Legislative Council

Tuesday, 29 April 1980

The PRESIDENT (the Hon. F. S. Grimwade) took the chair at 4.20 p.m. and read the prayer.

ESTATE AGENTS BILL

This Bill was received from the Assembly and, on the motion of the Hon. HADDON STOREY (Attorney-General), was read a first time.

SUPPLY (1980–81, No. 1) BILL

This Bill was received from the Assembly and, on the motion of the Hon. HADDON STOREY (Attorney-General), was read a first time.

QUESTIONS WITHOUT NOTICE

MERCURY LEVEL IN SHARK

The Hon. E. H. WALKER (Melbourne Province)—My question is directed to the Minister for Conservation. Is it a fact that the Australian Fishing Industry Council working committee has made certain recommendations to the National Health and Medical Research Council relating to the permissible level of mercury in shark, and that the permissible level of mercury be increased from 0·5 to 1 parts per million? If so, what does the Minister propose to do, taking into account the differences in requirements between South Australia and Victoria?

The Hon. W. V. HOUGHTON (Minister for Conservation)—It is true that the Australian Fishing Industry Council has made representations to the Health Commission on mercury levels in shark. I believe it is also true that the recommendation is that the level has been increasesd. The Government relies on the health authorities to make the final determination in this matter.

I understand that a different way of arriving at conclusions about the damaging effect of mercury in shark and any other fish is being considered and that it may be possible to arrive at a solution which will put Victoria on a similar basis to the one in South Australia as its basis is certainly disadvantageous to the Victorian fishing industry.

TRAVELLING ON SCHOOL BUSES

The Hon. B. P. DUNN (North Western Province)—I address my question to the Minister of Education. I refer to the case of Mrs Diana Power of Port Campbell who attends the Warrnambool Institute of Advanced Education and was excluded from travelling on departmental buses because she was over the age of 21 years. I ask the Minister what action he has taken concerning Mrs Power; what ruling excludes students over the age of 21 years from travelling on school buses and will this policy be reconsidered in the light of her case?

The Hon. A. J. HUNT (Minister of Education)—This case has come before me several times on representations from various quarters. The lady concerned is understandably disappointed and believes the department does not care about those who have attained the age of 21 years.

I point out that the lady concerned is not a full-time student at a school or college but is, in fact, a TAFE student of mature age. Although one must inevitably feel sympathy for her individual case, to grant her application to travel on the bus would open up the whole question of travel for any adults doing a technical and further education course anywhere in the State. That is a whole new field which would add a sum which cannot readily be estimated to the cost of bussing. Last year the cost of school buses and conveyance allowances reached the staggering figure of $33 million.

I am instigating a full-scale review of the entire bussing and conveyance allowance position. I expect some further generosity next year in the treatment for school children, but the whole field will be considered. However, in the present state of finances, I doubt whether it will be possible to change

the existing limitation to grant entitlements to full-time students over 21 years of age.

LEARNER DRIVER'S PERMITS

The Hon. N. F. STACEY (Chelsea Province)—My question is addressed to the Attorney-General representing the Minister for Police and Emergency Services and relates to obtaining driving licences and, specifically, young people requiring learners' permits. I am led to believe that, in the Frankston area, there is a delay of six weeks for people who want to gain these permits. Will the Minister inquire into the delay in the Frankston area and, if this is the normal course of events, will he institute inquiries which may improve the availability of testing for people who wish to obtain permits?

The Hon. HADDON STOREY (Attorney-General)—I am not aware of the situation in the Frankston area but, if there is such a delay, I understand that this could cause problems and distress to people who wish to obtain their licences. I will be happy to take up the matter with the Minister for Police and Emergency Services and ask him to ascertain whether there is such a delay and, if there is, whether any steps can be taken to reduce the delay.

CLERICAL ASSISTANTS AT PRIMARY SCHOOLS

The Hon. JOAN COXSEDGE (Melbourne West Province)—Can the Minister of Education clarify the situation regarding the instruction issued today by his department to the principals of more than 50 Victorian primary schools, whose student enrolments have fallen below 225, to sack their clerical assistants? Is this a further step in the unrelenting approach by the Liberal Government to impoverish the State education system and if there is some minimum target of human and financial resources at which his policies are aimed, can the Minister reveal it?

The Hon. A. J. HUNT (Minister of Education)—The answer to the first part of the question is, "Yes". If Mrs Coxsedge places the question on notice, I shall be happy to supply detailed information. The answer to the second and third parts of the question are, "No". The answer to the fourth part of the question is, "Not applicable".

RAIL FREIGHT SUBSIDY

The Hon. J. A. TAYLOR (Gippsland Province)—I direct a question to the Minister of Lands under whose guidance comes the Rural Finance Commission and it concerns the freight subsidy on fodder supplied to drought areas of east Gippsland. A problem exists in obtaining satisfactory transportation, of grain particularly, into that area because of the lack of rail trucks. Can the Minister indicate the current policy of the Government on grain freight in eastern Gippsland?

The Hon. W. V. HOUGHTON (Minister of Lands)—The current policy of the Government with subsidies on grain freight is that for declared drought areas subsidies on the rail freight are available. However, subsidies for grain freighted by road transport are not available. There may be some instances in which it would be more efficient and economical for the railways, as they already do, to move grain from one point to another by road. If they were unable to meet the demands in a drought area the railways may consider the movement of grain by road. However, that would be a matter for Government decision. At present, the Government's decision is that rail freight only will be subsidized.

SAND BAR AT LAKES ENTRANCE

The Hon. I. B. TRAYLING (Melbourne Province)—My question is directed to the Minister representing the Minister of Public Works and follows the seventh boating accident at the sand bar at Lakes Entrance. Can the Minister guarantee that the dredge *April Hamer* will not be removed from the area where it is carrying out necessary dredging work? Can the Minister also advise any other means proposed by the Government to give security and safety to those boat users who have to cross the sand bar at Lakes Entrance?

The Hon. D. G. CROZIER (Minister for Local Government)—The short answer to the question asked by Mr Trayling is, "No". I certainly would not be prepared, on behalf of my colleague in another place, to give an unequivocal assurance that the dredge *April Hamer* will never leave the precincts of the Lakes Entrance harbour. Such a decision would be at the discretion of the Ports and Harbors Division. The Minister of Public Works has already made a public statement in which he discussed proposed remedial works to combat or alleviate the admitted risk which obviously exists in certain weather for fishing boats traversing the bar at the entrance to Lakes Entrance. I suggest that if further details are required by Mr Trayling, he place a question on the Notice Paper or write directly to the Minister of Public Works.

NOXIOUS WEEDS

The Hon. D. M. EVANS (North Eastern Province)—My question directed to the Minister of Lands refers to the fact that a number of organizations, and graziers particularly, are concerned at the recent policy change by his department regarding the destruction of weeds by the roadside. I understand that the Minister has had substantial correspondence from municipalities and individuals on this matter. Can he advise whether he has been able to consider the matter and whether he believes it will be possible for the Government and his department to take up at least some responsibility for this in the near future?

The Hon. W. V. HOUGHTON (Minister of Lands)—I would welcome the opportunity to debate at length the Government's policy on the control of vermin and noxious weeds, particularly noxious weeds by the roadside. Recently I have consulted with the Farmers and Graziers Association and the central advisory council set up to advise me on such matters. I will be having further consultations with these groups about the policies which the Government will adopt.

I had a most productive meeting with the Farmers and Graziers Association last week and I hope the results may soon filter through to members of the National Party.

FRANKSTON CITY COUNCIL

The Hon. D. N. SALTMARSH (Waverley Province)—My question directed to the Minister for Local Government relates to the concern expressed by some local government authorities and others about alternative sources of financing capital works, in particular. Is the Minister aware of a proposal, suggested by the Frankston City Council, that power be given to it to raise funds through bonds issued by that council to enable capital works to be carried out instead of using existing loan arrangements?

The Hon. D. G. CROZIER (Minister for Local Government)—I am aware of the proposal by the Frankston City Council. It deserves further examination and I can assure the honorable member that I will give the matter further scrutiny with a view to determining whether such an option is feasible. I believe that conceptually the proposal has certain merits.

ACCURACY OF PETROL PUMPS

The Hon. D. R. WHITE (Doutta Galla Province)—In view of the grave difficulties that the Weights and Measures Branch is having in ensuring that petrol bowsers are operating effectively since metric conversion, can the Minister for Local Government give an assurance and indicate what steps his department is taking by way of instructions to the Weights and Measures Branch to ensure that all petrol pumps in Victoria are brought up to standard and operate effectively? Can the Minister give an assurance that steps will be taken to overcome the problem which continues to occur despite previous instructions that have been given to the Weights and Measures Branch?

The Hon. D. G. CROZIER (Minister for Local Government)—As I have endeavoured to explain on previous occasions, responsibility for policing the weights and measures standards on pet-

rol bowsers, as with other matters, rests not directly with the Weights and Measures Branch but also with the local authorities. Clearly under the arrangement which exists in Victoria—and which is specific to Victoria only—the Weights and Measures Branch certainly has a responsibility in terms of maintaining standards and general overview. Clearly, the capacity of some local authorities to adequately carry out their task is open to question because of resources. Nevertheless, the officer in charge of the Weights and Measures Branch, Mr Wibrow, wrote to all the major fuel distributors and major petrol pump suppliers about the difficulties that have been experienced. My opinion is that it would certainly be the endeavour of all the local authorities to continue to apply the standards required.

Honorable members must appreciate that from time to time there are bound to be difficulties in obtaining adherence to the desired standards, and it is certainly not a matter that is being overlooked. If the honorable member could give me examples of specific cases where, in his view, any of his constituents, or anyone else that he knows has received short change or is doubtful about the accuracy of any petrol pump from which he has purchased petrol, I shall welcome the information and hand it over to the supervisor of the Weights and Measures Branch and through him to the local authority concerned.

MOUNT BEAUTY HIGH SCHOOL

The Hon. W. R. BAXTER (North Eastern Province)—Does the Minister of Education recall a question I asked in October last year about the appointment three years earlier of Principal to the Mt Beauty High School? That position has not yet been taken up. At the time, the Minister undertook to have discussions with the Director of Secondary Education to resolve the problem. As the school is still under the guidance of an acting principal—albeit an excellent one—is the Minister in a position to advise the House when a permanent principal will be appointed to the school?

The Hon. A. J. HUNT (Minister of Education)—I regret that the Mount Beauty High School does not have a permanent, ongoing principal. However, as Mr Baxter says, the acting principal is very satisactory. I have had no recent information about any steps being taken currently to replace him. I have no doubt that the position will be advertised again later this year.

TITLES OFFICE

The Hon. H. G. BAYLOR (Boronia Province)—Is the Attorney-General aware of the delays, setbacks and legal complications arising from changes in personnel and procedures at the Titles Office? Many legal firms report that a number of search applications have been returned marked, "Title missing" which leads to all sorts of complications. Will the Attorney-General take steps to alleviate these problems?

The Hon. HADDON STOREY (Attorney-General)—I have received complaints about changed procedures in the Titles Office which have caused delays. I have not heard anything about people receiving a reply marked, "Title missing". I should be concerned if that were the case. I will inquire into the matter and ascertain whether any problems that exist can be speedily overcome to provide the excellent service that the Titles Office is normally able to provide.

PAPERS

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

Education Act 1958—Resumption of land at Wangaratta—Certificates of the Minister of Education (two papers).

Statutory Rules under the following Acts of Parliament:

Architects Act 1958—No. 66.
Boilers and Pressure Vessels Act 1970—Nos. 96 and 97.
Companies Act 1961—No. 125.
Consumer Affairs Act 1972—No. 111.
Co-operation Act 1958—No. 93.
Co-operative Housing Societies Act 1958—No. 104.
Country Fire Authority Act 1958—No. 108.
Dentists Act 1972—No. 118.
Discharged Servicemen's Preference Act 1943—No. 133.

