new

Bill introduced which will provide a formula for phasing out over a period of five years, the payment of compensation in respect of malignant tumour of the eye in cattle and which will provide additional finance for further research into the disease".

One point I did not cover is that some cattle producers do not understand the true situation concerning the proposed change. They tend to believe that compensation will not be paid for cattle with any malignant tumour. But a careful consideration of the amendment in the Bill and the principal Act shows that it is only a malignant tumour of the eye which will no longer be compensatable; other tumours will still attract compensation. I repeat that the National Party does not accept the point of view put forward by the Minister and that is the reason for the amendment I have moved.

The PRESIDENT (the Hon. W. G. Fry): Honorable members will now speak on both the Bill and the amendment.

The Hon. S. E. GLEESON (South Western Province): Mr. President, I assure you that I intend to speak on the Bill, and perhaps on the amendment as well. I am provoked —I think that is the right word—to speak on this Bill because I believe certain things should be placed on record. I did not like the way in which the Bill was introduced or some of the leaflets from the Department of Agriculture and others about it.

As far as is possible I shall be scientifically objective. I am not a veterinary scientist but I am fairly knowledgeable in that area and I am also fairly knowledgeable and experienced in the practical business of breeding cattle.

I will follow Mr. McDonald's example and look at the history of the Cattle Compensation Fund, how it came into being, how it has operated over the years, just what its purpose is, and what it is supposed to do. When it was first enacted— I will not quote the people involved in that—its purpose was to deal with outbreaks of pleuro-pneumonia. That was the most significant disease. The Act was passed at the instigation of various people to provide for a compulsory insurance tax on all sales of cattle to compensate farmers for the arbitrary—I do not use the word in a derogatory sense—actions of the department in slaughtering cattle, which, in its opinion, had or might develop this disease, for the benefit of the industry as a whole. The actions were either to assist the monetary side of the cattle raising industry by elimination of disease or for public health.

In the other Bill three other diseases were mentioned. One was hydatids. The way in which the Parliamentary Counsel drew up the Bill, without punctuation, confuses the reader. The words were "pleuro-pneumonia contagiosa hydatids". The word "contagiosa" referred to pleuro-pneumonia which may be contagious but which is also infectious. The other diseases were actinobacillosis, actinomycosis and finally tuberculosis.

Over the years the whole picture has changed. Various diseases have been added to the list, and one or two have been dropped. This Bill provides for another one to be dropped. Various diseases have been included because somebody—I do not know who—made a decision to do so. I do not know the reasons for that or the motivation behind it.

The Hon. S. R. McDONALD: It started with the Livestock Advisory Committee.

The Hon. S. E. GLEESON. That may be so. Pleuro-pneumonia ceased to be a substantial risk and if we had kept on collecting money for its reduction, the fund would now be quite large. For a while it was a big fund.

As the importance of other diseases rose, they were added to the list. Brucellosis was considered important in the dairying industry

in the early days. There are few cases of Johnes disease. I am not sure in what year malignant tumour of the eye was included. Somebody decided that it should be included in the compensatable group, although there was really no public health risk. One or two other diseases have been added to the list.

When I looked at this problem I tried to ascertain why a certain disease should be on the list, and why one should be dropped from the list. As far as I can establish, there are four main reasons why cattle diseases, some of which are zoonoses and some not—in other words diseases that can be passed from humans to animals and vice versa, but mainly from them to us—are placed on the list. Some diseases do not come into this field. I am not sure why actinobacillosis disease, which affects the tongues and jaws of cattle, was included, because as far as I can ascertain, this represents no hazard to human health. It may have been included for a purely aesthetic reason.

The same applies to tuberculosis and brucellosis. Despite past speeches about the wonderful results to public health resulting from cutting out tuberculosis from the herds of cattle, actually the biggest breakthrough was in the pasteurization of milk. Bovine tuberculosis in cattle does not affect the lungs of humans, although there are exceptions. It manifests itself in lymphatic diseases, bone diseases and other lesions that arise. On the whole, once pasteurization of milk was introduced, the incidence of bovine tuberculosis in children and others dropped dramatically.

Similar results occurred in relation to brucellosis. Undulent fever had been transmitted by milk, and the pasteurization of milk brought an end to it, except for farmers, veterinarians and slaughtermen. From memory, I believe after pasteurization of milk was introduced in England only six cases of bovine tuberculosis occurred in humans and those were amongst abattoir workers who picked up the disease through inhaling the vapour from infected beasts. I mention this only to provide some logical reasons why certain diseases should be on the compensatable list.

The Hon. S. R. McDONALD: Does Mr. Gleeson believe anthrax should be on the list.

The Hon. S. E. GLEESON: I shall mention that later. I shall run through the four reasons why diseases were placed on the list. The first was the idea that there should be compulsory insurance of cattle producers, so that when the Department of Agriculture comes in and slaughters cattle, the loss incurred by any farmer will be shared by the whole cattle industry. That is good in many ways. Despite the fact that it is claimed that malignant tumour to the eye is prevalent only in Herefords, some other diseases occur only in certain areas. Therefore one could say that compensation for these diseases should be paid only to the people contributing to the fund in that particular area. That is not a logical argument.

The second reason for making diseases compensatable is that it is in the national interest to do so. The only reason for making such an effort to eradicate brucellosis and tuberculosis is that overseas customers for meat compel it. It has little to do with public health and almost nothing to do with aesthetics or anything else. One cannot come to any terrible fate from eating beef cattle with calcified tuberculosis nodules or lesions. They will not affect the ordinary consumer of meat.

The Hon. S. R. McDONALD: I should prefer not to.

The Hon. S. E. GLEESON: Yes. I now come to the fourth area, the aesthetic area.

The Hon. D. G. ELLIOT: You can spit in the soup, and if somebody does not see you doing it he will still eat the soup.

The Hon. S. E. GLEESON: Yes. I now come to the fourth area, the aesthetics of the matter. The public does not like to see anything unpleasant associated with its food. Even the farmers who are accustomed to dealing with animals, do not like to eat their lunch without washing their hands, after tending sheep with footrot. When I was at university, I remember that some students had their lunch in the same room in which their anatomy class had just been conducted.

I wonder whether the aesthetic side of food preparation and the whole question of cruelty to animals and how they should be treated is regarded logically. I wonder whether the public is prepared to pay the price necessary to ensure that the farmer never neglects his animals and the diseases which cause concern to people who see them. I am not altogether convinced that carcinoma of the eye is such a painful disease to the cattle which have it. I do not think there is any real problem in allowing them to rear their calves.

The Hon. S. R. McDONALD: There is, in the advanced stages.

The Hon. S. E. GLEESON: It looks unpleasant. I do not think this is a matter of cruelty, but more a matter of aesthetics. If people want the farmer to treat his animals in the way that everybody thinks the cattle should be treated, to tend them when they are having difficulty calving and lambing, and to provide the long hours and the number of people required, farmers should be paid a proper amount to enable them to do this. Otherwise sheer economic necessity causes them to neglect what people regard as proper husbandry. I have always criticized this aspect. One sees a tear-jerker picture of a child's pet featured in the *Herald*, while on an outback property 1,000 sheep are dying from starvation or lack of water.

It is part of the economic scene in the country now to allow up to 5,000 ewes to have lambs without attention, and to take a 1 per cent, 2 per cent, 3 per cent or 5 per cent loss of lambs, because it is not economic to provide the over-all supervision. I know that many people do not bother to ride around their cow herds. They go around now and then, but not regularly, to see whether a cow is having difficulty calving.

The Hon. W. V. HOUGHTON: That is not necessary for an Angus breeder.

The Hon. S. E. GLEESON: I have raised five or six varieties of cattle and I have finally chosen Herefords, for reasons other than calving. For the benefit of the Minister in charge of the Bill, on my property, eighteen months Hereford yearlings were mated with Angus bulls for their first calf, but then there was a return to the Herefords. I should have stated that I have a pecuniary interest in this matter, but not to the extent that Mr. McDonald has.

I do not believe the incidence of carcinoma of the surrounding tissues of the eye is as great a problem as Mr. McDonald mentioned. I turn now to cattle diseases and some of the things which have not been properly explained in the text surrounding this Bill or in any articles. It appears as though carcinoma of the tissues around the eye which has a nasty name and which is a disease similar to skin cancer—keratosis and its associates in humans—is caused by cell structure alteration after long-term exposure to the shorter wave lengths of the sun—the ultra-violet rays. This is not properly understood because the breakdown is random. It is not directly associated with lack of pigmentation because some of the other breeds with slightly different skin colouration but with white hair, such as Charolais have not shown the same tendency to break down as have the Herefords.

This is aggravated to some extent by the disease mentioned—kerato conjunctivitis. This is caused, extraordinarily enough, by either rickettsia, a family of organisms, or haemophilus bovis. Veterinary knowledge is very patchy on things like this. The veterinarians cannot agree upon which of those organisms causes the inflammation of the conjunctivae. The beast develops a profuse flow of tears from the eye and, finally, often an ulcer. This may or may not have something to do with the final development of cancer of the eye.

In Queensland experiments are being carried out into this matter. The Queensland incidence of this disease is much greater than the incidence in Victoria. Some people argue that the disease should not be included in the list, but I believe it is proper for that to be done. In regard to the whole question of why cattle contract cancer of the eye, it appears that on a property which has adequate shade and where the cattle are not scouring the countryside for food in the middle of the day in summer, these is less incidence of it. I have no proof of this, but the incidence on my property is relatively small, around the 1 per cent mark, or maybe less. The type of herd is important; cows older than seven years are more likely to develop the disease because the chances of tissue breakdown is greater when they are older.

Another factor is the breeding of cattle with pigmented eyes. It is doubtful whether this will eradicate the tendency because there are a number of highly heriditary factors in Hereford cattle, one of which is the tendency to produce white body patches and white faces. Even when crossed with Angus cattle the breed demonstrates its superiority and dominant gene. It cannot produce a red body, but it produces a white face, and these cattle do contract eye tumours.

A series of experiments being carried out in Queensland show that the so-called plan of breeding out would not be a rational approach. In the Queensland experiments Hereford herds were crossed with red Shorthorns, which results in the eyes being pigmented as much as possible in a European breed. Even the Angus is no better for this purpose. Also, various species of *Bos indicus*, the Indian or African type of cattle, were used.

The results are startling. The incidence of colouration and freedom from eye cancer in the first cross with the red Shorthorn was about the same as with the Hereford, but the result of the first cross from the *Bos indicus* type was that the disease was almost completely eradicated. That shows that eradication is possible, but not while retaining the Hereford breed.

In a case like this, I believe in the wisdom of the majority. I have seen the advice of experts go down the drain in many cases in the past, which is where it should have gone in the first place. I have seen the wisdom of the mass of farmers demonstrated repeatedly by their ability to handle a multiplicity of problems and their flexible approach, resulting in their coming out of it all right. This does not happen to all farmers, but from that large number a higher percentage of people guess correctly, due to their occupation, than do the experts.

The Hereford breed was chosen for a number of virtues which it has. It is undoubtedly a good meat breed and still very popular in Great Britain and America and other places where the strong sun is not a problem. If the breed has to be adapted to withstand the sun to maintain some of its virtues, then we should carefully examine any breeding programme that would bring in *Bos indicus*. It would be better to tackle the other side of the problem and undertake research in prevention or immunization.

There is a research operative in Queensland now who has had considerable success in transplanting the carcinoma of the eye and gaining a better understanding of the breakdown of eye socket tissue. He is also developing two other lines of research. The first of these is whether a tissue breakdown is aggravated by irritation due to the eye problem, keratosis, that cattle get when they are young, and the second is whether after it has occurred it is transmittable by flies or other means. I should like research to continue, and I should hate to think that any move Parliament makes would prevent it from going ahead.

On the whole question of whether compensation should be paid for various diseases, it is interesting to examine the various diseases which can be transmitted by cattle but about which nothing is done. Anthrax is one that has been mentioned. When Sir Henry Bolte was Premier an effort was made to include anthrax amongst the compensatable diseases. The reason given was that it is confined to certain well-known areas. I still believe that is not a good argument, because one advantage of paying compensation is that it will encourage farmers to report a disease. That is another reason why it is a pity that compensation for this disease is being abolished.

The Hon. S. R. McDONALD: On the occasion Mr. Gleeson referred to, for the first time in many years the disease was transmitted to humans in the Echuca district.

The Hon. S. E. GLEESON: That is right, and it is true that if the disease is compensatable, it will provide encouragement for a farmer to report it earlier, but I do not believe there is any basis for the argument that any reasonably intelligent farmer—and I trust farmers are all reasonably intelligent—would continue breeding cattle with a substantial defect just to obtain the compensation; that is just not on.

Other diseases that are a substantial health risk and about which we do not do anything include tetanus, and I wonder why. It is a similar organism to the one that humans can contract, and is transmittable. Nothing is done about blackleg, which is also unpleasant. I do not know whether it is on the list of compensatable diseases.

The Hon. S. R. McDONALD: One of the reasons given for not making those diseases compensatable is that cattle can be inoculated against them.

The Hon. S. E. GLEESON: I still wonder whether compensation should not cover, at least in part, the matter of aesthetics; in other words, whether the population is concerned to reduce the incidence of disease and remove as quickly as possible from the livestock population cattle that have disease and would offend the average person if he knew they formed part of the food supply.

For this reason and others, although I would not go to the extent of voting against the Bill, I heartily disapprove of it in general.

The Hon. D. M. EVANS (North Eastern Province): I shall make a few brief comments on the Bill and certainly support the remarks of my Leader, Mr. McDonald, on the reasoned amendment which he moved. The proposed amendment is designed to delay action being taken on this matter for a certain time. Many of the remarks made by Mr. Gleeson show cogent reasons why this might be the most sensible course of action to take. I am certain Mr. Gleeson would feel more at peace with his conscience and certainly less embarrassed if the Government agreed to accept the sensible advice he has given it. Mr. Gleeson showed a clear understanding of the disease, a thorough knowledge of the medical symptoms and the general history of the disease.

I make only two or three points on this matter, and the first relates to fees being paid by farmers to cover a range of diseases.

Even during the time that eye cancer has been a compensatable disease, and compensation has been paid for cattle suffering from it, as Mr. McDonald pointed out, there has been a substantial build-up in the amount contained in the Cattle Compensation Fund. It has been so profitable that the State Government has been able to build research stations, and the station at Benalla will be opened by the Minister of Agriculture on 25th November. These research stations were needed and will be of advantage to primary producers, particularly in the cattle industry.

I am concerned that the Bill apparently does not provide for any reduction of fees, nor is that foreshadowed. Apparently compensation for eye cancer accounts for some payments made from the fund, but even then a considerable profit was being made, and one expects that the fund will again build up substantial reserves. I wonder for what reason those reserves are being built up. I should be obliged if the Minister could indicate that to me. It may well be that the money will be used for a worthy cause, and I would support that, but one wonders whether the funds are being built up for other purposes.

People were puzzled about why pressure was applied for the removal of eye cancer from the list of compensatable diseases. Perhaps part of the reason is that people believe it is not a disease for which it is necessary to compensate farmers, and the money could be better used elsewhere, so it should be removed from the list and a few more research stations built. I do not know, but that is a possible reason, and, if that is so, it would not be a fair one.

Eye cancer in cattle is a slow developing disease. It can be two or three years between the time that the signs develop and when the animal reaches the stage where it has to be destroyed for humane reasons. The animal has a high tolerance to pain, and if farmers cannot obtain compensation for the loss of cattle, they tend, as Mr. McDonald said, to breed from the animals. According to some of the experts, there are many bad managers in the farming community and some of them have gone broke and have become " experts "!

Nevertheless, if no compensation is payable, people tend to breed from these cattle and retain them on their farms. If they can obtain compensation they do not breed them, the aesthetics are protected, the animal is removed from the breeding herd, and generally it is a good thing all around.

If the disease is detected in the early stages, the carcass will still have quite substantial commercial value. However, if the disease is allowed to develop further, the carcass will have little or no commercial value and a loss occurs all around, so for that reason also it is good to remove diseased cattle from the herd.

It is also interesting to note—and Mr. Gleeson began to touch on this point—that research is being carried out into the causes of the disease and the way in which it develops. This research has met with some success, and the eventual aim of any research in that area is to find a cure for the disease.

Some time ago a report appeared in the Commonwealth Scientific and Industrial Research Organization digest, *Rural Research*, referring to the substantial success that had been achieved in arresting and removing a substantial portion of the signs of the disease in cattle. Unfortunately I could not find the issue of *Rural Research* containing that article in the Library or I would have shown it to the House. It is a reasonably authoritative publication. From the comments of Mr. Gleeson and the report in *Rural Research* it seems likely that within a fairly short time the disease can be arrested or even cured. In that case there would be no need to pay compensation for it and that problem will have been overcome. For that reason it seems sensible to retain this disease on the list of compensatable diseases.

With those few remarks, following the cogent reasoning put forward by Mr. Gleeson and my Leader, Mr. McDonald, and taking into account the various arguments on the whole situation, I believe the Government should defer action on this matter at present. It is not necessary to rush into it. The disease has been on the list for many years and its retention would continue an historical situation. There is reason to suggest that conditions may change, and rushing in stupidly and carrying out this action may well prove in a year or two to have been unwise.

Faced with the logic that the House has heard tonight from so many speakers, I do not think the Government can reject such a course and will support the amendment moved by Mr. McDonald, an amendment which has been supported by other speakers.

The Hon. H. R. WARD (South Eastern Province) : I agree with some of Mr. Gleeson's comments. The object of the Bill is to remove malignant tumour of the eye from the list of diseases for which compensation is paid under the Cattle Compensation Act.

Those responsible for drafting the Bill gave the Government certain advice and in turn they received substantial advice from a number of people and organizations, including breeding societies and the Livestock Advisory Committee. It is true that there was not unanimity among the people who provided the advice, but one of the main reasons for the removal of this eye disease was——

The Hon. D. G. ELLIOT: To save money.

The Hon. H. R. WARD: That is right. The Cattle Compensation Fund was actually in debt, and that was the main object. In the past successful campaigns have been conducted. I refer to the brucellosis eradication campaign which has been conducted throughout Victoria and which is one of the most successful campaigns ever undertaken in Australia. I understand that during 1976 about 21,000 positive reactors were found. The Cattle Compensation Fund is in debt to the extent of $500,000 and last year $486,000 was paid out in compensation for malignant eye tumour.

It has been suggested that to build up the fund the Government should increase the fees by 100 per cent under the Stamps Act, but the situation has been reached where the industry has an economic problem and it would not be practical or politically viable even to consider such a scheme.

Honorable members recently heard the utterings and ravings of Mr. Barry Cassells of the Cattlemen's Union. He has been making attacks on people whom he considers should be supporting the industry. The balance in the Cattle Compensation Fund is low because of the low sale prices of cattle, mainly through direct selling, but it would be foolish to consider increasing the fees payable under the Stamps Act.

The present situation has been put forward by a number of speakers. This eye disease is most prolific in Herefords and is running at about 20 per cent. I understand it is in excess of 24 per cent in Western Australia. In the Gippsland area, which I represent, there are large herds of Fresians and I understand that the figure is only ·07 per cent. I understand that the average for the Victorian Hereford breed is about 20 per cent but the figure may be lower. It was suggested by those considering the legislation that in future infected cattle would mainly be sold to abattoirs.

With the removal of malignant tumour of the eye from the list of diseases for which compensation is payable, owners of cattle will be left with four courses of action. The first is to sell the infected cattle direct to the abattoirs. Secondly, they can dispose of the cattle on their properties. The third is to have the cattle

undergo surgery; and the fourth is to arrange for treatment by radiation. Of course, surgery and radiation treatment would have to be carried out early and would cost a fortune—that is the problem.

Those are the avenues which it is anticipated owners will explore. The most popular is to sell the beast direct to the abattoir during the early stages of the disease. I do not think owners will obtain a smaller return for the beast by selling direct to the abattoir, but I cannot provide figures to substantiate that claim although I did try to obtain them. The disease does not have an effect as quickly as some people would have us believe. From two to four years elapse before there is any real loss of weight in the beast.

I have received a submission from shires in the Gippsland area. The main submission was from the Shire of Woorayl, supported by a number of shires including the shires of Korumburra, South Gippsland, Phillip Island and the Borough of Wonthaggi. The submission seeks the establishment of another diagnostic centre at Leongatha. Veterinary diagnostic centres have already been established at Hamilton, Bendigo, Benalla, Bairnsdale and a new adjunct is to be established by the university at Westmeadows.

I shall refer to some figures contained in the submission from the Shire of Woorayl, which is seeking the establishment of a veterinary diagnostic centre to cater for the Gippsland area. The area contains approximately 180,000 head of stock. It comprises holdings of about 106 hectares and there are about 5,000 holdings in the area covered by the survey. The main breed of cattle is Fresian as it is a dairying area. In that breed the eye disease occurs only to the extent of about ·07 per cent. About 9 per cent of the State's beef cattle are found in the Gippsland area and about 19 per cent of the dairying cattle.

It has been submitted that if there were a serious outbreak of a disease in this area, a diagnostic centre situated in Leongatha would immediately enable hundreds of tests to be carried out, and action could be taken immediately to prevent any spread of the disease. The submission also includes the argument that because of the exposure of cattle to exotic diseases in this area, a diagnostic centre should be established. At present samples have to be sent to Bairnsdale or Melbourne to be examined and tested.

A major reason against the establishment of these diagnostic centres is the high cost as one of these centres costs about $1·5 million to construct. However, the submission from the area includes the suggestion that further consideration should be given by the Government, after it has completed its present programme, to establishing more diagnostic centres and that the Government should at least consider the establishment of a diagnostic centre at Leongatha. It is the centre of 5,000 holdings which would be served by the establishment of such a centre.

As I said, an amount of $486,000 was paid out of the Cattle Compensation Fund last year and the fund is currently $500,000 in debt. One of the claims made by people who support the intention of this measure is that ridiculous claims are being made. It was made clear by Mr. Gleeson that a number of the claims for compensation should not have been made.

On the passing of this measure, the management of farms will need to improve. If there is better management, better results will be obtained through farm managers taking a closer interest in the breeding of their stock.

People from the Gippsland areas have submitted the argument that their needs can be met only by the establishment of a diagnostic centre

in the future and that when the present programme is completed, the Minister should further consider the claims of the people in this area. I make that submission on their behalf and I have highlighted the needs as they see them.

The Hon. F. S. GRIMWADE (Bendigo Province): I support the Bill and oppose the amendment. I do not share the concern expressed by some members of the House. That may be because I breed Angus cattle, which do not experience carcinoma of the eye. It is one of those diseases which is particularly contagious in certain classes of animals that have white sections of the eye—the tissues around the eye. It particularly affects Hereford cattle and to a lesser extent Fresians. I do not know that I have heard of it in any other animals except on rare occasions in European breeds or other animals which are used to cross with British breeds. It is a specific disease which is applicable to a certain type of animal.

One of the interesting comments was that within the Hereford breed figures of up to 24 per cent have been quoted as the percentage of cattle affected, although I understand that it is normally between 3 per cent and 5 per cent. However, a great number of Hereford cattle do not get eye cancer. It is not just because they do not have the particular type of eye pigment; I suggest that there could be a genetic basis for this. It could be that some animals have a propensity for developing eye cancer and transmit that propensity to their offspring. Hence there is a real opportunity for the intelligent breeder to control the disease by careful breeding. He can select from the Hereford breed cattle which are free of eye cancer and thereby in time do away with the incidence of this disease. I understand that this has been done successfully by a number of Hereford breeders. We would then be taking out of the Hereford breed that group of cattle susceptible to eye cancer and obtaining animals that do not get eye cancer.

It seems to me that to take the Cattle Compensation Fund, to which many people contribute, and to apply it to a small group within the industry who for some reason are not prepared to get out of their particular trouble, is most unfair. This is a cogent reason for the removal of this disease from the Cattle Compensation Act. Other honorable members have their own views and they have expressed them, just as I put my view. I know of no reason why a good manager of Herefords should have to support a poor manager of Herefords who is not prepared to do something about it.

The Hon. S. E. GLEESON: Would you take tuberculosis out of the Act?

The Hon. F. S. GRIMWADE: Indeed I would, and I am sorry that the Bill stops at eye cancer. I think tuberculosis could be removed, and anthrax could well be inserted. However, brucellosis is the one disease which affects all cattle and its control is costing this State a tremendous amount of money. It would be much better if the Cattle Compensation Fund was applied to compensate people who have animals which show a positive result to a brucellosis test. It is much better than applying it to cancer eye cattle.

I support the Bill because if one had heard only some members it could be believed that the Bill had little support. It has a lot of support from intelligent farmers who would like to see this Bill passed.

The Hon. R. J. LONG (Gippsland Province): After listening to Mr. Elliot, one could be excused for thinking the honorable member has some vast knowledge of the cattle industry. In fact, he inferred that I could not tell the difference between two particular breeds of cattle. I assure the honorable member that that is not so because I come from a farming background.

Mr. Elliot inferred that the Government was cheating farmers by taking money from the Cattle Compensation Fund and applying it to diagnostic clinics.

The Hon. D. G. ELLIOT: I did not.

The Hon. R. J. LONG: That is the way in which I understood the honorable member's remarks. I refer to a speech Mr. Elliot made during the debate on the Veterinary Research Institute Bill, which is reported at page 3016 of volume 310 of *Hansard.* During that speech Mr. Elliot said—

> The founding of these diagnostic centres will be a boon to the meat industry and the fact that they will all come under the Veterinary Research Institute is most appropriate. Certainly the Labor Party supports the Bill.

Tonight the honorable member has backed away from that proposition. The same proposition was supported by the National Party. Mr. McDonald repeatedly said, and I agree with him, that prevention was better than cure. He implied that Sir Gilbert Chandler gave a guarantee that the fund would not be diminished.

The Hon. S. R. McDONALD: I did not say that. I said that if it were run down it would be replenished if necessary.

The Hon. R. J. LONG: Sir Gilbert Chandler is reported at page 3020 of the same volume of *Hansard* as saying—

> It would be a pity if the industry did not get the benefit of this fund provided that a guarantee could be given that what was taken out would be put back in an emergency.

The important words are "in an emergency".

It has been suggested that in New South Wales, where malignant tumour of the eye has been taken off the list of compensatable diseases, cattle suffering from the disease are not being disposed of. People who want to retain cattle suffering from the disease should not be supported because there is a view that the disease is infectious and it is therefore in the farmers' own interests to dispose of the animals.

An important matter that has been overlooked in the debate is the export market. The people who control the American market are capable of seizing on any factor to keep Australian meat out of that market and this disease is one of the factors they will seize on at a time that suits them. Here and now would be an excellent time and place to take steps to ensure that the disease is eradicated from Victorian cattle. The inspections of animals sold in the export market are becoming stricter and stricter and the market depends on the atmosphere that prevails in America at any given time.

For these reasons I suggest that the amendment cannot be supported. The fund is deficient at present and members of the National Party make no suggestion about ways of raising additional funds. The fund cannot continue wasting the money being spent on this disease and some action must be taken. The Bill should be supported and the amendment should be opposed.

The House divided on the question that the words proposed by Mr. McDonald to be omitted stand part of the motion (the Hon. W. G. Fry in the chair)—

Ayes	..	19
Noes	..	12
Majority against the amendment	..	7

AYES.

Mr. Campbell	Mr. Hunt
Dr. Foley	Mr. Jenkins
Mr. Gleeson	Mr. Knowles
Mr. Granter	Mr. Long
Mr. Grimwade	Mr. Reid
Mr. Guest	Mr. Saltmarsh
Mr. Hauser	Mr. Storey
Mr. Hider	
Mr. Houghton	*Tellers:*
Dr. Howard	Mr. Stacey
	Mr. Ward

NOES.

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

PAIRS.

Mr. Crozier	Mr. Knight
Mr. Dickie	Mr. Galbally

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to

Clause 2 (Amendment of No. 7615).

The Hon. W. V. HOUGHTON (Minister of Health): It was nice to hear the half-baked cattlemen around the House debating the Bill—

The Hon. D. G. ELLIOT (Melbourne Province): I raise a point of order. The Minister has had the effrontery to use the expression " the half-baked cattlemen around the House ". It may well be that you will rule that expression, Sir, a point of view, but when a person loses his cold, hard cash he does not appreciate that expression from a self-satisfied producer from the Yarra Valley.

The PRESIDENT (the Hon. W. G. Fry): Order! There is no point of order.

The Hon. W. V. HOUGHTON (Minister of Health): And some of those who are rather better-baked. It was not until the real cattlemen, such as Mr. Grimwade, spoke that the crux of the matter was discussed. Mr. Grimwade said, quite rightly, that cattlemen can detect animals suffering from carcinoma of the eye at an early stage and will sell those cattle while that is still an economically viable proposition, instead of keeping and breeding them and running the risk of transmitting the disease to the offspring and continuing a strain that is prone to this carcinoma.

The viability of the cattle industry will be improved by the proposed legislation and the Bill will not help to destroy the industry, as Mr. Elliot suggested. The cattle herds of Australia will be improved, particularly those herds that are liable to carcinoma of the eye. Of course, cattlemen are able businessmen, as Mr. Evans pointed out, and there is no reason why they will not manage their herds in such a way that the incidence of this carcinoma will be considerably reduced.

As Mr. Gleeson suggested, there are reasons for removing some diseases from the list of compensable diseases. It is, perhaps, not unreasonable to consider aesthetics a suitable reason for including eye diseases on the list of compensatable diseases. The aesthetics of other countries may have a bearing on this matter, because no doubt people from other countries may want to have cattle which are aesthetically pleasing as well as free from zoonoses. As I said in my second-reading speech, New South Wales has already taken the step to remove the disease from the list of those for which cattle compensation is paid. That has been well accepted and is operating successfully in that State. I know of no reason why the Government should accept any amendment to this measure.

The Hon. H. R. WARD (South Eastern Province): I made a couple of comments that I ought to correct because they might be misunderstood in relation to the figures that I gave. I have checked my information and there were 696 head of cattle tested in Western Australia, of which 25·3 per cent had signs of cancer. In the past three years in Western Australia some 5,850 cattle were condemned either wholly or partly and there was a total of 509 head of cattle or about 8·7 per cent with signs of cancer. It is fair to support the comment made by Mr. Elliot that that would not be anywhere near the national average and may be well below the 5 per cent mentioned by another honorable member. However, in America, where there are Hereford herds, the average taken was 4·7 per cent of those that had been condemned either wholly or partly which had eye cancer.

The Hon. S. R. McDONALD (Northern Province): The Minister has stuck to the arguments that he used in introducing the Bill. I believe what I said before is still valid, namely,

that when these amendments were made to the Cattle Compensation Act in 1970 and again in 1972 the then Minister of Agriculture, Sir Gilbert Chandler, indicated that if there was a turndown in the fund for a particular reason the Government would see fit to replenish that fund. I believe this is the correct procedure to follow at the present time. I am not convinced by the comments made by the Minister, Mr. Grimwade and others that this measure has the wholehearted support of cattle producers in Victoria. I am not convinced by Mr. Grimwade's argument of the statistical incidence of malignant eye tumour in particular breeds. I would like him to consider whether the other five diseases outlined in section 4 (2) (*a*) of the principal Act are spread statistically to the same extent over every breed of cattle. I am not convinced by the Minister's argument.

I believe what I said on behalf of the National Party, that the Government has an obligation when the fund runs into financial difficulties to replace, if necessary, what has been taken out. Certainly, if we were faced with an emergency of, for example, foot and mouth disease in Victoria, that situation would then apply. I am not convinced that all of the producers whom I know in Victoria are of the same type as those with whom the Minister deals, and that as soon as they see Hereford cattle with eye cancer they will immediately dispose of them. That has not been the case in the past and I am sure it will not be in future. The National Party is still not satisfied with the Minister's explanation.

The Hon. D. G. ELLIOT (Melbourne Province): The same applies to the Labor Party. At times because of my basic affection for the Minister I am disappointed when he makes rather autocratic remarks. Let us take the case of a producer who purchases, in good faith, good commercial bulls, cows and calves for which he pays a top price—perhaps Herefords—and through no fault of his own he finds a high percentage of pink eye and tumours within the herd. The Minister said he should be ruthless and dispose of them as quickly as possible so that he has a better chance of breeding up to cancer free stock. What happens if that is the farmer's entire asset? Is it any great consolation to the farmer who might send a pen of Hereford steers to market with two or three steers with pink eye or eye cancer and wonders why because of the aesthetic value a resultant substantially lower price is offered for that stock? I will be fair and say that as far as the meat of a steer or heifer with eye cancer is concerned I know of no suggestion that when it gets to the abattoirs there will be an aesthetic difference between the meat in that carcass and the meat of an ordinary steer or bullock with no eye cancer. The fact remains that although the beasts are pain resistant, things like tick worry them out of the weight game. The Minister referred to latter day or half-baked cattlemen. There is only one way to get experience unless you inherit what you have.

The Hon. W. V. HOUGHTON: I did not.

The Hon. D. G. ELLIOT: I am not suggesting that, but if the cap fits, wear it. There is only one way to learn and that is through bitter experience or losing dollars and cents. That is why I have a sympathy for the cattlemen of today. The Government does not have the guts to provide stabilization in this country because nobody is prepared to front up. This Government is prepared to talk but it is not prepared to do anything.

The Hon. W. V. HOUGHTON (Minister of Health): As I have been asked so often today I want to answer the comments made by honorable members on the other side of the House. Let us look at precisely what the Minister of Agriculture, the

late Sir Gilbert Chandler, said as reported at page 5096 of *Hansard*, volume 312—

> Its introduction has been possible only because cattle and swine owners are mindful of what the incidence of disease can mean to their interests. If at any time the amount transferred from this fund—which will be used for constructing laboratories —is required to pay compensation from an epidemic, the Government of the day is committed to pay an equivalent sum into the compensation fund.

We are not facing an epidemic but an amendment to the Cattle Compensation Act in the ordinary course of business. In these days we ought to consider from time to time amendments to the Act which would more than likely fall into line with exactly what we are presenting tonight.

The clause was agreed to.

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

LABOUR AND INDUSTRY (INDUSTRIAL APPEALS COURT) BILL.

The debate (adjourned from November 8) on the motion of the Hon. F. J. Granter (Minister of Water Supply) for the second reading of this Bill was resumed.

The Hon. A. K. BRADBURY (North Eastern Province): This Bill amends the Labour and Industry Act of 1958 in respect to the membership of the Industrial Appeals Court. It has been brought about as a result of a judgment in the Supreme Court, which found that the Act under which the Industrial Appeals Court was constituted contained some weaknesses. As a result of a challenge to the Supreme Court, the court granted an order for a writ of prohibition.

This Bill has been introduced to enable the Industrial Appeals Court to fulfil the purpose for which it was originally intended. Members of the National Party believe there is a need for the Industrial Appeals Court in Victoria and we support the Bill. If it is possible, by negotiation and industrial appeals, to bring about some sanity to the Labour and Industry Act, that is all the better for the community. The National Party supports the Bill.

The Hon. D. G. ELLIOT (Melbourne Province): Mr. President, I rushed out of the Chamber in response to an indication from the Government Whip that Item No. 10 on the Notice Paper was the next matter to be dealt with by the House. I secured Mr. Eddy from his late supper, only to find that the agenda has been altered. I realize that this is the privilege of the Government. Under the circumstances I crave the indulgence of the House by moving a brief adjournment so that Mr. Landeryou's rights may be secured. He is the Labor Party spokesman on the Bill.

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.

RACING (MIXED SPORTS GATHERINGS) BILL.

The debate (adjourned from November 8) on the motion of the Hon. F. J. Granter (Minister of Water Supply) for the second reading of this Bill was resumed.

The Hon. R. J. EDDY (Thomastown Province): This Bill will receive the support of my friends in the corner party and the majority of their constituents. It amends a farcical situation that has existed in this State for far too long. Bookmakers have been able to operate at mixed sports meetings only if the promoters of those meetings have included a pony race, a draught horse race, or a trotting race. In each of those races only a few horses may have been involved, but that was sufficient to enable the bookmakers to operate betting on the metropolitan race meetings taking place in Melbourne or Sydney.

The Minister has seen fit to introduce this Bill to remedy the ridiculous situation. Permits have been issued to promoters of a number of athletics meetings outside the metropolitan area, and their patrons have been granted the right to bet at metropolitan and interstate race meetings. I believe this Bill does much to improve the present situation in country centres. On certain weekends in country towns of Victoria, such as Maryborough, mixed sports meetings have taken place. One of the finest foot races in the State is held in a country town, and bookmakers operate at that meeting. This Bill enables them to do so without the promoters having to include pony races or other types of horse races on the programme, as has been the practice in the past. The proposed legislation is excellent. The amendment to section 19, as contained in clause 2 (*d*) limits to 50 the total number of mixed sport gatherings that may be authorized in any one year. Honorable members were informed that 37 mixed sports gathering permits were issued last year, but now, provided that they are promoted in the manner set out in the Bill, up to 50 permits will be issued within the year.

The Minister is to be congratulated. It is not often that I congratulate Ministers, but on this occasion I do so. I believe the Minister knows more about youth, sport and recreation than social welfare. Members of the Labor Party support the Bill.

The Hon. S. R. McDONALD (Northern Province): The National Party supports the Bill. The Minister, in his second-reading speech, clearly outlined its purpose, which is to remove the farcical condition that in order to run a mixed sports gathering the promoters had to include a horse or pony race. This may have been satisfactory in years gone by. Doubtless the Act has been unchanged for a long time. Nevertheless in the 1970s the stage has been reached where this requirement is unrealistic when applied to most mixed sports gatherings and is only carried out to meet the spirit of the legislation.

In his explanatory speech the Minister said that in the past year 37 of these sports meetings were held. He named a number of sporting clubs and organizations that have made representations to him for the amendment of the Act. I am sure that the passage of the proposed legislation will be acclaimed by those organizations. The National Party supports the Bill. The total number of permits that can be issued in one year is restricted to 50. This will mean that there is some control over the number of mixed sports gatherings that will take place in the future.

The Hon. H. R. WARD (South Eastern Province): I support the Bill. If it had not been for a misunderstanding in the days when the Honorable Bill Galvin was Chief Secretary, this legislation would already have been in operation. However, somehow the wires became crossed and the legislation got into a higgeldy-piggeldy mess. There was a situation where the organizers of the Bendigo Two Thousand had to run a Shetland pony race. When Plugger Bill Martin won the Austral Wheel Race in the late 19th century, bookmakers were at that race. Then there was the temperance era and bookmakers disappeared from the scene. Another odd thing is that the racing industry supported the absence of bookmakers. There were other cycling races in Australia where bookmakers were entitled to operate, such as the Austral Wheel Race, the Melbourne Cup on Wheels and the Wangaratta Wheel Race.

The Hon. I. B. TRAYLING: This has been going on for twenty years and the honorable member is trying to blame a former Chief Secretary.

The Hon. H. R. WARD: I am not blaming him. I said that is where the problem occurred. It is at last being corrected. Every person who is involved in cycling and foot races will be cheering that at last this Bill has been introduced.

I congratulate the Minister for introducing the Bill after many representations. I have a few queries, which I hope the honorable gentleman will answer. One is the operation of bookmakers at twilight meetings such as at Rye or Korumburra, where these foot races or small gifts are run and at which bookmakers operate. Will they continue to operate for the duration of that carnival and through the twilight meetings until the fourth or fifth race, which would cover trotting in Melbourne? The bookmakers would operate in the interests of the people.

I do not blame the Honorable Bill Galvin for that situation, but it was during his term of office that the wires became crossed and unfortunately he got the blame because he was in control to that extent.

The Hon. N. B. REID (Bendigo Province): I support the Bill. It is long overdue. A ludicrous situation has developed. Usually the horse race is held early in the morning and no spectators are in attendance. It causes damage to the track, particularly at the Bendigo sports centre, which is one of the finest grass tracks in Australia. It was so good that in 1956, prior to the Melbourne Olympics, international sports meetings were held at the ground and two world records were broken on that track.

I commend the promoters of the Bendigo Two Thousand. The Lions and Apex clubs in Bendigo promote this sports meeting every year. It is an excellent sports meeting and I commend these organizations for drawing this to the attention of the Minister. I commend the Minister for introducing the Bill. The Bendigo Two Thousand has certainly provided a great spectacle for many years, and Bendigo, Maryborough and many other areas throughout Victoria will benefit from the measure.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Extension of provisions deeming a mixed sports gathering to be a meeting).

The Hon. F. J. GRANTER (Minister of Water Supply): I thank honorable members who have spoken on the Bill for their kind remarks, especially to the Minister for Youth, Sport and Recreation. I know that he did a lot of hard work on this Bill. Officers of the Totalizator Agency Board and others connected with the betting systems in Victoria were not keen on this type of legislation. However, I am sure it will be of great advantage to a number of country districts.

I bring to the notice of honorable members that the representations referred to in the explanatory second-reading speech came from the promoters of the Bendigo Two Thousand, the Trentham Athletic Club and the Maryborough Highland Gathering. These sports meetings were conducted in the old Bendigo Province, as I knew it. I attended each of these meetings on a number of occasions. Mention was always made of the farce of this horse race. I was always glad when I saw the horse race about to be started because usually there were only pegs around the oval and the riders were enthusiastic to win. The prize might have been $2 or a cup, saucer and plate. They were always very keen.

The Hon. D. G. ELLIOT: It could have been a bag of potatoes.

The Hon. F. J. GRANTER: Yes and it could have been at Trentham. I was always worried that an accident would occur, and I believe accidents happened on one or two occasions. Nobody was seriously hurt, but nevertheless it was always possible that injuries could be caused.

Mr. Ward, Mr. Eddy and Mr. McDonald said that 37 meetings were held last year and a maximum of 50 is provided for under the Bill. This is probably enough, because there

should be a limit on the number of this type of sports meeting throughout the State.

Foot running is popular, but it was much more popular years ago. The bookmakers should give a service to the public and provide a telephone betting information service for people at the meetings so the prices that are paid on the Melbourne or interstate course on which the bookmakers are operating can be fairly bet and the public will receive a fair go.

Mr. Ward asked whether bookmakers would be allowed to operate for two or three trotting races during the twilight meetings held in his area. I believe the spirit of the proposed legislation would allow this and that the *status quo* will remain. What has happened in the past under the permits that were issued will continue, and I give Mr. Ward that assurance.

The measure will be of benefit for the Bendigo Two Thousand and the Maryborough Highland Gathering on New Year's Day, which is a magnificent spectacle. The organizers will receive a better chance.

The Hon. D. G. ELLIOT: It should put a bit of life into the Bendigo Two Thousand.

The Hon. F. J. GRANTER: That is so. The bookmakers have been operating there, but the horse race was a farce. The Bendigo Two Thousand is now being promoted by the Lions and Apex Clubs, and is going very well. It is supported by the business people of Bendigo and the citizens of the district, and is a credit to them.

The Hon. D. G. ELLIOT: I said that only because it would be nice if the Bendigo Two Thousand could attract the same degree of international interest as the Stawell Gift, and there is no reason why it should not.

The Hon. F. J. GRANTER: Most of the runners who compete in the Stawell Gift also compete in the Bendigo Two Thousand. If there is an international runner in Australia or Victoria, he usually competes at the Bendigo Two Thousand, but, as everybody knows, the Stawell Gift is the mecca of foot running. Anyone who has taken part in foot races or played football on Central Park, Stawell, knows that it is a wonderful thrill to do so.

Once again, I thank the members who have spoken on the Bill for their support.

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.

LABOUR AND INDUSTRY (INDUSTRIAL APPEALS COURT) BILL.

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

The Hon. W. A. LANDERYOU (Doutta Galla Province): The Labor Party accepts no responsibility for this Bill. In the view of members on this side of the House, it is yet another band-aid measure by a Government uncertain of what it should do and the approach it should take on industrial relations.

I have spoken frequently in this Chamber about some of the problems associated with the Industrial Appeals Court, the Victorian wages board system and the Government's entire approach to industrial relations. As I said, the Bill is just a band-aid. There has been no indication from the Government to what it intends to do ultimately about the report of the Committee for Review of the Labour and Industry Act.

Accordingly, although the Opposition does not oppose the Bill, it does not accept responsibility for it, because it cannot be described as anything other than a temporary step in

an endeavour to correct problems created because of the Government's neglect of the report of the committee of review.

I thank the Minister for the way in which he enabled me to enter the debate.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6283 s. 42).

The Hon. F. J. GRANTER (Minister of Water Supply): I thank Mr. Bradbury for his support of the Bill, which was unqualified, although Mr. Landeryou's support was qualified. I can only say that band-aids do not come unstuck. If there are problems with this Bill, no doubt an amending Bill will be brought into the House later.

The clause was agreed to, as was clause 3.

Clause 4 (Saving).

The Hon. W. A. LANDERYOU (Doutta Galla Province): The hour is late, but nevertheless it would be remiss of me if I did not reiterate the points I have put constantly in this Chamber. Although clause 3, which has just been agreed to, uses terms such as " the president shall intimate ", clause 4 states that the president alone shall decide all questions of law and of fact. This distinguishes it from the past situation where the President of the Industrial Appeals Court determined questions of law, and questions of fact were decided by all members of that court, that is, the employee nominee appointed by the Government and the employer representative nominated by employer organizations.

I drew the attention of the House to the ruling of the Supreme Court on 24th August shortly after that decision was made. I put the Government on notice that, if this Bill is intended to alter traditional methods of handling industrial disputes in this State and resort to backdoor methods, then the Government's deplorable record of industrial relations with its employees will spread to employees in the private sector who are governed by wages boards in Victoria. I know it will be claimed by the Minister that the Bill intends to do something yet unexplained, yet unannounced in respect to the Industrial Appeals Court and in relation to the Victorian wages board system, but given what the Minister of Health said in respect of the Health Commission, and what was said last night in respect to the Industrial Training Commission, it seems that we are being prepared for, or softened up for, a drastic change in a procedure which has existed for over 100 years in this State, that is, participation in the first instance of employee representatives and employer representatives in wages board determinations.

The CHAIRMAN (the Hon. W. M. Campbell): I have been lenient with Mr. Landeryou but he is really speaking to clause 3, which has already been agreed to.

The Hon. W. A. LANDERYOU: No, I am not.

The CHAIRMAN: I think Mr. Landeryou is, and consequently he is debating a clause which has been dealt with.

The Hon. W. A. LANDERYOU: I am debating the function of the President of the Industrial Appeals Court, and clause 4 states that the president of the court alone shall decide all questions of law.

The CHAIRMAN: That is clause 3 (4).

The Hon. W. A. LANDERYOU: I stand corrected, Mr. Chairman. I was looking at sub-clause (4).

The CHAIRMAN: I have been lenient with Mr. Landeryou because I felt he had made an error. I would like him to complete his remarks.

The Hon. W. A. LANDERYOU: I will make my comments on clause 5.

The clause was agreed to.

Clause 5 (Transitional provision).

The Hon. W. A. LANDERYOU (Doutta Galla Province): Clause 5 states—

> Where the hearing of an appeal made to the Industrial Appeals Court prior to the commencement of this Act is not concluded on that commencement, then, in respect of the hearing—
>
> (*a*) on and after the commencement of this Act the hearing may continue to be so heard by the Court notwithstanding the change in composition of the Court.

That in itself is inviting the President of the Industrial Appeals Court to determine the matter on his own, without advice and without any definitive participation of any other members of the court. This clause will change the relationship between the Victorian wages boards and the Industrial Appeals Court.

As I have said in earlier discussions, if it is the intention of the Government to treat the Industrial Appeals Court as something other than its name implies, to treat it as a court of first instance, the Government ought to say so and ought not to do what this clause suggests. Where an appeal is made and is subject to hearing, and matters of fact have not been determined by a wages board, it should not be subjected to matters of fact at an Industrial Appeals Court situation.

Clause 5 (*b*) validates what has been done by the court previously. Regardless of the decisions of the courts in the past, employee organizations are being asked to accept that having participated in a system which gave them at least the opportunity of putting argument in the first instance to the wages board, where men in both management and labour and industry deliberated on the facts, that those facts should now be reviewed by a County Court judge who has no relationship with the people on both sides of the industrial arena. It seems to me that in the absence of an explanation from the Government on the future of industrial relations in this country, this Bill, potentially on the surface, suggests that a legal difficulty is being created by a recent decision of the Supreme Court. In the final analysis it will present to the wage earners who work under wages boards in Victoria no alternative but to take their claims and aspirations outside the Victorian wages board system.

The Hon. F. J. GRANTER (Minister of Water Supply): Although I cannot fully answer the remarks made by Mr. Landeryou, I am prepared to discuss them with the Minister of Labour and Industry. I have noted Mr. Landeryou's comment regarding the time-table and I would hope that in my discussions with the Minister I would be able to suggest that the Minister take cognizance of what Mr. Landeryou has said.

The clause was agreed to.

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

RURAL FINANCE AND SETTLEMENT COMMISSION (AMENDMENT) BILL.

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

> That this Bill be now read a second time.

It provides for a number of amendments to several of the Acts administered by the Rural Finance and Settlement Commission.

Since 1963, when the merger of the former Rural Finance Corporation and the former Soldier Settlement Commission was consummated, over $207 million has been expended by the commission in providing finance to rural industry, both primary and secondary, in rural adjustment, land settlement and schemes of special relief primarily designed to cover natural disasters.

In the period since 1963 there have been substantial changes, both in the rural scene and in the direction of many of the commission's activities.

The amendments proposed will not affect the rights of settlers under the Soldier Settlement Act and the Land Settlement Act, and the general financial administration of these Acts will remain as at present in that all receipts by the commission under these Acts will continue to be paid into the Consolidated Fund and the costs of administration will be provided each year by special appropriation.

The Act from which the commission derives its powers is the Rural Finance and Settlement Commission Act and amendments proposed to this Act provide for a change in the name of the commission and give increased flexibility in the management of the funds it administers. These important measures are covered in clauses 2 and 3.

Clause 2 changes the name of the commission to the Rural Finance Commission. The new name will more accurately describe to the general public the range of responsibilities of the commission. There are a number of provisions dealing with consequential changes throughout the Bill.

Clause 3 (1), (2) and (3) provide for amendments to section 25 of the Rural Finance and Settlement Commission Act. This is the section which deals with the operation of the Rural Finance and Settlement Fund, which is the main vehicle for the commission's financial activities. A significant exception at present, however, are those activities associated with the administration of moneys provided from the Public Account and administered by the commission.

The commission has authority to administer such funds on receipt of directions received from time to time from the Treasurer pursuant to section 35 of the Rural Finance Act, which is the Act which generally sets out the commission's powers in relation to lending to the rural community.

Examples of directions given by the Treasurer pursuant to section 35 include instructions to administer various schemes for rural adjustment which were developed between the Commonwealth and the States and which the commission administers in Victoria. Directions on disaster relief is another example.

The changes proposed to section 25 of the Rural Finance and Settlement Commission Act bring these so-called agency moneys into the Rural Finance and Settlement Fund, which is to be renamed the Rural Finance Fund. This means that all the activities of the commission, apart from its soldier and land settlement activities, will then be administered through this fund.

The proposed amendments, with the existing provisions, will allow for payment into the fund of all moneys on hand and to be received by the commission under the Rural Finance Act. This will include those funds at present held by the commission under directions given pursuant to section 35 of the Rural Finance Act. It will also provide for the payment into the fund of any moneys receivable in the future following directions given by the Treasurer. Borrowings by the commission by the issue of inscribed stock, as provided for later in this Bill, and funds allocated to the commission from the Works and Services Fund will also be paid into the fund.

All lending under the Rural Finance Act and the associated debt servicing of the various schemes and programmes will be paid out of the fund, together with administration costs.

The provisions of section 35 of the Rural Finance Act require the commission to account separately for Government agency funds and this will be continued, but within the ambit of the Rural Finance Fund rather than outside it. Loans under

Part III. of the Rural Finance Act will remain within the ambit of the fund but in accordance with the general programme approved by the Treasurer.

Clause 4 allows, as in the case of other statutory authorities, for the payment of the premiums on an insurance policy insuring the members of the commission against accident or sickness arising out of or in the course of the performance of their duties. It also provides that any workers compensation premium shall be paid out of the funds of the commission.

Clause 5 is an amendment consequential upon the change in name of the commission.

The next important matter presented for consideration of honorable members is incorporated in clause 6 and relates to an amendment to the Land Settlement Act 1959. It provides an additional avenue for the disposal of land presently held by the commission under that Act. The changing circumstances of primary industry and the need to make concessions to national policies involving primary production have required an examination of the options available regarding the disposal of land held by the commission.

During the period of soldier settlement from 1946 to the early 1960s, the commission evolved policies and techniques of large scale land development, bringing a new concept to the development of formerly unproductive land and particularly Crown land. The general concept of development was that the commission would use its technical and financial resources to develop the land to a point at which it had a proven capacity to support the incoming farmer. In addition, the farm was also provided with all the necessary farm structures prior to occupancy.

Honorable members will recall that the development of formerly unproductive and virgin Crown land is not without its challenges, but I am pleased to say that development projects which the commission has undertaken have been conducted satisfactorily and of some credit to all who have been associated with them. In this regard I mention other Government instrumentalities which have helped so much, not the least of which are the Department of Agriculture, the State Rivers and Water Supply Commission, the Commonwealth Scientific and Industrial Research Organisation and the Country Roads Board.

Projects for civilian settlers under the Land Settlement Act, namely, those not exclusively for ex-servicemen, involved development at Yanakie in Gippsland, at Invergordon in the Goulburn Valley, at Rochester in central Victoria, at Palpara in the south-west and also the largest project of its kind, namely Heytesbury, situated south of Colac, and Cobden in the Western District.

On all of these projects 625 farms have been developed and made available to settlers at a cost of just over $30 million. This total cost includes all the costs of development, including structures, interest capitalized during the developmental period, incidental expenses, including administration costs, and the cost of providing new roads to service these farms.

The settlers have been provided with these farms at a liability that has been based upon, but not exceeding, the market value for the farms at the time they were allocated. It has not been possible to include in the market value for these farms all the extraneous charges associated with development, and particularly if roading costs are heavy, as they were at Heytesbury where an extensive and completely new network of roading was required.

Notwithstanding generally satisfactory progress, the vicissitudes of the market for primary products have caused interruptions to the settlement programme and finally a

cessation for the time being of making land available. In addition, there is very little virgin land now available inviting large-scale development for agricultural purposes.

In June, 1970, at the behest of the Commonwealth Government, it was decided not to make more dairy farms available for the time being. In 1973, however, following the phasing out of dairy subsidies by the Commonwealth Government, it was decided to complete the Heytesbury and Rochester projects and development and allocation of farms recommenced.

In the first half of 1976, a severe downturn in the market for manufactured dairy products was experienced and, after a series of Commonwealth–State conferences and at the pressing request of primary producer bodies, a decision was made on an Australia-wide basis not to issue further dairy farm licences. As honorable members will know, the Minister of Agriculture is currently negotiating a most difficult series of Commonwealth–State arrangements in respect of the dairy industry.

The situation in the dairy industry has, at least for the foreseeable future, eliminated the prospect of making new farms available for dairying on much of the land still held by the commission. Market conditions for the beef industry do not afford a ready alternative to continue a policy of placing young men on the land, who, by definition, have little or inadequate capital to take up farming without special provisions.

The new procedures provided for in clause 6 of the Bill deal with the existing land held under the Land Settlement Act. At present the commission has some 33,000 acres at Heytesbury, 7,200 acres at Palpara and 1,870 acres at Robinvale.

The Robinvale land, for purposes of irrigation, commands a much larger area of Crown land highly suited for dried fruits production. It is being share farmed for dry land wheat production at present and is not earmarked for early disposal, although there are no present plans for Government sponsored expansion in dried fruits.

The commission is using the land at Heytesbury and Palpara to graze its own herd of cattle, presently numbering about 11,000. The desirable herd of beef cattle has been built up over the years and used to graze on the developing pastures. Since the uncertainties in land allocation which commenced in 1970, the commission has considerably increased the size of the herd to cope with the pasture on the land, which was increasing in productivity and, as I have mentioned, was not being made available to settlers as the programme normally envisaged.

The commission has been able to make profits with its livestock trading and still has a considerable credit in its accounts as the result of that trading. During the past three years, however, with the disastrously low prices for beef cattle and the increasing costs, particularly for superphosphate, the commission has incurred losses and is now confronted with the situation of submitting alternative means for land disposal or incurring considerable expense to intensify its present beef producing operation pending disposal of the land.

It would be out of character with the commission's real function to intensify its beef producing activities to use the land to its full capacity. It is against this background that an additional method of disposing of land is proposed.

Settlement under the existing procedures of the Land Settlement Act will of course still remain open, and I might also say that, on the acceptance of the amendments proposed by this Bill, it is not proposed to immediately place large areas of land on the market. The general intention is, over the course of say the next five years or so, to take reasonable opportunity, in the light of economic circumstances which prevail in particular industries, to sell the land into the

most appropriate land use. Proposed amendments to the Land Settlement Act allow for this with the greatest flexibility possible, consistent with public accountability in the procedures to be followed.

For example, in the event that Commonwealth–State arrangements for the dairy industry so allow, it will be possible, subject to suitable assistance, for an approved owner of a marginal dairy farm in another area to buy the more productive Heytesbury land and suitably establish himself as an efficient dairy farmer. In addition, it will be open for successful Heytesbury settlers who so decide to buy additional land at a fair market price for farm build-up. Likewise, it could be possible for a farmer in another area wishing to enlarge his enterprise to sell his existing farm and buy an enlarged holding in the Heytesbury area.

The Land Conservation Council has suggested that some of the Heytesbury area could be used for softwood plantings, and these suggestions can also be met subject to those who may seek to plant pines being prepared to offer a reasonable price. Under the procedures proposed, the Governor in Council may direct the commission to dispose of land by sale on being satisfied on certification of the commission that changed conditions in primary industry justify this course.

On obtaining the Governor in Council's direction, the commission is authorized to enter into negotiations for the sale after due advertisement giving, if considered necessary, the preferred use for the land. The commission could, for instance, indicate that the land use preferred is for genuine farm build-up purposes rather than, say, for a hobby farm.

The commission may, if there are suitable offers, make recommendations to the Governor in Council concerning the sale of the land at which point the Governor in Council is authorized to sell the land. The sale may be for cash or on terms and, when the liability of the purchaser for the sale is paid, there are provisions for the issue of a Crown grant.

In the event of a terms contract and it subsequently being advisable to substitute a mortgage for the balance of the liability under the contract of sale, provision is made for the purchaser to execute a mortgage over the land for an amount equivalent to the outstanding liability. The commission must satisfy itself that any security is adequate and may require the purchaser to give additional security. For example, where land is sold for farm build-up purposes, a charge over the home farm may also be required. Rates of interest would be at the discretion of the commission, but generally it can be expected that they would be in line with those current for loans under Part III. of the Rural Finance Act.

The procedures outlined will, over the next several years, assist in disposing of the land held by the commission in an orderly fashion. It leaves open the present avenues of disposal and these will be used if circumstances and a change in the present rural outlook make it reasonable so to do.

These proposed amendments to the Land Settlement Act are to meet particular circumstances and do not indicate that as a general policy the Government is not continuing its encouragement of young people to settle on the land. The commission, through the various schemes it administers in rural finance and rural adjustment will be providing, whenever practical, means by which sons can take over from fathers and young people can purchase and settle on the farms of their choice. The Government will continue to examine ways and means of ensuring that young people have an opportunity to own their own farms.

I trust honorable members will agree on the importance and the necessity to give the commission the

flexibility it needs to successfully wind up its outstanding land settlement projects.

Pending disposal of the land at Palpara and Heytesbury, either by settlement or by sale, the commission will be continuing to carry out any necessary development and maintenance of the properties, including running its own beef cattle. The expenses of the development and maintenance and the running of the livestock are met from allocations from the Works and Services Account and the authorization for the amounts to be applied for this purpose is limited at present to $40 million.

As expenditure is currently approaching this figure, it is appropriate to provide additional authorization and clause 6 (5) increases the authorization to $45 million. The increase in authorization will also allow for further development of allotments should it become possible to revert to the existing method of allocation and settlement. The receipts from the sale of land and other assets, including the commission's cattle, will be credited to the Consolidated Fund.

Clause 7 provides for important amendments to the Rural Finance Act 1958. It increases from $40 million to $55 million the amount which the commission may borrow for the purposes of this Act. Funds of up to $10 million may be issued and applied from the Works and Services Acount for the purposes of the Rural Finance Act, which would leave $5 million to be raised by the issue of debentures or inscribed stock, which I shall cover later. Alternatively, the whole $15 million additional borrowing could be raised by the issue of debentures or inscribed stock.

The new provision in clause 7 provides for the commission, with the consent of the Treasurer, to raise loans by the issue of inscribed stock or debentures and gives the machinery provision for the raising of such loans and the issuing and recording of debentures. These matters are covered in considerable detail in clauses 7 (4) and 7 (6).

The additional funds available from institutional lenders by virtue of these provisions will make a valuable supplementary form of funding for the commission's activities. The net effect of this additional source of funds and the earlier amendments to the Rural Finance and Settlement Commission Act in relation to the Rural Finance Fund will enable the commission to release a significantly higher proportion of its increased cash flows for lending to the rural community.

Clause 7 (5) is a very important amendment which relates to the fishing industry. Changes in the industry involve new techniques and the exploitation of more distant fishing areas. Fishermen therefore require larger boats and more sophisticated equipment involving greater capital investment.

The Government wishes to assist the fishing industry in meeting these new challenges and an initial allocation of $500,000 has been made in this year's Budget towards establishing a revolving fund to achieve those objects within the ambit of the Rural Finance Fund. There are limitations under the Rural Finance Act to making loans to enterprises based within the metropolitan area. The proposed amendments to the Rural Finance Act will remove those limitations as far as they apply to the fishing industry and will enable the commission to provide finance which will encourage a more efficient industry wherever it may be based in Victoria.

In total, the proposed amendments will enable the commission to more efficiently carry out its role, and I commend the Bill to the House.

On the motion of the Hon. R. J. Eddy, for the Hon. D. G. ELLIOT (Melbourne Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, November 22.

ADJOURNMENT.

The Hon. W. V. HOUGHTON (Minister of Health): By leave, I move—

That the Council, at its rising, adjourn until tomorrow, at a quarter-past ten o'clock.

The motion was agreed to.

The House adjourned at 11.56 *p.m.*

Legislative Assembly.

Wednesday, November 16, 1977.

The SPEAKER **(Sir Kenneth Wheeler)** took the chair at 11.5 a.m. and read the prayer.

ABSENCE OF MINISTER.

The SPEAKER (Sir Kenneth Wheeler): Order! I have to advise that the Minister of Public Works will be late for question time.

QUESTIONS WITHOUT NOTICE.

HUME FREEWAY.

Mr. WILKES (Leader of the Opposition): Can the Minister of Transport give any further information to the House about the report that he expects to receive from the Country Roads Board on the second collapse of the Hume Freeway? Further, will that report be made public before the House rises, and if not, when does the Minister expect it to be made public?

Mr. RAFFERTY (Minister of Transport): Again, the Leader of the Opposition has asked three questions. The answer to the first question is that I am not in a position to give any further details at the moment. Secondly, I do not know when the final report will be made available, and thirdly, I promised the Leader of the Opposition yesterday that when I received a further report I would let him know. I still hold the same view.

MASSAGE PARLOURS.

Mr. ROSS-EDWARDS (Leader of the National Party): I direct a question to the Premier and refer him to a statement made by the Chief Secretary in September to the effect that he had given instructions to his department to get stuck into the problems of massage parlours. Can the Premier now advise the House whether the Government has abandoned the idea of introducing legislation during this sessional period to combat the problem of massage parlours in Victoria which, as everybody knows, are thinly disguised brothels?

Mr. HAMER (Premier and Treasurer): The Government is seriously considering this problem; it is not by any means a simple one. I do not imagine there is time to introduce legislation for this purpose during this sessional period, if that is necessary, but there may be a number of other steps that can be taken. The Chief Secretary certainly has the matter under close scrutiny, and I assure the Leader of the National Party that the Government intends to take effective action.

Previously changes were made to the town planning regulations to exclude these places from residential areas, but that was intended only as a step, and other steps will follow.

COMPENSATION FOR BUSH FIRE DAMAGE.

Mr. BURGIN (Polwarth): I direct a question to the Minister for Minerals and Energy. Following the disastrous bush fires this year in the Western District and the report that has been made into the cause of them, will the honorable gentleman ensure that the State Electricity Commission offers to compensate landowners with all expediency for damage caused to their properties in the fires so that in these difficult economic times the landowners can plan their future with some certainty?

Mr. BALFOUR (Minister for Minerals and Energy): I assure the honorable member that the State

Electricity Commission is very interested in settling claims as soon as possible. A good deal of work has already been done in the assessment of claims for damage caused by the fires. I understand that at its last meeting the commission approved in principle of certain things, and that some assessments have already been sent out.

I assure the honorable member that assessments will be sent out to people in an endeavour to advise them where they stand and to get the repair work cleaned up as quickly as possible.

MARIBYRNONG RIVER.

Mr. EDMUNDS (Ascot Vale): Following the recent announcement that there is to be a study of the water resources of the Maribyrnong River, can the Minister representing the Minister of Water Supply advise whether this study will also include an examination of the problems of the lower reaches of the Maribyrnong River where serious flooding has occurred during the past few years?

Mr. BORTHWICK (Minister for Conservation): I have no detailed knowledge of that subject, but I do not know how a study of the upper reaches of the Maribyrnong River would not include the flooding problems of the lower areas. I assume that would be one of the major purposes in a total look at the catchment. However, because of the honorable member's local interest in the problem that exists with the Maribyrnong River I will see that he gets detailed information of the over-all intent of the study.

TEACHING ESTABLISHMENT FIGURES.

Mr. WHITING (Mildura): I direct my question to the Minister of Education. In view of the serious unrest that has developed in high schools and technical schools through the State, particularly at staff and school council levels with regard to the latest teaching establishment figures that must be provided by school principals, will the Minister give consideration to altering the directive that has been sent out by allowing for careers teachers and remedial teachers to be excluded from the list of teachers on the establishment of each school?

Mr. THOMPSON (Minister of Education): I will be prepared to examine all objections to staffing establishments in particular schools. In fact, that procedure is already taking place through the Assistant Director-General in charge of personnel, Mr. Hird. I think we can assure the honorable member that next year our post-primary schools in Victoria will still be the best staffed of any State in Australia.

LIQUOR CONTROL INQUIRY.

Mr. REESE (Heatherton): I direct my question to the Minister representing the Chief Secretary. Has the report from the board of inquiry conducted by Mr. Daryl Davies, Q.C., into the Liquor Control Act been finalized, and if so, when will it be available?

Mr. SCANLAN (Minister of Special Education): I understand that the report to which the honorable member alluded is quite considerable. It consists of 700 pages and is currently with the Government Printer, but because of printing problems or delays in printing, it will not be available until the autumn session of Parliament.

CHIROPRACTORS

Mr. ROPER (Brunswick): I ask the Premier: In view of the numerous undertakings he and other Ministers have given on the introduction of legislation concerning chiropractors, can he inform the House whether the Government intends to bring in a Bill during this session so that it can be considered over the Christmas period with a view to the passage of legislation in the autumn sessional period? If no such Bill will be introduced during the current session, can the Premier indicate when legislation might finally be enacted?

Mr. HAMER (Premier and Treasurer): Legislation is certainly under consideration and has reached draft form. I do not think there is the slightest opportunity for it to be introduced in this session. I imagine it ought to be ready for the autumn session.

COMPENSATION FOR BUSH FIRE DAMAGE.

Mr. WOOD (Swan Hill): Can the Minister representing the Chief Secretary advise the House as to what action is being taken to implement the recommendations contained in the report into this year's bush fires?

Mr. SCANLAN (Minister of Special Education): The question is similar to that put earlier to the Minister for Minerals and Energy. In answer, more specifically, to the matter raised by the honorable member, the Under Secretary has convened a meeting next week of all State Government instrumentalities and agencies that have an interest in the recommendations contained in the report. It will be the task of the Under Secretary and the other State Government officers who attend the meeting to examine the recommendations and wherever possible implement them.

CARPET TENDERS.

Mr. TREZISE (Geelong North): I ask the Minister of Public Works: What action has he taken since last week to ensure that the acrylic carpet for which the Public Works Department accepted tenders to the value of about $1·5 million, is manufactured in Victoria and not in New South Wales, as was the case last year?

Mr. DUNSTAN (Minister of Public Works): I have raised the matter with the Director-General of Public Works and I will be discussing that with him either today or tomorrow, whenever the opportunity arises. I will let the honorable member for Geelong North know before the end of the week what action I have taken.

COMPENSATION FOR BUSH FIRE DAMAGE.

Mr. HANN (Rodney): I ask the Minister for Minerals and Energy: In view of an assurance given earlier this day in this House concerning an early settlement for those persons burnt out in the Western District, will the Minister apply the same sort of principles to *Symes* v. *the State Electricity Commission*—people who were burnt out by fires caused by the State Electricity Commission in similar circumstances in Harcourt, and are still awaiting settlement of their claim? They have been placed in severe financial hardship because of the difficulties they have experienced through being burnt out. Therefore, will the Minister apply the same principle to an early settlement in that matter and personally intervene to bring about a settlement?

Mr. BALFOUR (Minister for Minerals and Energy): The case that the honorable member refers to is a particular case and I do not want to go into all the details about it publicly, but I am quite willing to have a talk to the honorable member and tell him a few things he does not know about it. It is a difficult case and a number of people are involved in it. I believe there are creditors involved, and each of those may or may not have claims against the damages.

Mr. HANN: All they want is settlement.

Mr. BALFOUR: It is the insurance company that is settling the claim, not the State Electricity Commission, and the solicitor in charge has had meetings and is endeavouring to bring the matter to fruition. After the honorable member mentioned it to me I had conversations with officers of the State Electricity Commission and I think I can assure him that it will be proceeded with as quickly as possible under the circumstances that exist.

F19 FREEWAY.

Mr. SKEGGS (Ivanhoe): Has the attention of the Minister of Transport been drawn to a report in today's *Sun News-Pictorial* that the Trades Hall Council executive will consider a resolution that workers do not work on a freeway site with police protection? In view of this, can the honorable gentleman assure the House that the Government will continue measures to protect the safety of workers on the F19 Freeway?

Mr. RAFFERTY (Minister of Transport): In reply to the first part of the question, "No, that report has not been drawn to my attention". Secondly, I would expect in any case that the Trades Hall Council would act responsibly, as it does on most occasions. The Government has announced that it is proposing to open the freeway some time before the end of the year.

BOARD OF INQUIRY INTO HOUSING COMMISSION LAND PURCHASES.

Mr. CAIN (Bundoora): I ask the Premier: As it is now clear the Gowans inquiry will not be completed before the 30th November, has the honorable gentleman considered an extension of the date, has he received a request from Sir Gregory Gowans for an extension and, if so, with what results?

Mr. HAMER (Premier and Treasurer): A request has been received from the board of inquiry about an extension of time. It would appear, allowing for Christmas breaks and holidays, that it would require until the end of January for Sir Gregory Gowans to furnish his report.

BENTLEIGH RAILWAY CROSSING.

Mr. SUGGETT (Bentleigh): Can the Minister of Transport now give anything but a categorical "No" to my previous question on what progress has been made with the construction of a safe street level crossing to assist elderly persons and mothers with prams at Centre Road, Bentleigh?

Mr. RAFFERTY (Minister of Transport): The answer is, "Yes".

PRE-SCHOOL SUBSIDIES.

Mr. CRABB (Knox): Does the Assistant Minister of Health recollect representations being made to him on behalf of double-unit kindergartens that are only receiving a single-unit operating cost grant? Does he also recollect informing me earlier this year that this matter would be examined fully when the Budget allocations for the ensuing year were being determined? Is it true that the Minister's department recommended that double-unit kindergartens should receive one and a half times the grant of a single-unit kindergarten? Is it true that the Treasury refused to accept that submission and that in the coming year double-unit kindergartens will continue to receive only single-unit grants?

Mr. JONA (Assistant Minister of Health): I recall representations being made to me from a number of areas, including Knox, and particularly from the honorable member for Geelong West, and in several other areas where double-unit kindergartens have been established and which are still eligible only for the maximum subsidy of $2,600 per annum. It is true that the Department of Health has investigated this matter substantially and has made certain representations to Treasury, which is, of course, customary when representations and submissions are made on a wide-ranging number of matters in pre-Budget discussions.

Mr. GINIFER: Do not apologize.

Mr. JONA: I am not apologizing. The subsidies to pre-school centres are most generous this year and much higher than those applying anywhere else in Australia. In fact, they are probably nearly double the level of subsidies in any other part of Australia. The Department of

Health is currently reviewing the matter and there will be continuous consultation with Treasury in the future to ensure that no kindergarten is unfairly penalized under this arrangement. However, at this stage there is no intention to increase the annual maintenance subsidy rate beyond the maximum of $2,600.

DEDERANG–WODONGA POWER TRANSMISSION LINE.

Mr. LIEBERMAN (Benambra): I direct a question to the Minister for Minerals and Energy. It relates to the proposal to construct a new power transmission line from Dederang through Kiewa to Wodonga. Can the Minister inform the House when the Government will make a decision on the precise route that the power transmission line will take and whether the route will be as originally planned?

Mr. BALFOUR (Minister for Minerals and Energy): The report from the Public Works Committee has been presented to the Governor in Council. The report is currently being considered by Cabinet. I hope that in the next two weeks the Government will have the recommendations of that committee.

ENVIRONMENT PROTECTION AUTHORITY.

Mr. CATHIE (Carrum) I direct a question to the Minister for Conservation. In view of the annual report of the Environment Protection Authority stating that compliance with licence conditions is unsatisfactory, what action does the Minister propose to take to increase and strengthen the investigation section of the Environment Protection Authority, and also to ensure that compliance with licence conditions will be more satisfactory in the future?

Mr. BORTHWICK (Minister for Conservation): The honorable member refers to a section of the annual report of the Environment Protection Authority in which the authority publicly draws attention to the fact that a random investigation of licences issued for the discharge to water showed that 75 per cent of licence holders comply with the licence conditions. The chairman of the authority has informed me that he is endeavouring to check more regularly on the matter so that, in fact, people run a greater risk of being caught and prosecuted if they do not comply. The investigatory branch of the Environment Protection Authority is very strong and has been extremely well led by Dr. Middleton. I have great confidence in it.

AUS STUDENT TRAVEL PTY. LTD.

Mr. McINNES (Gippsland South): In view of the statement by the Minister of Tourism that serious allegations are being made concerning the activities of AUS Student Travel Pty. Ltd., can the Minister of Labour and Industry, for the Attorney-General, advise whether a decision has been received from the Federal Minister for Transport on whether a joint State–Commonwealth inquiry into the activities of this company will be undertaken following the scheme of arrangement recently agreed to?

Mr. MACLELLAN (Minister of Labour and Industry): Like the honorable member for Gippsland South, I noticed the remarks by the Minister of Tourism in another place on this matter. However, I do not know the current position and I have not discussed it with the Attorney-General. I regret that I am not able to advise the honorable member, but I will find out the situation and inform him as soon as possible.

1978 SCHOOL YEAR.

Mr. McARTHUR (Ringwood): Rumours have come to me in my electorate recently, and I believe to other honorable members, that the 1978 school year is to resume on

19th January, 1978. Has the Minister of Education heard of these rumours and is there any substance in them?

Mr. THOMPSON (Minister of Education): Yes, I have heard of the rumours and I took some trouble in an effort to track them down. Apparently, on one occasion, a clerk in the leave branch informed a teacher that her eighteen months confinement leave terminated on 19th January and this caused the rumour to be spread that the Government was shortening the school holidays in line with Public Service holidays. The direct answer is that there is no truth whatsoever in the rumour.

PUBLIC BUILDINGS.

Mr. AMOS (Morwell): In view of the very finite nature of our oil supplies and our dependence upon pricing policies of multi-national companies, can the Minister of Public Works inform the House whether the Public Works Department has laid down any guidelines for architects and designers of public buildings generally to follow in the heating and cooling of public buildings? If guidelines have not been laid down on what fuel resource should be used, such as natural gas, briquettes or electricity, will the Government consider instructing the relative authorities to give preference to the fuel resources that are more abundant in Victoria?

Mr. DUNSTAN (Minister of Public Works): I am deeply touched and complimented by the suggestion that I would have so much technical knowledge at my fingertips. I do not have the knowledge and I am unable to answer the question. As the sessional period is drawing to a close, I will make inquiries and advise the honorable member by letter.

VICTORIAN SOLAR ENERGY RESEARCH COMMITTEE.

Mr. JASPER (Murray Valley): In May this year, the Government announced the appointment of a top-level committee to be known as the Victorian Solar Energy Research Committee. I ask the Premier whether the committee has been appointed, has it met and who comprises it? If the committee has not been appointed, when will it be appointed and when does the Premier believe it will meet?

Mr. HAMER (Premier and Treasurer): The committee has been appointed and has met. It is under the chairmanship of Dr. Court, Secretary for Minerals and Energy, and includes a number of people who are skilled and knowledgeable in the research into and use of solar energy. The Government is confident that the committee will provide some good advice on the best way to support an increase in the research and development of solar energy as a source of power and as a source of other forms of energy in the future. The Government is considerably interested in this and I believe other honorable members will support a vigorous programme.

LIQUOR INDUSTRY INQUIRY.

Mr. BIRRELL (Geelong West): Has the Minister representing the Chief Secretary any knowledge of when the report of the committee of inquiry into the liquor industry will be presented to the House?

The SPEAKER (Sir Kenneth Wheeler): Order! That question has already been asked and answered today.

HOUSING COMMISSION LAND PURCHASES.

Mr. SIMPSON (Niddrie): I ask the Premier: In view of the evidence tendered at the board of inquiry by the Honorable A. J. Hunt, is it a fact that the Crowley report was not presented to Cabinet until recent weeks? If that is the truth, can the Premier advise the House where that report was from 9th September, 1974, until recent times?

Mr. HAMER (Premier and Treasurer): The honorable member has inquired about proceedings in Cabinet which I am not prepared to answer.

TOTTENHAM RAILWAY STATION.

Mr. FOGARTY (Sunshine): Is the Minister of Transport aware that question No. 2424 has been on the Notice Paper for many weeks? It is a question dealing with the relocation of the Tottenham railway station. Having regard to the progress on this project for the abolition of the railway crossing, is it the intention of the Minister to wait until the station has been rebuilt before he answers the question?

Mr. RAFFERTY (Minister of Transport): No, it is not my intention to do that. In regard to question No. 2424 I will make inquiries to find out the what for and the why for!