Dried Fruits Act 1958—No. 107.
Environment Protection Act 1970—Nos. 109 and 126.
Estate Agents Act 1958—No. 128.
Farm Produce Merchants and Commission Agents Act 1965—No. 88.
Health Act 1958—Nos. 119 and 123.
Home Finance Act 1962—No. 94.
Housing Act 1958—No. 114.
Industrial Training Act 1975—Nos. 78, 79, 83 and 113.
Labour and Industry Act 1958—No. 95.
Law Reform Act 1973—No. 132.
Local Government Act 1958—No. 77.
Lotteries Gaming and Betting Act 1966—No. 73.
Metropolitan Fire Brigades Superannuation Act 1976—No. 105.
Milk and Dairy Supervision Act 1958—Nos. 81 and 106.
Milk Pasteurization Act 1958—No. 89.
Ministry for the Arts Act 1972—No. 134.
Motor Car Act 1958—No. 87.
Motor Car Traders Act 1973—No. 91.
National Parks Act 1975—No. 110.
Poisons Act 1962—No. 121.
Police Regulation Act 1958—No. 117.
Post-Secondary Education Act 1978—No. 92.
Public Service Act 1974—PSD Nos. 29 to 35.
Racing Act 1958—Nos. 84, 85, 100, 101, 102 and 103.
Reference Areas Act 1978—No. 127.
Scaffolding Act 1971—Nos. 80 and 112.
Second-hand Dealers Act 1958—No. 82.
Stock Medicines Act 1958—No. 90.
Valuation of Land Act 1960—No. 86.
Victorian Film Corporation Act 1976—No. 135.
Youth, Sport and Recreation Act 1972—No. 99.

MONBULK AND DISTRICTS ELDERLY PEOPLE'S HOMES BILL

The PRESIDENT (the Hon. F. S. Grimwade)—When this Bill was previously before the House, I ruled that it was a private Bill.

The Hon. W. V. HOUGHTON (Minister for Conservation)—I move:

That this Bill be dealt with as a public Bill.

The Hon. E. H. WALKER (Melbourne Province)—Honorable members will remember that, when this Bill was brought in last week, the Opposition requested that it be allowed to examine the Bill and the second-reading notes before making a decision on whether the Bill should be dealt with as a public Bill, and that has happened. Opposition members are happy to allow the Bill to be considered a public Bill. However, having read the second-reading notes and considered the Bill, the Opposition makes a further request of the Minister for Conservation and the appropriate Minister in another place, that it be allowed to peruse the relevant file. I give notice that at the second-reading stage, I will move the adjournment of the debate for a week so that Opposition members will be enabled to peruse the file.

The motion was agreed to.

On the motion of the Hon. W. V. HOUGHTON (Minister for Conservation), the Bill was read a first time.

MELBOURNE (YARRA PARK) LAND BILL

The PRESIDENT (the Hon. F. S. Grimwade)—When this Bill was previously before the House, I ruled that it was a private Bill.

The Hon. W. V. HOUGHTON (Minister for Conservation)—I move:

That this Bill be dealt with as a public Bill.

The motion was agreed to.

On the motion of the Hon. W. V. HOUGHTON (Minister for Conservation), the Bill was read a first time.

The Hon. W. V. HOUGHTON (Minister for Conservation)—I move:

That this Bill be now read a second time.

Its purpose is to enable the Corporation of the City of Melbourne, as committee of management, to grant leases of the land known as the Richmond Cricket Ground.

The Richmond Cricket Ground is portion of the area permanently reserved in 1873 as a site for a public park more familiarly known as Yarra Park. This park is vested in the Minister of Lands and the Corporation of the City of Melbourne as trustees, with the corporation being appointed as committee of management.

Historically, a cricket ground existed at the site as early as 1854 when Yarra Park was simply unreserved Crown land known as Richmond Paddock. The Richmond Cricket Club first occupied the site under tenure from the Lands Department and subsequently by ar-

rangement with the trustees and committee of management. The demands made on the ground are considerable and result from the presence of the Richmond cricket and football clubs at the ground, and the willingness of the cricket club to make the facilities available for use by many other sporting bodies and the public.

The existing facilities need up-grading and both clubs have now reached an agreement which will ensure proper development and maintenance of the ground. In view of the substantial expenditure involved in carrying out the works associated with the proposed improvement programme, the Richmond Cricket Club desires security of tenure in the form of a 21-year lease which the corporation is willing to grant.

Under the leasing arrangements proposed by the Bill, any lease shall be for a term not exceeding 21 years and shall be subject to the approval of the Governor in Council. The Bill takes into account the proposed future widening of Punt Road by providing in this event that no compensation shall be payable to the lessee. It is proposed to include in the lease a special condition ensuring that the ground will also be made available for major sporting or recreational events if so required by the Government. The land which may be leased under the provisions of the Bill is shown by the plan in the schedule to the Bill. I commend the Bill to the House.

The Hon. H. A. THOMAS (Melbourne West Province)—It is gratifying that the historic oval used by the Richmond Football Club and the Richmond Cricket Club is being upgraded and that the Richmond Football Club is seeking security of tenure for 21 years. This will enable the proper development and maintenance of the ground and an improvement in the facilities. It is commendable that the land will be used also by the public and other sporting bodies.

The Bill is overdue. Located in the heart of Melbourne, the oval became a disgrace and it is pleasing that the historic ground, the home of the Richmond Football Club, "the Tigers", which had a very famous team in the thirties, is being uplifted. Many people, old and young, will be pleased. The Labor Party strongly supports the Bill.

On the motion of the Hon. W. R. Baxter, for the Hon. D. M. EVANS (North Eastern Province), the debate was adjourned.

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

VICTORIAN FILM CORPORATION (AMENDMENT) BILL

The Hon. A. J. HUNT (Minister of Education)—I move:

That this Bill be now read a second time.

Its principal purpose is to provide the Victorian Film Corporation with greater flexibility and autonomy, particularly in the areas of financial and staffing controls, to enable it to be more responsive to the requirements and fluctuations of the film and television industry.

Clause 2 provides for the facilitation of the appointment of deputy corporation members by enabling the Governor in Council to make appointments of deputy members without the necessity of individual appointments on each occasion a deputy is required.

Clause 3 makes provision for the corporation to invest in films in consideration of a share in the proceeds derived from such films. Furthermore, the corporation is enabled by the clause to enter into agreements with any body or person with respect to any research or investigation requested by the Minister. The clause will clarify the position of the corporation with regard to its investment in projects.

Clause 4 provides a consequential alteration resulting from the less formal appointment of an acting chairman following amendment to section 9 of the Act by clause 2 of the Bill.

Clause 5 details the manner in which the corporation shall control and manage its funds and provides authority for the corporation to invest moneys as approved by the Treasurer. The clause further details the borrowing powers of the corporation and enables the Treasurer to guarantee repayment of funds obtained by the corporation. It also requires accountability through proper

accounting and audit procedures. The effect of the clause will be to give the corporation greater flexibility and scope for efficiency in its financial dealings with the film and television industry.

Clause 6 provides authority for the Victorian Film Corporation to employ its own personnel with the approval of the Governor in Council, to provide the corporation with greater flexibility to recruit the best qualified and experienced personnel in an exacting industry where mobility of personnel is normal. Clause 7 provides for annual reports and audited accounts to be submitted to the Minister and presented to Parliament.

The Victorian Film Corporation acts within the film and television industry not as a grant-giving body but as a business enterprise. Its members deal with proposals which come before them in the same matter as does the private sector. The essential purpose of the Bill is to equip the corporation better to perform that function in an effective and business-like way. I commend the Bill to the House.

On the motion of the Hon. E. H. WALKER (Melbourne Province), the debate was adjourned.

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

SUPPLY (1980–81, No. 1) BILL

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

That this Bill be now read a second time.

The Appropriation Act passed in the Budget sessional period last year provided the authority for expenditure from the Consolidated Fund to meet the cost of departmental services up to 30 June next. Therefore, before the current sessional period ends, it is necessary to provide supply to meet the expenditure needs of departments from the Consolidated Fund after 1 July 1980.

The Supply Bill provides $1 306 023 850 for this purpose comprising the individual amounts shown in the table to clause 2 of the Bill. These amounts are based on existing salary and wage levels and are the amounts estimated to be required to meet expenditure under the divisions listed in the table for the initial five months of the 1980–81 financial year and are related to the services for which provision was made in the 1979–80 Appropriation Act. Therefore, no provision has been made for any new policy decisions as these must await the introduction of the 1980–81 Budget in the spring sessional period.

The effects on expenditure during the Supply period of any future wage awards which may be handed down during the remainder of this financial year or in the first five months of next year can be handled through the provisions contained in clause 2. Honorable members will recall that this clause provides the necessary appropriation authority to allow Supply amounts to be adjusted for any additional funds required during the period to meet the costs of such awards.

An explanatory memorandum has been attached to the Bill to assist honorable members. The purpose of this memorandum is to provide a break-up of the estimated amounts required for each division under the headings of salaries, general expenses and other services. During the debate on the Supply Bill for the 1979–80 financial year, the question of the meaning of these classifications of expenditure was raised. The classifications of salaries, general expenses and other services are used in the table because they equate to the subdivisional headings used in the annual Appropriation Act for each division. By reference back to this Act, honorable members can obtain full details of the types of expenditure which will be incurred by the various departments. To provide any classification other than this would make the Supply Bill inconsistent with the annual Appropriation Act.

Allowance has been made in the Bill for those payments which are not made on a regular basis during the year. For this reason the provision in the Supply Bill for some divisions will differ significantly, on a proportionate basis, from the appropriations in the 1979–80 financial year. The divisions in which this occurs are as follows:

Parliament, Divisions 100 and 101: The expenditure requirements under these two divisions are met initially in the year from the special appropriations provided for this purpose. As a consequence the amount which is required in the five months of the Supply period will be less than the proportionate amount required for the full year.

State Development, Decentralization and Tourism, Division 150: The substantial amount required to be provided under other services is necessary to cover the payments of pay-roll tax rebates to decentralized industries which, in the main, occur during the period of July to November each year.

Community Welfare Services, Division 244, regional services: As announced in the 1979–80 Budget the State as from 1 January 1980 has withdrawn from the sharing arrangements with the Commonwealth for assistance for sole parents. For this reason expenditure in 1980–81 under the regional services appropriation, from where these payments were met, will be significantly less than the level of payments provided for in the 1979–80 Budget.

Education Department, Division 301 —Education Administration: In the 1979–80 Budget it was announced that a change would be made in the timing of the payments of *per capita* grants to the independent schools system. Payments are now made in three instalments, in the months of February, July and October. Because of the timing of these payments, some three-quarters of the total *per capita* grant payments for a year will be made in the Supply period and for this reason a higher provision is required. Division 304—Teacher Education—The lesser amount required under this division results from the reduction in expenditure on allowances to students in training as a result of the government's decision to no longer award such allowances.

Treasury, Division 401: Payments to the Commonwealth Government on account of loans and advances. The amount provided is necessary to cover payments due to the Commonwealth during the Supply period. Such payments do not fall regularly throughout the financial year.

Arts, Division 656—State Library: No provision is required under the other services section of the division as the payment of library subsidies is made outside the Supply period.

State Rivers and Water Supply Commission, Division 740: The payment of interest subsidies to sewerage authorities, waterworks and irrigation trusts, and so on is made outside the Supply period and the Supply requirements for this division are correspondingly lower than otherwise would be necessary on a proportionate basis.

As honorable members are aware, the provision of Supply is not a budgetary action. It does not establish policy, but provides for the continued funding of the on-going activities of Government for the first five months of the 1980–81 financial year until the passing of the Appropriation Act. If the annual Appropriation Act is passed before this period of five months expires, Supply will lapse and the expenditure will be authorized by the Appropriation Act. There will be no double counting. I commend the Bill to the House.

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

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

IMPERIAL ACTS APPLICATION BILL (No. 2), IMPERIAL LAW RE-ENACTMENT BILL (No. 2) AND CONSTITUTIONAL POWERS (REQUEST) BILL

The debate (adjourned from March 25) on the motion of the Hon. Haddon Storey (Attorney-General) for the second reading of these Bills was resumed.

The Hon. W. A. LANDERYOU (Doutta Galla Province)—The Labor Party opposes the Imperial Acts Application Bill (No. 2), and the Imperial Law Re-Enactment Bill (No. 2) in their present form. I remember as a young man in a debating society debating the thorny question and the whole hoary chestnut that the law is an ass.

Upon my reading of this proposal, if it is literally interpreted, my predecessor owes the State of Victoria, in terms of salary and accumulated fines, approximately $8·4 million. I will explain that at the outset because the Imperial Acts Application Bill (No. 2), commencing at line 23 on page 29, having entertained the reader which exciting, fair-minded language, states:

> 9. And whereas it hath been found by experience, that it is inconsistent with the safety and welfare of this protestant kingdom, to be governed by a popish prince, or by any King or Queen marrying a papist; the said lords spiritual and temporal, and commons, do further pray that it may be enacted, That all and every person and persons that is, are or shall be reconciled to, or shall hold communion with, the see or church of Rome, or shall profess the popish religion, or shall marry a papist, shall be excluded, and be forever incapable to inherit, possess or enjoy the crown and government of this realm, and Ireland, and the dominions thereunto belonging, or any part of the same, or to have, use or exercise any regal power, authority, or jurisdiction within the same; and in all and every such case or cases the people of these realms shall be, and are hereby absolved of their allegiance, and the said crown . . . .

Having said that, the person who is lining up for the coronation, presumably the King or the Queen, shall:

> . . . . make, subscribe, and audibly repeat the declaration mentioned in the statute made in the thirtieth year of the reign of King Charles the Second intituled, "An act for the more effectual preserving the King's person and government, by disabling papists from sitting in either house or parliament."

I do not pretend to be a great authority when it comes to such matters but it does seem, if I can quote Samuel Johnson, that when learned men, whose opinions I will take the House through briefly, disagree, simple men like myself are at a loss to understand what is to be done.

However, if I can take the House again through that particular clause, it refers to a Bill which was passed in the 30th year of the reign of King Charles II. I have obtained from the Library what purports to be a copy of that Bill. The oath to which that refers is written in old English. Much of the argument that is being put to me, indeed, the argument that has been put by Parliamentary Counsel to the Attorney-General and to the Statute Law Revision Committee and by the very competent lass who did the job from Monash University to the Statute Law Revision Committee was that the old English or the old law is incapable of translation into the modern language.

Latin was the language used in some of the laws referred to in these Bills in this provision and what became known as fake latin is still referred to occassionally by lawyers as fake latin or legal latin. It then became a form of English–French and the laws were passed in those languages and at some stage someone translated those laws to either the old English or to English as it is now. Hence, there was a translation.

To suggest in the year 1980 and drag some of the conservative members opposite screaming towards the 21st century that it is not possible for the wit of man in this decade to apply himself to updating the law into modern language is beyond my comprehension. I do not understand how Parliament is being asked to pass laws couched in a language which creates confusion in the minds of the existing legal fraternity.

To return to the question of the oath, the oath that the sovereign elect, if I can use that term, is to take, states, *inter alia*:

> I *A. B.* do declare, That I do believe that there is not any Tranfubftantiation in the Sacrament of the Lord's Supper, or in the Elements of Bread and Wine, at or after the Confecration thereof by any Perfon whatfoever.

I stress that is in *ye olde* English as distinct from the latin or the version of French that was used at that time by the English lawyers.

Indeed, if one is to accept the advice of Mr Finemore, who talks in terms of the Magna Carta, as I understand it, the Magna Carta was drawn up in 1215 when, according to the Libary's small encyclopaedia on English dates, the English barons finally forced King John to accept the Magna Carta in 1215 but it would have been written in latin.

As I understand it, again from my research of the library, that latin was used until 1309 and then a form of French was used until 1483 and, finally,

there was a statute passed in 1731 which outlawed legal French as it had developed.

In terms of the Magna Carta, Mr Finemore put the point of view that it was not possible to go back in time and translate what the Magna Carta is supposed to mean. He argued that scholars, presumably himself included, agreed that it had nothing to do with the rights of persons. It had something to do with the rights of barons and noblemen and their freedom. However, more importantly, his point is that if he were to attempt to translate it, he would have to take a decision whether to do it literally. Mr Finemore in his evidence before the Statute Law Reform Committee, stated:

> I take the view, which I think is unanimous amongst scholars, that it is the charter of the freedom of the barons. It would be meaningless today, whereas it is the accepted view that it is our charter.

I do not know anyone who wants to be a baron or is a baron in Victoria. It would be like trying to rewrite the Lord's Prayer.

The Hon. W. V. Houghton—They are trying to do that now.

The Hon. W. A. LANDERYOU—Even the Minister for Conservation may be able to understand. The Lord's Prayer has been translated in many ways and, as in the case of the Magna Carta, which was written in Latin, translated into old English, and, presumably at one stage, even into the type of French that was used at that time by the British Parliament.

I share the objective of the Attorney-General and the Premier who, like the Attorney-General, appears to have forgotten what they are on about because, in a publication *Plain English, English Plain,* in a preface written by the Premier, or at least with his signature above it, the point is made:

> Obscure phrases and cliches are sometimes used as substitutes for clear expression and as a refuge from clear thinking.

He then went on to say:

> Too many official documents tend to confuse and irritate members of the public rather than to help or inform them.

He later went on to say:

> The booklet stresses clarity, brevity, correctness and cheerfulness in the use of language, and may be used as part of training schemes to improve the quality of written communication.

I suggest that the Attorney-General ought to follow this principle in respect of these Bills, because in a headline story following the press release by the Premier on 12 July 1976, Mr Hamer announced that the Victorian statutes would be rewritten in simple and modern language, and that the Attorney General would soon set up a committee to overhaul the English in the State's Acts, regulations and rules. The Premier said that the Government would not just abolish "obscure officialese", but a separate campaign would tidy up the language of law. I know what was wrong—he was speaking on the teeny-bopper station, 3XY, on the Liberal Party programme. He went on:

> Nowhere can elaborately precise language cause more problems for the layman than it does in matters of law.

The Attorney-General said that is as clear an example as possible for altering the amendment. The Premier then said:

> A Government will be more efficient and effective if it can express itself in simple, human terms. We do not want Government to seem distant, forbidding or impenetrable.

Then the Attorney-General, in concluding the article, said:

> Of course the language of Acts and regulations needs to be precise so it can express precisely what the law is.

Then in an article in this week's Melbourne *Age,* the Attorney-General, having spoken to the State law administrators, added:

> Understanding Australia's laws had become a nightmare task.

That accounts for his long face around the House from time to time. He went on to say:

> "We need to examine our statute law, cull out the obsolete, spent and redundant provisions, and try to simplify the existing provisions.
>
> "This is no easy task. Words in statutes must be certain."
>
> Mr Storey said, ideally acts should be straight forward language which could be understood by everyone.

Most of those sentiments I enthusiastically endorse, but what we are faced with here is, first of all, the sort of thinking that has gone on behind the introduction of these Bills. I return to Mr Finemore, and I quote from the transcript of evidence on 9 October 1979 before the Statute Law Revision Committee. My favourite trotting broadcaster, Mr Skeggs, said to Mr Finemore:

> I notice that the style is still couched in the original English spelling and so on. Is it necessary to perpetuate the ancient way of spelling these words or should we be putting them in a modern form?

Mr Finemore replied:

> I think, as I said, they are untranslatable. The classic example is the Magna Carta which we are taught is a great charter of freedoms.

Then he went on to quote the part I was talking about when I was interrupted by the Minister about the Lord's Prayer. Mr Finemore continued:

> One may make it more modern but whether it would mean the same is another matter.

I understand, when it comes to revising from time to time the Christian Bible, there are often arguments between the revisioners as to what constitutes the interpretation of the original language. But this Parliament is being asked to pass a law of which experts have said to a Select Committee of this Parliament, and have said to the Attorney-General, that there is confusion as to what that law means. It is said that the justification for passing that law is taking the three Bills in conjunction—the Constitutional Powers (Request) Bill first—then at some stage in the future, if the Commonwealth agrees, this Parliament will have the right to change that law. I would not disagree with this Parliament having the power to alter its own laws, whether they be Imperial laws, paramount laws or otherwise, but this Parliament, to the extent that the Australian Constitution entitles it, should be master over its own destiny, to use the words of the Attorney-General when he introduced this Bill.

The extraordinary thing is the justification by Mrs Kewley for the Imperial Acts Application Bill. I am not sure whether that is the old Act, the correct English pronunciation, anglicized, or Australian-ized. Mrs Kewley said:

> The Imperial Acts Application Bill preserves and makes readily accessible those Imperial statutes which are of historical or constitutional significance in Victoria.

The committee accepted what was put to it by Mr Finemore, in answer to the primary question that he posed himself, "Why should we transcribe them at all?" I quote now from page 3 of the same evidence, where Mr Finemore said:

> We could have a short schedule which just lists the titles and says that these Acts if they are enforced will continue to have the same force as they had before. The reason I put to the Attorney and he accepted was that they are significant Acts in our constitutional history. They are not readily available in Australia. Certainly teachers in the universities and to a lesser extent in secondary schools, where constitutional history and law is being taught, will find them of great help if they are readily available as part of our law.

I wonder whether one can justify passing laws that will have no effect, and that are justified, in the view of this learned witness, on the ground of making it easier for historians and teachers of history and constitutional law to have access. Honorable members ought to be more concerned, if we are talking about Bills of rights, guaranteeing citizens' rights, that the ordinary man should have access to that same legislation in a language that he understands.

As I indicated to the Minister for Conservation on his interjection about the Lord's Prayer, the reality is that there has been historically great arguments whether the common ordinary man should have access to the Bible in a language that he understands, and people died fighting for that right. What this Parliament is proposing, for no other good reason than the comfort of students and historians, is to re-enact laws, to put it mildly, in a language that is offensive to a substantial part of our community, and which will have no effect. As I understand it, it would not matter what attitude we had to the next King or Queen of our country, or of the United Kingdom. As I understood from the Constitutional experts, we would be in a state of revolt if we did not accept whoever passed down

through the line in British laws. That is a curious state of affairs. I do not know how one could be in a state of revolt. However, I often find some of the arguments put in the House quite revolting, but Mr Finemore put the point that if we were to repeal that Act, that is the Act that talks of royal marriages—

> there is nothing we can do about it. If we were to repeal that Act we might conceivably create a situation in which somebody could be the king or queen of Victoria but not the king or queen of England.

He then said that if Prince Charles were to marry a Catholic—which is a point I made in a previous debate on the same matter—

> he is kaput as far as England is concerned, but if we repeal this then, theoretically, he would still be the king of Victoria.

I cannot only conceive that we cannot have a King or Queen of Victoria, but I can conceive a situation where we have no such thing as a monarch. I do not know if that puts me in a state of revolt or not, but it is possible, once this Parliament has the power to change whatever laws it wants to, then it can change any law it wants to, including that one.

I now go back to the Imperial Acts Application Bill, and I shall go into it in some detail. In case there is any doubt, we are about to ensure that the star-chamber has been abolished. One of the things that causes my party grave concern—and the Attorney-General might at some appropriate stage in the debate apply his mind to the question—is in clause 6 of the Bill, which goes to the question of the powers of the Governor in Council. On page 4 of the Bill it states:

> The Governor in Council may at any time and from time to time by proclamation published in the *Government Gazette* indicate any enactment or enactments as an enactment or enactments which is or are to be added to those mentioned in the Schedule to this Act and to those set out in Part II of this Act and thereupon such enactment or enactments shall be deemed to have been mentioned at the appropriate place in the Schedule and set out in Part II.

This clause has obviously gone through the plain English school—

> and the effect shall be the same as if the Schedule and Part II had at the time of the passing of this Act included such added enactment or enactments and sections 3 and 5 of this Act shall be construed accordingly.

Following that through, phrase by phrase, I interpret that to mean that the Governor in Council will have power to decide which laws are in force, and which ones are not, and that seems to me a dreadful departure from the principle of a Parliament, let alone the procedures that would be acceptable to the people of Victoria. The Labor Party will not accept that, and I shall await with interest the views of the Attorney-General.

When one turns to page 10 of the Bill that deals with Charles II. 1679, I find some curious things. I should like to draw attention to page 11, clause 2, line 4. I notice that Mr Finemore suggested that we should not send the printer insane by sending the Bill back to him again, but there is a printing error, which I hope the Clerks will be able to correct without the Bill going back to the printer. It states:

> noe sheriffe goaler

I assume that is the gaoler. It goes on in language that would make poor simple people like myself utterly confused, and it then throws in a selection of legal Latin words referring to the monarch.

The Hon. W. R. Baxter—On what lines are the Latin words?

The Hon. W. A. LANDERYOU—They are in the middle of line 7—*Per statutum tricesimo primo Caroli Secundi Regis*. My research has suggested that some of the years that are quoted in this legislation, as the appropriate year the Act was given approval by Parliament, are not right. If my reading of British history is correct, reference to 1640, dealing with the question of the Acts and the abolition of the star-chamber and the commissioning of Parliament is wrong in that it was not until 1641. However, far be it from me to argue with the learned lawyers.