STUDENTS BOOK ALLOWANCE.

Mr. MACKINNON (Box Hill): My question is directed to the Minister of Education and concerns the operation of the book allowance scheme as it applies to students in the technical education system. Unlike students in the high school system, students undertaking the year 12 course, which is the course equivalent to the higher school certificate course at high schools, do not receive a book allowance. This may be due to the fact that these courses——

The SPEAKER (Sir Kenneth Wheeler): Order! The honorable member is now debating the question.

Mr. MACKINNON: I ask the Minister whether he is prepared to take action in this coming year to correct this apparent anomaly.

Mr. THOMPSON (Minister of Education): In the high schools area there is no doubt about what constitutes year 12. In the area of technical education, there has always been some area of doubt as to what is a year 12 course and what is not. We have tertiary orientation courses, technical and further education courses and courses which it is argued constitute the equivalent of a year 12 course at a high school. It is a grey area which has caused some difficulty and the Government would be prepared to examine this area of difficulty with a view to rectifying anomalies.

OMEO PRIMARY SCHOOL.

Mr. B. J. EVANS (Gippsland East): I ask the Minister of Education: In view of the lapse of time since I made representations to the honorable gentleman on behalf of large numbers of residents of the Omeo and Benambra districts, protesting at the plans of the department to close the higher elementary section of the Omeo Primary School, can the Minister give some indication of what his opinions are in this regard and can he give some indication whether the department intends to proceed with its plans so that the people involved can make other arrangements, as they have intentions of doing, if such a course is adopted?

The SPEAKER (Sir Kenneth Wheeler): Order! I shall invite the Minister to answer the question, although I believe the honorable member may be asking for an opinion. However, if the Minister cares to answer the question he may do so.

Mr. THOMPSON (Minister of Education): This is an unusual problem that I have not met elsewhere in Victoria. It involves the establishment of a high school in a particular area where there are two towns, which are not a great distance apart, but which are separated by winding roads that require difficult bus transport, particularly during the winter months. It has been a controversial issue for years. Eventually a decision was made by the department to establish a high school at Swifts Creek, in preference to Omeo. The Omeo people have now followed the line that they are extremely disappointed that this course of action has been

taken, they do not want their children to attend the high school at Swifts Creek and are prepared for them to go to Bairnsdale.

I provided the honorable member for Gippsland East with some figures indicating the likely enrolments at Swifts Creek. It is such a detailed and complex matter that it would be preferable if I had further discussions with the honorable member to determine whether it is not possible to meet the requests of people at both Swifts Creek and Omeo. This has been the intention in the past, but it is extremely difficult to arrive at a mutually acceptable solution.

VARDIN INTERNATIONAL (AUST.) PTY. LTD.

Mr. MACLELLAN (Minister of Labour and Industry): By leave, I move—

That there be laid before this House a copy of the report of the inspectors appointed to investigate the affairs of Vardin International (Aust.) Pty. Ltd.

In support of the motion I desire to make a statement.

Vardin International was involved in pyramid selling. It was incorporated in Victoria, but its activities were carried out mainly in New South Wales and the directors resided there.

In December, 1971, an officer of the New South Wales Corporate Affairs Commission and an officer of what is now the Victorian Corporate Affairs Office were appointed inspectors to investigate the affairs of the company. Appointments of the same persons were concurrently made in New South Wales. The inspectors completed their report in 1973, and it was submitted to the then Attorney-General for Victoria on 16th April, 1973. In the same year Victoria introduced legislation prohibiting the practice of pyramid selling, and this came into operation on 19th December, 1973.

In May, 1973, the report was forwarded to the Victorian Crown Solicitor for advice as to whether there were grounds for the institution of charges in the State of Victoria. The question of possible offences was also considered in New South Wales. In October, 1974, the Victorian Crown Solicitor pointed out that the more serious offences that may have been committed would appear to have occurred in New South Wales, and the persons concerned were residents of New South Wales. The Crown Solicitor noted there might be serious jurisdictional problems involved in proceedings in Victoria, and advised that it would be preferable to await advice from New South Wales as to what action it was proposed to take in that State.

In May, 1977, the Attorney-General of New South Wales advised that he intended to table the inspectors' report in the Parliament of that State, and it is desirable that similar action be taken here.

It appeared that, following legal advice as to jurisdictional difficulties and problems of proof, no further action was to be taken in New South Wales on the matters raised in the report. In the light of that advice the matter was re-examined in Victoria but prosecutions were not considered appropriate.

However, the Government is happy to join with New South Wales in a simultaneous tabling of the report in the respective State Parliaments. The report and the events described therein reinforce the wisdom of the step which Parliament took on 19th December, 1973, when pyramid selling was banned in Victoria.

I wish to give some of the background notes to the inspectors' report.

"Vardin" was the name given to a range of cosmetics originally marketed by a Mr. Wrobel, a pharmaceutical chemist in Melbourne, through agents who received a commission on sales.

Another pharmacist was appointed as agent for the cosmetics in Sydney and this agent subsequently offered

to purchase the cosmetic division of Mr. Wrobel's business on behalf of a syndicate he had formed. The sale took place in July, 1970, and Vardin International (Aust.) Pty. Ltd. was formed by the syndicate in September, 1970.

A "marketing plan" based on a pyramid type selling organization was developed and various people were invited to "opportunity meetings" where they were asked to buy into the company's structure.

Sales to the end of 1970 were $35,785, including sales of distributorships amounting to $27,540. At this stage the company already owed $41,000. In January, 1971, a Mr. Boyle was appointed sales training officer and in February became managing director. Mr. Boyle lodged a debenture for $50,000 with the company as financial backing. This debenture was used to show the extent of Mr. Boyle's commitment to the company and the financial strength of Vardin. Later it was shown that the debenture was worthless.

An extensive advertising campaign was instituted to recruit more people into the organization and by the end of May, 1971, the advertising account stood at $44,615. By 30th April the accumulated loss for ten months' operation was $74,501 and creditors at about $143,000. Proper accounting records were never established by the company.

A share issue was made by drawing cheques for $74,000 to persons associated with the company for past and future services and immediately rebanking them. Paid up capital increased from $100 to $71,500 with no increase in cash available.

On 30th November, 1971, a scheme of arrangement was submitted to the Supreme Court of New South Wales. At that time there was a deficiency of $247,000. Following newspaper publicity of the Supreme Court judge's comments the inspectors, Mr. F. J. Antonie and Mr. J. D. Longbottom, were appointed.

From the figures comprising $247,000 it can be seen that those directly associated with the company carried the major part of the loss. The inspectors found that the company's downfall was due to "an excessive commitment to the advertising campaign, over-rapid and uncontrolled expansion, inadequate sales performance, lack of stock control, failure to keep proper records, general lack of business experience by the executive coupled with a continuing performance of incompetence".

People were induced to invest in the company as distributors by wild claims of potential profits and assurances that their enrolment fee was guaranteed. The inspectors found that individuals associated with Vardin International (Aust.) Pty. Ltd. had committed offences under legislation in force at that time. These included a person being a director while an undischarged bankrupt and being additionally disqualified by a recent conviction for an offence involving fraud or dishonesty, some irregularities with respect to a "share issue" by the company, failure to keep adequate accounting records and offences under section 303 (3) of the Companies Act relating to committing a company to liabilities with no reasonable or probable grounds of expectation of the company being able to pay the debt.

As it has been decided that the report is not to be printed, a copy will be made available to honorable members in the Library and two copies will be kept at the office of the Attorney-General so that members of the public who are interested will have the opportunity of inspecting the report.

The motion was agreed to.

Mr. MACLELLAN (Minister of Labour and Industry) presented a return in compliance with the foregoing order.

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

PAPERS.

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

Statutory rules under various Acts—

Fisheries Act 1968—No. 326.

Industrial Training Act 1975—No. 328.

Labour and Industry Act 1958—Nos. 321 and 323.

Marine Act 1958—No. 322.

Melbourne and Metropolitan Board of Works Act 1958—No. 324.

Public Service Act 1974—No. 329.

Water Act 1958—Nos. 325 and 327.

LOCAL GOVERNMENT (PROMOTION OF DECENTRALIZATION) BILL.

This Bill was received from the Council and, on the motion of Mr. DUNSTAN (Minister of Public Works), was read a first time.

LITTER BILL.

This Bill was received from the Council and, on the motion of Mr. DUNSTAN (Minister of Public Works), was read a first time.

HUME FREEWAY.

Mr. WILKES (Leader of the Opposition): I desire to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, the failure of the Government to take adequate steps to prevent a failure in the repaired section of the Hume Freeway.

The SPEAKER (Sir Kenneth Wheeler): Order! A copy of this motion was made available to me this morning. I must admit that I did not arrive until 10.30 a.m., so it was there for an hour, but I have had time to consider it.

Yesterday, the Leader of the Opposition asked the Minister of Transport during question time whether he was aware of any further deterioration or breaking up of the Hume Freeway, particularly the section that has already been repaired. The question continued—

> If he is aware of this, can he give the House any indication of the extent of the further breaking up; what it will cost to repair it, and who is responsible?

I will not read the entire answer, but in reply the Minister of Transport stated, *inter alia*—

> Additional investigations are being undertaken in an attempt to determine if there is any deterioration beyond that which is presently apparent, which is not very extensive.
>
> The third part of the question relates to the time it will take to repair the freeway and the cost and responsibility. That information is not yet available. As soon as it is available, I shall be happy to provide it to the honorable member.

I refer honorable members to page 365 of the seventeenth edition of *May*, which states—

> The fact that new information has been received regarding a matter that has been continuing for some time does not in itself make that matter one of urgency.
>
> (ii) If the facts have only been recently revealed, that does not make the occurrence recent.

On page 367 it is stated that—

> An order of the day or notice on the Paper . . .

shall be a matter to be considered. This matter appears as Order of the Day No. 17 on the Notice Paper dated today, Wednesday, 16th November, 1977.

After taking all these matters into consideration, I cannot admit the motion.

Mr. WILKES (Leader of the Opposition): May I address you on that ruling, Mr. Speaker?

The SPEAKER: No. I have ruled, and whatever the Leader of the Opposition says will not alter my ruling, so I cannot allow the Leader of the Opposition to address me on it.

Mr. FORDHAM (Footscray): May I ask a question to clarify your ruling, Mr. Speaker? It is my understanding that in circumstances of

this nature you would usually seek advice from both sides of the House on the matter and then bring forward your research. I note that you have not done so in this case, Mr. Speaker. Could you explain why you have not done so, and what will be the future practice? Are honorable members to take it that in future, where you have some doubt about the admissibility of a motion for the adjournment of the House, neither the Opposition nor the Government will be called on to give an opinion and to argue their case before you?

The SPEAKER (Sir Kenneth Wheeler): Order! In answer to the question asked by the honorable member for Footscray, honorable members will recall that as recently as yesterday I invited honorable members from both sides of the House to give their opinions because I had some doubt about the admissibility of the motion.

In this case the motion was referred to me at the appropriate time and I had no doubt about it, and thus it was not necessary to invite argument from either side of the House.

There will be no alteration to any procedure in the House; the situation is quite clear. If I have a doubt, I will certainly invite honorable members to argue the case, and that is the correct procedure.

Mr. EDMUNDS (Ascot Vale): I raise a point of order, Mr. Speaker, and seek to clarify a point of procedure on your ruling. The only way in which I can attempt to do so seems to be by raising a point of order.

The SPEAKER (Sir Kenneth Wheeler): Order! I will endeavour to explain again. The Leader of the Opposition made the wording of the motion available to me. I received it at 10.30 a.m. today, and I know it would have been there earlier because the Leader of the Opposition is quite thorough in these matters. I considered the motion and determined that it was not admissible to be debated under these conditions. I ruled that way because I believed there was no doubt about the matter.

I read again from page 367 of the seventeenth edition of *May*, which states—

> A motion for the adjournment has been held to be out of order if the matter it raises *anticipates*—

This is one of the conditions, and because of the way in which the motion was worded I believed there was no need to bring it into the House and invite argument.

Mr. WILTON (Broadmeadows): I raise a point of order and direct your attention, Mr. Speaker, to the Standing Orders of this Parliament, which one assumes would certainly override *May*. Standing Order No. 26 states—

> (*a*) A member rising in his place may propose to move "That the House do now adjourn" for the purpose of discussing a definite matter of urgent public importance (which he shall then state and hand in in writing to Mr. Speaker).
>
> (*b*) The member proposing the motion for adjournment shall not be allowed to address the House on such motion until Mr. Speaker shall have ascertained that twelve Members rise in their places, as indicating approval of the proposed discussion.

Although *May* may be used regularly as a guide to assist honorable members and you, Sir, a written Standing Order of the Parliament, which clearly states that twelve members may, by rising in their places, give approval that the proposed motion shall be discussed, should take precedence. For the life of me I cannot understand how the writings of *May* can override a Standing Order of this Parliament.

There have also been a number of occasions when the question of urgency has been argued in this House. Rulings of your predecessors are available to you, Sir, and they clearly set out that the interpretation of Standing Order No. 26 that if a member of this Parliament is able to secure the support of

twelve other members who are prepared to stand up and indicate approval——

Mr. RAFFERTY (Minister of Transport): I raise a point of order——

The SPEAKER (Sir Kenneth Wheeler): Order! The honorable member for Broadmeadows is addressing me on a point of order and I intend to hear him. If, when the honorable member is finished, the Minister wishes to raise a point of order, I will also hear him.

Mr. WILTON (Broadmeadows): My point of order is that from my reading of Standing Order No. 26 I take the view, with all due respect to you, Sir, that a Standing Order of this Parliament would override the writings of *May* or the decisions or Standing Orders of any other Parliament. This Parliament has adopted its own Standing Orders so that honorable members can conduct the business of Parliament. As I said before, if an honorable member can secure the support of twelve other members who are prepared to indicate their approval, in my view the debate should take place.

The SPEAKER: I think I should rule on the point of order raised by the honorable member for Broadmeadows. I remind the honorable member that what he has read from the Standing Orders is correct and I have already considered it, but the Chair also has a responsibility to this House to decide whether a motion that has been submitted is admissible. After considering the matter prior to coming into the House, I believe it is not an admissible motion.

Mr. THOMPSON (Minister of Education): On a point of order, I submit that you have given your ruling and further discussion is inadmissible.

Mr. WILKES (Leader of the Opposition): Without disputing your ruling, Mr. Speaker, I should like to direct a question to you.

The SPEAKER: Order! If the honorable member wishes to address me he may do so, but I want him to understand clearly that he is addressing the Chair and not other members of the Chamber.

Mr. WILKES: I want to ask, Mr. Speaker, whether you took into consideration in the criteria that you used, the fact that, because of your ruling, it will not be possible for this matter to be discussed in Parliament. Not only by virtue of your ruling, Sir, but because of a restriction placed on Parliament by the Government, it will not be possible under any circumstances for honorable members to discuss this important matter in this House. I ask whether you, Mr. Speaker, took that into consideration.

The SPEAKER: I took into consideration all the relevant matters that allowed me to come to the conclusion and decision that I did. I have ruled according to my own conscience on the matter and that is where the matter rests.

Mr. FORDHAM (Footscray): I wish to raise one final point of order, Mr. Speaker. It has been brought to your attention, also under Standing Order No. 26, which you quoted, that only one adjournment motion can be introduced on any one sitting day. As I understand your ruling—obviously we do not have a copy in front of us as it was only given—you were talking about the first available opportunity of raising the matter. Because the Leader of the Opposition raised a matter by way of a question yesterday he obviously would have had the opportunity yesterday to pursue the matter by way of an adjournment motion, but that was not possible because another adjournment motion had been raised. Standing Order No. 26 precluded the Leader of the Opposition from moving an adjournment motion on this subject yesterday, so I suggest that the issue of first available opportunity is not as clear as it appears to be on first sight. Secondly,

I suggest that Order of the Day No. 17, Government Business, on the Notice Paper is a completely different matter. The Ministerial statement on the Hume Freeway has already been made, whereas the adjournment motion which the Opposition seeks to move deals with a completely different matter.

The SPEAKER: Order! Order of the Day No. 17 on the Notice Paper is certainly a Ministerial statement relating to the Hume Freeway, Wallan to Broadford pavement failure. It is listed on the Notice Paper to be considered. The other matters I took into consideration were the reference to *May* and Standing Order No. 17, and I came to a conclusion that brought me to the point of giving the ruling to the House, which I have already done.

Honorable members interjecting.

The SPEAKER: It does not matter to me who interjects. It does not alter my decision and does not alter my ruling nor my conduct in respect of the Chair and this House. I want to make that perfectly clear. When I am in the chair I am absolutely and completely unbiased, and I want honorable members to know that.

Mr. CAIN (Bundoora): I raise a point of order. Mr. Speaker, if you intended to give that ruling I suggest that you should have advised the honorable member of the position and given him the opportunity of presenting a case justifying the motion he has moved. He had no such opportunity, nor did any other member of the House. The member presenting a motion such as this must be entitled to put a case in support of its being presented to the House.

The SPEAKER: I did not type the motion, nor did I word it. I ruled on the motion as it was given to me. It has been customary in this place, ever since I have been here, for the Speaker to get a copy of a motion of this type approximately one hour before the sitting of the House. I received it only half an hour before the sitting commenced. That was no fault of the honorable member. All I am asked to do, all I am doing and all that I shall continue to do is to rule on the motion that is handed to me. It is not my responsibility to suggest to anybody that the motion should be altered.

LIBRARY COMMITTEE.

Mr. THOMPSON (Minister of Education): By leave, I move—

That Mr. Edmunds be appointed a member of the Library Committee.

The motion was agreed to.

BUILDING INDUSTRY LONG SERVICE LEAVE (AMENDMENT) BILL (No. 2).

Mr. MACLELLAN (Minister of Labour and Industry) moved for leave to bring in a Bill to amend the Building Industry Long Service Leave Act 1975.

The motion was agreed to.

The Bill was brought in and read a first time.

POLICE REGULATION (AMENDMENT) BILL.

Mr. SCANLAN (Minister of Special Education) moved for leave to bring in a Bill to amend the Police Regulation Act 1958 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

MARINE (PILOTS SUPERANNUATION) BILL.

Mr. DUNSTAN (Minister of Public Works) moved for leave to bring in a Bill to amend Part V. of the Marine Act 1958.

The motion was agreed to.

The Bill was brought in and read a first time.

WYCHEPROOF LAND BILL.

Mr. BORTHWICK (Minister of Lands) moved for leave to bring in a Bill to authorize the committee of management of certain land in the Parish of Bunguluke to grant leases of that land, and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

JUDGES SALARIES BILL (No. 2).

The debate (adjourned from September 21) on the motion of Mr. Hamer (Premier and Treasurer) for the second reading of this Bill was resumed.

The SPEAKER (Sir Kenneth Wheeler): I am of the opinion that I should advise the House that the second reading of this Bill requires to be passed by an absolute majority.

Mr. FORDHAM (Footscray): This Bill provides for an increase in the salaries of the judges of the Supreme Court and of the County Court. In introducing the Bill the Government has been at pains to assure Parliament that this increase is very much in line with recent decisions of the Conciliation and Arbitration Commission. Honorable members were told by the Minister in his second-reading speech that the Bill brings judges' salaries into line with the salary movements between May, 1976, and September, 1977.

The result of this exercise, and the application of these movements through the commission, has been to provide a salary increase of the order of $3,000 for judges both of the Supreme Court and of the County Court. Honorable members would recognize that these are significant increases, and I hope the community, and Parliament in particular, pause and think about what we are doing. Last year when the salaries of judges were increased, I tried to make the point that difficulties will be caused in the future by increasing the disparity between salaries of people such as judges, senior public servants and Ministers of the Crown, and the average worker in the community. That is asking for trouble in the years to come, and I believe the Government should be condemned for this attitude.

Each quarter the Government goes to the Arbitration Commission and argues against indexation. It does that year after year and in most cases it is the only State which takes the step of briefing separate counsel to appear before the commission to argue for partial indexation and, in some quarters, to argue for no increase of salary. The Government is prepared to argue that this ought to happen, supposedly in the national interest or, if honorable members like, in the State interest. On the one hand the Government takes that step but, on the other hand, it grants to senior public servants, judges, members of Parliament and Ministers of the Crown, far greater salary increases. In practice it works out that the differential between these salaries, under the direction of Parliament and the Government, is far greater than it has been in previous years. I suggest that this growing disparity will inevitably lead to growing antagonism within the community at large.

There is a need to set some sort of plateau. It is not a simple matter. It needs to be graded and reviewed from time to time, but to apply these increases across the board at this senior level is a retrograde step which tends to reinforce and increase public misunderstanding and antagonism to the attitude taken by the Government, and in this case forced upon Parliament by the Ministers.

I found most disturbing the following comment made by the Minister in his second-reading speech—

> Honorable members will agree, I am sure, that the judiciary in Victoria has established a tradition of high standards and impartiality in its activities over the years—

in that I would agree—

> and in order to continue to attract from the legal profession persons of the highest

calibre, it is necessary that salaries of judges be maintained at levels commensurate with their responsibilities.

I ask the Minister of Labour and Industry and all members of the Government party whether they sincerely believe it is true, that in order to attract the best people to the bench, salaries of this order need to be offered. Is it really suggested that senior legal people in the community would refuse to accept the offer of a position on the County Court or Supreme Court bench unless they were given a salary of this level? I do not know whether there is any evidence to support what the Government says, but the situation should be even more of concern to members of Parliament because, given the importance of the courts in our land, positions of this nature should not be taken up simply because of the level of remuneration. I sincerely do not believe that is the case.

The thought that people who are judged to be the most suitable to be appointed to the bench would decline an appointment because the level of salary was not of this order, goes against my whole concept of the law and against my whole concept and understanding of how the courts ought to be run and administered. I hope financial criteria will never be the major factor in determining whether judges should receive salaries of the order of $40,000 to $50,000, which will be the position following the increases which are being granted in this Bill.

The average worker—not people at the lowest level of income—receives $12,000 to $13,000 a year. This increase of $3,000 will bring the salary level of judges up to $40,000 a year. There is no reason why judges should be isolated. A similar principle applies to senior public servants whose salaries do not come before Parliament but are dealt with by regulation. I sincerely believe the same principle applies to Ministers of the Crown. The Government and Parliament should be prepared at some stage to say that it is no good in an inflationary situation to continue to apply across-the-board indexation when there needs to be a plateau and a scaling down of increases above these plateau levels. I do not suggest that this should happen overnight. There must be a consultation between industrial tribunals and other bodies in the State. It should be a consensus activity. It could be a serious attempt by Parliament to show the nation at large that it realizes that the present system is not working satisfactorily and that the inequalities of the past are not being reinforced; they are being worsened by the application of indexation across the board. I hope the Government will consider this matter.

Last year many members of the Opposition raised this matter when a similar Bill was introduced. I am disappointed that the Minister did not refer to the subject when he introduced the Bill. The only reference he made was that these sorts of salary levels were needed in order to recruit the best judges. I do not believe this is so. I hope the Government will review its stance on what should be seen as an important principle of industrial relations and wage justice.

Mr. ROSS-EDWARDS (Leader of the National Party): A similar Bill is introduced annually to increase the salaries of County Court and Supreme Court judges. Recently in the national interest of many wage earners in this State and throughout Australia, indexation has been modified. This certainly had the support of the Government party and the National Party. If there is to be straight indexation, nothing much will be done about inflation. If we are honest, we must consider a modified form of indexation for all salary increases whether of judges, members of Parliament or anyone else.

The National Party supports the Bill but the Minister of Consumer Affairs should realize that Supreme

Court and County Court judges, heads of departments, members of Parliament and so on, should in all honesty be treated the same as other wage earners in the State. It is time there was some agreement and understanding by the Government that automatic increases should not continue. It could be argued that these people will not get much benefit from the increases. Much of it will be absorbed in taxes. They will probably receive only about one-third of the increase and the other two-thirds will be a donation to the Federal Government in the form of taxation, but a principle is involved. The Government has pushed the principle of modified indexation, and to be consistent and honest the same consideration must be given to the salaries of judges, senior public servants, politicians and other people concerned.

Mr. SIMMONDS (Reservoir): The House should review the proposed legislation in the existing climate and come to a conclusion on whether the Bill provides for a just and fair settlement of a wage claim by the judiciary. If the wage claim by the judiciary is accepted, the Government has a responsibility to apply similar standards to the rest of the community.

The Premier in his second-reading speech listed the decisions of the Arbitration Commission between 28th May, 1976, and 22nd August, 1977. He indicated that the decisions by the commission to 28th May represented a flat increase of $198 and on 22nd August, 1976, a 1·5 per cent increase. On 22nd November, 1976, a 2·2 per cent increase; on 31st March, 1977, a $297 per annum flat increase; on 24th May, 1977, an increase of $198 per annum flat increase; on 22nd August, 1977, a 2 per cent increase. Those decisions reflected various approaches to indexation. The Premier simply added the flat increases and then compiled a formula which gave a net increase of 5·7 per cent to judges.

As the judges have indicated, it is unique for a wage claim to be made on the basis of a greater amount than the formula provides. The Premier has increased the salary of the Chief Justice of the Supreme Court from $48,370 to $51,900, which is in excess of that formula. I have not taken figures for the rest of the scale but it is unique in industrial claims to find that the formula being applied is in excess of the claim. A settlement of the judges' claim will be at a higher level than the original claim might have been. This is in contrast to the Government's attitude to its employees in Government instrumentalities. Recently it instructed the State Electricity Commission to oppose any increase in salary for those workers who provide the basic power sources of the State.

Mr. ROSS-EDWARDS: They get indexation.

Mr. SIMMONDS: The Government refused to apply indexation to the State Incremental Payment Scheme of its own employees. It is still saying that railway workers are not entitled to a decision of the Arbitration Commission of $6 a week. It is in the process of using every possible resource to deny any movement in those areas. Yet, it comes to Parliament and says that judges on salaries of $48,000 a year must be given the full benefit of wage movement. There is no argument or disputation, but simply the introduction of a Bill to provide the community with the best judiciary that money can buy. There is a responsibility to assess the relative work value of the judiciary and of those people who perform the tasks that keep industry afloat and provide the life blood of the community. The Government has not applied a similar standard in other areas. The labourer is worthy of his hire. The judiciary is as much entitled to wage justice as the worker in the State Electricity Commission or the train driver.

I indicate the relative wage values of the people to whom I am referring. The national minimum wage at this

stage is $110.50 a week, which is far removed from the concept of an increase of $3,000-odd annually for the judiciary. The figure provided by the Australian Bureau of Statistics in June of this year on weighted minimum weekly rates was $142.41. There are people in the community who could benefit from the sort of philosophy that the Government applies to the judiciary. The Government ensures that the judges are adequately rewarded for the services they perform. If the Government took this attitude in other areas, there would be less industrial disputation around the State and there would be greater potential for people who produced to purchase the goods of their labour and the economy of the State could well be advanced.

On that concept, the Opposition is entitled not to oppose the Bill but to suggest that the Government has denied to the rest of the community the consideration that this Bill contains.

Mr. CAIN (Bundoora): On a similar measure last year, I expressed reservations about across-the-board indexation regardless of the level of salary. I again express that concern and support the remarks of the Deputy Leader of the Opposition. The Opposition does have reservations about the proposition that a cost of living adjustment of 6 per cent, or whatever it may be, is necessary or desirable when dealing with salaries of $43,000, $44,000 and $45,000. With a salary or wage of $7,000 or $8,000 and a cost of living increase of 6 per cent, the wage earner needs every cent of that adjustment in order to live, but the same cannot be said of a salary earner on $40,000. As the Deputy Leader of the Opposition said, if the Government continues to follow this same procedure, it merely increases the disparity between salary and wage earners in the community.

When considering wage justice for judges and other officers of the court, the Government ought to have regard for the other benefits that they enjoy. I understand that judges enjoy a particularly generous superannuation scheme to which they contribute nothing and from which they become entitled to benefits after ten years in office. This sort of scheme is not enjoyed by many other wage or salary earners and it ought to be taken into consideration in determining whether judges are receiving a proper salary.

Mr. MACLELLAN (Minister of Labour and Industry): The Deputy Leader of the Opposition indicated that the Opposition would not be opposing the Bill. I think the honorable member's argument was that he did not object to partial or plateau indexation principles being applied. I suggest that the honorable member for Reservoir would have a different view on that subject and that he would probably support the trade union view that there should be full indexation right across the board. That is the view of white collar workers in the Government service and of the Australian Council of Trade Unions. They want a percentage increase no matter how high or low the salary might be.

I direct the attention of the Deputy Leader of the Opposition to the fact that the Arbitration Commission has, within its decision, applied a number of plateau indexation rises. In other words, the $2.97 and the $1.98 were actual amounts and not percentage increases. Therefore within the Bill there is an aspect of plateau indexation as applied by the commission.

The honorable member for Reservoir, of course, argues that the judges' wage claims have been treated differently from many others. Those wage claims have been treated simply because the judges have not gone on strike and the Government is applying exactly the same formulas as those applied by the Arbitration Commission and that is the best solution to the problem of fixing salaries of people in Government service.

The honorable member for Bundoora supports the view of the Deputy Leader of the Opposition that

full percentage adjustments are not appropriate; that there should be some plateau adjustment. He can take some comfort from the fact that in the formula adopted by the Bill, there are plateau increases. I suppose the honorable member for Reservoir will not be comforted because he wants full percentage rises.

The Leader of the National Party called for a review of the matter and suggested that it is time the Government looked at this. That is not an inappropriate comment and I am sure that the Treasurer will take those words to heart and will certainly make sure that this matter is reviewed so that there is some examination of social justice in our society. I do not think anyone will argue that judges need the full percentage increase to cope with cost-of-living rises, but there is the point raised by the honorable member for Bundoora concerning the problems of relativity and giving adequate compensation to people who are engaged in professional practice and take the opportunity to serve the community on the bench. It should not be service to the community that involves sacrifice of the standard of living of his family.

It is difficult to achieve complete equality and justice and an appropriate response to social pressures. I am sure that all honorable members recognize that those difficulties confront the Government. The Bill represents the adjustments made in the formula laid down by the Arbitration Commission and a slow response to representations. I am sure that honorable members will be aware that judges as well as everyone else have the right to expect that their needs and the needs of their families will be taken into account in fixing adequate remuneration for the service they render to the community.

The SPEAKER (Sir Kenneth Wheeler): The second reading of this Bill is required to be passed by an absolute majority. As there is not an absolute majority of the House present, I ask the Clerk to ring the bells.

The required number of members having assembled in the Chamber—

The motion for the second reading of the Bill was agreed to by an absolute majority of the whole number of the members of the House, and the Bill was read a second time and passed through its remaining stages.

HEALTH (AMENDMENT) BILL.

Mr. JONA (Assistant Minister of Health): I move—

That this Bill be now read a second time.

It contains a number of amendments to the Health Act 1958 which are designed to facilitate the administration of that Act. As the amendments are unrelated I shall deal with them clause by clause.

Clause 1 contains the usual short title and commencement provisions. Clause 2 amends section 33 of the principal Act.

In addition to medical officers of health and health inspectors, which a council may appoint under section 31 of the Health Act, councils are empowered by section 33 to "appoint or employ all such other officers and persons as are necessary".

It has always been accepted that persons appointed under section 33 would not be involved in administration which would require the specialized knowledge and attention of qualified persons such as health inspectors or medical officers of health. Unfortunately, it has occurred that such appointments have in fact been made and the duties of those unqualified inspectors included the responsibility for determining whether or not food offered for sale was fit for human consumption. More alarmingly they exercised the power of seizure under the Act.

This is clearly undesirable and the amendment clarifies the position by requiring a council to have regard to section 31 when moving to make an appointment under section 33(*a*).

Clause 3 amends section 44 of the principal Act. Section 44(1) of the Act enables a council to serve a notice on the author of a nuisance requiring him to abate the nuisance within the time specified in the notice.

The nuisances referred to are specified in section 43 and include such things as foul ditches, manure heaps, stables and cowsheds which are offensive or dangerous to health and overcrowded houses which are dangerous to the health of the inmates. In practice it has been found that the requirement for the council to be the prime mover in issuing such notices can lead to delays of up to one month in commencing proceedings to abate or remove a nuisance.

Under the section as it stands a council would be required to issue such a notice only after the passage of a resolution at a council meeting and the delay involved is difficult to justify. Many councils have, illegally but with practical results, been delegating their powers in this regard to health inspectors.

The amendment proposed to be made to section 44 authorizes a council to delegate its powers and discretions under the section to one or more of its officers or employees. In addition the penalty of $40 contained in sub-section 4 is increased to $200. This is in accordance with the Government's policy of updating monetary penalties in the light of present day money values.

Clause 4 amends sections 60 and 61 of the principal Act. Those sections of the Act enable a council to fix and levy a rate or an annual charge for the removal of rubbish and nightsoil. Doubt exists as to whether or not a council is able to make a *pro rata* refund of such rate or annual charge levied in respect of sanitary services when those services are cancelled or discontinued during a financial year. The amendment proposed by clause 4 removes that doubt by giving explicit directions in relation to *pro rata* refunds.

Clause 5 amends section 65 of the principal Act. Councils are empowered by the section to approve or refuse applications for the installation of septic tank systems. Because such a decision is reserved to a meeting of council delays of up to one month can occur and, as is the case with nuisance notices under section 44, those delays are difficult to justify.

The amendment proposes to allow an officer by delegation of the council to approve or refuse such applications subject to the proviso that where an officer refuses an application such refusal shall have no effect until it is ratified by the council.

Clause 6 inserts a new section 84 into the Act to enable waste water to be reused. The need for statutory provisions providing the means whereby this valuable asset can be used to advantage in a water hungry land has been apparent for some time and I do not think that anyone will quibble substantially with the proposals in this regard in the Bill.

There are many processes which require the use of water. Possibly the one which consumes the greatest amount is a sewerage system and there are also many industrial processes which also use large quantities of water. Once a process is completed, the water which was used therein is discharged into drains or sewers and is usually not used for any other purpose. A case in point is the amount of water which is discharged from the final stages of any sewerage system.

The scheme of the new section 84 places a prohibition on the use of waste water by any person unless he either holds a permit which authorizes its use or he has obtained it from the operator of a purification system who is licensed to dispose of it. Both the permit and the licence will be issued by the commission.

The purposes to which waste water will be allowed to be put will depend on the standard of purity

which is achieved at its source and either the permit or the licence will specify the usage having regard to that standard. It is anticipated that there will be several standards of purity relating to usage prescribed. For example, a high standard will be required to be met if the water is to be used to irrigate crops for human consumption. A lower standard would apply in the case of flood irrigation of an orchard.

The scheme does not apply to the operations of a sewerage farm in respect of cattle which are adequately controlled by section 83 of the Act and the commission is enabled to exempt any water from the operation of the section in certain circumstances.

Clause 7 amends section 142 of the Act and inserts a new section 142A into the principal Act. Section 142 of the Act enables the Governor in Council to make regulations in relation to premises in which are conducted hairdressers, shops, beauty parlours or other like establishments or chiropodists establishments or establishments where tattooing or other like processes are performed.

Regulations made under the section relate to the registration of such premises with a council, the cleanliness of the premises, the cleansing and disinfecting of instruments, appliances and other tools of trade, the prevention of infectious disease from the use of appliances, inspections of the premises and generally safeguarding the health of customers and persons employed in the premises.

In 1976 the Commission of Public Health became aware of certain cases of hepatitis the source of which was traced to the operations of a person practising acupuncture. The instruments used were not sterile and the disease was thereby transmitted to the blood of the customer. The commission moved to minimize the risk of the spread of this infection by recommending the making of regulations under section 142 which registered and controlled the premises and practices of persons engaged in practices during the performance of which the skin of a living human being was penetrated. Those regulations were designed to cover tattooists, ear-piercers and acupuncturists.

The regulations failed for want of power in respect of acupuncturists, it being held that acupuncture was not a like process to tattooing.

The Government is concerned that the public health should be safeguarded in respect of the activities of all persons including acupuncturists whose method of practice entails the penetration of human skin. Accordingly clause 7 of the Bill proposes to remove from section 142 any reference to "establishments where tattooing or other like processes are performed" and to insert a new section 142A into the Act to state clearly which skin penetration processes are covered by the Act.

The clause is self-explanatory and upon its coming into operation the existing Skin Penetration Regulations will also apply to premises in which acupuncture is carried on. Reference to those regulations will show that certain exemptions are given, notably to medical practitioners and dentists and persons working under their direction.

Clause 8 repeals section 205 of the principal Act. The section prohibits the erection of any dwelling on any land liable to flooding from the overflow of waters from any river, creek, stream, watercourse, lake, lagoon, swamp or marsh.

The section was enacted in 1919 when there was no other means readily available of achieving its purpose. At that time no land use legislation had been enacted and municipal building by-laws could merely regulate and not prohibit the erection of buildings. There is no doubt that the section has served as a deterrent and has been used by councils to discourage the building of dwellings on low lying land, but no authority has

been under any statutory obligation to enforce it and there is a clear lack of evidence that enforcement by prosecution has been attempted.

Victoria now has the Uniform Building Regulations which apply throughout the State, wide town and country planning powers and the Drainage of Land Act, which provide collectively a wide range of powers and flexibility to deal with the development of flood-prone land. Section 205 of the Health Act is therefore obsolete and its repeal, which the clause proposes, will remove serious doubts that have arisen in regard to its effect in law.

Upon repeal of the section the directions contained in Regulation 1701 of the Uniform Building Regulations, which relate to erecting buildings on flood prone land, will prevail.

Clause 9 amends section 220 of the principal Act. Difficulties in prosecution have been experienced by councils in respect of alleged breaches of section 220 of the principal Act in cases where premises deemed to be an unregistered apartment house are detached from the main fabric of the dwelling in the form of bungalows.

Such bungalows can be considered not to form part of an apartment house, so reducing the number of persons who could be regarded as using the premises as an apartment house. Such a reduction could in fact bring the subject premises outside the interpretation of "apartment house" by reducing the number of persons using the facility to fewer than four.

The solicitors for the City of Broadmeadows have submitted that only the house, in such cases, can be regarded as the apartment house and bungalows must be ignored as the words "tent, edifice building or other structure" are not defined in the Act but are all expressed in the interpretation and appear to contemplate an apartment house as being a single building.

The clause removes any doubt in the matter by re-expressing the definition, to include any room or rooms apartment or apartments whether they are free standing or not.

Clause 10 amends section 220A of the principal Act. Difficulties have arisen in relation to prosecution of proprietors of unregistered special accommodation houses in so far as proof of age and physical impairment of inmates are concerned when the matter comes to court.

There are two categories of persons who fulfil the requirements to become inmates of special accommodation houses. They are—

(*a*) persons who are aged 60 years or over; or

(*b*) persons who are physically handicapped to the extent that their ability is significantly impaired.

In both cases their condition is required to be of "not such a kind as would require them to be lodged in a hospital or a nursing home".

At present, in order to establish the age of persons, it is necessary to have admissible evidence of age and courts are requiring—

(*a*) production of a birth certificate combined with evidence identifying the person whose age is in question with the certificate;

(*b*) in certain circumstances production of a marriage certificate;

(*c*) testimony of those present at his birth and who have retained contact with him during their mutual lives;

(*d*) in special cases, by inference from appearance.

Because of the age specified in the Act, that is 60 years, it is virtually impossible to prove age by any of the abovementioned means. So far as the second category of persons is concerned, the proof of physical impairment is extremely difficult

The whole purpose of section 220A is to protect persons who need the services provided by the proprietors of special accommodation houses. My department administers the section fairly but where a contravention occurs the case is vigorously prosecuted. The amendments to the section as contained in the clause will overcome the problems of proof of age or physical impairment.

Clause 11 repeals Division 2 of Part XIV. of the principal Act relating to wine.

Sections 250 to 258 of the Act were incorporated into the Act early in the 1930s and their purpose was to protect the Victorian wine industry from competition from other States. The reason for such protection has now passed as uniform standards for the production of wine are now determined on an Australia-wide basis by the Commonwealth Food Standards Committee in conjunction with similar State bodies.

The standards fixed by sections 250 to 258 are inhibiting Victorian wine producers because of the clash with the uniform standards recommended by the Commonwealth committee and adopted by all States except Victoria.

The Victorian Food Standards Committee has recommended the adoption of those uniform standards and the Government concurs with that recommendation. The repeal proposed by the clause will facilitate the adoption of those standards.

Clause 12 amends section 270A of the principal Act relating to the adoption of formularies in Victoria. The section as currently contained in the Act adopts the British Pharmacopoeia as the pharmacopoeia in force in Victoria and contains a somewhat cumbersome method of updating the section when the British Pharmacopoeia is amended or reissued.

The amendment proposed by the clause is so drawn as to provide that the latest edition of British Pharmacopoeia as amended by any addendum thereto shall prevail in Victoria. This obviates the necessity to advert to the cumbersome use of the Governor in Council to update the reference in the Act.

The Government has taken advantage of the amendment to the section to include amongst the formularies the British Pharmaceutical Codex and the Australian Pharmaceutical Formulary and Handbook. Similar updating provisions apply to these two formularies.

Clause 13 amends section 288 of the principal Act to enable the Director-General of Agriculture to be represented by his nominee on the Food Standards Committee.

Clause 14 amends section 291 of the principal Act. Section 291 (1) provides that a person selling or manufacturing a food, drug, substance or article contrary to the provisions of Part XIV. of the Act shall be guilty of an offence.

However, the section goes on to afford a protection to the accused person by enabling him to prove to the court—

(*a*) that he took all reasonable precautions against committing an offence and at the time of the alleged offence had no reason to believe that he had contravened the Act;

(*b*) that on demand by any officer he gave all the information in his power with respect to the person from whom he obtained the same; and

(*c*) that otherwise he acted innocently.

In order to take advantage of that protection the accused person is required to notify the informant in writing of his intention not less than two days before the hearing of the prosecution, giving details of the reasonable precautions which he claims to have taken.

The Statute Law Revision Committee in a report on this section pointed out that it did not regard the

period of notice of two days as being sufficient and recommended the substitution of seven days. The clause gives effect to that recommendation.

Clause 15 inserts a new Division 1 into Part XV. of the principal Act to prohibit what has come to be known as backyard slaughtering of animals.

The prohibitions against slaughtering of animals other than at a licensed abattoir or by a farmer for his own use were removed from the Health Act when the meat inspection provisions were incorporated into the Abattoirs and Meat Inspection Act. No similar provisions were incorporated in the latter Act. This has led to indiscriminate private slaughtering and is causing problems, particularly in metropolitan municipalities.

The new section 305 prohibits the slaughtering of any animal or dressing any carcass other than at an abattoir, knackery or pet food establishment licensed under the Abattoir and Meat Inspection Act.

Section 306 enables a farmer to slaughter for domestic use on his own premises. Section 307 creates the offence under the Health Act of selling or exposing for sale unbranded meat in a retail butcher shop.

Health inspectors are presently unable to seize or initiate prosecutions under the Health Act in respect of such meat in a retail butcher shop and it is desirable that they should be able to do so in the interests of public health.

Clause 16 amends section 365 of the principal Act. Part XVIII. of the Health Act sets out the law relating to the cultivation of prohibited plants. Section 364 defines a prohibited plant as *Papaver somniferum* and provides a scheme whereby the Governor in Council may by proclamation declare any other plant from which any specified drug or drug of addiction may be obtained to be a prohibited plant.

At the moment plants which are prohibited in Victoria are: *Papaver somniferum,* from which opium can be obtained; *Papaver bracteatum,* from which the baine can be obtained; and cannabis L., from which tetrahydro cannabinol can be obtained.

The present penalties for cultivation of a prohibited plant are a fine of up to $200 and for a second or any subsequent offence a fine of not more than $400 or six months' gaol.

The current penalty under the Poisons Act for trafficking in the fresh or dried parts of the plant cannabis L. with a tetrahydro cannabinol content of 3 per centum or less is $4,000 or ten years' gaol, or both. It is the Government's view that the cultivation of any prohibited plant in contravention of the Health Act should attract the same penalty relating to cannabis or Indian hemp under the Poisons Act. The amendment proposed by the clause imposes that maximum penalty.

Clause 17 re-enacts sections 401, and part of sections 405, 407 and 408 of the principal Act. Those sections relate to seizures made by authorized officers under the Act.

The scheme currently contained in the Act in respect of seizures and the subsequent procedures stemming from such seizures are generally as follows—

Section 401 contains the general powers of inspection and seizure by officers and reads—

> Any authorized officer with such assistants as he thinks necessary may—
>
> (*a*) inspect and examine any animals or things found in or on any premises;
>
> (*b*) inspect and examine any animals or things being in or upon or taken or conveyed on or along any street or public place;
>
> (*c*) stop and detain any person, animal, vehicle or other means of conveyance;
>
> (*d*) cut or open any package which he has reasonable grounds for believing contains anything with respect to which there has been a contravention of this Act;
>
> (*e*) seize detain or remove to some suitable place any animals or things with respect to which he has reasonable grounds to believe there has been a contravention of this Act;

(*f*) destroy any things so seized which are decayed or putrefied;

(*g*) mark fasten or secure any animals or things; and

(*h*) fasten secure or seal any place door gate opening or means of access to any animals or things seized.

It will be noted that the power to seize is contained in paragraph (*e*).

When a seizure of an animal or thing is made under section 401 (*e*), the provisions of section 407 (1) setting out the duties of the officer effecting the seizure apply. The duties consist of giving a notice of seizure to the person in charge of the things seized.

Section 408 then enables any person claiming the things seized to complain within 48 hours to a justice and for the complaint to be heard by two justices who may confirm or disallow the seizure wholly or in part and make an order accordingly. If no such complaint is made or if the seizure is confirmed by the court, the animals or things become the property of, in the case of a municipal officer affecting the seizure, the municipality and of the Crown if seized by an officer of the department or a member of the Police Force.

Section 405 of the Act contains the directions relating to the seizure of any food drug or substance and reads—

405 (1) Where any sample of any food drug or substance for sale procured by any officer has been proved by analysis to contain anything the sale or use of which therein is prohibited any authorized officer may—

(*a*) at all reasonable times enter the premises on which such food drug or substance has been manufactured or is stored; and

(*b*) inspect examine and take samples of and seize mark fasten secure or seal any such food drug or substance.

(2) The possession on such premises of such food drug or substance shall be deemed *prima facie* evidence that the same is kept in contravention of this Act.

The provisions of section 407 (2) and 408 of the Act, which I have first mentioned, then apply. Officers seizing any animal, thing, drug, food or substance are required to act in the reasonable belief that the food, drug or substance was unwholesome or that the animal was diseased or that there was with respect to any such food, drug, substance or animal any contravention of the Act.

I turn now to the amendments. Difficulty has arisen with the interpretation of the direction to " seize, detain or remove . . .". It has been the practice to interpret the section as meaning that an authorized officer may do all or any of those actions, that is, he may seize or he may detain or he may remove.

The Crown Solicitor has advised that section 401 (3) does not on its proper construction confer a power to detain or a power to remove animals or things which have not been seized in the exercise of the power to seize conferred by section 401 (*e*). It is also important that seizure occurs in order to allow an aggrieved person to take advantage of the provisions of section 408 in respect of having the matter determined by the court.

Unless seizure occurs, that person's right to seek redress in court is negated. To overcome this difficulty, clause 17 (1) re-enacts section 401 (*e*). That section will relate only to the power to seize. Section 401 (*f*) contains the power to " detain or remove " after the seizure is carried out.

The second amendment made to section 401 relates to the " objects ", to use a neutral word, which the section specifies as objects that may be the subject of seizure proceedings. At present these are restricted to " animals or things ". In the new section 401 those " objects " have been extended to include " any food drug or substance ". This has been done in order to enable a health inspector to seize a food, drug or substance in respect of which he has reasonable grounds to believe there has been a contravention of the Health Act.

Food, drugs or substances could, of course, be " things " under section 401 as it stands at present, but, because section 405 of the Act deals specifically with the seizure of food, drugs or substances and enables seizure to be effected only after an analysis that has shown it to be adulterated, it is difficult to successfully sustain a seizure procedure in this regard under section 401.

It is desirable that foods, drugs or substances suspected of adulteration should be able to be seized by the simple method prescribed by section 401 and that the provisions of section 405 should be used in respect of seizures which become necessary after analysis. The majority of seizures after analysis arise from the sampling requirement placed on councils by section 287 of the Health Act.

Clause 17 (1) (*b*) re-enacts section 405 (1) to make it clear that the section operates only as a result of analysis and therefore is not to be confused with section 401.

The third amendment to section 401 is contained in paragraph (*b*) of the clause and enables the chief health officer to certify that the use, keeping for sale or sale of foods, drugs or substances or animals or things having particular physical characteristics is likely to involve a contravention of the Act. The finding of such food, drug, substance, animal or thing shall as a result of such certification constitute reasonable grounds for believing there has been a contravention of the Act and the officer may begin seizure procedures. As I said earlier, section 407 contains the directions as to the duties of a seizing officer. Clause 17 (1) (*c*) re-enacts the section in order to clarify those directions.

The alterations are—

1. The seizure notice is required to be in the prescribed form; and

2. Sub-section (2) of the existing section is redrawn to relate its directions particularly to seizures under section 405.

Section 408 relating to the remedy available to persons aggrieved by a seizure is amended as follows—

1. The period of time available to make a complaint to a justice is extended to 72 hours.

2. The complaint is to be made in the prescribed form; and

3. A copy of the complaint is to be given to the seizing officer.

These amendments are proposed to give more time to the aggrieved person to exercise his rights under the section, to regularize the form of the notice of complaint and to enable the seizing officer to know to which court the application was made.

Clause 18 amends the Second Schedule to the principal Act by removing the reference to the Hairdressers Registration Act 1958. It is the Government's intention to transfer the administration of that Act to the Ministry of Labour and Industry. It is considered that, as the trade or profession of hairdressing is one which persons generally enter by way of an apprenticeship, the administration of the whole of the Act should more properly be within the administration of the Minister responsible for industrial training.

In order to achieve that transfer it is necessary to remove from the Second Schedule to the Health Act the reference to the Act concerned. The House will be aware that the schedule specifies the Acts that are administered by the Minister of Health. I commend the Bill to the House.

Mr. ROPER (Brunswick): I move—

That the debate be now adjourned.

I ask that if amendments are to be moved, the Minister should make them available before the debate is resumed.

Mr. JONA (Assistant Minister of Health): I will endeavour to meet the request of the honorable member.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until Tuesday, November 22.

The sitting was suspended at 1.5 *p.m. until* 2.4 *p.m.*

MARINE (PILOTS SUPERANNUATION) BILL.

Mr. DUNSTAN (Minister of Public Works): I move—

That this Bill be now read a second time.

This Bill to amend the Marine Act 1958 seeks to achieve three main objectives. Firstly, it amends section 90 of the Act to make it clear that the pilots' representative on the Pilot Superannuation Board is elected by those pilots currently licensed for Port Phillip Bay and in service there, and not a combination of serving pilots and retired pilots. The serving pilots have always elected the representative in the past, and this is considered appropriate, as it is by their work in piloting ships that the funds that are paid into the superannuation fund are generated.

Secondly, it amends section 90A of the Act by adding a new sub-section (5). Sub-section 5 (*a*) serves to validate the election of the present, together with past, pilots' representatives on the board. These have in some cases been elected by the majority of all pilots attending a meeting of pilots rather than a majority of all pilots in the Port Phillip service. Sub-section 5 (*b*) will validate actions of the board in the period from 23rd November, 1976, during which the present representative has served, and remove any doubts that recommendations of the board for pension entitlements were properly made during his period of service.

Thirdly, the Bill is related to the recent disallowance by Parliament of the Port Phillip Pilot Sick and Superannuation Fund Regulations 1977 (Statutory Rule No. 105) on the grounds that although they were within the regulation making powers of the Pilot Superannuation Board as set out under section 91 of the Marine Act, they contained matter that should properly be dealt with by an Act of Parliament rather than by regulations.

The House was fully in accord with the action taken by the Subordinate Legislation Committee.

It would be inappropriate to include in the Marine Act all of the detail contained in the regulations, but the new section 91A proposed in clause 5 of the Bill establishes the principle that regulations may be made to provide benefits to pilots, their widows and children, that differ in amount according to the length of service or time of retirement. An amendment to section 91, contained in clause 4 of the Bill, provides that such regulations will be approved as equitable by the Government Actuary.

Consequent upon the approval by Parliament of the important principle contained in these clauses, the board will be able to introduce new regulations.

It is proposed that these new regulations will exist side by side with the old regulations and that the new regulations will not apply to pilots who retired before 1st January, 1975.

Pilots who retire, or retired after 1st July, 1976, and their widows and children will be entitled to the full scale of benefits. Under the new regulations, pilots who retired between 1st January, 1975, and 1st July, 1976, will receive benefits on a graduated scale between entitlements under the old scheme and entitlements under the new scheme.

The new regulations will provide for a maximum pension, after 25 years' service, of $12,500 per annum, as against the maximum under the old regulations of $8,250 per annum. There will also be improved benefits for pilots retiring early through sickness or accident and improved

benefits for widows and children of pilots dying in the service or dying after retirement.

It is emphasized that this scheme has only been produced after exhaustive actuarial examination of the superannuation fund having regard to the existing pilots, pensioners, widows and children.

The principle of different scales of benefits for persons retiring at different times is widespread in superannuation schemes. The proposed amendments will make it possible for the board to make arrangements that are more in line with modern practice, and will assist in recruiting qualified masters into the Port Phillip Pilot Service.

I draw the attention of honorable members to the fact that Committee notes are attached to the second-reading notes, and I commend the Bill to the House.

On the motion of Mr. STIRLING (Williamstown), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, November 22.

WYCHEPROOF LAND BILL.

Mr. BORTHWICK (Minister of Lands): I move—

That this Bill be now read a second time.

Its purpose is to authorize the committee of management of the Wycheproof Recreation Reserve to grant a lease to the Wycheproof Golf Club of that portion of the reserve on which the golf club-house is erected. The reserve is used for golf and horse racing and has been placed under the control of a committee of management comprising the three riding councillors of the Shire of Wycheproof.

The Mount Wycheproof and District Racing Club conducts two race meetings on the reserve annually. The golf club has expended a large sum of money on improving the club-house and further building extensions are envisaged. The club desires to obtain security of tenure of the building. The club-house is also used by the Mount Wycheproof and District Racing Club on race days and its use will be protected in any lease. The joint use of the facility is of course of benefit to both parties and the present arrangements are most harmonious.

The committee of management, the racing club and the Racecourses Licences Board are all agreeable to the proposal provided the interests of the racing club are protected.

The provisions of the Bill are similar to those enacted in respect of other Crown reserves used by sporting or recreational clubs.

Clause 1 of the Bill cites the short title and provides for commencement of the legislation. Clause 2 authorizes the committee of management to grant leases of the whole or any part of the land shown hatched on the plan in the schedule for the purposes of sport or recreation or social activities connected therewith. It also sets out the standard conditions of leasing for measures of this nature. Clause 3 is the usual provision that no liability shall attach to the Crown.

The schedule contains a plan showing by hatching the land on which the club-house is erected and its surrounds and which may be leased by the committee of management. I commend the Bill to the House.

On the motion of Mr. KIRKWOOD (Preston), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, November 22.

PROBATE DUTY BILL (NO. 2).

The debate (adjourned from November 9) was resumed on the motion of Mr. Hamer (Premier and Treasurer)—

That this Bill be now read a second time.

and on Mr. Crabb'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 re-drafted to provide for the abolition of probate duty in all estates of less than $130,000."

Mr. FORDHAM (Footscray): Honorable members will realize that the debate on this Bill is being resumed from previous discussions. I wish to commend the comments of the honorable member for Knox who handled this Bill on behalf of the Opposition when it was last debated and who outlined in detail the stand taken by the Labor Party on what ought to be deemed by Parliament to be an important Bill. It is important not only because it deals with a lot of money but because, even more fundamentally, some vital principles are at stake.

Under the probate legislation currently in force in Victoria the structure and rates have not been altered to any significant extent since 1962. Since that time there have been two important developments: Firstly, the effect of inflation and the impact that would understandably have on a fixed structure and fixed rate of probate taxation; secondly, the development of what can only be called lurks—the increased incidence of expert people finding loopholes in this field. By a whole range of devices, some of which were outlined by the honorable member for Knox, people have been able to avoid paying probate duty in Victoria.

The first aspect that ought to be highlighted is the existence of anomalies under the present legislation and the implementation of probate duty provisions in Victoria at present. At all times the anomalies should be considered against what ought to be a backdrop of equity. I agree that there will be different perspectives of what equity is. One ought to look at anomalies with whatever view one has of this important social principle. The honorable member for Knox highlighted the effects to date of the present Act on things such as family farms, the general family business, the difficulties encountered by *de facto* partners, anomalies regarding brothers and sisters and the fact that under the present provisions an estate as small as $1,200 is liable for probate duty. That was not the intention in 1962 when the levels of probate duty were last reviewed by the Parliament. Over that period there has been a completely different perspective on probate. The Government has not made a serious attempt to face up to what is a fact of life and which has been highlighted in Parliament, in business journals and by the community at large.

The second aspect on which one should comment is tax avoidance. If the Government is really serious about equity it should face up to tax avoidance. There is no doubt that probate duty has been a prime reason for the management of estates through discretionary trusts and other devices to avoid what has been seen by the Parliament and the Government as a legitimate charge on the community. Notwithstanding the growth in the number of devices used to avoid probate duty the Government has been reluctant to take steps to grapple with the problem. Anyone who has studied public finance will realize that when avoidance of a tax becomes the order of the day the existence of that form of taxation is called into disrepute.

In recent years the Government has made the big mistake of refusing to play its part in introducing measures which have been readily known to it to overcome tax avoidance. In regard to further aspects of response I believe the Government has dragged its feet and shown an enormous reluctance to close the loopholes that have been pointed out, not only by officers of the Treasury but the community at large.

The response of the Government to date is to exempt all children from having to pay probate duty. How is this step seen against the background of equity? The Australian Labor Party openly, and I hope sincerely, supports the concept that the functions and operations of

Government should be financed according to principles of capacity to pay. It has been the fundamental taxation principle which the Labor Party has put forward throughout its political history, a principle that I hope it will continue to put forward.

When one takes the principle of probate duty into account, one finds that this step being taken by the Government flies very much in the face of that general principle. There needs to be a form of taxation other than income tax, which obviously is not sufficiently embracing, to tax those who have access to greater wealth and income than the rest of society. This fundamental principle highlights the difference between the attitude of the Opposition on the one hand, and the attitude of the Government and the National Party on the other hand, on this Bill.

It is interesting that the stance the Labor Party is taking has the support of the Federal Treasury.

Mr. WILKES: The Treasury or the Treasurer?

Mr. FORDHAM: The Treasury, not the Treasurer. He is in other strife at the moment.

Mr. WHITING: Haven't you read the *Herald* today? He said that it is all right.

Mr. FORDHAM: He might think so but that is another matter. In the contribution of the Federal Treasury to the Asprey committee, the following comments were made about estate duty—

> These taxes are an essential feature of the tax system in all advanced western countries even where there are also capital gains or net wealth taxes or both. Many of the criticisms of estate duties ignore the basic reasons for their existence.
>
> It is widely understood that income alone does not adequately represent capacity to pay tax, and that some account must be taken of assets as well as income if proper regard is to be had to capacity to pay.

That was the view of the Federal Treasury when this matter was examined in depth. The community needs to face up to that principle, but it is being departed from in this Bill. It was not the Victorian Treasurer that came up with that principle, but the Asprey committee, and no one could suggest that members of the Asprey committee are a radical group or that their recommendations could be deemed to be radical in any way. In the report of the Taxation Review Committee, dated 31st January, 1975, the Asprey committee made the following comments at page 440—

> The Committee acknowledges the force of these criticisms, but disagrees with the conclusion. It believes that the avoidance and hardship difficulties can largely be overcome, and that, in concert with the States, a system of Australian death taxes can be devised which would minimize costs of administration and compliance. Above all it believes that, though death taxes can never be simple taxes and though revenue from them will never be great compared with that from some other taxes, they have an essential role to play in the tax structure considered as a whole.

That was the view of the Asprey committee, which considered the subject in detail and depth. I believe the Government is taking a retrograde step in ignoring those principles and throwing aside the principle of capacity to pay. When another Government comes into office, there will be increased reliance on income tax. What is proposed is undesirable from the point of view of this Parliament and also as a principle.

What has been the reaction, and what will be the results of the Government's measure? I shall examine the measure in the context of the anomalies of which I spoke earlier and in the context of the complaints that have been issued to date. I quote from the most recent edition of the journal *Taxpayer* produced by the Australian Taxpayers Association, dated 12th November, 1977. On page 331 it states—

> Still no relief on assets to brothers or sisters.

Thirty years ago, perhaps before Dick Hamer thought of entering politics, the rates of duty were last adjusted on assets passing to brothers or sisters. Times change, politicians change, but some death duty rates don't—and we are surprised that still nothing has been done.

About twelve months ago, when the spouse-to-spouse exemption was being introduced, the Association put it to Mr. Hamer that there were circumstances in which brothers and sisters should be given the same death duty relief as was offered for spouses. There are cases when, for example, a family home is left to two sisters, who live together in a normal domestic situation; not unusually they are pensioners with precious little in the way of possessions.

It goes on to say—

Our suggestion was that there would be an exemption where (1) the brothers and/or sister were living together in a domestic situation for at least twelve months prior to death and (2) both the survivor and the deceased were at least 55 years of age at the time of death. That's surely realistic.

We repeat, Mr. Premier Hamer: Those are the folk who honour the law and pay their debts rather than ask for relief by pleading hardship—even, if it means skimping on necessities, even we must say skimping on meals. In seemingly jocular vein, but with a serious purpose: Chew on that one, Mr. Premier.

This is typical of the anomalies which have not been dealt with in the Bill. The Government has not faced up to the situation of brothers and sisters, *de facto* relationships, illiquid estates and the problem of family businesses, but instead makes this sweeping move to exempt all children of deceased persons from probate duty. After all these years of complaints and hardship, the step the Government has taken has ignored what the Labor Party sees as a fundamental principle, and it is the principle under which taxation ought to be levied in the first place. Small estates at the ridiculously low level of $12,000 are still being hit with probate duty.

The Opposition does not believe that the Government's measure is the most desirable one, and so the honorable member for Knox moved a reasoned amendment which reads—

That all the words after "That" be omitted with a view to inserting in place thereof the words "this Bill be withdrawn and redrafted to provide for the abolition of probate duty in all estates of less than $130,000".

The amendment ought to be supported by the House. It has a much greater claim to social equity, and its effect would be that 75 per cent of estates would be exempt from probate duty. Persons who have access to and control of wealth would still be required to pay probate duty, and only 30 per cent of the incidence of probate duty would be avoided. A higher percentage would be affected in both the short and the long term under this Bill.

I hope the House will give consideration to the amendment. The Opposition stands by the principles it has put forward during this debate. It believes the reasoned amendment is a much better way of facing up to both social principles and taxation principles, and it hopes the Government and the National Party reconsider their stance on this important Bill. Members of the Opposition believe this matter ought to go to the people, and we will be happy to campaign further when the time comes. Probate duty ought to be a legitimate means of raising finance by a Government, and the Labor Party stands by that principle.

Mr. EBERY (Midlands): This Bill clearly indicates the Premier's determination to allow incentive and to allow individuals to make provision for children of a deceased. It provides a real opportunity to progress and to plan for the future without the ever-dreaded thought of probate duty. Firstly, I make some observations. The majority of small businesses will be affected mainly by probate duty but I will confine my remarks to primary producers. Like any small business, the primary producer has had many problems in finding sufficient equity to meet probate duty payments. I could cite many instances where this has caused real hardship and finance has had to be sought to enable the property to remain viable. There have been

cases where the payment of probate duty has made a property a non-viable proposition.

The effect of probate duty on farm properties has changed. In the past, most medium-sized estates were able to meet the probate charges. Today, surveys in my district have shown that 20 per cent of the properties would not be able to survive the payment of probate duty. What a calamitous effect this would have on the true primary producer, the professional primary producer. Many of these people have worked untiringly throughout their lives and faced many liquidity problems brought about by droughts, fires and floods, in order to survive. I do not believe the original intention of probate duty was to break up these farms.

There has been a change in recent years with an increase in land values and a fall-off in farm profits with the result that the family farm, which is the efficient farm and the farm best suited for economic production, will not be able to continue in its present form into the next generation unless substantial provisions are made to avoid the payment of probate duty. In many instances, this is not easy to achieve, particularly in a family situation. Sometimes, personality difficulties arise. With a son-in-law, daughter-in-law, son or daughter, a communication problem may arise and in this context I must include the parents who sometimes lack understanding and create difficulties. In these circumstances, it is very difficult to make this type of provision.

The problem is that the medium-sized landholder with a farm previously valued at less than $200,000, with no increase in income, now finds that his property is worth $300,000 and by this 50 per cent increase in farm value, the probate duty increases by 180 per cent. A one-man sheep farm worth $180,000 would involve probate duty of $40,000 so that a $140,000 equity would be required to generate an extra $5,000 to meet the interest on the debt or $7,000 per annum to pay it off over twenty years. These extra costs would involve between $1.25 and $2 additional a head per annum. That gives some indication of the added costs incurred by the primary producer in order to meet probate duty.

I cite a further example of a larger property owned by a father and son and worth $300,000. Probate on that property would amount to $129,000, so that the position is even worse. In these circumstances, the payment of the duty would mean the dismantling of the most efficient type of farm, the family farm, such as father and son or owner and employee.

Mr. GINIFER: It is a waste of resources.

Mr. EBERY: What the Opposition cannot understand is that these people are the efficient farmers. Under the present policy, a forced ownership change takes place because the beneficiaries do not have the ability to pay the probate duty. In the past, only the large estates have been considerably reduced by this duty. It is hard to find cases where the types of farms that I have been talking about have, up until now, been unable to cope. Unfortunately, land prices have increased and there has been a substantial decrease in profitability. This has meant that the vital primary producers can no longer tolerate the present level of probate duty.

I shall now cite the present Victorian probate duty and Federal estate duty on various estates. On an estate of $100,000, the Victorian duty amounts to $15,600 and the Federal duty amounts to $4,190, but if the Victorian Government opts out of probate duty, the Federal duty will increase to $7,125. These figures do not relate to primary producers. On an estate of $200,000, Victorian duty will amount to $52,850, the present Federal duty is $20,600, but that will increase to

$44,000 if the Victorian Government opts out of probate duty. On an estate of $300,000, the Victorian duty is $79,500, the Federal duty $53,008 and this Federal duty will increase to $78,450, which is quite a substantial increase in Federal estate duty.

One of the reasons for the increased incidence of probate duty is the increased valuation of properties, which, in many instances, has been caused by the introduction of hobby farms. This is another reason why the amendment moved by the honorable member for Knox is so ridiculous. Some professional person in Melbourne may purchase a hobby farm for more than its valuation and then the value of the professional farmer's property will be increased.

Over the past few years, the Government has initiated many changes which represent a major breakthrough in probate duty. The primary producer has received a 50 per cent reduction in the valuation of plant, stock and machinery and last year the Government brought in the spouse to spouse exemption. At this stage, perhaps I should clarify the difference between the Victorian and the Queensland situations. The Queensland Government has abolished probate duty but the vast difference between the two States is that in the rural areas the majority of land in Queensland is held on lease; it is not freehold land.

The Opposition obviously considers that there must be some type of probate tax, but it is only necessary to examine the English situation to realize what probate has done to the properties in that country. That is why it is so unrealistic to expect that a farm—these are the really viable properties—which is valued far in excess of $130,000, should be subjected to the payment of full probate duty. Over generations, it will mean that these farms become non-viable.

During his remarks, the honorable member for Knox suggested that farmers are well treated under the present Act. He is probably echoing the sentiments of a former Prime Minister, who, a few years ago, said that farmers had never had it so good. This is where the Liberal Party and the Labor Party are so apart in their attitudes towards free enterprise. The honorable member for Knox commented that the farmers are very well treated under the Act, but he is merely trying to bring the farmers back to the peasant level. There is a real lack of understanding of the position by the Opposition. What the honorable member for Knox is really talking about is an equal share of an unequal income. Members of the Opposition want a share of all the wealth. The policies of the Liberal Party and the Labor Party are far apart. The principle behind the amendment moved by the honorable member for Knox is that farmers ought to be brought down to the peasant level and their properties should not be allowed to remain a viable proposition. Accordingly, the amendment should be rejected and the Bill agreed to.

Mr. CAIN (Bundoora): I support the amendment moved by the honorable member for Knox. A reading of some of the recent debates and discussions on probate duty leads me to conclude two things: Firstly, the notion that probate duty as a desirable form of tax should be abandoned, is of recent origin; secondly, that there has been considerable pressure mounting for its abandonment as a form of tax gathering, simply because of the disproportionate rates that have applied in recent years. That matter was touched on by the Deputy Leader of the Opposition, who indicated that the rates have not changed significantly in this State since 1962, although inflation has occurred with great rapidity during those fifteen years.

The people who are concerned to abolish probate duty are really saying that the rates are so disproportionate and operate so unfairly in many areas that the whole system should be abandoned. That seems to be the thrust of their contention. They condemn the concept of taxation through deceased estates simply because the present execution, methods and rates are unfair. The Opposition concedes that the rates are unfair and need revision. It concedes that there is need for special consideration in special cases. It is also the Labor Party's policy, which I will mention later, that these special considerations should be revised.

If a proposition is attacked simply because a system is unfair in its operation and therefore should be abandoned, the same thing could be said about sales tax, pay-roll tax and even income tax. If ever progressive rates have operated unfairly on low and middle-income earners, it has been the income tax rates that have applied in this nation over many years. The Opposition suggests that that is not a good reason for casting aside a perfectly legitimate and desirable form of tax gathering.

Quite clearly, in this debate the battle lines are clearly drawn and honorable members have conceded that it is really a question of members opposite having a different philosophy from those on this side of the House. It should be said openly that the Labor Party sees the levying of probate duty as socially desirable, apart from anything else. The Government and the National Party are really saying that it is desirable to perpetuate and increase the wealth that certain people have, and that is the inevitable effect of what is being put by Government supporters. Its members advance the argument that the abolition of probate duty between two generations—for example, when an estate passes from father to son—provides an incentive and a desirable goal for people to aim at in their pursuit of conducting their farm or business. However, what those Government spokesmen do not say is how they would fill the gap which they acknowledge must be left by the intended abandonment of probate duty. That is how I see the philosophy of the Government and the National Party. However, the Opposition takes quite a different view about probate in particular and taxation generally. The Labor Party has a policy on probate in particular and taxation in general. We contend that the greatest portion of the tax burden must fall on those best able to pay and that promotes a more egalitarian distribution of wealth. The Labor Party believes taxation should promote a socially desirable resource use.

We also believe the rates of probate duty and gift duty should be aligned and the rates should be graduated. We acknowledge, and have for some time, that estates which pass to surviving spouses should be exempt. Also, the Opposition feels that where children inherit, the income of the pre-probate estate should be available to the children while they are dependent or until they are eighteen years of age, when the normal probate procedures should take effect. There should be a deferment of payment of probate duty in case of need where dependency exists.

Lastly, on the question of taxation and probate duty generally, there should be an inquiry into the problem of the family business or farm in relation to probate.

In effect, what the Labor Party is saying is that taxation is a burden which the community must bear. All honorable members acknowledge that, but the tax burden should fall where it can best be borne. Probate duty is a significant form of taxation; it is significant in its social and economic effect and significant in the amount of revenue which is gathered from the duty. It is also a means of providing a more equal redistribution of wealth.

It seems to me that there is a real line of demarcation between both sides of the House. The Opposition believes there should be a more equitable distribution of wealth in this process but it is correct to say that members of the Government Party and the National Party do not share that belief. They believe it is more desirable to promote and assist those who have significant wealth and to continue to perpetrate that wealth by passing it tax free to the next generation.

In the long term, probate duty tends to reduce inequalities in wealth which continue to increase progressively, especially for those who are already wealthy. The Labor Party believes wealth should be progressively reduced and that the large estates should be able to bear the imposition of probate duty and that is the reason why an upper limit of $130,000 is suggested in the amendment which has been moved.

The Opposition also is of the view that although probate duty does limit the growth of inherited fortunes, it is regarded as an incentive by members on the other side of the Chamber. We believe it is desirable to adopt the view that probate duty makes it less likely that a society such as ours would be divided by class.

One further significant aspect which should be emphasized about the desirability of imposing probate duty as against other forms of taxation, was stated by the Asprey committee to which the Deputy Leader of the Opposition referred. The committee considered that probate was not detrimental to incentive compared with higher marginal tax rates which could be introduced. What the Asprey committee was stating was that it is absolute nonsense to suggest probate duty as a disincentive which should be measured against the higher marginal tax rates. If I could take that a step further, what was being put in that argument was that if the Government abandoned probate duty and sought to fill the gap by higher marginal rates of tax, it would become less desirable for people to work as hard as when probate duty was in force. That was a significant comment from the Asprey committee and one should ask members of the Government and the National Party what they propose as an alternative to the gap which would exist.

If one does not have regard to what the Commonwealth Government will take—as the Premier interjected, it is a bonanza for that Government —on my calculations the gap to be filled is something like $36 million. This debate should not conclude without some indication from the Government on how it proposes to fill that gap.

The honorable member for Knox asked whether it was intended to reduce services or whether less State revenue would be made available to significant areas of Government activity. As an alternative, I ask whether it is intended to obtain the same level of revenue from some other source. In either event it is desirable for Parliament to know.

It seems to me that to a large percentage of the community this Bill proposes only a cosmetic change. The Government has no right to make a cosmetic change of this kind unless it indicates what it is proposing by way of an alternative to fill the void, because a significant void will exist.

For all of the reasons I have mentioned, it is much better to retain probate duty, as far as the larger estates are concerned. The amendment suggests an amount of $130,000 as an upper limit and the reasons for that amount were outlined by the honorable member for Knox. It is a figure which would cover most estates anyway and one which seems to be reasonable but which may have to be adjusted if inflation continues.

I also commend my suggestion that the Government should make special provision for children where there is dependency and a deferment

of payment is desirable. That proposition would overcome any cases of hardship. It is highly desirable that that should be done.

It is much more desirable to give special consideration to the cases which have been outlined by honorable members opposite and which affect farms and small businesses. I do not for a moment avoid the proposition that they should receive special consideration and that special consideration would be given to them by a Labor Party Government. We believe the size of a farm is unimportant but that there should be a contribution to State taxation once a generation, because that is what probate duty is all about; it is a means of levying tax on accumulated wealth once a generation.

Victoria does not have a wealth tax, capital gains tax or a method whereby accumulated or inherited wealth is taxed other than by probate duty. It is a perfectly reasonable proposition to suggest that once a generation the larger estates should make a contribution to the tax revenues of the State. The amendment which has been moved would enable that to be done and at the same time it would provide an equity in tax levies generally. Lastly, any member of the Government supporting this measure should give an indication of what is proposed. The Premier, the Minister for Minerals and Energy or some other Minister should inform the Opposition and Parliament how it is intended to fill the gap. This would enable honorable members to know what we are all about. Honorable members should be able to return to their electorates and inform their constituents what they will be liable for by some other form of tax.

In the short term, honorable members should not forget that it will not aid those estates which will be relieved of paying probate duty because, as the Premier has indicated by interjection, it will be a bonanza for the Commonwealth Government which will step in and fill a significant part of the gap following this step in the abolition of probate duty simply because there is no deductibility of State probate duty payments when assessing the payments which the Commonwealts Government will levy.

Mr. HANN: This is an election speech.

Mr. CAIN: It is not an election speech. Honorable members know that will happen, as the Premier has already indicated it. However, he has not told Parliament how the Government proposes to fill the gap, and I submit that he should do so.

Mr. TREWIN (Benalla): I participate in the debate, having been involved in the flow-on of probate duty on a couple of occasions. I know the impact that it can have on a future project where a family has endeavoured to provide security for other members of the family and to have a continuation with the family remaining involved in farming.

As the honorable member for Bundoora and other Opposition members mentioned, we should regard the rural industry as the wealthy in the community. However, there is one thing which should be remembered. Investment in wealth can include having stocks and shares, investments in land and investments in tools of trade.

An example of an investment in tools of trade is that of a doctor who has his wealth invested in the tools of trade which he has in the room in which he works. A farmer has his wealth invested in a block of land from which he makes a living. Other people might have their wealth, which they have achieved either by careful planning or from engaging in a certain type of occupation, invested in shares and stocks.

My main interest in the Bill is that I am a primary producer and this is an area which the community recognizes has a significant function in the wealth of the community. Being a

producer of foodstuffs or products which are sought after all over the world, I know that it is definitely an important sector in the community and an investment of a certain amount must be made to enable those products to be produced from the land. As well as having the land, a primary producer has a certain investment in tools of trade, machinery and other equipment. Tools of trade, including machines, tractors and so on, are extremely expensive. The average wheat farmer would have as much as $80,000 or $100,000 invested in the equipment which he uses to operate his farm. Because of the increase in land values today, $100,000 will not buy a wheat farm, nor will it buy a cattle station, even though the values of cattle are low.

The average farmer in the community also must support a family. Some farms support two families and the land may be valued at between $150,000 to $200,000 with another $70,000 to $100,000 worth of equipment. Therefore, the value of a farmer's investment in his property would be in the area of $250,000. That sounds a large amount but in the 1930s I met a millionaire who was a big farm operator. It is quite common to find a person in rural areas today who has a total investment of $1 million but who also has debts of $300,000 or $400,000 on his property. Today, the majority of millionaires reside in the metropolitan area.

I shall give honorable members a classic example to illustrate the point I am making. Over a period of years a farmer who owned a smallish property encouraged his two sons to stay on the property. Both sons married and each was able to build a small home on the property and each son had four children; so, eventually, three families lived on the property. Three years ago the value of the property for municipal purposes was $152,000. When the father died one year ago the property was valued at approximately $299,000. State probate duty was assessed at $88,000 but because of the rebate available to primary producers that amount was reduced to $48,000. When that amount was deducted from the total value of the estate the value became $251,000. The Federal estate duty the estate attracted, because its value was greater than $250,000, was $72,000.

Each of the sons is now in his middle 40s and has four children. They have worked the property for their father and have been able to live from it. They were able to save a little money and they used that amount and borrowed additional funds to enable them to pay the State probate duty. They are now faced with having to pay an amount of $72,000 in Federal duty. How can those two men be expected to borrow that amount and pay the interest on the loan while rearing their families when the return from rural properties is so low because of the costs involved in rural production?

Members of the Labor Party overlook the cost of production being faced by primary producers and they do not realize that those costs have risen at a greater rate than the costs involved in any other form of production. Labour costs do not form a high percentage of rural production costs because most farmers are unable to afford the wages, but those labour costs are reflected in the prices paid for the machinery needed by farmers. It may be natural to have increases of 5 per cent or 12 per cent or 18 per cent in the price of machinery, but increased labour costs mean that a machine that cost $5,000 five years ago will now cost $15,000.

The SPEAKER (Sir Kenneth Wheeler): Order! Can the honorable member relate the cost of the machinery to the Probate Duty Bill?

Mr. TREWIN: Yes, Mr. Speaker, because the cost of machinery influences the ability of a primary producer to pay the debt caused by the imposition of probate duty.

There is no doubt that probate duty must eventually be abolished and the Bill takes one step towards that goal. It at least allows a farmer the opportunity of providing for his children and means that the sons and daughters of farmers who have the ability and knowledge necessary to provide primary produce are not placed in a position of competing on the employment market with other people whose families cannot give them the same amount of support.

I am the fifth generation of small farmers in my family and our property has not attracted a great deal of probate duty in the past because it is not large, but if probate duty on estates passing to children were not abolished increased valuations would mean that my sons would face a debt imposed on the property by probate duty.

The only other means of coping with probate duty is insurance policies. I have never heard a kind word about insurance companies from members of the Opposition but they are a necessary part of our society. Because of increased valuations of properties many farmers and small businessmen have been compelled to commit themselves to insurance policies and have then found it difficult to continue paying the premiums.

Probate duty has now been abolished completely by the National Party Government in Queensland and many people have moved to that State. People have told me that they intend selling their properties or their businesses and moving to Queensland, even though they acknowledge that they will be forced to pay a little more estate duty to the Commonwealth. I have told them that the battle is on to have the Commonwealth duty reduced, as well as to have probate duty abolished in Victoria. In Western Australia the National Party, which is a party in a coalition Government, stipulated that the abolition of probate duty within the life of that State's present Parliament was a condition of its joining in the coalition Government.

The National Party in Victoria seeks the complete abolition of probate duty in this State and it has been supported by members of the Government party who represent country electorates. The Government is to be commended for the step it has taken in this Bill. The National Party has been assured that in time probate duty will be abolished completely in Victoria.

Mr. CRABB: Who is going to be taxed instead?

Mr. TREWIN: If citizens did not have to pay interest on loans and insurance policies to cover the payment of duty on estates there could well be an increase in the amount of income tax paid because the payment of that interest is deductible. There may even be a greater return to the States by the Commonwealth to compensate for income lost to the States. Sales tax on machinery sold to primary producers is between 6 per cent and 8 per cent and members of the community have accepted sales tax and I do not think anyone minds paying as he goes.

The Bill will make the situation easier for a wife with young children because the husband, who may be a farmer or a small businessman, will be able to ensure that his farming operation or business stays in the family. It will mean that properties are not cut up and made smaller and thus unproductive.

There are two matters the National Party believes the Government should consider: The commencement date for the provisions of the Bill should be the date when the proposed measure was announced during the Budget speech, because hardship is being imposed in situations where a death occurs before the Bill comes into operation. The other matter is that special consideration should be given to grandchildren whose parents predecease

them so that the grandparents can leave property to them in the place of the son or daughter who died. I understand that in this context the word "special" can be given a certain significance. The Leader of the National Party also mentioned these two matters but the National Party does not intend moving amendments. Members of the National Party commend the Bill.

Mrs. PATRICK (Brighton): I support the motion and reject the amendment. I congratulate the Premier and Treasurer on his decision to phase out Victorian probate duty.

The honorable member for Footscray referred to an article in the *Taxpayer* magazine. The article was irrelevant because the Government has already stated that it intends to abolish probate duty completely. His references to brothers, sisters and single persons living together were therefore irrelevant. In any event, the Bill contains hardship provisions and people in the circumstances he mentioned could apply for special consideration.

The honorable member for Bundoora seemed most taken with the idea of variable rates but such a system would beg the question. The honorable member and the Opposition seem to want to reduce everyone to a common denominator. In that situation there would be no incentive and I also doubt that some honorable members opposite would really like to see that come about.

Although State probate duty between spouses was abolished last year difficulties arose where wills provided life interests to surviving spouses and then bequeathed estates to children. The executors had the alternative of paying duty when a testator died or waiting until the termination of the life interest and paying 3 per cent interest on the duty as assessed. People faced with this alternative were confused. On estates passing to surviving spouses the deduction for the matrimonial home did not apply and in some instances Federal estate duty was higher than it would have been had Victorian probate duty been paid. The result is that the Federal Government will benefit by the abolition of probate duty on estates passing directly to surviving spouses and children. Although under the Federal estate duty provisions a $50,000 deduction applies to estates of persons who died after 17th August, 1976, where an interest limited or absolute passes to a surviving spouse. This, together with the existing statutory exemption, means that an estate valued at not more than $90,000 passing absolutely to a surviving spouse is free of Federal estate duty.

Let us hope that the Federal Government will follow the example of Victoria and Queensland and gradually abolish Federal estate duty. Now that the Victorian Government has decided that estates passing to children shall be exempt from the Victorian probate duty and that limited interests left to children will be actuarily calculated and be exempt from Victorian probate duty, I believe the Federal duty situation should be looked at to determine whether any additional Federal estate duty should be returned to Victoria. This may be one way of making up any deficit that exists. Whilst on the subject of where the money is coming from, I point out that the honorable member for Bundoora seemed particularly concerned about the financial effect of this Bill but I do not believe any speaker has mentioned the high cost of collecting probate duty, the number of staff employed and the continual cost. I am not sure of the figure, but I am sure that honorable members would find it is considerable.

Although the levying of probate and estate duty is a way of obtaining income, it is unfair to impose a duty on an estate and family after a person has paid tax all his working

life. There is no incentive to work harder and invest the proceeds. Investment helps to create a buoyant economy. Many people are afraid to invest money and try to give it away before they die to save their family from the onerous burden of probate duty.

The abolition of probate duty on estates passing to spouses and to children will, it is hoped, remove the need for family homes, family businesses and, most importantly, family farms to be sold to pay probate duty. The honorable member for Benalla said that his small farm has so far not attracted probate duty. There was a farm in my father's family, but it had to be sold to pay the probate duty because the executors did not want to mortgage the property to pay the duty and so it passed out of the family, which had held it for two generations. That was an example to me. In my legal office, I have seen many examples of businesses, farms and properties being sold to pay probate duty.

As a solicitor who regularly draws up wills, I am aware of the problems that face people when making wills about whether they should leave a life interest to the surviving spouse and then to the children to avoid double probate duty. That raises a question of inflation and whether the surviving spouse will have enough to live on although a clause in a will can provide additional income from the capital, but the payment of probate duty is a problem which must be faced. The second question that arises is whether the testator should leave the estate to a surviving spouse when duty will be payable twice. Thirdly, should a family trust be set up? This is a complicated business, which leads to all sorts of problems.

The setting up of a trust may mean that a person loses control of the use of the money and, of course, problems occur if a divorce takes place. This is not to be discounted because of the increasing rate of divorce. When trusts are set up, enormous problems are created when trying to sort out the assets. The fourth alternative is whether to move to Queensland. I endorse the comments of the honorable member for Benalla. On many occasions I have been consulted by people who have considered moving their assets to Queensland.

These difficulties will now be removed and a testator will be free to decide whether to leave a property to a surviving spouse, knowing that when the surviving spouse dies and leaves the property to the children Victorian probate duty will not have to be paid. Similarly, if a life interest is left to a spouse and then to children, no Victorian probate duty will have to be paid.

The problem of single persons concerns me. Two ladies may have lived together because they have not married or have no children and they find it unfair that they have to pay probate duty. I am sure the Government is aware of this problem.

Mr. CRABB: It has done nothing about it in 30 years.

Mrs. PATRICK: It takes a little time for things to happen. It would be interesting to see what the Opposition would do.

Mr. CRABB: We have told you; we would support the amendment.

Mrs. PATRICK: I suppose we would see another Labor fiasco. The question of date when this Bill becomes operative worries me and I endorse the remarks of the honorable member for Benalla. I believe it should apply from the date it was announced—7th September, 1977. It has been proposed to me also that people in nursing homes will find it dreadful because relatives will be thinking, "If we can only keep the old fellow alive so that it will apply." I should have liked that to have been the operative date.

I am delighted with the principle in the Bill. I believe although income tax is high it is a better way of raising revenue and that the abolition of probate duty will help to create a buoyant economy by enabling people to invest and build up their businesses.

Mr. HANN (Rodney): I support the Bill and oppose the amendment moved by the Labor Party. The amendment clearly draws the line of difference between the philosophy or views of the National Party and those of the Labor Party because for some time it has been said in Victoria that the Labor Party has a hypocritical attitude because on the one hand it goes into the country and tries to claim sympathy for rural interests but on the other hand when it comes to the crunch in this Parliament, time and again it puts forward proposals opposing legislation such as the Bill before the House, which the farmers of this State have sought for many years. The Labor Party has the opportunity of supporting the abolition of probate duty. It is nonsense for the honorable member for Knox to suggest that the Labor Party is putting forward another proposal. Its proposal would disadvantage the majority of primary producers.

The National Party believes the introduction of this Bill is a red letter day for Victoria. If this session of Parliament does nothing else, its greatest single achievement will be the first step on the road to the abolition of probate duty. As the Leader of the National Party and the honorable member for Benalla pointed out, it is purely and simply because of the initiative and strength of purpose of the National Party Premier in Queensland, who was prepared to stand up and be counted on issues such as probate duty, that the Bill has been introduced. He has been proven correct because the people supported him in the recent election for his initiatives and strength in Government.

Mr. CRABB: I thought the Labor Party got a 7 per cent swing.

Mr. HANN: It was less than 1 per cent against the National Party. The Victorian Government was forced to take action because of the course taken in Queensland. It is an indictment of the Government that it has not been prepared to recognize this until now and only because it was forced to do so. If one looks at the chronological time-table, one will see that it was not until the Queensland Government abolished probate duty that the Victorian Government started to act. The Victorian Government did not announce that it intended to abolish probate until this year's Budget, long after the Queensland Government had abolished probate duty in one hit. The Victorian Government should be prepared to follow the same course of action. We have seen a classic example of Government back-benchers saying that they agree with what was said about the time-table, but that nothing could be done about it. Surely if there is any validity in the argument, that members of the Government party have some say and should put forward a proposal to ensure that the legislation applied from the day it was introduced in this Parliament. It is a sad and sorry situation that we have to wait until 1st January, and create difficulties if people die in the intervening period. It will create a lot of difficulty and hardships for families.

When the National Party went into a coalition Government in Western Australia, one of the conditions was that the Liberal Party agreed to the abolition of probate duty. That proves that the National Party has been solely responsible for the introduction of this legislation. If it were not for the National Party, this Government would not have introduced this amending legislation.

The honorable member for Brighton said that on numerous occasions people asked how to transfer assets

to Queensland in the intervening period between the abolition of probate duty in Queensland and Victoria's deciding to do the same. There is no doubt that this was a big factor, which forced the Premier and Treasurer to abolish probate duty, literally against the wishes of his own Government, because the Government has had plenty of opportunity to do so in the past but has never shown any real interest in the abolition of probate duty.

Another aspect is the abolition of probate duty on estates willed to municipal councils. That is an important amendment to the legislation. The fact that probate duty is iniquitous has been well canvassed in this House. It goes back many generations in the history of the United Kingdom, where it was designed to break up large estates. It has not been effective in Australia.

If people do the correct homework with their legal advisers they generally do not pay probate duty because there are ways of avoiding it. These are the people whom members of the Opposition are trying to get at, but they are affecting only the smaller people who do not have the same access or perhaps initiative. Probate duty mainly affects people who have been prepared to apply their income over the years to build up an asset in order to produce extra income. They have been frugal in their way of life compared with other sections of the community who have spent their money. They have been employers of staff, and have applied their assets and been frugal in their approach to life. That has not been recognized in the past. It has been iniquitous that at the time of death, these people, or more so their families, have been heavily hit by death duties. It does not really affect the individual who has long since died; it affects his family.

This sessional period has been most significant for the National Party. The proposed legislation has been a National Party initiative from other parts of Australia, which has forced the Victorian Government to take action. That is on the record and recognized by all Victorians. If the Government intended to deny that, it should have acted immediately when the Premier of Queensland introduced similar legislation into the Queensland Parliament. The Government should not have waited until it was forced to follow that example, because many people have been transferring their assets to Queensland and there is a continual movement in that direction.

Therefore, this Bill gives a great deal of strength to the role of the National Party and its importance in the political system of Victoria. There is no doubt that the Government has been forced to act on this issue. That is on the record, and the National Party will continue to apply similar pressure in a number of areas.

Mr. A. T. EVANS (Ballarat North): I commend the Premier and Treasurer for his action, not only in the proposed legislation, but in earlier legislation by abolishing probate duty on estates passing between spouses. He clearly indicated even earlier that he was prepared to remove the hardships created for small businesses and farms by the imposition of probate duty. This was not an isolated case inspired by the actions of someone else. For some time and on frequent occasions the Premier and Treasurer has indicated that he is sympathetic and wishes to assist in the survival of small businesses and farms, particularly with the present high cost of labour and servicing of equipment. In most of these cases the wives and children have greatly contributed towards the estate. The fact that the Premier and Treasurer so readily agreed to representations from his own party members and the general public to assist in the survival of these farms is to be commended. He is taking one of the greatest single steps ever taken by removing hardship on these essential sections of the community.

The history of this anachronistic legislation has been briefly touched on. It was first introduced in England to finance the Napoleonic wars, but it survived for the purpose of breaking up large estates. It was introduced in this country to finance the first world war and it survived for the purpose of breaking up large estates. Today it is serving the opposite purpose. It is breaking up small estates and small farms and affecting their productivity. Family units are being broken up and made non-viable. It is working in the opposite direction to what was originally planned.

I emphasize the urgent need to retain the family farm unit in country districts. Recently the Australian Labor Party held a conference or a meeting to produce the green sheet, which I have in my hand. It is headed, "Australian Labor Party, Victorian Branch. Primary Industry Policy." Honorable members will have heard the old adage, "Let us put green glasses on the cows and they will think the grass is green." The Labor Party thinks the farmers are a lot of Dads and Daves, so it brings out this green paper.

Mr. CRABB (Knox): On a point of order, I cannot relate the honorable member's remarks to the Bill and I ask him to return to the subject under debate, which is probate duty.

The ACTING SPEAKER (Mr. Billing): Order! Since I have occupied the chair, honorable members who have spoken have ranged widely in their remarks, but I ask the honorable member for Ballarat North to confine his remarks to the Bill.

Mr. A. T. EVANS (Ballarat North): Mr. Acting Speaker, you rightly stated that honorable members have ranged widely in the debate. Honorable members who have spoken have referred to farm productivity, viability of farms and the need to retain the family farm unit. I am sure members of the Labor Party in the present political climate would agree with this. Are any of these principles on this so-called primary industry policy sincere? Under the heading, "Production" it states—

> Working family enterprises involving personal responsibility will be fostered as the basic unit of production.

What utter insincerity when they move an amendment that limits assets to be exempt from probate duty to $130,000.

Mr. CRABB: For everyone.

Mr. A. T. EVANS: The honorable member knows nothing about farming.

The ACTING SPEAKER (Mr. Billing): Order! The honorable member is making his contribution and should ignore interjections. The honorable member for Knox made a lengthy contribution to the debate and I ask him to cease interjecting.

Mr. A. T. EVANS: I will allow the honorable member for Knox to recover himself and I will return to that subject later. I believe it was the honorable member for Bundoora who said that the Labor Party has a different philosophy from the Liberal Party in its approach to probate duty. They were probably the strongest and most telling words used in this debate by any honorable member. The philosophy of members of the Labor Party, which has been expounded over many years, is that they do not believe in private farms. The honorable member for Footscray stated that the Federal Treasury had made a submission to the Asprey committee to the effect that if the Australian Government abolished estate duties it would be the only country in the Western World that had no death or probate duty. I would say that the Treasury officials have made the same mistake as the Labor Party and overlooked the circumstances existing in Australia, which are unique amongst Western World countries. Australia is one of the great granaries of the world. It is in an unusual position as it is situated 10,000 miles from the markets of the Western World. As members of the Opposition know, over the past five years farmers have

suffered from this disadvantage. I now refer to the problems created by the European common market as it affects Australian farmers.

Mr. CRABB (Knox): On a point of order, I again draw attention to the remarks of the honorable member in which he has not mentioned probate duty. He is now referring to the European common market, which is absolutely irrelevant to the Bill.

The ACTING SPEAKER (Mr. Billing): Order! The honorable member will confine his remarks closely to the subject of the Bill, which is probate duty.

Mr. A. T. EVANS (Ballarat North): On the point of order, the purpose of the debate, as mentioned by honorable members time and again, is that the abolition of probate duty is essential for the survival of the farming industry in Victoria. That argument has been allowed to proceed and simply because the Opposition spokesman cannot take the argument I am submitting, he raises that weak point.

The ACTING SPEAKER: Order! I have ruled on this matter and the honorable member can make his argument quite effective without ranging through European situations.

Mr. A. T. EVANS: Honorable members fully realize that Australian farmers are in an unusual situation. I shall proceed to inform the House of some of the other difficulties facing the farming industry. Members of the Opposition have continually referred to increased income tax. The primary producer because of low income and a drop in production pays 9 per cent of the income tax of this country but he pays 28 per cent of the total probate duty. That in itself is one of the most telling arguments. One of my most painful duties as a member of Parliament has been to listen to the plight of the young man who has inherited a farm with his mother and sisters, not on his own. He has had to find probate duty after working and contributing to the creation and production of that farm. He cannot obtain finance from the bank. He has to go to the Rural Finance and Settlement Commission to get it. If the farmer cannot obtain finance he must sell off a paddock thus making his farm unviable. If he does succeed in obtaining finance from the Rural Finance and Settlement Commission, he must pay interest on that money, adding another burden to his already existing one. This is a sore point for him because the money has been taken from him by the Victorian Probate Office and so he is paying interest on his own money. He must then labour under this burden to try to make the farm a viable proposition.

In the meantime no possible property improvement can be carried out. There can be no fencing and pasture improvement and the farmer finds it difficult to purchase adequate equipment to farm his unit. He is carrying all these burdens because of this vicious tax. Probate duty is the greatest single deterrent to the solvency of the Victorian farming industry in this decade.

At this stage I should like to comment on statements made earlier by other honorable members on the amount that will accumulate to the Commonwealth Government if this legislation is passed. The honorable member for Knox last week made a statement regarding an amount of $15 million. At the time I thought he was bold in making that statement, as did the Leader of the National Party, because the honorable member for Knox ventured into a field in which a number of the experts in this country would not attempt to venture. Mr. Eric Risstrom would not venture into it. Mr. Lynch, the Federal Treasurer, would not venture an opinion on it. To give some indication of the inaccuracy of the honorable member's guess, I ask honorable members to recall that the probate duty paid in Victoria was

$80 million to $85 million in a full year and in Queensland $35 million. I now refer to a letter I received from Mr. Knox, the Deputy Premier and Treasurer of Queensland. He estimates that the Commonwealth would collect between $3·5 and $5 million in additional revenue. So if one doubles that, one will obtain an amount of $7 million to $10 million, which would be an estimate of the additional Commonwealth revenue from Victoria.

Mr. CRABB: What is the guess based on?

Mr. A. T. EVANS: I ask the honorable member, who is incessantly talking, to listen and I will repeat what I have just told other honorable members. When succession duties were abolished in Queensland, a broad estimate was made of the increase of Commonwealth revenues which would result and this indicated that the annual increase would be of the order of $3·5 to $5 million. If we double that for Victoria the amount would be $10 million.

Mr. Risstrom informed me that it was difficult to provide an estimate of the increase as it affected Victoria because of the various concessions that are given to primary industries and the varying rates that are charged, but he provided an example of the effect of the provisions contained in this Bill. Mr. Acting Speaker, with your permission I should like to relate to the House the case he used to give some idea of the added tax accruing to the Federal Government. His statement reads as follows—

Mr. Evans said take for example a primary producer with an estate of $200,000, passing entirely to the children.

In such a case when the duty in Victoria of $26,500 is abolished at the end of this year the beneficiaries would only receive half of this benefit under existing Federal Government estate duties.

Because of the Federal duty being assessed on the higher net value of the estate the additional duty to be collected by Canberra would be $13,000.

The reason for the big increase is that between $140,000 and $240,000 of Federal dutiable value, a primary production rebate of 50 per cent cuts out fairly smartly.

Mr. KIRKWOOD: Where did you copy that from?

Mr. A. T. EVANS: I advise the honorable member that that statement was taken from one of the best authorities that one could possibly obtain, and was inserted in the *Ballarat Courier* by the honorable member for Ballarat North.

The Federal Government would find difficulty in accepting the proposition put forward by my colleague, the honorable member for Brighton, when she advocated that it should return to the States that additional duty that it will collect following the abolition of the death duty between families at the beginning of the next financial year.

Unfortunately, all States are not enacting similar legislation to that of Victoria. Under the Australian Constitution there cannot be discrimination between the States, but I believe there is a simple answer to that for the Federal Government as the death duty amounts to only 0·24 per cent of its total revenue. It should pull out of this field altogether and assist Victoria and the whole of Australia in easing one of the great burdens on primary industry.

The honorable member for Knox and his Labor colleagues seem set in turning Victorian farmers into a pack of peasants. It is obvious that the honorable member for Knox has never been beyond the end of the tramline in the city environs and does not know what is going on in the country areas.

Before concluding, Mr. Acting Speaker, I draw the attention of honorable members to some of the comments that have been expressed by some of the Labor members in other States when they were advocating this much talked of philosophy of the Labor Party. Senator

Walsh, at page 405 of Federal *Hansard* dated 2nd December, 1976, is reported as having stated—

> Anyone who argues for abolition of inheritance tax puts up a deceptive and spurious viewpoint. A lot of emotive propaganda has been poured out in an attempt to justify the total abolition of inheritance tax. I note with great regret that in the State of Queensland that campaign has succeeded.

Again this proud philosophy of the Labor Party is expounded by a respected member of the Labor Party in the Federal Parliament, Mr. Frank Crean. He said—

> In Australia today over 70 per cent of people who have homes either own them outright or are paying off a mortgage. What will happen at the end of the road when everybody has a house, including the sons and daughters of those who are about to pass on? What are we to do with these kinds of accumulation of property?

This recalls the famous remarks of Mr. Dedman, an earlier Labor Minister. We had hoped the Labor Party had really been enlightened over the past 20 or 30 years, but that is not the case. Most members of the House can recall those remarks stating that people who owned their own homes were little capitalists in Australia—the same Labor Party philosophy as today.

I should like to re-emphasize one final point that was raised earlier. I refer to farm equipment, which comes within the confines of this debate. This is where members of the Labor Party showed their total ignorance of what is required to run a small viable farm.

Mr. CRABB: You are showing your ignorance of what is in the Bill.

Mr. A. T. EVANS: I inform the honorable member that the more he opens his mouth, the more he shows that he has little knowledge of this country, particularly farming, because in assessing probate duty all the farm assets are included. That is the point I am emphasizing. There are farms of 200 to 300 acres in my electorate and they are valued at between $800 and $1,000 an acre. The total value would range between $160,000 and $300,000. That is for the land itself. Farms of this size are needed to make farming a viable proposition. In addition, the farmer must have at least two tractors worth $40,000, irrigation pumps, spray equipment, which could be another $30,000, and sheds and dams, each at least worth $20,000 or even more, say, $30,000, plus potato harvesters worth $20,000 and planters valued at $5,000, making a total such a farmer could have of another $200,000 in equipment.

As the honorable member for Benalla said earlier, there could be half a million dollars in assets. in many family farms. However, under the Labor Party's killing amendment, that farm would not survive for another generation because the $130,000 limit, as proposed in the amendment to the motion by the honorable member for Knox, would force the family out of business. We must reject the amendment moved by the Opposition, otherwise this vicious tax will continue.

Mr. McINNES (Gippsland South): The National Party supports the motion. It has been supporting such a concept for a long time and it is fallacious for the Government to suggest that this is its doing because quite clearly the Government has had its arms tied behind its back to bring about this change. It was forced into the position because of the situation in Queensland, Western Australia and elsewhere, but nevertheless members of the National Party will not take a dog in the manger attitude.

We are pleased that the proposed legislation has eventuated, even though it has come in so belatedly. One of the comparisons, I suppose, between the small businessman and the farmer is that much of the assets of a business are tied up to a large extent in goodwill, which, of course, is a variable factor. Without the owner and operator, a business

may be of little value, so that the person is simply selling the use of rented premises and, perhaps, whatever licences he happens to have. But in the case of the farmer his assets are tied up in land, and really in a notional value of land rather than in a productive value of land.

Unfortunately our economy is such that the farmer must have that sort of money tied up in land to give him, regrettably, less return than the minimum award wage for his efforts and in most cases with little or no return on the capital invested. In any case, in terms of the capital invested or the notional value of the property, the current economic situation has led to an erosion of the equity of farmers generally to a point where they often have very little equity in the property.

But the Federal Government, as a coalition Government, is committed to farm build-up and amalgamation of farms, to structural assets in order to make them viable. It is the old story—get big or get out. Unless one gets bigger one will not even obtain an award wage return. Yet probate duty has the very effect of tearing down that carefully built-up structure again and again.

So, there are two conflicting positions. The present situation has had a punitive effect owing to the high capital investments in farming properties. I mention farming properties because unquestionably probate duty has fallen with the greatest weight on farmers. I was pleased that every speaker today on the Government side and on the National Party side emphasized and recognized that point. With probate duty, there is little account of the efforts put into and return from farming. A letter I have received is typical of many that members representing country electorates have received over the years. The writer stated that he started as a farmhand, became a share farmer, and then bought a 110-acre dairy farm along the Gippsland highway. In 1972 his wife contracted cancer and, in order to give her a less worrying time in her few remaining years, they took on a share farmer, but they had to let him go because of the depressed economy. Later, the wife, who was a partner in the farm, passed away. That person then had to pay probate duty, although he had received little or no return from the farm and had had a difficult family life because of the problems forced on him. In the final analysis the State turned its thumbs down and, vulture-like, got in for its share. This is the sort of social hardship we hear about again and again.

In Western Australia the Liberal-National Party coalition is committed to the removal of probate duty. The Queensland Government has already abolished it. The Leader of the National Party in Victoria sought leave to introduce a private member's Bill with this object. Over the past ten to fifteen years members of the National Party have been fighting to have probate duty abolished. This has been discussed in conference after conference. In conversations with members of the Government party during the five years that I have been a member of this House, they have simply said that they would like probate duty to be abolished, but that it just could not be done. So it is difficult for them to claim any real credit for this measure. They got into the act only after they were shown how it could be done by the Premier of Queensland.

This duty has been the most soul-destroying of all. It encourages devious methods of avoidance and its effect on the family unit is one of heartbreak. That is a comment by the Shire of Warracknabeal. The avoidance of probate duty means money in the pockets of solicitors and I am pleased that the honorable member for Brighton recognizes that schemes of avoidance have had to be undertaken and, because of changes in legislation, trusts have been a doubtful

proposition even at the best of times. If we are to give equality to society, we must tax people on the profits they receive, with due regard to their efforts, taking into account the capital invested to provide those profits. Therefore in my view, income tax is a much fairer tax in all respects.

Mr. CRABB: But you do not want that either.

Mr. McINNES: We do not mind that. The Labor Party wants probate duty retained. That is what it is saying. We can forget about the minimum of $135,000 because, if there were a Labor Government in Victoria, that could be changed overnight. The essence of probate duty would be retained. Members of the Labor Party claim they need a sort of mechanism to break down the accumulation of wealth and aggregation of estates. To be consistent, they should first make certain that the people who are in a position to build up estates are also in a position to make money during their lifetimes. If they were, there might be some logical reason for saying that wealth had to be redistributed.

But the Labor Party wants to destroy the farmer, deprive him of any capacity to live reasonably, and also to deprive his family of any assets he has built up during his lifetime. Of course, the Labor Party members are not the only ones who would do that. But the Labor Party has contributed to the problem, as honorable members have heard here today. They have said that they want to avoid the building up of wealth and to ensure that it is equally distributed.

If members of the Labor Party were genuine, they would ensure that the business concerned was capable of providing a good return during the time it was operated, and then income from it could be taxed. But, when families, including children, have sweated blood and used all their efforts into building up a farm, the Labor Party not only wants to deny them a reasonable living but to take away any residual estate that is left.

For that reason the National Party cannot accept the amendment. The Government has not gone far enough in the removal of probate duty. There are still problems remaining and there are also problems relating to gift duty. There should be a repeal on duty on devises and gifts between parents and children.

Each member of this House has a responsibility to put pressure on the Federal Government to ensure that it does not take advantage of the relinquishment by the State of this iniquitous duty. Now, with the Federal election due, is the most appropriate time to apply that pressure. No matter what political colour the Federal Government might be after 10th December, we cannot allow it to continue to extract duty by this most unfair type of taxation.

Other honorable members have covered most of the arguments in relation to farms and I shall not dwell on them. But I fully support the comments that have been made and I totally oppose the amendment. I hope that the House is in accord with those views.

Mr. BIRRELL (Geelong West): I support the Bill and reject the amendment, for the broad reasons that have already been advanced. The Bill is straightforward and the results will be straightforward for those who will benefit from the $18 million that the Government will not collect in this half of the financial year and the $36 million it will not collect in the succeeding twelve months' period.

The reasons for the Bill are many. Basically, with increasing valuations, probate had become an inordinately severe burden. It had reached the point at which it could not be borne by properties on which people earned only a marginal standard of living. There is one property of this kind in my family group. The income is marginal to the point that it is below what is earned by a tradesman or a wharf labourer. I say this on the basis of income tax returns over the past three or four years. The income from

the property has remained the same although that of other people has doubled. This is despite the fact that the same amount of work has been put into the property.

If a small family farm of this type was suddenly burdened with a probate bill of $50,000, what would happen? There would probably be liquid assets of $10,000 and the other $4,000 would have to be financed, and people would be lucky to borrow the money at 12 per cent interest. There would then be a burden of an annual interest payment of more than $40,000, and something would have to be paid on the capital amount of the loan. The property just would not be able to cover the payments. The people concerned would have to bail out. They would have to sell some of the land, which would make the property fairly useless as a family farm, or sell the place and buy something smaller. This is happening all over the State. Probate duty no longer fits the figures of returns from small family farms, and equity demands that something be done.

Another point is that it is estimated that capital to the value of $20 million a month is being shifted from Victoria to Queensland. This has been going on for the past twelve to eighteen months. If, over a year, an amount of $240 million to $250 million is transferred from Victoria to Queensland, in four years' time the sum of $1,000 million would be lost to Victoria forever. This estimate of the shift in capital was given to me by estate agents in Surfers Paradise earlier this year. They suggested to me that that amount of money was coming from Victoria to the Gold Coast alone. That is not good for this State.

Another reason why this is a wise Bill is that the use of discretionary trusts has just about upset all the qualities of the previous legislation. Those who would normally pay large sums in probate duty and the type of people who would have paid it over the years are now inevitably those who arrange discretionary trusts. The result is that only the reasonably well-off and the poor pay probate duty; they contribute an inordinate proportion of the income from this tax. The wealthy avoid or evade it. The word "avoid" is correct because they use legal means.

Mr. WEIDEMAN: They are protecting their heirs.

Mr. BIRRELL: Yes. It is the large estate holders who are putting a lot of work into creating discretionary trusts. A few months ago I had dinner with a solicitor in Geelong and I asked him if he had set up any discretionary trusts that day. He told me that he had set up two. He said that there would be about 200 or 300 for people in the Geelong area set up by solicitors in the past year.

Party committee reports, to a large extent, should remain within the confines of the party, but I point out that the Liberal Party committee worked for about twelve months, week by week, on a Bill, which became more and more extensive, in an attempt to close up the loopholes used by discretionary trusts although, apart from myself, the best brains available were used by that committee. It finally came to the conclusion that discretionary trusts could not be closed down. The committee had the advantage of the views of the best people from Treasury and the department dealing with probate duty, and it worked over a period of twelve months with regular committee meetings lasting 2 hours or 3 hours, but it was forced to that conclusion. It became apparent that the line had to be held that discretionary trusts had to be accepted until time worked its healing way. The committee realized that it would have to insist on a policy of eliminating probate duty altogether.

That was a recommendation of the committee. The law is clever when it wishes to be. Many clever people have been applying their minds to the avoidance of probate duty and taxation. I can remember being invited to

a party one night after the House had adjourned. The reason for the party was that it was three years since a certain person had divested himself of his assets. That type of thing has been going on in Victoria for a long time. One can pay much less in gift duty than in probate duty.

It appears that the people who are being asked to pay probate duty are those who can least afford it. Members of the Opposition mentioned the desirability of a wealth tax. Assets are built up from savings or from using savings for the purpose of multiplying assets in various ways. Perhaps in the Federal sphere a more sensible approach should be made towards taxation, with the elimination of estate duty.

Let us consider the case of two gentlemen, twins, who are given the same opportunity in life and who go into careers. One earns $20,000 annually for 30 years and spends it all. That is easy to do. The other retains an average of $5,000 a year, and puts it into an asset. At the end of his life time the State says to No. 2, "We will take half or one-third of it, and you will not receive any social welfare benefits." That problem has never been solved. I suppose that one day it will be resolved, but at present it is being resolved in the wrong way. The Government is taking from the people who have worked hard and put something away.

Mr. CAIN: The money is not being taken from the person involved, but from his relatives.

Mr. BIRRELL: That is true. The only consolation is that the person involved passes out of this world, and does not have to worry about the matter any more.

Often farmers purchase large insurance policies just to cover probate duty. These policies are burdens on those persons during their lifetime. Many people insist on providing cover for probate duty. Not only the farmer is involved; small and medium businessmen are in a similar position, and they cannot claim the deductions available to the primary producer. The successful small businessman has to pay. The Government says, "We will make sure that we have our chop." That does not seem to be the best way to make the community prosper in the long run.

Members of the Opposition have asked where the Government will find the $36 million that it no longer will receive from probate duty. For once in a lifetime I throw the boot back on the other foot. All too often members of the Opposition ask for more money to be spent on services.

Mr. ROPER: That question is asked by Government supporters also.

Mr. BIRRELL: Yes, but not to such a degree. Never have members of the Opposition suggested where that money should come from. On this occasion I intend to be just as dumb about the matter.

Mr. McKELLAR (Portland): I support the Bill. For myself and a multitude of people whom I represent, the day cannot come quickly enough when State probate duty and Federal estate duty are abolished. This measure represents the progressive implementation of a scheme to abolish probate duty in Victoria. An undertaking was given by the Premier and Treasurer, and the abolition of probate duty as from January next year from parent to child is the most progressive step in the policy.

As has been stated by previous speakers, children of owners of small and large businesses in private enterprise, who work in the undertaking, contribute much to the capital structure over the years, in many cases without taking commensurate wages for their endeavours. The abolition of probate duty from parent to child rewards them for their efforts. They are to be commended, and should be given an incentive because they are the people in the private enterprise centre who are the backbone of this nation.

It could be argued by members of the Opposition that this Bill represents a discontinuation of the transference of assets and moneys from the private sector to the public sector. That is what private enterprise is all about. These business enterprises should be nurtured if the system is to work.

I shall illustrate what this measure may mean to the farming community. The property, Muntham, which is half-way between Coleraine and Casterton, was squatted upon by Edward Henty in 1837. At that time the holding contained 57,000 acres. Between 1837 and 1902 the size of the property diminished from 57,000 acres to 14,000 acres. In 1902 a subdivisional sale of Muntham took place and the 14,000 acres was subdivided into 94 lots, leaving the 1,300 acres with the homestead that still exists to this day. Probate duty was introduced in Victoria in 1870 and over the years it has continued to diminish big properties.

Another example is the property called Violet Creek, which was taken up in 1842 and which contained 9,600 acres. From 1842 to 1897 the size of that property diminished from 9,600 to 5,100 acres. At a subdivisional sale in 1897 it was divided into 49 lots of an average size of 100 acres. Today the homestead of Violet Creek property is surrounded by only 20 acres. I know that, because I live in the homestead.

Those illustrations demonstrate that to retain probate duty as a measure for further dispersing primary producing properties in Victoria is wrong. If anything, probate duty in Victoria has gone too far, because the average farm size in Victoria today is 500 acres. In many instances a farm that size is considered not to be a viable unit.

In the past few years it has become necessary to implement policies of aggregation and reconstruction to build up farm holdings. One can see the conflict of interest between probate duty and the reconstruction of farms. This provides a good reason for the discontinuance of probate duty as soon as possible.

Since they have learnt that the Government intends to abolish probate duty from parent to child, many farmers have said, "I thank you for the measure. My children now indicate that they will come back to the land because there are prospects for them." I visualize increased spending by farmers because they no longer have the burden hanging over their head of having to pay probate duty at some future date. Perhaps an increase in land values can be expected because of the discontinuation of this tax. I do not say that an increase in land values would be in the best interests of anyone. However, I expect that land values will rise as a result of this measure.

I conclude my brief remarks by saying that, as I understand it, probate duty is a relic from Roman times, because the Romans considered the possibility of taxing the dead. It was eventually adopted in Great Britain towards the end of the seventeenth century.

As Australia has adopted many taxing measures of the Westminster system of Parliament, it has also inherited this measure from the United Kingdom. Probate duty has served a useful purpose in Victoria and Australia, but the time has now arrived when it no longer serves the purpose for which it was intended. For that reason, I say the day cannot come quickly enough when Federal estate duty and State probate duty are totally abolished.

The House divided on the question that the words proposed by Mr. Crabb to be omitted stand part of the motion (Sir Kenneth Wheeler in the chair)—

Ayes	..	47
Noes	..	16
Majority against the amendment	..	31

AYES.

Mr. Balfour	Mr. McKellar
Mr. Billing	Mr. Mackinnon
Mr. Birrell	Mr. Maclellan
Mr. Borthwick	Mrs. Patrick
Mr. Burgin	Mr. Plowman
Mr. Coleman	Mr. Rafferty
Mr. Cox	Mr. Ramsay
Mr. Crellin	Mr. Reese
Mr. Dixon	Mr. Richardson
Mr. Dunstan	Mr. Ross-Edwards
Mr. Ebery	Mr. Scanlan
Mr. Evans (*Ballarat North*)	Mr. Skeggs
	Mr. Smith (*South Barwon*)
Mr. Gude	Mr. Smith (*Warrnambool*)
Mr. Hamer	
Mr. Hann	Mr. Thompson
Mr. Hayes	Mr. Trewin
Mr. Hudson	Mr. Weideman
Mr. Jasper	Mr. Whiting
Mr. Jona	Mr. Williams
Mr. Lacy	Mr. Wood
Mr. Lieberman	
Mr. Loxton	*Tellers:*
Mr. McArthur	Mr. Collins
Mr. McClure	Mr. Kennett
Mr. McInnes	

NOES.

Mr. Amos	Mr. Simmonds
Mr. Crabb	Mr. Simpson
Mr. Edmunds	Mr. Stirling
Mr. Fogarty	Mr. Trezise
Mr. Fordham	Mr. Wilton
Mr. Ginifer	
Mr. Kirkwood	*Tellers:*
Mr. Lind	Mr. Cain
Mr. Roper	Mr. Culpin

PAIRS.

Mrs. Toner	Mr. Evans (*Gippsland East*)
Mr. Cathie	Mr. McCabe
Mr. Doube	Mr. McLaren
Mr. Mutton	Mr. Suggett
Mr. Wilkes	Mr. Templeton

The Bill was read a second time and committed.

Clauses 1 to 11 were agreed to.

Clause 12 (New sections inserted).

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

Clause 12, page 7, line 39, after "Commissioner" insert "or his nominee".

The proposed amendment is self-explanatory and necessary.

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

Clause 13 (Amendment of No. 6890).

Mr. CRABB (Knox): The clause is intended to abolish the payment of probate duty on all estates passing to children. I have already expressed at some length the Opposition's attitude to this clause. I am disappointed that the Government used its numbers to defeat the reasoned amendment proposed by the Opposition to the second-reading motion.

During the debate honorable members heard marked examples of hypocrisy both from members of the National Party and from Government supporters. The House has consistently been told about the problems of farmers, particularly small farmers.

When speaking on behalf of the Opposition last week I said that the Opposition appreciated with compassion the difficulties faced by farmers and rural businesses and that special provision ought to be made under the principal Act to overcome those special problems. The Bill does not totally overcome these special problems; it removes them only in relation to farms passing to children of the deceased. However, a farm passing to any blood relative, such as a grandchild, is not included in the measure.

What has been put to the House today is that because the tax is difficult for farmers to pay, it ought to be abolished. No one enjoys paying any tax, but just because it is difficult to pay income tax and pay-roll tax, that is not put forward as an argument why this or any other Government should abolish the payment of those taxes. Provision can be made to cope with payment of probate duty and everyone in the community ought to pay a fair share of tax.

One can examine examples of situations in which people totally avoid the payment of tax. For example, the dairy farmer who was fortunate enough to have his land in Sunbury purchased by the Housing Commission, yielding him $1·8 million, has paid no tax on that money because no capital gains tax is applicable. If he leaves that money to his family, they will not pay any tax on it.

Mr. COLEMAN: Will the income on it not be taxable?

Mr. CRABB: Of course it will, and a more pertinent example is the case of the Federal Treasurer, who made a profit of $110,000 by selling land. He will not pay income tax on that money.

Mr. ROSS-EDWARDS: How do you know? You cannot justify that statement; you do not know whether he paid tax. That is guesswork.

Mr. CRABB: I shall put it this way: Unless the Federal Treasurer is accustomed to earning money by buying and selling land, he will not pay income tax on it.

If this is an infrequent occurrence, he is unlikely to pay tax on it. If it is a frequent occurrence, he will pay tax on it. I appreciate that situation.

The fact is that people all over this State make large sums of money by buying and selling items such as land, and that money is often not taxed as income. If the Government and the National Party are intent on abolishing probate duty there will be no tax in Victoria on wealth. There have been steps to abolish Federal probate or estate duty also. Australia will be the only country in the developed Western World which does not levy a tax on wealth. The United States of America taxes wealth and every other country in the developed Western World has a tax on wealth to achieve a balance in taxes.

The National Party and the Government are proposing to this House and to the people of Victoria that virtually all the taxes ought to be levied on the wage and salary earners and none ought to be levied on the rich and on property owners. That is patently inequitable and patently nonsense. Every expert in the matter of taxation, as the Opposition has told the House already, believes that probate duty ought to be continued as a tax. Further, it ought not to be a tax which is levied on people with small estates. It should not force farmers into selling farms, or businesses into selling liquid assets. There is still a need for tax and it is totally spurious for country members to say today that because it is difficult for farmers to pay, the very rich, the filthy rich, should be abrogated from the need to pay this tax.

Mr. COLLINS: Do you class your colleagues amongst the filthy rich?

Mr. CRABB: By interjection, honorable members opposite have now descended to the miserable level of personal innuendo.

The ACTING CHAIRMAN (Mr. Reese): I suggest that the honorable member ignore the interjections. The Committee is dealing with clause 13 which is quite restrictive in its terms.

Mr. CRABB: This clause abolishes probate duty on all estates passing to children, regardless of whether the estate consists of a farm, a small business, a lump sum in cash, cash deposits or investments. It does nothing to solve the situation of estates passing to brothers and sisters living together, sisters living together, and it does nothing to solve the situation of estates passing to *de facto* spouses or farms passing to people other than children such as nieces and nephews. It is a crude measure and is of far more benefit to the rich and wealthy than it is to primary producers or anyone else. I therefore intend to vote against the clause.

Mr. HAMER (Premier and Treasurer): This is a key clause in the Bill. It sets out to abolish probate duty on estates passing to children. It therefore carries out the promise to do that very thing which the Government made in the Budget, and I am grateful for the support of the National Party in that endeavour. It is a step on the way—and I make this clear to members of the Labor Party—to abolish probate duty altogether. The Government is not in

a position financially to abolish probate duty in one year, and when it came to making a choice of what steps should be taken it took the proper step of preserving the family asset, the family farm, the rural business or the metropolitan business. People in small businesses will comprise 75 per cent of those who will benefit from this clause.

The first obvious step was to free assets passing between spouses because, in many ways, they have put those assets together jointly and as part of the marital pact. The second logical step is to allow them to pass their assets on to their children. This is the main objective of many people's lives and the reasons why, in the first place, they worked and put together some modest assets. Their chief hope and objective is to pass their assets on to their children and that is why they have children in the first place.

Mr. CRABB: Do you believe that is why they have children in the first place?

Mr. HAMER: Certainly it is, so that they can make provision for them; what else?

Mr. CRABB: To leave them money?

Mr. HAMER: Not to leave them money, but to provide for them, to bring them up to the best of their ability, and to build for the future; to preserve the family unit and support the family unit in the community. Opposition members may have other ideas, but the Government members adhere to this. The second logical step in abolishing probate duty altogether is to preserve the family unit and the family assets. It is not a bit of good for the honorable member for Knox to say what the Bill does not do. It does not deal with children of a *de facto* relationship or uncles and aunts, still less does it deal with strangers to the family. It deals with children, and that is the Government's objective. I will be interested to note whether the Labor Party votes against this clause.

Mr. McKELLAR (Portland): I cannot let the remarks of the honorable member for Knox go unchallenged on this clause. It may be interesting for him to learn that in the grazing industry in Victoria there are 24,500 wool growers, 1,800 of whom have 3,000 sheep or more. This indicates that the majority of wool growers in Victoria have less than 3,000 sheep, which is only a small undertaking, in this day and age in grazing. In Victoria there are 13 holdings that have 20,000 or more sheep, and the majority of those 13 holdings have a multiplicity of owners. Statements of the honorable member for Knox show his gross misunderstanding of the situation.

Mr. COLLINS (Noble Park): In my electorate there is a family which has lived on the land for nearly 100 years. Its holding, which the honorable member for Knox should look at, comprises 130 acres, but through current planning policies it cannot be subdivided. The owner of this land had to give up his dairy contract three years ago because a dairy contract was not viable in the metropolitan area. If he died tomorrow his family or children would not benefit from his estate; it would be literally given to the Government or to the people. Perhaps this is what the honorable member for Knox thinks should happen. The owner has been unable to earn an income off his land for five years and yet has had to pay $2,500 in rates. He did not sit back and cry about it. He is working at a local sewerage farm, and the Opposition might be interested to know that he was recently made the shop steward.

I suggest that the honorable member for Knox should not use words like "filthy" when talking about the rich. He should use the word "rich" like the honorable member for Doncaster. The honorable member for Knox should go out into the community to find out the exact situation. There are many

people with small estates who would lose everything unless this clause is passed unaltered.

Mr. LIEBERMAN (Benambra): The debate highlights the differences between the philosophies of the members of the Opposition and the members of the Government party. It is interesting to reflect on those differences. From the thrust of the arguments put by members of the Opposition it seems that they support the retention of probate duty.

Mr. CRABB: On large estates.

Mr. LIEBERMAN: This is something which ought to be reflected upon because I do not know of anyone in the free world, apart from in Australia who regards probate duty as anything other than a vicious and iniquitous tax. A tax which hits the next of kin after a bereavement ought not to be continued. I find it remarkable and significant that members of the Opposition favour the retention of such a system of taxation. They also say that there ought to be a wealth tax of some description. I point out that there has been no wealth tax in the free world that has worked. It has been regarded as a negative tax. The roads in England are littered with evidence of failed legislation that has been introduced by Governments of Liberal, Conservative and Socialist origin, in attempts to raise revenue by a wealth tax. Fundamentally a wealth tax is a negative tax.

The ACTING CHAIRMAN (Mr. Reese): I draw the attention of the honorable member to this clause which deals with probate duty and not wealth tax.

Mr. LIEBERMAN: I am reminded that I should confine my comments to the clause, but I am intrigued by a comparison of the philosophies of the two parties.

This clause enshrines the second stage of the Government's thrust to get rid of an iniquitous tax by abolishing probate duty on estates passing to children. It is worthy of commendation because it will reinforce the family structure in Victoria and it will enable families to continue to be productive. It will encourage people to be thrifty, and to provide for their retirement. The efforts of people will not be destroyed on the death of their next of kin by having to pay this iniquitous tax. That is most significant, and from 1st January probate duty on estates passing to children will be abolished. This will mean that moneys which would otherwise have to be paid for probate duty can be used for investment and to provide employment in Victoria in a positive rather than than a negative way.

I welcome the Bill. The majority of the Victorian people will be delighted with it also, and we look forward to the Premier continuing with the next stage of his foreshadowed step in abolishing probate duty.

Mr. CAIN (Bundoora): A previous speaker spoke about this being "the crunch" clause. This clause, with one sweep of the pen, deprives the State of revenue. It is not proper for Parliament to vote on a major issue such as that without some indication of how the void that will exist when the Bill is passed is to be filled. We are entitled to hear that from the Premier. Parliament ought to know what is intended by the Government, but honorable members have not been told. Presumably other services will be reduced or other forms of taxation will be levied. The Premier said by way of interjection that it will be a bonanza for the Commonwealth. Will Victoria receive additional funds from the Commonwealth? Will Victoria get more out of it or will additional taxes be levied to make up the void of $36 million? Honorable members are entitled to know. I have been present for most of the debate and I suggest that honorable members have not been told and I submit that we are entitled to be informed.

Mr. FORDHAM (Footscray): If the Premier will not comment, I want it highlighted in *Hansard* that he has been asked this question time and time again. It is acknowledged that the State will lose a major source of income as a result of this amendment. What is important is that it is a source of income levied by the State rather than the State being dependent on using pressure on the Commonwealth to obtain funds and, further, it is a form of taxation on wealth.

I have listened to the nonsense uttered by back-bench supporters of the Government. They ignore the comments made by the honorable member for Knox and myself that approval of this concept of probate is supported by the Federal Treasury, and I dare say the State Treasury, and by the Asprey committee which views it as being an equitable, correct and appropriate tax and a proper means for a Government to obtain finance. This principle should be accepted if the Government sincerely believes that taxation should be based on capacity to pay.

The reality is, and this should be apparent to all honorable members, that income tax as a major measure of providing revenue does not, under its present structure and application, take full benefit of the wealthy class in our society. If we are sincere in accepting the principle of capacity to pay, we should approve of some form of taxation on accumulated wealth as is done in every comparable country in the world.

It is not that probate duty is unique to Victoria because if honorable members examine North America and Europe they will realize that the same situation applies there. There are wealth taxes of one form or another, but Victoria has now reached the position, and I say this sincerely, where it should, before taking the final step next year or in some other year, reconsider its proposal to vacate this area of probate duty completely. It is a legitimate and proper area for a Government to be involved in. The Opposition is opposed to this clause and will vote against it simply on the principle involved.

I invite the Premier to inform the Committee from where the additional funds will come, but even more importantly, to inform the Committee whether this principle of taxation, which he is choosing to ignore, is a legitimate means of making an appropriate contribution to State revenue.

Mr. LACY (Warrandyte): I listened with disbelief to the honorable member for Bundoora and the Deputy Leader of the Opposition when they repeated in apparent ignorance the question that the Premier should state where the amount of $36 million will be found. The honorable members referred to the clause and claimed that it would result in a loss of $36 million to State revenue. Then they asked the Premier to be good enough to indicate from where this amount of money would be obtained.

They failed to realize that that is the whole purpose of the Budget and that is what this sessional period of Parliament is all about. The Budget documents and the Budget speech, which is the lengthiest made in the House during this sessional period, outlined in minute detail how this $36 million will be found from the resources of the State during the 1977–78 financial year.

The Opposition has indicated its absolute ignorance when it is obvious that the answer is detailed in the Budget speech. I find it amazing that Opposition members should make statements in this Chamber—they are written into *Hansard*—which indicate their unwillingness to examine the Budget documents and the Budget speech. I refer now to comments made by Opposition members during the debate in Committee.

Am I to be led to believe, by the announced intention of the Opposition to oppose this clause, that that represents their views of family life in this

State? Am I to be led to believe that their view is that there is something improper or wrong for the head of a young family to look towards the day when he will be faced with the situation of passing the fruits of his wisdom, investment and hard work on to his children without the threat of a tax removing that benefit from those children? There is something fundamentally wrong with what the Opposition is saying, that families should not be able to look to the day when they can pass those benefits on to their children. That is the message that the people of Victoria will receive from the declared opposition of the Australian Labor Party to the Government's proposal and in its declared intention to vote against the clause.

Mr. CRABB (Knox): That latest piece of hypocrisy which emanated from the Government side of the Chamber is worth commenting on only because of the comments referring to the Budget. The fact is that this measure will cost only $18 million in this financial year because it does not take effect until 1st January, 1978.

Mr. HAMER: You will have to wait until the next Budget.

Mr. CRABB: The Premier interjects that we will have to wait until the next Budget to find out from where the $36 million is coming. That is exactly the point made by the Deputy Leader of the Opposition. By interjection last week, the Leader of the National Party stated that the State should use its powers to increase marginal income tax rates to take up the difference. Presumably what we are getting from the Government now is an unconscionable indication that the increases in pay-roll tax will be allowed to continue to stop Victorians from getting jobs and driving a number of small businesses into penury merely to fund this enormous benefit for the rich, the wealthy and the privileged.

The other matter worth commenting on is that the honorable member for Benambra does not know much about wealth taxes and did not listen to the debate very carefully. It has been stated over and over again in this debate that of the developed countries in the Western World, there is not one which does not have a wealth tax of some kind. There is a form of capital gains tax, a wealth tax or probate duty in most countries and most have two of those forms of taxation.

It is a fact that a wealth tax has operated in Switzerland since the thirteenth century and in Germany since 1922 or thereabouts. It has operated successfully and well.

In this debate the Opposition has not been advocating a wealth tax; it has been advocating the continuation of probate duty as a tax on the wealthy once during each generation. A wealth tax has been used in Switzerland and Germany for a lengthy period and is a tax that everyone supports. The introduction of a wealth tax in this country will not affect the normal and traditional procedures. Nevertheless, if probate duty is abolished in both the State and Federal jurisdiction in Australia, Australia will be the only country in the Western World that does not impose a tax on the wealthy.

The Opposition submits that rich, wealthy and privileged people should meet their fair share of the cost of providing services in the community and, if probate duty is abolished, Australia will be the only country that leaves the whole of that cost to the wage and salary earner in the form of one direct tax only, namely, income tax. That will be the only direct taxation in this country and the balance of other taxes will consist of excise duty, sales tax and so on. That is why the Opposition opposes the clause.

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

Ayes	46
Noes	16
Majority for the clause	30

AYES.

Mr. Balfour	Mr. McKellar
Mr. Billing	Mr. Mackinnon
Mr. Birrell	Mr. Maclellan
Mr. Borthwick	Mrs. Patrick
Mr. Burgin	Mr. Plowman
Mr. Coleman	Mr. Rafferty
Mr. Collins	Mr. Ramsay
Mr. Cox	Mr. Richardson
Mr. Crellin	Mr. Ross-Edwards
Mr. Dixon	Mr. Scanlan
Mr. Dunstan	Mr. Skeggs
Mr. Ebery	Mr. Smith (*South Barwon*)
Mr. Evans (*Ballarat North*)	Mr. Smith (*Warrnambool*)
Mr. Gude	Mr. Thompson
Mr. Hamer	Mr. Trewin
Mr. Hann	Mr. Weideman
Mr. Hayes	Mr. Whiting
Mr. Hudson	Mr. Williams
Mr. Jennings	Mr. Wood
Mr. Jona	
Mr. Lacy	
Mr. Lieberman	
Mr. Loxton	*Tellers:*
Mr. McClure	Mr. Jasper
Mr. McInnes	Mr. McArthur

NOES.

Mr. Amos	Mr. Roper
Mr. Cain	Mr. Simmonds
Mr. Crabb	Mr. Simpson
Mr. Culpin	Mr. Trezise
Mr. Edmunds	Mr. Wilton
Mr. Fordham	
Mr. Ginifer	*Tellers:*
Mr. Kirkwood	Mr. Fogarty
Mr. Lind	Mr. Stirling

PAIRS.

Mr. Evans (*Gippsland East*)	Mrs. Toner
Mr. McCabe	Mr. Mutton
Mr. McLaren	Mr. Cathie
Mr. Suggett	Mr. Wilkes
Mr. Templeton	Mr. Doube

The remaining clause was agreed to.

The Bill was reported to the House with an amendment, and the amendment was adopted.

Mr. THOMPSON (Minister of Education) : I move—

That this Bill be now read a third time.

Mr. JASPER (Murray Valley): I take the opportunity of congratulating the Government on abolishing probate duty on estates passing to children. Members of the National Party are anxious to see the complete abolition of probate duty in Victoria but are pleased that the Government has taken this step.

I refer particularly to the provision that exempts bequests to municipalities. When I became the honorable member for Murray Valley last year, one of the first problems with which I was confronted was that a bequest had been left by Minnie Anne Gordon to the Shire of Numurkah. This matter was brought to my attention by Mr. Charles Newman, a solicitor from Numurkah, who considered it iniquitous that probate duty should be payable on such a bequest. I worked hard and asked questions in Parliament and was gratified that the State Government decided to make an amount of money equivalent to the probate duty payable on the bequest available to the shire. The money was to be used for a project within the shire.

However, the matter did not end there, because in the middle of last month a person died and the same problem arose again. The matter was again raised with the Premier and it is pleasing that the Bill contains the exemption provision. I also point out that Mr. Newman told me that last week he completed a will in which another bequest was made to the shire. The shire will be pleased that that bequest will not attract probate duty.

Mr. ROSS-EDWARDS (Leader of the National Party) : I point out to the Deputy Premier that the National Party asks the Government to give consideration to the case of grandchildren whose parents predecease them. Those grandchildren usually become the direct responsibility of their grandparents, who accept responsibility for their upbringing, and the grandchildren usually take the place of the parents.

The National Party would like to see the exemption from probate duty extended to include grandchildren in this situation. They would form an extremely small group.

The SPEAKER (Sir Kenneth Wheeler): Order! The honorable member is seeking to discuss a matter which has no relevance to the third reading of the Bill.

Mr. ROSS-EDWARDS: I shall conclude by asking the Deputy Premier to keep that matter in mind, with a view to making the necessary changes as quickly as possible.

Mr. CRABB (Knox): During my contribution to the second-reading debate I pointed out that the Opposition objected to the way in which the Bill was introduced, and I take this opportunity of expressing further objection. Copies of the Act that the Bill seeks to amend are not available to honorable members. Nonetheless, I made a fairly lengthy contribution to the debate, as did many other honorable members. Almost every honorable member who represents a country electorate spoke on the Bill.

The second-reading debate was originally to take place last Tuesday, but it was deferred because the Premier could not be in the House. It was postponed until yesterday, when it was again deferred because the Premier was not available. It was finally dealt with today but the Premier has not been present during most of the debate and has made no contribution to it. The honorable gentleman is not present at the moment. I object to the procedures of the House being handled in this cavalier fashion.

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

STATE FORESTS, WORKS AND SERVICES BILL (No. 2).

The message from the Council suggesting at the Committee stage amendments in this Bill was taken into consideration.

Council's suggested amendments—

1. Clause 2, at the end of the clause insert—

TABLE.

STATE FORESTS WORKS AND SERVICES.

Item	Particulars	Proposed provision
		$
	For works relating to State forests, including purchase construction alteration improvement protection and development, other works and expenditure associated therewith, the provision of furniture and fittings plant machinery equipment tools and vehicles and expenditure incidental to these purposes, in connection with items 1–5 inclusive—	
1	Fire Protection	3,500,000
2	Indigenous State Forests	3,000,000
3	Extraction Roads	1,100,000
4	Plantations of Softwoods and Hardwoods, Including Softwood Planting Undertaken in Accordance with Agreements between the Commonwealth and the State	5,500,000
5	Forest Officers' Quarters, Workshops and Other Buildings	1,000,000
6	Purchase of Land	350,000
7	Purchase of Plant and Machinery Other than Provided under Items 1–5 Inclusive	500,000
8	Advances for Farm Forestry Forests (Amendment) Act 1964 (No. 7205)..	250,000
	TOTAL ..	15,200,000

2. Schedule, omit the schedule.

Mr. I. W. SMITH (Minister of Agriculture) : I move—

That this House make the amendments suggested by the Council.

It appears that a schedule is really a table. The amendments seem somewhat amazing to me, and I commend them to honorable members.

The motion was agreed to.

It was ordered that the Bill be returned to the Council with a message intimating the decision of the House.

RURAL FINANCE AND SETTLEMENT COMMISSION (AMENDMENT) BILL.

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

Mr. FOGARTY (Sunshine): The Opposition does not oppose the Bill and accepts it as important proposed legislation revolving around good housekeeping and the financial management of administration procedures and the handling of moneys paid to the Rural Finance and Settlement Commission through the Rural Finance Fund.

The Bill is important because it has a direct relationship with an authority which for many years has been responsible for administering schemes involving both State and Federal finance that have had a direct bearing upon the welfare of rural Victoria—particularly in times of hardship involving people caught up in extraordinary circumstances because of what could be described as acts of God. The Rural Finance and Settlement Commission, which will in future be called the Rural Finance Commission, has always come to the forefront in times of adversity.

The Opposition acknowledges that many programmes that have contributed greatly to the welfare of rural areas have come within the ambit of the commission, and I refer particularly to the land settlement scheme and the dairy stabilization scheme. The commission has made an outstanding contribution to the welfare of this State.

The Minister's explanatory second-reading remarks clearly outlined the reasons for the Bill and the explanatory memorandum and the Bill also clearly detail the Government's intentions. The proposed legislation will consolidate areas of financial involvement within the Rural Finance Commission for good, sound and practical reasons. It will give greater flexibility to financial transactions that the commission will be required to undertake. The Bill clearly outlines those transactions, which involve loans, stocks, debentures and other forms of financial dealing.

In supporting the Bill the Opposition acknowledges that there have been many changes in rural industry which have curtailed schemes that may have been in the pipeline in better days but which are now subject to review because of depressed markets and other factors beyond the control of the commission. This has led to an area which requires a change in thinking on the part of the commission.

The Bill clearly sets out that the areas to be incorporated in one fund are those of the Rural Finance and Settlement Commission Act, the Rural Finance Act and the Land Settlement Act. All of the financial eggs are to be placed in the one basket. Administration will be much better and the commission will be able to administer the fund better.

The Opposition is concerned about one clause of the Bill, namely, clause 6(4), which inserts a new section 5A in the Land Settlement Act providing for the procedures which should be adopted following the sale of land which had been set aside or acquired for settlement. That is completely new.

I previously mentioned that certain projects which had been in the pipeline had to be postponed or abandoned. Naturally one is land settlement. We now find that some 30,000 acres of good fertile cleared land within the Heytesbury area, because of changed circumstances in the dairying industry, may not be used for the original purpose for which it was cleared, namely, dairying. One could imagine the confusion which would be caused if at this time when export markets are not what they used to be 30,000 acres of good fertile land was set aside for dairying. By the same token, there are ways and means in which the commission may be able to utilize that land. Perhaps it could be used to make the farms in the Heytesbury area more viable. The commission must be very careful in this area. It is easy to sell blocks of land to people who desire a week-end or hobby farm, but that would compound the ills of the dairying industry at this time. For obvious reasons, the Opposition is definitely wary of any deals at this time which involve land. I sincerely hope that under proposed section 5A, the commission, which has done a marvellous job over the years, will be cautious about the way in which it disposes of land which is available.

Another point which the Opposition is pleased to note relates to page 4 of the explanatory memorandum, which states that the Bill provides for amendments to section 37 of the Rural Finance Act to strengthen the commission's authority to provide loans to the fishing industry. The Opposition is pleased about that because it accepts the fact that fishermen are experts in their field. However, the days of the small fisherman are numbered or he is limited to a certain area. I believe the extension of our coastal waters and fishing areas will require an alteration in thinking about the fishing industry and larger type vessels will possibly be needed to fish beyond the continental shelf.

In analysing the Bill there is no need for repetition. Its purposes have been clearly set out. The Labor Party does not oppose the Bill. All it can do is commend the commission for its contribution to the State in the past. I know, without being facetious, that the Minister would sincerely hope that large tracts of land would be made available for housing if it could be administered in the same way as the land settlement scheme was administered and provided without trouble where people were allowed to tend and work farms and build them up. If it has happened in one area of Government administration, it may happen in others. I will not touch on that point. The Opposition does not oppose the Bill.

Mr. WHITING (Mildura): The National Party is pleased to support these somewhat unrelated amendments to the Rural Finance and Settlement Commission Act. One of the major points is that the words "and settlement" will be deleted from the Act so that in future there will be a Rural Finance Commission and a Rural Finance Fund. One cannot help but wonder whether consideration has been given to the setting up of a rural bank to be operated by the commission to fund projects in the agricultural and country industrial areas. I should have thought that would have been a more simple amendment. The commission will probably operate in a similar manner to a rural bank, but the Government has not seen fit to do that in the circumstances. The National Party has no strong argument on that point.

It is worthy of note that the original Soldier Settlement Commission and the Rural Finance Corporation, prior to amalgamation in the early 1960s, both had a lot to do with the development of large parts of Victoria, particularly in relation to soldier settlement. I believe the original members of those two bodies should be congratulated for the work they did because, to a large degree, they were breaking new ground and had to overcome difficult periods with regard to the supply of materials and the like. I am certain

that the whole project in Victoria was better managed and developed than in New South Wales and South Australia. I hope when the history of soldier settlement and land settlement in Victoria is written due credit will be paid to those people who were involved in the two original authorities. The situation has progressed considerably since then and I am certain that all honorable members who know the present chairman and members of the Rural Finance and Settlement Commission will agree that they, too, are most effective in their approach to the problems that confront them. They do not seek the limelight under normal circumstances, but have been good servants of Victoria in the settlement and development of rural projects.

I particularly refer to clause 4. In recent years the commission covered its employees for workers compensation but those employees were not covered by insurance policies that are necessary when travelling by light aircraft. In fact, the premiums were paid by the commission members when they were travelling. The Bill therefore sets up an accident and sickness insurance policy which will overcome these shortcomings. This is a normal procedure which should have been adopted some time ago when a large number of statutory boards throughout Victoria were covered by a similar Bill which passed through this Parliament two years ago. This is a wise move.

Clause 6 is the major clause in the Bill because, as the honorable member for Sunshine said, it breaks new ground. In fact, we have the situation where the commission will be disposing of land that has been held in its name for the purpose of development since the original legislation was enacted. That type of development is no longer as necessary or desirable as it was some years ago. The commission may well, in its wisdom, dispose of land that it holds in the Heytesbury area and the Palpara estate in the Western District. In his second-reading speech the Minister mentioned 1,870 acres held by the commission at Robinvale. From personal experience I should like to think that this land will still be held and that if it is not held by the Rural Finance Commission, it will revert to Crown land because the only future development in the area other than for irrigation purposes could easily relate to dry land farming, as is the case in the surrounding countryside. I hope that suggestion will prevail at this stage. With the advent of irrigation projects and improvements it is possible that further irrigation development could take place in the area. I would not be happy if the land that has been held for many years is disposed of completely so that any possible development would be stymied in that area.

Like the honorable member for Sunshine, I am intrigued by the unusual terminology of proposed section 5A (4), as contained in clause 6. It provides that the commission will be required to advertise in the local newspaper or newspapers circulating generally in the district that the land is available for purchase for a preferred use, if any, and any other conditions pertaining to the offer and inviting any person willing to enter into a contract of sale in respect of the land or part of it to make an offer for that purpose to the commission. That seems to be an unusual way of going about it. Other sub-sections of the proposed section indicate that a valuation will be carried out and that a purchase price will be arrived at. It seems unusual to invite, by way of a press statement or advertisement, people to make an offer through the commission for any piece of land. One can only surmise that perhaps the commission has some unsuitable land that it might be happy for some person to take off its hands. If that is the case, I am rather surprised that the land would be advertised in this way.

I sincerely hope there will be no possibility of the commission virtually making a gift of land to a person who may apply under the proposed section because honorable members are all

too familiar with allegations of special provision being made for people in certain places which have unfortunate connotations not only for the Government, but also for the persons involved. I hope that situation is not envisaged by the commission or the Minister.

One of the over-all effects of this move will be that the funds of $150 million available to the Rural Finance and Settlement Commission will be available for loans to various people throughout Victoria for the many and varied purposes of the commission under its Act. Of course, there are the farm build-up considerations and so on. With this money available to it, it will be much simpler for the commission to provide loans, I hope on slightly easier terms. In the past it has been rather cautious in its lending policy.

It has sometimes been said throughout the countryside that it is more difficult to get a loan from the commission than from an ordinary trading bank. The position should be reversed so that people who are having difficulty in raising money through the normal banking or lending authority system are able to obtain a loan from the commission and to allow for the vicissitudes that primary producers, particularly, face. These include climatic conditions, marketing and all the other problems that arise from time to time.

The normal lending processes that apply to a country business whereby there is a reasonable assured return of funds every year and repayments of the loan continue normally can be very different. I hope the chairman and other members of the commission take due cognizance of the fact that with this consolidated sum of money they should be better able to carry any potential losses or necessary extensions of loans, and therefore, provide better service to people in the country.

Mr. Whiting.

The other interesting point is the provision of debentures or stock which will be available as a result of the provisions of this Bill. I made inquiries on how this provision could be availed of and found that there has been an unwritten agreement that most statutory authorities in Victoria have a right to raise a sum of $1 million without the approval of the Australian Loan Council. The stocks and debentures under this Bill will come into this category.

I wonder what type of people may take up these stocks or debentures. There will have to be a period of education before people become familiar with the fact that they can take out these stocks or debentures, and so provide this additional money that the commission can use in its lending programmes. I understand that some of the people who have made loans to the commission in the past may have been at a disadvantage because they have made loans at an interest rate that has not been renegotiated for anything up to ten years. This has made the lending programme of the commission somewhat difficult. One hopes that in the future, under some circumstances such as the stocks and debentures situation, this will not be taking place to such a large extent.

Although it is a novel departure from the normal operations of the Rural Finance and Settlement Commission, it could be a handy method of obtaining additional funds for loan moneys to be made available to people in country areas.

Like the honorable member for Sunshine, members of the National Party are pleased that at last the fishing industry has become eligible to apply for loans under the Rural Finance Act. I am pleased to hear the Minister explain that the fishing industry is to have a revolving fund of its own from which loans can be made, which in due course will be repaid and further loans made to other persons involved in the fishing industry. This has been a difficult area. Not only in the borrowing

field but in the field of works and many other areas, the fishing industry has been somewhat of a Cinderella organization that has had difficulty in the past in negotiating its operations. Although it may not have the need for large sums of money, that situation is rapidly changing. Obviously, the provision of funds will be of much assistance.

Honorable members are aware of the shortage of food in many parts of the world. We are also advised that the oceans have an enormous protein availability if it can only be collected. In years to come there will obviously be a need for a larger amount of fishing, perhaps even farther afield than the present fishing fleet travels. Any funds will doubtless be of considerable benefit.

I hope honorable members will not believe that, because there will not be further agricultural development by the Rural Finance and Settlement Commission, there is still not a great need for agricultural production in Victoria. In some respects agriculture has tended to become a dirty word. With the problems of the beef industry, the problems looming on the horizon for the grain industry and the recent dairying industry problems, the impression has tended to be gained by the metropolitan dwellers of Australia that there is no need for the farming community to be supported or encouraged. It is hoped that philosophy will not continue because, more than ever, agricultural production in Australia will become increasingly important as some of the emerging nations are able to purchase food at Australia's cost of production. In turn, these nations will improve their standards of living and the lot of their residents.

I commend the Minister for his dedication to his portfolio. I trust the Bill will improve the situation of the proposed Rural Finance and Settlement Commission in Victoria, and that it will continue to flourish.

Mr. HANN (Rodney): I support the remarks of the Deputy Leader of the National Party that this measure could be a move in the right direction to establish a rural bank. The Rural Finance and Settlement Commission already carries out that role to a large extent in its lending arrangements. This Bill will provide for a further extension of that operation. A rural bank presently exists in New South Wales. What is proposed is partially a name change, but it will be much simpler for the rural persons who are seeking financial assistance from the commission. The proposed legislation makes some changes, which have come about because of a depression in many areas of rural industry, particularly the problems in the dairying industry. I admit that I was a little surprised to realize that the commission had 30,000 acres of land at Heytesbury and land at Palpara, which perhaps is designed more for sheep farming.

The land settlement schemes of Victoria have been important, particularly in the northern parts of the State as well as in the irrigation areas of Numurkah, Katunga and Shepparton, and more recently in Rochester. This is an appropriate occasion to pay tribute to a man, who tragically passed away recently, Mr. Wally Gayfer. He was the rural finance officer in Shepparton for many years. His task was to establish these areas and move in once the land had been acquired. He was responsible for the layout design of the land settlement schemes. He was a father-type figure to literally hundreds of young people throughout the northern irrigation areas. It was a tragic occasion when he suddenly passed away. A tribute should be paid to him on this occasion, particularly when there is a change in the land settlement operation for which he was responsible. In the present climate of the rural industry in Victoria we are pleased to support this change. It is rather disappointing that conditions have

deteriorated to such an extent because the Minister has reason to be proud of the operations for which he has been responsible, particularly in recent years.

The land settlement scheme is close to my home in Rochester. The young couples who came into the area immediately provided a boost to the community of Rochester, because they were keen to be actively involved. Young families came to the schools and took part in the various activities. There is an element of competition between one settler and the next. The farmers are proud of the farms that they have been allocated, as they show by their methods of operation. Even when things have been fairly tight, my understanding is that most of these settlers have been able to cope with the situation. They have shown a pride in their houses and farms and are extending and developing them. I do not know whether the Minister has visited the area recently but the Government should certainly be proud of it. It is unfortunate that through no direct fault there has been a downturn in the economic climate. A similar situation exists in other areas. Many established farmers, particularly in the Strathmerton and Numurkah areas have passed their farms on to the next generation, who are carrying on. These people have proved to be successful farmers in more than 90 per cent of cases. They have proved that this scheme can work.

In paying tribute to Mr. Gayfer, I should also pay tribute to the Chairman of the Rural Finance and Settlement Commission, Mr. Ian Morton, who has shown personal dedication and should accept part of the credit for the success of the total operation. I also pay tribute to his staff, who are always most helpful.

In recent years we have been through difficult times. In the short time in which I have been a member of this Parliament there has been drought relief, flood relief, fire relief, storm relief and carry-on finance. It has been a never-ending cycle.

Mr. WHITING: Do not forget the hailstorm.

Mr. HANN: That was in the north-western part of Victoria, my colleague's territory. To my knowledge, I have not yet had any problems with hail, but that may be yet to come. As I said, there has been one consistent stream of relief schemes.

The sitting was suspended at 6.1 *p.m. until* 8.4 *p.m.*

Mr. HANN: Prior to the suspension of the sitting, I referred to the changes which are mentioned in the Bill, particularly the discontinuation of the land settlement scheme, as a result of the decline in rural industries, particularly the dairying and beef industries. As the Minister said when explaining the Bill, 625 couples have been settled in Victoria following a very successful campaign. It is no fault of the scheme that a decline has occurred in rural industries.

Some concern has been expressed to me that rash decisions should not be made concerning the lands to be allocated under the new method. The district council of the United Dairyfarmers of Victoria has contended that these lands should not be opened for dairying, certainly not in the near future, and that they should not be included in another area because of the marginal situation in the dairying industry. If that were done the recipient of the land would not be entitled to any market share under proposed stage 2 of the Industries Assistance Commission plan for the dairying industry. Probably, the Government would not do that, but I draw to the Minister's attention the fact that this concern has been expressed.

Some support has been expressed for the proposal that some of the land should be put back into forestry. Undoubtedly, there is a great deal of

potential for farm build-up, particularly within the existing settlements in the Heytesbury area, and with improvements in the beef industry some potential will exist for opening up larger areas. No doubt the Rural Finance Commission will carry out experiments on that proposal.

One aspect that I wish to pursue on this Bill is that it would have been opportune to open up some blocks for a young farmer establishment scheme as a substitute for the land settlement scheme. The Government could implement a proposal similar to that which I understand operated just after the second world war when the then Soldier Settlement Commission bought out existing farms and established young farmers on single blocks. Numerous farms throughout Victoria are being worked by farmers who are nearing retiring age and would like to get out but have been unable to find someone with the necessary financial resources to purchase the farm. Many young people would like the opportunity of making their lives in agriculture but, with the present inflationary situation, land values have increased substantially and it is almost impossible for a young person to buy a farm. Part of the increase in land values is attributable to the movement of people from the inner suburbs of Melbourne to the outer suburbs, the selling up of farms in the outer suburbs for residential development and the purchase of farms farther out. This has had the effect of pushing up land prices in many parts of Victoria.

There is a need for some form of young farmer establishment scheme. New Zealand has a scheme whereby the Government authority is prepared to finance young farmers on to the land up to 85 per cent of the equity in that land. Similar terms and conditions apply to those which applied with the Victorian land settlement scheme. As that scheme has now been discontinued, and recognizing that for the very few farms available for allocation, there have been something like ten or twenty times the number of applicants, and that many of those applicants have been young people who would have liked to establish themselves on the land, it would have been opportune for the Minister to establish immediately a young farmers establishment scheme in place of the present scheme, to assist these young people.

In his second-reading speech, the Minister referred to the question of assisting a son to buy out his father. Until very recently, the commission, for obvious reasons, has followed a fairly restrictive policy with family situations and has not been prepared to provide funds to enable a son to buy a farm from his family. There is now some flexibility, and for the first time the Minister has said that there will be a new incentive by the Rural Finance Commission to pursue this matter to a greater extent in the future.

In these inflationary times, it is not easy for a father to hand his farm over to a son. If the father wants to retire into the local town, generally he needs to buy land and build a house, and therefore he must have a fair sum of money available. In the present situation, he is not able to borrow that money and that is why there is a need for the commission to fill that gap and, by so doing, assist young people to stay on the land.

I have been concerned for some time, and I know that members of the Government party have also been concerned, at the apparent increase in the average age of farmers. There is a variation in the average age between 45 and 55 but most honorable members, particularly those who represent rural communities, have seen a distinct change over the past ten years. Previously, on leaving school, the son went onto the farm but today the farmers encourage their children, particularly their sons, to obtain a higher education and look for alternative ways of earning a living. Many of these lads would be happier on the farm but, with the problems of the rural industry and the

lack of financial assistance to enable the fathers to assist their sons, this is not possible.