On page 21 of the Bill on lines 9 to 14, enacted during the time of Henry IV, reference is made to the King's liege people. As an exercise I asked several grades of schoolchildren in two schools in the electorate I represent who are studying clear thinking—I

thought they might enjoy the challenge —to apply their minds to interpreting that passage. None of those students would claim to be potential contenders for Darryl Dawson's job, but they could provide a suitable alternative wording. It should not be beyond the imagination of the Attorney-General or his adviser to come up with language which is modern and within the grasp of members of this House and the public.

On page 26 the Bill provides:

> That the pretended power of dispensing with laws, or the execution of laws by regal authority, as it hath been assumed and exercised of late, is illegal.

I wish the former Governor-General of Australia had read that part of British law as it applied in the Colonies of the old empire.

I made the point previously in another debate about what I think is offensive language, bearing in mind the lack of spirit and goodwill that would have been abroad at the time of William of Orange and the type of language that was used in those days, and there is no justification for enacting measures using language of that kind. I do not accept the argument that has been put in favour of retaining this type of language. It has been put by extremely learned people, and there is disagreement between various authorities or those who claim to be authorities on this point. However, if Latin was the language used up to the beginning of the fourteenth century, and if a form of French was used until 1483 and not banned by the United Kingdom Parliament effectively until 25 March 1733, it is clear that at some stage in our history, for those who, like myself, have not even a scant knowledge of what is meant by false French or legal or false Latin, someone must have translated even those parts of the law which were written or re-enacted in old English, or those parts of the law which now appear in a reasonably modern form of English. Some form of translation has been done prior to this stage of history.

If one takes the view that has been adopted by the Government—and, in fairness to it and to the Attorney-General, has been adopted by the Statute Law Revision Committee—one accepts the argument that the purpose for the substantial part of this proposed legislation is, as Mr Finemore put it, to put it into a document which will be of use to history and constitutional students or tutors. I do not agree that that is a justification in itself for introducing or re-enacting such a law.

If the words of the Premier and the Attorney-General are to be believed as to the extent to which it is necessary to enact or re-enact laws which we want to be preserved in Victoria, those laws should be framed in language which is readily able to be understood by the average person who lives in the State, having regard to the difficulties of Victoria being a multi-lingual State. That is a huge problem in large areas of Melbourne, particularly in the western suburbs, but ignoring that and having regard at least for the time being to the fact that English is our official language and certainly the language of this Parliament, as was ruled in an earlier session, one would take the view that therefore these laws should be restated in a language that the average person can understand.

It is not good enough, in my view, to defend the re-enactment even of grammatical and spelling errors of past centuries into our law in 1980 by saying that because there is so much of our common law tied up with interpretations that have come down through the years and so much of our law that flows from these Acts it is not possible to restate them in modern language. That is gobbledegook reasoning and gobbledegook language. If it is not possible for Parliament and the present Attorney-General to introduce a law which states, in language that people can understand, what the rights and obligations of our citizens are, the law should not be introduced.

For the reasons stated, I reject the statement by the Minister for Conservation by interjection that it is not possible to translate these documents. That may apply to some nuances of language where part of the meaning may be lost in translation, but when it comes to the rights and obligations of citizens, no-

thing can be lost if they are spelt out in an agreed form in language which all can understand.

I now turn to the Imperial Law Re-Enactment Bill (No. 2), which refers on page 4 to "seducing messages from pirates." One must go off to gaol if one is convicted of having carried a seducing message to a pirate. In proposed Division 1A—Piracy, section 70B. (1) (*b*) (3) provides that a person commits a piratical act if, being on board any Australian ship, he:

> brings any seducing message from any pirate, enemy or rebel.

An interesting exchange took place at a meeting of the Statute Law Revision Committee about the use of the word "seducing". I will not take the House through it; I assume honorable members will understand. However, I have some difficulty in accepting that it is necessary to use that sort of language to express what ought to be a crime of sending a message. I recall the infamous confession of President Carter of the United States of America in an interview with *Playboy* magazine about what he considered "seducing" to be and the thoughts he had in his mind on the subject on occasions! It seems to me that there are clearer forms of the language available to the Attorney-General and the Parliamentary Counsel in respect of that expression. After all, the punishment for one who brings a seducing message from any pirate, enemy or rebel is imprisonment for the term of his natural life. The measure uses the word "he", so presumably women are excluded.

Proposed section 70D provides, *inter alia*:

> Any person who is found in Victoria on board any vessel equipped for the purposes of piracy shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for three years.
>
> (2) It shall be a defence to a charge under sub-section (1) if the person charged proves—
>
> (*a*) that he was not on board the vessel willingly; or
>
> (*b*) that he did not know that the vessel was equipped for the purposes of piracy.

That is a complete reversal of the onus of proof and responsibility; it places the onus on the accused. That is a curious provision. I am not sure whether this was written in the old or new French or at what stage it was written into the law, but it was about the time of William III, I have been assured, and we are now making it an offence in Victoria for a person to be found on any vessel equipped for the purposes of piracy. I am not sure whether that refers to overseas shipowners who send their ships to Australia and charge outrageous cargo rates or to those who send their wool to the Soviet Union, but that provision completely reverses the onus of proof; it is not on the Crown; it is on the individual who is charged. I should have thought that even the Attorney-General would have been prepared to walk the extra mile with me on that point.

At page 5 of the Bill it is proposed to insert section 469AA, which will re-enact a law that was passed during the time of George III. That deals with publishing a blasphemous libel, and that law was passed one year after the Parliament refused the suggestion of universal franchise. I am bound to say, being a firm believer in the average man's right to vote and to choose his representative, that I would be suspicious of any legislation passed by a Parliament that rejected that belief, yet this measure will make it an offence to publish a blasphemous libel.

It can be argued that the Attorney-General treads on the side of caution because the view that scholars take of some of the law is that it is necessary to spell it out in language which we pretend we understand. I put it no higher than that in terms of pretence.

One provision in the Bill deals with an alteration to the Property Law Act 1958. I conducted a poll of Government front-benchers about their understanding of the words I shall read to the House, and honorable members would be astonished at the appalling pass rate. Clause 6 (*c*) provides for the insertion of section 132A, which states, *inter alia*:

> A tenant who infringes sub-section (1) shall be liable in damages to his remainderman or reversioner but this section imposes no criminal liability.

The latest editions of legal dictionaries available in the Library, including *Stroud* and others, do not contain a modern definition.

The Hon. Haddon-Storey—That is not it; it is in *Words and Phrases Legally Defined.*

The Hon. W. A. LANDERYOU—I accept that, but I was trying to point out what those words mean, because Mr Finemore, who was justifying the terms to the Statute Law Revision Committee, suggested that that was where I would find the answer.

It is nonsense for lawyers to continue with this charade that they are the sole repositories of what is good in law and that they will use language, whether they understand it or not, to confuse the ordinary person in the community.

The Hon. Haddon Storey—That is why matters are referred to the Statute Law Revision Committee.

The Hon. W. A. LANDERYOU—The sole justification of the Statute Law Revision Committee for a large slice of this legislation was that it was for the benefit of students of constitutional law and constitutional tutors.

The Hon. Haddon Storey—Not this legislation.

The Hon. W. A. LANDERYOU—I will accept that. It is nonsense for lawyers to pretend that they and they alone, like the priests of the dark ages, have the secrets and the keys to the safe of knowledge. That is an absurd way of thinking which marches the clock back 800 years. It has nothing to do with what the Attorney-General was telling his fellow members of the legal profession or what the Premier was telling listeners to the teeny-bopper station programme about making laws interpretable by the average person. I understand that a remainderman means a child of a beneficiary who inherits upon the death of the initial beneficiary and that a reversioner is someone who is entitled to something after another person; someone entitled in reversion.

This Bill re-enacts or attempts to re-enact parts of the law in an attempt at modernization but if the Attorney-General is to be taken seriously by members of the Labor Party, he should not introduce Bills which are not expressed in language that can be readily understood in the community. He would not be living up to his promise or to the promise of the Government through the Premier, given four years ago. Because I have the task of replying to this difficult question, no one appreciates more than I that there are enormous problems but I refuse to be browbeaten on this matter by those with legal qualifications who suggest that there is no alternative to the course taken by the Government. I refuse to believe that any document, irrespective of the language it contains and irrespective of its age, provided it is understood and can be deciphered, cannot be translated.

Earlier I mentioned that this argument has been applied by the Christian faith and others which have gone through their historical documents and modernized them. It can be done in language that is understood by the community. Perhaps lovers of the language might find a slight shade of difference in meaning in a word here and there. A lover of language might find that the magnificent prose of the King James version of the Bible is lost in some of the modern copies of the Bible or may prefer some of the Acts to which this Bill applies to be written in Latin rather than in language which I would have a reasonable chance of understanding. It is necessary to stay with the times. With the bastardization of the English language, many Latin and other foreign words have been incorporated. I suppose it has enriched the language; it has certainly made it the most powerful language of expression in the world.

The Government can take other options in respect of these Bills. Members of the Labor Party have no objection to the idea of the Victorian Parliament having the power to make laws for the orderly government of the citizens of this State. They have no objection to confirming that power in the way suggested, but as the Premier has made a commitment, as has the Attorney-General, to express the viewpoint, and policies of this Government in

language which would be ordinarly understood readily by the average citizen, the Attorney-General cannot shirk that duty. He cannot bask in the glory of Sir Leo Cussen. He cannot suggest that something which was achieved long ago and which was considered right at the time should be altered, but at the same time bring before the House Bills which are offensive because of the language which they contain, and say that any mistakes made will be corrected by clause 6 and that the Governor in Council will do whatever needs to be done. It appears that all those who have been consulted, including the Attorney-General, want to take the easy way out. This Parliament does not have that soft option. It ought to spell out the rights of the citizens of Victoria.

Let us confirm the rights in accordance with the law. I know the argument put forward by my predecessor about habeas corpus. I understand how passionate lawyers, particularly the Honorable John Galbally, feel about such things, but I do not accept that it is beyond his wit, the wit of the present Attorney-General or of any competent group of lawyers with their ears to the ground and their eyes firmly planted on common sense and commitment to a common sense objective, to spell out those laws in language which is acceptable to the average citizen and understood by him.

Although the Government argues that these Bills should be passed together, honorable members should say to the Attorney-General and his advisers: "Go away and do with at least one paragraph of the Imperial Acts Application Bill (No. 2) what two groups of students in the province that I represent did—translate it into language which will be understood by all without reference to a series of refence books. The Parliament should pass laws couched in simple common sense language readily understood by the common man, not for the benefit of constitutional scholars and their tutors.

The Hon. W. R. BAXTER (North Eastern Province)—Honorable members have heard a learned dissertation from Mr Landeryou, and I suppose congratulations are due to him for the research that he or his assistants have put into the matter. I am unable to adopt many of his propositions. Honorable members should rather congratulate the Attorney-General for taking the initiative of modernizing as far as possible some of the ancient Acts on the statute-book. The Attorney-General could have taken no action and let the matter ride on for years with no action being taken and with honorable members working under confusion. I am not suggesting that the three Bills before the House still do not leave some confusion. That is probably so. However, they have been well canvassed by the Attorney-General and his department, by the Statute Law Revision Committee and by the Chief Parliamentary Counsel as well as by the lady from Monash University who obviously put much work into it.

I do not claim to be an expert on the Bills before the House. They do four things which are of value. Firstly, they repeal English laws which are still in force in Victoria which are either out of date or which are enacted in some other Victorian statute. Obviously that is desirable. Secondly, they preserve historical enactments which are not appropriately translated. Mr Landeryou has said that it ought to be possible to translate every ancient Act into modern language. Logic says that that should be so, but Mr Landeryou fails to take into account how the whole fabric of our law is embedded in these ancient Acts and it would not be as simple a task as he would have honorable members believe to translate those Acts into modern language. I accept the argument that they would lose much of their force in doing so and I do not think there is anything wrong with allowing some of these ancient statutes of enormous historical significance to remain on the statute-book in the language in which they were first enacted.

Mr Landeryou's argument about their being inexplicable to the common man is not a serious drawback because not many laymen have cause to examine these aspects of the legislation. If Mr

Landeryou were to rail against some of the complicated language in current legislation, I would agree with him wholeheartedly. One has only to look at some of the Bills coming before this Chamber, particularly amending Bills, in which the language is often double Dutch, not only to members like myself but to some of the legally trained minds in this place. I refer honorable members to the Friendly Societies (Benefits) Bill which is listed on the Notice Paper. If any honorable member can decipher clause 2 for me, I shall be grateful.