In the interests of agriculture and food producing in this State, every assistance should be given to young people to maintain a viable rural economy and to encourage young people to provide the impetus and the drive required within agriculture. Too often today, farms are operated by a married couple; often they are grand-parents. The farmer and his wife are running a single unit operation. They do not employ labour because of the economic conditions, and consequently there is a real and positive need for the Government to replace the present scheme with a young farmers' establishment scheme.

The scheme should be operated along similar lines to the New Zealand scheme. Perhaps the applicants would be assessed as to elegibility in the way that applicants for the land settlement scheme were assessed on their potential as farmers, their experience, their thriftiness and their ability to prove that they could make a success of farming. These young people should receive long-term assistance as with the land settlement scheme. Under that scheme, the assistance was spread over 40 years and relatively low interest rates were charged.

One of the unfortunate aspects of financial assistance for agriculture over the past few years has been the increase in interest rates generally through various rural adjustment schemes. Most of the interest rates are not very much below general interest rates. This is difficult in times of economic recession and perhaps the situation is made even more difficult because of the present climatic conditions.

Currently, Victoria is facing one of its worst droughts. We are now approaching the summer period with a great shortage of surplus hay and fodder. One can only be optimistic and hope that there will be some change in the climatic pattern over the next few months or else we will face a very serious drought in the new year. That could have disastrous consequences for many rural areas of Victoria.

Another purpose for which more financial assistance should be provided through the proposed Rural Finance Commission is the relaying-out of farms in irrigation areas. I have put this to various Ministers. There is a need for long-term, low-interest finance to encourage many farmers in irrigation areas to relay-out their land to improve the efficiency of the irrigation operation. This will upgrade the pasture and the yield of the land, and will eliminate salinity and drainage problems.

But finance would be needed over something like fifteen years at a relatively low rate of interest. There would be loss of pasture production, and therefore a loss of income, until the pasture fully re-established itself. So, as I have suggested, long-term, low-interest loans under a special scheme are necessary. I have had sympathetic attention on this matter from the Minister and other Ministers but the proposition has not yet received the support it deserves. The type of assistance given for soil conservation is needed in irrigation areas.

In the northern part of Victoria there are contractors with the skill and expertise, and also the heavy equipment which is needed to lay out the land and improve the levels, which improves the efficiency of the operation. For example, they use laser beams in laying out the land, and the latest electronic equipment from the United States of America is used to obtain levels. But all this is expensive and financial assistance is needed.

I also suggest that greater decentralization of the offices of the proposed Rural Finance Commission should be brought about. I fully recognize the reasons why this

has not been done so far. Mr. Morton and the commission are attempting to economize, and in this they have been very successful; their overhead costs are at a low level. But there should be some sort of arrangement under which there is regular representation, in some of our key towns where many people could consult officers of the Rural Finance Commission.

At the moment, where I live, access to an officer of the commission is available only at Shepparton or Swan Hill, and, occasionally, at Bendigo. I put the proposal to the Minister that consideration be given to visits by officers to cities such as Echuca, say, once a fortnight, so that the local people, many of whom have business with the commission, may be able to conduct it conveniently. I realize that it would be expensive to establish officers permanently in many areas, but there are sound reasons for officers visiting these towns. People who have to travel long distances, particularly those who have to milk cows, are disadvantaged.

Another scheme that has been operating in Queensland is the provision of financial assistance to share farmers. This is something the Government could consider—assisting share farmers to buy their first farm, or to help other young people to become established as farmers.

The DEPUTY SPEAKER (Mr. McLaren): This is outside the scope of the Bill.

Mr. HANN: I suggest it is not really outside the scope of the Bill, Sir. It changes the land settlement arrangements. Under the old scheme land could have been made available to share farmers and help given to other young people to purchase properties. Heytesbury is a good example of an area where properties have been opened up.

Because of the new arrangements it will be no longer possible for the Government to assist these people in the way young people were assisted before, but I suggest that they could be assisted in some other way. This is an area of need. Young people have played an important part in the dairying industry and any financial assistance they could be given would be worth while. One of the difficulties in the past for young people has been their lack of collateral as security for loans and it is for the Government to help them.

I have mentioned some of the vital areas into which the Rural Finance Commission could move. One is the establishment of a rural bank, and with the change of operations, this tendency is apparent with inscribed stock, debentures and money being borrowed by the commission. This is more like a banking operation and no doubt with these conditions there will be more decentralized operations.

I have also referred to the need to assist people, particularly young people, with the change in the method of land settlement. There is a need to help the young man own a farm in his own right. This would also help agriculture in general. Farmers who wish to retire from the industry would be able to leave it in an honourable and sound manner. But, in particular, encouragement to young people, by giving them financial assistance, would enable them to use their enthusiasm and energy in agriculture and so assist the State as a whole.

This is an important challenge to the Government. I should have liked this Bill to have provided for such a scheme; it was a golden opportunity to do something to change the present arrangement. I hope it will be done soon. I will continue to raise this matter in this Parliament on behalf of all young farmers who require this sort of financial assistance to make a career in agriculture.

Mr. BORTHWICK (Minister of Soldier Settlement) : I have only a few comments to make as all honorable members who spoke during the debate supported the Bill. I could not allow the opportunity to pass without thanking those honorable members who made special reference to the officers of the Rural Finance and Settlement Commission, particularly to the chairman, Mr. Morton, and the late Mr. Gayfer from Shepparton, who was one of the most dedicated officers in the rural scene in this State. Mr. Gayfer was greatly admired. He suffered ill health for some time before his death, but right up to that time he dedicated his life to the community in which he lived. I thank honorable members for their references to Mr. Gayfer, to the work of the commission, and for their kindly references to the present chairman. I look upon the present chairman as one of the outstanding public administrators in Australia. His influence extends much further than this State.

Mr. FOGARTY : And he has a good second in command.

Mr. BORTHWICK : Very good indeed. In fact, the commission comprises an extremely capable trio. I know from first-hand knowledge that the present chairman's influence in policy making in a wide variety of fields affecting finance is noted throughout Treasury circles, in Canberra, and throughout the banking industry. The State is fortunate to have a man such as he backed up by two other capable commissioners.

I refer to clause 6 which was mentioned during the debate. This is mainly for the benefit of the honorable member for Rodney. I gained the impression that he considered that this would stop other methods previously used for disposing of land, but it does not.

Mr. HANN : I did not mean that.

Mr. BORTHWICK : I was not quite sure what the honorable member thought, but I point out that it was an additional method. It does not do away with any of the traditional methods of disposal, but it provides more flexibility than was ever possible before to meet situations which may develop from time to time.

The honorable member for Mildura specifically spoke of the term "offer". I thought he took the word "offer" to mean an offer by way of price, but it also means an offer by way of a proposal. We are anxious to be able to meet a variety of requirements from a variety of people. Even an existing settler of Heytesbury may want an additional 100 acres or an additional 50 acres.

Mr. FOGARTY : How do you keep the speculators out?

Mr. BORTHWICK : We have kept them out in the past and I think we will keep them out in the future. We are not interested in hobby farmers.

I take the advice of those who spoke during the debate. What honorable members said is in the minds of the members of the commission, that is, we must be careful initially ; we must play our cards close to our chest. That is the way the commission will proceed. There will be no rapid move to dispose of land in some spectacular way. But in disposing of land, many circumstances can arise and when they do we will endeavour to dispose of the land in a manner that is in the best interests of agriculture as a whole, but, where people have specific problems that might be solved by their having additional land, there will be sufficient flexibility to cope with those problems.

Over recent years I have had to administer Commonwealth schemes on behalf of the Federal Government, through the commission, and one of the great disadvantages has been the inflexibility of agreements between the Commonwealth and the State.

Frequently we have not been able to do what might have been the best thing. So this Bill is written in a way that allows maximum flexibility so that we can do the best for agriculture as a whole, but, at the same time, be in a position to listen to propositions from particular farmers and meet their particular problems.

I thank honorable members for their favourable speeches on this subject. I also thank the members of the Liberal Party who gave a great deal of time and thought to the drawing up of this Bill and who undertook numerous consultations with members of the Rural Finance and Settlement Commission on this subject.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 5 were agreed to.

Clause 6 (Disposal of land).

Mr. HANN (Rodney): I thank the Minister for his comments but I was not really suggesting that the Bill did away with the previous system of disposing of land. But, in present circumstances, I cannot see the Government setting up another land settlement scheme and obviously that is why this proposed legislation has been brought forward. I hope that, in a few years, it will be able to do that, but at present there is a need for a substitute scheme. I again thank the Minister for his guidance on this issue.

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.

CHANGE OF OWNERSHIP NOTICES BILL.

This Bill was received from the Council and, on the motion of Mr. DUNSTAN (Minister of Public Works), was read a first time.

CONSTITUTION 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.

ADMINISTRATION AND PROBATE (AMENDMENT) BILL.

The debate (adjourned from October 20) on the motion of Mr. Maclellan (Minister of Labour and Industry) for the second reading of this Bill was resumed.

Mr. CRABB (Knox): This Bill has been dealt with at some length in another place. On behalf of the Opposition I welcome it. It consists of two parts. The first increases certain amounts of money contained in the Administration and Probate Act to bring them up to date and in line with inflation. The Opposition suggests that the Government should introduce more amending Bills such as this. Like the Probate Duty Act which was amended earlier today, this principal Act has not been changed substantially since 1962.

The second provision contained in the Bill is for a number of alterations to the principal Act as a result of the recommendations of the Law Reform Commissioner. The Attorney-General is to be commended for acting on those recommendations so promptly. The Opposition does not oppose the Bill.

Mr. ROSS-EDWARDS (Leader of the National Party): As has been mentioned by the honorable member for Knox on behalf of the Opposition, this Bill has been fully debated in another place. It contains some desirable amendments to the Administration and Probate Act. The one that is worth particular mention is the virtual elimination of bonds, which were a stupid relic of the past. Often the obtaining of the bond entails as much work, if not as much money, as the administration of the estate, because nine times out of ten a small estate required the bond. I have had

the experience, as have most solicitors, of having to obtain these bonds. In the old days they were obtained from individuals, but now they are obtained generally from insurance companies.

Each year the insurance company would want a statement on the progress of the estate. I remember one memorable estate that had an income coming from another estate on a terms sale over a fifteen-year period. It became a nightmare that every year the insurance company wrote and asked about the position of the estate and when the matter would be finalized. It was necessary to provide receipts for expenditure, and often the insurance company wanted a statement from the beneficiaries. It was a lot to do about nothing. At long last the Government has decided to do away with administration bonds.

Another matter of interest is that the amount held by an employer on behalf of an employee that can be handed over without production of probate has been increased. This is necessary because invariably an employer might be holding wages, long service leave payments and other amounts.

The Bill also provides for the widow to be more generously looked after if there is no will. The advice that all solicitors give to people making wills is that the wife should be the first consideration. The Government has recognized that principle by virtually ensuring, in relation to any small estate, that the wife obtains control of the estate. It is a ridiculous state of affairs that the money from a small estate should be held in trust for children when the needs of the family are immediate, and when a sensible wife could use the money to the best advantage for the welfare and education of the children during their early years. I commend the Government for introducing the Bill, and I am sure the legal profession will be delighted with the changes that have been brought about.

Mr. Ross-Edwards.

The motion was agreed to.

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

COMMISSIONERS AND JUSTICES BILL.

The debate (adjourned from September 21) on the motion of Mr. Maclellan (Minister of Labour and Industry) for the second reading of this Bill was resumed.

Mr. CAIN (Bundoora): This small measure seeks to amend both the Evidence Act and the Magistrates' Court Act in so far as they relate to certain aspects of the registration and fees of commissioners and justices of the peace who take declarations. There are three main aspects to the measure.

The first is a machinery aspect relating to the registration of justices and commissioners. I understand that commissioners have to reregister every five years. That period has been extended to seven years. Justices, who now have to register every three years, will be required to register every five years.

The second aspect of the Bill relates to the registration of an address. The present requirement is that both residential and business addresses should be recorded. The amendment provides for the reference to residential and business addresses to be deleted and replaced with just the word "address". I presume that means either address. I might have something more to say about that during the Committee stage.

The third provision of the Bill abolishes fees that are presently payable upon registration and renewal of registration. The Opposition supports all three aspects of the proposal. These people are performing a public service, and it has been suggested to the Government that no fee ought to be payable by persons performing those functions.

I should like to refer to the different bases upon which oaths are administered in the courts. Various grades of persons are qualified to receive oaths. In the Magistrates Court a justice or clerk of courts or a commissioner under the Evidence Act may take oaths and declarations. In the County Court a justice or commissioner may do so. In the Supreme Court, under the Supreme Court Act, a commissioner for taking oaths carries out the job and charges a fee. In the Family Court, which is a Federal court, a justice is adequate.

It seems to me that this differentiation in relation to the taking of oaths is not desirable. An oath is an oath whether it is taken in the Magistrates' Court, the County Court, the Supreme Court, the back room of the clerk of courts at a local suburban court, or in the highest court of the land. I suggest that it is time consideration was given to providing a uniform requirement for the administration of oaths. The fee payable in the Supreme Court is considerable, especially when exhibits are attached to the documents upon which an oath is required. This is an unnecessary and undesirable impost upon persons availing themselves of the procedures.

Mr. ROSS-EDWARDS: It is only a perk to those concerned.

Mr. CAIN: The Leader of the National Party says that it is a perk.

Mr. ROSS-EDWARDS: Some of our members are concerned.

Mr. CAIN: Yes, a limited number.

The SPEAKER (Sir Kenneth Wheeler): I presume the honorable member is referring to members of the legal profession, and not of the Parliament.

Mr. CAIN: That is correct, Sir. Some barristers and solicitors are qualified to do the job. As the Leader of the National Party says, there is a case for ending that anomaly which enables a few chosen people to enjoy a supplement to their income. I suppose they pay tax on it.

Mr. ROSS-EDWARDS: You would have to be joking!

Mr. CAIN: There is no question of their not rendering their due to the collector of revenues in that regard.

It is time to do away with the artificial distinctions that have grown up in the courts and places where oaths and declarations are required, because they seem quite unnecessary.

Mr. ROSS-EDWARDS (Leader of the National Party): The proposed legislation amends the Evidence Act 1958 and the Magistrates' Court Act 1971. It has the support of the National Party, and I wholeheartedly agree with the views expressed by the honorable member for Bundoora, particularly about fees payable for taking oaths on certain Supreme Court documents. I know of no reason why certain people such as clerks of courts, who are paid a generous salary by today's standards, should receive an additional fee when they witness those documents. It seems quite unreal, but enough has been said about that.

The Bill primarily concerns commissioners and justices of the peace, and I pay tribute to those people, who provide a worth-while service to the community at large. They give their time voluntarily and are often disturbed at all times of the day and night to witness documents. It always seems ridiculous that someone who is making a voluntary contribution towards the carrying out of justice has to pay a fee for the privilege of giving that service. All members of Parliament at various times have recommended people to be justices of the peace and told them it is a high honour, but they will have to pay a fee for it. Some people are polite about it, but are not happy to receive the bill!

In addition the Bill provides that only one address for a justice of the peace or commissioner will need to be recorded, and that makes sense. The period of appointment has been

changed from 5 to 7 years for commissioners and from 3 to 5 years for justices. I cannot quite understand why there should be a variation between the appointments for 5 and 7 years; perhaps there is a good reason for it or perhaps it is only continuing the ratio that existed in the past.

The Bill contains sensible amendments to the two Acts, and as I said before, it has the support of the National Party.

Mr. MACLELLAN (Minister of Labour and Industry): I thank the honorable member for Bundoora and the Leader of the National Party for their remarks, particularly in respect to the administration of oaths and the need to resolve some of the complications about who may administer oaths. I will certainly direct the attention of the Attorney-General to the comments of the honorable member for Bundoora and the support for those remarks expressed by the Leader of the National Party.

I cannot answer off the cuff the query raised on the appointments for 5 years and 7 years respectively. As the Leader of the National Party said, it is an advance on the present situation, and I suppose that could be resolved by examining the provision again.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3 (Repeal of provisions as to fees upon registration of justice).

Mr. CAIN (Bundoora): I wish to make several remarks about this clause because I am not clear what effect it will have. As I understand it, section 12 (3) of the principal Act is to be amended by deleting the words "place of residence and place of business (if any)", and substituting simply the word "address". I am not clear whether that will have the effect that the justice or commissioner will be appointed from his place of residence only. My understanding is that at present a justice, at any rate—I am not sure about a commissioner—is appointed from either his place of business or his residence.

There are situations in which a justice who is appointed from his place of business retires or ceases business and then seeks a renewal or extension of his appointment from his place of residence, which is a different address. I ask the Minister whether the provision now means that the place of business will no longer be relevant from the point of view of the appointment.

The corollary to that may well be that as a consequence justices at their places of business may be more accessible, because their addresses would be more readily available to persons in the area who may require their services.

I do no more than raise the issue; it ought to be considered. The Opposition would be concerned if it meant that the advertised places where justices may be found would be fewer in number as a consequence of this provision. Perhaps the Minister can offer some information about this matter.

Mr. MACLELLAN (Minister of Labour and Industry): In my second-reading speech I stated that section 122B of the Evidence Act requires the residential address and business address, if any, of the commissioner to be entered in the register of commissioners, and that if either address changes, there is a requirement to notify the change.

A further section requires a commissioner to notify the Secretary to the Law Department of any change in his residential address or business address, and it is also stated that the Bill removes the requirement for recording both residential and business addresses, if any, of commissioners and justices and for notifying and recording changes in both types of address.

It is up to the commissioner or justice to give an address, and that is the address that will be registered, whether home or business. As a matter of convenience in the metropolitan area, particularly in the central city area, many justices use their business address as their registered address, which is probably most useful, because they are in attendance there and that is where their services will be required.

If any complications arise about this provision, I am sure the Attorney-General will take account of the matter raised by the honorable member for Bundoora and we can then examine whether the register could be expanded to contain both addresses, business and residential, if they are separate, without requiring the person concerned to notify a change in address if that is inconvenient, because it adds to the responsibility of the people who are providing a voluntary service to the community.

The clause was agreed to.

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

PROPERTY LAW (DEEDS) BILL.

The debate (adjourned from September 21) on the motion of Mr. Maclellan (Minister of Labour and Industry) for the second reading of this Bill was resumed.

Mr. CAIN (Bundoora): The Bill provides for a small reform to the Property Law Act and is not an item about which anyone could get excited. The Bill has three features: Firstly, it amends the requirement concerning the form and structure that deeds shall take when they are registered. The amendment provides that the form of deeds can be determined by regulation and makes the requirement for the form of a document a little less rigid.

Secondly, the measure will enable the Government by regulation to increase the fees payable under the provisions of the Act. One suspects that this aspect is the prime motivation for the introduction of the measure. I do not think it is being too cynical to say that. The present total maximum fee is $4, and the Bill provides that the Governor in Council may by regulation prescribe fees up to a maximum of $10. As I said before, I suspect that that is the motivating force for the Bill, because the other matters are of little consequence.

The Bill was introduced as a result of a report from the Chief Justice's Law Reform Committee, and the report is now two years and four months old.

Thirdly, the Bill makes provision for the requirements of signing, sealing and delivering deeds. The matter is fully explained in the Minister's second-reading speech, but it simplifies those requirements.

The Opposition supports all three aspects of the measure, the latter on the basis that any simplification of the law in these matters is a step in the right direction.

Mr. ROSS-EDWARDS (Leader of the National Party): As the honorable member for Bundoora said, the Bill amends the Property Law Act, and has the support of the National Party.

I make a passing comment on the registration of deeds. Provision is made for memorials to be written on a certain type of parchment or other durable paper. This applies to conveyances and similar documents, and the quicker that requirement can be abolished in Victoria, the better. Unfortunately, about 10 per cent of the land in Victoria is still registered under the old law system, and this adds tremendously to the work of the Titles Office and solicitors, and particularly increases the expenses of people concerned because the issue of a conveyance under the old title system is a major task and the system is unsatisfactory for the title holder.

The increase in fees provided for in the Bill is inevitable. The provision relating to the sealing of instruments means in simple terms that in future if a document is stated to have been signed, sealed and delivered, it need not necessarily have been sealed.

The motion was agreed to.

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

WILLS (INTERESTED WITNESSES) BILL.

The debate (adjourned from October 5) on the motion of Mr. Maclellan (Minister of Labour and Industry) for the second reading of this Bill was resumed.

Mr. CAIN (Bundoora): This provision seeks to overcome the consequences of wills being witnessed in a way that is not approved under the Wills Act.

When a will is prepared and signed by a person, two witnesses are required to be present, and each must sign the will in the presence of each other and of the person making the will. The Act contains a provision stating that any witness to a will who is a beneficiary under the will or a spouse of that witness cannot take any gift or provision made for him or her in the will. A gift made in a will to an interested witness or the spouse of a witness is defeated. What the Bill seeks to do is to modify the harshness of those provisions as they apply to interested witnesses.

It provides, firstly, that if there are more than two witnesses to the will and at least two of those witnesses derive no benefit, then the interested witnesses can take the gift that is made for him or her or his or her spouse under the provisions of the will.

It further provides that provision made for an interested witness is not lost entirely if that interested witness would have been entitled to that provision if there had been an intestacy. That is, if an interested witness had been entitled to an interest on intestacy, then the provision would apply even though the gift would fail under the present law.

A further provision is that such a person can only take an amount which would be equal to or less than what he or she would have been entitled to on intestacy, whichever the case may be.

The Opposition supports these provisions. It believes the harsh provisions that operate against interested witnesses also operate against persons who prepare home-made wills or do not have the capacity or do not make provisions which allow the wills to be enforced. It may assist those people and ensure that fewer of the provisions they make may fail because of a breach of the present provisions. The present Act contains strict and harsh provisions, and the Opposition supports the proposition which provides relief in the cases I have mentioned.

Mr. ROSS-EDWARDS (Leader of the National Party): The National Party supports the amendments to the Wills Act and to the Administration and Probate Act. As the amendments have been explained by the Minister of Labour and Industry and the honorable member for Bundoora, I will not go over that ground again. However, I highlight the ignorance of many people who make home-made wills and the disastrous results that have occurred as a result thereof. It is a tragedy and a matter which should be explained to the students in our schools, especially highlighting the problems of making home-made wills.

The last thing I would want to happen is for someone to pay a fee to make a will, but the cold, hard facts are that the conditions surrounding the signing by witnesses of a will are very strict and really this measure is not going to change the basic requirements very much. It means that the person who makes

the will and the two witnesses to that will have to be together at the same time, because unless that is done the will is invalid.

This is the appropriate time for the Minister to give consideration to including within our education system, provision to make it quite clear to students how important it is to make a will and when they should make one.

Mention is also made in this measure about a will made in expectation of marriage. Not many people realize that although they have made a will, as soon as they are married the will becomes invalid. People believe because they have made a will everything is all right, but they do not understand that as soon as a marriage takes place, the provisions of that will become invalid, unless the will has been made specifically in expectation of marriage and that aspect is referred to in this measure.

This can have a big effect on the financial affairs of many people. Regrettably home-made wills are continually being made. In many cases they lead to a tremendous amount of unfairness and unnecessary expense. The National Party supports the Bill.

The motion was agreed to.

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

TAXATION APPEALS (FEES) BILL.

The debate (adjourned from October 5) on the motion of Mr. Maclellan (Minister of Labour and Industry) for the second reading of this Bill was resumed.

Mr. CRABB (Knox): This Bill is not what one would call a major Bill. However, it is simple in one aspect. It is an amending Bill of the Taxation Appeals Act and the introduction of these amending Bills has become an annual event in this Parliament. Indeed, as I understand it, the legislation was first promised in 1971. The legislation was passed by the Parliament in 1972, amended in 1973, and again amended about this time last year and now the Parliament is being asked to amend it again. I understand that even after this Bill was introduced in another place, it was amended during the debate, but still the Act has not been proclaimed to my knowledge, and its provisions are not in force.

Last year the Government decided that the principal Act needed amending. The Parliament dealt with an amending Bill to allow for part-time board members instead of full-time board members and this year it has decided to charge a fee of up to $5 but not exceeding $10 when an application is made for a review. There is also another minor amendment regarding dates.

I do not want to go over the arguments that were advanced when the principal Act was debated because that was done last year. However, it was introduced with an element of flourish and at the time the idea was promoted that there was a measure of urgency in having the measure passed. Indeed, it is the type of legislation that most people would welcome as it gives the citizens of Victoria the right to contest matters concerning State taxation without the need to go through costly and complex court proceedings.

A similar provision has been enacted by the Commonwealth Government to enable a taxpayer to appeal against decisions made by Commonwealth taxation officials. This requirement is definitely necessary for the citizens of Victoria, but it is remarkable that six years have elapsed since it was first promised and five years since the principal Act was introduced and yet the Act is still not in force.

In explaining the Bill, the Minister stated—

> I am pleased to inform honorable members that arrangements have been made which will enable the board to be established in the near future.

The taxpayers of Victoria have been waiting for five years and all that has happened is that office accommodation has been provided, although it is still not ready, and the rules and regulations relating to the proceedings before the Victorian Taxation Board of Review are still being drafted. The Opposition does not oppose the Bill but looks forward with some trepidation to whether another amending Bill will be introduced next year.

Mr. ROSS-EDWARDS (Leader of the National Party) : The National Party supports the Bill. As the honorable member for Knox stated, the legislation was introduced in 1972 and amended three or four times, but the board has never sat. It will not sit in 1977, but office accommodation has been provided at Nubrik House and hopefully the board will commence its operation early in 1978.

This measure makes some trifling administrative alterations which are not worthy of discussion. It is a sad state of affairs for a Government to promise a Bill in 1972 and the board established under that Bill not to begin its operations until 1978. This does not instil confidence in the Government from the public of Victoria, which has been waiting a long time to engage in taxation appeals in this State.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 8274 s. 15).

Mr. MACLELLAN (Minister of Labour and Industry) : I shall see whether some effort can be made to make sure that the operations of this board are commenced as soon as possible. I will draw to the attention of the Treasurer the remarks made by the honorable member for Knox in the hope that he will be able to obtain progress in this matter.

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.

LABOUR AND INDUSTRY BILL.

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

Council's amendments—

1. Clause 7, sub-clause (2), page 3, line 18, omit "section" and insert "sections".

2. Clause 7, sub-clause (2), page 4, at the end of the sub-clause insert—

"80E.(1) Notwithstanding anything to the contrary in this Act the council of a municipality may apply to the Minister for an order exempting shopkeepers of shops conducted on a market site or sites registered pursuant to the provisions of section 49(1)(c) and situated in its municipal district from being required to close and keep closed their shops in accordance with this Part.

(2) Upon an application under this section the Minister may make an order granting exemption subject to such conditions limitations and restrictions as he thinks fit in respect of shops on a particular market site or market sites but no order shall—

(*a*) exempt any shopkeeper from being required to close and keep closed his shop on Good Friday or Anzac Day in accordance with this Part; or

(*b*) operate to permit the sale or disposal of liquor within the meaning of the Liquor Control Act 1968 by any shopkeeper at any time when he would, but for the order, be required to close and keep closed his shop in accordance with this Part.

(3) The Minister may at any time by order amend vary or revoke an order under this section but an order shall, subject to any amendment or variation, operate from year to year until revoked.".

3. Clause 9, lines 1-3, omit the words and expressions on these lines and insert—

"In section 191(1)(*a*) of the Principal Act—

(*a*) the words "upon a direction in writing signed" are repealed;

(*b*) after the expressions "(i)", "(ii)", and "(iii)" (where respectively occurring) there shall be inserted the words "direction in writing of"; and

(*c*) after sub-paragraph (iv) there shall be inserted the following expression—".

4. Clause 9, line 7, omit "by".

5. Clause 9, line 8, omit "by".

6. Insert the following new clause to follow clause 13—

"AA. In the Fifth Schedule to the Principal Act for the item 'Art and handicraft galleries' there shall be substituted the item 'Shops for the sale of works of art and handicraft'".

Mr. MACLELLAN (Minister of Labour and Industry) : Honorable members have before them a series of amendments to the Labour and Industry Bill, which was before the House on a previous occasion. The first amendment is—

Clause 7, sub-clause (2), page 3, line 18, omit "section" and insert "sections".

The amendment is self-explanatory. It changes the word 'section' to the plural to enable a further proposed new section to be inserted in the principal Act. That further proposed new section appears in the second amendment on the printed sheet. Without reading all of the verbiage of proposed new section 80E I shall explain what occurred in the Legislative Council and the purpose of the amendment.

The amendment seeks to adopt the same formula as was adopted in the Bill concerning the extension of shop trading hours in St. Kilda and to allow that formula to apply to what have become known as week-end markets. The amendment was moved in the Council by the Honorable P. D. Block and was accepted by the Government, and I understand that all honorable members of the Council adopted it without great argument and, so far as I know, without dissent.

One of the difficulties that occurs with week-end markets can be illustrated by a matter of which the honorable member for Knox will be aware. A woman in the honorable member's electorate printed a design on T-shirts and sold them at a market. She was prosecuted for an offence under the shop trading hour restrictions. She was conducting a stall at a market, and it was classed as a shop selling T-shirts. The woman was fined, but she indicated that she did not intend to pay the fine and would prefer to go to gaol. Some other person paid the fine and so the scandalous situation of a woman being thrown into Fairlea Female Prison simply because she was selling T-shirts printed with a design relating to the place where she was selling them was avoided.

At the request of the honorable member for Knox and the honorable member for Warrandyte, the Government attempted to devise a formula to extend the range of goods that could be sold at week-end markets without providing what the honorable member for Gippsland South would term a floodgate. In other words, if the Government said that second-hand refrigerators could be sold at week-end markets, the legislation would be used to flood the week-end markets with second-hand refrigerators and ordinary shops and businesses would be seriously affected. Neither I nor the departmental officers who advised me could find a formula that could satisfy the sorts of objections raised by the honorable member for Gippsland South while coping with the problem raised by the honorable members for Knox and Warrandyte.

The formula contained in the amendments means that if the council of the municipality in which the market is situated—and it must be a market that has paid its registration fee of $100—requests the Minister to extend the range of goods that can be sold at the market site, the Minister may do so subject to such terms and conditions as the Minister shall think fit. That does not allow the Minister to permit liquor to be sold, and liquor is specifically excluded in proposed new section 80E (1) (*b*).

It also does not intrude on the principles of Good Friday and Anzac Day, which are reserved holidays in

the principal Act and are the subject of special exemptions. The same rules as apply in a shopping centre will apply to week-end markets that might otherwise be open on Good Friday or Anzac Day. It certainly would not be my intention to allow exemptions to apply to, say, butcher shops, because I do not think it is suitable for red meats to be sold at an open-air market stall. Health considerations would be relevant.

It is for such reasons that the local council should be the body to vet the applications. The local council can best voice any reservations felt by local shopkeepers concerning an extension and the local council can best suggest the sorts of extensions that might be granted.

To sum up, clause 7 is to be amended at the suggestion of the Legislative Council by changing the word "section" to the plural to allow for the insertion of proposed new section 80E so that municipalities can request the Minister to extend the range of articles that can be sold at a week-end market, and the Minister upon terms and conditions can do so. I move—

That the amendments be agreed to.

Mr. CRABB (Knox): I raised the matter covered in the amendments at some length during the second-reading debate and I welcome the amendments, which will allow week-end markets to continue on a sound footing. However, I voice some concern about the discretionary nature of the amendments. I appreciate what the Minister has said about the difficulties involved in arriving at a finite list of articles that could be sold at week-end markets and the trades that could be conducted. However, I should like the honorable gentleman's assurance that situations that have occurred in the past will not recur. People have not known whether they were acting within or without the law. My understanding of the situation that existed until now was that even people selling their own property were technically in breach of the Act, as were people selling goods on behalf of such charitable organizations as Lions clubs or Jaycees. The Minister should exercise his discretion in such a way as to ensure that people will understand where they are and that there is no confusion.

I am also concerned that the onus is placed on municipalities to apply to the Minister. Although I have much faith in local government, I do not see why councils must be the intermediaries and why the matter could not be handled directly between the markets and the Minister. Presumably the Minister has considered this matter and I shall be pleased to hear his explanation of it. The Minister should issue guidelines to councils and to week-end markets so that they can prepare applications with some confidence that they will be approved.

Another matter that concerns me is that week-end markets are continuing to operate. They were all operating last week-end and will all be operating next week-end. I should like the Minister to give an undertaking that he will not initiate action to prosecute the operators and stallholders before the proposed legislation comes into operation.

I should also like the Minister to inform honorable members about the number of sites he would approve in a particular municipality. Two week-end markets are at present operating in the electorate of Knox, one at a drive-in cinema and one at a pleasure garden. I should like the Minister to indicate whether any restrictions will apply on the siting of week-end markets. Some concern has been expressed about markets operating in parking areas in the middle of shopping centres, and I wonder whether the Minister is more likely to approve of a week-end market that operates at a drive-in theatre than one that operates in a town square. These are the sorts of matters about which people who use week-end markets would like to hear from the Minister.

Although the amendments are welcome, they are somewhat nebulous and it is incumbent upon the Minister to provide an indication of the criteria to be used.

Mr. SIMMONDS (Reservoir): The amendments are rather comprehensive and I am sure the Minister will acknowledge the difficulties he will face in implementing the proposed legislation.

I point out that the principle of involving local government in the administration of the Labour and Industry Act ought to be examined with a full knowledge of the history of the Act. The Factories and Shops Act, on which the Labour and Industry Act was based, was itself based on the concept of municipalities opting in or opting out of its provisions. One of the reasons for the development of factories with poor working conditions in the metropolitan area was because the factories were built within the municipalities that opted out.

I have some reservations about the proposed legislation. The honorable member for Knox raised the matter of the number of week-end markets that the Minister will allow and the criteria the Minister will apply. I should like to know the conditions on which people may be employed in these markets and what situation will apply concerning the determinations of the appropriate wages board and the capacity of the Department of Labour and Industry to supervise those conditions and ensure that they prevail. This is an important principle which should not be treated lightly, and I ask the Minister to give consideration to re-examining the proposed legislation because it may lead to complications in the administration of the Labour and Industry Act which it may turn out that the Minister would prefer not to have.

Mr. WHITING (Mildura): The matter I wish to raise is that although proposed new section 80E appears to contain exactly the same provisions as proposed new section 80D, which is contained in clause 7 of the Bill, it does not include subsection (4) of that proposed new section. Proposed new section 80D (4) provides—

> The Minister shall cause every order made pursuant to this section to be published in the *Government Gazette.*

A similar provision in proposed new section 80E would be of considerable interest to municipalities because it would ensure that they would know which market sites in their own and adjoining municipalities had been registered.

I realize that this is only a minor point, but it appears to me to be logical to have that provision apply to market sites as well as to shops in the City of St. Kilda. I ask the Minister to examine the matter and to explain why it has not been included.

Each of the proposed new subsections (3) reads—

> The Minister shall cause every order made amend vary or revoke an order under this section but an order shall, subject to any amendment or variation, operate from year to year until revoked.

Perhaps it should be provided that the views of municipalities concerned with market sites should be taken into consideration prior to the revocation of an order. In the case of St. Kilda, that is probably not necessary. But a remote municipality may have applied to the Minister, in the first place, for an order. It appears that the Minister can then, without reference back to that municipality, revoke the order without giving a reason. That is the theoretical situation. I do not doubt that in practice the local shop inspectors discuss with the municipality the reasons why an order may be revoked, but in some instances this may not happen. Perhaps there is a need for a requirement for the Minister to discuss with the municipality his intention to revoke an order, and possibly his reasons for doing so.

Mr. MACLELLAN (Minister of Labour and Industry) : The honorable member for Knox mentioned the possibility of guidelines. I certainly undertake to issue, as soon as possible, guidelines that may be useful to councils and people who run these type of premises and those who are in ordinary businesses. If anyone has any views about how the law should be administered, I invite them to make those opinions known.

The honorable member for Knox said that I should not authorize prosecutions. A Minister has an obligation to uphold the law. I hope this amendment overtakes the situation before further prosecutions are undertaken. I do not authorize prosecutions, as that decision is made by the inspectors.

The honorable member for Reservoir mentioned wages boards. I shall refer this amendment to the chairmen of the wages boards in case it is relevant to wages board discussions and determinations that might be made with respect to the matter.

I give an undertaking to the Deputy Leader of the National Party that the St. Kilda situation will be published in the *Government Gazette*. I give a further undertaking that until the Government can bring the matter before the Parliament for further amendment, at least I shall try to make it a practice that these matters are in fact advertised in the *Government Gazette*. As to advising councils about revocations, I shall certainly ensure that it becomes an established practice within the department that those councils that have previously requested exemptions are advised of revocation even if they cannot be advised before the revocation.

Situations can arise where somebody makes too much of a good thing. This is the heart and soul of the amendment. The Government is attempting, admittedly by giving the Minister and local councils discretionary powers, to draft some rules that may achieve some sense of order and lead to further legislation.

I thank honorable members for their comments and views on the clause and I hope the Government can move ahead and have standards adjusted to the needs of those people who wish to use them.

The motion was agreed to.

CRIMES (ARMED ROBBERY) BILL.

The debate (adjourned from October 5) on the motion of Mr. Maclellan (Minister of Labour and Industry) for the second reading of this Bill was resumed.

Mr. EDMUNDS (Ascot Vale) : This Bill amends the Crimes Act 1958 and creates a new offence of armed robbery. Its principal purpose is to extend the maximum penalty of imprisonment for a person guilty of such an offence from 20 years to 25 years. The Opposition believes this is gimmick legislation and will not reduce the incidence of armed robbery. It attempts to over-awe the would-be bank robber by making him think that instead of being in gaol for 20 years he will be there for 25 years. The Government has, of course, put the cart before the horse.

Although the Opposition supports the proposed legislation it is important to say that bank and armed robbery is lucrative because, of recent times, statistics that have been produced from the Government's own sources show that to date this year something like $1·3 million has been stolen at gunpoint from banks and from people involved with the receipt and handling of money. To date only approximately $68,000 has been recovered. Statistics show that bank robbery is on the increase.

Since 1967 to the middle of this year there has been a total of 243 bank holdups. In that time 187 banks

have been held up once, 24 have been held up twice, 4 have been held up three times, and 1 bank has been held up 5 times and has since had to close because the bank officers refused to operate in that environment.

Mr. ROSS-EDWARDS: There is nothing surprising about that.

Mr. EDMUNDS: No. Several banks have been equipped with bullet proof glass. Since these bullet resistant barriers were installed, no holdups have occurred and no hostages have been taken in those banks. The experience is exactly the same overseas. When criminals and bank robbers know that banks have bullet proof materials separating the money from the would-be robber, they go somewhere else. As the House is aware, there is a private member's Bill on the Notice Paper in my name. If the Government accepts that Bill—it is a simple measure—it would make it a condition of the repair and renovation of any bank or for the establishment of a new bank that bullet proof material be used in the construction.

There are something like 502 State banks in Victoria and Melbourne has 304. There are 206 Commonwealth Banks in Victoria and 161 in Melbourne. There are 600 private banks in Melbourne and 1,100 throughout the State. That gives a total throughout the State of 1,808, and Melbourne alone has 1,065 banks. This does not take into account sub-branches. The Commonwealth Bank has the installation of safety glass under review and safety glass has been installed as a test in something like seven or eight banks and to date there have been no holdups in those banks.

I do not think the Government will cure the rash of armed robberies in banks, or armed holdups generally by increasing the penalty by five years. All honorable members know that few criminals receive the maximum sentence, and even if they do it is evident from the statistical material available that criminals generally are not held in prison for anything like the period of time they are sentenced.

Bank staff have been killed and injured and are now advised to acquiesce with a holdup request as quickly as possible, providing small denomination notes so that the trauma of a holdup is put aside as soon as possible. When the Victoria Police are put on to bank surveillance using various methods of independent patrol groups, foot patrols and overhead surveillance with fixed wing aircraft or helicopters, there is a lessening in the number of armed holdups. Banks must be made more secure and more police must be evident in the community to immediately deter armed holdups.

After examining the debate of yesterday on the use of firearms in the community generally, and particularly pistols and weapons used in armed holdups, the Government should realize that it is not sufficient to introduce a Bill to amend the Crimes Act by providing another offence or stronger penalties for armed holdups. Instead, it should look at the matter at its source. The Government is attempting to prevent further robberies after a robbery has occurred by imposing a sentence on some individual.

The Opposition says that, firstly, the Government ought to stiffen its attitude to the installation of bullet resistant materials in banks and other places where money changes hands and, secondly, that the Government should examine the Firearms Act to ensure it is strengthened from beginning to end in relation to the issuing of permits and more careful screening of the people who are licensed to obtain revolvers and weapons. The Opposition does not oppose the measure.

Mr. ROSS-EDWARDS (Leader of the National Party): This amendment to the Crimes Act 1958 makes provision for the offence of armed robbery. What it does in effect is

to increase the sentence for robbery to 20 years and where firearms are used it makes the penalty 25 years. Any person who thinks about this measure cannot help but be cynical about the action of the Government. Not long ago in this House a minority of Government members joined with the Socialists and abolished capital punishment in Victoria. That was a sad day that this State will long regret.

It is ridiculous that penalties of 25 years for robbery with a gun are being set. In Victoria only one person, O'Meally, has been in gaol for nearly 25 years, and people all over the State are writing letters on his behalf. There are dozens of murderers in gaol, but only one has served anything like 25 years. So the Government does not mean what it is saying in this Bill. It is setting a penalty of 25 years and it does not even give that to a murderer, in effect. That is how weak the Government is. Many do-gooders around the countryside want O'Meally to be released although he shot a policeman dead in the execution of his duty.

Mr. DUNSTAN: The Government has not let him out.

Mr. ROSS-EDWARDS: I am delighted that it has not let him out, but I am nervous that it will and so is the community. The Government is not fair dinkum. It sets a penalty of 25 years' imprisonment and in the past 20 years only one man in Victoria has served a sentence of 25 years in gaol. Therefore, if a person commits something less than murder, the odds are that he will serve much less than 25 years' imprisonment.

There is one matter that I have hesitated to mention publicly, and so have my colleagues, and doubtless many members of the Government party and the Opposition. That is my disappointment that there has not been more success in apprehending bank robbers. I know that eventually many are caught. Last night the Premier said that 90 per cent are eventually caught and that 70 per cent have already been caught this year but only after——

Mr. EDMUNDS: The offence.

Mr. ROSS-EDWARDS: They are caught after the offence in many cases. The same criminals have sometimes robbed 2, 3 or 4 different banks before being apprehended. There are policemen by the dozen on the highways on the lookout for traffic breaches. Surely there should be a blanket concentration of police for one month at a time virtually covering the banking system of Melbourne. Otherwise it is an open go for bank robbers. They can walk in and help themselves. There are headlines in the newspapers when a bank is robbed. Not much is heard about the robbers being caught, but they get big headlines when they carry off $20,000 or $40,000. It is a "help yourself" system, which is a disgrace to the Government.

It must be an enormous embarrassment to the Police Force. I am disappointed that the Chief Secretary and the Police Force have not devised a better method of apprehending bank robbers. If the numbers of police are not available, surely there are ways on a short-term basis of bringing back retired police without fuss or publicity to be a task force to tackle this problem, which is the worst criminal problem in the State at present. If every bank robber was caught within two or three minutes of the offence, the odds are that it would deter others.

Mrs. PATRICK: Are you suggesting a 24-hour service?

Mr. ROSS-EDWARDS: The interjection shows how stupid the honorable member for Brighton is.

Mr. EDMUNDS: I won't have that.

Mr. ROSS-EDWARDS: We do not have to be gallant now. We are all equals and the honorable member understands and appreciates that. There does not have to be a 24-hour

system. It is only necessary to defend banks during the time the employees are there, which is from 9 a.m. to 5 p.m. It is nothing like a 24-hour service. It is an 8-hour day service except for Fridays. There would not have to be policemen for every bank. Common sense suggests that policemen could perhaps cover two banks in many places and perhaps three or four banks in other places, but there must be continuous supervision of bank premises for a certain length of time. Although the police are notified of a robbery and get there within four or five minutes, time and again they miss the robbers by the proverbial minute or two. That is all the bank robbers want. They steal a motor car and drive a quarter of a mile away and change to another car. The job is easy and efficient.

Members of the National Party support the Bill but from experience we know that the Government is not sincere in imposing heavier penalties. I ask the Government to seriously consider doing something constructive about apprehending all bank robbers on the sport. I know that from a record point of view it looks good if they are convicted at some stage, perhaps a week, a month or three months later, but to set an example to the nation they need to be caught during the execution of the robbery.

Mr. SKEGGS (Ivanhoe): I commend the Government for introducing this Bill because it is designed to tackle one of the most serious and violent offences Victoria has experienced in recent years. The whole community is deeply concerned at the enormous rise in the incidence of armed holdups in banks in this State. There have been two in or near my electorate this year —in Ivanhoe earlier in the year and in West Heidelberg last week.

There is no doubt that many of these offences appear to be largely attributable to people who are on drugs and in need of big money quickly. One matter which has not been publicized has been the large degree of success achieved by the police in the apprehension of criminals involved in bank robberies.

Mr. ROSS-EDWARDS: Over a period.

Mr. SKEGGS: It is important to note that in reply to a question which I raised in the House yesterday, the Premier said that the police had had a success rate of over 90 per cent in the apprehension and conviction of criminals in bank holdups. He said this year the apprehension rate is already running as high as 70 per cent and the police are confident that by the end of the year 90 per cent of bank robberies will again have been solved.

I agree with the honorable member for Ascot Vale, however, when he referred to the need to encourage the use of bullet-proof glass in banks. Overseas this has been developed successfully as a deterrent and bullet-proof screens have already been used in several banks in this State. I believe they have been installed at several branches of the State Savings Bank. I hope that successful use in the State Savings Bank will lead to commercial banks following their lead and bring about a wider use of bullet-proof glass. It has been said that criminals in bank holdups may resort to taking bank customers as hostages as an alternative where bullet-proof glass is in use, but I believe it is still an important deterrent and one which must be considered by all banks throughout the State. I hope the State Savings Bank will extend the use of bullet-proof glass to other branches in its network. If they are able to demonstrate a reduction in robberies, the Government should consider making use of the bullet-proof glass mandatory in uniform building regulations in the security industries.

I also believe it would be worth while to see a return to the good old-fashioned method of the policeman patrolling the district on foot which may be a real deterrent to

armed bank robbers. Today the Police Force is highly mobile and its efficiency has been greatly increased by the use of the mobile police patrol; but the policeman on regular foot patrol in the district can be an added deterrent to armed bank robberies.

Although the Bill creates a new felony of armed robbery and imposes a maximum penalty of 25 years, its future effectiveness will be very much up to the courts to strongly enforce the deterrents intended through the proposed legislation. Armed robberies represent the more violent aspects of social disorder in the community in recent years.

It is extremely disturbing that people in the course of their daily banking activities should feel apprehensive and intimidated by the possibility of an armed holdup. It must also be harrowing for the staff of banks, not knowing when they could be confronted with violence in the course of a normal day's work. It is, therefore, extremely timely that the Government has introduced this measure. I hope it will meet with speedy success in helping to check the rapid rise of armed robberies experienced in recent years.

I again compliment the Police Force on its high degree of success so far in solving bank robberies and these achievements have not received the publicity they deserve. There have been discussions between all sections of the banking industry and the Government. Obviously the Government has demonstrated its deep concern, not only by the introduction of this Bill, but also by the Act introduced in the last sessional period which has resulted in most people charged with armed robbery being held in remand until trial and made bail much harder to obtain. Trial procedures have also been accelerated and these steps are positive measures which illustrate the extreme priority which the Government has placed on efforts to counter the incidence of armed robbery.

Mr. BIRRELL (Geelong West): What is happening in armed robbery has some bearing on the international scene because as nations have got tough with hijackers they have suddenly discovered that the hijackers have disappeared from the scene. I refer to Israel particularly. In the local scene, armed robbery is mainly centred on banks. A generation ago if a bank robber appeared on the scene, the bank staff were armed. In my case, I used to go to the rifle range twice a year at Geelong and I was trained in markmanship. The general tendency in those days was that one was expected to shoot them down.

Honorable members are talking about lifting the penalties for armed robbery. That mainly is the bank syndrome. If our sights are lessened to the point that every time someone goes into a bank with a bit of wood and says, "Give me $50,000", and it is handed over, that is inviting someone else to do the same thing. If someone had a bit of guts when asked to hand money over, and popped below the counter and got a gun—and there were a few examples of that—bank robberies would not occur so often. We have surrendered, because of a lack of guts, to the people who want to take us over and we have gone beyond the point of no return.

Nowadays it is not popular to suggest what needs to be done in these circumstances. Two or three lives may conceivably be lost in getting back to the old system, and it may be someone's child or relative who might be one of the two or three, but our standards are being lessened. The old ideas have been thrown out the back door. Now all that is needed is a harsh look over the counter and the money is handed over.

A generation ago a bank was designed with a fortress concept, and had built into it certain safety

features. The tellers' boxes were difficult to get at. They were as near to confessional boxes as anyone could find. A customer pushed his money over the counter, it was dark, and sometimes one was lucky if one saw the teller. This was the way of the world then. Between 1950 and 1955 someone decided to build open counters, and now banks look like a home lounge. There is no longer anything built into the architecture of a bank to protect a teller. The fortress concept is not seen any more. If that is the way banks intend to operate, obviously there will be robberies on a level which has not previously existed. These things are infectious. When people hear of robberies occurring, and $50,000 and $60,000 being taken—sometimes with pistols that do not even shoot—naturally they will think the risk is worth it. It is no wonder that robberies are taking place at their present rate.

This Bill goes a little way to help solve the problem, but there is a lot to be said for the old philosophy of building banks like they used to be, of training staff as they used to be trained, and if now and again the staff were to go on the offensive the community would be surprised how quickly bank robberies would disappear almost completely from the scene.

The motion was agreed to.

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

ADJOURNMENT.

TRAIL BIKES—BALLARAT AND DISTRICT BASE HOSPITAL—STUDY OF SICK LEAVE TAKEN BY TEACHERS—EILDON AND ALEXANDRA KINDERGARTENS—ST. ALBANS PROPERTY ACQUISITION — CARLSRUHE-DAYLESFORD RAILWAY LINE — SPECIAL SERVICES FOR KYABRAM—INQUIRY INTO MELBOURNE AND METROPOLITAN BOARD OF WORKS—NOBLE PARK HIGH SCHOOL—WORKERS COMPENSATION.

Mr. THOMPSON (Minister of Education) : I move—

That the House do now adjourn.

Mr. EDMUNDS (Ascot Vale): I ask the Minister representing the Chief Secretary to request the Victoria Police to take some action regarding the nuisance of trail bikes in the electorate of Ascot Vale. I have two letters from constituents associated with this problem. One is from a Mr. Abey. I shall read the paragraph of the letter which highlights the problem. Mr. Abey states—

> The problem itself is simple; it is the tiresome, piercing, persistent scream caused by trail bikes that reverberate around this neighbourhood with intolerable persistence. The bikes and their riders are using Commonwealth land that adjoins the Hume Pipe Works in the suburb of Maidstone, on the west side of the Maribyrnong River.

The other letter is from a Mr. Heyme, who also lives in the electorate of Ascot Vale. He wrote to the Under Secretary and these are the operative paragraphs of his letter—

> For some time now residents of River Avenue have been subjected to the annoyance and discomfort of the noise created by these riders on weekends and late afternoons through the week.
>
> Complaints to the Melbourne and Metropolitan Board of Works and the the Maidstone Police, whilst sympathetic has brought a realistic response in that they cannot catch the offenders because of their greater mobility than that of a police car. The result is the noise continues.

I ask the Government, through the Minister, to take the matter up with the Chief Secretary to ascertain if some action can be taken this weekend and on other week-ends to deter these children from creating this nuisance to the residents of the area.

Mr. ROPER (Brunswick): I address a matter to the Assistant Minister of Health concerning the Ballarat and District Base Hospital. The Minister will recall that some three weeks or so ago I raised the difficulty which the Ballarat and District Base Hospital was having in financing its full range of activities.

On that occasion the Minister incorrectly suggested that the hospital had 300 over the staffing establishment, and then subsequently in a reply to a matter raised by the honorable member for Ballarat North, the Minister corrected that figure to 30 over the recognized establishment.

I have today received a reply from the Minister of Health, who is in another place, concerning the financing of the Ballarat and District Base Hospital. The Minister said in his reply that a meeting had occurred between representatives of the Hospitals and Charities Commission and the Ballarat and District Base Hospital, but it has been decided that no additional funds will be made available to the hospital and that there will be further and later discussions.

This restriction of funds also applies to a number of other hospitals, but it applies firmly to the Ballarat and District Base Hospital. This hospital will have to reduce services to the community if it does not receive additional financial assistance and may well have to close a 30-bed ward.

Mr. JASPER: And so will the Wangaratta District Base Hospital.

Mr. ROPER: Quite a number of hospitals have been in touch with me, including the Mooroopna and District Base Hospital. The Mildura Base Hospital has been badly dealt with, having only a 4·6 per cent increase in funds. The problems of the Ballarat and District Base Hospital are such that it will not be able to continue to provide a full range of services for the people of Ballarat unless the Government alters its thinking on what it is prepared to provide to base hospitals throughout the State.

The people of Ballarat cannot afford a situation where a ward of the hospital could be closed. They cannot afford a situation where staff will be sacked. I ask the Assistant Minister of Health, together with his colleague in another place, to have discussions with the Treasurer to ensure that additional funds are made available to the hospital. Victoria alone, of all the States in Australia, decided to completely match the Commonwealth cut in spending. The other States have not done so, as I am sure the Minister is aware. Unless the Treasurer is prepared to provide additional funds to the Hospitals and Charities Commission this year, services at the Ballarat and District Base Hospital, and many other hospitals, will be most severely affected and the health standards in the hospitals, which by and large are extremely good, will deteriorate alarmingly.

I ask the Minister to intervene in this matter and to have discussions with the Treasurer in an effort to obtain some additional millions of dollars for hospitals. If there is to be cost containment, let it be planned. The situation that exists at the moment should not be allowed to continue because there will be a disaster on our hands in the next couple of months.

Mr. LACY (Warrandyte): I draw a matter to the attention of the Minister of Education. It concerns the incidence of sick leave taken by teachers in the State Education system. I refer to a report of a research study conducted in South Australia by Dr. Neville Hicks of the Department of Community Medicine at the Royal Adelaide Hospital, which was funded by the Commonwealth Government.

The study had a number of interesting findings, which I draw to the attention of the Minister. For instance, it found that male teachers were more likely to take sick leave than female teachers. It found that teachers at urban schools were more likely to take sick leave than teachers at country schools, and interestingly enough, that teachers at schools predominantly staffed by members of the opposite sex were more likely to take sick leave.

The incidence of sick leave is an enormous problem not only for the teachers who operate in situations of stress and who find they are unable to cope with the problems teaching generates for them, but also for the Education Department in organizing its school system to ensure that classes are not disrupted, and that teaching continues as successfully and as smoothly as possible.

I ask the Minister of Education to undertake to obtain a copy of this research study and to have it evaluated by his department to determine whether it is necessary for steps to be taken by him to alleviate the incidence of sick leave in Victorian schools, and to relieve the sort of stress problems highlighted by the research study among teachers in South Australia.

Mr. TREWIN (Benalla): I bring to the attention of the Assistant Minister of Health a matter on behalf of the Alexandra Shire Council concerning maintenance subsidy payments for the Eildon and Alexandra kindergartens. The Assistant Minister of Health wrote the following letter to the Shire Secretary, of the Shire of Alexandra—

I refer again to your letter of the 23rd August, 1977 concerning maintenance subsidy payments in respect of the Eildon and Alexandra kindergartens.

The approximate amount of $8,000 to which you refer appears to comprise the subsidy for a third group that commenced at the Alexandra kindergarten on the 1st October, 1975, together with payments for the cost of employing relief staff at both kindergartens during 1975 and 1976 while regular staff were on sick leave.

Apparently, these payments continued. It is natural to employ other staff while the regular staff is on sick leave. The letter continues—

Records show that it was not until July of this year that your council applied for a maintenance subsidy in respect of the third group although it had been operating since October, 1975. Subsidy payments cannot commence without approval and although I approved of a recommendation from the Director of the Division of Pre-School Child Development for subsidy in respect of this group to operate from the 3rd February, 1977, I am not prepared to approve of it commencing any earlier.

The Shire of Alexandra feels that it has acted correctly and has written to the Minister as follows—

Council is particularly concerned at your decision not to approve the subsidy for third group at the Alexandra kindergarten from 1st October to 3rd February, 1977.

Whilst council appreciates that it may be difficult for you to approve a subsidy for a group which was commenced in advance, it must be pointed out that this was not the entire fault of this council.

The pre-school adviser for this area, Miss R. Wollaston, stated two weeks ago that she accepted part responsibility for approval of the third group.

Miss R. Wollaston was consulted at all times during the commencement of the group. Miss Wollaston agrees that it is her responsibility to ensure application receives consent of the Minister.

From the inception of the third group, quarterly claims were submitted to the Department of Health. However at no time did the department advise that approval for the subsidy had not been obtained.

The council continued to employ being unaware that there had to be a communication indicating approval of the Minister. The council took it that approval had been given. The letter continues—

This situation was further compounded as in October, 1975, the Department of Health was several months behind in reimbursing council for subsidies and in addition the whole operation of the Department of Health was grossly understaffed.

The Assistant Minister will understand that the council is considerably out of pocket. The council has supported and met most of the expenses of the kindergarten. The kindergarten committee, which is a voluntary committee supporting the kindergarten, has not the funds to meet the payments. I have been requested to bring the matter before the Minister and to stress that the council has appointed the third group and had the support of the pre-school adviser in continuing to employ the extra staff while sick leave is given to the regular staff.

Mr. GINIFER (Keilor): I raise a matter for the attention of the Minister of Transport and remind the honorable gentleman that I spoke of this matter during the grievance debate on 6th October this year. I can only assume that the Minister who was in charge of the House at the time did not bring the matter to the attention of the Minister of Transport because no response has come from him.

The matter affects a family by the name of Pleml of 14 Thorndon Drive, St. Albans. These people had signed a notice for the sale of their home and the proposed purchasers made inquiries of the Country Roads Board concerning a proposed freeway. The board advised the purchasers that, some time in the future, the property would be required for freeway purposes. Needless to say, when the contract of sale was presented to the proposed purchasers, they would not sign. In the meantime the family has been unable to sell the home and the Country Roads Board has not been prepared to acquire the property.

To compound the felony, if I might use that term, Mr. Pleml, on the strength of the sale note and because he was unemployed in this country, raised sufficient funds to return to his homeland in Austria and is now employed there. His wife and young family remained behind to finalize the sale. They now find it impossible to sell the home. The Country Roads Board has a moral obligation, if not a legal obligation, to acquire this property. When I raised the matter previously during grievance debate, I asked the Minister of Transport to take this matter up with the board to ascertain whether a satisfactory settlement could be made. The family has been badly aggrieved because of a bureaucratic decision which has not taken into account a moral obligation.

Mr. CRABB (Knox): I also raise a matter for the attention of the Minister of Transport concerning the Carlsruhe-Daylesford railway line. It has been rumoured that the Victorian Railways has carried out an assessment of whether the line should remain open and that a decision has been made to close the line. People in the area are concerned that this will occur and that the Government is holding off announcing the decision until after the elections. I have no knowledge other than that, but I request the Minister to give an undertaking to the House that this is not the case or, if it is, he should make a clear statement.

Mr. HANN (Rodney): I raise a matter for the attention of the Minister of Special Education concerning the provision of special services support staff to the Kyabram High School. I have received a letter signed by 24 members of the staff of the school which raises the problem of lack of special education services in the area. They point out the need for trained psychologists, social workers and speech therapists who can deal with students at an individual level.

The teachers also point out that the Kyabram High School is in the Bendigo region and for the whole of this year they have been unable to get these support services for the school. The school has a student population of 860 and has not been visited by any members of the Special Services Division, although they anticipate that there will be a visit some time next month.

I refer to some of the problems facing the Bendigo region of the Education Department. The region extends from Robinvale in the north to Gisborne in the south, and from Donald in the west to Heathcote in the east. It includes four inspectorates, Bendigo, Echuca, Swan Hill and Castlemaine. There are 44,649 school children and 2,789 teachers in the region and the Special Services Division in the region comprises the equivalent of 4·1 psychologists, one first-year trainee psychologist and a

typist. This staff is totally inadequate to service the needs of so large an area and so many pupils. It places the officer in charge in extreme difficulty in trying to provide services, particularly as some of his staff are involved in interviewing parents and children until 7 p.m. or 8 p.m.

The staff of the Kyabram High School has suggested that an immediate and thorough investigation should be made of the organization and role of the Special Services Division, particularly the need for support services in country areas such as the Bendigo region. They also suggest that a comprehensive inquiry should be conducted into the qualifications, salary structure and conditions of work because they believe that these are some of the factors that create a shortage of staff.

The teachers also suggest a larger financial allocation to this aspect of education and the removal or liberalizing of the staff ceiling currently applied by the Treasury, particularly in this area of special services. They further suggest greater decentralization of staff in the Special Services Division so that staff advice is available more promptly to schools and the staff involved have a greater awareness of the particular problems in certain areas.

The teachers conclude on the need for closer liaison with schools by the Social Welfare Department. They believe there is presently little regular contact between these organizations, and that delay in the follow-up of truancy cases is one result of this situation. They also suggest that there is very little information passed to schools in relation to boys and girls who have been placed in or returned to school from training centres and institutions.

The Minister is probably well aware of the problems in the Bendigo region and that they are aggravated by the inability of the special education unit in Echuca to obtain staff. I ask the Minister to investigate the matter with a view to substantially increasing the support services from the Special Services Division in the Bendigo region.

Mr. CAIN (Bundoora): I raise a matter for the attention of the Minister for Planning. It has come to my notice that recently the Town and Country Planning Board made a submission to the current inquiry into the Melbourne and Metropolitan Board of Works. My information is that the submission was made privately and was not made public. I presume that that was at the direction, or certainly with the consent of, the Minister. I presume that the submission related, at least in part, to the planning functions of the Board of Works.

The Town and Country Planning Board has very wide powers. Under the Town and Country Planning Act it is charged with the responsibility of promoting and co-ordinating town and country planning in the State. The Board of Works is the responsible authority for the metropolitan area.

If such a submission has been made by the Town and Country Planning Board, then the public ought to know what is in the submission. There is probably no more significant or important submission from any authority in this State on the planning functions of the Board of Works than the submission by the Town and Country Planning Board, which is substantially responsible for planning. It is most important that the public knows what the Town and Country Planning Board said to the inquiry concerning the future planning powers of the Board of Works. I urge the Minister to make the submission, if it has been made to the inquiry as I believe it has, public immediately.

Mr. COLLINS (Noble Park): In the absence of the Minister of Public Works, I bring a matter to the attention of the Minister of Education concerning cyclic maintenance at Noble Park High School and ask the Minister to bring it to the notice of the Minister of Public Works.

External cyclic maintenance of schools takes place about every ten years and the last time the Noble Park High School had external cyclic maintenance carried out was in 1969, so that the ten years is not yet up. The cycle for internal maintenance takes place every five years and the five-year cycle for this school was completed this year and there is no chance of the maintenance being undertaken this year. I realize that it is a matter of money and priorities as to what work is done and at which schools.

In the case of the Noble Park High School, in 1974 the Public Works Department wrote to the school advising that an assessment would be made of the school's need for major external cyclic maintenance, but this assessment does not appear to have been carried out.

In my discussions with the Frankston Regional Directorate of Education, I have been informed that, until the regional directorate finds out what figure will be involved in this maintenance work, it cannot even consider its inclusion in the region's budget or even place it before the district or regional priority review committee. They have to know whether it is below or above $50,000. It has been suggested that it will be in the vicinity of $100,000.

The school would like to receive a positive answer from the Public Works Department on how much money has to be spent to complete the work on this building. If it has to wait until 1979, that might be fair enough so long as the school and the region know what is going on. However, by then, the cost will be half as much again. I ask for a speedy answer on whether this will be included in the next Budget review.

Mr. SIMMONDS (Reservoir): I again raise with the Minister representing the Attorney-General the critical situation of workers on compensation as a result of back and other serious injuries. At present, the maximum weekly compensation for a family man is $107. This is because the Government has failed to act on the recommendations of the Harris report to amend the rates as a matter of urgency.

I ask the Minister representing the Attorney-General to look at the position of workers with critical injuries who have exhausted or who are about to exhaust the total amount of weekly payments to which they are entitled. These people will be forced to depend on invalid pensions. Some have been forced to capitalize their weekly payments in an endeavour to extract their families from dire economic straits. But, by capitalizing their present weekly payments they receive a much smaller sum than they would have received if the Harris recommendations on rates had been carried out.

The Harris report recommended in July, 1976, that the total amount payable by weekly compensation should be raised to $30,000. If that sum were indexed, the present total amount would be something of the order of $40,000 to $45,000, as against the present total of $25,000. As I have pointed out, people who have exhausted their weekly entitlement are forced to live on invalid pensions. They have no redress under the present legislation. I again direct the attention of the Attorney-General to the urgency of this situation and ask that some action be taken.

Mr. SCANLAN (Minister of Special Education): The honorable member for Ascot Vale referred to the problems caused by trail bikes in his electorate. The honorable member for Oakleigh has had the same trouble; it is quite common. Apparently the honorable member for Brunswick also has this problem. I will direct the attention of the Chief Secretary to what has

been said with a view to determining whether it is possible to increase police supervision. That was done in Oakleigh. One point of great concern is that many trail bikes are not registered. This raises the question of what happens if an accident occurs, involving injury to a third party. All kinds of risks are attached to these bikes and the matter will be directed to the attention of the Chief Secretary.

Mr. JONA (Assistant Minister of Health) : The honorable member for Brunswick referred to the Ballarat and District Base Hospital, whose board of management had a deputation to the Minister of Health approximately a fortnight ago, following representations from honorable members representing the Ballarat area. I understand that the deputation was introduced by an honorable member representing the Ballarat Province in the Legislative Council.

Following those discussions, there is no doubt about the future of the ward to which the honorable member for Brunswick referred. There is no likelihood or possibility of that ward, with its 30 patients, being closed down in any circumstances. The honorable member for Brunswick should stop making these statements and causing needless concern to people in the Ballarat area.

The honorable member should be aware that the Minister of Health recently set up a cost containment committee comprising representatives of the Victorian Hospitals Association, the Hospitals and Charities Commission and the Treasury. This committee is available to advise hospitals on ways and means of keeping within the budgetary provisions without reducing the services that are or should be available to patients. The Ballarat and District Base Hospital would certainly come within that category. I repeat that there is no likelihood of the ward being closed.

The honorable member for Benalla raised a matter related to representations he has had from the Alexandra Shire Council about the Alexandra kindergarten. I will be pleased to have this matter reexamined and, if the honorable member makes a copy of the letter he received from the council available to me, I shall have it considered promptly.

Mr. THOMPSON (Minister of Education): My colleague, the honorable member for Warrandyte, raised the question of a health survey in South Australia indicating reasons for sick leave taken by teachers in the Education Department of that State. I would be pleased to obtain a copy of the survey. I cannot say how the sickness rate there compares with that in Victoria, but I imagine that Victoria's sickness rate would be lower.

The Minister for Conservation has so effectively cleaned up the environment, the Minister for Youth, Sport and Recreation has everybody running and jumping in the fresh air resulting from his enterprising programme, and the administration of the Minister and Assistant Minister of Health is so effective in improving the health of Victorians, that I am confident that the sickness rate in Victoria would be less than that in South Australia.

The honorable member for Noble Park raised a question of the desirability of cyclic maintenance for schools, particularly as it would be applied in the Noble Park area and especially to the Noble Park High School. I am well aware that some schools, which have waited a long time for maintenance, have serious external problems. We are currently looking at the possibility of carrying out some of that essential external maintenance work at an early date and perhaps delaying some of the less necessary internal maintenance work to a later period. We may use the Noble Park High School as an experiment for this.

Mr. RAFFERTY (Minister of Transport) : The honorable member for Knox referred to the Carlsruhe–Daylesford railway line. As far as I know, no announcement has been made about the closure of that line.

I recognize the difficult situation of the constituent of the honorable member for Keilor. I do not recall the matter having been referred to me following his raising of it during the Grievance Day debate, but I have taken note of what he said and I will have it considered as soon as possible.

Mr. SCANLAN (Minister of Special Education) : The honorable member for Rodney raised a question of the provision of various support facilities and services within the Bendigo region by the Counselling, Guidance and Clinical Services Branch, and the Special Education Branch of the Special Services Division of the Education Department. I suggest to the honorable member that the question of salaries and conditions and other industrial matters for teachers and other personnel in these services is not a matter for inquiry but a matter for tribunal determination. That is why the Teachers Tribunal was established. It is competent for these men to go to the tribunal from time to time through the appropriate union or industrial body. I suggest that is the proper approach to the aspect of the matter raised by the honorable member.

I point out that a fairly lengthy curriculum services inquiry has just been completed. The nature of the provision of these supportive facilities and services has been examined, as well as the structure of the special services and special education generally. This may have some relevance to the matters raised by the honorable member.

The question raised by the honorable member was raised with me by the honorable member for Bendigo and it is the subject of correspondence between his party colleague, the Honorable B. P. Dunn, and me. However, it is difficult to recruit specialist staff for remote areas of the State. I am well aware of the problem and I am sympathetic with what the honorable member wants to achieve. We have had extensive recruiting campaigns overseas, but the problem also confronts the Governments of Sweden, Denmark, and the United Kingdom, which also find it difficult to obtain these specialist staff.

Mr. HAYES (Minister for Planning) : I refer to the matter raised by the honorable member for Bundoora. It is true that the inquiry invited the Town and Country Planning Board to make a submission to it. I do not intend, nor would I expect the board of its own volition, to make the report submitted to the inquiry publicly available. I believe the board of inquiry, constituted as it is, should quite dispassionately look upon that submission from the Town and Country Planning Board as it does on others. No doubt it will refer to it in the report it will present to Parliament in due course.

Mr. MACLELLAN (Minister of Labour and Industry) : The honorable member for Reservoir raised a matter related to the Harris report on workers compensation for the attention of the Attorney-General. The honorable member is concerned about long-term back injury cases and the like. These are chronic cases and some people affected are persuaded to accept lump sums in lieu of weekly payments in an effort to obtain sufficient money to maintain their families and themselves with some dignity.

I think the honorable member has raised this matter on a motion for the adjournment of the sitting for the attention of the Minister representing the Chief Secretary, as the Chief Secretary administers the workers compensation legislation. I

am sure the Minister of Special Education will soften up the Chief Secretary on the subject and, if it will help, I will raise the matter with the Attorney-General as well.

The motion was agreed to.

The House adjourned at 10.42 p.m.

QUESTIONS ON NOTICE.

The following answers to questions on notice were circulated—

LEARNER DRIVER PERMITS.

(Question No. 2326)

Mr. ROPER (Brunswick) asked the Minister of Special Education, for the Chief Secretary—

In respect of the learner-driver permit provisions of the Motor Car Act 1958 for each of the years ended 20th September, 1976, and 20th September, 1977—

1. What income was derived from charges for—(*a*) appointments for learner permit tests; (*b*) learner permit tests; (*c*) learner permits; (*d*) appointments for driving tests; and (*e*) driving tests?

2. How many persons paid each fee for—(*a*) appointments for learner permit tests; (*b*) learner permit tests; (*c*) learner permits; (*d*) appointments for driving tests; and (*e*) driving tests?

3. What was the annual costs of administering the issue of permits and the testing of licences, respectively?

4. How many permits and new drivers' licences, respectively, were issued?

Mr. SCANLAN (Minister of Special Education): The answer supplied by the Chief Secretary is—

1.

	Year ended 20th September, 1976	Year ended 20th September, 1977
	$	$
(*a*) ..	367,645	395,027
(*b*) ..	870,085	810,518
(*c*) ..	224,034	254,636
(*d*) ..	507,871	511,895
(*e*) ..	1,048,894	929,737

NOTE.—On 19th January, 1976, the testing fee for learner permits and drivers' licences was reduced from $10 to $7.

2.

	Year ended 20th September, 1976 (Number of persons)	Year ended 20th September, 1977 (Number of persons)
(*a*) ..	122,548	131,676
(*b*) ..	109,296	115,788
(*c*) ..	112,017	127,318
(*d*) ..	169,290	170,632
(*e*) ..	130,620	136,608

3. Separate figures are not available in relation to the cost of administering the issue of learner driver permits and the testing for drivers' licences. The costs of administering both the issue of permits and the testing for licences for the years ended 20th September, 1976 and 20th September, 1977, respectively, were—

	Year ended 20th September, 1976	Year ended 20th September, 1977
	$	$
Police salaries	587,424	553,937
†Public servant salaries ..	897,976	1,154,303
*Printing costs	19,604	148,082
Postage	39,000	44,000
Lease of premises for Learner Driver Permit Section at 459 Little Collins Street, Melbourne	53,000	53,000
Total	1,597,004	1,953,325

†Does not include the cost of the salaries of the staff of the Motor Registration Branch who are employed in connection with the issue and renewal of drivers licences.

*The large amount paid for printing costs for the year ended 20th September, 1977, as compared with the amount for the year ended 20th September, 1976, was due to the printing of the learner driver permit test in a number of foreign languages and also the payment of all outstanding amounts for other printed material.

4.

	Year ended 20th September, 1976	Year ended 20th September, 1977
Number of learner driver permits issued	112,017	127,318
Number of new drivers' licences issued	103,550	116,523

PUBLIC HOSPITAL CHARGES.

(Question No. 2330)

Mr. ROPER (Brunswick) asked the Assistant Minister of Health, for the Minister of Health—

In respect of charges for out-patients and casualty sections of public hospitals, whether fees will be introduced; if so—(*a*) on what basis; (*b*) what will be the level of fees; and (*c*) whether an estimate has been prepared of the proportion of patients who would have to pay?

Mr. JONA (Assistant Minister of Health): The answer supplied by the Minister of Health is—

Yes.

(*a*) Payment by privately insured patients only.

(*b*) $6 per attendance.

(*c*) No cash payments will be required by the patient. Claims will be lodged monthly by hospitals with the benefit organizations.

It is estimated that claims would be made for 33·8 per cent of casualty and 26·1 per cent of out-patients.

PRE-SCHOOL MEDICAL SERVICE.

(Question No. 2342)

Mr. ROPER (Brunswick) asked the Assistant Minister of Health—

In respect of the Pre-school Medical Service—

1. How many—(*a*) children were examined; (*b*) pre-schools were visited, in 1976?

2. How many—(*a*) children were not examined; and (*b*) pre-schools were not visited, in 1976?

3. Whether the service attended other institutions or agencies, indicating which institutions or agencies, and the number of pre-school aged children examined in each case?

4. How many medical officers, nurses and other staff, respectively, are employed, indicating the number in each category in terms of full-time equivalents?

Mr. JONA (Assistant Minister of Health): The answer is—

1 and 2. 1,022 pre-schools were visited by the School Medical Service in 1976. Thirty-seven pre-schools were not visited during the year.

All children in the pre-schools visited who were available for examination and who were expected to commence primary school in 1977 were medically examined. However, accurate figures concerning the number of children examined are not available. This was due to administrative difficulties following the integration of the Pre-school Medical Service into the School Medical Service. As from the 1st January, 1978, a new system of recording is to be introduced which will provide for statistical information to be recorded in respect of pre-school medical examinations as now applies to school medical examinations.

3. Medical examinations were conducted at all subsidized day nurseries and registered child-minding centres. Handicapped pre-school aged children attending Mornington Special Education Centre and special development schools were also examined together with those children eligible for the services of special teachers of the deaf and partially sighted. As mentioned in 1 and 2 above, accurate figures concerning the number of examinations are not available.

4. The Pre-school Medical Service was integrated with the School Medical Service from April, 1976, and the number of staff engaged in the service was detailed in the answer to question No. 2341 on the 4th October, 1977.

SCHOOL MEDICAL AND DENTAL SERVICES.

(Question No. 2395)

Mr. ROPER (Brunswick) asked the Assistant Minister of Health—

In respect of schools and pre-schools in the electoral district of Brunswick—

1. Which schools were visited by—(*a*) the School Medical Service; and (*b*) the School Dental Service, during 1976 and which schools have been or will be visited during 1977?

2. How many students—(*a*) received; and (*b*) did not receive their initial routine medical examination in 1976, and have received or will receive the examination in 1977?

3. Which pre-schools were visited by the Pre-school Medical Service and how many students were—(*a*) examined; and (*b*) not examined in 1976 and have been or will be examined in 1977?

Mr. JONA (Assistant Minister of Health): The answer is—

1. (*a*) (i) The following schools were visited by the School Medical Service in 1976—

Brunswick North West Primary School
Brunswick East Primary School
Brunswick North Primary School
Brunswick High School
Brunswick Primary School
Brunswick Girls' High School
St. Ambrose's, Brunswick
Merri Primary School
St. Joseph's, Brunswick West
Moreland High School
St. Margaret Mary's, Brunswick
Brunswick West Primary School
Brunswick Technical School
Brunswick South West Primary School
Moreland Primary School
Brunswick South Primary School.

(*a*) (ii) The following schools have been or will be visited by the School Medical Service during 1977—

Brunswick North West Primary School
Brunswick East Primary School
Brunswick North Primary School
Merri Primary School
St. Margaret Mary's, Brunswick
Brunswick West Primary School
Brunswick South West Primary School

Moreland Primary School
Brunswick Primary School
Brunswick Girls' High
Carlton North Primary School
Princes Hill Primary School
Brunswick South Primary School.

1. (*b*) (i) The following schools attended the School Dental Centre at Fitzroy during 1976—

Brunswick North West
Merri
North Brunswick.

(*b*) (ii) The following schools have or are scheduled to visit the centre during 1977—

Carlton North
Princes Hill
Brunswick East.

2. (*a*) 862.

(*b*) 86.

The number examined to 15th September, 1976, was 334. It is not possible at this time to indicate the exact number which will be examined this year.

3. The pre-school centres visited by the School Medical Service in 1976 were—

Brunswick Free Kindergarten
Denzil Don Free Kindergarten
North West Brunswick Kindergarten
East Brunswick Kindergarten
Hartnett House Kindergarten.

Brunswick Free and Denzil Don Free kindergartens have been visited in 1977 and the remaining three centres have been rostered for visits during the current term. The number of children examined in 1976 was 220—approximately fifteen eligible children were not examined. The number expected to be examined during 1977 is 255.

In addition to the above-mentioned kindergartens the Melbourne City Council provides medical examination to the following centres within the electoral district of Brunswick—

Central Carlton Kindergarten
Lady Gowrie Child Centre
North Carlton Kindergarten
Princes Hill Kindergarten
Canning Street Day Care Centre.

Statistics concerning examinations at these centres are not known to the department but the centre would represent approximately 130 children eligible for examination.

HOSPITAL ADMISSIONS IN TRARALGON AND MOE.

(Question No. 2888)

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

What was the number of admissions to Central Gippsland Hospital, Traralgon, and La Trobe Valley Community Hospital, Moe, respectively, for attempted suicides and drug overdoses in 1975 and 1976, and in this year to date?

Mr. JONA (Assistant Minister of Health): The answer supplied by the Minister of Health is—

The number of admissions to the Central Gippsland Hospital for attempted suicides and drug overdoses were—

1975 ..	..	(i) overdose attempts ..	.. 59
		(ii) self-inflicted injuries ..	.. 1
1976 ..	..	(i) overdose attempts ..	.. 42
		(ii) self-inflicted injuries ..	.. 1
1977 to date	..	(i) overdose attempts ..	.. 44
		(ii) self-inflicted injuries ..	.. 8

The number of admissions to the La Trobe Valley Community Hospital for attempted suicides and drug overdoses were—

1975 ..	..	(i) overdose attempts ..	.. 24
		(ii) self-inflicted injuries ..	.. 1
1976 ..	..	(i) overdose attempts ..	.. 27
		(ii) self-inflicted injuries ..	.. 2
1977 to date	..	(i) overdose attempts ..	.. 19
		(ii) self-inflicted injuries ..	.. 1

WERRIBEE POLICE STATION.

(Question No. 2923)

Mr. EDMUNDS (Ascot Vale) asked the Minister of Special Education, for the Chief Secretary—

1. During which hours of each week the Werribee police station is manned, indicating how many officers and policemen are on duty and their respective ranks?

2. What police vehicles are located at Werribee?

3. What other units of the Victoria Police Force regularly visit Werribee, indicating the frequency and duration of visits in each case?

4. What plans are in existence for increasing police services to Werribee?

5. How many cases of suspected arson have been reported and investigated, respectively, in Werribee in this year to date, indicating—(*a*) the location and date of the suspected offence; and (*b*) the outcome of each case?

Mr. SCANLAN (Minister of Special Education): The answer supplied by the Chief Secretary is—

1. The normal operating hours of the Werribee police station are 7 a.m. to midnight Sunday to Saturday inclusive. The station is staffed by one senior sergeant, two sergeants and eleven senior constables on the following basis—

Senior sergeant—9 a.m. to 5 p.m., Monday to Friday.

Day shift (7 a.m. to 3 p.m.)	Afternoon shift (4 p.m. to mid-night)
1 sergeant (five days) ..	1 sergeant (five days including Saturday)
2 to 4 senior constables or constables	2 senior constables or constables

There is also an overlapping shift from 8 a.m. to 4 p.m. Normally, one senior constable or constable is rostered for this shift.

2. One sedan car and one divisional van.

3. Units from the Sunshine Crime Car Squad normally visit Werribee twice daily for approximately one hour on each occasion. Members from the Criminal Investigation Branch at Laverton also work in the Werribee area for approximately thirteen hours each week. Approximately seven of these hours are visits of about one hour each day during daylight hours and approximately six hours are night shift visits spread over three nights each week.

4. There are no plans, at present, to increase police services in the Werribee area.

5. Three cases of suspected arson have been reported in Werribee between the 1st January, 1977, and the 28th October, 1977. Details are—

Location	Date of fire
Vacant house, Werribee Street, Werribee	29th July, 1977
Werribee Tyre Service, Synott Street, Werribee	4th September, 1977
Stockley and Sons, Railway Goods Yard, Werribee	11th September, 1977

In each case inquiries failed to establish whether or not the fire was deliberately lit.

ROYAL DISTRICT NURSING SERVICE.

(Question No. 2928)

Mr. ROPER (Brunswick) asked the Assistant Minister of Health, for the Minister of Health—

In respect of the secondment of staff from the Royal District Nursing Service to community health services, whether the Hospitals and Charities Commission has adopted a policy that—(*a*) these services or the staff should not be provided in community health centres on a long-term basis; and (*b*) when a community health centre position is filled by a member of the service this will be considered as a secondment and there will be no corresponding increase in the service's establishment; if so—(i) why this policy has been adopted; (ii) whether this policy will result in services being withdrawn from the Southern Memorial Community Care Centre, Singleton Community Health Centre (Collingwood), North Richmond Family Care Centre, Maroondah Social Health Centre, Deer Park Community Health Centre, or Fawkner Park Community Health Centre, from 31st December, 1977; and (iii) whether the Government will reconsider its decision so that these services can continue?

Mr. JONA (Assistant Minister of Health): The answer supplied by the Minister of Health is—

(*a*) Yes.

(*b*) Yes.

(i) This policy was initiated at the suggestion of the Royal District Nursing Service and implemented at their suggestion as an interim measure.

(ii) No services will be withdrawn from the above-mentioned centres. Services will be now provided by the appointment of appropriate permanent community health nurses attached to each centre.

(iii) Services will continue.

BALLARAT AND DISTRICT BASE HOSPITAL.

(Question No. 2947)

Mr. ROPER (Brunswick) asked the Assistant Minister of Health, for the Minister of Health—

In respect of the Ballarat and District Base Hospital, whether the meetings between the Hospitals and Charities Commission and the hospital concerning the telex sent by the hospital have concluded; if so, whether additional funds have been provided, indicating how much; if not, when it is expected that an announcement will be made?

Mr. JONA (Assistant Minister of Health): The answer supplied by the Minister of Health is—

A meeting between representatives of the Hospitals and Charities Commission and the Ballarat and District Base Hospital was held on the 24th October, 1977.

No additional funds have been made available to the hospital.

Further discussions will take place in the near future.

REQUEST FOR INTERVIEW.

(Question No. 2957)

Mr. ROPER (Brunswick) asked the Assistant Minister of Health, for the Minister of Health—

Whether the Minister received a request for an interview with Dr. Dean Burk; if so, when, from whom, and why the request was not granted?

Mr. JONA (Assistant Minister of Health): The answer supplied by the Minister of Health is—

Not to the recollection of the Minister.

EDUCATION OF HANDICAPPED CHILDREN.

(Question No. 3017)

Mr. FORDHAM (Footscray) asked the Minister of Special Education—

What time-table has been laid down for meeting the special educational needs of each of the categories of handicapped children for which the Government has accepted responsibility pursuant to recommendation 7 of the interim report of the Ministerial Committee of Inquiry into Special Education?

Mr. SCANLAN (Minister of Special Education): The answer is—

Since 1974 facilities for all forms of educational handicap have been progressively expanded and developed. The department has made possible significant increases in staff to all areas of handicap; has begun systematic regionalization of services for visually handicapped and deaf; and is systematically developing its structures for the educationally retarded.

SPECIAL EDUCATION BUILDINGS.

(Question No. 3020)

Mr. FORDHAM (Footscray) asked the Minister of Special Education—

Why it is in the interests of the children for buildings at Pleasant Creek, Stawell, Janefield, Kew Children's Cottages and Sunbury to belong to the Mental Health Authority, although they are controlled and staffed by the Education Department?

Mr. SCANLAN (Minister of Special Education): The answer is—

Present policy aims at the maximum possible involvement of those charged with responsibility for the care of the handicapped to be closely involved in their education.

In this case Mental Health Authority personnel are *in loco parentis* and are playing an increasingly important role in the total care programme. Working relationships between Mental Health Authority staff and Education Department staff reflect this charge in approach.

Additionally there are significant physical advantages ranging from maintenance staff, attention to buildings at the local level to increased capacity in regard to sources of funds and supplies.

SPECIAL EDUCATION TEACHERS.

(Question No. 3023)

Mr. FORDHAM (Footscray) asked the Minister of Special Education—

Whether the case envisaged in recommendation 3 of the interim report of the Ministerial Committee of Inquiry into Special Education has yet been presented to the appropriate Committee of Classifiers through the Director-General and the directors of divisions with a view to their approval by the Teachers Tribunal; if not, what is the reason for the delay?

Mr. SCANLAN (Minister of Special Education): The answer is—

Since the 1973 report, experience has shown that it is in the best interests of teachers and pupils that a minimum of three years experience is gained before teachers embark upon special education courses. As special education moves progressively towards a greater degree of integration of the handicapped into the regular school stream, the wisdom of this decision becomes more apparent.

SPECIAL EDUCATION COURSES.

(Question No. 3025)

Mr. FORDHAM (Footscray) asked the Minister of Special Education—

Whether the attention of tertiary institutions has been drawn to recommendation 4 of the interim report of the Ministerial Committee of Inquiry into Special Education, that eligibility for courses in special education should be extended to include teachers in pre-schools and post-primary schools; if not, what is the reason for the delay?

Mr. SCANLAN (Minister of Special Education): The answer is—

Final selection of teachers to undertake special education training rests with the colleges and universities providing training courses. These institutions are autonomous, and are thus able to influence the extent to which courses are offered in all areas of teaching services. Without exception courses have been made available to the full range of teachers depending on the qualificatons and suitability of the applicants.

Departmental teachers released for training have included primary, secondary and technical staff.

The pre-school area is not an Education Department responsibility.

VISITING TEACHER FOR THE DEAF SERVICE.

(Question No. 3035)

Mr. FORDHAM (Footscray) asked the Minister of Special Education—

1. How many teachers and what services are currently provided by the Visiting Teacher for the Deaf service in Gippsland?

2. What additional staff and services are to be provided in 1978?

Mr. SCANLAN (Minister of Special Education): The answer is—

1. Two. Children who have a hearing impairment and are attending regular schools are visited by a teacher of the deaf in accordance with recommendations of the Ascertainment Committee for Deaf Children.

2. It is not planned to increase the staff numbers in 1978 as the needs (of hearing impaired children) as recommended by the ascertainment commitee, are being met by current services.

SPECIAL EDUCATION COURSES.

(Question No. 3043)

Mr. FORDHAM (Footscray) asked the Minister of Special Education—

On what date the decision was taken to reject recommendation 16 of the interim report of the Ministerial Committee of Inquiry into Special Education referred to in answer to question No. 2515, given on 18th October, 1977, indicating who made the decision and for what reasons?

Mr. SCANLAN (Minister of Special Education): The answer is—

The present policy of allocating study leave is consistent with recommendation 16 with the proviso that the awards are granted to the maximum number of suitable applicants.

Legislative Council.

Thursday, November 17, 1977.

The PRESIDENT **(the Hon. W. G. Fry)** took the chair at 10.35 a.m. and read the prayer.

ABSENCE OF MINISTER.

The Hon. V. O. DICKIE (Chief Secretary): The Minister for Local Government is on his way to the House. If he is not here for question time he will be available to answer questions before lunch.

QUESTIONS WITHOUT NOTICE.

FISHING IN RESERVOIRS.

The Hon. H. R. WARD (South Eastern Province): My question is directed to the Minister of Water Supply. As fishing and angling has been a great sport since biblical times it seems to me that the Melbourne Metropolitan Board of Works, and State Rivers and Water Supply Commission should not have laid down restrictions regarding anglers using reservoirs. I know this relates to the E.coli count, but could the Minister comment on the possibility of a public relations exercise being conducted to help satisfy anglers concerning the use of reservoirs?

The Hon. F. J. GRANTER (Minister of Water Supply): The matter comes under the consideration of both the Melbourne and Metropolitan Board of Works and State Rivers and Water Supply Commission regularly. The Melbourne and Metropolitan Board of Works has an almost closed policy on recreation on water storages. That is probably well founded because if facilities were made available for recreational boating or fishing it is possible that a treatment plant would have to be installed which would be very costly and would result in a rise in the cost of water to the consumer.

In the State Rivers and Water Supply Commission areas, such as Lake Eppalock and Tarago, which is probably the area Mr. Ward was referring to, fishing and recreational facilities have been provided in the past. However, the E.coli count in some of these reservoirs has increased considerably and causes a lot of worry to the State Rivers and Water Supply Commission and the Department of Health.

I will consider a public relations exercise. Mr. Ward has made representations to me on behalf of anglers

in the Gippsland area, and I hope to do something along those lines soon.

LOCAL GOVERNMENT VALUATIONS.

The Hon. K. I. WRIGHT (North Western Province): Proposals have been made that valuations for local government should be indexed by computer. Earlier the Minister for Local Government advised that a departmental head was going to New Zealand to make inquiries into this subject. Has anything resulted from that visit and what stage have investigations reached?

The Hon. A. J. HUNT (Minister for Local Government): Yes, the Valuer-General visited New Zealand and studied the system in operation there and was involved in the preparation of a working paper but his attention has been somewhat diverted of late because of the need to attend daily at another inquiry. This has held up production of the working paper. It is hoped that in the not-too-distant future the working paper will be available for general comment.

SALMONELLA OUTBREAK.

The Hon. W. A. LANDERYOU (Doutta Galla Province): My question to the Minister of Health relates to the outbreak of salmonella in egg pulp. Is it a fact that the company involved was not fully co-operative with the officers of the Department of Health? If so, what action has the Minister taken to ensure co-operation and that the company will be prosecuted?

The Hon. W. V. HOUGHTON (Minister of Health): It is true that the company involved, or its distributors, were not fully co-operative because they attempted to conceal the places in which the contaminated egg pulp was held. It is extraordinary in relation to the contamination of food how slow some businessmen are to realize where their own best long-term interests lie. It does not take very long to persuade them. Prosecution is a long, slow process and the urgency of the situation demands swifter action than the course of law. There is a long-term possibility that where they are acting illegally they should be subject to the law, and I agree with that, but in the short term rapid seizure of the contaminated goods is necessary. There are ways of doing that and that is what is being done.

WATER SHORTAGE.

The Hon. D M. EVANS (North Eastern Province): Is the Minister of Water Supply aware that due to the current dry season it is likely that there will be water shortages in the Ovens River above Myrtleford and, therefore, will he agree to ensure that the maximum pumping takes place from the Harrietville dredge in order to meet the needs of diverters for stock and other purposes in that stretch of the Ovens River?

The Hon. F. J. GRANTER (Minister for Water Supply): I do not have the answer to that question on tap. I will certainly look at the quantities available and the demand and notify the honorable member.

FINANCIAL ASSISTANCE TO GRAPE GROWERS.

The Hon. F. S. GRIMWADE (Bendigo Province): I direct my question to the Leader of the Government in this House. Roughly a fortnight ago, on Saturday week, there was a severe frost in central Victoria which I believe damaged grape vines in that area so severely that the crops for this year could be a total write-off. Will the Government consider giving financial assistance to those growers on the same basis as if their crops had been destroyed by fire or flood?

The Hon. V. O. DICKIE (Chief Secretary): Yes, the Government will consider situations such as this, and is doing so continually. Disasters which occur in the community are highlighted only if they are extensive. Disasters to one person can be just as extensive as if half of

Victoria was involved. Procedures and guidelines to be followed are available to either individuals or large numbers of people who are vetted by a committee within the Premier's Department. I can assure Mr. Grimwade that if those people make the necessary representations through the municipality they will be given full consideration.

SEWERAGE WORKS.

The Hon. I. B. TRAYLING (Melbourne Province): In view of the expressed concern of the Environment Protection Authority about the proliferation of unsewered allotments in Victoria and the complete wipe out of that priority on the provision of funds by the Federal Government and the fact that there is no increase in the State Budget in real money terms, can the Minister of Water Supply inform the House what he proposes to do about, firstly, arresting the proliferation of unsewered allotments in Victoria and, secondly, to the nearest decade, what is the target date for overcoming the sewerage backlog?

The Hon. F. J. GRANTER (Minister of Water Supply): If I may answer the last question first, I have not a crystal ball and cannot anticipate what funds will be made available. However, I assure Mr. Trayling, as I have done in this House before, that every endeavour will be made by the Government to overtake the backlog in sewerage in both metropolitan and country areas of Victoria. From discussions that I have had with the Melbourne and Metropolitan Board of Works, it appears that this year approximately 14,000 tenements will be sewered. That will assist greatly, but the backlog will not be overcome in four or five years. However, I hope by that time we will be nearer the mark. I share the concern of Mr. Trayling on this matter, and have made strong representations to the Federal Government for funds to overcome the backlog.

BEACH REPORT.

The Hon. R. J. EDDY (Thomastown Province): I address a question to either the Attorney-General or the Chief Secretary, relating to the numbers of members of the Police Force who were required to appear in court on charges arising from the Beach report. As all those members, except one, have now been cleared, will the responsible Minister lay on the table of the House the report of Mr. Beach and his recommendations?

The Hon. HADDON STOREY (Attorney-General): The honorable member's information is incorrect. Two policemen still have to face charges in this matter. Also there is a petition to the Full Court, and the question of a rehearing of the trial which was ordered by the Full Court. All those matters must be taken into account in assessing whether the original reasons for not tabling the report still apply.

Although it would be a matter for the Chief Secretary whether the report should be tabled, I am prepared to consider with the Chief Secretary all aspects of the affair. I reiterate what I said and what I believe the Chief Secretary has said before, that until there is no longer a danger of prejudicing the officers who have to face trial in the matter, the report will not be tabled but that once the danger is over the report should be tabled.

PUBLIC REVENUE.

The Hon. J. W. GALBALLY (Melbourne North Province): I wish to move the adjournment of the House for the purpose of discussing the failure of the Government to protect the public revenue.

The Hon. HADDON STOREY (Attorney-General): I rise to a point of order in relation to the motion for the adjournment of the House that Mr. Galbally has just moved. Mr. President, I submit that you should rule the motion out of order as not complying with the Standing Orders which require that the member moving a motion for adjournment should state in writing the subject to which he proposes to speak, and that the debate shall be strictly confined to the subject so stated. I refer

to Standing Order No. 53 which requires that there should be a subject specified in the motion and it should be such a subject that the debate can be strictly confined to the subject so stated. In other words, it needs to be something which has definable limits and bounds, so that the debate can be kept within those limits, and so that you, Sir, are able to determine whether or not members comply with the requirement to be relevant and to stay within the limits of the subject defined and, indeed, so that honorable members generally can have some understanding of what is sought to be discussed and debated under the motion.

It is true that any honorable member can give a notice of motion and define what is to be debated, and that that can be debated on the following day. Motions for the adjournment of the House ought to be confined to matters of important and urgent public business that require the forms of the House or the orders of other business before the House to be postponed. Recently the motions for the adjournment of the House that have been put forward have been becoming vaguer and vaguer, so that from the motion circulated it is impossible to know what is proposed to be debated. This reaches the ultimate.

I suggest that perhaps Mr. Galbally has failed to complete the motion. He might have said, "Failure of the Government to protect the public revenue", then set out some of the matters he wanted to bring before the House.

This motion covers the whole field of Government administration. It covers every Ministry in this Government and the whole of Government activity. It covers matters in the Appropriation Bill and all the supply Bills that come before this House. It would be impossible for you, Mr. President, to confine the debate in any way within the limits of this motion, and it is quite impossible for an honorable member to know what will be discussed. It does not enable the House to confine its attention to some urgent, definite matter raised before the House for debate. For those reasons I believe this motion should be ruled as being so widely expressed and so vague that it does not come within the Standing Orders. It should be ruled out of order.

The Hon. J. W. GALBALLY (Melbourne North Province): On the point of order, without resiling from the point that this motion for the adjournment of the House is in order, to satisfy the Attorney-General and the House, I shall, with the leave of the House, amend my motion to read, "the failure of the Government to protect the public revenue in relation to Housing Commission land sales at Sunbury, Melton and Pakenham".

The Hon. V. O. DICKIE (Chief Secretary): On the point of order, I think Mr. Galbally has just made the most amazing explanation I have ever heard in this House. The Attorney-General has given learned reasons why this motion should be ruled out of order. What honorable member in this House has any idea of what the motion is about? Not one person in this House knew that, until Mr. Galbally, in trying to give some reason, added words. Those added words should have been in the original motion. If they are not there, that provides still stronger reasons for the motion being ruled out of order.

The PRESIDENT (the Hon. W. G. Fry): Order! The relevant part of Standing Order No. 53 reads—

> The member moving the adjournment shall state in writing the subject that he proposes to speak to, and the debate shall be strictly confined to the subject so stated.

The subject he proposes to speak to is the operative part of the Standing Order. In another place, the relevant Standing Order is more specific. It contains the words, "a definite matter of urgent public importance". In this place the Standing Order is much wider. The matter "to protect the public revenue", as stated in the motion, is undoubtedly a subject fit

for discussion. I admit that its ramifications take in the whole sphere of Government. In fact, I had written a note when I was proposing to declare this motion in order before I heard the discussions by the Attorney-General, that I would ask the honorable member to be more specific in the matter. I believe the matter is in order and should proceed. I am glad that Mr. Galbally made the statement that he did and has received leave to add the words, which I have written down, and to which matter I shall confine the debate.

The Hon. O. G. JENKINS (Geelong): I raise a further point of order.

The PRESIDENT (the Hon. W. G. Fry): It must be something different.

The Hon. O. G. JENKINS: It is a different point of order, which has to do with the subject of motions and the rule of anticipation. I submit for your consideration, Sir, that there is a more appropriate means of dealing with this motion. Originally the motion was drawn in extremely wide terms, and Mr. Galbally has now sought to limit the terms of the motion to deal with a more particular item.

The nineteenth edition of *Erskine May's Parliamentary Practice* at page 371, reads—

> Motions and the rule of anticipation.—A motion must not anticipate a matter already appointed for consideration by the House (*u*), whether it be a bill or an adjourned debate upon a motion.

Further down the page more details are given about rulings on this matter and in particular rulings in the House of Commons. It reads—

> Stated generally, the rule against anticipation (which applies to other proceedings as well as motions) is that a matter must not be anticipated if it is contained in a more effective form of proceeding than the proceeding by which it is sought to be anticipated (*a*), but it may be anticipated if it is contained in an equally or less effective form. A bill or other order of the day is more effective than a motion; a substantive motion more effective than a motion for the adjournment of the House or an amendment.

I refer to the Notice Paper of the Legislative Council of this day. The first Order of the Day under Government Business is the Probate Duty Bill which is an explanatory second-reading speech. If the House follows its usual form, the debate of that Bill will probably be adjourned until the next day of meeting. Item No. 2 under Orders of the Day (Government Business) is the Appropriation (1977-78, No. 1) Bill, from the Assembly, introduced by the Honorable V. O. Dickie, Chief Secretary. The Honorable I. B. Trayling has the call in the debate.

Mr. Galbally's motion was originally drawn in extremely wide terms. There are two matters that traditionally come into this House upon which honorable members are allowed by practice, to speak on any subject. The first is the Address-in-Reply to the speech of His Excellency The Governor, and the other is the Appropriation and Supply Bills. I submit that any honorable member has adequate opportunity to this very day, to debate the matter that has been submitted by Mr. Galbally, as it is the Government's intention, after the second reading of the Probate Duty Bill, to proceed with the Appropriation (1977-78, No. 1) Bill. In those circumstances I submit that the motion ought to be ruled out of order in accordance to the matters to which I have referred.

The PRESIDENT (the Hon. W. G. Fry): Order! Mr. Jenkins has raised a new matter to the one I had looked at. I do not propose to pronounce on such an important issue in two seconds. I shall, therefore, resume the chair on the ringing of the bells, after I have retired and examined the matter.

The Hon. A. J. HUNT (Minister for Local Government): Before you retire, Mr. President, there is a further point that should be raised.

The PRESIDENT: If it is a point of order I am prepared to hear it.

The Hon. A. J. HUNT: As I understand the rules, the same matter may not be debated twice during the same session of Parliament. At the beginning of this sessional period the Leader of the House made a detailed statement on Housing Commission land transactions. There was detailed debate on that subject, and every matter that can now be raised in connection with the adjournment motion, as amended, has been canvassed during that debate. It should be impossible for honorable members to debate the same matter twice in the same sessional period. The nineteenth edition of *Erskine May*, at page 558, states—

> When a bill has been rejected, or lost through disagreement, it should not, according to the practice of Parliament, be reintroduced in the same session. This is involved in the general rule that the same question should not be twice offered.

The Hon. V. T. HAUSER (Nunawading Province): I raise a further point of order. The Leader of the Opposition has moved an adjournment motion and two points of order have been raised against it. I merely ask: If the adjournment motion is allowed to proceed, considering that the statement by the Leader of the Opposition has limited the original scope of the proposed adjournment motion, can any member of the House virtually discuss any matter concerned with State finance, or is debate limited to Housing Commission matters only?

The PRESIDENT (the Hon. W. G. Fry): There is no point of order. I may reply to that question when I deliver what I have to say on the other matters. In the meantime, I do not know whether Mr. Galbally has anything to say on the points of order raised before I retire.

The Hon. J. W. GALBALLY (Melbourne North Province): No, Mr. President.

The PRESIDENT: I shall resume the chair on the ringing of the bells.

The sitting was suspended at 11.4 *a.m. until* 11.29 *a.m.*

THE PRESIDENT (the Hon. W. G. Fry): Order! I have considered the questions raised by honorable members. On the question of anticipation I note that public revenue as a whole is set out on pages 3 to 5 of the Appropriation (1977–78, No. 1) Bill and as such covers every facet of public revenue.

On the more detailed question, when Mr. Galbally added certain words to his motion, I point out that the Ministry of Housing expense forecast is detailed on page 123 of the Bill and sets out the details applying to the specific area on which Mr. Galbally said he would speak. On the original motion as moved by Mr. Galbally, I therefore rule that the matter is out of order because all the items could be effectively covered when dealing with the Appropriation (1977–78, No. 1) Bill, which is set down on today's Notice Paper for early discussion.

In its amended form, under the estimates for the Ministry of Housing, the Opposition has an equally effective means of attacking the Government. The Opposition has the right to move censure and can do it in a more effective form, in my opinion, by voting for the rejection of the total appropriations for the year 1977–78 as set out in the Appropriation Bill.

I have examined the Minutes of the Proceedings of the Legislative Council for 7th September, 1977, and on the matter raised by the Minister for Local Government, the Council decided as follows—

> 3. MINISTERIAL STATEMENT — HOUSING COMMISSION LAND TRANSACTIONS.—The Honorable V. O. Dickie moved, That This House take note of the Ministerial Statement relating to Housing Commission land transactions.
>
> Debate ensued.
>
> The Honorable I. B. Trayling moved, as an amendment, That the following words be added to the motion—" and arising out of the contents of the statement are of the opinion that the Minister for Local Government and the Chief Secretary deserve the strongest censure for their incapacity in

administration when holding the portfolios of Minister for Planning and Minister of Housing, respectively".

Debate ensued.

Question—That the words proposed to be added be so added—put.

The Council divided.

On the division, the amendment was defeated by 21 votes to 10.

I therefore rule that this matter has been before the House and a decision has been given thereon. Accordingly, it would be irregular to bring the same subject before the House again, even though a different vehicle has been sought to be employed on this occasion.

On both these points I find that my decision to allow Mr. Galbally to proceed cannot be sustained, and I rule that the points of order raised by Mr. Jenkins and the Minister for Local Government are admitted.

QUESTIONS WITHOUT NOTICE.

PREFERENCE FOR VICTORIAN MANUFACTURERS.

The Hon. J. M. WALTON (Melbourne North Province): I ask the Minister for State Development and Decentralization, in view of the serious unemployment in provincial centres and country areas in Victoria, particularly in cities like Geelong, whether he will prevail on his colleague, the Minister of Public Works in another place, to give preference to Victorian carpet manufacturers when accepting tenders for work in State Government departments?

The Hon. D. G. CROZIER (Minister for State Development and Decentralization): Any measure that can be taken by the Victorian Government to assist Victorian manufacturers will always be considered sympathetically by my department with a view to recommending them to the Government and the Minister concerned.

I will have the question raised by Mr. Walton examined and provide him with a reply in writing when I have received the response of my colleague, the Minister of Public Works.

LAND FOR RECREATIONAL PURPOSES.

The Hon. J. M. WALTON (Melbourne North Province): Is the Minister for State Development and Decentralization now able to inform the House whether he believes sufficient land has been purchased for recreational purposes around the Hume reservoir to cater for the needs of the projected population of about 150,000 in the Albury-Wodonga complex?

The PRESIDENT (the Hon. W. G. Fry): Order! The question calls for an opinion. It is up to the Minister whether he wishes to answer it.

The Hon. D. G. CROZIER (Minister for State Development and Decentralization): I am quite prepared to examine the question, as I have assured the House on a previous occasion. I am not yet in a position to advise Mr. Walton of the result of that examination by my department. When I can, I will do so.

STATUTE LAW REVISION COMMITTEE.

STATUTE LAW REVISION BILL 1977 (No. 2).

The Hon. F. S. GRIMWADE (Bendigo Province) presented a report from the Statute Law Revision Committee upon the proposals contained in the Statute Law Revision Bill 1977 (No. 2), together with an appendix and minutes of evidence.

It was ordered that they be laid on the table, and that the report and appendix be printed.

PAPER.

The following paper, pursuant to the direction of an Act of Parliament, was laid on the table by the Clerk—

Health—Report of the Commission of Public Health for the year 1976–1977.

PROBATE DUTY BILL (No. 2).

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

That this Bill be now read a second time.

The primary purpose of the Bill is to implement the announcement made in the Budget speech that the Government would abolish probate duty on all property passing to the children of a deceased person. This will apply to the estates of persons dying on or after 1st January, 1978, and the cost of the proposal is estimated in a full year to be $36 million.

As indicated in the Budget speech, the Government has adopted a policy of the total abolition of probate duty as soon as possible. This Bill marks the second stage in that policy. The first stage was completed last year with the abolition of duty on property passing to the surviving spouse.

There is one aspect of the legislation that was passed last year to which I should make special reference. In that legislation, a new section 10A was introduced into the Probate Duty Act. That section covered the situation where the surviving spouse was left a limited interest in property, the most common example being a life interest in the family home. The section is now being repealed as from 1st January, 1978, for a number of reasons.

Firstly, in most cases where a life interest is left to the surviving spouse the remainder interest is left to the children of the deceased and the section would become largely inoperative in any case. Secondly, with a policy of the abolition of probate duty now adopted by the Government, it would be undesirable to create a situation of Crown debts continuing under section 10A for years after probate duty was abolished. Thirdly, some technical difficulties had arisen under the section, particularly in regard to section 14 certificates, although steps for their resolution were well in hand.

The new provisions in this regard will operate as follows. For the estates of persons dying on or after 1st January, 1978, where a limited interest is left to a spouse or child of the deceased, the limited interest and the remainder interest will be separately valued, duty will be assessed accordingly and payable in the usual way. In addition, for the estates of persons dying between 1st October, 1976, and 31st December, 1977, where a limited interest is left to the surviving spouse, the administrator of the estate, with the consent of the spouse, will have the choice of electing to have duty calculated in accordance with section 10A as it now stands or on the new basis. Where this means a reopening of cases already finalized this will be done, and if any refunds of duty are involved they will be made.

The policy that lay behind section 10A was commendable and was quite clear, that is, to avoid the situation where the spouse of the deceased had to dispose of a major asset, e.g. the family home, in order to pay duty on the remainder interest. However, in the light of the Government's policy to abolish probate duty, the new provisions are more appropriate for the reasons I have already outlined.

Apart from consequential changes associated with the implementation of the Budget policy the Bill includes a number of additional matters, all of which operate for the benefit of the taxpayer.

A new and separate scale of duty has been introduced for Victorian assets included in the estates of persons dying domiciled outside Victoria. Until now, duty has been calculated on the basis of the entire estate of the deceased wherever assets are situated. This procedure has involved much time and effort in obtaining information about those assets and the position has become more difficult now that probate duty has been abolished totally in one State and in part in others. The new procedure will facilitate the administration of the Victorian assets and follows similar provisions which already operate in New South Wales and Western Australia.

The deduction from the final balance for superannuation benefits payable to the surviving spouse, children under the age of 21 years or children under 25 who are full-time students, has been extended in the Bill to include benefits payable to any child of the deceased irrespective of age.

The maximum allowance for funeral expenses is increased in the Bill from $160 to $700. The rates for quick succession are doubled.

Two changes have been made to the section 24 rebates in respect of bequests of land, stock and plant used for primary production. Firstly, the definition of primary production has been extended to include the business of forestry because the existing exclusion had discouraged land owners in suitable locations from establishing commercial timber crops. Secondly, the definition of persons who are related by blood or marriage to the deceased has been changed. Two anomalies now exist. Daughters-in-law and sons-in-law are not included yet other persons more remotely related to the deceased are, for example, children of a brother or sister of the spouse of the deceased. In addition, although brothers and sisters of the spouse of the deceased are included, spouses of brothers and sisters of the deceased are not. Provision to remove these anomalies is included in the Bill.

New provisions are included to provide for relief in situations where the payment of duty will cause hardship. The existing provision in the legislation is very limited and unsatisfactory, particularly in present economic conditions. New arrangements for relief in cases of hardship are proposed. Where the amount of duty involved does not exceed $1,000 the commissioner is empowered by the Bill to provide relief. For larger amounts of duty a hardship relief board comprising the director of finance, the commissioner and a third member is established.

The new hardship provisions come into operation on 1st January, 1978, but their application will not be limited to the estates of persons dying on or after that date.

Finally, a new exemption is included to cover bequests to municipalities. An explanatory memorandum covering each clause of the Bill has been provided for the benefit of honorable members.

This Bill makes far-reaching changes to the probate duty laws of this State. It makes the Government's policy for the abolition of probate duty as far as is possible at the present time within the limits of budgetary responsibility. In addition, a number of significant benefits that will contribute to the further easing of the burden of probate duty, and which will provide for relief in cases of hardship, have been introduced, and I am pleased to 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 Tuesday, November, 22.

WATER SUPPLY WORKS AND SERVICES BILL (NO. 2).

The debate (adjourned from November 8) on the motion of the Hon. F. J. Granter (Minister of Water Supply) for the second reading of this Bill was resumed.

The Hon. I. B. TRAYLING (Melbourne Province): This is a disappointing Bill. At first sight, it might seem that the amount of money involved is large, but I am sure that the Minister will concede that nothing could be further from the truth. The Bill makes provision for expenditure on water supply, drainage, sewerage and so on. All these matters come within the jurisdiction of the Minister of Water Supply and it is a matter of some concern to the Victorian community that inadequate finance is being made available to

overcome the backlog problems and deferred works, let alone to keep pace with existing contemporary needs.

The Bill provides a sum of money which, in real terms, has not increased over the allocations of the previous year, or the year before that. The State is going backwards. In country Victoria, the extent of deferred water supply and sewerage works over the past few years has risen by 400 per cent, or more than $100 million. The financial burden on municipalities, water trusts and sewerage authorities throughout Victoria is becoming untenable, and there is no light at the end of the tunnel from the Victorian Government. Clearly, the provision of water supply and sewerage services, the backlog and the increasing extent of deferred works have a very low priority with this Government. Our colleagues in the National Party will be more acutely aware of this than anyone else.

As I have travelled around country Victoria, from the cities to the large towns and small towns, and talked with people at municipal level and at the larger centres of population, I have noticed a depressed feeling about the lack of concern by the Victorian Government for the provision, maintenance and upgrading of water supply and sewerage services. As I said, there is no light at the end of the tunnel; the State is going backwards.

I instance a recent situation in the township of Macedon where there has been quite a controversy about a new plan, which is on exhibition at the moment, for a sewerage system. In fact, the council finally voted against the installation of a sewerage system because of the cost involved. It would have been an enormous penalty on the township. It is a tragedy that, in 1977, a significant town like Macedon has had to vote against providing a sewerage system because it cannot cope with the financial burden. What did the Victorian Government do to assist? It did nothing, apart from the promise to subsidize interest rates beyond 3 per cent, which the Government has been doing for years. This is not good enough and so the people of Macedon are doomed to eternity to keep their pots and pans.

For health reasons alone, one would have thought that the Victorian Government would have shown some concern about the provision of sewerage systems. It certainly has not indicated much concern about the quality of water in country Victoria. Sooner or later, there will have to be an accounting of the enormous and increasing indebtedness on the provision of sewerage and water services and also the Government's failure to keep pace with necessary works for those services. The State is in a regressive situation; it is going backwards with no indication at all from the Government that it has any plans for changing its thinking.

In response to a question that I asked earlier today—I appreciate the difficulties of the Minister's position—the Minister of Water Supply was unable to tell me that in the foreseeable future there was a possibility of coping with the sewerage backlog even in Melbourne. For some years, I have forecast in this House that the Government will not have that problem fixed until some time in the next century. Time will prove me right. The Government's Federal colleagues are not prepared to provide money to catch up with the sewerage backlog whereas the previous Federal Government provided tens of millions of dollars. Accordingly, there is no hope at all.

In conclusion I repeat that this is a very disappointing Bill which offers no hope to those people who are concerned with the provision of sewerage and water supply services and the quality of those services.

The Hon. K. I. WRIGHT (North Western Province): This is the annual Water Supply Works and Services Bill which is introduced into Parliament. This year's Bill provides an allocation of $70 million for works

of country water supply, drainage, sewerage, flood protection and river improvement. Under the Bill, the proposed expenditure during 1977–78 is $47·75 million.

The North Western Province has two main varieties of agriculture. There is farming, mainly dry farming, and more than 70 per cent of the wheat produced in Victoria comes from the province. With irrigation, the province produces 98 per cent of the Victorian dried fruit and more than 90 per cent of the State's citrus production.

It is appreciated that irrigation is dependent on water storages. These are most important because Australia is obviously the world's driest continent. Indeed, thirteen rivers of the world individually have a greater outflow of water into the sea than all of Australia's rivers put together. Victoria has some excellent water storages such as the Hume, Eildon and Dartmouth, which also supply New South Wales and South Australia. Members of my party were delighted that in the past few weeks the Dartmouth dam has started to fill. When eventually completed, it will have a 4 million megalitre capacity. I commend the Minister of Water Supply and other Ministers who were responsible for arranging the visit by Parliamentarians earlier this year to Dartmouth dam, which enabled honorable members to examine the huge scope of the project.

It is vital for the State at this time to be planning its next storage. Some influential statements have emanated from various quarters that another water storage will not be constructed in the foreseeable future. I trust that, in the Committee stage, the Minister will refute that statement. The agreement which led to the construction of the Dartmouth dam provided that the Chowilla dam would be the next storage built. This dam would extend from upstream of Renmark almost to Wentworth at the junction of the Darling and Murray rivers.

There are arguments for and against the construction of the Chowilla dam. In its favour, probably the main fact is that a large quantity of the water which currently flows to waste in the sea would be stored. Further, a considerable amount of labour would be used in its construction, which would greatly benefit the surrounding areas. Undoubtedly, the Minister of Tourism would appreciate the tremendous tourist potential of such a large waterway in this area.

There are also strong arguments against the building of the Chowilla dam, the main one being that it would increase the salinity problem upstream of Chowilla in that the monthly entitlement of South Australia would not be flowing down past Swan Hill and Mildura. The other point of view is that the average depth of the Chowilla dam would not be great and therefore evaporation and seepage would be excessive. My view, which I know is shared by many people, is that it would be advisable to renegotiate the agreement so that the next dam is built in the headwaters of the River Murray or its tributaries. It has been suggested that the greater Buffalo dam should be constructed.

The Hon. A. K. BRADBURY: That would hold up to 1 million acre-feet of water.

The Hon. K. I. WRIGHT: This dam would be a great benefit to Victoria and also to New South Wales and South Australia. The bulk of the expenditure provided in the Bill will be devoted to the Dartmouth dam, but I now move on to the expenditure on water supply facilities and water quality.

Newspapers published in areas along the River Murray have indicated that in this dry year, which is rapidly turning into drought conditions, underground saline water is flowing in increasing quantities into the River Murray and increasingly bringing about a poor quality of water.

In fact, the area is getting upwards of 500 to 800 parts per million of salt in the water.

Various committees have made representations to the local members and to the Minister of Water Supply. The Minister will have met Mr. Eric Orton of Nangiloc and Mr. Dudley Marrows of Mildura on one of the many deputations that he has received. It has been claimed that probably three things could be done. In principle, it has been suggested that a quantity of water will seep down the River Murray through the system to the sea. This will have to happen and it is regrettable, but it is just a matter of reducing the quantity as much as possible. The second suggestion is that better irrigating practices will need to be utilized. Thirdly, a quantity of saline water needs to be taken into inland basins.

Once again, my colleague, Mr. Bradbury, and members of the Public Works Committee have spent a great deal of time inquiring into the best course of action. It has been suggested that saline water could be taken from Lake Tutchewop to Lake Tyrrell but that proposal needs deep consideration before being agreed to. I am somewhat concerned that it seems to have acceptance in Water Commission circles and perhaps the Minister could explain whether that is so.

The Public Works Committee recently recommended that tube wells should be built between Merbein and Mildura to help alleviate the salinity problem there. The Premier said that if the Public Works Committee made a favourable decision on that matter the project would receive the highest priority for funds. The committee approved the proposal and it is disappointing to see that the allocation amounts to only $810,000, which is a small amount considering the benefit that would be provided all along the river.

The Premier is now negotiating with the Commonwealth Government to have it share in the costs. Rather than this, the project should be given a high priority and should be allocated State funds without waiting for a final decision from the Commonwealth because that Government has already rejected approaches from the State for sharing costs, although the Minister has advised that the Commonwealth may be persuaded eventually to join in and share some of the costs of alleviating the problem of salinity along the whole length of the river.

The next subject with which I shall deal is the tremendous advantage to be gained by pipelining the entire water supply system in the north-west, particularly in the Wimmera and Mallee areas. This House and the Minister, in particular, would be well aware of the great success of the Millewa stock and domestic water supply. The Bill allocates $50,000 for this system. That amount will be the final allocation and will be used to conclude the project. The farmers utilizing water from the scheme praise it highly, and its success should encourage the Government to initiate more projects of this kind.

The pipelining schemes in the Red Cliffs, Merbein and Nyah districts are partially completed, but only $330,000 has been allocated to them in the Bill. That amount is being used only at Nyah and no allocation has been directed to Merbein or Red Cliffs. I ask the Minister whether further moneys could be made available so that the schemes at Red Cliffs and Merbein can go ahead.

The First Mildura Irrigation Trust, which the Minister will visit next February, has put forward a proposal asking for increased funds so that pipelining can be carried out in its area. It has explained that there would be large savings in the operation and maintenance of existing channels and the cost of pumping and dealing with seepage losses. The savings pipelining would bring the amount to $66,000 a year, at least, and a saving of that size should make an increased allocation an attractive

proposition. The saving in water would be 6,785 megalitres a year and the expedition of the construction of pipelines would boost employment in an area that has more than 10 per cent unemployment at present, which is probably one of the highest unemployment figures in the State.

I now deal with sewerage and water supply works. Members of the National Party realize that metropolitan areas have been short of funds for these purposes but country Victoria is being starved of such funds. The services are deteriorating constantly and will ultimately require greater expenditure than if that expenditure were undertaken now. Representations have been made to the Minister concerning areas such as Swan Hill, Wedderburn, St. Arnaud, Mildura and Nhill. The Swan Hill Water Trust and Sewerage Authority has drawn my attention to the fact that although Government assistance to the Water Commission has increased by 24 per cent, the allocation for Government works and services has been increased by only 5 per cent. On that basis I make a plea for country sewerage and water supply works.

Members of the National Party support the Bill. I repeat that 30 years ago water supply was an important part of Government expenditure but over the years it has been downgraded progressively.

The Hon. N. B. REID (Bendigo Province): I support the Bill and take this opportunity of complimenting the Minister of Water Supply on presenting such a fine Bill under difficult circumstances. It allocates $70 million and authorizes expenditure for 1977–78 of $47·5 million, and I am delighted that a substantial amount of those funds will be spent within the Bendigo Province.

That province extends to the northern irrigation areas, including the Murray-Goulburn Irrigation District, and stretches to Clunes in the south. It therefore embraces a broad spectrum of agricultural pursuits.

The Murray-Goulburn Irrigation District will receive $1·7 million, which will be spent principally in the Tatura area on a construction programme to upgrade channel work and provide additional facilities. A further amount of $1·2 million has been allocated for expenditure on irrigation and drainage work in that irrigation district and $550,000 has been allocated to provide housing for additional water bailiffs.

Last Friday night I had the great pleasure of attending a dinner conducted by members of the public service association at Rochester in company with Mr. Ian Helman, the District Office Manager of the State Rivers and Water Supply Commission, and I was able to meet many of the water bailiffs who carry out a valuable service in the Murray-Goulburn Irrigation District. They are a fine body of men and we were able to discuss many of the problems they face.

The drainage and irrigation allocation of $850,000 to be spent in groundwater extraction and improved surface drainage in the area is mainly to assist in the control of salinity, which is an enormous problem in the northern areas. It is an increasing problem not only in irrigation areas but in many other areas and is extremely difficult to solve.

I was delighted to read that the three State Ministers of Water Supply—Mr. Granter, representing Victoria; Mr. Gordon, representing New South Wales, and Mr. Corcoran from South Australia—at a recent meeting with the Commonwealth decided as a matter of urgency that a report would be prepared within six months to outline action to be taken to remedy and mitigate salinity and drainage problems in the Murray Valley on a total catchment basis. It was decided that the consultants would review all previous reports and update them—and there have been many previous reports. As a result of that they will

recommend priorities for remedial works on an over-all river basis. It is pleasing that the three States have met with the Commonwealth and agreed that action must be taken urgently.

I recently had a discussion on the salinity problem with Mr. Gyn Jones at the Kerang research farm. This farm is well known in the northern irrigation areas and is conducted by a committee of management under the direction of the Department of Agriculture. It has conducted experimental work on various perennial pastures, such as wheat grass and lucerne, using a mixture of saline water that has a concentration of 800 parts per million of salt to encourage these grasses to grow under saline conditions.

To date the results of those experiments have been most encouraging and are being achieved with saline mixtures that have even higher concentrations of salt than 800 parts per million. The stock that graze on the pasture are doing well. In fact, apparently they also like a little salt on their vegetables because they are attracted to the grasses grown on the saline pastures, and one of the problems faced by the staff at the farm is that they have difficulty in keeping the stock away from the area so that it will not be overgrazed.

The Soil Conservation Authority published a pamphlet, which was forwarded to me by Mr. David Elvery, who is the district officer of the authority in Bendigo, that dealt with the salting of soil on non-irrigated land and the reclamation of saline-affected land in Victoria. The pamphlet states—

> Reclamation by controlled irrigation to wash out the salt has been successful in irrigation districts but is not possible in most of Victoria. Although the application of large quantities of gypsum to provide calcium in place of the sodium in the soil is effective, it is costly in relation to the resultant improved cover and subsequent possible increased production.

There have been a number of recommendations made concerning the re-establishment of pasture on salted land. The pamphlet makes the following points—

> 1. Before sowing, the surface of the salted area should be protected from water running off higher land by means of a diversion bank. This alone could induce some adventitious growth which may be increased by the application of superphosphate and ammonium sulphate.
>
> 2. The salted area should be cultivated to a depth of from 100 to 150 mm with a tyned implement immediately prior to sowing.
>
> 3. All introduced species require fertilizers and on hard-pan areas a soil improver is sometimes also required.
>
> 4. On wet-pan areas the use of a surface mulch of straw or old hay is especially useful as an aid to establishment.

It is also most important that the area must not be grazed for at least two years in an effort to maintain ground cover and high seed production which are important in maintaining growth. I ask the Minister to consider allocating further funds in future to assist the fine work being carried out by the Kerang research farm in this type of investigation and experimentation. I am sure further allocations for the area will produce excellent results.

Over a long time many improvements have been made to the Coliban system which supplies Bendigo and its urban developed area. Most of these improvements have been the result of the fine work of members of Parliament who have represented the area. A former member for Bendigo in another place, Bob Trethewey, did an excellent job in conjunction with the present Minister of Water Supply and Mr. Grimwade, who did a lot of work in trying to upgrade the urban supply. Some years ago before the Minister or Mr. Grimwade were members of Parliament, Bendigo suffered a severe loss when a major industry left the district because of the poor quality and poor supply of water. I am pleased that this situation has now been rectified and that further improvements are being carried out to

upgrade the supply to the area, particularly White Hills and Spring Gully. A new rising main is being installed in the Spring Gully area for which $1·5 million has been allocated.

Some years ago my colleague in another place, the honorable member for Bendigo, conducted a survey amongst residents in the White Hills area and asked them to submit samples of water to him in an endeavour to upgrade the quality of that water. The samples which the honorable member received ranged from reasonably clear brown to murky water. I believe he still has the samples of the water.

The Hon. F. J. GRANTER: I do not want to see them.

The Hon. N. B. REID: The Minister does not want to see them. At the time the honorable member presented them to the Minister in an effort to improve the quality of the water at White Hills. I am pleased that the Minister took note of the request and that the new main at White Hills has been installed. It will provide a greatly improved water supply to the residents. They are extremely grateful to the Minister and the local member for co-operating on that venture and appreciate the clearer water.

I refer now to the urban district of Newstead. An estimated expenditure of $17,805 has been allocated to the district for improvements. Honorable members who know the area will realize that this will be greatly appreciated. My colleague in another place, the honorable member for Midlands, has made representations to the Minister on this matter. I am pleased that progress is being achieved and that Newstead will be receiving this allocation.

The waterworks trusts within my electorate are receiving an allocation of $4·4 million in the coming financial year. An amount of $50,000 is to be spent in the Daylesford area as a Government loan, and $50,000 as a private loan. I have received correspondence from the Secretary of the Daylesford Waterworks Trust, Mr. Ingle, requesting that further assistance be given to the trust in upgrading and improving its water supply service. Honorable members will be aware of the difficult terrain in this area. It is extremely pretty country but the terrain is difficult. Therefore, the works in the area are slightly more costly than perhaps those in another area. I urgently request the Minister to consider further allocations of money to the Daylesford Waterworks Trust to enable it to carry out further improvements.

The Maryborough Waterworks Trust has received an allocation of $180,000 as a private loan to implement its water storage and treatment facilities. At this time tenders have been called for the water treatment plant and the residents of Maryborough are anxiously awaiting the installation of that plant within the district as they have had problems over the years. The Minister who represented the Bendigo Province prior to March, 1976, is well aware of the problems in the Maryborough district and the need for improvement of the water supply. There is an adequate supply of water from Tullaroop reservoir for the township of Maryborough. So much so that it has been possible to make water available to the township of Bealiba to help it out of its difficulties.

The Maryborough Waterworks Trust has co-operated with the Minister and with the Shire of Bet Bet in the provision of water to the township of Bealiba. I am pleased that co-operation exists between the two centres.

Sewerage authorities within my area have benefited by $2·53 million. Provision has also been made for private borrowing of $21·8 million. One area in the northern part of my electorate, Tongala, has experienced a most difficult period. Last summer it was subjected to severe storm damage. I am pleased that the Bill provides for an allocation of $200,000

for a new sewerage scheme in the town of Tongala. This will be of tremendous benefit to the residents.

Most areas in the Bendigo Province are sewered. Daylesford is developing a new scheme and I am pleased that a Government grant of $10,000 has been made available as an interest free advance for that scheme. The Minister will be aware that the residents of Daylesford are advancing towards a sewerage scheme.

An allocation of $100,000 has been made for the treatment of waste water. This extremely interesting field has long been neglected. Following a recent overseas visit, the Minister made serious studies of the need for treatment and recycling of waste water. One of the restricting factors appears to be the need and desirability for training operators. If I may be permitted I will quote from the most recent edition of *Environs* which is published by the Department of Environment, Housing and Community Development. This is issue 0313 and the article is entitled, "Keeping it Clean", by Anne McDermott, of the Department of Environment, Housing and Community Development. The article refers to the treatment of waste water and a recent survey by the United States Environmental Protection Agency which showed that up to 50 per cent of treatment plants are not meeting the operating standards that they were designed to do. A major cause was the lack of trained, experienced plant operators. The article states—

> Very few Australian treatment plant operators have received any systematic training for their work. There is no nationally recognized system of qualification and certification of treatment plant operators as exists in other trades. Consequently, operators have few career prospects and limited interstate mobility.
>
> While sewerage authorities accept the need for operator training, the forms and levels of their training programmes vary widely. Often the training is restricted to basic skills to operate a particular plant, rather than providing a general understanding of treatment processes and plant operation. A co-ordinated programme of training within a nationally recognized system of certification would increase the career prospects and job satisfaction of operators, increase the standard of treatment plant operation, and assist in forming a stable work force for the industry.

On reflection and on reading some of the articles on water treatment, I realize that this is a new industry which will create employment opportunities. I advise any young man or woman who is interested in a new career that will expand in the future, to gain a qualification, whether overseas or within Australia, in the treatment of waste water. It has been stated many times that Australia is one of the driest continents in the world and that it must obtain maximum use of its water supply. One way of achieving this is to treat the waste water, recycle it, and use it many times over. I see many opportunities for employment in this industry in the future.

I return to the allocation of funds for River Murray works in the northern section of my province. Under the River Murray agreement an allocation of $10 million is made towards the cost of works which are carried out under that agreement in conjunction with the New South Wales, South Australian and Federal Governments. The allocation of $10 million represents 25 per cent of the total aggregate amount to be expended on River Murray capital works.

The River Murray is one of the largest river systems in Australia. It provides not only irrigation and domestic water for those living near the river, but also it provides people with one of the most important recreational areas within Australia. This is an aspect which is often neglected when we discuss the use of water. Water recreation within the Bendigo Province is of tremendous benefit. It covers not only the River Murray area for boating, fishing and so on, but also the Lake Eppalock area which is fast becoming a play-ground for many Melbourne residents. Lake Eppalock is within approximately one and a quarter

hours drive from Melbourne and I am sure many honorable members have experienced the pleasure of being on Lake Eppalock and perhaps catching a fish or two.

It is a wonderful recreational area and has tremendous facilities around its foreshore. The main swimming pool is known as the Kimbolton pool, which is located at the Bendigo end of Lake Eppalock. The committee of management responsible for the area has performed a wonderful job in maintaining and providing facilities on the edge of the lake. It is also a wonderful asset to the Bendigo business people. Thousands of tourists visit the area and increase their revenue because there is usually a large influx of tourists to the Lake Eppalock water storage during the holiday season.

I commend the Minister of Water Supply on the funds which have been allocated to the Bendigo Province and which I am sure will benefit its many residents. I commend the Bill to the House.

The Hon. B. P. DUNN (North Western Province): I refer to the general situation concerning water supply in Victoria and the funding arrangements to carry out these important works. I have some sympathy for the Minister of Water Supply who has a personal interest in the water supply problems of Victoria but who is severely handicapped by the amount of funds made available.

We have to make sure that we get our priorities right as we cannot continually blame the Federal Government for the lack of funds for water supply, because the State Government has not supported the State Rivers and Water Supply Commission in this important work. The State Government has its priorities wrong in this important field of responsibility. The Minister of Water Supply openly admits that he is not happy with the level of funding he receives because in a letter to me dated 7th September this year he stated—

> I am only too well aware of the shortage of funds which have been allocated for water supply and sewerage works in recent years, and I have continued my efforts to obtain the maximum possible allocation for these important works during the current considerations for the coming State Budget.

Honorable members have only to examine their own electorates to ascertain what is being spent on the responsibilities of the State Rivers and Water Supply Commission and they will learn that a much higher priority of funding is required.

An area of particular concern is country water supplies and sewerage works. Honorable members who represent country areas are constantly taking a case to the Minister of Water Supply seeking improved water supplies for cities and towns which are forced to put up with water supplies that in some cases are not fit for animals to drink. In these small towns, the cost of the work is high, particularly taking into account the small number of ratepayers in the community. Many of these towns and cities have supplies which are inadequate in quantity and poor in quality. There is no reason why they should not expect a high quality water supply, similar to that which is provided for Melbourne and many other centres throughout Victoria.

Inevitably the same answer is given to our representations. Recently I discussed with the Minister of Water Supply the Nhill water scheme and other schemes, and the provision of funds for capital works relating to water supply and sewerage services generally. In his letter to me dated 7th September, on the Nhill water scheme request, the Minister stated—

> With reference to the Trust's request for funds to construct a proposed elevated water storage, the Water Commission advised me that the provision of funds for Nhill will be given a high priority when the loan programme is considered for 1977–78.

That is typical of the answer honorable members receive to their requests. It is encouraging to a degree because on many occasions honorable members are told that it depends completely on the funds available and that no priority can be listed for a particular scheme. The small town of Ultima in the Mallee has for years been working towards upgrading its water supply. In his reply to me on this subject, the Minister stated—

> It is now hoped that the programme of works for these towns will commence during the 1977–78 financial year, but because of higher priorities in other towns, the works at Ultima will not be constructed during that period.

Many cities and towns are in a similar position where frustrating delays are occurring, but all that the State Rivers and Water Supply Commission can do is point out that there is simply not enough money to go around, particularly in the allocation of funds for country water supplies.

The Horsham water trust recently had a discussion with the Minister during a deputation in which I also took part. Horsham is a major city but is experiencing difficulty with its water supply which has proved to be inadequate because of the outdated trunk main which supplies the city. I understand that Horsham has only 5 per cent of a day's supply at high level and it has no stand-by pumping. That is a serious situation and inevitably in most years Horsham has to impose water restrictions because of the inability of the trunk main to provide sufficient water to cope with the needs of the city, particularly during the summer months.

When the Government refers to development of country cities and towns, it should remember that a number of other services are required other than schools and hospitals. For instance, an adequate water supply is needed, and for a city like Horsham to be suffering in this area is not good for its future development.

The trust has an eight-year programme for improving Horsham's water supply. Included in that programme is a five-year programme for a new trunk main to supply Horsham and therefore increase its water capacity. That programme is under way, and it was hoped that $300,000 would be allocated each year for that important project, making the total cost of the programme $1·5 million based on 1976 costs.

However, this year the allocation was reduced to $200,000 which meant that if the programme was to continue on that level, it would take much longer to complete this important trunk main. Thankfully, the Minister agreed to divert funds from the programme on metering, to the trunk main programme which will enable work to be kept at a high level this year. From this expenditure there has been an immediate benefit to the city through the increased water supplies which will be available.

I have mentioned these cases because they indicate that there are many cases requiring urgent financial help, and no doubt my colleagues could list many of the problems in their areas. I hope the Minister of Water Supply will, in the foreseeable future, be able to approve of larger allocations of funds to enable all these projects to be undertaken.

Another situation that concerns me relates to the southern Mallee and Wimmera areas where the stock and domestic water supply system is basically supplied from the Grampians. That is an open channel system. I understand that it is one of the largest, if not the largest, open channel systems in the world. It supplies water to the farms, cities, towns and communities located within the general area.

A problem that confronts many people is that the Grampians is situated in a rather low rainfall area, compared with some of the other catchment areas in Victoria. Many people feel that the Government

should be investigating the provision of another storage in the area to supplement the existing storage. I know that this is a high cost item but, if the present civilization is to exist in the Wimmera and Mallee areas, it will probably look to the Grampians to provide water for their communities and to enable life to continue. However, there is no other source of water or supply which is available to them.

The Government should be examining the provision of further storages, even if it is well into the future. I have already raised this topic with the Minister who indicated to me late last year that certain investigations had been carried out but that investigations were still proceeding to determine whether or not a further water supply is required.

I ask the Minister to indicate during the course of this debate whether these investigations are continuing, whether any conclusion has been reached or whether the provision of further water supplies in the Grampians area is still being considered.

We should also be looking at ways of continually improving the open channel system by piping particular areas of high loss through seepage in some of the upper areas of the system. The Millewa pipeline project has shown what can be done by introducing a system of piping and there must be many areas which could be piped resulting in a tremendous saving in maintenance costs as well as a saving of water.

The level of water charges is a major point of concern to irrigators in this State. The Minister has been asked repeatedly in Parliament to indicate what the position on water charges will be this year. Irrigators and water users in country Victoria, mainly involved in primary production, have faced three successive major increases in water charges in the past four or five years. They have also been hit hard by the effects of inflation, which has forced many of them to go out of business or to take on an uneconomic line of production.

Like most irrigators, I view with concern any proposed increase in water charges. The Government talks about encouraging decentralization, but if it wants to do so, why does it not hold down some of the charges for services that directly assist decentralized industries? Primary industry is the largest decentralized industry we have, and surely the Government could maintain water charges at the present level to help decentralized industries.

Another factor I mention briefly in passing is the salinity and drainage problem in the River Murray area. A report has been made on the matter, but little action has been taken since then. Fortunately a scheme to overcome part of the problem will be put into operation in the Snowy River area, but the salinity problem has been explained to the House in detail, and it must be tackled in the near future. It will be extremely costly to overcome salinity, but if the work is not undertaken now by this generation, much of the land in the River Murray area will be salt-affected and lost for generations into the future.

When one drives through Kerang, Fish Point and similar places, one can see the effects of salting and lack of drainage on thousands of acres of land which is rendered useless for now and a number of generations ahead.

The Hon. J. V. C. GUEST: It would be sad if there were no country population and no National Party members!

The Hon. B. P. DUNN: Mr. Guest, who is interjecting while not in his correct place, probably has little understanding of country matters. Members of the National Party would be happy to take him to the country one day and enlighten him about what exists beyond Keilor. Victoria is a big State. His remark illustrates the attitude we have to fight. Many

people believe that areas with small populations can be forgotten about and that money should be poured into areas of higher population. The National Party maintains that the money should be spent where production occurs, because primary producers are making an excellent contribution to the production and wealth of this State and nation.

I hope the Government will give a higher priority to the work and responsibilities of the Minister of Water Supply, and that we will continue to receive increased funding for this purpose in the years ahead.

The sitting was suspended at 12.50 *p.m. until* 2.4 *p.m.*

The Hon. N. F. STACEY (Chelsea Province): The Water Supply Works and Services Bill 1977 often is taken as an invitation to parish pump politics but I do not intend to become involved in that. However, the Province of Chelsea is to some extent within the responsibility of the State Rivers and Water Supply Commission, and I shall refer to four or five items listed in the schedule to the Bill.

A portion of Frankston still relies on water from the State Rivers and Water Supply Commission system based on the Tarrago River in Gippsland. The quality of the water is sometimes criticized by the people living in Frankston area who suggest that it contains some sediment that is not normally found in the Board of Works water supply. I notice on page three of the explanatory memorandum that it is intended that works will take place on the pipeline serving Tyabb and Mornington. An amount of $575,000 is listed for future enlargement of the Devilbend Reservoir. That will provide an alternative source of supply to the areas south of Frankston and will improve the existing service. It will be of benefit to people, particularly in the East Frankston area, where the storage basin will be set up.

It is stated in the explanatory memorandum that also included in the programme for land acquisition is $596,000 for purchase of storage basin sites at East Frankston and Rosebud. Therefore, the future supply to people in the Frankston area will undoubtedly be improved.

In the Chelsea Province three sewerage authorities are involved: the Dandenong Sewerage Authority; the Noble Park–Springvale Sewerage Authority; and the Frankston Sewerage Authority. Each of these authorities operates in an area where development is taking place and has taken place in recent years. Geographically the three areas are relatively flat and present some problems regarding sewerage supply. Work is taking place in Frankston. In some areas it is difficult for the engineers to provide sewerage mains in what is water-saturated land which has a high water table.

Clause 11 of the Bill provides for $2·539 million to be allocated to sewerage authorities in 1977–78 principally as interest-free grants and interest-free advances. In addition to these Government grants, a programme of private borrowing, amounting to $21·8 million has been approved.

The Frankston Sewerage Authority took over the sewerage works that were constructed on a joint basis between the cities of Chelsea and Frankston sewerage authorities. At present work is in hand for providing an additional pipeline to the treatment works to enable Cranbourne to dispose of sewerage. It is a costly project but it is essential for the development to take place in the Cranbourne area, adjacent to the City of Frankston.

The Dandenong Sewerage Authority is faced with the need to provide additional services, particularly in the Endeavour Hills and Hallam areas. Springvale–Noble Park Sewerage Authority also requires additional money. Each of

these three sewerage authorities will undoubtedly seek loans under the provisions of this Bill.

I turn to the Dandenong Valley Authority. That authority which comes under the control of the Minister of Water Supply, is responsible for draining some 300 square miles of country stretching across to Pakenham and up to Vermont. All of this drainage takes place through three exits. The principal exit is the man-made canal known as Patterson River, which, in the late 1880s, was a man-made cut connecting what was apparent swamp to the sea. It has been said that the area of Frankston–Chelsea has, in the sense of drainage, become the plug-hole of a large section of the metropolitan area.

The Dandenong Valley Authority also has responsiblity in other fields. As an agent of the Environment Protection Authority it is required to maintain the purity and improve the quality of the water flowing out of Port Phillip Bay. In recent years it has achieved notable success in that regard. The Patterson River is now recognized as a place to which wildlife has returned. Fish are living in a man-made river. Shags, cormorants and other fish-eating birds are frequently seen in the lower reaches of the river, feeding on the fish that now live in that river, very much as a result of increased licensing procedures of the Environment Protection Authority and ensuring that Environment Protection Authority controls are observed by all industries in that large catchment area. Mr. Jack Pompi, a well-known fisherman and boat builder on the Mordialloc Creek, as recently as a fortnight ago, reported to me that he had seen fish fingerlings in the Mordialloc Creek This is an indication that the quality of the drainage water under the control of the Dandenong Valley Authority is improving.

The authority is also responsible for flood retardation, and has spent much money and expertise in providing holding basins to control flash flooding.

The Dandenong Valley Authority is at present going through the exercise of providing an environmental impact study on the works that have been authorized to improve the banks and environments of the Mordialloc Creek between the railway bridge and the Wells Road bridge. This Bill sets aside an amount of $270,000, as the result of a direct intervention by the Premier some two years ago, for the improvement of that creek, if the two authorities, the City of Mordialloc and the Dandenong Valley Authority work together.

The study is not only a piece of paper. The Dandenong Valley Authority has done engineering works at stage one, on a demonstration basis. This means that the people of the area who are concerned that the creek should be improved in quality and aesthetic value, are now able to go along to the creek and see the kind of work that is envisaged and set forth in the study. The study has provided for all interested people three alternative treatment schemes for the creek. Comments will be received either by the Mordialloc City Council or the Dandenong Valley Authorty, with a view to making a determination on the completion of the bank treatment. It is hoped that a decision will be made some time in January–February next year.

Honorable members may be interested to know that one of the first things the Dandenong Valley Authority did was to purchase from Japan a rather unique dredge at the cost of $100,000, to do the job. There is a bucket dredge on a crawler mechanism which can either float on the water or crawl along the bottom. This piece of equipment will have real application, not only to Mordialloc Creek but also to Kananook Creek which is the third of the outlets to which I earlier referred.

The other area to which I wish to refer is listed in clause 14. The sum of $100,000 is to be allocated for study on the reuse of waste water. In a dry country such as Australia a

great deal of research work is necessary on this subject. In the foreseeable future almost all the water which falls in our catchments will be trapped in dams and reservoirs, but there is a limit to the amount of water which can be collected. The State Rivers and Water Supply Commission is to be congratulated for its investigations into the second and third use of water. Studies of this kind are certainly necessary.

Many thousands of dollars were spent to ensure that 99 per cent pure water, which had been treated by the Melbourne and Metropolitan Board of Works at Chelsea, was delivered into the sea. Much of this water could be reused and, indeed, some of it is being used now. The golf course at Portsea is using this water very satisfactorily. It is also reasonable that market gardens should use this water for crops of vegetables. We should endeavour to arrange to use water from the treatment works for gardens and agricultural purposes. The amount of fresh water which can be used for agricultural purposes is limited.

At present, there are problems with the mains water supply at some of the more remote areas along the Dandenong–Frankston Road. The Italian-Australian club which is located on the Dandenong Road is seeking interviews with the Minister to determine whether water can be supplied. It will be costly to build mains to supply this social club and it may be necessary to ensure that adjacent farmers contribute to the cost.

The Hon. B. P. DUNN: Would they benefit from it?

The Hon. N. F. STACEY: They certainly would benefit from it. Many farmers would benefit from two types of water supply, one of waste water and one of fresh water. It is important that the State investigate the options. I repeat that in a dry country we cannot afford to waste such a valuable resource as water.

Having covered the needs of the people of the Chelsea area, I congratulate the Minister and the State Rivers and Water Supply Commission for their efficiency. Much good work has been done in the provision of water supplies and in sewerage engineering and the management of the Dandenong Valley Authority. The officers under the control of the Minister are doing a good job, and many of the allocations of the Bill will be of advantage to the people of Victoria.

The Hon. W. A. LANDERYOU (Doutta Galla Province): I have listened with interest to the comments of some honorable members concerning the benefits their provinces have received from previous Water Supply Works and Services Bills and the benefits which they expect to receive from this Bill. But today I received information from a resident of the Stumpy Gully estate. I direct attention to the fact that this Bill authorizes the expenditure of $1·06 million on distribution and reticulation of water at Balnarring and adjacent areas. The sum of $450,000 will be expended on general reticulation improvements to meet normal housing development and an amount of $184,000 will be spent on metering. This will be of great benefit to the residents of the Stumpy Gully estate.

My informant advised me that he purchased his allotment two and a half years ago. He previously made application to the State Rivers and Water Supply Commission to determine whether he could have water connected to his land. The commission advised him that it would be approximately seven years before he could expect the water supply to be connected. But it granted him permission, at his own expense, to tap a water supply 400 yards away. These allotments are being sold and the owners have been making applications to the State Rivers and Water Supply Commission for water to be connected. As recently as late last year, another resident was informed that there would still be a delay of

three to four years. Permission was granted by the commission for the resident, at his own expense, to tap a nearby main.

However, on the 18th August of this year, residents of the Stumpy Gully estate were notified by the commission that they would be able to tap into a reticulated water supply as the plans for the area would be put into operation. Two and a half years ago, the delay was to be seven years, and, last year, it was expected to be three to four years.

The Hon. R. J. LONG: Are you criticizing efficiency?

The Hon. W. A. LANDERYOU: If it could be said that the people at Stumpy Gully were benefiting from the efficient operations of the commission that would be one matter. But people living at Rockbank, in the province which I represent, were told only yesterday that they would still have to wait for their water supply. What concerns me is whether the Federal member representing the area, or Nandina Investments Pty. Ltd., made representations to the Minister. Were representations made by the Federal member? There is nothing sinister about this; it is normal for the member of Parliament representing an area to make this type of representation. But I should like to know whether Stumpy Gully is receiving special treatment. I ask the Minister to advise the House whether Stumpy Gully has suddenly been given preferential treatment because there are areas much closer to Melbourne which have been waiting longer for a water supply.

The Hon. S. R. McDONALD (Northern Province): Mr. Reid, Mr. Wright, and, I think, Mr. Dunn have already adverted to the serious problem of salinity in the groundwater of the Murray–Goulburn system. The Minister is well aware of the problem and most honorable members who live in the northern part of the State know of it. But I want to put to the House, and to the public, a position which is often overlooked. Of the total salt content running into the River Murray, only half comes from the irrigation districts. The other half results from natural sources. Investigations have been carried out by the Department of Minerals and Energy and it is quite clear that, because of the farming practices of clearing land in central Victoria, there is a steady accession of salt in the groundwater from the area running to the River Murray.

Too often we are told that the irrigation system is the source of the salt problem in northern Victoria. I concede that it contributes to it but, for a complete understanding of the problem, what happens some hundreds of miles from the River Murray must be taken into consideration.

I direct to the attention of the Minister of Water Supply the concern about the procedures and actions of his department in relation to approving or disapproving of subdivisions. Some years ago legislation was enacted which gave the State Rivers and Water Supply Commission authority to approve or disapprove of land subdivisions. I regularly receive complaints from municipal officers, solicitors, and others concerned with subdivisions about the delays occasioned before the commission finally decides to approve or disapprove of a subdivision.

Since the commission was given this responsibility the number of officers in the relevant branch has not been increased to any great extent. I suggest to the Minister that there is a strong case for the number of officers concerned with the approval of applications for subdivision to be increased. This would enable the problem to be overcome.

The Hon. R. J. LONG: Do the people concerned use their right of appeal?

The Hon. S. R. McDONALD: In some cases they do. I am at present involved in two or three cases, not as a subdivider but as a representative of the people concerned, and I can state that the commission takes much

too long to decide whether an application to subdivide land should be approved or not.

Other speakers in this debate, as well as the Minister himself, have been concerned about the level of funding for rural water trusts and sewerage authorities. I will not go through my file as the Minister is well aware of most of them. I add my plea to that of other members that in future the Government give a high priority to the provision of funds for water trusts and sewerage authorities in country Victoria. I support the Bill.

The Hon. O. G. JENKINS (Geelong Province): I wish to make a few general comments about the Water Supply Works and Services Bill, insofar as it refers to the Geelong Province which I represent. I join with other members in commending both the Minister and the State Rivers and Water Supply Commission for the keen interest that they take in the development of water resources and in the disposal of sewage and other effluents. Victoria has collected almost all of the water that can be gathered in an economic fashion and is facing a growing task in the future of adequately disposing of the effluents generated by modern society and meeting the costs involved.

It is pleasing to note that during the past twelve months the main outfall and the connections to the Geelong Waterworks and Sewerage Trust scheme for the Leopold area have been completed and sewerage reticulation in that area is proceeding. Homes are now being connected to that sewerage system and probably within twelve months the whole area will be sewered. It is also noted that a new sewerage authority has been constituted at Portarlington which will include Indented Head and St. Leonards. This will leave only the area of Lara, which lies to the north of Geelong just outside my province, yet to be sewered. I hope that during the next twelve months the Minister will see his way clear to make an initial allocation of funds to enable the Geelong Waterworks and Sewerage Trust to undertake sewerage of the Lara area. Earlier I referred to the escalating costs of disposing of effluent generated by our sewerage systems. There is currently a lot of interest in the Geelong area about the outfall sewer at Black Rock. A licence has been issued by the Environment Protection Authority for the existing system of disposal and this will carry through until late next year. One of the conditions of the issue of that licence is an undertaking by the Geelong Waterworks and Sewerage Trust to refer to experts or advisers the problem of finding the best way of coping with some degree of purification of sewage effluent. Consultants have been appointed and a report will be presented later next year.

There are two alternatives: Either the present outfall sewer has to be extended well out to sea or, alternatively a substantial treatment works will have to be erected on land which has already been acquired by the trust. Whatever happens, the cost will be substantial. When one refers to the historical cost of the present system and current high rates of interest, the money required for treatment or purification works or extension of the outfall sewer could well double the rates currently being paid for sewerage in the Geelong region. There is a problem in matching the enormous cost to the people of the Geelong region with the current Environment Protection Authority requirements.

The Hon. S. R. McDONALD: Do you think some of those requirements might be too high?

The Hon. O. G. JENKINS: A lot more work must be done to set the ultimate limits. Health standards are constantly being revised and headlines often appear in the press when a particular survey indicates that the current minimum levels have been exceeded. Work must be done to

scientifically set those limits. Some people say that the current minimum limits set by the Environment Protection Authority are too high and should be revised. During the past twelve months substantial sums of money have been spent on water supply in the Bellarine system. I ask the Minister to keep up the current level of financial support to the State Rivers and Water Supply Commission in the Barwon region and the Geelong Waterworks and Sewerage Trust to enable that work to continue at the present rate. Then we should be able to overcome problems on the Bellarine peninsula which occur particularly during summer months when the seaside towns to the south of Port Phillip Bay and along the coast have a greater population. In times of drought there are shortages of water.

The final matter I wish to raise is the long-term augmentation of water resources for the Geelong Waterworks and Sewerage Trust. On 9th November in this House I asked the Minister about the Gellibrand River system in the Otway ranges and he indicated that a preliminary survey or investigation has taken place with regard to water resources there.

No firm decision has yet been made on possible dam sites or the allocation of water resources because, as the Minister properly pointed out, there may be competing interests for the water which currently flows in the Gellibrand River. The Minister indicated that the matter will be referred to the Public Works Committee. When that matter is ultimately referred to that committee, I ask the Minister to request the committee to consider, in conjunction with the inquiry into the Gellibrand River resources, other water resources to the South Australian border so that an over-all assessment can be made of the available water resources in south-western Victoria. The Gellibrand River system should not be looked at in isolation. There will certainly be competing interests for the water. Water from the Gellibrand River is currently made available to the Colac area. Two pipelines reticulate the water as far west as Warrnambool. I hope the Public Works Committee will make recommendations about the future allocation of these water resources. Although Geelong is not yet at the end of its tether with regard to water resources, once Ballarat takes an increasing share of the water from the Bungal reservoir and the groundwater reserves are fully developed in the future Geelong will be looking for additional supplies. I, too, support the Bill.

The Hon. D. M. EVANS (North Eastern Province): I wish to comment on a few items which appear in the Bill. I notice that an amount of approximately $8 million has been set aside for the continuing construction of the Dartmouth dam. In answer to a question on notice on 13th September, 1977, the Minister stated that the original cost was $64 million, as at November, 1971, and $119 million, as at March, 1977. In March, 1976, the cost was estimated at $114 million, which means that there was an increase of $5 million for the twelve months ended March, 1977. I asked a further question which was answered on 4th October, 1977, and the reply was that the amount expended to March, 1976, was $46·7 million and at March, 1977, $73·6 million. That means there was not only a doubling of the price since 1971 but because construction was taking place during at least a portion of that time, the amount actually required for the final expenditure is more than double the original estimates, so it has been going up at an alarming rate.

I am concerned to know whether the State Rivers and Water Supply Commission, the Government, and the Minister are concerned about the constant cost increases that have occurred, and if so, whether they have made any efforts to take some action. Obviously, there will be ways in which the contracts that have been let could be increased. Nevertheless, public funds are in-

volved and I submit that it is a responsibility of the State Government and, therefore, of the Ministry of Water Supply and the Minister, to see that efforts are made to contain costs within reasonable limits.

Despite the increase in costs it is relevant to mention that other Governments are involved in the construction of the Darmouth dam and despite the increases, one problem has not been dealt with, namely the possibility of bank erosion and damage in the Mitta Mitta valley and river, when sustained high flows during unseasonal periods are allowed to go down the Mitta Mitta River to augment the supply in Lake Hume. At a meeting with the Tallangatta Shire Council, attended by commissioners of the Water Commission, the Minister, myself, and Tallangatta Shire councillors, earlier this year the Minister indicated that had the agreement on the Darmouth dam been signed some provision would have been made for the proper protection in advance of the banks of the Mitta Mitta River to allow for those high flows.