Thirdly, it is of value to enact in modern form useful laws which are able to be so appropriately enacted. Fourthly, the Bills provide for the repeal of English law directly, instead of by the back door, by the Commonwealth Government under the provisions of the Constitution.

All those aspects of the legislation appear to be highly desirable and to give to this Parliament a mastery of its own destiny so far as is practicable and possible without going to extraordinary lengths. Although I enjoyed listening to Mr Landeryou, whose remarks provided a good background for this matter, I do not accept the assertion that he made as a reason for opposing the Bills before the House, with the exception of his comments on clause 6 of the Imperial Acts Application Bill (No. 2). The Attorney-General should explain to the House whether Mr Landeryou's interpretation of that clause is correct. If it is, honorable members should study the clause closely with a view either to amending it or to deleting it because it appears to remove some of the powers of the Parliament and that is not intended.

I do not want to go into a discussion of the Bills at great length, firstly because they are so complicated and I had difficulty in reconciling all the points in my mind and, secondly, because they have been well canvassed by the Statute Law Revision Committee. I have read the committee's report and I accept its findings.

The Hon. B. A. CHAMBERLAIN (Western Province)—I support these three pieces of legislation which have the joint effect of giving Victoria for the first time control over its statute-book. The curious situation has arisen that, on analysis of the laws applicable in this State when they have come before the courts, it has been found that in Victoria imperial laws are applicable which have been repealed in England but which have not been repealed here, mainly because of oversight.

If one examines the history of the development of enacted law in Victoria, one finds that there are five different sources. Firstly, there is the imperial legislation introduced into New South Wales in 1828—in other words it was taken *in toto* from England. Secondly, there is the New South Wales legislation passed between 1828 and 1851 which was applicable to Victoria because, at that stage, as honorable members would be aware, Victoria was part of New South Wales. Thirdly, there is legislation of this Parliament from 1851 onwards which is unrepealed. Fourthly, there are certain Acts of the Imperial Parliament which honorable members are attempting to deal with today and, finally, Commonwealth legislation exists which is applicable to Victoria. Therefore, many sources of law need to be examined. The area of Imperial legislation is bound up with the Imperial Acts Application Act 1922 which has caused the present problem.

As I have indicated, often a number of cases have come before the courts that have shown up this anomalous situation with Imperial Acts of great antiquity and, in many cases, they still govern the activities of the citizens of Victoria. This has been one of the problems with which the Statute Law Revision Committee has had to grapple. It is most fortunate that the committee had at its disposal the services of Mrs Gretchen Kewley of Monash University. Any lawyer who can take an interest in this fairly turgid part of the law deserves the commendation of the House because—without taking away from the Attorney-General—if it were not for the assistance of Mrs Kewley, this Bill would not be before the House.

However, I know the Attorney-General has long had a desire to implement this type of Bill.

A report was presented to the Statute Law Revision Committee by Mrs Kewley in which she classified the various pieces of Imperial legislation. She dealt with 130 individual Acts which is a mammoth task. Mrs Kewley recommended to the committee that the Acts be dealt with in certain categories. These Acts are listed in the appendix to the report, and Mrs Kewley recommended that 81 of the Acts be repealed. The net effect of the proposed legislation is to immediately take beyond all doubt the fact that those 81 pieces of Imperial legislation no longer apply in Victoria. That is a mammoth and worth-while achievement, even if the Bill does little else.

Mrs Kewley also made recommendations about the balance of the legislation. She recommended—and certainly the committee agreed—that some Acts be preserved in their existing form and some be re-enacted in modern language. She also dealt with the mechanism by which that legislation could be repealed.

It would be anathema to the Parliament to have to ask the Parliament of Westminster to repeal legislation that possibly applies in Victoria. That is something which neither the Parliament nor the United Kingdom Government would relish. That is why it is proposed to use the provisions in the Commonwealth Constitution and request the Commonwealth Parliament to use the powers conferred on it in section 51 placitum (xxxviii) of the Constitution. That is a more acceptable method and it keeps the remedy in Australia which, I believe, is the proper approach.

The matter was debated last year and much of what Mr Landeryou said tonight was said last year, although he spoke in a much more colourful way last year. I have now learnt that my daughter can never be the Queen of England. Mr Landeryou failed to appreciate, both tonight and in the debate last year, that the Bills do not enact new law in Victoria. This is important because, as I mentioned, the net effect of the Bills is to immediately repeal 81 pieces of legislation. The Statute Law Revision Committee had an important task in the Parliament. It is an all-party committee and all-party committees in the Parliament have an excellent history. Such committees have been a great strength to the Parliament. Mr Landeryou made an eloquent plea that the mystique surrounding the Bills be taken out of the hands of lawyers. I am not sure whether there are any lawyers on the Statute Law Revision Committee; there might be one. However, the majority of the members of the committee are non-lawyers. The committee was presented with all the arguments in relation to the proposed legislation.

The committee examined the Bills and recommended to the Parliament that the two Bills with certain amendments —that is amendments to the Bills which were introduced in 1979—and the Constitutional Powers (Request) Bill be enacted in the form presented. There was one point of disagreement when the Government believed the committee misunderstood what was put to it. However, basically the Bill is being introduced with the complete backing of the all-party Statute Law Revision Committee.

I shall deal with some of the matters raised by Mr Landeryou, many of which were raised and, I believe, answered last year. There is no doubt that the Imperial Acts Application Act is a quaint document of historical significance. It does two things: Firstly, it pulls together certain documents which have historic and legal importance to this country and, secondly, it does not endeavour to transform some of the fairly majestic expressions into what is perhaps the puny language of today. The language of today would have the possibility of debasing the importance of that legislation, bearing in mind that if one examines the historical context, many cases occur where the Act has been interpreted by the courts and has been commented on by legal commentators over the century.

The Hon. A. J. Hunt—In modern language!

The Hon. B. A. CHAMBERLAIN—It would be the language of the day. If Coke made a commentary on the Act in the seventeenth century and the terminology is changed now, honorable member will not be able to understand the comment or the judgment made about the legislation in the past. This important aspect can easily be overlooked. However, it was not overlooked by the Statute Law Revision Committee. Arguments such as this were put to the committee and it accepted them wholeheartedly. Paragraph 41 of the report on the Bills by the Statute Law Revision Committee stated:

> Both Mr Finemore and Mrs Kewley were of the opinion that it was not possible to translate the language of the Acts to be preserved by this Bill into modern English. Mrs Kewley told the committee that the Acts should be preserved in their original form because of their historical significance and that an attempt to translate the provisions would result in their losing their meaning. The committee agrees with the evidence submitted by both witnesses on this aspect.

The Hon. W. A. Landeryou—That is what the priests used to say during the Middle Ages.

The Hon. B. A. CHAMBERLAIN—What the honorable member says reflects upon members of the Parliament who are honestly carrying out a task entrusted to them. The task of the committee is to recommend to the Parliament the action it should take. The recommendations made by the Statute Law Revision Committee are sound. Although Mr Landeryou gave a fascinating speech, the arguments he put forward were extremely emotive and irrelevant to the issues being dealt with. I support the Bill because the Statute Law Revision Committee came to a unanimous decision.

The PRESIDENT (the Hon. F. S. Grimwade)—Order! I point out that for the subsequent proceedings each of the three Bills will be dealt with separately. The question therefore is:

> That the second reading of the Imperial Acts Application Bill (No. 2) be now read a second time.

The House divided on the motion (the Hon. F. S. Grimwade in the chair).

Ayes	27
Noes	11
Majority for the motion	16

AYES

Mr Baxter	Mr Hunt
Mrs Baylor	Mr Jenkins
Mr Campbell	Mr Knowles
Mr Crozier	Mr Lawson
Mr Dunn	Mr Long
Mr Evans	Mr Radford
Dr Foley	Mr Reid
Mr Granter	Mr Stacey
Mr Guest	Mr Storey
Mr Hamilton	Mr Taylor
Mr Hauser	Mr Wright
Mr Hayward	*Tellers:*
Mr Houghton	Mr Chamberlain
Mr Howard	Mr Bubb

NOES

Mr Butler	Mr Walker
Mrs Coxsedge	Mr Walton
Mr Eddy	Mr White
Mr Landeryou	*Tellers:*
Mr Thomas	Mr Kent
Mr Trayling	Mr Mackenzie

PAIRS

Mr Block	Mr Kennedy
Mr Saltmarsh	Mr Sgro

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Interpretation)

The Hon. HADDON STOREY (Attorney-General)—I am disappointed in Mr Landeryou, as I have always thought he had a soul and a sense of history and feeling for the traditions that have led this country to be the democratic country that it is. He has a fundamental misunderstanding of the Bill, illustrated by the fact that he opposed even the second reading of it. At present there are approximately 97 Imperial Acts in force in the State. After the passing of this Bill, only thirteen Imperial Acts will remain. The Bill repeals about 82 Acts which have no significance or importance to Victoria —they have been part of our law for a long time, which is consistent with what Mr Landeryou said—but it preserves another thirteen Imperial Acts because, as the committee stated, they are of historical and constitutional significance to Victoria.

To suggest that they should be rewritten is to miss entirely the whole point of keeping them. If it were a choice of rewriting them in a modern form or repealing them, I would prefer to move that they be repealed, because in the modern form they would not suit the existing laws. They would no longer be part of our history and would not indicate the sort of fights and struggles that took place over many years to evolve our present system of democracy. They are retained as part of the origins of our laws. Many laws today have their basis in early statutes and should be understood in the light of those early statutes. To rewrite them would be to dispel completely that purpose and it would be much simpler to repeal them.

Therefore, without saying more, this Bill marks a considerable step forward in the statute-book of Victoria. The one point of significance mentioned by Mr Landeryou concerned clause 6, which gives power to the Governor in Council to add to the list of enactments. I appreciate that that is an unusual power. Mr Landeryou's advisers clearly did not go back to the Act the House is repealing because section 8 of the Imperial Acts Application Act is in identical terms to that clause.

The Hon. W. A. Landeryou—One Bill being passed provides that a Roman Catholic cannot sit in this Chamber.

The Hon. HADDON STOREY—Mr Landeryou is simply repeating the same kind of heresy, if that is the right word. The reason that clause was included by Sir Leo Cussen in 1922 when the Bill was introduced, in 1928 and in 1958 when the Bill was re-enacted, and 1980 when it is now about to be re-enacted, is because, unfortunately, it is not possible for anybody—lawyer or layman—to be positive about which English statutes apply in Victoria.

I wish to refer to the Constitutional Powers (Request) Bill. Once that Bill is passed and implemented Victoria will have the power to control its own statute-book and the House will be in a position to repeal that clause. However, the House cannot repeal, in one Act alone, any other existing English Act which might apply to this State, whether honorable members know of its existence or not. I do not want to take up any more time of the Committee but I believe the points made by Mr Baxter and Mr Chamberlain in the second-reading debate were correct.

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.

IMPERIAL LAW RE-ENACTMENT BILL (No. 2)

The motion (last debated earlier this day) of the Hon. HADDON STOREY (Attorney-General) for the second reading of this Bill was agreed to.

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

CONSTITUTIONAL POWERS (REQUEST) BILL

The motion (last debated earlier this day) of the Hon. HADDON STOREY (Attorney-General) for the second reading of this Bill was agreed to.

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

The sitting was suspended at 6.30 *p.m. until* 8.3 *p.m.*

SALE OF LAND (DEPOSITS) BILL

The debate (adjourned from April 15) on the motion of the Hon. Haddon Storey (Attorney-General) for the second reading of this Bill was resumed.

The Hon. W. A. LANDERYOU (Doutta Galla Province)—In my view the Minister has explained quite adequately the purpose of this measure and the Labor Party offers no opposition.

The Hon. W. R. BAXTER (North Eastern Province)—I shall endeavour to be as brief as the Leader of the Opposition. I believe this is a valuable measure and one which could overcome an injustice being done on the odd occasion to an innocent purchaser where the vendor has defaulted and the deposit has not been returned. Of course, the Bill does not suggest that where a

purchases defaults, the deposit be returned. No one suggests that that would be a fair course anyway; otherwise the purpose of paying a deposit would be completely annulled.