I am concerned that the constant questions asked by me, the number of letters I have written, and the constant concern expressed by the Mitta Mitta improvement trust and the Tallangatta council have not resulted in any action being taken to overcome this problem. It seems that the cost increases are all right but that a comparatively low amount of $1 million cannot be expended to protect the banks of a major asset. I believe that because of the cost increases that are occurring in Dartmouth there is a real reluctance by the Government to carry out forward planning to increase the number of water storages in Victoria.

I do not have to underline the serious position with water supply nor to underline the fact that there are scientific predictions that Victoria is now entering a period of water stringency, almost drought conditions, which may extend for some years. Mr. Bradbury reminds me that Lake Hume is well down and so is the Eildon reservoir so we could be in for a long dry spell without adequate water storages in Victoria. My concern is that there are really no extra dams, as far as I am aware, scheduled for construction in Victoria with the possible exception of the Latrobe Valley dam which is accepted as necessary for the Loy Yang power station.

I come to the Mitchell River. I do not wish to criticize the Minister in this area because he is concerned as we all are that the Government has not been making sufficient allocations for a progressive water storage policy in Victoria.

Lake William Hovell in north-eastern Victoria is a dam which was built recently, completely with Federal funds. A couple of other water storages have been completed. The so-called Winton Swamp and Lake Nillahcootie near Benalla are fairly minor in terms of cost. The Dartmouth dam, which I have already mentioned, is to be used greatly by the South Australian Government and was a joint Government project. There is some doubt whether the Mitchell River dam will proceed. I trust that the Minister of Water Supply will indicate the Government's plans on this dam, whether it is to be built, when, and whether it is included in the continuing plan for water storages in Victoria.

I refer to the Buckland dam whose building the Public Works Committee recommended in 1971. In its report, which was issued on 14th July, 1971, the committee recommended—

1. That a storage of 8,500 acre-feet capacity at an estimated cost of $3,900,000 be constructed at Site 11c on the East Branch of the Buckland River, the primary purpose of the storage to be provision of irrigation water for intense culture in the Upper Ovens Valley.

2. That the project be developed without delay.

3. That the intentions of the Committee as disclosed in the conclusions drawn in this report be borne in mind when consideration is being given to these recommendations.

The report is signed by the various members of the committee, including W. V. Houghton, who is a Minister in the current Ministry. In relation to the Buckland dam, on 21st December, 1973, the Minister wrote to the Shire Secretary, Shire of Myrtleford, as follows—

> The Victorian Government intends to renew its application for financial assistance for the Buckland River project as soon as the Australian Government provides more specific guidelines regarding implementation of its policies.
>
> In the meantime, contrary to the impression your Council gained from a recent Aqua article, the Victorian Government has included the project in its Ten-Year Programme, with construction tentatively scheduled to begin in 1981-82. This would be brought forward if Commonwealth financial assistance were forthcoming before that date.

Obviously the Government has changed its mind, because in answer to a question without notice which I asked on 25th October, the Minister of Water Supply stated—

> The Buckland River project was included in the Ten-Year programme. However, it was subject to funds being made available by the Federal Government and I envisage that these funds will now not be forthcoming. I approached the previous Federal Government under the Ten-Year programme about the allocation of funds but no funds were forthcoming and I envisage that the project will not be built on time.

The Minister also indicated that he would be prepared to receive a deputation on the matter. That indicates clearly that the State Government is changing its mind about further water storages in Victoria. This will be of serious concern to people whose livelihood depends on proper water supplies. I know that the tobacco growers in the Buckland and Ovens valleys are concerned.

I asked the Minister of Water Supply a question in this House this morning concerning water supply for these people during the current dry season. He answered me with great courtesy, as he always does, but not only does this water supply need to be permanent, but it needs to be increased. The township of Bright, a rapidly developing area, is already having serious problems with its water supply, mainly due to the fact that it has grown very quickly and has outstripped the present system. It will need extra water supplies from Harrietville in the current summer season if it has to let water go down to service the needs of other townships. In fact, the Bright Shire Council is currently looking for assistance to bore for water.

In this Bill there is a new water supply scheme for Porepunkah, for which $150,000 has been allocated. This scheme will increase the call on the supply of water from the Ovens River and the Ovens–Buckland system above Myrtleford. This makes it more serious that the Buckland dam has been shelved because of a change in Government policy and because of the Government's unwillingness to recognize the need for water conservation in Victoria.

I refer now in general terms to the whole waterworks trust allocations in this Bill. I am sure I echo the thoughts of the Minister, and I hope of many other members who will speak on this parish pump issue. This is an extremely dry year and we may well be facing a series of dry years. Despite the water supply situation and the increasing demand throughout Victoria for domestic supplies, I notice that the allocation has been reduced from $2,100,648 to $2,069,000, although inflation has made inroads on money values. In regard to new town supplies—the allocation is down from $1,591,628 last year to $1,478,000 this year. This is in the very important area of water supply to dwellings in Victoria. This is not because there is no demand or because there is not a need for an increased water supply in Victoria. The Government is simply allowing new town supplies to fall further behind. Ten to fifteen years ago it was easier than it is now to obtain finance for a water supply system in Victoria. The

Government is not doing sufficient about it, and I am certain the Minister will agree with me.

There has been a slight increase in the allocations for sewerage—a minute increase of 1 or 2 per cent—but again, taking up the slack inflation has caused in eroding money value, it is not sufficient. It is welcome, but it is not good enough. With the increase in sophisticated machinery which housewives are constantly installing—washing machines, dishwashers and so on—the amount of waste water that has to be treated is growing at a greater rate than that at which the population is growing, and the Government is not keeping up with the demand for treating waste water.

I return to the parish pump issue. The Glenrowan Water Trust has received $60,000 in loans in past years. This year it faces a major problem. The Tallangatta Waterworks Trust, which had deputations with the Minister earlier this year, and at which I was present, faces a critical situation because the level of Lake Hume is dropping quickly. The Tallangatta water supply comes from that storage and its ability to supply water will depend on augmentation works. Barnawartha, Bright and Chiltern waterworks trusts also are having necessary work done.

I deal now with the more specific issue of river improvement trusts, for which a reasonable amount of money has been allocated. River improvement trusts attract discussion and argument as to their efficiency, whether the work they do is correct, whether the methods they use are correct, and whether they solve as many problems as they create. I do not intend to canvass that opinion. Their work may be of value in some cases, but in other cases it may not be.

I have looked through the allocations for river improvement trusts and I have no doubt that they are not enough for research into the way the work is being carried out, whether it is being done in the most effective way, the effect of river improvement trust work on the ecology of streams, the breeding of fish, the ability to deliver water properly, and to contain water within the current banks of the streams. When rivers burst out and change their course, as they have done for millions of years, this has an effect on land holdings. An attempt is now being made to constrain them. However, there is a need for research into river improvement trust work in Victoria.

The last point I wish to raise is on page 4 of the Bill, under item 12, "Groundwater meter installation". This is a small item at this stage, but it will become very important because of the current dry situation. This item states in part—

> The metering of supplies is necessary to obtain details of quantities extracted, control of usage in the event of a restriction being imposed and for the assessment of groundwater resources and water use requirements.

That indicates that there may well be some metering and control of extraction of groundwater in certain areas. This control could be important in coming months as groundwater supplies dry up. I am informed that in many areas springs are drying up. Inherent in that item in the schedule is the fact that the Government is giving some thought to controlling the use of groundwater. I expect that the Minister will make a policy statement commenting on this matter.

With those remarks, which I hope are of value in the evaluation of this Bill, and recognizing that there are many other issues in this important subject which I could deal with, I indicate that the National Party supports the Bill.

The Hon. H. R. WARD (South Eastern Province): I know that Mr. Elliot who is interjecting is not really concerned about this Bill because he has a town water supply and everything is all right in his neck of the woods. Some of the major comments that have been made on the Bill by members of the National

Party concern the insufficiency of funds provided for the maintenance of water supply works and services. Page 1 of the explanatory memorandum attached to the Bill indicates that between 1973–74 and 1974–75 there was an increase of $6 million in actual expenditure, which represents an increase of 30 per cent. This percentage increase continued for the next couple of years.

The Hon. S. R. McDONALD: How do they compare with the total expenditure?

The Hon. H. R. WARD: The House is not dealing with that aspect at the moment. At the same time, because of inflation induced by a Federal Government over a period of time, there is a requirement to reduce inflation and cut back on public expenditure. Therefore the needs of water supply and so on have had to be reduced by about 7 per cent for the forthcoming year. There is no mention of the considerable increase in those earlier years. Like anybody else, the State Rivers and Water Supply Commission is expected to obey the rules and guidelines which have been set for the fiscal system through the State and the Commonwealth.

The expenditure over the years has certainly added to the services in country areas and this point has been ignored and thrust aside by those who choose to do so. An important item which has been ignored is referred to at page 7 of the explanatory memorandum, where it is stated—

> Since 1943, the Government has paid subsidies to sewerage authorities in respect of interest charges in excess of 3 per cent per annum.

The House has not been told by members of the National Party about this substantial subsidy.

The Hon. A. K. BRADBURY: Which Government introduced that scheme?

The Hon. H. R. WARD: I am just quoting what is set out in the explanatory memorandum and on which no comments were made by honorable members opposite. The statement continues—

> The subsidy paid on behalf of sewerage authorities in 1976-77 was $4,896,851 and this annual subsidy is increasing by approximately $800,000 each year. Total interest subsidy payments since 1943 to sewerage authorities now amount to $29,010,420, of which $28,810,420 has been paid since 1955.

That is a substantial contribution by the Government towards meeting the needs of people who are not so well off in country areas. There are now 127 sewerage authorities throughout country areas and 104 sewerage systems are either completed or in part operation.

Another important matter is the work of river improvement trusts. Currently there are 31 trusts in operation with the potential establishment of even more trusts. There has been substantial interest in the development of conservation and environment in various areas where there has been a neglect in the past on the part of those people who have maintained the areas under the jurisdiction of river improvement trusts. Certain works of straightening rivers and streams have been undertaken, but it is questionable whether perhaps these works have resulted in more flooding. Unfortunately, the records of floods in this country do not go back very far whereas, in the case of West Germany, records are available of a flood that occurred of the Rhine River back in the eleventh century. I often wonder whether perhaps other works should have been undertaken rather than straightening the creeks.

The Hon. S. R. McDONALD: Statistically, the greatest flood is yet to come.

The Hon. H. R. WARD: That may be so, and Mr. McDonald can think about it. One of the great problems concerning many country towns is pollution control. Many Gippsland towns are concerned that the treatment of waste water and sewerage effluent is now becoming a major financial burden on the towns.

Over many years, waste waters from the towns have been allowed to enter certain streams but in the future it will be necessary to impose stricter controls on pollution than in the past, particularly discharges from the Korumburra area into Foster Creek, and waste water entering the Tarwin River. The Bass River has already been troubled by effluent and so on.

For some years, the Westernport Co-ordination Committee has been pointing out some of these hazards and has reminded people that they must look at these things. The committee has made no statements about it, but it has made it clear that these problems and challenges face sewerage authorities, towns and shires. This will concern the Shire of Korumburra, which has requested a deputation to the Minister of Water Supply to discuss some of the problems with Foster Creek. Similar problems will face other municipalities in the Westernport area. The Westernport Water Works Trust provides water for Wonthaggi and Phillip Island, and it is anticipated that it will also provide a supply for Grantville—this was promised some years ago—and other towns in the area. It may well happen that the requirements for these services in that area will outstrip the water that is being stored, hence the concern over the need for a dam to be built in the Forest Creek area.

The Westernport Waterworks Trust has requested that other sites be examined, but it gets back to the problem that faces the Shire of Korumburra and all those people who use Forest Creek for the discharge of effluent and waste water.

This is only one example of probably many throughout Victoria. The Environment Protection Authority or its delegated authority, the State Rivers and Water Supply Commission, which issues waste discharge licences, will have to control the discharge of waste water and effluents. Unfortunately, it is a major concern which has been neglected for more than a century and now we are facing the problems. It is no wonder that a shire anywhere in Victoria would be concerned with the financial problems to be faced where specialized treatment is required.

Also, there must be concern about decentralization and the subsequent increase in industry and population in shires and small towns. The additional population and the industries will increase the volume of waste discharge and further contribute to the existing problem of pollution of our streams. It is well known that the discharge of water from streets into drainage systems and then into the underground aquifers is also creating problems for those who extract water from the underground streams. Other services may well be required for pollution control throughout the State and again the financial situation must be faced. Finance will have to be provided to water trusts and sewerage authorities in various areas.

Despite the increased allocations that I have mentioned, I desire to mention three areas involved in the development of sewerage facilities. They are the Shire of Mornington, the Mornington Sewerage Authority, Mount Eliza and Dromana–Rosebud areas. When it was originally proposed to provide a sewerage system for the Dromana–Rosebud area, about $5 million was expected to cover the cost, but that figure has already moved towards $30 million and, before the project is completed, it will probably be closer to $50 million. This money has to be found in the area. Once the scheme has been adopted, the local ratepayers have to contribute to the sewerage authority although, in the present economic climate, it will be some years before sewerage will actually be made available in the area. The people who are most concerned are the pensioners who are on fixed incomes. They have been paying money into the fund with little likelihood of having sewerage available in their lifetime.

Mount Eliza is also a developing area, particularly to the south, and the Shire of Mornington, in its planning scheme, has made it very clear that, before it will issue a permit for a subdivision, the developer must provide a packaged sewerage treatment plant. This is holding up subdivisions in the area.

Mornington has a fairly old established sewerage scheme although new treatment works are on the way. The reticulation service will need to be replaced. Money will have to be provided within the amounts available from loans and allocations under the Water Supply Works and Services Bill. The main concern is that these things are not being done as quickly as they ought to be.

One suggestion which would affect the loans programme is that private individuals ought to be able to make available loans to the local sewerage authority, particularly those who are joining the scheme, so that their money can be used on the provision of sewerage and the development of the area to be covered. That money could then be repaid by the ratepayers in the area. A large amount of money could be tapped to assist the development of sewerage schemes. This proposal could create problems within the fiscal structure of the nation which will concern the Treasurer and also the banking system. The proposal ought to be tested to see how much money could be available, even if it were made available in certain areas little by little. I do not think this would add too much to the inflation of the country, certainly not to the extent that it was two years ago and for the previous three years.

One other problem that is facing people in the Gippsland area concerns the Tarago reservoir. The State Rivers and Water Supply Commission has decided that these areas should be closed to the public. Traditionally for many years fishermen have gone into the areas and had their picnics and recreation but, now that regular tests have revealed a high E.coli count, the Water Commission has banned these recreational activities for some distance from the reservoir. However, thanks to action taken by the Minister, the State Rivers and Water Supply Commission will explain to anglers and people in the district exactly why the use of recreation areas surrounding water storages will be restricted for some time. Special licences will be issued to restrict the number of people entering the areas. The explanation should satisfy people who have difficulty in understanding why problems occur because of the use of recreation areas around water supply reservoirs.

The final point with which I shall deal concerns the sophisticated treatment of water for drinking purposes that has been requested by some people. Vegetable matter floats in the water throughout the State river system and enters the reservoirs, particularly the newer ones, and although the water does not look very clean it is not unsuitable for drinking. Because the vegetable matter is very fine it is difficult to treat the water and remove it. Some residents of the Mornington Peninsula and other areas have complained about stains that appear on clothing and other fabric washed in water containing the vegetable matter.

The Hon. B. A. CHAMBERLAIN: Fluoride.

The Hon. H. R. WARD: Fluoride is all right. People who drink tea get more fluoride than one would from fluoridated water, but no one knows about that.

The Hon. R. I. KNOWLES: Are you in favour of fluoride or against it?

The Hon. H. R. WARD: I am in favour of fluoride, as is anyone who has any sense. The only people who are against it are those without teeth. It is only those with dentures who are not in favour of fluoride.

The provision of sophisticated equipment to treat the water and remove the fine vegetable matter would

require a huge amount of money and the State Rivers and Water Supply Commission considers it most unlikely that the water will be treated in this fashion within a short time. The commission suggests that over the years the flow of water will itself clean the material from the dams.

I commend the Water Commission for the services it provides and the advice it gives throughout the State. I also thank the Minister for the courtesy he has exhibited to me and to those water and sewerage authorities throughout the South Eastern Province, where a number of difficulties are faced. We are grateful for that courtesy, although we are able to think up reasons why we ought to have a lot more money. However, I reiterate that getting a little more money creates a little more inflation and it will pay us to wait a little and take things more quietly.

The Hon. B. A. CHAMBERLAIN (Western Province): There is no doubt that the Ministry of Water Supply is the most important Ministry in the development of country Victoria. The only towns that will progress are those that have an assured water supply and adequate sewerage services.

Some time ago I was a member of the Hamilton City Council and that council was actively engaged in the attraction of industry to the city. The first questions put to the council by industrialists concerned the quality and quantity of the water supply and the ability of the sewerage system to cater for effluent. I repeat that the Ministry of Water Supply, represented by the Minister in this House, is the most important Ministry for the development of country Victoria.

I also pay tribute to the enormous achievements by the Ministry in recent times. Despite these achievements it seems to be something of a Cinderella Ministry as far as the provision of funds is concerned. Nonetheless, it has a considerable record of achievement for recent developments in western Victoria, both in projects that have been completed and projects that are still in progress.

At the end of October the Minister opened a new water supply storage in the town of Stawell, a town that has suffered from water shortages in recent summers. Once the storage is filled, water restrictions should cease and that will be a tremendous aid in the development of that extremely active town. Clause 8 of the Bill makes provision for $80,000 in loan funds to be made available to complete this work.

Last Friday the Minister opened the water supply system in the small township of Wickliffe, and I have just extended an invitation to the honorable gentleman to open the augmented supply in the Borough of Koroit next month. The piped water supply project in the South Otways to serve the City of Warrnambool has recently been completed. Warrnambool is one of the areas of greatest development in Victoria. The city has embarked on a water purification project and funds for the scheme are provided in that Bill.

There has also been considerable activity in the smaller towns. As I mentioned, the water supply for the township of Wickliffe has recently been connected, and schemes are presently underway in Merino and Harrow. Although the scheme at Merino was sabotaged last year, I understand that it will soon be completed. It is pleasing to see that the Government is providing this sort of support for small townships.

Caramut, which is situated between Hamilton and Warrnambool, has been beset with water problems for many years and I am delighted that the Warrnambool Shire Council has now been constituted as the local governing body to construct works to serve that township. Clause 4 provides $170,000 for this purpose.

Lake Fyans, which is situated south of Stawell, is part of the Wimmera water system and this storage

provides great interest to local anglers. They are concerned that if the lake is allowed to dry up, as it has done in the past, their fishing expeditions will be ruined. The Water Commission has quite rightly pointed out that the lake is subject to enormous evaporation and that the primary purpose of the storage is to provide water for stock and domestic users. I hope a formula can be reached that will satisfy the requirements of both the anglers and the water consumers, but if a choice has to be made it must obviously be made in favour of the domestic and stock water supply.

There has also been considerable activity in the Western Province in relation to sewerage. Edenhope has a large sewerage scheme, costing something over $1 million. It has been needed for many years, because lack of that facility has caused problems in the local water supply. Much work has already been done and the task is almost completed. I am pleased to note that $200,000 in loan funds has been allocated for this scheme in clause 11.

Like all members representing rural electorates, I receive constant communications from water trusts seeking my support for the allocation of additional funds for various projects. Most of these concern the augmentation of existing supplies. The funds available to the Ministry are always inadequate to cater for all the works programmes put to it, although funds are available in several forms; capital grants from the Government, Government-subsidized loans and private loans where interest is subsidized. However, there is never enough to go around and I have in my files approximately eight current requests seeking approval for new projects. In most cases the trusts have received a small amount to assist in meeting their needs but those amounts will only enable most of the projects to get under way and there is no guarantee that they will be completed. However, the Water Commission is most sympathetic to the needs of country Victoria, and its officers, both at top levels and in the field, are cognizant of the sorts of problems faced by local authorities in providing services, but they are hamstrung by the funds made available to the commission.

In conclusion, I commend the Minister for the provision made under clause 16. The explanatory memorandum points out that $50,000 has been allocated for the provision of an exhibit at the Royal Agricultural Society's Showgrounds for the purpose of preparing and providing information relating to the proper utilization of water as applied to agriculture and the rural economy in Victoria. The weather forecasters and associated pundits tell us that Australia is becoming an even drier continent and this move by the Ministry is forward-looking. Great emphasis should be placed on water conservation and water saving measures, including recycling. These matters have been mentioned by previous speakers and water conservation will become more and more important. The conservation of water basically revolves around public education and I know that this provision is aimed at public education. I support the proposals and the provisions made in the Bill.

The Hon. R. J. LONG (Gippsland Province): It would not matter what amount of money was allocated under the provisions of a Bill of this nature, honorable members would still come into Parliament and say that we do not have enough, but, as my colleague, Mr. Chamberlain, has just said, the supply of water and sewerage to country districts is most important in assisting development.

I shall take a slightly different point of attack and deal with the subject as it relates to subdivisions of land. I take up a point mentioned by Mr. McDonald. I have great difficulty in understanding the Local Government (Subdivision of Land)

Act, which was passed by this Parliament in 1973, and I ask the Minister, even at this stage, to undertake an investigation to ascertain whether the procedures adopted can be improved to assist subdividers and developers.

The Act provides that certain authorities have to consent to the provision of water to subdivisions within 60 days, otherwise consent is presumed. If provisions deeming consent are adopted, subdividers are not helped to provide water and sewerage. When a subdivider and an authority agree no problems arise, it is only when some authorities use the provisions as a sword that problems are encountered.

I shall give an example. Recently I was advised of a case in which a local council had made a subdivision and had entered into an agreement with the local waterworks trust for the provision of water. No problem occurred and water was supplied. Everything appeared rosy until a decentralized industry appeared and wanted a smaller area. It was decided to subdivide one of the blocks and immediately the water trust wanted another contribution towards headworks. If that is the way in which Parliament intended the Act to operate, then I have completely misunderstood the situation.

There does not appear to be any appeal against authorities which operate in that way. I am certain that some authorities adopt the attitude that they are the masters and that a subdivider must accept any terms they like to dictate. In addition, they must do the work and it does not matter about the cost. I have also struck a recent example in which the subdivider maintained that he could do the work more cheaply than the authority assessed. There was a head-on collision. The authority said that it was its job and that it had to do it. The subdivider said that was unfair because he could do the job at a much cheaper price.

When one examines the Local Government Act it is obvious there are difficulties because the council can put a requirement on a plan of subdivision compelling the owner to provide water, sewerage and drainage which is normally done with the assistance of the local sewerage or drainage authority, whichever it may be. Fortunately, in that case there is an appeal, but if the requirement is not in the Local Government Act, or the authority and the subdivider cannot agree, it seems impossible to resolve the conflict. The danger is that the authority may say it will not worry about the matter and that it will not put in a requirement to provide water or sewerage. That might sound simple except that the unfortunate subdivider is left without services or any possibility of obtaining them in the future and this will affect the sale of the subdivided land. I urge the Minister to seriously investigate the operations of those amendments, because much could be done to assist developers. The most important part of that assistance should be in assessing the cost of developers.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Issue and application of money from Works and Services Account for purposes specified in the tables to the sections).

The Hon. F. J. GRANTER (Minister of Water Supply): There is much I would like to say but I realize that the hour is late for Thursday and I shall be brief. I assure honorable members that their remarks will be viewed, read and taken into account. Mr. Trayling said that there has not been much increase in funds for the State Rivers and Water Supply Commission over a number of years. In 1976–77 more than $11 million extra was provided by the Treasury into the funds of the commission.

The Hon. B. P. DUNN: That is pretty small in relation to total Government expenditure.

The Hon. F. J. GRANTER: Yes. I agree with honorable members, particularly Mr. Dunn, that there are not enough funds for water supply, sewerage, river improvement trusts and main drainage. As honorable members are aware, I would welcome and appreciate a large increase in funds because I realize how much can be done for country Victoria in these fields.

Mr. Evans referred to the proposals for new dams in Victoria. He correctly said that probably the only one is the Latrobe Valley dam and perhaps the one on the Tanjil for the State Electricity Commission. The Mitchell River dam provides water for Bairnsdale, Paynesville and Lindenow. These three towns are on the drawing board at present. As the Premier and I have said, work will commence following the completion of Dartmouth dam, which has run into a slight hurdle, as honorable members know. The investigation carried out by the Bureau of Agricultural Economics suggested it is not warranted, perhaps on economic grounds. I do not agree, but I authorized the State Rivers and Water Supply Commission to report to me on a dam of a reduced size, that is approximately 10,000 megalitres.

Mr. Wright referred to the salinity in the River Murray and the worry it was causing him, other honorable members, farmers and people who live along the River Murray, especially people in South Australia. At the Ministers' conference I proposed the groundwater interceptor scheme. I hoped this would be accepted. However, the press releases have detailed the procedure that is to take place. Honorable members representing areas along the river are aware of the press release, and I do not wish to go into it in detail. If any honorable member is not aware of it, I am prepared to make the press release available to him.

Mr. Landeryou referred to the Stumpy Gully estate. I confess that until a day or two ago I had not heard of this estate. The honorable member asked me whether any representations had been made to me by the Federal member or by Nandina Investments Pty. Ltd. I can honestly say that I cannot recall any representations being made to me on this estate. However, there could be some connection with a poll taken in Merricks. I have not been able to ascertain much further information. However, I am prepared to examine the matter as soon as the opportunity presents itself, which will probably be tomorrow.

Mr. Landeryou also mentioned Rockbank. It is in the programme under the Melton water supply. There is an amount for the Rockbank supply main of $220,000. Melton's authorization for private loan is $1·5 million and for Government loan, $17,360. Therefore, I am not sure whether Rockbank will make the works programme this year, as it is listed in category 3. I hope it will do so, because as Mr. Landeryou said, it is a developing area.

There is much I could say on river improvement trusts. Mr. Evans asked whether a full investigation is made into the works of river improvement trusts before work is undertaken. I assure the honorable member that this happens through a consultative committee. There are seven members on the committee and they investigate matters which are referred to them either by myself or perhaps the State Rivers and Water Supply Commission.

Many honorable members have mentioned water reuse. I believe there is a great need for further investigation into water reuse. It is a resource which will have to be used a lot more in the future. A feasibility study has been carried out on methods of water reuse for agricultural purposes at Bendigo.

I appreciate the concern of all country members regarding town

water supply. Mr. Galbally made representations to me regarding the Caramut supply. I am pleased to inform him that that is now about to be constructed. I appreciate the problems of country members. I have similar problems because my home town of Heathcote has had water restrictions for the past two years. That is an unfortunate admission by a Minister of Water Supply.

The clause was agreed to, as were clauses 3 to 10.

Clause 11 (Country sewerage authorities).

The Hon. F. S. GRIMWADE (Bendigo Province): I should like to pose a question for the Minister of Water Supply regarding the amounts listed in the table which follows the clause. By way of explanation, the Minister and I share representation of a large section of central Victoria in which there are a number of newly constituted sewerage authorities which are in the process of bringing sewerage to these smaller towns.

The Hon. S. R. MCDONALD: I understand that the honorable member hopes to represent more of central Victoria in the future.

The Hon. F. S. GRIMWADE: That is correct. The plan for the sewerage system for the township of Broadford has been approved and a Government grant will be available of some $500,000 towards the local funding of $1·3 million. In the township of Daylesford a plan has been approved in which the Government grant is some $800,000 to a local funding of $3·4 million. In the two cases in which the plans have been approved, I understand that work will be proceeding towards the development of the sewerage system. I notice that those towns are not listed on this table.

In another three townships planning is under way. The township of Gisborne shares almost top place in the growth rate of country areas. Certainly 140 new home building permits were applied for in the first nine months of the year, which shows little decrease on previous occasions for buildings. Therefore, there is tremendous growth in the area and a need to get going with the sewerage system. The other towns are Woodend and Heathcote. As I understand it, in each of these cases the sewerage authority is constituted or about to be constituted and a great deal of planning is under way. I wonder when the money for that purpose will appear. My question relates to item 13 of the table, "Advances to other existing or proposed sewerage authorities—$700,000." Of the five townships I have mentioned, planning schemes have already been approved for two, but construction has not yet commenced. I assure the Committee that the amount of $700,000 could easily be expended on those two schemes. I know that the Minister of Water Supply is anxious to obtain more funds to enable sewerage schemes to go ahead for the benefit of small communities, but I wonder exactly where these two schemes fit into the Bill when the amount provided does not seem to be enough. Perhaps provision is made in some other way, but if there is an explanation I should be pleased if the Minister would comment.

The Hon. F. J. GRANTER (Minister of Water Supply): Mr. Grimwade has referred mainly to Broadford and Daylesford. He was correct when he stated that they come under clause 13, although he further claimed that not sufficient provision is made to cover those two schemes. That is so if his figures are right. I do not know the position with the Broadford scheme, but I know that an allocation has been made under this clause for the Daylesford scheme, although the sewerage authority is not yet constituted or it was not when this Bill was drafted. I understand that it will be constituted soon.

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

Clause 15 (River Murray works).

The Hon. S. R. McDONALD (Northern Province): Clause 15 allocates funds for expenditure on River Murray works. As the Minister of Water Supply knows, that includes allocations for the Dartmouth dam. At present the Public Works Committee is investigating the allocation of water supplies which will become available when the dam is completed, and the committee is still conducting its inquiries into this matter.

In 1974, Parliament amended a section of the Water Act under which water rights are allocated to irrigation farmers. At the time the National Party opposed the amendment because it gave an across-the-board increase to irrigation farmers when more water became available. In the future we are likely to have a situation where the Parliament has already legislated to allocate more water when it becomes available and, at the same time the Public Works Committee will be investigating the same subject.

This aspect has been raised with me by various persons interested in the recommendations of the Public Works Committee. Has the Minister any indication when the report of the Public Works Committee will be available, and will he assure the Committee that when the report is received, the recommendations will be fully considered despite the fact that the Government legislated two years ago to allocate the additional water?

The Hon. F. J. GRANTER (Minister of Water Supply): The report will be fully considered. I do not know what the recommendations will contain or when the report will be presented. I know that it is causing concern to the members of the Public Works Committee. I did ask them individually, but not officially, when it was likely that the report would be presented, and I was informed that as it was a big study, no indication could be given when the report was likely to be available.

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.

APPROPRIATION (1977–78, No. 1) BILL.

The debate (adjourned from November 10) on the motion of the Hon. V. O. Dickie (Chief Secretary) for the second reading of this Bill was resumed.

The PRESIDENT (the Hon. W. G. Fry): Order! Before calling Mr. Galbally, I inform the House that this is rather a lengthy Bill. For the benefit of new members, I advise them that on the resumption of the debate for the second reading of the Bill the custom has been to speak on general principles rather than the contents of the Bill. It is really a Committee Bill and the various items will be considered in Committee. I do not presume to dictate how the Chairman of Committees will ask the Committee to handle those items. However, I indicate to honorable members that that has been the general practice in the House in past years.

The Hon. J. W. GALBALLY (Melbourne North Province): The purchase of land at Pakenham, Melton and Sunbury by the Housing Commission is a criminal conspiracy against the public purse, robbing the Victorian taxpayer of $5 million, with more to come.

The Government paid $11·1 million for the land, but the owner-vendors received just a little over half. The rest went into the pockets of land developers. As a result of leaks, inside information and some stolen information, developers took options over the land and held the Government to ransom. They said, "If you want this land, we have the options over it and you will have to pay our price, not the farmers' price."

The Hon. N. F. STACEY: Does that show inside information?

The Hon. J. W. GALBALLY: I would say to a reasonable man that the answer is "Yes". Of course, some of them were so grateful on receiving this windfall that they insisted on financing the election campaign of a Minister.

The Hon. A. J. HUNT: That is way out.

The Hon. J. W. GALBALLY: What benefit has the taxpayer received? Not a sod has been turned, and this land was purchased three or four years ago. Not a house has been built. There is not a stone upon a stone. It is as peaceful as a graveyard. The expenditure of $11·1 million has yielded not a cent of activity. On the contrary, holding charges have had to be met, interest charges to be paid and so on. Honorable members do not know where the money is coming from, but it is Government money and whether it was financed by overdraft no one knows. So, the outlay of $11·1 million of public funds has yielded not a cent.

Is this justice for an injured community or are we in the hands of the rogues of Trey. In the courts there is a Latin phrase—my Latin is somewhat rusty—which freely translated means "The dirty dog will get no dinner here." That is a famous quotation made by an English judge. The gentlemen who made fortunes out of stolen information may be compared to the receivers of stolen goods. For centuries the law has cast upon them the duty to show that they came by the goods honestly.

The Opposition submits to the House and to the community that the onus is upon those who made fortunes from the sales to establish their integrity—if they can.

Every day in our courts of law, someone is charged with receiving a wireless, a piano or something of that nature, knowing it to be stolen or unlawfully obtained, and his recent possession of that article thrusts the onus upon him to establish his innocence in a court of law, not beyond a reasonable doubt but on the balance of probabilities.

The proposition of the Labor Party is that those who have made fortunes from the land deals should be called upon to accept the same onus as a receiver of stolen goods has to accept in the courts of our land, otherwise, as in the case of stolen goods, their profit should be forfeited.

This is a precedent which the Government must adopt if it is to have any credibility, any sincerity or any integrity in the minds of the public.

I have a precedent for my suggestion. It is an unusual one, but an honorable one. At the time of the South Sea Bubble scandal about 1717 —when you and I were quite young, Mr. President—the Parliament enacted laws setting up a commission to strip the culprits of their unlawful gains. Once again, because of the diligence of our faithful servants in the Parliamentary Library, I have the original document. In that case it was stated—

> The Parliament at Westminster resolved that the directors of the South Sea Island Bubble Company in the loans made by them upon the stock and subscriptions have been guilty of a breach of trust and ought out of their private estates to make good whatever loss the company may sustain thereby.

At that time the stocks of that company rose from something like 1 pound to 250 pounds sterling, and as a result people lost everything. That was not good enough for the sturdy British; they said that those people who made fortunes out of deception were not going to get away with it.

I offer the same principle to this House of Parliament—they ought not to be allowed to get away with it. Justice demands that the Government of Victoria set up a judicial commission—the highest in the land—to examine the affairs of the land developers. Lately they have been remarkably quiet; it was as though they were all taking a rest on the beach at Waikiki. They should be given an opportunity of establishing

their innocence, if they can, because the premise is there that they obtained this information from the Government secretly and took advantage of it for their own private gain. That is the inference.

The Hon. A. K. BRADBURY: Will not the current inquiry bring these matters out?

The Hon. J. W. GALBALLY: No, I do not think the terms of reference are wide enough. It is certainly not a term of reference of the board of inquiry that people who made fortunes out of their guilty behaviour should have to restore them. That is my proposition and the proposition of the Labor Party, and nothing else will suffice. These guilty men must be brought to the bar of justice, with every opportunity of establishing that they have done nothing improper. However, if it is found otherwise, they must restore the money that they obtained unworthily.

The Hon. D. G. CROZIER: But you are prejudging them; you called them "guilty men".

The Hon. J. W. GALBALLY: When they go to a court they will not be judged guilty until all the aspects of the case have been explored. I referred to the case of the receiver of stolen goods, in which the onus is not on the Crown but on him to establish that his possession of the stolen goods was an innocent one. That is the overriding principle that we seek to establish here, that prima facie these men are guilty. There is a presumption that the information was leaked to them and that they went to the others, without disclosing that the Government was going to buy their properties, took the options and then held the Government to ransom.

The Hon. C. A. M. HIDER: There is not the slightest bit of truth in that statement, and the evidence does not indicate it to be the case. The option was taken years ago. That is a scandalous thing to say and it is untrue.

The Hon. J. W. GALBALLY: Whoever heard of these men, whom no one in the community knew, suddenly dashing out and buying this land innocently? Parliament is not a court of law and we should not present ourselves as a Parliament of stupid asses—I refer to the debate about Mr. Lynch and other matters.

The action taken in the case to which I referred was a salutary lesson, and justice demands that the Government of Victoria should take similar stern measures. If the men concerned have done nothing wrong, let them come forward, because at present the truth is hidden in a deep well and should be brought into the open.

Every day in the courts people are being tried for similar crimes, but because this case involves backers of the Liberal Party, men who were so concerned about the future of the Minister that they took over his Ministerial office during the election campaign, it is different.

Why is there in our society one law for the rich and another for the poor? Why should developers of land at Melton, Sunbury and Pakenham remain rich men as a result of stolen information? If they say they did not act on stolen information, let the courts decide that. After all, the sums of money involved are not insignificant. It is an ancient principle that in the courts the onus of proof falls on the receiver of stolen goods.

To restore faith in the system of judgment, and in the name of justice and Parliamentary Government, the Government of Victoria should set up a judicial commission to obtain all the facts, and in the light of them act to restore faith in the Government and the equality of men before the law.

The Hon. S. R. McDONALD (Northern Province): The annual Appropriation Bill this year appropriates the massive sum of

$2,278,876,790 for the purpose of State expenditure for the following year.

Because of an unusual state of affairs earlier today—and I do not reflect on your ruling, Mr. President —the debate on the Appropriation Bill was used by Mr. Galbally to say what he would have said on another occasion. The land purchases by the Housing Commission at Melton, Sunbury and other places are being investigated by the board of inquiry chaired by Sir Gregory Gowans, and the National Party will not prejudge the involvement of the Minister for Local Government, the former Minister of Housing or any of the persons who appear before the inquiry until the hearing is completed and the findings and recommendations are made available, as I have said previously.

I return to the usual form of debate on the Appropriation Bill and shall refer briefly to a number of matters. The first concerns the operation of the new federalism policy or the new financial arrangements that operate between the Fraser Government and the six States of Australia. In the Budget speech the Premier was somewhat critical of the action of the present Federal Government in reducing special purpose grants for urban public transport, the national sewerage programme and health. He indicated that he was not entirely satisfied with the operations of the new federalism policy.

However, if one takes a broad view of the payments to the States by the Commonwealth Government under the new federalism policy, one finds that payments to Victoria to the Consolidated Fund were increased by 12·5 per cent in the year 1977–78. The contribution of Commonwealth payments as a percentage of total receipts was increased from 36·24 per cent to 39·13 per cent. In addition, under the new federalism policy $165·3 million has been paid this year to local government bodies, and that is an increase of 19 per cent.

Victoria—and this would apply to other States—is significantly better off under the present operation of the new federalism policy than it was before the policy was implemented.

I shall comment briefly on the vexed issue of financial contributions to political parties. Comments and interjections have been made in this Chamber in recent months and years about the arrangement between the National Party and the Federation Insurance Ltd. Mr. Chamberlain implied that there was something improper in the relationship between that insurance company and the National Party. I agree with the interjection of Mr. Ward, who said it is a good business arrangement and I shall read to the House a letter dated 31st October, 1977, from Mr. David Tudor, the manager for Victoria of the Federation Insurance Ltd., to place on public record the actual arrangement between the National Party and that insurance company. The letter states, *inter alia*—

> We have always maintained, for such is very clearly the case, that the company's association with the National Party is strictly a commercial one; one which dates back to the mid 1930s and one which allows us a privileged access to its members for the purpose of presenting our products to the members with the recommendation of the party.
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> . . .
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> The arrangement with the party is identical to those which exist between the company and some 500 other organizations throughout Australia, principally trade and employer organizations, and the total overriding commission paid to all organizations for the year ended 30th June, 1977, was $2,551,083.

The letter also states that in every instance the arrangement is conducted under a gentlemen's agreement and no formal agreement exists between the company and any of the organizations as far as any such arrangement is concerned.

I wanted to place that on record because I have no doubt that in the coming Federal election campaign

some Labor Party candidates in country Victoria will be extremely critical of the fact that my party receives income from that source. However, it is not a donation in a normal sense to a political party. As Mr. Ward said it is a normal business operation.

I mention briefly the occasionally rather controversial question of the responsibility for the allocation of funds to the Country Roads Board in Victoria. Despite what is said sometimes by some Government members in the country and perhaps elsewhere about the allocation of either State or Federal funds to individual road projects in Victoria, the decisions regarding priorities are the responsibility of the Country Roads Board and of the Victorian Minister of Transport, Mr. Rafferty.

In recent times in the City of Bendigo members of the Legislative Assembly, because they believed that insufficient finance was being allocated to highways, frequently blamed the Federal Minister of Transport, Mr. Nixon. I have correspondence from both Ministers, and there is no doubt that the decision-making and assessment of priorities for various road projects in Victoria are very much the concern and responsibility of the Victorian Minister of Transport and his department, in this case, the Country Roads Board.

All honorable members are familiar with and have studied the report of the Board of Inquiry into the Occurrence of Bush and Grass Fires in Victoria. That inquiry was carried out by Sir Esler Barber. I support entirely the remarks made by that board of inquiry regarding additional funds for the Country Fire Authority. In two places in the report, at page 102 and at page 174, in relation to financial aspects the board has submitted that the claims for additional funds for the Country Fire Authority should be at the top end of the scale of priorities, and that it hoped that before the memory of January and February, 1977, was dimmed in the minds of the community, sufficient funds will be allocated for these purposes.

Quite correctly the board went on to say that the assessment of priorities for expenditure is properly the province of the Government, the Premier and Treasurer. However, I believe the general comment of Sir Esler Barber is valid, that Victoria should be allocating more funds to the Country Fire Authority for equipment and recurring expenditure, in the hope that in the future Victoria will not be faced with the tragic losses that occurred in February of this year. The board of inquiry said that the total loss was about $30 million.

I could say a lot more in the debate of the Appropriation (1977–78, No. 1) Bill, but bearing in mind that many other members at this stage or during the Committee stage will want to contribute, I merely indicate that the National Party supports the Bill. We realize that this is the annual appropriation Bill which is necessary for the State to operate for this financial year. Much can be said about the various divisions and clauses, and that will no doubt be said during the debate. In general terms the National Party supports the Bill.

The Hon. Dr. FOLEY (Boronia Province): This Chamber hardly needs a new member of Parliament to remind it that this State Budget, or the part of it before the House today, is a complex and multi-facetted document. Quite clearly it means different things to each of us. That point has been amply indicated by the two previous speakers who have taken fundamentally different approaches to this important document. That is the way in which I wish to address the Appropriation (1977–78, No. 1) Bill, to indicate how I have viewed it.

My examination of the appropriation Bill and the Budget that it partially funds, and I emphasize the

word "partially" has provided a fascinating window on the reality of Victorian Government. However, as a view of total Government activity and how and why things are done, it is more a chink or crack in the wall than a window. If it is a window, it is a very dirty one and somewhat distorted.

The Budget is at once a fund of information which unfortunately is largely useless for the purposes to which honorable members are expected to put it, a mystery and a Pandora's box.

I emphasize that in the normal process of debating the Appropriation Bill in this House we do not receive sufficient documents, and even if we did, we could not debate the Budget in its entirety because this Bill deals with only one part of the total Budget, indeed only the Current Account. The road to making sense of the document before the House, and appreciating the wider State Budget which we do not get is tortuous. It is paved with paradoxes and conundrums, and for a new member of Parliament, particularly one who is interested in the subject which Mr. McDonald has just been discussing—Federalism—It is a chastening experience. It is a journey on which one discovers at every turn the ruins of State independence and authority, and perhaps even more importantly, at a personal level, a discernible diminution of the position of members of Parliament.

I intend to use one of the many special privileges of this Chamber to travel some distance down that road and at some considerable length to comment on the character of the Budget, examine its usefulness to us, generally to members of the Victorian Parliament, but more specifically members of this Chamber and to identify its parameters—those factors that determine why it is what it is, why we have before us a Bill of $2·27 billion rather than $3 billion, $4 billion or $2·8 billion.

I take that line of argument not because I think the discussions of detail or discussion of priorities, or of why we spend particular amounts of funds on one activity or another. I do not believe they are irrelevant or useless, but I take this line of attack because I think Parliamentarians, especially members of this Chamber, pay insufficient attention to the Budget papers. One of the reasons for that is that the Budget papers do not offer much scope for scrutiny and analysis. Honorable members pay far too little attention to the factors that really determine why the Budget is what it is—the parameters that determine the size, shape and indeed the very character of the Victorian Budget.

I shall put the argument that the contours of the Victorian Budget are described by two relatively distinct but not independent sets of parameters. One relates to the Budget format and budgetary process and is within the control of this Parliament. The other relates to available funds, their allocation and, in many cases, even their administration and is under the control of the Commonwealth.

This is a subject that, as honorable members know, interests me greatly. For a variety of reasons, I feel relatively comfortable speaking on this subject. Although I intend to follow the guidelines that you have already given to the House, Mr. President, and to speak in general terms and not go into detail, if it is not a contradiction, I want to speak about the general characteristics in some detail and want to follow a fairly strict logical form. Having said that, I hope you will allow me extensive use of the notes that I have compiled. I assure you that if you do so I shall not abuse the privilege.

In developing that argument, I will contend that it is impossible to obtain a reasonably intelligent appreciation of the Appropriation Bill, the Budget or any of the Victorian budgetary papers, be they the Estimates, the Treasury statement or what have you,

without a detailed examination of the Commonwealth Budget and its implied economic strategy, especially that relating to debt—I shall come to that in some detail later—and above all, the Australian Constitution.

The Commonwealth Budget Papers which have already been referred to by Mr. McDonald, all eleven of them, plus the Australian Constitution, plus our Audit Act, are, I believe, essential reading, essential documents to gaining a proper appreciation of our Budget and, more particularly, of the appropriation Bill before us. I need hardly remind honorable members that none of the data to which I refer are provided to us in this Chamber as we debate this highly significant Bill, although I must say that those documents are available if one wishes to obtain them. I suggest that perhaps we should have a fairly detailed kit to go with the appropriation Bill rather than being left with this barren document before us today.

Perhaps more important than the lack of the facility of those documents is that the honorable members are not really given any indication in the documents that they have been presented with, of the relevance of those data. I hope to prove in a detailed way, not a dull and boring way, that an appreciation of the operations of the Victorian public sector is essential. I believe, as members of Parliament we can be rightfully expected to have that understanding. That understanding cannot be obtained from the Appropriation Bill or from any of the other Budget documents to which I have referred. The essential ingredient, the other item of information which one needs for that understanding, is information on the operation of semi-Government statutory authorities and local government organizations. I need hardly remind the House that, in discussing the Budget, through the Appropriation Bill and the works and services Bills, none of those data are provided for members debating this matter. I suggest it is essential information for a proper appraisal of the finances of the State.

I find this somewhat surprising, but it is not generally appreciated that even State authorities, semi-Government instrumentalities, statutory authorities, and particularly the larger local government authorities are inextricably tied to the Australian Constitution and to Commonwealth economic policies by the Australian Loan Council. To be a little more accurate, the 1936 Gentlemen's Agreement, an agreement entered into between the Commonwealth and the States in order that the borrowings of semi-Government authorities, statutory authorities, and the larger local government authorities, should be brought within the ambit of the 1927 Financial Agreement and be given the constitutional authority of section 105A.

One reason for my commenting on this Bill is to measure, in an all too crude way, the extent to which the Australian Constitution and Commonwealth economic policy combine, most often in insidious ways, affect State activity, and indeed, our very role. The second reason is to direct attention to the deficiency of the documents before us and the process that brings it here.

It borders on farce that we are expected to intelligently debate and to be individually and collectively responsible for the allocation of $2,278 million on the basis of the hopelessly inadequate—and I have chosen these words deliberately—and almost incomprehensible data before us.

That view might be seen as being iconoclastic. Some might regard the taking of that line by a member of the Government party as being disloyal, but I suggest it is constructive, and long overdue, criticism. I hope it is not naïve criticism, but that it may stimulate a general and bipartisan approach which will lead to an improvement in the documents which come before us and an improvement in the budgetary process itself.

Two quotations bear on this, one is from the year 1666 and the other of several weeks ago, emphasize the

general issue I intend to raise. On 31st March, 1666, Samuel Pepys, who was keeping the national accounts at the time said—

> . . . then home and to my accounts, where very late at them, but, Lord! What a deale of do I have to understand any part of them, and in short do what I could, I could not come to any understanding of them, but after I had thoroughly wearied myself, I was forced to go to bed and leave them much against my will and vowe too, but I hope God will forgive me, for I have sat up these four nights till past twelve at night to master them, but cannot.

During the recent visit to Australia of Professor Ralph Dahrendorf of the London School of Economics, he commented on the preparation of Budgets in the Westminster system. He said—

> One of the few serious deficiencies of the British political system: it is not geared to longer term thinking. Springing the great surprise of the Budget out of the carefully guarded red box on an unsuspecting public —a scandal really both in terms of political rationality and democratic responsibility— is still the pride and glory not only of the Chancellor of the Exchequer.

If in 1666 the Budget document defied the energies and talent of Samuel Pepys, and their form and process have changed little since—and they have changed little within the Westminster system—it seems reasonable that in 1977, and perhaps especially in 1977, we should spend some time critically examining these deficiencies and arguing for a change.

Certainly, the subject, and the process of producing these documents warrant far more Parliamentary scrutiny than we give them. Where better to conduct this analysis and review than in this House of Review of the Victorian Parliament?

This House meets all but one of the conditions necessary for the successful analysis and review of the budgetary process. In this House we are privileged to have unassailable—to use the word chosen by Sir Richard Eggleston—authority over finance. We derive that authority not because section 52 of our Constitution states that we may reject but not amend money Bills but because of section 56 which deals with the deadlocks between the two Houses of the Parliament. Actually, section 62 specifically deals with Bills of this type.

We, in the Victorian Legislative Council are privileged to have reduced electoral pressure because of the longer period for which honorable members are elected to this House. We have the privilege of shorter sitting hours, small numbers, and no limits on speaking times. We also have the privilege of the very liberal interpretation that you, Mr. President, give to the rules of debate. As I speak and use my notes and I am particularly grateful for your attitude.

For all those reasons and for many more which one could enumerate, we operate in an atmosphere which is conducive to reason and quiet discussion and inimical to rhetoric and histrionics.

The Hon. D. G. ELLIOT: Cut it out!

The Hon. Dr. FOLEY: I expected Mr. Elliot, of all people, to share that view with me. I put it forward in all sincerity.

In addition I strongly believe that we have in extraordinary measure the essential ingredient of analysis and review—expertise. It is my contention that the range and level of expertise available in this House is unequalled in any other House of Parliament in this country. I suppose, as a corollary to that, I should say that the level of non-utilization of that talent is also unequalled.

The ingredient we do not have to the extent we should, is a procedure to take full advantage of that unique expertise and the unique conditions which apply in this House. This is a condition which I believe, if it was met, would lead to vastly improved consideration of Victorian appropriations. On that point I turn to page 6 of the Bill where the appropriations

for the expenses of Select Committees of this Parliament are set out. The use of Select Committees is one of the procedures which I believe would lead to an extension of our knowledge and allow us to properly perform our functions of analysis and review of the expenditure.

The sum spent on Select Committees last year was $13,960; $6,352 by the Legislative Council and $7,608 by the Legislative Assembly. I direct attention to the fact that that is little more than 50 per cent of one Parliamentary salary. Estimates for the expenses of Select Committees for the current financial year amount to little more than $17,000.

My intention is to use the debate on the 1977–78 Appropriation Bill to illustrate the fact that the social and political forces of Victoria, however strong and however desirable, are constrained and downright negated often by constitutional, organizational and institutional elements—elements we too seldom associate with the efficacy of Government. I hope to show that the State Government is very much the men in the lifeboat, and the words and currents are the Australian Constitution and our own budgetary procedures. One can extend that analogy and say that the form of our budgetary documents is our Albatross.

The analogy of the lifeboat is particularly applicable because, without changes in the budgetary process and without changes in the Australian Constitution, especially as they relate to financial relations between the Commonwealth and the State, Victoria is limited, and we, as members of Parliament, are limited to the politically debilitating task of rearranging the survival rations. The fact is that any one seriously interested in increasing the State contribution to health, education or welfare, must look beyond priorities to Commonwealth–State financial relations.

To argue priorities outside the context of Commonwealth–State financial relations is analogous to arguing about the arrangement of deck chairs on the *Titanic*. Budgets hardly cause one to wax poetic or lyrical and I say with absolute certainty that no poet has ever been inspired by a Victorian Appropriation Bill.

This Appropriation Bill, as the Parliament receives it—I remind the House that I am speaking specifically about the document which we have in front of us and not some of the other Budget documents—to mind the 51st quatrain of Omar Khayyam's *Rubaiyat*—

> The Moving Finger writes: and, having writ
> Moves on: nor all thy Piety and Wit
> Shall lure it back to cancel half a line
> Nor all thy Tears wash out a word of it.

I use that poem to illustrate the fact that we, as members of Parliament, play a small role in the Budget process, a very small role.

If, for the moving finger, we substitute the Australian Constitution, more particularly sections 90, 96 and 105A, and several High Court interpretations, such as the 1942 *First Uniform Tax Case*, and also the role of the Executive and the nature of the Victorian Budgetary process; and for piety, wit and tears we read the arguments of all non-Cabinet members—I emphasize non-Cabinet members—of the Victorian Parliament, I think honorable members will have the thrust of my comments and an excellent summary of my concern for the document before us and our own position in relation to it.

My comments, like the Budget itself, can be viewed in a number of different ways. For example, they could be taken as a cogent criticism of Victoria's position *vis-à-vis* the Commonwealth and State Budgetary processes. On the other hand, my comments could be seen as an expression of curiosity and concern of a relatively new member of Parliament. At this early stage of my Parliamentary education I would prefer the latter description.

Changes to what I call the parameters of the State Budget improve Government. Changes made elsewhere merely rearrange its constituent parts, hence the rearrangement of the survival rations and deck chairs analogies. Put differently, changes in our Budgetary process and in Federal-State financial relations, offer what I believe are our only real chances for improving, in any substantive way, the quality of life of Victorians. All else is micrometer adjustment, fiddling at the edges, and is not worthy of the grossly disproportionate attention we give it.

The State Budget is at once an exercise in conflict resolution, and a complex, fascinating, social document that can, and, I am arguing, should, more particularly in this Chamber, be looked at in a number of ways or rather be examined along a number of dimensions.

I want to discuss the Appropriation Bill and as many of its associated documents as I can by examining it under five heads, or along five dimensions: The first, as a social document or an expression of social goals and the resources needed to achieve them; the second, as a comprehensive view of Government activity and a source of useful information; the third, as a democratic process; the fourth, as a plan—where are we going and why are we going there? Before I get onto the fifth point those headings describe the parameters that I am suggesting are under State control. The fifth and final heading I want to discuss the Appropriation Bill under is as an expression or rather statement of federalism and a derivative or creature of the Australian Constitution.

At a later date it will be appropriate to extend that list and view the Budget as an expression or extension of Commonwealth economic policies.

The fifth heading describes the parameters over which we in State Government have little or no control.

Let me now examine the Budget as a social document. Since this Government, and indeed all Governments are in the business of meeting social goals—there is no other business of Governments—in the first instance one would expect the Budget to provide a clear statement of those goals. The accounts should then show how, and to what extent resource commitments in future periods will meet those goals. As such, the Budget is an expression of the Government's policies, aspirations and plans, plus the alternatives that are available to it. As the American Budget analyst Aaron Wildavsky has so aptly remarked—

> The Budget is the lifeblood of the Government, the financial reflection of what the Government does or intends to do.

One might add, and indeed I will, that the Budget is also an indication of what the Government has decided not to do and in many cases that is the more interesting and more significant. For example, on page 53 of the Bill, there is a commitment of $20 million—this is not meant in any sense to be critical of the sum allocated to this area—for the education of intellectually and physically handicapped children in Victoria, but absolutely nothing, not even a comment, for the intellectually gifted. I regard that group of children as our most valuable yet most neglected resource. Plato described them as the golden children.

Incidentally, it is worth commenting in passing that 90 per cent of that Budget is allocated to salaries and allowances. That is about all one can say on the basis on the document in front of me. I would like to have the time to be able to go through some of the other items. Perhaps I can do that in the Committee stage. Perhaps I could take a critical stance on some of them at that time. But for all of that, and all the criticisms I have levelled at the format of the Budget documents, particularly the Appropriation Bill, when this Budget —I am now talking of the wider

Budget—is viewed as a statement of Government priorities, priorities set under very straightened, and difficult circumstances, the 1977–78 Budget is to be seen as a remarkable, even brilliant document, and I am full of compliments for the Treasurer. He should be roundly congratulated for performing a financial high wire act that would make even the Great Blondin envious. Having complimented the Treasurer on the brilliant manner in which he has allocated those resources, is it not reasonable for members in this Chamber to ask: "Does the Budget and its associated documents present their data in a form that will allow us to (*a*) identify the Government's broad social objectives; (*b*) assess the extent to which past goals have been achieved; and (*c*) assess the extent to which this Budget will meet those and new goals in 1977–78?"

The answer to that question is an emphatic and unequivocal, "No". There is little attempt in the Budget documents, and no attempt in this Bill, to relate expenditures to the social outputs they are designed to meet. There is much about means but precious little about ends. The simple reason for that deficiency is that the Victorian Budget has an input or line item orientation; it is not an output or programme Budget.

In summary, the Victorian Budget is a confusing document, but I quickly emphasize that it is certainly not a confused document. It is quite clearly a triumph of accounting convention over information, explanation and description. It is an accounting and legal document rather than a management document. If the subject were not so serious one might describe it as quaint.

To illustrate the Victorian Budget's deficiencies as a social document, and to indicate what I think it should be like, I shall make reference to two American Budget documents, one State and one Federal, which were taken at random from our excellent Parliamentary Library. Each fiscal year the United States Office of Management and the Budget produces a document entitled "Special Analyses, Budget of the United States Government".

That document which in 1974 ran to 293 close-typed pages, presents, and I quote from the forward—

> Special analytical information about significant aspects of government activities. Part 1 provides analyses and tabulations which cover government finances and operations as a whole, and reflect the ways in which government finances affect the economy. Part 2, furnishes government-wide program information in six program areas —Education, Manpower, Health, Income Security, Civil Rights, and Crime Reduction. Part 3 discusses trends and developments in selected areas of government activity—Aid to State and Local Governments, Public Works, Research and Development, Environmental Quality and Control of Drug Abuse.

Under the heading "Federal Manpower Programs", to take just one analysis, again at random, we find fifteen pages that start with a detailed description of the programme goal, and then progressively, and in considerable detail, that objective is broken into its constituent parts. The funds allocated to each section are enumerated and described in terms of the extent to which they will contribute (*a*) to the sub goal and (*b*) to the over-all manpower programme. The result is a penetrating analysis and very full information.

I turn now to the report of the Legislative Analyst to the Joint Legislative Budget Committee of the California legislature. It is similarly informative and analytic. It leaves one in no doubt as to the reason for an expenditure, its implications, and source of funds. In short, it provides the data that is not given in the Victorian Budget. Again for fiscal 74, and using the Air Resources Board, which forms part of the Resources Agency, as an example we find a detailed general programme statement, followed by analysis and recommendation, summary of position changes from 1970–71, then a detailed analysis of the Air Resources Budget under

the sub-headings of Subvention programme, Land Use Planning, Research, and Random Roadside Testing.

With your concurrence, Mr. President, I would like to quote, but not at length, from the statement that follows immediately under that heading. I ask honorable members to compare this statement with the statement that appears in the documents before the House. I quote—

> Two years ago the Legislature authorized the Highway Patrol to undertake random roadside testing of vehicle emissions. These tests are made at idle engine speeds with a probe in the tailpipe of the car. They are quick and easy to perform. However, they measure only HC and CO. The very important NO emissions are not measured (see discussion below on vacuum spark advance disconnent and on used-car emissions control devices).
>
> As a consequence this test programme will not measure the effectiveness of the retrofit devices on used cars which was prescribed by the board to reduce emissions of nitrous oxide or the ability of new cars to operate with reduced nitrous oxide emissions. While the original roadside test appears to be random in its application and should be statistically significant, it is not technologically sufficient because it does not measure nitrous dioxide.

The other three heads in the air resources section of the California legislature Budget document are Vehicle Emission (Surveillance) Testing, Vacuum Spark Advance Disconnect and Used Car Emission (Retrofit) Control.

Following that is a summary by a task force which reviewed the subject of mandatory vehicle inspections. After considerable further analysis and comment, the document contains recommendations on the State programme and a discussion of the errors that appear in the Budget. All that is contained in thirteen pages.

I refer honorable members to the Victorian State Budget Papers and ask them to look at the Victorian Government's treatment of motor vehicle emission control and testing. I did so and was unable to discover any meaningful evidence in the Budget documents on Victoria's programme in that area. However, a week ago when I received a copy of the sixth quarterly report of the State Co-ordination Council for the quarter ended September, 1977, I found, as most honorable members would have found, that Victoria has a most impressive vehicle emission exhaust programme.

That seems an appropriate point to conclude my comments on the extent to which the Victorian State Budget documents fail to express social objectives and are considerably deficient in that regard.

Earlier I stated that I would consider five heads, and the second of those was format and content. When one considers the Victorian Budget documents in terms of format and content one needs to ask two questions. The first is whether the Appropriation Bill adequately expresses all relevant activities, plans and expenditure of the Government. Clearly the answer to that question is "No" because the Budget comprises the Consolidated Fund and the Trust Fund, and this Bill deals with only part of the Consolidated Fund. The Works and Services Account comprises the other part of the Consolidated Fund, and is appropriated through another Bill.

It is worth noting here that the Trust Funds referred to in the Budget documents and Estimates stand at $252 million. I remind the House that those funds can be and are operated outside the scrutiny of Parliament. I wonder whether anybody has ever expressed concern that some 10 per cent of the State Budget is operated outside the usual Appropriation Bills, and therefore outside the scrutiny of Parliament? If honorable members have not addressed themselves to that question, they should do so.

The final point I make in endeavouring to answer the question about the completeness of the Budget documents is that they at no stage describe the operations of local government and semi-Government authorities. The Budget records less than

two-thirds of the State's activity, and the Appropriation Bill provides about two-thirds of that two-thirds. Therefore, although this is the largest and most significant money Bill to come before the House, its provision is small in comparison with the total State commitment.

The second question one should ask when examining the format and content of the Victorian Budget documents is whether the Government activities that are accounted for are expressed in a form that an interested layman or Parliamentarian can interpret. As a layman in this area and a Parliamentarian who is interested in this aspect of Parliament, I have to say with concern and annoyance that the answer is, "No". Honorable members may find it trite to make this observation, but I believe it is absurd and unacceptable that a document of such inherent complexity and importance should be expressed exclusively in bewildering line-item form without one diagram or other aid to synthesis. There is not even a percentage expression in the entire document. In fact, I have not been able to find a percentage expression in any of the budgetary documents. There is not even a simple pie chart anywhere.

The other point I raise in association with that issue is that, since more than 75 per cent of the Victorian Budget comes from the Commonwealth Government in some form —$2·5 billion of the $3·2 billion— one may well ask why there is no cross-reference to Commonwealth Budget documents to explain from whence those funds were received. To illustrate that point I turn to page two of the Budget document.

The House is debating the current account of the Consolidated Fund, so I shall restrict my references to that account, although the more interesting comments that I could make on this theme relate to the Works and Services Account. In the Budget summary under receipts, there are a number of items which illustrate the point that I make. One of them under "Commonwealth Payments" relates to the financial agreement and the amount listed is $4·254 million. What we are not told, and it would be more interesting if we were, and we would be more effectively able to examine and intelligently comment on the Budget, is the background information. Information as to the source of this entry is to be found at page 32 of Commonwealth Budget Paper No. 7, which relates to payments to and for the States and local government. What honorable members are also not told, and this seems to me to be significant, is that the figure of $4·254 million is a payment that is made as a result of the 1927 Financial Agreement Act, that the amount has not changed since that date and is in fact to continue until 1985.

Another interesting item relates to personal income tax sharing entitlement for which the amount is $986·124 million. Again, honorable members are not told that the background information, which is quite substantive and useful, is to be found at page 26 of the same Commonwealth Budget Paper No. 7.

The total receipts in the summary amount to $3,282·8 million. Again, honorable members are not told—in fact I do not think we are told anywhere although one could extract it, but it takes a long time—that $2,505 million of that total is derived from Commonwealth sources. This information is also to be found in the Commonwealth Budget Paper No. 7. What we desperately need in the Budget documents are more cross-references between the State Budget and the Commonwealth Budget.

Let me endeavour to underscore the point even further. I am not sure whether I can refer to questions which appear on the Notice Paper, but no doubt, Mr. President, you will stop me if I am in error. I refer honorable members to questions Nos. 482 and 490 which appear on the Notice Paper in the name of Mr. Chamberlain. Mr. Chamberlain asks

the Minister for State Development and Decentralization, for the Minister of Transport, a series of questions. In question No. 482, he asks, *inter alia*—

(*a*) What allocation of Commonwealth road funds will Victoria receive for 1977–78?

(*b*) In respect of those funds, what amount has been allocated to roads in each of the following categories:—(i) rural local; (ii) rural arterial; (iii) urban arterial; and (iv) urban local?

Then, in question No. 490, Mr. Chamberlain asks, *inter alia*—

(*a*) What amount of Victorian funds has been allocated for expenditure on roads for 1977–78?

(*b*) What amount of these funds has been allocated to roads in each of the following categories—(i) rural local; (ii) rural arterial; (iii) urban arterial; and (iv) urban local?

I introduced those questions into the debate merely to illustrate that if the Budget data were presented in the form that I suggest it should be, then Mr. Chamberlain would not need to ask those questions.

The Hon. K. I. WRIGHT: He will be lucky to get a reply this year.

The Hon. Dr. FOLEY: That may be so. We desperately need our Budget documents expressed in a form whereby that information is readily and quickly available to those who are not skilled in reading line item accounting documents.

As honorable members receive it, the Budget provides no real opportunity for honorable members to assess either the efficacy or the implications of a specific line item of expenditure. We have little or no idea of the overall objective to which that expenditure contributes. Because we have no notion of what the objective is, we have no evaluative criteria.

Perhaps more importantly, we do not know from the documents whether that line is the first item of a long chain of expenditures, the middle item or the last item of a chain of expenditures. To illustrate that point, I refer honorable members to page 69 of the Bill where, under Division 415—State Superannuation Board—General Expenses, appears an item "Electronic Data Processing —Expenses" for which the figure given is $445,350. I have just picked this item at random. I am really at a loss to work out how one is to interpret that figure. Honorable members are not told how much of that expenditure relates to hardware and how much relates to software; we are not told anything other than that $445,350 will be expended on electronic data processing.

At page 13 of the Bill, under Division 136 relating to the Public Service Board, in general expenses the item relating to incidental expenses has a figure of $362,700 beside it. Again, I have taken this item at random. The total of general expenses under the division is only $616,000. One has no information or guidelines as to where to obtain supporting evidence for that figure relating to incidental expenses. I should also point out that of the total budget for the Public Service Board, a little more than 10 per cent is incidental expenses. That is not a terribly adequate presentation and I do not know how one is expected to use it.

On the same theme, it has not been without significance to me that the vast majority of money Bills passing through this House, and I presume also through the other place, are very rarely accompanied by a statement of the objectives that the Bill is pursuing.

Nor are we given the cost of implementing that change. Perhaps by definition almost every Bill that comes into this House effects a change but honorable members are seldom told in the context of the Bill the cost of effecting that change. I have an opportunity in the party room of obtaining that information. Clearly, as Bills come forward I can seek to find out what the precise objective is that is being pursued, what the costs will be,

what the manpower element will be and what will be the impact on employment of that particular activity. What concerns me is that members of the Opposition do not have access to any such information and have to operate on the basis of the information provided. Anyone who is to make intelligent comments on the basis of the information provided in this appropriation Bill is in for a rather difficult time.

The Hon. D. G. ELLIOT: Honorable members do receive a copy of the Minister's notes, but often they lead them up the garden path.

The Hon. Dr. FOLEY: On many occasions those notes indicate the broad social objective that the Government hopes to achieve, and sometimes they give estimates of the cost, but not as often and as one would like. All honorable members need that information.

The Victorian Budget is, of course, an annual account, and from that stems most of the problems I am identifying. The major deficiency that arises from annual budgeting, and it does not apply only to the Victorian Budget but to all annual budgets, is that by far the greater proportion of the funds that are allocated have already been committed by programmes that have been agreed to in the past, or by Bills that have been passed at some earlier time. Those figures in comparison to the sums that, theoretically at least, are at the disposal of the Treasurer or Treasurers, not only this Treasurer, are very small indeed. One would estimate that in the Victorian scene the Treasurer might have discretion over about 20 per cent of the amount involved.

Perhaps the most obvious and one of the most serious defects of annual budgeting is the unedifying end-of-year spectacle when departments—and I am not referring to any Victorian department in particular but to all the departments that operate under annual budgeting, wherever they may be—are feverishly trying to spend their budgets. If that spending is not carried out it prejudices the departments' bids for the coming year. If it is carried out, it is almost inevitably wasteful.

Annuality is equally responsible for those equally stupid situations where a project either planned or *en train,* is ready to proceed many months before Budget time but has to wait for that magical Budget day, in some cases to know whether it will receive any funds but mostly to know the extent of those funds. I need hardly remind honorable members that the lack of continuity in some of our major capital works programmes is extremely costly.

If I can link that back to line budgeting, those costs are hardly ever identifiable and I suggest that they cannot properly be identified in an accounting system that is of line item orientation in a party oriented accounting system.

Most of all, annuality reinforces and formalizes the short-term perspective of Australian Governments and, I may say, Australian Parliamentarians. I have had the privilege of serving with you, Mr. President, on the Constitution Committee, and one of the areas that the committee has been considering—and I think parties and Parliaments have looked at it almost every year—is the extension of the term of office of Parliaments. The argument that one often hears for an extension of the life of Parliaments is that it will extend the perspective of Parliaments, Governments and Parliamentarians. I believe even if we were to extend the life of Parliaments to four, five or six years, as in the United Kingdom, if we did not effect a change in our budgetary procedures and did not accurately move from an annual to a long-term budgeting approach, we would gain nothing and the perspectives would remain as they are—annual—because the dominant force is the annuality of the budgeting process.

For those reasons the annual Budget tends to have considerable hidden costs and seems to consist increasingly of arithmetical additions or incremental adjustments to long-term items of expenditure that have already been committed, sometimes committed in the quite distant past; a process that has been colourfully and accurately described as " disjointed incrementalism ".

To make those criticisms—and I am criticizing annual Budgets *per se*, and not specifically the Victorian procedures—is not to advocate their abolition, nor is it to say that line item budgeting of the type exemplified in the appropriation Bill, is wrong or useless—quite the contrary. I am saying that line item accounting is essential, but must be ancillary to an output oriented budgetary system or the functional accounting that the Commonwealth adopts, and as it calls for its accounting approach. The annual Budget should be the first and only firm part of a long-term rolling plan.

On leaving this facet of the Budget, this parameter, let me point out, and in doing so underscore the importance and dominant nature of the Commonwealth, even in the field that seems to be so much under the control of the States, that the longer-term approach would be of little or no use for Victoria, nor would moving from an annual to a triennial or quinquennial budgetary planning system, if the Commonwealth still allocated its funds on an annual basis. In fact, if that occurred it would merely exacerbate already difficult circumstances.

Of course, as in most other areas of financial management, the Commonwealth has already taken important initiatives. I believe I am correct in saying that since 1972 the Commonwealth Defence Department has operated on a five-year rolling budget plan. Commonwealth Budget documents are expressed in line item and functional form and are exceedingly informative. Our Federal colleagues are far better able to make informed commentary on the Budget than we as a result of that approach to constructing their documents.

Before I leave this subject I point out that of all the State budgetary procedures and the State documents I have looked at—and I think I have looked at all of them—Victorian accounts, deficient as they may be, are far and away the best. But that is no consolation.

The third heading under which I intend examining the Appropriation Bill is process. Under that heading it is appropriate to ask whether the Budget process, which begins with broad policy and often election promises, and ends with appropriations, such as we see in this document, and has no non-Cabinet input, is appropriate to modern needs. When one contrasts the annual and therefore discrete Budget with the continuous and long-term nature of most of the projects for which appropriations are made, and considers further that the Budget is presented to Parliament as a *fait accompli*, then the answer to the question must be a somewhat plaintive " No ".

One of Australia's most distinguished scholars in the field is a Mr. Kenneth Wiltshire of the University of Queensland. Because his extensive knowledge has been augmented by a period of service in a State bureaucracy, his work has special relevance to what we are attempting to do in judging the efficacy of the Appropriation Bill. In 1976—and I emphasize the date because there is so little modern literature on the subject of budgets and budgeting in Australia, and I am aware of no recent data on that subject relating to Victoria—in a paper entitled, " Setting State Priorities: The Role of the States in Public Policy ", published in a book called *Making Federalism Work*, edited by Russell Matthews, Mr. Wiltshire made the following comments—

> No Australian State Government possesses a decision-making structure conducive to effective priority determination. No Government administrative structure is organized

on a functional or output basis. Scrutiny of the over-all allocation of resources is fragmented beween Treasuries, Public Service boards, sections of Premiers Departments and other bodies responsible for co-ordination of policy in specialized areas.

I am sure honorable members will have noticed that up to that point there has been no mention of Parliament or members of Parliament.

Portfolio groupings contain little rational basis, and for the most part reflect past *ad hoc* political election promises which invariably result in a proliferation of agencies. Few State Government departments have planning or priorities units or even real research units. In fact, the British post-Plowden and North American planning-programming-budgeting revolutions have managed to escape the attention of the Australian States. Actually, the State Treasuries in Australia abhor P.P.B. systems and have mounted strong campaigns of resistance against any reforms in this direction.

I intrude into the quotation to say that recently, like a number of other people, I have had reason to examine in some detail the organization of the Melbourne and Metropolitan Board of Works. The board has developed a quite sophisticated and most impressive planning, programming and budgeting system that reflects creditably on the management of that organization. Mr. Wiltshire's paper continues—

There are no forward estimates of public expenditure or public manpower requirements undertaken in any Australian State. Three recent inquiries into the administration of South Australia, Victoria and New South Wales—

the Victorian study was the Bland inquiry into the public service—

managed to ignore this issue almost entirely. Yet there have so often been comments about the lower calibre of State officials compared with Federal Government officials in Australia.

The Hon. S. R. McDONALD: It might be that the wrong people are conducting the inquiries.

The Hon. Dr. FOLEY: That is absolutely true and it is a point to which I will return later. It is an issue that concerns me greatly and, to pre-empt some of that discussion, it relates to the fact that Parliamentarians in Australia have a rather dangerous penchant for, when major problems arise, having external bodies examine them. Too many major issues are examined and too many major decisions are made outside the Parliamentary process.

Mr. Wiltshire moves away from the inadequacies of the machinery of Government and deals with Parliamentary shortcomings in this fashion—

The legislatures of the Australian States cannot be regarded as mechanisms for priority determination. As any Budget debate will show, the geographical basis of their representation and their concern for electoral survival leaves little room for back-benchers to ponder questions related to the functional allocation of resources.

I shall intrude again and say that since the Victorian Budget documents are not presented in a functional form, that task is rather difficult. Mr. Wiltshire continues—

Priorities for the non-Ministerial member of Parliament are spatial, involving a priority to his electorate in all spheres of Government activity. A few State Parliaments have public accounts committees and public works committees, but for the most part they are paper tigers initiating *ad hoc* inquiries and wandering into a few nooks of public activity as their fancy moves them.

Leaving aside the question of the effectiveness of the Victorian Parliament's Public Accounts Committee—which, incidentally, Professor Crisp suggests has strengthened the hand of Treasury rather than Parliament, and I am inclined to agree with that comment—it is worthy of note, if not in credulity, that members of the Victorian Parliament, who have unassailable authority over Supply, are precluded from membership of the only committee of this Parliament that has the power to scrutinize, call witnesses and call evidence on financial matters—the Public Accounts Committee. I find it quite incomprehensible that we, the very people who have absolute authority over money matters, have no place in the Parliamentary procedures that deal with those matters.

The Hon. D. N. SALTMARSH: We need reforms.

The Hon. Dr. FOLEY: That is correct. I was fascinated when I discovered that members of this Chamber were not members of the Public Accounts Committee. I took the trouble to look in those places in which one would expect to find information that would preclude us from being members of the Public Accounts Committee. From an examination of Standing Orders, the Constitution, the Public Accounts Act and the Parliamentary Committees Act, I discovered that it seems we are not legally precluded from that committee. That is most interesting. It seems to be more a matter of convention and the peculiar interpretation of the wording of those sections. It says that the members of the committee are appointed by the Legislative Assembly but it does not say that they must be members of the Legislative Assembly. Even if that is the interpretation and it means that we cannot be members of the Public Accounts Committee, I urge that action should be taken to change that situation in the future.

I wish to continue quoting Mr. Wiltshire. I can put many of his points in my own words but he is particularly authoritative and eloquent on the points I want to raise. I should like to continue because this is so perfectly pertinent to the Bill and the process that brings the Bill to this Chamber. Mr. Wiltshire commented—

> Estimates debates in Australian Parliaments are heavily input oriented and again simply provide opportunities for priming the parish pump.

I need hardly point out that in Victoria there are no Estimates debates. Mr. Wiltshire continued—

> In some respects the State Parliamentarians are not strictly to blame for this situation. The role they adopt is the role that electors seem to expect of them. There is a paucity of research staff to enable them to discern and analyse priorities. Even if they did possess such facilities, however, the presentation of State Government Budget and other public finance data would bewilder them, prepared as it is on a rigorous input basis, generally split between consolidated revenue, trust, and loan funds, and containing a minimum of diagrammatical or even verbal explanation of the reasons for items of expenditure and the place of each item in the over-all pattern.

Mr. Wiltshire refers to loan funds, trust funds and consolidated revenue funds. Until 1970 the Victorian Budget was expressed in terms of those three accounts. In 1970 the Consolidated Revenue and the Loan Fund were amalgamated to form the Consolidated Fund. That has effected a useful change which makes a far more meaningful distinction between revenue and capital expenditure.

I conclude the comments of Mr. Wiltshire with a short paragraph—

> Consider the difference it could make to State politicians if they were presented each year with data showing clearly the priorities in terms of allocation of resources by output and the trends of past years.

He is clearly referring there to the type of presentation I have illustrated. He continues—

> Yet State oppositions and even Government backbenchers devote their attention to personal attacks, spurious revelations on parochial issues and witchhunts of varying kinds. All generalizations may well be false, but we might conclude that there are few State Parliamentarians in Australia with a macro-outlook, with a concern for the effective deployment of public resources and with a vision of the purposes of Government activity.

It is my view, despite the operations of the excellent State Co-ordination Council, the Parliamentary Public Accounts Committee and a number of other factors, not least the appointment of a group of economists to the Premier's department, that Mr. Wiltshire gives a reasonable and accurate description of the Victorian scene.

I am also of the view, and I hold this view with considerable conviction, that if the resources of the Victorian Legislative Council were differently focused, we, the members of this Chamber, could provide that "macro outlook" and "vision", to

which Mr. Wiltshire refers, and in so doing effect a major improvement in the Victorian budgetary process.

I have the temerity to make a few tentative suggestions in that direction. Firstly, we could receive the Budget. We do not receive it now. We could receive it earlier. This is far too late to receive the principal Bill in the annual operations of the Government.

The Hon. S. R. McDONALD: We could follow the Commonwealth procedure.

The Hon. Dr. FOLEY: That is right. We could follow the procedure adopted by the estimates committee of the Commonwealth. Secondly, even if we did not have all the Budget documents and Budget speech, we could debate the documents we do receive at great length. I have examined most of the State Budgets in the history of this Parliament. I have just scan-read them and it is fascinating that this Chamber, for a variety of reasons that I will not go into, paid the scantest attention to money Bills. I find that curious for a House that has such control and Constitutional authority over money Bills. I am not saying we should debate them in a fashion that is better than debate in another place, but we should do it differently. There are certain aspects of the Budget on which we should place greater emphasis. One of these is the process, the format and the content of the Budget documents. Another is the relationship between Commonwealth and State budgets.

Thirdly, I would suggest, and I have done so already in a sense, that we should seek to amend the Parliamentary Committees Act to ensure that members of this Chamber have some place in those procedures which deal with money matters in this Parliament.

The fourth point I wish to make is that we should form an all-party Legislative Council estimates committee or committee on supply.

I make another suggestion, which is slightly out of context. It would not improve the position of the Opposition but it would not make it any worse. I should like to see the formation of a Government back-bench finance committee, to support and shadow the Cabinet committee which deals with the Budget. That is probably shooting high, but I think Government back-benchers would find it helpful.

What we really need to seek is the democratization of the Budget process. I do not for one moment suggest, if I might refer to the Minister of Health, that back-bench members of the Government party or any other members should intrude in a major way. But we need to further democratize the process and involve more members of Parliament in the financial process. To better inform ourselves we should be thinking in terms of an estimates or expenditure committee similar to that operating in the British Parliament and several European Parliaments, or an estimates committee akin to that which operates in the Federal Senate. That committee has operated effectively since 1970.

We desperately need longer-term perspectives, far longer than the ones we hold now. A change in the Budget process and procedures would be a direct and significant stimulus to that. We need *ex ante* rather than *ex post* consideration of our Budgets, not just consideration relating to points on the Budget when it is in fact a *fait accompli*. Activity is not stimulated when all has been decided. The estimates and expenditures committees I referred to would debate all of the details of the Budget documents at an estimates stage.

There must be strategic planning in any Government. This State Government is better than any I have considered. But we need strategic planning and members of Parliament must be participants in it. If we want integrity in the Budget process, we might think we are playing a role in the planning process, but we could

not be. Without such changes the non-Cabinet members of the Victorian Parliament, especially members of this Legislative Council, are and will remain financial eunuchs. If, as Mr. Saltmarsh said, one is a financial eunuch, one is a political eunuch.

Peter Else, in a study he recently completed of six European budgetary processes, found that three, those of France, West Germany and the United Kingdom, had quite recently developed the sort of procedures to which I refer. It is instructive to consider the reason Else attributes to the United Kingdom's movement in that direction. He says—

> The impetus has been a widespread feeling that the growth of public expenditure was becoming excessive in relation to the resources available and that its growth could not be controlled adequately by existing procedures.

One might add with considerable pertinence—*Quo vadis* Victoria?

That is a break in what I want to say. As it is 6 o'clock it is appropriate that I seek leave to continue my discussion on the next day of meeting. I move—

> That the debate be now adjourned.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until the next day of meeting. Leave was granted to the Honorable Dr. Foley to continue his speech on the resumption of the debate.

ADJOURNMENT.

STAMP DUTY ON WORKERS COMPENSATION PREMIUMS.

The Hon. A. J. HUNT (Minister for Local Government): By leave, I move—

> That the Council, at its rising, adjourn until Tuesday, November 22.

The motion was agreed to.

The Hon. A. J. HUNT (Minister for Local Government): I move—

> That the House do now adjourn.

The Hon. D. M. EVANS (North Eastern Province): I wish to bring to the notice of the Minister for Local Government, the continuing anomaly created by the imposition of Victorian stamp duty on workers compensation insurance premiums paid by local government bodies. I particularly draw the Minister's attention to a letter from the Executive Director of the Insurance Council of Australia dated 2nd May, 1977, which clearly and concisely sets out the steps by which the State Government imposed a 7 per cent tax on premiums collected by insurance companies is directly passed to the customers, including local government.

I further draw the Minister's attention to his comments in answer to my question in the House on 6th April that—

> There is no doubt that the Government stands firm on the principle as a general rule that there should be no tax charged by one arm of government to another.

Is the Minister aware that the current situation in this matter would appear to conflict directly with that principle? Can the Minister inform the House of the results of any discussions with the Premier? Has a definite decision been reached either to directly exempt local government from this tax, or alternatively, to institute a rebate system? If not, when will such a decision be made?

The Hon. A. J. HUNT (Minister for Local Government): Following an answer to a previous question in the House, I received a communication from the Insurance Council of Australia. I believe Mr. Evans also received one. I wrote in complex terms to that council and supplied copies to the Premier for his consideration. The matter is indeed complex for this is not directly a tax on local government. The tax is upon the insurance premium income of insurance companies, although they are authorized by the legislation to pass it on to the customers. When a tax is framed in such a way it

would be rather difficult, as honorable members would appreciate—and it is difficult in the view of Treasury—to exempt any one form of customer from a tax which is technically payable by the insurer rather than by the customer.

I understand that major changes in the whole field of workers compensation are in the melting pot. This is certainly one of the matters which is being thoroughly re-examined, and I hope an answer will be given to the question in the not too distant future.

However, the honorable member will have noted that the surcharge has been reduced twice and so some relief has been given. It is hoped that further relief will be given in the future.

The motion was agreed to.

The House adjourned at 6.6 p.m., until Tuesday, November 22.

Legislative Assembly.

Thursday, November 17, 1977.

The SPEAKER **(Sir Kenneth Wheeler)** took the chair at 11.4 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE.

ENSIGN HOLDINGS LTD.

Mr. FORDHAM (Footscray): I ask the Premier what action the Government has taken following the question last week by the Leader of the Opposition asking the Deputy Premier to speak to the Attorney-General about the need for the Corporate Affairs Commission to investigate the proposed takeover of Ensign Holdings Ltd. by Spotless Ltd. At the time the Deputy Premier undertook to raise the matter with the Attorney-General. Can the Premier indicate whether those investigations were made, and if so, what was the result?

Mr. HAMER (Premier and Treasurer): The undertaking was honoured, and the office of the Attorney-General is examining what can be done. It appears from a preliminary examination that it may require an amendment of the uniform Companies Act to properly cover what has happened in this case. In any case, the honorable member will be aware that Ensign Holdings Ltd. has now issued a writ against Spotless Ltd., apparently requiring that company to give up some or all of the shares that it acquired, representing the majority of shareholders.

The matter is still under close scrutiny and action will be taken as soon as possible within the present ambit of the Companies Act. If other action is required to deal with takeovers of this kind, the Victorian Government will certainly take the lead in proposing it for all States.

HOUSING COMMISSION LAND PURCHASES.

Mr. ROSS-EDWARDS (Leader of the National Party): Would the Minister of Housing be prepared to place on the table of the Library the file on the purchase by the Housing Commission of 344 acres of land known as the Mossgiel Park estate from Development Underwriting Ltd. for approximately $5 million? I understand the sale took place towards the end of June, 1977.

Mr. HAYES (Minister of Housing): The answer is, "Yes".

BARWON HEADS BRIDGE.

Mr. AUREL SMITH (Bellarine): I direct a question to the Minister of Transport. Further to a report in yesterday's Geelong *Advertiser* stating that as a result of a motorist's vigilance a structural failure was discovered in the wooden bridge over the Barwon River linking Barwon Heads with Ocean Grove, will he undertake that a complete examination and assessment of the future requirements for this bridge will be carried out as a matter of urgency?

Mr. RAFFERTY (Minister of Transport): I thank the honorable member for directing the matter to my attention. I have not read the report in the newspaper, but I will have inquiries made about it and advise the honorable member.

SALMONELLA OUTBREAK.

Mr. ROPER (Brunswick): I direct a question to the Assistant Minister of Health in respect of the outbreak of salmonella bredency. Is it the case that the distributors of the food believed to be the source of the outbreak were not fully co-operative with officers of the Department of Health? If so, in what respect was this so, and what action did the Minister of Health in another place and the Assistant Minister of Health take to achieve their co-operation? Further, will the company be prosecuted, and, as this is the third outbreak of salmonella in a major food product, will the Minister assure the House that the Government will not cave in to pressure from the Food Industry Council, which wishes to water down the regulations introduced in August?

Mr. JONA (Assistant Minister of Health): I think the House will agree that the honorable member incorporated about nine questions in that question.

Mr. FOGARTY: It is an important matter.

Mr. JONA: It is extremely important. The honorable member is referring to the recent salmonella outbreak which has been widely reported in the press in the past few days and on which the Minister of Health has made a public statement, of which I will be happy to make a copy available to the honorable member. The Minister indicated that there were instances where co-operation had not been fully forthcoming by some companies. In this case I understand that the salmonella outbreak originated in a company in New South Wales, not in any company in Victoria. In fact, no Victorian company is known to be associated with the source of the outbreak.

In respect of the other series of questions, I suggest, having regard to the state of the sessional period, that the honorable member could let me have a note of all the information he seeks in writing and I will ensure that he receives a written reply. Alternatively, if he places the question on the Notice Paper quickly, he will receive a quick reply.

ASSISTANCE TO DROUGHT AREAS.

Mr. WHITING (Mildura): Following the statement yesterday by the Honorable Ian Sinclair, the Federal Minister for Primary Industry, about the offer of assistance to those States affected by drought conditions at present, has an approach been made to the Federal Government by the Victorian Government about the north-western part of the State, which has had extremely low rainfall during the past eleven months? If not, will the Minister undertake to make a request to the Federal Government in the near future?

Mr. BORTHWICK (Minister of Lands): I am not aware of any variation in the Commonwealth's attitude, which has been established from the McMahon Government days, of each State having to spend an established amount before it becomes eligible for assistance in a disaster. In fact, Victoria has to spend $3·5 million under the criteria established by that Government before it can receive any money, and that applies to droughts.

One of the biggest arguments we have had in this field is that droughts do not recognize financial years, and the amount spent has to be $3·5 million each financial year even if it is a two-year drought. That is one of the ludicrous situations that exist in the Commonwealth-State financial relationships.

On the question of assistance for those areas that were declared drought areas last year, I point out that they are still eligible for assistance. It is an on-going thing and we will be very happy to assist in all areas that have been declared drought areas in Victoria, and they are by far the most extensive in Australia. We are prepared to continue along that line, and of course to declare other areas as the need arises. If there is the slightest indication that the Commonwealth Government is prepared to alter its criteria of assistance to the States in meeting disasters in Australia, we will be very pleased to follow it up as a matter of urgency.

INTEREST RATES.

Mr. CRELLIN (Sandringham): Following the recent announcement by the Federal Government of a drop in interest rates, can the Premier advise the House what action can be taken at State level to support this welcome move in interest rates?

Mr. HAMER (Premier and Treasurer): I think the House will be aware that the Victorian Government, in collaboration with all other States, has been pressing for a drop in interest rates for a long time, and therefore this drop in the Australian savings bond rate by one-half per cent, coming on top of a one-quarter per cent drop two weeks ago is extremely welcome. The question asks what can be done at State level to bring interest rates down. I am glad to tell the honorable member that we have already had discussions with the co-operative building societies and as from today—certainly the announcement will be made today—the co-operative building society rates will also be dropped by one-half per cent, both for borrowing and lending contracts.

Although the Government has no direct power by statute to direct interest rates, it does have the power to fix the interest levels for Government guarantees. For co-operative housing, the level of interest under Government guarantee will drop from 9·75 per cent to 9·25 per cent, a full ·5 per cent reduction. For ordinary co-operative enterprises under the Co-operation Act, the level will drop from 11·5 per cent to 11 per cent; again, the full ·5 per cent reduction.

Permanent building societies are, of course, in a competitive situation with the banking system and one would not expect them to drop their interest rates and risk an outflow of funds unless a similar reduction occurs in the banking system. The permanent building societies have assured the Government that they are prepared to reduce their rates in conformity with a fall in interest rates generally, and the Government is now pursuing this matter with the Federal Treasury to find out whether, for instance, overdraft and other rates in the banking system will also be reduced by ·5 per cent.

HOUSING FUNDS.

Mr. WILTON (Broadmeadows): I ask the Treasurer whether it is intended that additional State funds will be released to assist the ailing housing industry, and, if so, what amount is to be released by the Treasury, who will be eligible to apply for the use of this money and what interest rate will be charged?

Mr. HAMER (Premier and Treasurer): I made a public statement on this issue last week indicating that arrangements had been made through the banking system for an additional $25 million to be injected into co-operative housing societies. This amount is sufficient to form 25 or so new societies each with a capital of $1 million, which would be available for lending. The idea was to assist the lower income earners who are a little above the level of $195 a week income because those below that level can get assistance through Home Finance Trust. At the next level, many are desirous of entering into home purchases but they are inhibited by the level of interest rates. Therefore, it is part of the scheme that the Government

subsidizes interest rates for the lower income earners at varying rates according to income between $195 and $255 a week.

I can provide the honorable member with a copy of the statement that I made, which sets out the scheme. It has two effects: firstly, to get more capital into co-operative housing and, secondly, to subsidize interest rates at low levels.

IRRIGATION CHARGES.

Mr. HANN (Rodney): Can the Treasurer indicate whether a decision has yet been made concerning water charges this year for irrigators throughout northern Victoria? In view of the serious economic recession in these areas, is the Government prepared to subsidize irrigation charges and hold them at their present levels?

Mr. HAMER (Premier and Treasurer): This matter is under very serious consideration right now for the reasons given by the honorable member. I hope that I will be able to give him the answer next week.

BANYULE HIGH SCHOOL

Mr. SKEGGS (Ivanhoe): Has the attention of the Minister of Education been drawn to a circular from Banyule High School to parents of students at the school pointing out potential staff shortages as a result of the Education Department's new staffing formula for 1978? If so, will the Minister undertake to examine the position at the Banyule High School as a matter of urgency?

Mr. THOMPSON (Minister of Education): I will be happy to examine it.

Mr. FORDHAM: Together with all other schools.

Mr. THOMPSON: For the benefit of the Deputy Leader of the Opposition, I point out that at the beginning of the 1960s, Victorian secondary schools were one-half as well staffed as universities; now they are better staffed than universities. Next year will be another year of very favourable staffing in secondary schools. The particular case referred to by the honorable member for Ivanhoe concerns the Banyule High School, which is in the electorate that he represents. I shall be happy to examine the situation at that school.

In anticipation of problems arising, I asked Mr. Hird, the Assistant Director of Personnel, to visit a selection of high schools in the State explaining any changes to them and listening to their comments. He is doing that at present in country areas and will be visiting a number of metropolitan high schools next week.

VICTORIAN INSTITUTE OF MARINE SCIENCES.

Mr. EDMUNDS (Ascot Vale): Can the Premier advise the House what stage negotiations with the Commonwealth have reached concerning the location of the Victorian Institute of Marine Sciences at Point Nepean?

Mr. HAMER (Premier and Treasurer): The Commonwealth has agreed to make available a portion of land that at present forms part of the quarantine reserve at Portsea. It has required the Victorian Government to purchase the land—it is an area of approximately 14 hectares, from memory—and it has asked what this Government regards as an extortionate amount, $2·75 million. The Victorian Government has indicated that it regards that price as excessive and negotiations are now in progress to obtain a better price.

I point out that this land forms only a small part of the quarantine reserve and remind honorable members that at Federation the Commonwealth Government was required to purchase the whole of the reserve for the sum of 6,000 pounds. It is now asking $2·75 million for a small part of that reserve. It is perhaps also relevant to note that the Commonwealth Government did not pay its 6,000 pounds until 1931.

PIVOT SUPERPHOSPHATE CO.

Mr. A. T. EVANS (Ballarat North): Is the Minister of Agriculture aware of the lack of adequate loading facilities at the Pivot Superphosphate Co. works at Geelong, where it is reported that farmers have to sleep in their trucks overnight because if they arrive later than 4 a.m. their trucks cannot be loaded?

Honorable members interjecting.

The SPEAKER (Sir Kenneth Wheeler): Order! Day after day I am forced to appeal to honorable members to cease chatting during question time. It is important that Ministers should be able to hear the questions directed to them and they are unable to do so while there is so much noise in the Chamber. I ask honorable members to be reasonable in this matter.

Mr. A. T. EVANS: I ask the Minister to make representations to the company and ask if it can improve the loading facilities at these works.

Mr. I. W. SMITH (Minister of Agriculture): I thank the honorable member for his question. I have had personal experience in this matter. As honorable members will be aware, the requirement for superphosphate is seasonal and during the autumn and spring the Pivot Superphosphate Co., which has the sole agency for fertilizer in Victoria, is under tremendous pressure. It has devised an hourly booking system and if farmers or their carriers book a time and arrive within an hour of that time they normally do not experience delays, unless there has been a breakdown in the system. From personal experience, I know that if one plays the company's game of booking, one's vehicle is loaded at the appropriate time or very close to it.

If the honorable member has information that this is not the case and that people have been suffering unnecessary delays, I shall be very happy to take the matter up with the company.

UNCOLLECTED TATTERSALL DIVIDENDS.

Mr. TREZISE (Geelong North): I ask the Premier and Treasurer whether he has yet determined who benefits from the interest on uncollected dividends held by Tattersalls for three years before they are paid into the Consolidated Fund?

Mr. HAMER (Premier and Treasurer): The answer to the honorable member's question is, "No".

GEELONG ANIMAL HEALTH LABORATORY.

Mr. GUDE (Geelong East): I ask the Premier whether he is aware of the existence in cattle in the Northern Territory of an exotic disease known as "blue tongue". If so, what effect will it have on the health of humans? Particularly in view of this outbreak, will he make representations to the Federal Government to have the proposed animal health centre erected at Geelong?

Mr. HAMER (Premier and Treasurer): I am aware that there is a suspected outbreak of "blue tongue" in cattle in the Northern Territory. The honorable member would be aware that the Victorian Government has been pressing for the construction of an animal health laboratory at Geelong for some time. As recently as June, the Government sent urgent telegrams to the Federal Government on this subject asking that the project be started. I remind the honorable member that it will cost $100 million.

At that time, funds were not available but I read in the press—yesterday, I think—that the Minister for Primary Industry, Mr. Sinclair, has said that the animal health laboratory at Geelong is to be started as soon as possible. As yet, the Victorian Government has no confirmation of that, but it has sent a message asking for clarification and confirmation that this important facility will be started immediately.

CONTAMINATED FOOD.

Mr. FOGARTY (Sunshine): Following a question by the honorable member for Brunswick, I address a further question to the Assistant Minister of Health. What avenues are open to the State and/or the Federal Government to ensure that a person or persons shall report the source of supply, manufacture, or distribution of contaminated food destined for human consumption?

Mr. JONA (Assistant Minister of Health): The answer to this question is complex. As the honorable member knows, there are many provisions within the Health Act itself.

Mr. FOGARTY: Registration is one.

Mr. JONA: That is so. There are also regulations under several other Acts and certain responsibilities have been delegated to local government. Departments other than the Department of Health also hold related responsibilities. Rather than attempt to summarize what would have to be a detailed answer, I suggest that the honorable member place the question on the Notice Paper, and if he does that he will receive a full reply.

SOLAR ENERGY.

Mr. JASPER (Murray Valley): I direct a question to the Premier. It is further to my question relating to solar energy and his reply that the Victorian Solar Energy Research Committee is now operating. Is he prepared to instruct that committee to investigate the installation of a solar energy unit at the $300,000 nursing home unit to be built at Cobram, for which all the plans have been prepared and for which the estimated cost of the installation of a unit is approximately $8,000.

Mr. HAMER (Premier and Treasurer): I have received a letter from the honorable member on this subject and I have sent it to the committee dealing with solar energy asking it to investigate the practicability of this idea and to advise the Government. If it turns out to be a practical idea, or even a worthy research project, the Government will be prepared to finance it.

FYANS PARK PRIMARY SCHOOL.

Mr. BIRRELL (Geelong West): Owing to the spurt in enrolment at the Fyans Park Primary School in the Geelong West electorate, will the Minister of Education examine the allocations at the beginning of next year with a view to providing a couple of relocatable class-rooms for the school, particularly as its listing on the building programme does not provide for art or library facilities.

Mr. THOMPSON (Minister of Education): Yes, I am prepared to examine this problem.

HOUSING COMMISSION LAND PURCHASES.

Mr. SIMPSON (Niddrie): Can the Premier advise the House whether he saw the letter which accompanied the Crowley report of September, 1974? If he did not see it at that time, has he seen it since and, if so, when?

Mr. HAMER (Premier and Treasurer): Yes, I have seen that letter. I cannot give the exact date when I first saw it. I will ascertain the date and let the honorable member know.

FRANKSTON COMMUNITY HOSPITAL.

Mr. CATHIE (Carrum): In view of the story in the Frankston newspapers this week that the Frankston Community Hospital is being given permission to borrow $1·3 million, could the Premier and Treasurer clarify whether the extra $600,000 is a loan, authority to borrow or a grant?

Mr. HAMER (Premier and Treasurer): The money is part of the financing of the hospital. The hospital is anxious to go on with this project and the Government is equally anxious that it should. This is by way of bridging finance enabling an earlier start to be made. The whole of the money will eventually have to

be found by Government funding. It will be so found. This arrangement will enable the hospital to make an earlier start and probably thereby to save some money.

CO-OPERATIVE HOUSING.

Mr. McINNES (Gippsland South): With reference to the answer to a question asked earlier today concerning the $25 million released to co-operative housing, can the Premier advise whether any of the 25 societies are in the country, particularly in view of the 40 to 50 unsold new homes within the Sale, Stratford and Maffra area?

Mr. HAMER (Premier and Treasurer): The actual distribution is in the hands of the Registrar of Co-operative Housing, Mr. Jungwirth. I expect that a number will be in country districts. There is no reason why they should not be, provided that people are ready to form co-operatives and take advantage of the funds. There is no reason why they should not have a share of the money. I expect they will.

BOOM BARRIERS FOR PEDESTRIAN CROSSINGS.

Mr. COX (Mitcham): Can the Minister of Transport advise, following a report recently that VicRail will be experimenting with boom barriers for pedestrians for a period, how long will this be and when is it likely that these barriers will be used on all railway crossings?

Mr. RAFFERTY (Minister of Transport): I am not able to give the honorable member a precise answer at the moment. I will make it my business to let him know. The time schedule is not very far away.

INDUSTRIAL RELATIONS.

Mr. SIMMONDS (Reservoir): Can the Premier indicate whether he is aware of the intervention in the South Australian Electricity Trust chaired by Sir Thomas Playford and the trust's employees to introduce an agreement based on an increase in productivity on the understanding that a 37½-hour working week will be introduced? Can he advise the House on the basis of the intervention of the Government of Victoria and whether this Government is opposed to consent agreements based on the concept of industrial relations to bring harmony and conciliation into the power industry? Does he intend to adopt that same approach in Victoria with respect to the power industry?

The SPEAKER (Sir Kenneth Wheeler): The honorable member is getting beyond a question.

Mr. SIMMONDS: Finally, is he prepared to indicate to the House that that is the policy of this Government, both within the public and private sectors, particularly in view of the number of private industries in Victoria which have introduced similar agreements.

The SPEAKER: The honorable member is now debating the matter. I appeal to the honorable member to ask a specific question and be brief.

Mr. HAMER (Premier and Treasurer): The question is a mixture of question, comment and inquiry as to policy and opinion. I ask the honorable member to put the question on notice and I will give him an answer.

WESTERN PORT REGIONAL PLANNING AUTHORITY.

Mr. CATHIE (Carrum): I ask the Minister for Planning, in view of the close connection between Mr. Leake and the Western Port Regional Planning Authority and in view of allegations made earlier this year in the Frankston *Standard* that confidential business papers of that authority dealing with land and land development were leaked to members of the Liberal Party, will the Minister investigate this matter and ensure confidentiality of all business conducted by the Western Port Regional Planning Authority.

Mr. HAYES (Minister for Planning): I have forgotten how long ago Mr. Leake was concerned with the Western Port Regional Planning Authority.

Mr. CATHIE: In 1971.

The SPEAKER (Sir Kenneth Wheeler): Order! The honorable member for Carrum directed a question to the Minister. I am sure the honorable gentleman does not need assistance. If he does, he will ask for it.

Mr. HAYES: I am not aware of the allegations raised, probably by the honorable member, in the Frankston *Standard* earlier this year as to alleged leaks. No doubt if it was serious I would have been told before now.

PERSONAL EXPLANATION.

Mr. HAYES (Minister of Housing): I refer to my answer to a question without notice asked by the honorable member for Carrum on 10th November at page 11223 of *Hansard*, in which I stated that I had given an answer to a question on notice the previous day which detailed information he sought.

I apologize for this statement, as I find that I had inadvertently confused the honorable member's question with a report which I had, at that time, received in my office. His question concerned the Housing Commission's knowledge of a relationship between a building company, Metricon Pty. Ltd. and a real estate agency, Moore Williams and Son Pty. Ltd. Firstly I must say that the Housing Commission was not aware, at the time of entering into a contract with Metricon Pty. Ltd., in March of this year, that this company had any connection with the real estate firm of Moore Williams and Son Pty. Ltd. The Chairman of the Housing Commission, Mr. Allwinton, has made that clear in a recent public statement. Whilst the company would acknowledge that it has close business relationships with Moore Williams and Son Pty. Ltd., I have been assured by Metricon Pty. Ltd. that at the time of the contract, March 1977, the directors of Moore Williams and Son Pty. Ltd. had no shareholding or trust interest in the company, having divested themselves of their interest, some months earlier.

At that time, March of this year, the commission bought 100 lots from Gladesville (Patterson South) Pty. Ltd. and, as part of the contract, was required to construct houses to a standard acceptable to the vendors, to ensure a balanced development of the estate. In addition, it was a condition that houses be built by private builders utilizing their own designs. Incidentally the 100 lots were purchased at the price of $12,500 per fully serviced lot—$1,000 per allotment less than the Valuer General's valuation.

In order to honour this agreement, the commission then entered into negotiations with two companies, namely Jennings Industries Limited and Metricon Pty. Ltd., for the construction of 25 houses by each company. Both these firms submitted offers to build at fixed prices which compared favourably with prices received under the public tender system at that time.

STATUTE LAW REVISION COMMITTEE.

STATUTE LAW REVISION BILL (No. 2).

Mr. A. T. EVANS (Ballarat North) presented a report from the Statute Law Revision Committee on the proposals contained in the Statute Law Revision Bill (No. 2), together with an appendix and minutes of evidence.

It was ordered that they be laid on the table, and that the report and appendix be printed.

AUDITOR-GENERAL'S REPORT

The SPEAKER (Sir Kenneth Wheeler) presented the Treasurer's statement of the receipts and payments of the Consolidated Fund and the Trust Fund for the year ended 30th June, 1977, accompanied by the

report of the Auditor-General and by the documents specified in section 47 of the Audit Act.

It was ordered that the report be laid on the table, and be printed.

FREEWAY F19.

Mr. CRABB (Knox): I desire to move that the House do now adjourn for the purpose of discussing a definite matter of urgent public importance, namely the failure of the Government to ensure that the Bulleen end of the Freeway F19 was constructed to required standards so as to avoid the necessity for the current excavation and replacement works thereon.

Approval of the proposed discussion was indicated by the required number of members rising in their places, as specified in Standing Order No. 26 (*b*).

Mr. CRABB (Knox): I move—

That the House do now adjourn.

Mr. THOMPSON (Minister of Education): I raise a point of order, Mr. Speaker. It has been a long-standing custom in this House that two hours' notice be given to the Government of an adjournment motion. It has not been done on this occasion, and I want to know why.

The SPEAKER (Sir Kenneth Wheeler): There is no point of order so far as the Chair is concerned. I cannot rule on domestic arrangements.

Mr. RAMSAY (Balwyn): On a point of order, it has been purported that this motion is a matter of urgent public importance, that the Government has failed to ensure that the Bulleen end of the Freeway F19 was constructed to required standards. The Government has not yet taken delivery of the Freeway F19. Construction of the freeway is still in the hands of the contractors, and it is improper that this House should be asked to judge whether the freeway has been properly constructed. I suggest, therefore, that it is not yet a matter of urgent public importance.

Mr. FORDHAM (Footscray): This is surely the most frivolous point of order ever taken on an adjournment motion. The Government has not yet taken delivery of the West Gate Bridge. Is it being suggested that we should not talk about the West Gate Bridge and its faults over a period of time? The Government has not taken delivery of certain other public works which have been the subject of dispute. These works are being constructed under Government contracts; public money is involved and will continue to be involved.

The matter is of urgent public importance. The urgency has been determined by a number of members standing in their places. I have no doubt that the community at large regard the failure of the Government in this matter as a matter of public importance and as being worthy of debate in this House. I am quite confident, Mr. Speaker, that you will regard the matter as urgent and will allow it to be debated.

The SPEAKER (Sir Kenneth Wheeler): I shall not enter into argument because I do not need to hear anything further to make up my mind. The motion has been distributed. It is quite specific. It is of recent occurrence—I understand that it occurred only yesterday—and it is the first available opportunity open to honorable members to raise the matter. I accept the motion.

Mr. CRABB (Knox): This motion is about the failure of the Government, yet again, to ensure that freeway and road construction has been made to the required standards. Currently, a large area of the surface of the Freeway F19, the Eastern Freeway, is being ripped up, carried away in trucks and dumped in the Glen Iris brick quarry. I understand that 1,200 tons of road surfacing material is being ripped up, and dumped. It covers 5,000 square metres. The community pays over and over again for the bungling of the Government, and it will pay for the bungling on this occasion. The

profits of the contractors are loaded to cover exactly this type of contingency. Similar occurrences have taken place in relation to every Government road contract; this is not the first occasion on which it has happened; it is the last of a long list.

The contractors, Roche Brothers Pty. Ltd., have been asked by the Government to replace the surface at their own expense. Whether that happens remains to be seen. Perhaps the matter will turn out to be like the Hume Highway, where Galli Brothers had a cost-plus contract.

The most remarkable aspect of the break-up of the Freeway F19 is that no traffic has passed over the freeway. However, 1,200 tons of bitumen surfacing is being dumped in a tip. That is a disgrace, and a testimony to the failure of the Government.

I am concerned about the cost involved in the breakup of the pavement of the freeway. It has been alleged, although I have not been able to confirm it, that the material for that part of the freeway was obtained from the same quarry that supplied material for the Hume Highway—Apex Quarries Ltd. If that is true, the Minister ought to be reprimanded severely by the people of this State. The break up of the Hume Highway is bad enough without being compounded by the break up of the Freeway F19.

The Freeway F19 runs from Bulleen to Collingwood and was initially built as a result of bad planning. It was intended to service the people who live in the Templestowe–Doncaster–Bulleen area, a great area of rolling hills with houses, and little thought to the arterial roads and public transport needs of the people who live there. That is not only my opinion. In the *Age* editorial on 18th October, this year, the following appeared—

> In retrospect, the concept of a network of freeways radiating from inner Melbourne and the location of this particular freeway may be questionable. So is the unrestrained sprawl of suburban development over the former rustic hills and valleys of North Balwyn.

Mr. CRELLIN (Sandringham): I raise a point of order. This week three motions for the adjournment of the House have been moved.

Mr. ROPER: Only two.

Mr. CRELLIN: There were three attempts to do so. Much debate has taken place about the content of each of the motions. Mr. Speaker, you have given clear instructions that the debate should be confined to the subject of the motion. I find it difficult to appreciate what the rolling hills and houses in Bulleen have to do with this motion.

The SPEAKER (Sir Kenneth Wheeler): Order! I uphold the point of order. I was just about to bring the honorable member back to the content of the motion.

Mr. CRABB (Knox): I was merely making a passing reference to that matter. The people who will be driving on the freeway which is breaking up are the people who live in the areas described. The Eastern Freeway was built as a result of bad planning. The whole thing has been a disastrous mistake from the start.

The SPEAKER (Sir Kenneth Wheeler): Order! One of the matters outlined in my ruling that this is an admissible motion was that it is specific. If the honorable member passes from the specific matters contained in the motion, I shall have to rule him out of order. Whether it was a desirable decision to build the freeway has nothing to do with the motion. The honorable member understands that clearly and I ask him to return to the matter.

Mr. CRABB: The motion concerns the failure of the Government to construct the freeway to a required standard and the failure of the Government to act and behave efficiently and properly, as has been demonstrated time and again in recent years.

The freeway extends from the Templestowe–Doncaster–Bulleen area into the inner-suburban areas of Collingwood and Fitzroy. In building the freeway the Government has had a consistent lack of diligence in all aspects, particularly the aspect to which this motion is addressed—its construction to the required standard. The Government has had callous disregard for the costs of building the freeway, for the efficiency of building it, for the people who will use it and for the people who live in its vicinity.

The latest failure of the pavement on the Freeway F19 must be considered in terms of what it has cost the community. The freeway is less than 9 kilometres long, and will cost $87 million. That is equivalent to $10 million for every metre of the freeway, and even honorable members opposite can work out that that is $100 for 1 centimetre. It is the most expensive piece of roadway ever built in Victoria. It has failed, and has started to break up before a car has passed over it.

I do not wish to mislead honorable members of the Government party. The entire $87 million was not used for the construction of the freeway. More than $40 million of it went into land acquisition and another $20 million into the building of the median strip.

Mr. CRELLIN: What will be in the middle of the freeway?

Mr. CRABB: I am happy to hear that interjection. Honorable members have been told that a railway line will be there. I hope it is constructed more quickly than the line that is supposed to run from Huntingdale to Fern Tree Gully. This Government's record in relation to railways is just as bad as its record on freeways.

The SPEAKER (Sir Kenneth Wheeler): Order! I do not wish to sound difficult. I did not type this motion; the honorable member did. It reads—

> The failure of the Government to ensure that the Bulleen end of the Freeway F19 was constructed to required standards so to avoid the necessity for the current excavation and replacement works thereon.

The honorable member must confine his remarks to the terms of the motion. It is his motion, not mine.

Mr. CRABB: I was referring in passing to the railway that will run along the middle of the freeway.

The cost of building the Bulleen end of the Freeway F19 was $10,000 a metre, ten times the cost of the Hume Highway from Wallan to Broadford, which cost $1,000 a metre. The remarkable thing about the comparison is that the Hume Highway in that area also broke up, in what appears to be a similar fashion to the break up of the Freeway F19 If it is true that Apex Quarries Ltd. supplied the same base material for the Freeway F19 as for the Hume Highway, it could well be that the reasons for the problems on the F19 are the same as the reasons for the break up of the Hume Highway.

The Minister of Transport has already spoken in the House about the concern of the Government regarding the break up of the Hume Highway.

Mr. RICHARDSON (Forest Hill): I raise a point of order. Over the past few minutes the honorable member for Knox has consistently referred to the Hume Freeway, whereas the motion concerns the Bulleen end of the Freeway F19. The honorable member is continuing impertinently to disregard your instructions to him, Mr. Speaker, that he should confine his remarks to the concise wording of the motion. The honorable member should either confine his remarks in the appropriate manner or sit down.

Mr. FORDHAM (Footscray): It is quite legitimate for a member in passing to refer to other situations that are analogous.

Mr. RICHARDSON: He should not make another speech on it.

Mr. FORDHAM: Members of the Opposition are pleased that the honorable member is awake and listening to the debate. I sincerely suggest that the honorable member for Knox has been well within the requirements of the Standing Orders and rules of debate. Any comments he has made have been in relation to an analogy between other situations that affect and are related to the Freeway F19. I agree that if his major comments were related to the Hume Freeway they would not be in order. However, that has not been the case.

The SPEAKER (Sir Kenneth Wheeler): I appreciate the comments of both honorable members. I have consistently asked the honorable member for Knox to come back to the motion. However, in this instance the honorable member was making a comparison between the break up of the freeway and the break up of the Hume Highway. I cannot uphold the point of order in this instance because the honorable member was making a passing reference to and a comparison between the two freeways. Nevertheless, that does not give the honorable member free latitude.

Mr. CRABB (Knox): I should like to continue with the comparison in passing. In his Ministerial statement to this House on 7th September this year, the Minister of Transport stated—

> However, contrary to expectations and past experience, some lengths of pavement in both carriageways, in close proximity to the Glenelgin interchange, began to fail under heavy traffic.
>
> The Country Roads Board advised me of this situation early in December, 1976, attributing the failure to pavement instability, due in the main to pavement material which was performing in an unsatisfactory manner.

That is exactly what is happening on the Freeway F19.

Mr. RAMSAY (Balwyn): I raise a point of order. Mr. Speaker, you ruled that an analogy could be drawn, but I submit that the honorable member has taken it beyond the point of comparison, saying that the Hume Highway broke up under the stress of traffic. There has been no traffic on the Freeway F19. An examination is being undertaken, and completely different measuring techniques are being used by the engineers concerned. The analogy between the break up of the Hume Highway under traffic is not a true analogy and goes beyond the limits laid down.

The SPEAKER (Sir Kenneth Wheeler): Order! The honorable member for Knox has finished his comment. I invite him to continue his speech along the lines directed.

Mr. CRABB (Knox): The honorable member for Balwyn took the words out of my mouth. I was about to say that the Freeway F19 has cracked up before any traffic has passed over it. The situation is worse than that of the Hume Freeway, although that was sufficiently bad to cause the Minister to set up an investigation by P.A. Consultant Services Pty. Ltd. It is remarkable that the investigation has not had any effect of improving the work on the Freeway F19. The terms of reference for the management consultants firm were—

> To review the Country Roads Board organization and procedures for works contracts, particularly relating to—
>
> Methods of using the various skills and disciplines available to the board for letting, supervising and administration of works contracts.
>
> Methods by which designs, specifications and standards for work and materials for particular projects are determined.
>
> The setting of terms of contracts.
>
> The system of calling and evaluating tenders and selecting a suitable tenderer.
>
> Producers for regular review of progress of work and quality of work and materials.
>
> Procedures for considering and determining any need for change and for the making of necessary changes in design, construction procedures or contracts during the contract period.

The management of the contract system generally, and the management of particular major project contracts.

That inquiry was established in August and honorable members were told it would take three months, but we have heard nothing from it yet. Certainly it did not have the result of making the Government competent enough to carry out the proper construction of the Freeway F19. I ask the Minister to state when we will hear the results of that investigation, if we ever will.

The failure at the Bulleen end of the Freeway F19 is an important matter in itself, but it is of greater importance because of the atmosphere in which it has occurred. It is the last of a long series of catastrophic bungles in public construction by the Government. I have mentioned the Hume Freeway. Everybody knows about the King Street Bridge and the tragedy of the West Gate Bridge. These are the dramatic failures for which the Government is culpable, but there have been many less dramatic failures. The failure of the pavement on roadways has occurred many times. In 1977 alone, there have been failures in roadways detected at Mahoney's Road, Preston, on 2nd February, 1977; parts of Freeway F19, on 28th March; on the Koowee-rup overpass on the Princes Freeway, on 23rd April; on the Hume Freeway, between Wallan and Broadford—first observed on 20th May; on the Princes Freeway west of Melbourne, on 13th July; on the Princes Freeway section at Berwick at an unconfirmed date; on the South Gippsland Highway at Cranbourne, on 1st June; at Cheltenham and Wells roads, Springvale, on 2nd June; and on the Calder Highway at Gap Hill, on 21st July. The Country Roads Board has files on all these failures.

Mr. ROSS-EDWARDS: On the Hume Highway, there are failures every day.

Mr. CRABB: I believe that. However, the Government has never seen fit to allow the taxpayers of Victoria to know of these instances of shocking incompetence which have occurred again and again. Despite the demonstrable failure on the Hume Freeway, the Government has continued with its incompetent bungling and waste of taxpayers' money on bad road building. The last example is at the Bulleen end of the Freeway F19. The taxpayers face an enormous bill for road building, and they do not want an extra bill for repairs, which would not have been necessary if the work had been done properly in the first place.

Every municipality is feeling the financial pinch in meeting its normal obligations. They can blame the incompetence of the Government because of the incredible burden being placed on taxpayers as a result of bad road building. The Government is spending money on repairs to roads which should never have been necessary and using funds which should have been available for building decent roads elsewhere. Money that should have been spent on building good roads—and the Bulleen end of the Freeway F19 should have been built properly—is being wasted on repairs because of failures such as occurred there, on the Hume Freeway, and on all the other roads I have mentioned.

One of the matters of the greatest concern is the Government's continual covering up of these failures. It is only because of the actions of the Opposition and reports in certain sections of the press that the public has been made aware of this bungling. The Government and the Minister of Transport refuse to live up to their obligations to inform the Parliament and the people of Victoria of what is going on, particularly in the Country Roads Board. As I said earlier, the Freeway F19 failure is the latest in an incredible series of failures. Yet this was one of the most expensive roads built. It cost $10,000 a yard. But it has cracked up before a car has been driven on it and before any of the people represented by the honorable member for Doncaster have been able to drive along it.

What can we expect in the future? Are we to expect the same sorry saga we are finding with the Hume Freeway, where there have been breakdowns on the pavement, breakdowns of the repairs, and breakdowns of the repairs of the repairs? This bungling is a burden on the resources of the community which it can ill afford to continue to accept. An editorial in the *Herald* last night put the matter succinctly. It stated—

> Victoria's record in the field of major public works is less than impressive. Who can forget the Kings Bridge and the West Gate collapses?
>
> Now we have another example of our shaky construction record in the tragi-comic story of the Hume Freeway.
>
> . . . . . .
>
> The Minister of Transport, Mr. Rafferty, must act swiftly and positively to ensure that this sort of bungling cannot happen again on this or any other construction job.

The *Herald* must have been dreaming if it expected the Minister of Transport to act either swiftly or positively. That is something the Opposition has never known him to do.

Mr. CRELLIN (Sandringham): I raise a point of order, Mr. Speaker. You have quite clearly ruled that on matters of this nature the debate must be confined to the motion before the House. This motion does not mention the Hume Freeway or freeway policies generally. It specifically refers to the Bulleen end of the Freeway F19. We have not heard any example of the costs of that section of the freeway and the Opposition has put forward not a scrap of evidence positively relating to the particular section of the freeway.

The SPEAKER (Sir Kenneth Wheeler): Order! I cannot uphold the point of order. The honorable member for Knox has referred to criticism by the *Herald* newspaper and has related that to the motion. So long as the honorable member does not speak about the Hume Freeway and its problems, I will continue to hear him.

Mr. CRABB (Knox): No doubt the week-end soldier from Sandringham will contribute to the debate. The *Herald* editorial was headed, "Bottomless Potholes?" and the Government has fallen into one. The Freeway F19 has failed before it has even been driven on, and the Government is cracking up as the roads it is building are cracking up. It is lurching from scandal to shamble. Day after day we find examples of the incompetence of this callous Government, shifting from land deals to bungles in road building. The break up of the Freeway F19 is a most ludicrous, disastrous and incompetent failure of the Government yet experienced. The House should support the motion.

Mr. RAFFERTY (Minister of Transport): All honorable members have been waiting for the honorable member for Knox to show his capacity in his new responsibility. But never in the 22 years that I have been a member of this Parliament have I heard a more pathetic effort! I am deeply sorry for the honorable member. Not only has he started pathetically, he has started extremely rudely. No doubt his rudeness was brought about by the anguish the Opposition has suffered during the past couple of weeks. It has lost two members of the House and gained one.

The SPEAKER (Sir Kenneth Wheeler): Order! I will hear the Minister on the motion.

Mr. RAFFERTY: No doubt the Leader of the Labor Party believes that a bird in the House is worth two in the bush.

Mr. WILTON (Broadmeadows): On a point of order, Mr. Speaker, every member of the Opposition would welcome an opportunity to debate with the Minister of Transport the matters he is speaking about now. But, Sir, you repeatedly directed the honorable member for Knox to restrict his comments to the subject-matter of the motion. The honorable member for Knox has laid his charges

and we now want to hear the Minister's answers to them, not the sort of claptrap he is going on with.

The SPEAKER: Order! I have already asked the Minister to return to the motion.

Mr. RAFFERTY (Minister of Transport): This is an interesting motion, albeit that it is completely contradictory. It refers to the failure of the Government to ensure that the Bulleen end of the Freeway F19 was constructed to required standards so as to avoid the necessity for the current excavation and replacement works thereon.

The first point I make is that the original project for the building of this freeway, which included the Bulleen end, was begun in 1969. I think I am right in saying that at that time it would have been a Melbourne and Metropolitan Board of Works project. Later, as a result of legislation passed by this Parliament, it came under the control of the Country Roads Board. I am also informed that the particular piece of the road that is now under surveillance was completed some two and a half years ago.

The motion refers to the failure of the Government to ensure that the Bulleen end of the freeway was constructed to required standards. That is the charge of the Opposition but that is precisely what the Country Roads Board is doing. It is ensuring that it does meet the required standard. We were reminded by the honorable member for Balwyn that the freeway is not yet open. It was probably the Melbourne and Metropolitan Board of Works which let the contracts initially—I do not have the details—but when a Government contract is let the Government has a responsibility to ensure that the work under the contract is carried out to required specification, and that is what the Country Roads Board is insisting upon now. In other words, the contractor has a task to carry out. A large part of that task has been completed and has, I assume, been passed by the Country Roads Board. The Country Roads Board engineers have told the contractors that part of the freeway at the Bulleen end is not up to the required standard and, therefore, the contractors have not met the terms of the contract and before the board will pass that part of the freeway as being acceptable the contractors must carry out the terms of the contract. To do so, the contractors have found it necessary to rip up 5,000 square metres of the freeway, which will be replaced. It seems to me that the Country Roads Board is doing precisely what it ought to do. The terms of the contract have not been met.

Mr. FORDHAM: The contract was made two years ago.

Mr. RAFFERTY: The plan was first mooted in 1969. I do not know when the contracts were let, but I believe the work was started two years ago. I do not know whether there was a series of contracts and whether the piece of freeway that has now been ripped up was started then. If the work was done by Roche Brothers, it was all done under contract.

The motion refers to the failure of the Government: I say quite categorically that the Government, through the Country Roads Board, has not failed. The Country Roads Board took the trouble, under the guidance of its own engineers, to ensure that a first-class job was done. The Country Roads Board is not satisfied and has told the contractors so. How can that be considered a failure. If the Country Roads Board had turned a blind eye, that would have been a failure.

On a number of occasions I have indicated that the whole Freeway F19 will be available for use before the end of the year, but the Country Roads Board has not taken control of the freeway. The more I look at the motion, the more convinced I am that it is stupid and contradictory. The Opposition should commend the engineers of the Country Roads Board for doing the job properly by

ensuring that the contractors do a first-class job. How can anyone say there is a failure when there is no failure?

Mr. ROPER: Have you seen the photograph?

Mr. RAFFERTY: Of course, I have seen the photograph. It was taken as a concomitant of surveillance and of the good work of the Country Roads Board engineers who said that they would not accept the freeway as it now stands. That is not a failure; that is a creditable performance. The contractors did not carry out their job. When the freeway meets specifications, then and only then will it be passed by the Country Roads Board. How can any Government instrumentality or any Government be more reliable than that? I see no failure on the part of the Country Roads Board, but I do see that a lot of credit is deserved.

The honorable member for Knox challenged the Government and said that there are too many cover-ups. If he had been more prudent and mature he would not have said that. I venture to say that there have been few Ministerial statements ever brought into this House containing more comprehensive details than that recently prepared by me in relation to the Hume Freeway. The honorable member said that there were cover-ups, but every possible phase of work on that job was put before the House in the most comprehensive way. I have always provided as much information as I possibly can. The details of this matter are not yet available, owing to the considerable discourtesy of the Opposition and in particular the honorable member for Knox for not paying the Government the normal courtesy of giving notice of the motion but trying to be smart alecks. They will learn in the future. I have consistently told the Leader of the Opposition that when information is available, I will be happy to make it available to him. I repeat that offer.

A parallel has been drawn between the Hume Freeway and the Freeway F19, but they are entirely different. The Hume Freeway was finished and was accepted by the Country Roads Board when subsequent problems occurred. The Bulleen end of the Freeway F19 has not been finished or accepted by the Country Roads Board as being completed. The Country Roads Board has said it will not accept the freeway until then. Surely that is a responsible attitude of the Government and all the persons concerned in the Country Roads Board. I do not know how much the repairs will cost, but it is expected that the contractors will pay for them. Surely that is a responsible attitude.

It seems to me that there is very little more I can add. I have just received some information that might be of use to the House. I am informed that the first road contract on the Freeway F19 was let in November, 1970, to Roche Brothers. I think that answers the point made by the Deputy Leader of the Opposition. In December, 1974, a 3-in. thick course was placed and shortly afterwards it was found to be cracking. At that stage the Country Roads Board notified the contractors, who said they believed it would settle down. Subsequently it did not settle down and the Country Roads Board told the contractor that it was not satisfactory and to rip it up and replace it. That is a responsible attitude.

I do not think anyone can say that there has been a failure by the Government, which speaks for the Country Roads Board—far from it. The greatest of diligence has been displayed by the Government through the Country Roads Board to ensure that when the job is finished it will be a first-class job. I conclude by commending the members of the board for the action they have taken.

Mr. FORDHAM (Footscray): The extraordinary fact that has emerged in this debate is the lack of knowledge of the Minister of Transport. The Minister suggested that because he did not have sufficient notice of this debate he is not in position to provide information, obviously relevant to the people of Victoria and the Parliament, in answer to a criti-

cism so soundly and well put by the shadow Minister of Transport, the honorable member for Knox. It is remarkable that a Minister who is responsible for transport in this State, for the Country Roads Board and for the Freeway F19 knows nothing about the matter. Yesterday and this morning extensive comments appeard in the media about the failure of the original construction of the Freeway F19 in this location.

Mr. ROSS-EDWARDS: Who pays for the repairs?

Mr. FORDHAM: The Minister says he does not know, but he expects, and the Country Roads Board hopes, that Roche Brothers will pay for them.

Mr. ROSS-EDWARDS: Who is doing the work?

Mr. FORDHAM: The work has not been done at the moment. I believe it is outrageous that the Minister of Transport is not properly informed and is not properly aware of, not so much the legal circumstances in which he and the Government find themselves, but of the detail what is going wrong on the Freeway F19. I say in passing, particularly in the light of the Government's record on major public works within the transport area, that the list of disasters includes the King Street Bridge, West Gate Bridge, the Hume Freeway and now the Freeway F19. I accept and the present Minister of Transport has not been Minister of Transport throughout all the debacles, but surely the Minister is required to know what is happening about the Freeway F19 and the other misadventures I referred to. The Minister should be informed at all times so that the public of Victoria and the members of Parliament, their elected representatives, can expect this representative of the Government in charge of transport and in particular the freeway network to be able to make a meaningful statement to the House. Instead we receive not one iota of information but bits of paper rushed into the Minister that he cannot read. He obviously knows nothing about it.

The SPEAKER (Sir Kenneth Wheeler): Order! This is an attack on the Minister.

Mr. FORDHAM: It is an attack on the Government.

The SPEAKER: Deputy Leaders are always given latitude, but since the honorable member started his speech he has attacked the status and calibre of the Minister. The honorable member clearly understands the motion.

Mr. FORDHAM: The reality is that the Government has failed to ensure that the Freeway F19 has been built to proper specifications. The picture which appeared on the front page of last night's *Herald* is tremendous testimony of the Government's incompetence. It is a pity the picture cannot be incorporated in *Hansard.* I suggest anyone who has seen it should frame it in their office so that they can think about the Minister of Transport each time they look at it and throw darts at it. The facts of the matter are that a significant section of Freeway F19 has been found to be unsatisfactory. The Country Roads Board is the major body that has found this section unsatisfactory. The Minister usually attempts, when one of his authorities gets into strife, to blame it on the relevant instrumentality instead of taking the responsibility himself. Honorable members know that happened in relation to the Hume Freeway. In this case there is a rare instance of the Minister commending one of the authorities under his control, that is, the Country Roads Board. I might add that it is a body for which I have had some regard over a period of time as a result of my dealings with the board in my own electorate.

The reality is that oversight for the construction of this freeway, and ultimate responsibility, must rest with the Government through the body it has to receive the finished product—if it is ever finished. This body is using public funds to pay for this exercise and it

will be very interesting to note who bears the final financial responsibility for this major bungle. The Minister does not know; he is not able to tell Parliament. The inference is that the Opposition should wait until the Minister knows but, at the rate the Minister operates, we will have to wait until after Christmas to find out.

The reality is, and this was mentioned by the honorable member for Knox, that this is only one of nine major road works that have broken down this year. The Minister has asked me by interjection what are those nine major road works.

Mr. RAFFERTY: What has this to do with the motion?

Mr. FORDHAM: The interjection highlights one of the Minister's childish practices. The nine projects were mentioned by the honorable member for Knox and, by way of analogy, I shall be happy to name them. They were Mahoney's Road, Preston; parts of Freeway F19; the Koo-wee-rup overpass on the Princes Freeway; the Wallan to Broadford section of the Hume Freeway; a section west of Melbourne on the Princes Freeway; a section at Berwick on the Princes Freeway; a section of the Gippsland Highway at Cranbourne; at Cheltenham and Wells roads at Springvale, and the Calder Highway at Gap Hill.

The SPEAKER (Sir Kenneth Wheeler): Order! We have already heard those.

Mr. FORDHAM: Those areas, together with the Freeway F19 debacle, represent an indictment of the Minister of Transport. It all happened in 1977, but only today were the nine areas brought to public attention. The Minister has not denied my assertion. Only two of the nine have previously been brought to the attention of Parliament and of the public of Victoria. The failure of portion of Freeway F19 must be seen as the latest episode in this exercise. It suggests that something is wrong in the major road construction ability of the Government. Freeway F19 stands as a perfect example of the Government's failure to ensure proper standards of road construction. The whole question of supervision in construction of this nature needs to be reviewed.

The Minister informed the House when speaking to another motion that there is to be an inquiry into certain aspects of management of the Country Roads Board. Honorable members look forward, in the next session of Parliament, to receiving a copy of the report from the Minister. They will be interested to note what difference the inquiry makes to Freeway F19.

The suppliers of materials for these activities must also be investigated. Apex Quarries Ltd. supplied material for this section of Freeway F19 through Roche Brothers, and that company also supplied material for the Hume Freeway. Apex Quarries Ltd. is involved with the Galli operation. The same bulk sum contract system was used by the Country Roads Board on the Freeway F19 project. Serious consideration must be given to what can happen under the bulk sum contract system. The materials under the contract can be shovelled around—the heavier against the smaller road making materials. I believe in view of the repeated mistakes that have occurred the Government needs to review the nature of the materials that are being supplied in these contracts, particularly to Freeway F19. Obviously the materials have proved to be unsatisfactory.

The Minister has not accepted responsibility for any of the disasters that have occurred in his department, and he is not accepting responsibility for the difficulties experienced with Freeway F19.

He is the Minister who took umbrage at his Federal counterpart, the Federal Minister for Transport, Mr. Nixon, earlier this year. The battle raged with Mr. Nixon and Mr. Rafferty in the media and,

as you will recall, Mr. Speaker, in Parliament. Local government authorities are also up in arms in regard to funding for roads. All aspects of road construction are under attack, and Freeway F19 is only the tip of the iceberg. This is a matter of urgent public importance. The public is most concerned at the record of the Government in regard to freeway construction; it is also gravely concerned at the record of the Minister who is continually passing the buck and failing to accept responsibility. Now the leading newspapers of the day are joining in the attack.

The Opposition, and Parliament as a whole, have known of the failings of the Minister of Transport for a long time. I hope it will not be long before the Minister takes action to remedy the situation.

Mr. ROSS-EDWARDS (Leader of the National Party): This adjournment motion criticizes the Government for its failure to ensure that the Bulleen end of Freeway F19 was constructed to required standards which would have avoided the necessity of the current excavation and replacement works. It is a very simple argument and one needs to get back to fundamentals straight away. It is part of the Country Roads Board's system to let contracts to various contractors. The board has not yet taken over Freeway F19. Therefore, until the board takes it over, it is the financial responsibility of the contractors to make right any defects. In any contract, whether for buildings, roadworks or anything else, it is the common practice before the project is taken over for one to say, "I want this section or that part of it put right".

I must accept what the Minister says, that this part of the freeway has been under observation. At a certain point of time the Country Roads Board may say, "It is not good enough; fix it up."

It has been suggested in a vague way that the Government is responsible for what is happening. That is not the case. The Minister has made that quite clear, and no Opposition member has challenged it. If the Opposition wants to make a charge that the Government is responsible, that would put a different complexion on the argument, but as the motion stands the Opposition does not have a feather to fly with. The Opposition keeps referring to the inefficiency of the Minister and to other highways and, without going into the efficiency or the competence of the Minister, I submit that these matters have nothing to do with this argument.

Mr. CRABB: Of course they have.

Mr. ROSS-EDWARDS: The overall administration of the Minister is another question if the House wants to debate that, but there is no justification for criticism of the Minister for the defective section of the freeway, and there is no justification for criticism of the Country Roads Board for what has happened. The obvious answer is that what happened in certain other places indicates that the board has exercised great care. Before the board takes over a new freeway, it says to the contractor, if there is a defect, "Put this in order".

Opposition members have handled themselves well over the past couple of months, but if they move adjournment motions of this type they will be laughed out of the House. If the Opposition does not have a suitable matter on which to move an adjournment motion, it should not move such a motion. The National Party does not support the motion.

Mr. RICHARDSON (Forest Hill): Mr. Speaker, what a depressing morning this must have been for you. In all the years you have served in the House presiding over debates I doubt whether you would have seen a more pathetic debut by a new spokesman for transport, because that is what the honorable member for Knox now is. I wonder whether he will style himself rather quaintly as did his pre-

decessor, as the alternative Minister of Transport. This is a very depressing prospect because what has been seen today, and to my great embarrassment and to the embarrassment of the former Opposition spokesman for transport who was in the gallery——

The SPEAKER (Sir Kenneth Wheeler): The honorable member may not make reference to the gallery. If he does, I will have no other alternative but to clear it.

Mr. RICHARDSON: I apologize for my indiscretion, Mr. Speaker. The Opposition spokesman on transport introduced an adjournment motion that is without substance, and without background. It was introduced in a manner which was contrary to the traditions of this House and it is easy to see why. Opposition members are discourteous, and their sense of impropriety prompted them not to give the customary notice to the Government. They did not do that because they did not have facts to support the motion. Nothing in the speech of the honorable member for Knox demonstrated that the Opposition had facts on which to base a case. They were scared stiff that if they gave the Government notice of the adjournment motion, the Minister would have been adequately prepared to answer them. Notwithstanding the lack of advance notice, they were shot down in flames. It was an absolute pathetic performance.

One of the most serious and scurrilous allegations made by the honorable member for Knox was that he admitted that his information was probably wrong. He said that it was suggested, but he was not sure, that the stone which was used on the construction of Freeway F19 came from the same quarry as the stone provided for the Hume Highway construction. He kept repeating it over and over again without quoting any source for his information, trying to cover himself in a smarmy sort of manner. The honorable member is totally wrong and stands condemned. I hope it will be properly reported that he was guilty of attempting to use the forms of the House for political devices to seriously mislead the public and to seriously damage the reputation of business interests.

The material that has been used on the Bulleen section of the Freeway F19 did not come from Apex Quarries Ltd., as has been smarmily suggested by the honorable member for Knox, who should be ashamed of himself. The bulk of the material came from Boral Quarries, who are subcontractors to Roche Brothers, the principal contractors. That fact answers the smear and innuendo which is so typical of the group of men who call themselves the Opposition and the alternative Government. I hurl those facts into the faces of members of the Opposition.

The motion charges that the Government has "failed to ensure that the Bulleen end of the Freeway F19 was constructed to required standards so as to avoid the necessity for the current excavation and replacement works thereon". The Government, through its agency, the Country Roads Board, has acted properly and responsibly because what has happened, what has been reported and what has been stated in this House by the Minister and by the Leader of the National Party, is that the Country Roads Board went about its business in precisely the way that it should have; it exercised its responsibilities as it should have done. It checked on how the contractor was performing. It found that the work was unsatisfactory. As the honorable member for Springvale interjects the Country Roads Board was protecting the taxpayers' money and ensuring that it was used in the right way. How can the Opposition build a house of cards on this sort of proposition when the facts can knock it down?

The Deputy Leader of the Opposition said, "A significant section was found to be unsatisfactory". Any

section of roadway which is as complex and as expensive as modern road construction is significant to some degree, but let me deal with the facts. The Deputy Leader of the Opposition used vague generalizations. On the facts that I present, the House can decide whether the section is significant in the terms implied by the Deputy Leader of the Opposition.

The Freeway F19 is approximately 9 kilometres long and the area which has been found by the Country Roads Board to be unsatisfactory is less than 1 per cent of that total length. Members of the Government party would agree that any portion of the roadway which was found to be unsatisfactory would be significant, but I do not use the word as loosely or with the innuendos and suggestions associated with it by the Opposition.

The length of the roadway which is under consideration is less than 1 per cent of the total. The Government and its agency have acted quite properly in turning to the contractor before they took delivery of the product, which in this case is the road, and telling the contractor that it is not good enough, that he must fix it or he will not be paid. That is the position. The Country Roads Board has instructed the contractor to rip it up and do it again. That is the fact.

The Government and its agency have acted completely responsibly and in the interests of the community and the taxpayers whose money is being used on the construction of this public utility. To do anything else would have been irresponsible, but the Government has not acted irresponsibly. As the instrument of Government, the Country Roads Board has acted completely responsibly.

The Opposition has provided no information to justify the charges which it makes. The speeches by the Deputy Leader of the Opposition and the honorable member for Knox were filled with the usual suggestions, innuendos, irrelevancies and personal attacks on people both within and outside this Parliament. Once again, members of the Opposition have demonstrated their total inability to come to grips with the reality of life and with the reality of what Parliamentary responsibility ought to be. The Government has been able to refute the few points that the Opposition did make. One was the question of the material used for the road. The honorable member for Knox tried to injure the reputation of Apex Quarries Ltd. The honorable member knew that his statements were not true and they have been proved to be wrong and deceitful.

The Opposition has suggested that the Government was irresponsible in not supervising the work properly. However, it has been clearly demonstrated by the actions of the Country Roads Board that great responsibility has been assumed, that responsibility has been the watchword throughout the entire exercise. It has been proved that the Government and its instrumentality have acted responsibly and will continue to act responsibly in the interests of the people of Victoria. I reject the proposition, as will the House when the vote is taken.

Mr. ROPER (Brunswick): It is significant that no Minister has attempted to defend the Minister of Transport or was prepared to do so.

Mr. LACY: The motion refers to the Government.

Mr. ROPER: The honorable member for Warrandyte is not in church now, he is in a place for reasonable people. It was left to the honorable member for Forest Hill to make suggestions about what the facts were. I can imagine the Minister of Transport wincing when the honorable member for Forest Hill admitted that the Minister was not properly prepared.

Mr. WILLIAMS: Because the Opposition did not play the game.

Mr. ROPER: The honorable member for Doncaster has not played the game on a number of occasions. What the honorable member for Forest Hill does not understand is the matter of Ministerial responsibility and that the Minister who was responsible in this House should have had reports concerning this matter and known what the situation was. He should have been making statements. The Minister of Transport is a great one for making public statements. Often he will tell even members of his own party to wait until he makes a press release later in the afternoon. On this matter, the Minister made no public statement at all. Indeed, he had to be flushed out, firstly by the *Herald* yesterday and, secondly, by the Opposition today. The honorable gentleman had none of the facts available to him that honorable members are now expected to accept from the mouth of the honorable member for Forest Hill.

The honorable member for Forest Hill suggested that the Opposition in some way offended the good reputation of Apex Quarries Ltd., which is an odd concept considering that the company had no reputation to defend following the Hume Freeway collapse. The Opposition will be interested in the honorable member for Forest Hill taking over from the Minister and providing in the Parliamentary Library all the files relating to this contract and the other nine failures revealed by the honorable member for Knox. We will be pleased to know what briefing notes went from the Country Roads Board to the Minister concerning these numerous road failures. We will be pleased to examine them during the next week of Parliament to see what action has been taken in each case.

The SPEAKER (Sir Kenneth Wheeler): Order! The House is debating the failure of the Freeway F19.

Mr. ROPER: I am putting to the House that the honorable member for Forest Hill has suggested where the crushed rock came from, and referred to a number of other aspects of the contract.

Mr. RICHARDSON: I have presented the facts.

Mr. ROPER: No, the honorable member has not tabled any documents in the House. The honorable member and the Minister have had the opportunity to table the documents today but, significantly, they have not chosen to do so. The Minister was extremely careful not to make the remarks that have been made by the honorable member for Forest Hill. Perhaps the Minister is aware that they are not as accurate as the honorable member for Forest Hill would have us believe. The Minister could not even inform the House when the works were commenced or when they were effectively completed. The honorable gentleman has suggested that it was probably some two and a half years ago. That should have been one of the matters that the Minister, or the honorable member for Forest Hill, who seems to regard himself as the assistant Minister of Transport, might have put before the House.

Mr. BILLING: You are an authority on everything in this place.

Mr. ROPER: The honorable member for Springvale has not even been in the House for most of the debate and would not be aware of the substantial charges made by the honorable member for Knox and not answered by the Minister or the honorable member for Forest Hill. The Minister did suggest that the job was completed some two and a half years ago. I do not know whether that is correct because neither the Minister nor the honorable member for Forest Hill provided that information.

Mr. BILLING: Why do you not find out?

Mr. ROPER: That is why I have asked the Minister to produce all the files available, so that the matters can be checked and we can find out why this section of the freeway has now

broken up. It is now in the tip, where in fact the whole of the freeway should be. The fact is that, without a car using the freeway, except for a few vehicles owned by the Country Roads Board and possibly the contractors, the freeway has cracked up.

The sitting was suspended at 1 *p.m. until* 2.5 *p.m.*

Mr. ROPER: Before the suspension of the sitting I was challenging the Minister and the honorable member for Forest Hill to provide to Parliament the full files and details of the significant failures that have occurred in the Freeway F19 and the other freeways mentioned by the honorable member for Knox.

Mr. RAFFERTY: Which were they?

Mr. ROPER: The Minister keeps asking that question. He has now been given the information twice and I do not intend to repeat it. The difficulty is that the Minister's memory of what is said in this place is like his memory about files from his department; he conveniently forgets it all. It is clear from the remark the the honorable gentleman makes that he has no intention of producing the facts to Parliament. He deliberately did not produce any facts when he spoke and then purported to have them given to the House through the honorable member for Forest Hill.

The Minister's memory on this matter is defective. He has not suggested to honorable members that there was adequate supervision of the work carried out during the period when the Country Roads Board was supervising the contract. One would have imagined that the Minister, through the Country Roads Board, would have provided adequate supervision during the whole period when the contract was being performed. It is known that the supervision provided for other projects, such as the Hume Freeway, was totally inadequate and that many of the officers and engineers who wished to supervise the job done by Galli Brothers were not encouraged to give the adequate supervision they wished to provide.

I do not suggest that that occurred in this case, but until the Minister is prepared to make the information available, no honorable member is in a position to know exactly what sort of supervision was provided or what kind of reports went to the Country Roads Board and the Minister during the period. All we know is that, like so many of the Minister's works, this project has failed also. I do not need to remind honorable members that when the Minister first went to use a ticket vending machine all the trains went off the line.

Mr. CRELLIN (Sandringham): I raise a point of order. Other points of order have been raised earlier in the debate concerning speakers not adhering to the specific terms of the motion. I do not know what ticket vending machines at railway stations have to do with the Bulleen section of the Freeway F19.

The SPEAKER (Sir Kenneth Wheeler): Order! I ask the honorable member for Brunswick to return to the terms of the motion.

Mr. ROPER (Brunswick): I was making the point that, like so many projects of the Minister, this one also has failed.

The honorable member for Knox was at pains to point out to the House that at present there is no guarantee that the contractor will provide the funds to remedy the defect. He was also at pains to point out that in other contracts, such as those entered into for the Hume Freeway, the Government was particularly generous with contractors. It did not insist that the contractors pay for defects in the work. The House has been given no guarantee by the Minister that the defects will be made good at the expense of the contractor; he simply hopes that that will occur. Hopes in Government and business are simply not good enough.

The Minister had two excellent opportunities of providing information to honorable members ; he could have done so during his speech or by tabling the files. He chose not to provide information during his speech and has deliberately not tabled the files or reports he received. The Opposition and the people of Victoria have a choice of only two judgments they can make because of the Minister's failure to provide the information : Either he does not know, which is a possibility, knowing this Minister's record ; or he deliberately will not provide the information because of the damage it would do to both his reputation and that of the Government.

The motion has been moved because members of the Opposition are concerned about the Government's failure in a number of freeway works. If the Government has its way—and the Minister has indicated that he intends to open this freeway by Christmas—people will have to enter the freeway in the middle and face traffic jams at either end. I do not know how the Minister will achieve his objective. He will certainly be flat out in doing so. If the Minister is really intent on carrying out this policy, for which hundreds of police have been sent into the inner-city areas, he should have ensured that it would be possible for cars to get on and off the freeway.

The SPEAKER (Sir Kenneth Wheeler): Order! The honorable member is not adhering to the terms of the motion.

Mr. ROPER : I was pointing out that the Minister has on a number of occasions said that under no circumstances will he allow the freeway to remain closed at the end of this calendar year, despite the fact that both ends of the freeway will give the Minister substantial problems and difficulties.

Mr. RAMSAY : That is not true. You just do not listen.

Mr. ROPER : The Opposition would have liked to have heard some facts from the Minister, although members of the Opposition know that the Secretary of the Cabinet could barely run a paper stand outside a railway station.

The SPEAKER (Sir Kenneth Wheeler): Order! The wording of the motion is specific and positive and that is the only reason why the motion was accepted. I ask the honorable member to debate the motion and nothing other than the motion.

Mr. ROPER : I was provoked by the Secretary of the Cabinet. The Opposition takes the view that the Government has failed yet again with this freeway. The honorable member for Knox has suggested that this is part and parcel of a whole series of freeway failures.

Mr. RAFFERTY : He has scurried away. He is not even here.

Mr. ROPER : The honorable member for Knox did an excellent job in moving the motion and he has not scurried away as the Minister suggests ; he is investigating more thoroughly the area of Stumpy Gully, which will not help the party to which the Minister belongs.

The motion deserves the support of the House and members of the Opposition believe the Minister should come clean on the issue and should provide to the House the information that is contained in the files.

Mr. WILLIAMS (Doncaster) : I am shocked at this puerile motion. The Opposition has no thought for the silent majority who live in Melbourne, particularly those in the electorate of Doncaster. The electorate that I represent is one of the most mobile in Australia and it is important that its residents have access to this freeway as quickly as possible. It is also important that people who have no motor car or only one motor car should be able to use public transport, and the public transport system in Doncaster needs the freeway to be finished, particularly to Doncaster Road.

Despite this, the House is faced with a puerile motion that argues about a minor section of the freeway. It is less than 1 per cent of the freeway. It appears that no honorable member on the opposite side of the House has ever worked in industry. They are all book worms. They only know what happens in books, because if they had any knowledge of construction or of producing anything they would know that 100 per cent quality control is impossible to achieve. I deplore the attacks by the Opposition on the honesty and integrity of officers of the Country Roads Board. They are not supermen, but ordinary human beings. They have done their best to ensure that proper standards are maintained and they are being viciously attacked by this miserable Opposition because of some minor problems. Any person with a practical understanding of construction would know that road construction is probably the most difficult of all productive enterprises.

Obviously there are variations of aggregates and materials and all sorts of technical aspects. I am not an engineer and I am not competent to talk about these matters, but as laymen, neither members of the Opposition nor I should sit in judgment on engineers and supervisors who are doing their best to ensure that the people of Victoria receive value for their money.

I have a report that makes it perfectly clear that the Country Roads Board, its officers, the Minister and the Government of Victoria have done everything possible to act in the best interests of Victorian taxpayers.

Mr. ROPER: Will you table that report?

Mr. WILLIAMS: The report is dated 19th October, 1977. Its subject is "Eastern Freeway—Cracking of Pavement". It is a report by Mr. R. Warwick, and it states—

Contractural Consideration

The cracked layer of asphalt is clearly outside specification and the board is clearly empowered to have it removed.

In other words, it is a breakdown for which the contractor is responsible. If the contractor is guilty of defective work the onus and the financial responsibility are on him. I have been informed that out of regard for the problems of the contractor, the board's officers have made every effort to help him out of his difficulty. I do not know what he has done; whether he has run into the Opposition or what, but he is not serving his own best interests by not accepting the generous help and advice of officers of the Country Roads Board to have the matter properly settled. The paragraph continues—

The following clauses of the contract are pertinent:—

Clause 4.3.1(g) Construction—General (Detailed Specification)

A consistently high standard of quality for all stages of construction of flexible pavements will be insisted on.

This miserable motion attempts to get the contractor off the hook.

Mr. ROPER (Brunswick): Mr. Speaker, through you, may I request the honorable member to table this document so that it can be examined?

The SPEAKER (Sir Kenneth Wheeler): Order! The honorable member for Brunswick has requested the tabling of the document. I assume the honorable member for Doncaster will oblige.

Mr. WILLIAMS (Doncaster): I shall be delighted, unlike a previous occasion when good men were betrayed. The contractual agreement continues—

and the contractor shall arrange all supervision, plant, construction, and job control of both his own and sub-contractor's operations.

That is a clear responsibility on the contractor. Why is the Opposition saying it is the Minister's responsibility?

Mr. ROPER: Of course it is.

Mr. WILLIAMS: That is absolute nonsense. The report continues—

so that this standard is achieved and maintained throughout the work. He will be responsible for achieving the required standard of construction of each and every stage and for the ultimate completed pavements, until the end of the maintenance.

As any practical men of affairs would know, maintenance continues long after a job is completed, perhaps for twelve months or two years. Therefore, there is no responsibility on the Government or the Minister. The complete responsibility is on the contractor. This miserable motion tries to score petty points off the Minister of Transport. I am absolutely staggered at the way in which the Opposition benches are filled with these academic book worms who do not know what real life is all about. The contract further provides—

Any sections of pavement which fail or exhibit weakness, cracking or crazing at any time during this period shall be removed within limits and depths to be assigned by the superintending engineer and replaced with pavement complying with the specifications, at the sole cost of the contractor.

This report is the answer to the puerile nonsense that honorable members have heard today. The Country Roads Board and its officers have acted no differently from the manner in which they have in many other contracts that have been performed during the life of the board.

I am extremely disappointed that the honorable member for Knox should have moved this motion. I have regard for the actuarial expertise of the honorable member and for his efforts in keeping prices down in his electorate, but I have no regard for his ability as the shadow Minister of Transport. Provided that he remains the elected member for Knox, he will always remain the shadow Minister of Transport if he does not improve on this performance.

The SPEAKER (Sir Kenneth Wheeler): The honorable member for Doncaster was asked to table the document.

Mr. FORDHAM: I was bringing the document to the table.

THE SPEAKER: Order! The honorable member for Doncaster must table the document. This was the ruling previously when the honorable member was asked to table another document, and he attempted to hand it to another honorable member. On that occasion I ruled that out of order. There are rules in this place that must be adhered to. I suggest that the Deputy Leader of the Opposition return the document and that the honorable member for Doncaster must table it in the normal way.

Mr. EDMUNDS (Ascot Vale): May I see the document that has been tabled? The honorable member for Doncaster said that he was shocked at the motion. Possibly he has not read it. Therefore, for the benefit of the House and the honorable member I will read the motion. It states—

That the House do now adjourn for the purpose of discussing a definite matter of urgent public importance, namely—

"The failure of the Government to ensure that the Bulleen end of the Freeway F.19 was constructed to required standards so as to avoid the necessity for the current excavation and replacement works thereon".

At the Bulleen end of the freeway some $36,000 worth of material is being removed and will require to be replaced. It is being dumped into a tip because there is something faulty with it. The Minister did not admit whose responsibility it was because he did not know. The honorable member for Doncaster, with his normal ability to research, has discovered that it is the contractor's fault. If the contractor has created the difficulty, and I presume that it is primarily a settlement problem and then a materials problem, it is the supervisor's fault. The supervisor is the Country Roads Board.

Above the supervisors are the Minister and the Government. There is no other way that the truth can

be dragged out of the Government of why it is necessary to pay so much more money for a public works job. Finally, the people of Victoria will pay for it. I refer to the record of the failures of some of the works carried out by the Country Roads Board, which are associated with the roads of Victoria. Failures have been detected at Mahoney's Road, Preston, on 2nd February, 1977. On 28th March parts of the Freeway F19 were discovered to be faulty.

Mr. RAFFERTY (Minister of Transport): On a point of order, Mr. Speaker, you have given a certain ruling on two or three occasions when long catalogues have been read out. The honorable member is getting away from the motion and I suggest that he is out of order.

The SPEAKER (Sir Kenneth Wheeler): Order! The Deputy Leader of the Opposition referred to the same matters. Therefore, this is repetitious and I ask the honorable member to make the point without repeating these matters.

Mr. EDMUNDS (Ascot Vale): Certainly. I know the Government is hypersensitive and that the Minister cannot bear to hear the failures with which he has been associated as a Minister in this sensitive portfolio being repeated too many times. However, when there is a front page photograph of a series of trucks carting away the rubble from the freeway, obviously the Minister will be sensitive. He probably has not seen this photograph so I will table it and he can study it at his leisure.

When supervising a major job such as perhaps the pyramids, one would imagine somebody would examine the foundations before the bricks were put on top of them. What was the Country Roads Board doing? When a high-rise building in the city is being constructed, concrete samples are taken daily! What does the Country Roads Board do under Ministerial responsibility? The honorable member for Doncaster said that the fault was a breakdown by the contractor and he had discovered how it had occurred. The honorable member for Doncaster has introduced into the debate the relevant points associated with the Opposition's motion. He generously tabled the report from which he was quoting. I should like to quote from the same document. Mr. Speaker, you will be particularly interested.