One point to which the Attorney-General might give consideration in the Committee stage is the provisions of the proposed section 25 in clause 2 of the Bill. It deals with a transaction enacted directly between the vendor and the purchaser, where no agent or solicitor is involved and the deposit is to be paid into a bank account opened for that purpose and only to be drawn upon with the signatures of both the vendor and Purchaser. It occurs to me that, in the event of some conflict arising over the completion of the contract, there may be some difficulty in obtaining both signatures to that bank account. Has that matter occurred to the Attorney-General and, if so, what does the honorable gentleman consider to be the solution to the problem should it arise? It is unlikely and would not occur often. There could be a simple answer. If so, could the Attorney-General enlighten the House? Other than that, the National Party believes the Bill is a welcome initiative.

The Hon. B. A. CHAMBERLAIN (Western Province)—This is an important Bill although it is quite short in its terms and arises from recommendations which have been made to the Government that protection ought to be built into the system of the payment of deposits; so that a deposit will be available, if necessary, to clear any liabilities on the title. After the Bill was circulated, the Government received a number of submissions on it and the Attorney-General will have a number of amendments to put to the House in Committee.

In reply to the matter raised by Mr Baxter, the point to note is that there has to be a fairly easy system of ensuring that the vendor can obtain his deposit when the matter is due to be settled. I believe there is an easy and practical solution. The normal course of events is that the parties get together and, in exchange for the cheques, the vendor hands over the title and the transfer documents. Another addition to that will be that the vendor, as part of that settlement, will require a withdrawal form signed by the purchaser. I do not anticipate any problem because, if there were a problem, the vendor and the purchaser would be involved in some other difficulty which may give rise to the provisions of the proposed section 26 which says that if the purchaser defaults and the vendor rescinds, the vendor is entitled to the deposit and vice versa. I think that in practice a fairly simple answer will be found to the situation which Mr Baxter quite rightly raised.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 (Commencement)

The Hon. HADDON STOREY (Attorney-General)—Mr Acting Chairman, I thank honorable members for their support of the Bill. The principles of the Bill are clear and everyone supports them. I regret that I have to move quite a number of amendments to this Bill in the Committee stage. Copies of the amendments have been supplied to the spokesman for the two parties, together with an explanation and the reasons for the amendments.

The amendments are technical. None of them touch on the principles of the Bill. Indeed, they reinforce the principles. I regret the occasion for so many amendments in a Bill which is quite simple in its intent. However, it was examined by a number of people after it was introduced and, with reference to an earlier debate, I think that numbers of lawyers made comments about some of the provisions of the Bill. It seemed to the Government that there were good grounds for believing that a Bill of this type, which is intended to protect purchasers and ensure that their deposit moneys can be returned to them in the event that the contract becomes void if the vendor defaults, should work and work effectively. It is for that reason that these amendments are proposed. Perhaps I should say that most of the amendments are

related and flow from the same technical considerations. I shall now deal with the first of them. I move:

Clause 1, lines 10 and 11, omit all words and expressions on these lines and insert:

"(3) The several provisions of this Act shall come into operation on the day or the respective days to be fixed by proclamation or successive proclamations of the Governor in Council published in the *Government Gazette*."

The reason for this amendment is simply that it will be necessary for the Act to be printed and circulated to all those concerned in contracts for the sale of land. If it came into operation immediately on receiving Royal assent, the people who would be affected by it would be unlikely to know its provisions before it came into force. In addition, a form of contract and sale note which is used very regularly in conveyancing transactions is that prescribed by the Estate Agents Committee and new provisions may need to be approved. I do not know whether that is strictly necessary but it is necessary that people who are affected by the Bill have some knowledge of its contents before it comes into operation. This clause will enable the Bill to come into operation on a date to be proclaimed rather than immediately upon receiving Royal assent. I commend the amendment to the Committee.

The Hon. W. A. LANDERYOU (Doutta Galla Province)—May I pose a question to the Attorney-General on the amendment? What time scale has the honorable gentleman in mind? I know that he explained the position concerning the benefit of the doubt and the protection of people in certain circumstances. However, I ask the Attorney-General to indicate what time scale he envisages in respect of the scheduling in the *Government Gazette*?

The Hon. HADDON STOREY (Attorney-General)—I envisage arranging for notification of the provisions of the Bill to be provided to the Law Institute of Victoria and the various estate agent bodies, so that they can circulate their members. That means a couple of weeks leeway notice, plus the circulation to the members through their regular monthly journals. Therefore, we are talking about six weeks, perhaps eight weeks, by the time it comes into operation.

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

Clause 2 (Amendment of No. 6975 s. 1 (3))

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

Clause 2, page 2, lines 23 and 24, omit "after the transaction has been completed at which time they" and insert—

"—

(*a*) in the case of a cash transaction, the purchaser becomes entitled to a transfer or conveyance of the land; or

(*b*) in the case of a terms contract, the purchaser becomes entitled to possession or to the receipt of rents and profits—

at which time the deposit moneys".

The amendment is one of several which pick up the same point.

The Hon. W. A. Landeryou—Mr Acting Chairman, I draw your attention to the state of the Committee.

A quorum was formed.

The Hon. HADDON STOREY—Proposed section 24 (1) includes the words, "until the transaction has been completed". The point has been well made that the time of completion of a transaction differs depending upon whether it is a cash or terms sale and the time when the deposit moneys have to be accounted for is not necessarily the time of completion, in the sense that persons would ordinarily understand it, but the time that the purchaser in effect takes over the property and the vendor is paid off or releases the property to the purchaser.

Hence, the amendment provides that the clause comes into operation in the case of a cash transaction when the purchaser becomes entitled to the transfer or conveyance of the land, which is the critical time from the purchaser's point of view. In the case of a terms contract, when the purchaser becomes entitled to possession or the receipt of the rents and profits, which again is the critical time for the purchaser.

The amendment was agreed to.

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

Clause 2, page 3, line 16, after "section 24" insert "and the contract pursuant to which the deposit moneys are held has become unconditional".

This is a different amendment to that referred to before. Once a contract becomes unconditional the purchaser and the vendor are bound to it and the contract must then proceed. This is the time at which the deposit becomes accountable for by the agent or the vendor and it is considered desirable therefore to insert those words in the clause.

The amendment was agreed to.

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

Clause 2, page 3, line 23, after "amount required" insert "at the date the particulars are given".

The point was well made that it does not provide in the clause, as it presently stands, at which time the particulars of the mortgage or encumbrance are required to be disclosed in the particulars. That is, it might be at the time the particulars are given or it might be at some earlier date; certainly it could not be at a future date and it is considered necessary to state that time and therefore these words are being included.

The amendment was agreed to.

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

Clause 2, page 3, lines 23 and 24, omit "at or before the completion of the transaction" and insert "and particulars of any caveat lodged under the Transfer of Land Act 1958 in respect of the land at the date those particulars are given".

This same problem arises out of a question I raised earlier about the meaning of the word "completion". The particulars which should be given are those at the date at which the particulars are provided and it was thought desirable to include not only particulars of mortgages and encumbrances but particulars of any caveats that have been lodged so that the purchaser would know if somebody, rightly or wrongly, has lodged a caveat in the Titles Office which could inhibit the passing of title. Hence, those words are suggested.

The amendment was agreed to.

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

Clause 2, page 3, line 39, omit "that he will" and insert "and any auction expenses that he is or will".

Again the point is correctly made that this clause refers to commission to which the agent will become entitled, whereas as a matter of law the agent may already have become entitled to commission and may have become entitled to other expenses if it was an auction sale. Hence, the clause picks up those amounts to which the agent has already become entitled or will become entitled.

The amendment was agreed to.

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

Clause 2, page 3, line 39, omit "on the completion of" and insert "in relation to".

This again follows the earlier discussion on the meaning of the word, "completion".

The amendment was agreed to.

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

Clause 2, page 3, line 41, omit "the completion of the transaction" and insert—

"—

(*a*) in the case of a cash transaction, the purchaser becomes entitled to a transfer or conveyance of the land; or

(*b*) in the case of a terms contract the purchaser becomes entitled to possession or to the receipt of rents and profits".

These words again pick up the point about completion and deal with the case of a cash or terms transaction.

The amendment was agreed to.

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

Clause 2, page 3, line 44, after this line insert—

"(7) This section shall not operate to authorize the release of deposit moneys which are being held by a solicitor or estate agent pursuant to the provisions of section 7 of the Strata Titles Act 1967".

The reason for that is that the Strata Titles Act contains express provision dealing with deposit moneys under the transaction covered by the Strata Titles Act and, although the two Acts should operate independently under their own provisions, it is desirable to make it clear that this Act does not authorize the release of moneys which have to be held under the Strata Titles Act.

The Hon. B. A. CHAMBERLAIN (Western Province)—For the same reason that there is an exemption in relation to the Strata Titles Act, the exemption should be expanded to cover the Sale of Land Act. Section 8A (1) of the Sale of Land Act states that where it is intended to subdivide land into not more than two allotments, it is possible to enter into a contract for the sale of one or both of those allotments provided that the contract has certain conditions, one of which is:

> Where—
>
> (*a*) a notice of intention to subdivide land into not more than two allotments in the form of the Thirtieth Schedule to the Local Government Act 1958 has been given (whether before or after the commencement of the Sale of Land (Amendment) Act 1969); or
>
> (*b*) in respect of any land such a notice is required to be given—
>
> and neither of the allotments has been sold before the said commencement, no person shall sell either of those allotments before a plan of subdivision on which each of the allotments is shown as an allotment has been sealed with the seal of the municipality and, where any part of the land is under the operation of the Transfer of Land Act 1958, the plan has been approved by the Registrar pursuant to section 97 of that Act unless the contract provides that the deposit and all other moneys payable by the purchaser are to be paid to a solicitor or to a licensed estate agent who shall be named or specified in the contract to be held by the solicitor or licensed estate agent on trust for the purchaser until the plan has been so sealed . . .

I was wondering whether, for the same reason enunciated by the Attorney-General in relation to his amendment, the Committee should make it clear that the two separate provisions prevail.

One would not want the situation where, under this provision, the deposit may be paid out and yet, section 8A of the Sale of Land Act makes it clear that it should not be paid out until the subdivision is approved. Perhaps it is a question of over-kill or over-caution, but it would make the intention of the proposed Act fairly clear.

The Hon. HADDON STOREY (Attorney-General)—I can see the point raised by Mr Chamberlain. It probably is all right as it is at the moment but I suggest that the Committee proceeds with the amendment as it stands and I will undertake that, while the Bill is between this House and the other House, the point will be considered and, if necessary, an amendment will be moved in the other place.

The amendment was agreed to.

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

> Clause 2, page 4, line 3, omit "agreement or contract" and insert "part of the agreement or contract which purports to over-ride the provisions of this Division".

> Clause 2, page 4, line 4, after "of no effect and" insert "the whole of the agreement or contract shall be voidable at the option of the purchaser and where avoided".

Both amendments flow from the same reasoning. Proposed section 28 provides that where there is something in the contract which purports to over-ride the provisions of the Bill, the whole contract is void. That may go too far because a purchaser may very well wish to proceed with the contract despite the fact that it purports to over-ride this clause.

Accordingly, what is proposed is that it is only that part of the contract which purports to over-ride the Bill which would be rendered ineffective. The way in which that would occur would be to render the clause ineffective and provide the purchaser with the option of avoiding the whole contract if the purchaser thought that was desirable.

The amendments were agreed to.

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

> Clause 2, page 4, lines 4 and 5, omit "such an" and insert "that".

It is not a significant sounding amendment, but it does clarify the meaning of the clause.

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

The Hon. W. R. BAXTER (North Eastern Province)—I listened with interest to the comment made by Mr Chamberlain in reply to my earlier query and I do not want to conjure up impediments which may never arise, but the scenario I had in mind was that if a contract has been entered into between two parties, the proposed section 25 applies and the deposit has been paid into the bank, the vendor defaults and yet refuses to sign a joint withdrawal form to enable the purchaser to have his deposit returned to him, is there any provision which would enable or compel the vendor to so sign or must the purchaser resort to civil action to recover the money?

I appreciate that there is no purpose in the vendor refusing to sign because he cannot get access to the deposit moneys either as they are in the bank and he cannot get them without the purchaser's signature. Presumably the purchaser would not give him that signature if the contract were declared void and was not going to proceed. I wonder whether there is a means of getting around this point when a defaulting vendor wants to behave in a particularly malicious way as the purchaser could be in difficulty. After all, that is the reason for the introduction of this measure.