This document is a copy of a minute on a report by Mr. R. Warwick, dated 19th October, 1977. Its subject is the "Eastern Freeway—Cracking of Pavements". The honorable member for Doncaster quoted the section that suited his argument and I will quote the section that suits the Opposition's motion, which will certainly influence more honorable members to support the motion. The minute simply states—

> This minute will not attempt to cover all the matters relevant to the dispute that has now been notified.

So, there is a dispute between the contractor involved in the construction of the freeway and the Government. Obviously, the Minister of Transport in his incompetence, is not aware of what is going on within his own Ministerial responsibility. The minute on the report to the Chief Urban Projects Engineer of the Country Roads Board states—

> This minute will not attempt to cover all the matters relevant to the dispute that has now been notified, but rather, will very briefly discuss engineering and contractural aspects arising out of the situation.
>
> 1. Engineering consideration.
>
> In accordance with the attached works instructions Boral Resources have submitted various methods to rectify the cracked asphalt. However neither Boral themselves nor the board's officers are assured that these methods will provide a long term solution to the problem.
>
> Further, the board's officers consider that there is a high probability of future pavement failure if the layer of cracked asphalt is not removed.

Mr. MCARTHUR: So what!

Mr. EDMUNDS: The honorable member for Ringwood says, "So what". Here is another rotten road

job which has to be patched up before it is even opened or used. It has not enjoyed a visit from the Premier, with his fanfare of trumpets, his special projects officer and surrounded by Liberal supporters standing around listening to speeches, and then opening the freeway. Probably the Prime Minister will open it, if it can be patched up in time, to try to cure some of his problems! The freeway must be patched up before it can be opened. The freeway has cracked up before it has been used but the contractors have already received public money. For the benefit of the House, I want to ensure that it knows what the engineer making the report said. First, the board's officers considered that there was a high probability of future pavement failure if the layer of cracked asphalt was not removed. It has been cracked by the weather, not by motor cars running over it in the volume which it is predicted will use the freeway when it is open.

Going on further, the report is far more damaging to the Government. I do not know how the Government would get on if it was constructing a major project such as building one of the pyramids or the Suez Canal. I suggest that half way through the project it would have to get out—there is no doubt about that.

Mr. WILLIAMS: The honorable member should stop knocking the Australian worker, because that is what he is doing.

Mr. EDMUNDS: For the information of the honorable member for Doncaster, I am quoting what the engineer said. The honorable member only read those sections which suited his own purpose. The report continues—

> It is also considered that the board has not diminished the contractual obligations of the contractor by allowing the asphalt to be laid over the crushed rock base, even though it was aware of the cracks in such material.

Under the Minister's responsibility, the board allowed the contractor to lay asphalt over a "rotten" base. That is how I see it, and I am not an engineer; that is what an examination of the report indicates. In effect some supervisor of the Country Roads Board told the contractors that they could put a layer of hot asphalt on top of the crushed rock base even though the base was not good at that time. This meant that another $36,000 worth of public money went into the ground.

Mr. WILLIAMS: Tell the truth; it was contractors' money.

Mr. EDMUNDS: It cannot be the contractors' money because in the end the public must pay and that is what this argument is all about. The report continues—

> The contractor was fully aware of the condition of the crushed rock base and knowing full well his obligations under the contract—viz, provide a specified quality pavement until the end of the maintenance period—took the gamble to lay the asphalt straight over this base.

It is surprising, after reading the report of a technical officer on a project which was costing a large amount of public money, that the contractor should take a gamble and take a certain step. I remind the House that I am quoting what the engineer has said, not what the Opposition has said. The contractor took a gamble with the full knowledge of the Country Roads Board and the Minister of Transport. The Minister is in this right up to his snout. He knows what is happening on the freeway and that is why he kept quiet when attempting to reply to the argument advanced by the Opposition. Probably one of the most telling statements in the report is this—

> The board's officers may be criticized for allowing the contractor to take such a gamble but the consequences of this gamble must be borne by the contractor.

The board was fully aware of what was going on, but it has now decided that the gamble did not pay off.

Naturally Government supporters are embarrassed because the facts are coming out. What is contained in this report is very pointed and it is fairly obvious that the gamble did not pay off. I suggest that the Minister of Transport is gambling with his portfolio, just as his officers of the Country Roads Board gambled with public money. The report continues—

> In summary, it is considered that the asphalt should be removed and such work carried out at the sole cost of the contractor.

That is the crux of the matter. We are dealing with public money. I guarantee that the contractor will not pay for this but that the public will. The engineer making the report concluded—

> A more detailed report will be later submitted when the contractors' points of claim are made available.

There is a dispute between the contractor and the Country Roads Board. What honorable members are witnessing is the incompetence of the Minister of Transport in carrying out his Ministerial responsibility. The honorable gentleman did not know what was going on although this matter came within his Ministerial responsibility.

It is obvious that the motion should be carried, and even supported by the most incompetent and newest back-bench supporters of the Government. In my opinion the Minister should hand in his commission until the whole matter has been thoroughly examined. After all, he has fallen down in his duty as a Minister, just as he has fallen down in complying with his oath of office. Because of the honorable gentleman's incompetence, this public project will cost the public more than it should. In its wisdom the House should support the motion which has been moved by the Opposition.

Mr. RAMSAY (Balwyn): The motion hardly deserves the privilege of being debated in this House and I hesitate to join in this exercise or to answer the arguments which members of the Opposition have endeavoured to raise. The Opposition has fallen for the old card trick of being misled by a newspaper headline. How often does this happen? It happens continually when people read newspaper headlines and then jump to conclusions. Last night in the *Herald* there appeared the headline, "Now — cracks in F.19". The opening paragraph of the article stated—

> The unopened $87 million Eastern Freeway has cracked up already.

The point is, if a freeway cracks up or fails under usage, then the owner of the freeway, which is the Government, has a very serious problem on its hands. Indeed, the Government has had this problem, as honorable members know, with the Hume Freeway. The Opposition has moved into the controversy surrounding the Freeway F19 before it has been opened. The Opposition has moved in during the construction period.

It is not a question of the freeway having cracked up already, it is a question of the work that has been done by the contractor being examined by the owner—in this case the Government, through the Country Roads Board—and then the contractor being informed that the work is unsatisfactory.

The honorable member for Ascot Vale, from the experience he gained in private industry before he entered this place, would know that when work for which he was responsible was completed and people came to him and claimed that it was not right, he had to fix it up, and that is exactly what has happened in the case of Freeway F19.

The Country Roads Board has gone to the contractor and informed him that an area of pavement, which I remind the House represents about 1 per cent of the total area and is therefore a mere fraction, is not satisfactory and that he must make it good.

I remind the House of two facts. Firstly, the contractors are removing the faulty work by taking it way. It

is their responsibility to carry out the work, not the responsibility of the Country Roads Board. The contractors have arranged with their own sub-contractors who have moved in with their trucks to remove the faulty area of pavement.

Secondly, it is the responsibility of the contractors to make good the work that has been completed. That is clearly set out in the terms of the contract which were read to the House by the honorable member for Doncaster.

If anybody undertakes to do work and enters into a contract, the terms of the contract spell out that the work is required to be satisfactory. In other words, a safeguard is provided. Just as a person who purchases a car receives a twelve months or 20,000-kilometre guarantee, so in this case a guarantee clause is incorporated in the contract providing that the responsibility of the contractor continues after the completion of the contract for a period of twelve months. I understand that the contract concludes some time next month, which means that the responsibility of the contractor for the quality of the work continues until December, 1978.

The action of the Government through the Country Roads Board has been impeccable. It has not ignored any of its responsibilities. It has not turned its back on the responsibility of examining the freeway during its construction to make sure that the work is performed satisfactorily. I am grateful that the Country Roads Board discovered that this area of pavement was not satisfactory now rather than in six months' time when undoubtedly it would have begun to break up under the heavy traffic that would be using the freeway.

The Opposition claims that as the Government is responsible for the freeway, it must take the blame and be censured. However, I do not believe the House should adjourn because the Country Roads Board is doing its job satisfactorily. Moving this adjournment motion is completely inappropriate and it is a shame that the House has spent time debating this matter today. It is interesting to note that the final paragraph in the article in the *Herald* stated—

> When news of the fault reached demonstrators at the Alexandra Parade barricades today, a cheer went up and several set off on bicycles to inspect it.

I invite the Opposition to do the same.

The House divided on the motion (Sir Kenneth Wheeler in the chair)—

Ayes	18
Noes	45
Majority against the motion ..	27

AYES.

Mr. Amos	Mr. Roper
Mr. Cain	Mr. Simmonds
Mr. Culpin	Mr. Stirling
Mr. Edmunds	Mrs. Toner
Mr. Fogarty	Mr. Trezise
Mr. Fordham	Mr. Wilton
Mr. Ginifer	
Mr. Kirkwood	*Tellers:*
Mr. Lind	Mr. Cathie
Mr. Mutton	Mr. Simpson

NOES.

Mr. Balfour	Mr. Mackinnon
Mr. Birrell	Mr. Maclellan
Mr. Borthwick	Mrs. Patrick
Mr. Burgin	Mr. Plowman
Mr. Coleman	Mr. Rafferty
Mr. Crellin	Mr. Ramsay
Mr. Dunstan	Mr. Reese
Mr. Ebery	Mr. Richardson
Mr. Evans (*Ballarat North*)	Mr. Ross-Edwards
Mr. Francis	Mr. Scanlan
Mr. Gude	Mr. Skeggs
Mr. Hamer	Mr. Smith (*South Barwon*)
Mr. Hann	Mr. Smith (*Warrnambool*)
Mr. Hayes	Mr. Thompson
Mr. Hudson	Mr. Trewin
Mr. Jasper	Mr. Weideman
Mr. Jona	Mr. Whiting
Mr. Kennett	Mr. Williams
Mr. Lacy	Mr. Wood
Mr. Lieberman	
Mr. Loxton	
Mr. McArthur	*Tellers:*
Mr. McInnes	Mr. Collins
Mr. McKellar	Mr. Cox

PAIRS.

Mr. Crabb	Mr. Evans (*Gippsland East*)
Mr. Doube	Mr. Templeton
Mr. Wilkes	Mr. Suggett

CHANGE OF OWNERSHIP NOTICES BILL.

Mr. DUNSTAN (Minister of Public Works): I move—

That this Bill be now read a second time.

This Bill prescribes a common form for the notices of change of ownership which vendors of land are required to give to certain public authorities. These authorities are the local municipal council, the Commissioner of Land Tax and, where appropriate, the Melbourne and Metropolitan Board of Works, the State Rivers and Water Supply Commission and any water supply, sewerage or river improvement authority.

The information on the form enables the authority to keep its records up to date and is added to the record of land sales kept by the Valuer-General for valuation purposes. The information is supplied to the Valuer-General by the Commissioner of Land Tax.

The Bill will amend the Land Tax Act, the Local Government Act, the Melbourne and Metropolitan Board of Works Act and the Water Act. It substitutes the new form of notice where appropriate and prescribes a common period of one month after the signing of a contract of sale within which the notice must be given to the appropriate authorities and a common maximum penalty of $200 for failure to comply.

The new standard form has been agreed to by the Law Institute of Victoria, the State Rivers and Water Supply Commission, the Real Estate and Stock Institute of Victoria, the Municipal Association, the Melbourne and Metropolitan Board of Works, the Institute of Municipal Administration, the Commissioner of Land Tax, the Commonwealth Institute of Valuers and the Valuer-General.

On the motion of Mr. KIRKWOOD (Preston), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, November 22.

LOCAL GOVERNMENT (PROMOTION OF DECENTRALIZATION) BILL.

Mr. DUNSTAN (Minister of Public Works): I move—

That this Bill be now read a second time.

This Bill will meet requests for prompt amendments to the Local Government Act to facilitate undertakings by country municipalities in two areas.

The first amendment is set out in clause 2 and affects section 693. This section enables councils to enter into agreements with other authorities for the extension of works for water, gas, electricity or sewerage purposes for the benefit of particular areas.

The Rosedale Shire Council has been investigating the possibility of providing an electricity supply for residents of an estate known as Loch Sport by an extension of the mains of the State Electricity Commission, but the powers provided by section 693 do not quite meet council's needs. The amendments now proposed to the section will provide—

1. For the petition of owners of property which is required to initiate action by council to be signed under the rules prescribed for owners signing a petition for a separate rate. This means that one-third of the owners responsible for one-third of the payments must sign instead of a majority of owners. Further, where there are joint owners of any property only one may sign for that property and if joint owners also own other property this will not entitle more than one of them to sign the petition.

2. For the rate of interest which may be charged on overdue payments under the scheme to be fixed in the manner provided for private street construction instalments—that is, at not more than 1 per cent higher than the rate at which council borrowed any money. If the scheme is financed other than by borrowing a fixed rate of 10 per cent will apply. At present a fixed rate of 6 per cent applies.

3. For a council to obtain a loan to finance a scheme. At present this can be done only for water supply agreements with the Melbourne and Metropolitan Board of Works. In other cases the provision for financing a scheme is by overdraft.

Clause 3 and succeeding clauses amend Part XLA. which enables councils to promote or assist the development of decentralized industries. Clause 3 substitutes a revised section 811A for the existing section the effect of which will be to enable a council to make loans to a decentralized industry from moneys borrowed by the council under an arrangement to assist the industry. This provision is to operate retrospectively. A number of arrangements for assistance to decentralized industries cannot at the moment be given effect to because the Crown Solicitor advised the Treasurer in July last that he, the Treasurer, had no power to guarantee repayment of moneys borrowed by a municipality for the purpose of relending it to a decentralized industry. Such borrowings are not authorized by the legislation.

Clause 4 (1) will correct an error in sub-section (1) of section 811B. It was intended that a council should be able to sell or lease land without seeking consent of the Governor in Council if the land was acquired pursuant to an arrangement to assist a decentralized industry. However, the present sub-section makes any such sale or lease subject to the provisions of the Act.

Sub-clause (2) will authorize a council to acquire land, erect buildings and carry out works under Part XLA. even though it has not entered into any arrangement with a decentralized industry. Before erecting buildings or carrying out other works, however, a council will be required to consult the Minister and consider any advice he may tender. These wider powers will enable a council to have land and buildings available in order to attract a suitable industry should the opportunity arise. Sub-clause (3) repeals sub-section (1c) of section 811B as a consequence of the amendments made by sub-clause (1).

Sub-clauses (4), (5), (6) concern the manner in which municipal borrowings to assist decentralized industry are secured. At present such loans must be secured on any land or assets acquired to give effect to an arrangement or on the assets of the industry. Because lending institutions have been reluctant to lend on such security it is now proposed, as an alternative, that loans shall be secured on the general rates of the municipality which is the normal security for municipal borrowing. However, where any borrowing is secured on land or assets acquired to give effect to an arrangement or on the assets of the decentralized industry, the provisions relating to loan polls will not apply and the amount of the loan will not be taken into account in calculating the amount of money which may lawfully be borrowed by the municipality.

Clause 5 substitutes for the present definition of "decentralized industry" a definition in accord with current legislation on the subject. I commend the Bill to the House.

On the motion of Mr. KIRKWOOD (Preston), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, November 22.

CONSTITUTION BILL.

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

That this Bill be now read a second time.

Its purpose is to amend the Constitution Act 1975—referred to in the Bill as "the principal Act"—and The Constitution Act Amendment Act 1958. These amendments were considered by the Statute Law Revision Committee in its report dated 6th April, 1977, upon the Constitution Bill 1976.

The Bill proposes the amendment of the principal Act in two ways, first, by removing the voting disqualification in section 48 (2) (*b*) of prisoners and persons on parole; and secondly, by making new provisions in relation to the holding of offices of profit, or the entering into contracts with the Crown, by members of Parliament.

In effect, section 48 (2) of the principal Act provides that any person within certain classes shall not be qualified to be enrolled as an elector or to vote at elections for the Legislative Council and the Legislative Assembly. Paragraph (*b*) specifies a person who is undergoing a sentence of imprisonment, or is on parole, for an offence against the law of Victoria or the law of any other State, country or place.

Section 48 (2) (*b*) replaced sections 76, 77, 102 and 103 of The Constitution Act Amendment Act 1958 so far as they related to persons convicted of offences other than treason. The disqualification imposed by the latter sections was restricted to persons convicted and under sentence for any offence punishable under the law of Victoria "or any other part of the Queen's dominions" by imprisonment for one year or longer.

During last year the Government decided to review section 48 (2) (*b*), particularly having regard to the fact that it is more restrictive than the provisions it replaced. The conclusion was reached that, subject to the provisions of section 48 (1) as to residence, and with the exception of persons convicted of treason, all citizens should be entitled to vote, and that such right should not depend on whether the citizen is in prison or on parole at the time of the election.

Both the present provision and the earlier provisions operate in an arbitrary manner. Under these provisions the voting right of a person otherwise eligible to vote, depends upon the chance of whether that person was in gaol or on parole at the date of an election. Another person might have served a longer term of imprisonment, but be able to vote because that person had been released just before the date of the election.

Furthermore, it appears that section 48 (2) (*b*) could create anomalies. For example, a prisoner sentenced to six years' imprisonment without any minimum term could, with remissions, be released after serving four years and would then be eligible to vote. On the other hand, a sentence of six years' imprisonment with a minimum of four and a half years, could be reduced by remissions to four years, with a minimum of three years. The prisoner might be released into the community at the end of three years, but during the next twelve months, while on parole, would be unable to vote. No doubt there may be other possible anomalies.

In the circumstances, the Government takes the view that the disqualification imposed upon prisoners and persons on parole should be removed by repealing section 48 (2) (*b*).

In its report of 6th April, 1977, the Statute Law Revision Committee noted that, although the Constitution Bill 1976 proposed the repeal of section 48 (2) (*b*) of the principal Act, there were no provisions either in the Bill or in The Constitution Act Amendment Act 1958 as to how voting rights for persons in prison would be implemented. The committee expressed the belief that if the proposal to grant voting rights to prisoners and persons on parole is to proceed, another Bill should be introduced to that effect, containing the machinery provisions required to implement the proposal.

The Government recognizes that machinery provisions will be required to implement this proposal. However, these will include amendments of The Constitution Act Amendment Act 1958. The Government proposes

to introduce a Bill to amend that Act to cover a number of other electoral matters, and it will include in that Bill the provisions required to implement the proposal in the present Bill. Although the other provisions of the present Bill will come into operation upon Royal assent, the repeal of section 48 (2) (*b*) of the principal Act by clause 2 will not become effective until a day has been fixed by proclamation. This will be deferred until an appropriate stage has been reached.

Section 61 of the principal Act provides that a person employed in the Public Service, Teaching Service, Railway Service or the Police Force shall not be disqualified from election as a member of the Legislative Council or the Legislative Assembly, and that upon such election the person shall cease to be so employed. The Bill proposes that this section be extended to include persons holding any office or place of profit under the Crown. In recent years there has been a considerable increase in the number of statutory boards and commissions which have extended the range of offices of profit under the Crown. Disqualification from membership of Parliament of holders of offices or places of profit under the Crown has an ancient history, originating in the seventeenth century.

Notwithstanding its long history the notion of an office or place of profit under the Crown is still beset with many difficulties and anomalies. The relevant provisions of the principal Act are related to provisions contained in the Succession to the Crown Act 1705 (Statute of Anne). The provisions of the Statute of Anne, and other legislative provisions, relating to the disqualification of holders of certain offices and places of profit were repealed in the United Kingdom in 1957, and in lieu thereof the holders of certain specified offices were disqualified from membership of the House of Commons.

Thus, although the position in the United Kingdom is now very much more certain, the old doubts and difficulties remain in Victoria. An "office" means a position which exists apart from the holder of the office and which is filled by successive holders — *Great Western Railway Company* v. *Bater* (1920) 3 K.B. 266; (1922) 2 A.C.I. An "Office of profit" means a remunerated office as opposed to an honorary office—*Dale* v. *Inland Revenue Commissioners* (1954) A.C.11.

It is well established that if emoluments attach to an office, or have ever attached to it, the office is a place of profit, and the fact that the emoluments have not been received by a particular holder or are refused by him, is irrelevant. See Erskine May, *Parliamentary Practice*, sixteenth edition, page 214. An illustration of this principle is the Stewardship of the Chiltern Hundreds, which is an office or place of profit, although no emoluments are in fact received by the holders of the office. With the increase in the range of offices of profit, there is an increased possibility of members inadvertently infringing section 49 of the principal Act by the fact of their holding an office of profit at the time of their election as members. In fact some such cases have recently occurred.

It is proposed, therefore, to amend section 61 in the manner I have indicated. In doing so, the opportunity has been taken to make the language of the proposed new section consistent with the language of section 49. The effect will be that the holding of an office of profit will not disqualify a person from election as a member of the Legislative Council or the Legislative Assembly, but upon election that person will cease to hold the office of profit. In its report, to which I have referred, the Statute Law Revision Committee agreed with this amendment.

The proposed section 61 is designed to overcome problems which arise in relation to offices or places of profit held by a member of Parliament at the time of his election, but it does not meet difficulties which could arise under section 54, section 55 (*d*) or section 58 of the principal Act. In the course of examining the question of offices or places of profit under the Crown, the attention of the Government was directed to these sections. Under these sections, members who become concerned or interested in Crown contracts, or accept appointment to an office or place of profit under the Crown, could lose their seats in Parliament and commit an offence even though the breach was due to inadvertence.

In the circumstances, the Bill proposes the insertion of a new section 61A in the principal Act, which will enable the relevant House of Parliament, in appropriate cases, to release a member from the consequences of any act matter or thing which has disqualified the member or caused his seat to become vacant. The types of case contemplated by the provision are where, for example, a member has accepted an office or place of profit under the Crown and has resigned when the significance of the office has come to attention; where the breach of the Act was a trifling nature; or where, for example, a member is a director of a company which without his knowledge enters into a contract or other arrangement with the Crown.

However, as the Statute Law Revision Committee pointed out, the relevant House may not wish to deal with a matter under proposed section 61A, and may refer it under section 300 of The Constitution Act Amendment Act 1958 to the Court of Disputed Returns for decision. But if the court found that the act matter or thing had ceased to have effect, was of a trifling nature, arose without the actual knowledge or consent of the person or was accidental or due to inadvertence, it would not have the power given to the House under proposed section 61A to find the offence proved and to disregard it.

As recommended by the committee, the Bill proposes the amendment of section 300 of The Constitution Act Amendment Act to give to the Court of Disputed Returns a discretionary power similar to that conferred on the House by proposed section 61A of the principal Act. 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 Tuesday, November 22.

POLICE REGULATION (AMENDMENT) BILL.

Mr. SCANLAN (Minister of Special Education) : I move—

That this Bill be now read a second time.

The main purposes of this Bill are to—

1. create a second office of Deputy Commissioner of Police;

2. enable the spouse of a deceased member of the force to receive a pension and within a period of three months to apply to be granted a gratuity in lieu of the whole or any part of her pension entitlement;

3. enable the Police Service Board to determine rates of pay for members of the force who are required to stand by to be recalled to active duty during off-duty hours; and

4. increase the maximum money penalties which may be imposed on a member who admits an offence with which he is charged or against whom a charge is found to be proven and to increase the penalties which may be imposed on a member guilty of the offence of taking a bribe to forego his duty.

The Bill also contains provisions the purposes of which are to—

(*a*) clarify the provisions of section 44, which relates to the entitlement of a spouse of a deceased member of the force to the payment of either an ordinary pension or a special pension and in certain circumstances to the granting of a gratuity in lieu of the whole or any part of the pension;

(*b*) create a head of power in section 130 to provide for the making of regulations relating to the granting of leave in the case of pressing necessity, compassionate leave and leave for military service; and

(*c*) spell out an explicit entitlement to the Police Association to submit to the board a claim in respect of any matter that it is the function of the board to determine.

The need for the creation of a second office of Deputy Commissioner of Police arises both by reason of the requirements of a plan for the reorganization of the "Officer" structure of the Police Force submitted by the recently appointed Chief Commissioner of Police and by reason of the excessive work load of the present Deputy Commissioner of Police.

The plan submitted by the Chief Commissioner of Police is designed to provide for increased specialization of the force consistent with the demands now being made upon it. The chief commissioner envisages that one deputy commissioner would supervise the activities of the crime, operations and traffic divisions and the second would oversight the administration personnel and services divisions and the Internal Investigations Bureau.

As section 4 (2) of the Act provides for the appointment of only a single deputy commissioner, it is necessary to amend the Act as provided for in clause 2 in order to provide for the appointment of a second deputy commissioner.

pension to a spouse of a deceased member of the force pending her election to accept either a continuing pension or a gratuity in lieu of all or any part of that pension entitlement is made at the request of the Police Association and of the Police Superannuation Board. The association is concerned to provide that, for the period during which a spouse of a deceased member is considering whether to accept a continuing pension or a gratuity in lieu thereof, she should not be without means of support from her pension entitlement.

In the absence of this specific provision, it may be arguable that the decision as to whether it is a pension or a gratuity that is to be granted and accepted must be made as from the initial payment.

The new clause 18 inserted into the Fourth Schedule to the Act by clause 9 of the Bill enables a spouse to apply for a gratuity in lieu of the whole or any part of the pension as provided for in section 44 at any time within three months of the first payment of the pension.

The opportunity is taken, in considering this matter, to make more specific provision in relation to those factors to be taken into account in the assessment of the gratuity payable to the spouse of a deceased member in lieu of the whole or any part of the pension entitlement.

Clause 7 of the Fourth Schedule to the Act provides that the amount of the gratuity so payable shall be such as the Police Superannuation Board determines after taking into consideration the advice of the Government Statist as to the value of the pension to which the spouse would be entitled.

The amendment to this provision by way of substitution of a new clause 7 provides that there shall be taken into consideration in the assessment of that gratuity the advice of the Government Statist as to the value of the pension to which the spouse was entitled at the time he or she applied for

a gratuity, the proportion of the pension which the spouse wishes to receive as a gratuity and the value of any pension payments made to the spouse after he or she applied for a gratuity.

In addition, Parliamentary Counsel has advised that he considers it desirable to express section 44 of the Act more explicitly. This is effected by clause 3 of the Bill, which relates to the pension entitlement of a spouse of a deceased member of the force. It provides for the entitlement of a spouse of a deceased member of the force to the payment of either an ordinary pension or a special pension.

It also purports to provide that where a spouse is entitled to a pension, the Police Superannuation Board may, with the spouse's consent, grant a gratuity in lieu of the whole or any part of the pension.

The provision of a head of power under which the Police Service Board is enabled to determine rates of pay for members of the force who are required to stand by to be recalled for active duty during off-duty hours has resulted from a request by the Police Association. This request is that provision be made for the determination by the board of allowances to members who are required on specified days or during specified periods to keep themselves available for recall to duty.

Those matters in respect of which it is the function of the board to make determinations are specified in section 69 (2) (*a*) of the Act. The matters specified in the sub-paragraphs to that paragraph constitute, in the view of the Police Service Board, exclusive categories of matters in respect of which the board may make a determination.

The board is of the view that it has no power under those provisions to stipulate an allowance or a rate of pay in respect of members of the force who are required to stand by to be recalled to active duty during off-duty hours.

Mr. Scanlan.

Sub-paragraph (v) of section 69 (2) (*a*), which provides for the determination to be made in respect of certain specified rates of pay, is amended by clause 4 of the Bill in such a way that reference to rates of pay for members of the force who are so required to stand by when required to do so to be recalled to active duty during off-duty hours is specifically included. In this way the board is enabled to make a determination in respect of those rates of pay.

The increase in the penalties which may be imposed on a member who is guilty of an offence is considered to be necessary in order to equate the prescribed maximum money penalties with present-day money levels.

Section 88 (1) of the principal Act creates certain offences with which members may be charged. These offences may be dealt with by either an officer or by the Chief Commissioner or by the Police Discipline Board. If the charges are admitted or found proved against the member, there may be imposed, amongst other penalties, a maximum money penalty of $10, $60, or $100 respectively. These amounts were fixed in 1962.

The amendment to these amounts by way of substitution of the amounts of $50, $200, and $500, respectively, for the amounts referred to above relates them in a more meaningful way with present-day money levels.

The increase in the penalties which may be imposed on a member guilty of the offence of taking a bribe, pecuniary or otherwise, either directly or indirectly, to forego his duty as provided for in section 95 of the Act is considered to be desirable in the light of the penalties presently applicable in cases where a member is guilty of such an offence.

The penalty which may be presently imposed is a monetary penalty of $500 or imprisonment for a term of not more than three months. As those penalties are considered to be too lenient in relation to the heinous nature of the offence, the applicable

penalty is increased by clause 7 to a monetary penalty of $2,000 or imprisonment for a term of not more than six months.

The creation of a new head of power in section 130 providing for the making of regulations relating to the granting of leave in the case of pressing necessity, compassionate leave, and leave for military service is made necessary because the regulations presently made in relation to those matters are believed to be invalid.

Section 130 of the Act provides that the Governor in Council may make regulations for or with respect to certain specified matters set out in that section. It is believed, however, that the matters referred to are not provided for in the heads of power specified in section 130 and that, for this reason, they are *ultra vires*. It is further believed that neither is there power under the Act for the Police Service Board to make determinations in respect of those matters.

It seems desirable, however, that they continue to be the subject of regulation. Consequently, a head of power pursuant to which the Governor in Council may make regulations with respect to the matters referred to is provided for in clause 8 which amends section 130. That clause also deems to be validly made the invalid regulations presently made with respect to those matters provided they may be validly made pursuant to the head of power created by the Bill.

The necessity to spell out an explicit entitlement to the Police Association to submit to the Police Service Board a claim in respect of any matter which it is the function of the board to determine arises from the belief of the board that there is no specific provision in the Act which empowers the association to lodge claims for determination with the board. Moreover, the board believes that there is no expressed connection between claimants as defined in the Act and the association.

Section 82 of the Act provides that any member or members of the force —whether jointly or severally—and the Chief Commissioner of Police may make a claim to the Police Service Board to determine conditions of service, including salaries and wages, allowances, hours of duty and rates of overtime, for members of the Police Force of or below the rank of commander.

It is the belief of the board that the Act as presently worded does not properly enable the association to lodge a claim before it.

An entitlement to the Police Association to submit to the board a claim in respect of any matter which it is the function of the board to determine and for the association to furnish a copy of every such claim to the Chief Commissioner is provided for in clause 5.

I commend the Bill to the House.

On the motion of Mr. EDMUNDS (Ascot Vale), the debate was adjourned.

Mr. SCANLAN (Minister of Special Education) : I move—

The the debate be adjourned until Tuesday next.

I give an undertaking to the spokesman for the Opposition that if he requires any information or any support in obtaining information on the Bill, it will be provided in the interim.

The motion was agreed to, and the debate was adjourned until Tuesday, November 22.

APPROPRIATION MESSAGE.

The SPEAKER (Sir Kenneth Wheeler) announced the presentation of a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Fund for the purposes of the Police Regulation (Amendment) Bill.

LITTER BILL.

Mr. DUNSTAN (Minister of Public Works) : I move—

That this Bill be now read a second time.

I suppose every honorable member would agree that acts of vandalism are far too prevalent in our society ; that they are senseless ; that they are anti-social and that their occurrence is a sad reflection upon the inadequacy of our endeavours to achieve a more enlightened and responsible approach in this area.

All these remarks apply with equal force to littering which in reality is but one form of vandalism. Sometimes it may not be wilful but merely thoughtless, and yet the result is the same. This mounting and costly problem needs to be met in every possible way and at every level through a comprehensive and continuing programme designed to inculcate awareness, common sense, and responsibility.

The Government and the Keep Australia Beautiful Council believe that any effective campaign must rely upon four essential elements, which have for convenience become known as the four Es—education, example, equipment and enforcement! The campaign launched by the Premier on 8th September this year relied upon each of those four elements.

Simultaneously with the launching of the campaign, letters were sent to all schools throughout Victoria dealing with the litter problem and emphasizing the importance of education in proper attitudes which would assist in avoiding littering. Schools were also provided with litter kits and encouraged to undertake initiatives which would involve the children.

Letters in similar vein were forwarded to every council in Victoria, seeking municipal co-operation in the installation of reusable litter bags and bins in municipal vehicles, local publicity on the litter issue and an increased drive in enforcement. Similar approaches were made to employer groups and to the Trades Hall Council and it is confidently expected that a high degree of co-operation and continuing publicity will be engendered from those areas. My colleague the Minister for Youth, Sport and Recreation also wrote to major sporting organizations seeking their co-operation in the progressive reduction of littering at sporting venues.

By way of example, all Government vehicles have been fitted with reusable litter bags and it is hoped that municipalities, employers and many other organizations will follow suit. In addition, a large number of bumper stickers, bin stickers and posters have been distributed throughout the State.

On the question of equipment, the installation of litter bags in Government and other vehicles will assist to reduce the problem by encouraging people to use the facilities provided. In addition, a huge number of disposable litter bags have been distributed throughout Victoria at sporting venues and, with the assistance of major oil companies, through service stations. Furthermore, sporting organizations will be expected progressively to supply increased facilities for litter disposal at sporting venues with a view to making a maximum attack upon the problem there.

Whatever may be achieved in the fields of education, example and improved equipment, it is nevertheless regrettably true that there will remain some irresponsible or thoughtless individuals who will be deterred only by strict enforcement of firm laws. Singapore has shown what this can achieve and provides a lesson from which we should draw. Furthermore, a recent research survey undertaken by the Keep Australia Beautiful Council reveals that seven out of ten people hold

the view that our current litter laws are neither tough enough nor sufficiently enforced.

Mr. ROPER: Did they know what they were?

Mr. DUNSTAN: If they did not know what our litter laws are, it was because of lack of education. I agree that few people know. That is why this legislation and the whole campaign is trying to emphasize that education, which includes education on the litter law, is virtually important.

It is with this aspect of the programme that the Bill deals and I should indicate to the House that it is intended, with the co-operation of police and council officers, that the provisions of the Bill will be backed up by very much stronger enforcement than has previously been the case.

Clause 2 of the Bill recasts section 3 of the principal Act to clarify its expression. As previously worded, the section led many police to believe that the undertaking of a litter prosecution was useless unless it was possible to prove wilfulness or that the amount of litter was substantial, or related to broken glass. The recast provision makes it clear that these qualifications need not apply and, furthermore, raises the maximum penalty from $200 to $500. However, where the court is satisfied—

(*a*) that the offence was committed wilfully and that the amount of litter or the amount of unwanted material or thing was substantial;

(*b*) that the litter or unwanted material or thing was wilfully dropped or thrown from a moving vehicle; or

(*c*) that the litter or unwanted material or thing was broken glass—

it may in addition to, or in lieu of the monetary penalty, impose a sentence of imprisonment for a term of not more than one month.

The same clause also increases the penalty under an on-the-spot infringement notice from the present paltry $5 to a realistic $50. That figure is intended both to be a powerful deterrent to those who might otherwise be tempted to engage in littering and to provide a real incentive to municipalities to enforce the amended Act.

Clause 3 introduces new provisions to provide for owner and driver-onus in respect of litter thrown from a vehicle which is intercepted at or shortly after the time of commission of the offence. The new provisions are, however, so phrased as to ensure that neither owner nor driver-onus shall apply where the identity of the actual offender can be ascertained and that, where the driver's identity can be established, he shall be proceeded against rather than the owner.

The same clause also makes it an offence to fail to give a correct name and address to a member of the police force or other authorized officer finding a person committing an offence against the Act. The penalty is a maximum of $100, which is of course in addition to any penalty in respect of the litter offence itself.

Clause 4 makes consequential amendments to the Road Traffic Act. Clause 5 is not intended to come into immediate operation but is a notification of intention for the future. When the Litter Act was passed thirteen years ago, it was felt that Victoria was not yet ready for the Act to be applied at sporting venues or other places of amusement in respect of which a fee for admission was paid and such venues were accordingly exempted from the definition of places to which the Act applied.

During the ensuing period there has clearly been increasing public concern over the entire problem of litter together with a greater degree of education of children at younger

ages. The Government now believes that the time is ripe to indicate that it proposes to move towards a more general application of the Act. There seems no valid reason why those who take full cans or packages to sporting ventures should not at least take the empty ones out, or deposit them in bins provided for the purpose.

Clause 5 therefore provides that upon a future date to be fixed by proclamation published in the *Government Gazette*, the Litter Act will have the wider application which I have indicated. To give operators of these sporting venues and places of amusement sufficient time to provide the increased equipment which will be necessary and to undertake the educative campaign which will be desirable for their patrons, it is currently envisaged that this new extension will come into operation in approximately two years' time.

I emphasize that the legislation is merely one aspect of a total campaign. Nevertheless, it is an essential aspect.

I commend the Bill to the House, but further emphasize that all of us as individuals have a personal responsibility to avoid littering, to set an example to our children and those with whom we associate, and to recognize and preserve Victoria as the garden State—too lovely to litter.

On the motion of Mr. EDMUNDS (Ascot Vale), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, November 22.

BUILDING INDUSTRY LONG SERVICE LEAVE (AMENDMENT) BILL (No. 2).

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

That this Bill be now read a second time.

The Building Industry Long Service Leave Act was introduced to provide long service leave for certain classes of workers employed in the building industry who, because of the short-term nature of their employment on construction work, were unable to accrue an entitlement to long service leave. The scheme came fully into operation on 1st February, 1977.

Proposals have been put to the Government by interested organizations for changes in the legislation and these have been considered by the Building Industry Long Service Leave Board, which has recommended to the Government that they be adopted.

A substantial change contained in the Bill relates to a change in the registration provisions. It provides for the entry into the scheme of working sub-contractors who work under a contract for labour only or substantially labour only. They will be required to make contributions to the fund in relation to their own hours of work and will accrue an entitlement to long service leave.

As the matters dealt with in the Bill are of a varied nature, I propose to deal with them clause by clause. Clause 1 needs no explanation.

Clause 2 proposes several changes to the definitions contained in section 2 of the principal Act. In relation to the definition of "building construction work", it has been rearranged to remove a doubt as to whether foremen, sub-foremen and leading hands were covered by the present definition as was the original intention. It removes from coverage monumental masons and plumbers and gasfitters engaged on ship repair work. It adds "construction workers" so as to include all construction workers engaged on civil engineering construction sites. The phrase "builder's labourer" already in the definition did not appear to cover those persons adequately.

The phrase "fixed by an award" is proposed to be changed to "fixed by a prescribed award". This will allow an award or determination or any part thereof to be prescribed by

regulation. It will allow the clarification of the application of the Act to certain classes of work. A new paragraph (c) has been added to the definition of building and construction work to allow employers and working sub-contractors to contribute to the fund in relation to work done outside Victoria.

Interpretation of the phrases "private employer", "registered working sub-contractor", "service in the industry", "worker" and "working sub-contractor" have been included to bring into effect the proposal for the registration of working sub-contractors.

Clause 3 in the Bill provides for the registration of working sub-contractors rather than contractors.

Clause 4 repeals sections 13 and 14 of the principal Act which are no longer necessary under the new registration arrangements.

Clause 5 amends section 15 of the Act to provide for the payment of long service leave charges by both private employers and working sub-contractors. The amount of the long service leave charge in respect of working sub-contractors is directly related to the rate of pay fixed for foremen in the appropriate award covering work of the class being done by the working sub-contractor.

Clause 6 provides for the payment of contributions on a voluntary basis in respect of work done outside Victoria. It also provides for exemptions where employers or working sub-contractors are domiciled in another State in respect of work done in Victoria.

Clause 7 provides for the fixing of the rate for ordinary pay of a working sub-contractor.

Clause 8 allows the calculation of the period of continuous service of a worker to include service as a registered working contractor in determining eligibility for long service leave.

Clause 9 provides for the determination of the entitlement of a working sub-contractor.

Clause 10 makes consequential amendments to all references to workers, employers and private employers, by making them references also to working sub-contractors. I commend the Bill to the House.

On the motion of Mr. SIMMONDS (Reservoir), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, November 22.

CEMETERIES (AMENDMENT) BILL.

The debate (adjourned from November 10) on the motion of Mr. Jona (Assistant Minister of Health) for the second reading of the Bill was resumed.

Mr. CULPIN (Glenroy): The Opposition does not oppose the Bill. Everyone is concerned with aspects of safety and this Bill takes this matter into consideration. The Bill refers to the concept of "unsafe or dangerous" monuments or tombstones. I am conversant with the Fawkner Cemetery Trust and I wonder whether the people on that trust are qualified to assess whether monuments or tombstones are unsafe or dangerous. I am sure the Government will ensure that people who have to assess whether monuments or tombstones are unsafe or dangerous are given some training so that they are fully aware of the problems.

As I indicated, the Opposition does not oppose the Bill.

Mr. JASPER (Murray Valley): The National Party likewise supports the Bill. It allows cemetery trusts to delegate their powers and authorities to individual officers, and it also validates the actions that have been taken in the past by individuals when authority should have been obtained from the trusts.

It is interesting to see the introduction of the concept of "unsafe or dangerous" monuments or tombstones, and the reference to "unbecoming" being removed from the Act. In country areas the operations of cemetery trusts are generally left to people who have been given this task by a municipality. They perform the task well.

In many areas cemeteries are falling into disrepair. More reverence should be shown to people who lived in years gone by and who served the nation and the municipalities, and who have been buried in cemeteries that have fallen into disrepair. Vandalism is very evident in cemeteries, and it seems to be the attitude of people that they can vandalize anything that does not belong to them. As the Minister said during the second-reading speech on the Litter Bill, people are irreverent when they destroy tombstones or monuments by acts of vandalism, and efforts should be made to stamp out their behaviour.

In the township of Wahgunyah there is the John Ford Cemetery, which is a private cemetery. It has fallen into disrepair over a long period. The people of Wahgunyah want to bring the cemetery back to its original state and make it a tourist attraction. John Ford worked in the area around Wahgunyah and there is a pre-emptive right on the land on which the cemetery is built. Only about half a dozen tombstones remain, but from investigations that have been made it appears that prior to the turn of the century 80 people were buried there. I am working with the Lands Department in an effort to gain the control of this cemetery for the people of Wahgunyah so that it can be developed as a tourist attraction.

The motion was agreed to.

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

MINISTERIAL STATEMENT.

REPORT OF BOARD OF INQUIRY INTO BUSH AND GRASS FIRES.

The Ministerial statement relating to the report of the Board of Inquiry into the Occurrence of Bush and Grass Fires made by Mr. Scanlan (Minister of Special Education) on October 5, was taken into consideration.

Mr. SCANLAN (Minister of Special Education): Before my colleague, the honorable member for Broadmeadows commences to speak, on a point of order I inform the House that the State Electricity Commission has been issued with writs in regard to alleged damage caused by the bush fires that are the subject of this report the House is about to debate. I make that observation to guide honorable members.

The SPEAKER (Sir Kenneth Wheeler): Order! I must now ask the Minister whether the writs have been set down for hearing?

Mr. SCANLAN: I am not aware of that and I cannot answer the question. It is not my intention to hinder the debate, but to ensure that the element of *sub judice* is not impinged upon by the House.

The SPEAKER: Can the Minister advise me of the nature of the writs? That information would be valuable.

Mr. SCANLAN: The information given to me is that after the outbreaks of these fires a certain number of writs were received by the State Electricity Commission claiming damages, which it is alleged the State Electricity Commission is responsible for, and that is the subject of the report before the House.

Mr. WHITING: Not only that.

Mr. SCANLAN: I realize that, but I am seeking your guidance, Mr. Speaker, to make sure that the House maintains an appropriate and consistent line on the matter.

Mr. WILTON (Broadmeadows): Mr. Speaker, you have sought information from the Minister on whether a date has been set down for

the hearing of the writs, and this is the criterion on which you must give a ruling. In the absence of the information, I suggest that neither you, Mr. Speaker, nor any other honorable member is entitled to anticipate what may or may not happen outside this Chamber.

The SPEAKER (Sir Kenneth Wheeler): Order! I sought advice from the Minister who stated that he had no idea whether the matter had been set down for hearing. Therefore, the matter is in a state of limbo. At this stage, the debate will have to continue unless some positive advice can be given. I will leave it to honorable members to use their good sense and good taste so as not to embarrass anyone.

Mr. RAFFERTY (Minister of Transport): On a point of order, I do not know whether it will assist you if someone were to find out the information and advise you, Sir. I realize that you have ruled that the debate should continue.

The SPEAKER: I cannot uphold the point of order. I have sought that information from the Minister in charge of the matter and he could not inform me. At this stage, the debate should continue.

Mr. WILTON (Broadmeadows): Before I debate the matter, perhaps I should point out that my study of the report, which was tabled on 4th October, this year, indicates that Sir Esler Barber comments that he did not see it as his function to determine the legal liability of any party; that his function was merely to study the causes of the fires, what preventive measures were available to various authorities, what should have been done and what can be done in the future to avoid a recurrence of these tragic incidents. I gained the impression from the report that the board of inquiry was in no way attempting to determine who is responsible and in that context I suggest that it would be possible to debate the report without impinging on anybody's rights or the possibility of the matter being dealt with by a court on another occasion.

The Minister concluded his Ministerial statement, which was delivered on 5th October last, by saying—

> In summary, the Government will take all action practicable to implement the recommendations and suggestions of the board of inquiry as soon as possible.

The real problem, and this is why the Government deserves the severest criticism, is that over the years legislation has been introduced to amend, strengthen and broaden the Country Fire Authority Act. On each occasion, the Minister who handled the Bill made the point that the Government was taking positive steps so that there would not be a recurrence of such disasters. When I debated the Country Fire Authority (Borrowing Powers) Bill on 5th April, 1966, as recorded at page 3235 of volume 281 of *Hansard*, I quoted these remarks from the Minister's second-reading speech—

> Recently the authority completed a comprehensive survey of its development. This survey was directed towards attaining greater efficiency in the control, prevention and suppression of fires. After close examination of the survey, in the opinion of the authority there is an essential need to improve the mobility and radio communications of brigades and to provide accommodation for some regional and zone officers.

Parliament passed that Bill and one would have thought some improvement would have been effected. However, throughout the report, the board of inquiry is highly critical of the failure of authorities to take preventive measures. At page 79 of its report, the board of inquiry states, *inter alia*—

> It is a fair inference from the evidence that each authority much preferred to leave to one of the others any task which was likely to annoy the general public . . . There was also, as between these authorities, an unfortunate lack of liaison.

This is where the Ministers have to accept responsibility because there appears to be a lack of liaison not only between departments but even at Cabinet level.

When explaining the Country Fire Authority (Amendment) Bill on 14th October, 1969, as reported at page 858 of volume 295 of *Hansard*, the then Minister of State Development said—

> Paragraphs (*a*) and (*b*) of clause 10 enable such work to be done at the request and expense of the Minister of any department.

At that stage, the Minister was referring to the power of fire brigades to carry out fire prevention work to remove fire hazards, and Parliament was being asked to amend the Act so that the Minister of any department could have the necessary work carried out.

When I took this matter up with the Minister during the Committee stages of the Bill and sought a more detailed explanation, the Minister quite rightly gave it and said that the Government intended that, where a fire hazard existed on any Government property, or property under the control of any department, the Minister could authorize the Country Fire Authority, through its brigade system, to remove the hazard and that the costs would be met out of the department's allocation through the Budget.

In explaining another provision of that Bill, the Minister is reported at page 859 of the same volume of *Hansard* as having said—

> Under sub-section (1) of section 45 of the Act, the Governor in Council may, where the proper officer fails to perform his duties in a proper and efficient manner, by order direct that the powers conferred by the Act on the proper officer of a municipality be vested in the appropriate regional officer or assistant chief officer.

In its report the board is also highly critical of the functions of what is known as the proper officer. For the benefit of those honorable members who may not understand the term, I point out that it is simply that under the Country Fire Authority Act there is power to appoint a person as a proper officer of a municipality. Usually, it is the shire secretary or shire engineer. During the 1969 debate, I contended that this was not an efficient method of delegating the functions or duties of a proper officer, who, in most cases, was already an over-worked shire secretary or shire engineer with a multitude of responsibilities to the municipality and to the council, and that these duties should be undertaken by the regional officer.

Further to that, the board of inquiry has made the point that, from its observations, steps were not taken to force landowners to remove fire hazards. This is one of the functions of the proper officer. He is authorized to issue the necessary certificate on request and he also has the responsibility, where fire hazards exist, to take the necessary steps to force the landowner to remove the hazard. The present powers are quite adequate. The work can be carried out by the proper officer, the landowner can be charged and the debt is recoverable through the Magistrates Court. There is really no need for any extensive amendments to the Country Fire Authority Act. The Government cannot proffer the excuse that the powers are inadequate, because this is just not so.

Also, the board of inquiry is highly critical of the lack of research undertaken in this area, particularly on the control of grass fires, which, as the board rightly points out, is peculiar to the Western District. The history of that area clearly supports the board's contention. It is fair to say that the Country Fire Authority does not come out of the inquiry very well. The board states at page 98 of its report concerning the operation of the authority—

> There is very little evidence, if any, to suggest that since 1969—

Earlier, I referred to a debate in this House on the Country Fire Authority (Amendment) Bill during 1969 when the Government said that certain things would be done—

> to the present time, Country Fire Authority officers made the necessary observations of State Electricity Commission lines or, if they did, communicated with the local offices

of the State Electricity Commission seeking to have hazards removed. Having regard to the fact that the State Electricity Commission and the Country Fire Authority were rightly subjected to criticism after the 1969 fires and that both organizations were well aware from that time of the danger, this omission is inexplicable and is something for which, in the first place, the Country Fire Authority is to be censured.

The board makes the point that the statutory authority is charged with the responsibility of controlling the suppression and prevention of fires in rural areas. It is obvious that the authority has not done its job. I do not blame the officers at the lower levels; I direct my criticism to the senior officers, because it is they who have the responsibility of ensuring that inspections are carried out and that reports are submitted. If the reports are not being submitted, it is they who should find out why and ask what is going on.

In dealing with the question of research, the board of inquiry stated—

> Since 1966 there has been provision in the establishment of the Country Fire Authority for a research officer, a position left vacant to date. It is essential that the Country Fire Authority should immediately appoint a properly qualified officer to this position, and then gradually build up a research section which can provide information of vital assistance to officers and volunteers in the field.

How much time does the Government need to appoint a research officer? The position has been vacant since 1966. The board had no trouble in determining the sort of research work that should be carried out and there are apparently a number of people in Victoria who are capable of giving assistance to the Country Fire Authority with research. The board states at page 98 of its report—

> While considerable research has occurred into the causes and behaviour of forest fires by the Forests Commission of Victoria and the Commonwealth Scientific and Industrial Research Organization and others, similar research relating to rural grassland fires has been lacking. Such knowledgeable and experienced witnesses as Mr. A. G. McArthur, Division of Forest Research, Commonwealth Scientific and Industrial Research Organization—a world-wide authority on fire behaviour and prevention—and Mr. J. M. C. Mackinnon who has twenty years in the fire service and is presently Deputy Group Officer of the South West Border Group, among others, both urged the necessity for research of this nature.

The board is making the point that these people are available and are willing to assist the Country Fire Authority in conducting substantial research work. The report indicated various subjects for research pointed out by Mr. Mackinnon, which included—

> Basic factors involved in fighting burning grass, namely:
>
> How much water is required to extinguish one square metre of fire?
>
> The most effective way of applying water to a grass fire.

There are five items mentioned.

The Government cannot claim ignorance on this matter. All honorable members are well aware that the period of highest fire danger is in the months of January, February and March. All major fire disasters —including the 1939 fire, which was one of the worst, the fires that took place in the 1940s, in 1969 and again in 1970—have occurred in those months. Surely Ministers would be aware of that and their departments would be advising them of the problems. No positive action has been taken at Cabinet level to ensure that the authorities are carrying out the preventive work that the board of inquiry has referred to.

Another area in which the board of inquiry was critical of preventive measures is stated at page 81 of the report—

> Personal observations made during last December and January in the very districts that were later devastated by the February fires, as well as travelling through the same districts after the fires on inspections for the purposes of this inquiry, made it evident that more should have been done to clear roadsides of obvious fire hazards. Mile after mile of roadside were feet high with phalaris and other grasses, which of course burnt fiercely when the fires came.

Every honorable member would readily recognize that problem. To develop pastures in rural areas, farmers sow the seed and manure and

other fertilizers are regularly applied. When the farmer reaches the boundary of his property he tends to spray the fertilizer around with generosity and a proportion of it falls onto the roadside. This contributes to the vigorous growth of non-native grasses such as Phalaris.

The board of inquiry's report goes on to deal with the role of regional officers. I raised this matter in 1969. At that time the electorate that I represented embraced quite a large area of rural land and I attended meetings with local fire brigades that were addressed by regional officers. It became obvious to me that regional officers were expected to cover too large a territory and it was impossible for them to do their jobs properly. The problem was not a lack of enthusiasm or efficiency; it was simply that the task was physically beyond them. That is still the situation and at page 90 of its report the board stated—

> It is clear that the regional officers in a number of regions which the board investigated, failed to make a regular inspection as required by section 44 of the Act. That section provides that it shall be the duty of every regional officer to make regular inspections within his region to ascertain whether the provisions of the Act are being property and efficiently carried out and administered and to report to the authority at such times as are directed by the authority and for the purpose of any such inspection, the regional officer is empowered to enter into and upon any land or premises whatever within his region.

Once again, it is not a question of lack of legal power. The report continues—

> Not even the roads in the region were systematically inspected and this led to the existence of hazards which were dangerous as possible ignition points and made the roads useless firebreaks. The evidence of all the officers concerned was that this failure to carry out regular inspections on a systematic basis was due to lack of available time because of the pressure of other duties. For example, the regional officer of region 16 deposed that his residence was at the regional office, that he was available by telephone 24 hours a day and that he normally worked a 72-hour working week.

The regional officers are anchored to their quarters during periods of fire danger and cannot leave their quarters unless they can impose on the generosity of their wives to stand by the telephone. That point has been made on many occasions over a long period. Regional officers are expected to carry too great a burden and the demands on them are too numerous. It has always been my view that they need assistance, but the Government has taken no action.

The report with which honorable members are dealing is just another report in the mound of reports that has been piling up since 1939, when Judge Stretton prepared his report on the disastrous fires that occurred in that year. Incidentally, I recommend that all honorable members read that report.

At page 92 of its report the board stated—

> As will appear from chapter 7 in which municipal councils are discussed, the fire prevention work of these proper officers has been far from satisfactory and in that regard there has been a failure on the part of the Country Fire Authority generally to ensure that the proper officers perform tasks allotted to them under the Country Fire Authority Act. Some regional officers have been well aware that the proper officers have not been carrying out their duties in a proper and efficient manner, yet there has never been any report to the Governor in Council from the Country Fire Authority pursuant to the provisions of section 45(1) of the Country Fire Authority Act—which section provides, *inter alia*, for the transfer in the circumstances provided in the subsection, of the powers and duties of the proper officer to any regional officer.

That provision was included in the Act in 1969 when the then Minister said that it was being inserted so that the Country Fire Authority could take the appropriate action. It is now 1977, but the board of inquiry states quite clearly that no action has been taken by senior officers of the Country Fire Authority.

Surely the Chairman of the Country Fire Authority and his deputy ought to know whether the reports are coming in from the regional officers. If they are aware that the reports are not being made,

they should ask why and inquire whether the proper municipal officers are fulfilling their functions. Why do they not suggest that if those functions are not being properly fulfilled, they will approach the Minister and request that the Governor in Council give those powers to regional officers? Nothing is done and disasters occur. Even in simple monetary terms, ignoring the human problems that cause great distress, the cost of a disaster is enormous.

The board goes on to point out that the Country Fire Authority Officers Association was prepared to make submissions about this. Apparently some people are aware of the problem and are prepared to put forward suggestions. The report states—

> The Country Fire Authority Officers' Association submitted that the Country Fire Authority should appoint a fire prevention officer to take over the duties of the proper officer of municipalities as they relate to the Country Fire Authority Act.

I support that contention and the Government should be prepared to direct the Country Fire Authority to appoint fire prevention officers, who should be given responsibility for the duties that are now the responsibility of the proper officer of a municipality.

The added advantage in this situation would be that the fire-prevention officer would be trained. I cannot be convinced that the shire secretary is properly trained in fire prevention. He is no doubt most efficient in local government administration, but he is not trained in fire prevention and it is not one of his duties. A properly trained fire-prevention officer within the Country Fire Authority would have a better understanding and more ability to determine what constitutes a fire hazard. The Government should delay no longer.

There are two immediate steps which the Government can take. The first is the appointment of a research officer, particularly as the position has been vacant since 1966. The second is the appointment of fire prevention officers. The board's recommendation regarding the deputy chairman is also worthy of serious consideration. The point is made that this person could be skilled in administration and that also would be a step in the right direction.

Perhaps more importantly, the board is justified in its criticism of the quality of the equipment which is available to fire brigades throughout the State. Too many local volunteer brigades in Victoria are still without Country Fire Authority vehicles and are relying heavily on vehicles provided by volunteers which, in many cases, are not of the right type and are not fully equipped. This is fire protection on the cheap. Many local brigades scattered throughout the State have been trying for years to convince the Country Fire Authority that they should be provided with better equipment. This has not been forthcoming and many country fire brigades are expected to cope with fires with inefficient and sometimes little equipment except what they can scrounge from their own resources. Their services are voluntary and that is not fair and reasonable.

The board has criticized the standard of radio equipment. Legislation was passed in the 1960s dealing with the Country Fire Authority's borrowing powers and the Minister of the day mentioned that there was to be an improvement in radio equipment. However, in 1977 the board of inquiry makes a similar criticism and pointed out that in some instances the radios used by brigades are almost useless. With neighbouring brigades, one brigade may be at one end of the fire and, because of the variations in radio equipment, it cannot make contact with the other brigade at the other end of the fire.

Honorable members with experience with fires in rural areas will know that it is essential that the officer in charge of operations must be able to maintain radio contact with

the area under his control. If he loses contact, he can quickly get into trouble. In some cases there will be loss of vehicles and, even worse, loss of life, because of the peculiarities of rural fires which can be quite unpredictable. Honorable members who have experienced rural fires, particularly grass fires, will know that they can travel at a high speed. When fires occur in timber country, particularly eucalypt areas, the danger is intensified. People can easily be cut off. Therefore, radio equipment is just as important as mechanical or fire-fighting equipment.

The report clearly shows that the Government has not progressed and Ministers are still not prepared to accept their responsibility. There are adequate powers under the Act but memories of previous disasters soon dim. In 1970 everyone was fire conscious. By 1971 the memory had started to fade. By 1975-76 the fires were back in the dim past and enthusiasm had waned. It was not until there was a repetition of these fires in 1977 that people again became fire conscious. I suppose everyone will be on their toes during this fire season and Ministers will be making sure that proper precautions are taken, but it must be a continuous effort.

Mr. A. T. EVANS: It involves the whole community, too.

Mr. WILTON: I accept the interjection of the honorable member for Ballarat North. The whole community is involved and it is a community responsibility. The board makes that point in the report but that does not excuse the Government. After all, the Government is a body which has direct control over extensive holdings. The Department of Agriculture, the Forests Commission, the State Electricity Commission, the Country Roads Board and even the Education Department are responsible for extensive areas of land. Some of these areas are most volatile, particularly those under the control of the Forests Commission, and the Country Roads Board. Victoria has a history of rural fires and the Government should consider setting up a Cabinet sub-committee to which Ministers would be appointed to ensure that the various authorities took the appropriate steps. The Acts have been amended to give the Ministers power. They do not need more power.

Cabinet deserves the severest criticism for allowing the disaster of February, 1977, to develop. I sincerely hope there will not be a long, protracted and drawn-out investigation or sporadic meetings by Cabinet members who will give this report a cursory examination and let the matter eventually lapse without making any positive decision. One decision that can be made immediately is the decision to appoint a research officer. Steps should be taken to make finance available so that equipment can be substantially updated and modernized, particularly vehicles and radios. This has been strongly recommended in the report.

There should also be the appointment of fire-prevention officers who could take over the duties of proper officers. They could ensure that fire hazards are removed, not only from private land but also from Government land. For those reasons members of the Opposition support the motion that the House take notice of the Ministerial statement. In doing so, we believe Cabinet deserves the severest criticism.

On the motion of Mr. A. T. EVANS (Ballarat North), the debate was adjourned.

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

ADJOURNMENT.

SALMONELLA IN EGG PULP—BENDIGO NORTH RAILWAY WORKSHOPS—WESTERN PORT REGIONAL PLANNING AUTHORITY — INDUSTRIAL RELATIONS—DARTMOUTH DAM.

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.

Mr. THOMPSON (Minister of Education): I move—

That the House do now adjourn.

Mr. ROPER (Brunswick): I raise a matter for the attention of the Assistant Minister of Health. The matter stems from reports this morning concerning salmonella in egg pulp. Salmonella has previously been present in other products. The concern that I share with many other people is the possibility that the Government will cave in on the excellent regulations it prepared some time ago. I understand that the Food Industry Council has contacted the Minister of Health and asked for a substantial change in the way in which those regulations are written and administered. The result of that would be to largely introduce a system of self-regulation into the food industry. This would only exacerbate the present problems and those which have been most apparent this year.

The Food Industry Council represents both good and bad manufacturers. Most food manufacturers are extremely careful in their preparation of food, not only because that is good business but because they do not want to produce goods which are not of the highest quality. However, in some cases that does not apply and the control of packaging regulations was brought in to overcome some of the difficulties that the earlier outbreaks of salmonella had resulted in.

I ask the Minister to give an undertaking that in no way will those regulations be watered down and that the Government intends using those regulations to the full to make sure that as far as possible —there will always be accidents— the standard of food in Victoria will be as high as it can be. I hope the Minister is able to give that undertaking. If not, I will be grateful if he will take up the matter with the Minister of Health so that honorable members can be given that assurance next week.

Mr. CRABB (Knox): I direct a matter to the attention of the Minister of Transport. It concerns the Bendigo North railway workshops and in particular, the buildings themselves. The workshops were erected 40 years ago as a wheelhouse and they have not been used for eighteen months for any purpose. The Victorian Railways are calling for tenders for the demolition and removal of the workshops. I am informed that the buildings could be easily changed in some way to make them eminently suitable for a workshop in which workmen could work on the blue trains used in the Melbourne suburban system. The work on those trains is at present carried out in an open workshop and there is a considerable problem with asbestos flying around in the air instead of being properly extracted. I ask the Minister whether he will consider the use of these buildings for work on the blue trains.

Mr. CAIN (Bundoora): I desire to bring a matter to the attention of the Premier in the absence of the Minister for Planning. It concerns matters associated with the subdivision of Stumpy Gully in the Westernport region. What has emerged publicly in recent days makes it highly desirable that a number of matters associated with that subdivision be the subject of an inquiry and report by the Minister for Planning, and perhaps the Minister for Local Government. It raises the question of information being used by people associated with the Western Port Regional Planning Authority; it also raises the question of the integrity of the authority and the people associated with it.

I understand that yesterday the Minister for Local Government suggested in another place that the former chairman of the Western Port Regional Planning Authority, Mr. Peter Leake, could not have used inside information because Stumpy Gully was an old

subdivision. It has been suggested that the area was subdivided some time about 1920. It may be true that it is an old subdivision but that assertion is only part of the truth.

As I understand the position, this old subdivision—there are many of them on the Mornington Peninsula—was the subject of review by the Western Port Regional Planning Authority. Mr. Leake was chairman of the authority between 1969 and 1971 and what is important to determine is when decisions were made about the future use of the land in that area. It has been suggested to me that the decision was not publicly indicated, that this effectively meant that some of the land, such as Stumpy Gully, could be more valuable than other land which may not have been proclaimed and could continue in its present subdivided form. Some old subdivisions were confirmed, some land subdivisions consolidated, some stopped and some were to revert back to broad acreage.

Knowledge of what land was or was not allowed to be developed is absolutely critical. It seems to me that it is time that a definite statement is made about the information which could have been transmitted from Mr. Leake or some other person in the authority. I put it no stronger than that, that Mr. Leake may well have used information which he acquired for the benefit of other people. That aspect should be investigated so the people of Victoria know whether that is a correct assertion to make.

The Parliament of Victoria ought to know which land dealings were decided prior to the Lynch purchase; which land was to be the subject of investigation; which land was to be confirmed in its subdivided form and which land was to be sold. That information or information concerning that land is absolutely critical.

Mr. SIMMONDS (Reservoir): I raise a matter with the Premier concerning the application by the State Electricity Commission of Victoria to the High Court of Australia over an agreement between the Electricity Trust of South Australia and a number of unions in which an agreement has been negotiated over a period of two years. The agreement provided that there should be a reduction in the working week of trust employees to 37½ hours on the condition that productivity would be maintained or improved.

I inform the Premier that in Victoria a number of employers have adopted a similiar proposition. The Premier should consider withdrawing the instruction to the State Electricity Commission of Victoria because of the experience of employers in this State.

I refer to the firm of Stafford-Ellinson Pty. Ltd. and the statement made by Mr. E. Reiss, the production director, who indicated that on introducing a 36-hour week, there was improved output. The net increase in the value of production increased by 14·4 per cent. The value of production increased by 31·6 per cent and saved 1,740 hours lost due to absenteeism in the previous twelve months.

The experience of firms which have applied a formula of reduced working hours indicates that this is an area of industrial relations which this State should adopt. Referring to the incidence of industrial disputes occurring in this State, the Premier should note the position in South Australia which, with 9 per cent of the national workforce has only 2 per cent of the total national industrial disputes taking place in that State. The comparable figure for Victoria indicates that the position is 300 per cent worse than South Australia.

I remind the Premier of the recent experience in State Electricity Commission industrial relations which had a disastrous effect on the economy of Victoria and the members of the workforce.

I ask that the Premier direct the State Electricity Commission not to attempt to intervene, because the agreement was freely negotiated between the two parties. The Premier

should also cease trying to export his industrial relations policy to States such as South Australia which has a good record in this area.

Mr. ROSS-EDWARDS (Leader of the National Party): I direct a matter to the attention of the Premier. Has the Premier any information concerning the opening of the Dartmouth dam? Is it proposed to open it this year or next year? Can the Premier give any indication on the likely date of the opening?

Mr. JONA (Assistant Minister of Health): I noted the remarks made by the honorable gentleman for Brunswick and I will draw them to the attention of the Minister of Health for consideration.

Mr. RAFFERTY (Minister of Transport): The honorable member for Knox asked me to examine a situation under which some of the repair work on our blue trains could be carried out at the Bendigo North railway workshops. I will do so and let him know.

Mr. HAMER (Premier and Treasurer): The honorable member for Bundoora raised the matter of land subdivision on the Mornington Peninsula. I will draw that matter to the attention of the Minister for Planning, as he requested. However, I point out, and the honorable member well knows this, that in connection with subdivisions which were approved many years ago, there is no way in which a planning authority can interfere with those subdivisions. The only way it can be done is what the Government is doing in the Dandenong Ranges, where it is purchasing land in unsuitable subdivisions and consolidating the purchases. That is a different thing altogether, but when a subdivision is already approved, it cannot be interfered with. Therefore, some of the honorable member's suggestions are very wide of the mark and in fact I am surprised that he made them without having a better foundation.

The honorable member for Reservoir asked me this morning by way of a question without notice, which I asked him to put on notice, about the intervention by the State Electricity Commission into arrangements made in South Australia between the Electricity Trust of South Australia and the unions. I asked the honorable member to put the question on notice so I could give him an answer, and I will give him an answer when he does that.

The Leader of the National Party referred to the opening of the Dartmouth dam. The position has been reached where it is now possible to put the plug in and to start filling the dam. I do not think any opening date has been set but I would imagine it would be a little later and when there is some water in the dam.

However, a date is being fixed for a visit by somebody in order to make something of putting the plug in and the dam commencing to fill up. I will inform the Leader of the National Party when that date is fixed.

The motion was agreed to.

The House adjourned at 5.54 *p.m. until Tuesday, November* 22.

QUESTIONS ON NOTICE.

The following answers to questions on notice were circulated—

ELDERLY CITIZENS' CLUB-ROOMS FOR NEWTOWN.

(Question No. 2766)

Mr. BIRRELL (Geelong West) asked the Assistant Minister of Health, for the Minister of Health—

When a grant will be made to the Newtown City Council for the provision of elderly citizens' club-rooms at Little Pescott Street, Newtown?

Mr. JONA (Assistant Minister of Health): The answer supplied by the Minister of Health is—

A State Government subsidy of $5,320 was granted on the 22nd August, 1958, to the City of Newtown towards the cost of extending and altering the Newtown Municipal Hall, Little Pescott Street to provide permanent club-rooms for elderly citizens. These club-rooms were officially opened on the 29th August, 1959.

To date the City of Newtown has not applied for an additional capital subsidy. However, the council advised my department on the 5th February, 1976, that it was intended to further extend the club-rooms. Plans of the proposed works were forwarded on the 5th April, 1976, and on the 10th May, 1976, an application form for a capital subsidy was posted to the council.

On the 15th June, 1976, the council was advised that the plan was unsatisfactory and required amendment. No further correspondence regarding the proposed extension has been received since from the City of Newtown despite the forwarding of reminder letters dated 1st September, 1976, and 15th February, 1977.

COBURG POLICE STATION.

(Question No. 2924)

Mr. MUTTON (Coburg) asked the Minister of Public Works—

1. Whether the Public Works Department has finalized plans for improvements to the Coburg police station?

2. What is the estimated cost of the improvements?

3. What improvements are listed on the plans, indicating whether they include provision of a shower block and, if not, why?

Mr. DUNSTAN (Minister of Public Works): The answer is—

1. No.

2. $14,000.

3. Interior and exterior renovations updating the watchhouse and mess-room all in accordance with the requirements submitted by the Police Department. No shower block has been provided as this was not requested by the client department.

ENGLISH LANGUAGE TUITION FOR MIGRANTS.

(Question No. 2972)

Mr. WILKES (Leader of the Opposition) asked the Minister of Labour and Industry—

1. What action is proposed concerning tuition in industrial English in Victoria, indicating when such programmes will begin operation, how many industrial English courses are now in operation and how many will begin in the next six months?

2. Whether he is aware that skilled migrants who have officially recognized qualifications to fill vacancies are being rejected for these positions because of their inadequate command of the English language?

3. What action he will take to ensure that all skilled migrants in Victoria are given adequate English language training on full salary?

Mr. MACLELLAN (Minister of Labour and Industry): The answer is—

1. I am not sure what the honorable member means by "industrial English" but the teaching of the English language to non-English speaking immigrants is the responsibility of the Education Department through the Migrant Education Branch which is located at 250 Elizabeth Street, Melbourne.

2. I am not aware of this.

3. The question whether English language tuition is to be given in an employer's time is an industrial relations matter. It has become an issue of the determination of terms and conditions of employment. It is currently under discussion by the Industrial Relations Advisory Council which I have appointed to advise me on current issues. Basically, of course, it is a matter for consideration by each individual employer.

HOUSING COMMISSION PURCHASE AT SALE.

(Question No. 3051)

Mr. McINNES (Gippsland South) asked the Minister of Housing—

In respect of the purchase by the Housing Commission of a house situated at 193 Stawell Street, Sale, for the purpose of Aboriginal housing—

1. When the house was constructed?

2. Which officers of the commission arranged and approved the purchase?

3. What was the purchase price, how the price was arrived at, what valuations were received, and who were the valuers concerned?

4. Who was—(*a*) the selling agent; and (*b*) the vendor?

5. What moneys have been expended on the house since purchase, detailing the amount and for what purpose in each case?

6. Whether the advice of the commission's Aboriginal housing or welfare officers was obtained; if so, what advice was given; if not, why?

7. Why this house was purchased in view of the negligible Aboriginal population in Sale and the commission's capability to meet the need from existing resources?

Mr. HAYES (Minister of Housing): The answer is—

1. Age is approximately 30 years.

2. Purchase was arranged by property officer G. Stone. Approval to purchase was given by the commission on 30th May, 1977, and by the Minister on 6th June, 1977.

3. Purchase price $28,500. This price was arrived at by negotiation. Valuation was received from Mr. E. T. Miles, F.A.I.V., City Valuer, City of Sale (valuation $28,800).

4. Selling agent—Graham Chalmer Pty. Ltd.; Vendor—Mr. B. D. and Mrs. M. L. Austin.

5. Electrical checkover	$18.31
Minor plumbing	$28.89
General carpentry	$21.86

6. The commission's Officer in Charge, Aboriginal Housing, recommended the purchase of a property in Sale for use by an Aboriginal family.

7. This property was purchased for an Aboriginal family because they were in need of improved accommodation. There are three other applications for Aboriginal housing in Sale on hand. The waiting time for Housing Commission houses averages fifteen months from date of lodgment of application.

HOUSING FOR ABORIGINES.

(Question No. 3052)

Mr. McINNES (Gippsland South) asked the Minister of Housing—

In respect of the Commonwealth Government funding for Aboriginal housing provided by the State—

1. What was the Victorian expenditure programme in 1976–77 and, what is the proposed expenditure in 1977–78?

2. What houses, indicating the address in each case, have been purchased since 1st July, 1976?

Mr. HAYES (Minister of Housing): The answer is—

1. 1976–77	$726,683.38
1977–78	$400,000

2. Aboriginal houses purchased since 1st July, 1976—

28 Morgan Street, Bairnsdale.
25 Cromwell Street, Burwood.
31 Davis Street, Coburg.
5 Hearn Street, Drouin.
30 Barry Street, Echuca.
15 Douglas Street, Hastings.
67 McKean Street, Mooroopna.
175 McLennan Street, Mooroopna.
65 Titcher Road, Noble Park.
39 Woomera Avenue, Noble Park.
134 Bastings Street, Northcote.
30 Avondale Road, Preston.
19 Hawker Avenue, Preston.
5 McGhee Street, Sale.
193 Stawell Street, Sale.
1 Runge Street, Shepparton.
13 James Street, Shepparton.
15 McRae Street, Shepparton.
65 Fahey Street, Shepparton.
115 Balaclava Road, Shepparton.
28 Naretha Street, Swan Hill.
9 Baldwin Street, Wendouree.

HOUSING COMMISSION HOMES AT PATTERSON LAKES.

(Question No. 3063)

Mr. CATHIE (Carrum) asked the Minister of Housing—

1. How many homes have been built and sold by the Housing Commission at Patterson Lakes, indicating the price at which they were sold?

2. How many homes on the development are currently on the market, indicating at what price?

Mr. HAYES (Minister of Housing): The answer is—

1. Twenty-eight—

$37,567.00	$37,230.00
$36,516.00	$37,332.00
$37,026.00	$37,128.00
$36,822.00	$36,822.00
$36,516.00	$37,026.00
$37,026.00	$36,516.00
$36,822.00	$37,842.00
$36,618.00	$37,128.00
$37,077.00	$36,822.00
$36,057.00	$36,516.00
$35,955.00	$37,842.00
$37,567.00	$37,026.00
$37,026.00	$36,547.00
$38,046.00	$35,955.00.

2. A further 22 homes have been completed and are in the process of being allocated.

$36,618.00	$36,516.00
$37,026.00	$36,822.00
$36,465.00	$36,516.00
$35,955.00	$36,261.00
$36,261.00	$37,281.00
$36,057.00	$36,261.00
$37,026.00	$36,465.00
$36,765.00	$36,567.00
$36,822.00	$36,465.00
$37,567.00	$36,516.00
$36,516.00	$37,842.00

CASE OF MR. AND MRS. J. ASTBURY.

(Question No. 3081)

Mr. SIMMONDS (Reservoir) asked the Minister of Labour and Industry—

In respect of the case heard in the Warrnambool Magistrates Court, in which the Department of Labour and Industry laid charges against Mr. and Mrs J. Astbury, owners of fashion shops, for alleged breaches of the Labour and Industry Act 1958, involving Louise O'Brien, an employee—

1. What charges were laid?

2. When the hearings were held?

3. Which magistrate heard the case?

4. Whether it was recommended within the department that an appeal be made against the magistrate's dismissal of the case; if so, on what grounds and why the appeal was not proceeded with?

5. If he will lay on the table of the Library the files relating to this case?

Mr. MACLELLAN (Minister of Labour and Industry): The answer is—

1. Two charges were laid. These were—

(1) Failing to pay Louise O'Brien wage rates as prescribed by the determination of the Industrial Appeals Court made in connection with a determination of the Clothing and Footwear Shops Board.

(2) Failing to pay in advance to Louise O'Brien the payment for an annual holiday period of three weeks which was taken in July, 1974.

2. The hearing was commenced on 11th December, 1976, and adjourned to 21st December, 1976.

3. Mr. N. J. Fitzgerald, S.M.

4. No.

5. The file may be inspected by the honorable member at the office of the department by arrangement with the secretary.

Legislative Council.

Tuesday, November 22, 1977.

The PRESIDENT **(the Hon. W. G. Fry)** took the chair at 3.53 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE.

HEALTH COMMISSION.

The Hon. B. P. DUNN (North Western Province): Can the Minister of Health advise the House whether the Chairman of the Health Commission has yet been appointed, and, if so, who is the appointee? If not, when does the Minister expect to be in a position to make an announcement on this matter?

The Hon. W. V. HOUGHTON (Minister of Health): The Chairman of the Health Commission has not yet been appointed. I assure the honorable member that as soon as he is appointed a public statement will be made. I expect that to occur in the near future.

ALBURY–WODONGA DEVELOPMENT CORPORATION HOMES.

The Hon. N. B. REID (Bendigo Province): Is the Minister for State Development and Decentralization aware of an article which appeared in the *Border Morning Mail* of 11th November, in which the rent charges to employees of the Albury–Wodonga Development Corporation living in corporation-owned homes are criticized? Can the Minister advise the House the basis on which these rentals are calculated?

The Hon. D. G. CROZIER (Minister for State Development and Decentralization): I am pleased that Mr. Reid has raised this matter. I am aware of an article which appeared in the *Border Morning Mail* on 11th November, and I direct the attention of the House to the somewhat lurid headlines of that article—"Albury–Wodonga Development Corporation Staff Home Rent a Scandal—MLC." In part the article stated that Mr. Bradbury had said that the rents being charged were appalling. "This is a shocking scandal," Mr. Bradbury said. I hate to interfere with a good story but for the sake of the record sometimes one has to do that. The facts are these: Towards the end of 1973, the Commonwealth Government purchased eight homes in the Albury–Wodonga area to facilitate recruitment to the Albury–Wodonga Development Corporation. These homes were later sold to the corporation after it had been established.

In April of 1974 the Albury–Wodonga Ministerial Council considered the tenancy arrangements applicable to public servants of the Commonwealth, New South Wales and Victorian Governments and decided that the arrangements applying to the New South Wales