The Hon. HADDON STOREY (Attorney-General)—I regret that I did not deal with this point earlier because Mr Baxter did raise it during the second-reading debate. The position is that no matter what clause was proposed in the Bill, if there were a dispute between the vendor and the purchaser it would have to be resolved by litigation. If the vendor refused to sign an authority to the bank to enable the purchaser to get back the deposit, the purchaser would have to take legal proceedings. That is really the current position; if there is a dispute over a deposit or if the vendor refuses to pay back a deposit to the purchaser when it is due, the purchaser would have to take legal action.

The Bill does not attempt to interfere with what are the rights and wrongs of the contract itself, and does not interfere with the question of whether, as a matter of law, the purchaser or the vendor ultimately becomes entitled to the deposit. What the Bill does is to place the deposit in a position so that it is able to be recovered by the purchaser in the event that the contract does not continue through the default of the vendor, or enables the deposit to be paid to the vendor if the contract does not go on through the default of the purchaser, or if the transaction proceeds.

That is the limit to which Parliament ought to interfere with the nature of these transactions. If a dispute occurs between the vendor and the purchaser, ultimately that dispute would have to be resolved by legal proceedings.

The Hon. N. F. STACEY (Chelsea Province)—I have two matters to raise —perhaps along similar lines to the points raised by Mr Baxter. Proposed section 25 refers to deposits jointly entered into a bank account. I notice that proposed section 25 (4) deals with penalties and provides for a penalty of not more than $1000. I ask the Attorney-General whether that is an appropriate penalty in a case where two people commonly agree between themselves to enter into a contract, without anybody else being involved, for the purchase of a block of land where the land is worth $50. If they say, "Here is the title" and "Here is the $50" and that is it, in those circumstances are those people liable to a fine of $1000? If that is so, it seems to me that it would be excessive. I realize that it is not more than $1000, but the principle remains.

My next point relates to proposed section 27 and two paragraphs, (*a*) and (*b*). I notice that no time limit is specified when there is a need for a party to give a certification. It is open-ended and I ask what would happen if there was no response to that certification? If people were asked for that information and there was no prompt response, what would occur? It would seem to me that there should be a seven-day period or some other time limit imposed and if that was not complied with, it would be taken as

read or whatever. I should be interested in the comments of the Attorney-General on those two points.

The Hon. HADDON STOREY (Attorney-General)—On the first point, the Bill operates only where there is a deposit required under a contract. As Mr Stacey suggested, if the transaction is for a piece of land and the cost price is $50 and that amount was paid, that is not a deposit, it is the full purchase price and the provisions in the Bill would not apply. The Bill applies only where a deposit is paid and in that case, even if it were only a small deposit, the provision ought to apply because the purchaser ought to be protected against the ultimate loss of a deposit under a contract because of default by the vendor.

If there were a failure to comply with the Act to such an extent that one party went to the police or some other body to seek criminal remedy, then there must be a real dispute between the parties. The court is not obliged, if it finds someone guilty, to levy a penalty of $1000. That is the maximum amount; it could be $2 or even $1, depending on the particular circumstances. The reality is it will apply only where there is a deposit payable and the deposit is substantial.

I follow Mr Stacey's argument on the second point, but I do not know that it is necessary to insert a time limit. If the Act does not have a time limit to make a party take certain action, and if that action is not taken immediately, then the other party is entitled to claim that it is a breach of the Act.

Again the reality is that nobody will complain about a breach of the Act if he does not receive something within 24 hours when it is obvious that its production will take days. Even if a time limit of seven days were provided, it would not make any practical difference to what will happen.

This is a new venture in Victoria and if practical problems arise in its working, then the Government will have no hesitation in coming back to Parliament and asking for amendments to be made to the Act to make it work in the manner intended.

The clause, as amended, was adopted, as was the remaining clause.

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

FRIENDLY SOCIETIES (BENEFITS) BILL

The debate (adjourned from April 22) on the motion of the Hon. Haddon Storey (Attorney-General) for the second reading of this Bill was resumed.

The Hon. G. A. S. BUTLER (Thomastown Province)—In his second-reading speech, the Attorney-General indicated that the real purpose of the Bill was to amend sections 5, 11, 26 and 49 of the principal Act to increase the maximum amount from $50 to $80 that societies can make in payments to people for sickness and for other benefits. The Opposition has no quarrel with that improvement or the amount of benefits which can be paid to the individuals concerned.

Section 26 of the principal Act is to be amended to ensure that the amounts can be altered by regulation. I take it that the Minister may have one amendment to this Bill, because, in his second-reading speech, he indicated that the Bill did not contain the words "not exceeding $150". The purpose of that proviso is to ensure that, having set a maximum amount of $80 by legislation, a higher amount can be prescribed by regulation, up to but not exceeding $150.

That means that the Governor in Council can, at any time after this Bill has been proclaimed, make adjustments to the maximum amount of benefits which can be paid by friendly societies instead of having to wait, as appears to be the case on this occasion, for six years. The last occasion when a similar Bill was before the House was in December 1974, when the maximum amount was increased from $30 to $50. There was a long period between the increase from $30 to $50 and from then to now when the amount is being increased from $50 to $80. To ensure that a similar delay does not occur again, clause 3 proposes the insertion of a new paragraph (*e*) in section 49 (1) of the

principal Act which will enable the Governor in Council to approve regulations which will enable adjustments to be made in the amount between $80 and $150. The Opposition has no quarrel with that proposition.

My only criticism is that in researching the Bill, I sought a report from the Registrar of Friendly Societies and Benefit Associations. Much to my horror, I found that the latest report available concerned the deliberations of friendly societies and benefit associations for the period ended 30 June 1977. That makes the task of assessing what friendly societies and benefit associations are doing difficult, and the information on the amounts of money which they are handling is out-dated.

It has been raised in the Chamber on previous occasions by way of criticism that reports ought to be placed before the Parliament for consideration. I refer to section 10 of the Friendly Societies Act 1958 which provides that the registrar and the Government Statist shall respectively in every year make a report of their proceedings to the Minister. The Government Statist must submit to the Minister for presentation to Parliament a report of proceedings of the principal matters transacted in connection with friendly societies and of the valuations of societies effected during the period which has elapsed since the date of the last report made by him to the Minister, and the Minister shall place such reports before the Parliament.

In trying to establish the benefits provided by friendly societies and benefit associations, the Government has failed to provide Parliament with an up-to-date record of what has happened since the last report, which was for the period ended 30 June 1977, and which was submitted to Parliament in the latter part of last year.

When one considers the amounts of moneys which these bodies are dealing with, one finds from the latest report available that in a table covering the total income, expenditure, funds and rates of interest for the year 1972–73, the income was approximately $45 million whereas the income up to 30 June 1977 was $97 million.

That is a considerable improvement in the income. The expenditure for 1972–73 was approximately $42 million, compared with an expenditure in 1976–77 of approximately $97 million. Under the heading of funds at end of year, which I assume were the funds they were in control of, for 1972–73 the figure was approximately $53·5 million and for 1976–77 approximately $79·25 million. Those are considerable amounts.

It is appropriate that the Minister should ensure that the documentation and information that is provided to Parliament should be speeded up. Honorable members should not have to consider proposed legislation in 1980 and rely on reports for 1977. Although the Opposition has no criticism of the proposed amendments and supports them, I hope this type of report will appear before Parliament much quicker than it has in the past.

The Hon. B. P. DUNN (North Western Province)—This measure has been fairly adequately explained by the Attorney-General. It simply provides for an increase in the amount of benefits payable by friendly societies to their members. There are a number of interesting aspects to this Bill.

The Attorney-General stated that, with the passage of the Bill, benefits up to a maximum of $180 a week can be paid. The Bill provides for benefits to a maximum of $80 a week but I understand that an amendment will be moved to allow increases in that amount to $150 by regulation. That makes me wonder what happened between the drafting of the Bill and its presentation to Parliament. One could conjure up thoughts of the Liberal Party bouncing the ball, so to speak, and seeking the inclusion of a maximum amount. I would not be far out in suggesting that that is why this provision is included.

Parliament must be careful not to hand over the power it now has to alter fees and charges without any limits and allow this to be done by regulation. The National Party would not agree to that, if that were proposed in the Bill, and would not support a provision which would allow the Government to

introduce fees or, in this case, benefits without coming back to Parliament. That is a dangerous principle which not only leads to the decline of Parliamentary democracy but also could give the Government a free reign.

The National Party is prepared to support the Bill, with the inclusion of an amendment limiting the maximum benefits to $150 a week in future. That is a reasonable provision and allows flexibility without having to bring a Bill before Parliament.

I now refer to clause 3 of the Bill. Perhaps the Attorney-General is best qualified, with his understanding of the law, to understand what it means. I have read it two or three times and I am still baffled. Clause 3 reads:

> In section 49 (1) of the Principal Act, after paragraph (*e*) there shall be inserted the following paragraph:
>
> "(*ea*) fixing the maximum amount to be paid by way of the periodical payment under the proviso to section 5, under section 11, paragraph (11), sub-paragraph (*d*) and under section 26 in respect of the objects set out in sub-section (1) or in sub-section (4) of section 5 of this Act;".

No doubt someone has a simple explanation of what that means. I hope the Attorney-General will supply the House with a simple explanation.

These Bills are what the public reads. It is their source of understanding of the legislature and what the law is all about. One would need to employ a lawyer or a draftsman to be able to analyse some of the provisions of the Bill. I suggest it could be stated in much simpler terms. An explanation may help me and others.

The National Party supports the provisions contained in this rather small Bill, with the inclusion of an amendment to be moved by the Attorney-General. My deputy points out that this support is dependent on some elucidation of clause 3. The National Party will await the amendment to be moved during the Committee stage.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6255 ss. 5, 11 and 26)

The Hon. HADDON STOREY (Attorney-General)—I thank honorable members for their support of this Bill during the second-reading stage. A number of interesting points were raised, which I will answer.

Mr Butler referred to the tabling of the annual report and the fact that the most recent report tabled was for the year ended 30 June 1977. I have also noted that fact and have made some inquiries as to why that is so. I am informed that the statistical information contained in the report is extracted from returns provided by each friendly society. Returns showing details of accounts and balance-sheets must be audited and then forwarded to the Government Statist on or before 1 October next—that is, after the end of the financial year—and delays occur in forwarding that information to the Government Statist. When the Government Statist receives the information he has to engage in a considerable amount of examination of the report to ensure that all of the requirements of the returns, the Act and the Government Statist's Office are met.

Because of the large number of friendly societies submitting reports essentially at the same time, this work is protracted. I am told that work on annual reports for one financial year cannot begin until approximately June of the following year. That is why the report is so delayed.

In an effort to reduce the cost of reproducing the last report a new procedure for printing was adopted. The setting up and typing of the report was performed in the office of the Government Statist using special typewriters. That is the answer I have been given.

I have given instructions that further work must be done to improve the procedure because I do not consider that is a satisfactory result. Parliament should be informed of the contents of these annual reports earlier than at present. I am advised that the annual report for the year ended 30 June 1978 can be expected within a short time.

I do not know whether it will be available in time to table it during this sessional period or the next. When I received the advice it appeared that it could be tabled during this sessional period. If that occurs, it will be an improvement. I am aware of the problem that has been raised. I have made inquiries and have taken up with the Government Statist and Actuary the method of processing these reports to ensure that they can be presented more speedily in future.

Mr Dunn raised the question of the amendment which I foreshadowed in my second-reading speech and seemed to suggest that in some ways the Liberal Party had overruled someone on this matter. I do not think that is the position. It was appreciated during the stages when the Bill was coming to the House that, in accordance with the usual procedure, a maximum limit should be placed upon the amount of fees which can be set so that Parliament retains control. Owing to problems of printing, the House print of the Bill did not contain that amendment and, therefore, I will move an appropriate amendment in Committee.

Finally, Mr Dunn raised the question of the meaning of clause 3.

The Hon. B. P. Dunn—I know what it means, but I think it could be expressed in clearer terms.

The Hon. HADDON STOREY—I agree with that view. I thought Mr Dunn could understand the clause, although the way he read it, it was hard to understand. It is all a matter of where one draws breath in the course of reading it out. I agree that the clause could have been drafted in a clearer manner. I can only say that it is the endeavour of the Government to ensure that these matters are expressed in as clear a manner as possible. Sometimes they are not as clear as they should be.

When I became Attorney-General, it was not the practice to refer, for example, to section 11, paragraph (11), sub-paragraph (*d*), but to use the reference sub-paragraph (*d*) of paragraph 11 of section 11. The provisions of an Act were referred to in the reverse to the way in which people customarily read these things. If one is trying to find a provision in an Act, such as sub-paragraph (ii) of paragraph (*b*) of subsection (3) of section 11, it is not until one reads several lines that one knows that one must start looking at section 11. Mr Dunn's point is taken and the Government will try to do better next time. I move:

Clause 2, page 2, line 3, after the words "or any higher amount" there shall be inserted the words "not exceeding $150 a week".

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

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

MAGISTRATES' COURTS (JURISDICTION) BILL

The debate (adjourned from April 22) on the motion of the Hon. Haddon Storey (Attorney-General) for the second reading of this Bill was resumed.

The Hon. R. J. EDDY (Thomastown Province)—The Opposition does not oppose the Bill which deals only with jurisdictional matters. It amends the principal Act and the amendments are long overdue.

Clause 2 (1) amends section 59 of the principal Act so as to increase from four to five years' imprisonment the maximum penalty where a person is charged with several offences committed at the same time. The Labor Party does not oppose the amendment.

Clause 2 (2) amends section 69 (1) of the Principal Act so as to increase from one year to two years the sentence which may be imposed by a Magistrates Court for certain offences. I also commend this amendment.

Clause 3 (1) (*a*) amends several paragraphs of section 69 (1) of the principal Act all relating to matters of theft, such as theft of household items, motor cars and so on. The principal Act at present provides that a magistrate may deal only with cases involving goods to the value of $2000. Clause 3 will increase to $10 000 the value of goods stolen. That is a more realistic

figure when one considers the cost of household items today. I support the amendment.

Clause 3 (1) amends section 69 (1) of the principal Act to provide that subsequent offences of indecent assault may be dealt with summarily by a Magistrates Court. At present only the first offence of this nature can be tried by court.

Paragraph (*b*) of the sub-clause inserts in section 69 (1) of the principal Act a new paragraph (*fa*) dealing with any offence against section 48 of the Crimes Act. That section of the Crimes Act deals solely with the crime of carnal knowledge. I agree with the Minister that these matters can be and should be dealt with by Magistrates Courts. They can be dealt with only by a Magistrates Court sitting with justices, one of whom must be a stipendiary magistrate.

The Attorney-General has provided figures relating to the offence of carnal knowledge. In 1978, 261 such offences were dealt with in the County Court because at that time Magistrates Courts had no alternative but to commit for trial to the County Court persons appearing on that charge. Of the 261 offences of carnal knowledge dealt with in the County Court, there were 233 pleas of guilty. In 1979, 138 offences were dealt with and there were 123 pleas of guilty.

Provided that a stipendiary magistrate is sitting in judgment, it is quite apparent that Magistrates Courts should be able to deal with these matters. I have sat as a justice of the peace on the bench at these committal hearings and they are embarrassing for the young girl who has been involved in the hearings, for her parents and for all concerned. Such hearings in Magistrates Courts are generally conducted behind closed doors, but when the accused is committed for trial and appears before the County Court members of the public are entitled to be present. As I have indicated, it is an embarrassing experience for a young girl, for her family and for the person charged.

I agree with the Attorney-General that charges of carnal knowledge and indecent assault should be heard before Magistrates Courts and I fully support the amendments proposed by the Bill. On this occasion, the Minister has submitted something good. It has taken a long time for him to wake up because the Act has been in force for ten years. Honorable members know that the Government is slow-moving but at long last it has moved in the interests of people who appear before Magistrates Courts.

Clause 4 amends section 11 (2) of the Magistrates' Courts (Civil Jurisdiction) Act 1979 by substituting the word "expressed" for the word "assessed" and the word 'tort" for the world "total". I support the amendment which is in the interests of all concerned.

The Attorney-General is ably assisted by excellent officers in the Law Department who are easy to speak to and it is easy for members of the Opposition to obtain information when it is required. I thank them for the courtesy they have always displayed to me when I have sought information on a Bill.

It is time the Government considered conducting night court sittings. In Magistrates Courts, especially in the metropolitan area, many persons are involved only in driving offences but it is necessary for them to lose time from work and in many instances they also lose their jobs. Some eight additional Magistrates have been provided, making a total of 69 in all. There are 30 Magistrates Courts within the metropolitan area.

The Hon. Haddon Storey—There are 200 throughout the State.

The Hon. R. J. EDDY—There are approximately 30 Magistrates Courts within the metropolitan area. The Prahran Magistrates Court, the Preston Magistrates Court or the Melbourne Magistrates Court could conduct night hearings and provide the opportunity for people to appear and not be detained for the whole day not knowing when their case will be called and losing time from work. I hope the Attorney-General will take note of my comments on the operation of night courts. The Government has considered such action in the past and it is time it took strong action in the interests of those people who

have to appear before a court only on traffic offences or on matters affecting their driver's licence.

Far too many people are wasting time by having to appear before a court during the day. These people risk losing their jobs and far too many are losing their jobs by waiting all day at a Magistrates Court for the case to be called on. Accordingly, the Government should introduce night sittings for traffic offences.

The Hon. W. R. BAXTER (North Eastern Province)—I welcome this extension of the jurisdiction of the Magistrates Court both in monetary terms and in the range of offences which can be dealt with. I make it a practice on occasions to attend Magistrates Courts within the electorate that I represent.

The Hon. Haddon Storey—As an observer?

The Hon. W. R. BAXTER—I appear as an observer not as a defendant. I sometimes think that when I go along to the courts I should wear a label indicating that I am an observer so that my constituents know that I am there in that capacity only. Nevertheless I do so because I am interested in the operation of Magistrates Courts and, generally, I am well satisfied with them.

Justice must be as close as possible to the people; it must be relatively simple, quick and at the lowest possible cost even if one is involved in the higher courts such as the County Court. Honorable members should give further consideration to the judisdiction of Magistrates Courts. I have one or two reservations about the proposal for night hearings put forward by Mr Eddy. Many practical difficulties are involved but I agree that there is a need to examine methods of expenditing the transaction of business at the courts and at least some advice being given to people when their case is likely to be heard so that they are not forced to spend a whole day waiting for their case to come on.

On previous occasions I have alluded to the problem of the waste of police time by the requirement that they hang around the precincts of the court waiting for a case to be heard. From my experience, magistrates do their best to handle first those cases which are represented by counsel or where witnesses are in attendance. However, there are still many examples where people have to sit around all day waiting for their case to be heard.

I appreciate the problems of drawing up a programme that is workable because one has little idea in advance how long each particular case will take, particularly when one is unaware whether the defendant is pleading guilty.

The Hon. R. A. Mackenzie—It sounds a bit like the Notice Paper.

The Hon. W. R. BAXTER—I agree with Mr Mackenzie that it is similar to the Notice Paper. Further attention needs to be given to the matter. I also detect amongst the community—and I have recently corresponded with the Attorney-General about it—some apprehension about the apparent lenient sentences being handed down by some courts. That is an easy statement to make without being aware of the particular circumstances of each case. I am increasingly being informed by people of the concern that exists, particularly by senior citizen groups in the community, about assaults upon elderly people, usually by some persons in search of money more than anything else.

A number of elderly people who live alone are in a state of fear. Such people are alarmed to see reports in the newspapers where persons conviced of assaults against elderly people appear to be getting off with a relatively light fine. In his reply to me, the Attorney-General has said that he will keep a watching brief on that matter. Elderly people deserve to feel that they have security and that the courts are protecting them by handing out appropriate sentences. If it becomes apparent that the laws need toughening up for ghouls who prey upon the elderly, the Government should act immediately.

Twice in his second-reading speech, the Attorney-General mentioned that in all cases the accused will still have the option to elect for a trial by a judge and jury. Any person who is of the opinion

that we are placing too much in the hands of Magistrates Courts, must remember that the option remains for the accused to go to a higher court if he wants to and that is a sufficiently adequate safeguard that the more business that can be transacted in Magistrates Courts to the satisfaction of both the accused and those who have been affected by the commission of the crime, so much the better.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Maximum sentences increased)

The Hon. HADDON STOREY (Attorney-General)—I thank the honorable members who spoke during the second-reading debate for their support. Although the Bill is procedural and simply expands the jurisdiction of Magistrates Courts, it is a significant step in enabling these courts to deal with further matters that are currently coming before the County Court. I am pleased that honorable members appreciate the action taken by the Government.

Mr Eddy referred to the establishment of night hearings, which has received consideration. It has always been thought to be impractical for various reasons. Two years ago, in one area of metropolitan Sydney, a system of night courts was instituted on an experimental basis. I have not had a report on the matter for some time. The first reports I received suggested that it was not proving to be popular and that not a great deal of use was made of it. However, I wish to be kept informed of the progress of night courts in Sydney and I will make sure that I obtain a later report of its operation. The difficulties reveal that it may be suitable for some people to go to night courts but that it is most inconvenient for others. It may be difficult for members of the Police Force, or others who are prosecuting the case, to be present in the court at night. One can foresee the problems but, equally, one should always be prepared to examine any aspect which may enable a system to work better for the citizens. I will further examine the proposal.

Mr Baxter commented on the desirability of informing people when their case is to be heard. The Committee will probably remember that this was dealt with during the last sessional period with an amendment to the Magistrates Court Act relating to civil jurisdiction of the courts. One of the features of that amendment is that there will now be an ability for people to be informed when their case is coming on for hearing. This will facilitate the disposal of business and cause less inconvenience to people. However, once again there are problems in the criminal jurisdiction because the current practice is that the police officer issues the summons or information to the accused and merely nominates the date of the hearing. The people in charge of the court do not know until the actual day whether they will have 10 or 110 cases in court that day. A better system should be able to be developed and I shall make a worth-while examination of the matter.

Mr Baxter also referred to lenient sentences and commented on the correspondence I have had with him. When one considers the matter, the County Court, for instance, deals with some 800 or 900 criminal cases a year. About three or four times a year, members of the public read about a sentence which seems far too lenient and become concerned about it. Members of the community are entitled to be concerned if the sentence is too lenient. However, by and large the sentences imposed by the courts are pretty much what the community would expect. It is only the exceptional cases—and they are highlighted because they are exceptional—that attract attention. I assure honorable members, so that they in turn can assure their constituents, that generally people are dealt with in the courts in the way that the community would expect. If there is a sentence which is so lenient as to appear to be wrong, the Attorney-General does have the right of appeal and that right is exercised from time to time.

The Acting Chairman interjects that it is not with much success. However, more recent figures indicate that appeals are becoming more successful and there is a determination in the courts to impose sentences which reflect the concern expressed by the community at the prevalence of certain crimes.

The Hon. R. J. EDDY (Thomastown Province)—I listened intently to the remarks of the Attorney-General. Although I am not interested in what has taken place in Sydney, I am interested in what may take place in Melbourne. When I raised the matter of night court hearings at courts such as Prahran, Preston and Melbourne Magistrates Courts, I appreciated that there could be obstacles. The Attorney-General would have to examine how members of the Police Force on certain shifts would be available at the necessary time. He has to consider also the possibility that when those constables are not able to be present at that time, the case does not have to be heard then.

This is an opportunity for the Government to take an experimental approach to night-time court hearings. I have made the point—Mr Baxter may not agree with me—that many people who have to appear before a court on minor traffic offences lose time from work. In some instances, they lose their jobs when their employers find that they are appearing before a court, irrespective of how minor the charge may be.

The Attorney-General must consider implementing an experimental programme of night-time court hearings, regardless of obstacles that may arise. I hope the Attorney-General will consider the plea I am making to give the people who have to lose time from work an opportunity of appearing at night hearings so that they will not be affected financially.

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

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

LOCAL AUTHORITIES SUPERANNUATION (AMENDMENT) BILL

The debate (adjourned from April 23) on the motion of the Hon. D. G. Crozier (Minister for Local Government) for the second reading of this Bill was resumed.

The Hon. R. A. MACKENZIE (Geelong Province)—This Bill will amend the Local Authorities Superannuation Act 1958. Its object is to provide increased lump sum payments and certain limited benefits to contributors. It will confer on the Local Authorities Superannuation Board a wider power to grant disability benefits and it will provide a deferred pension entitlement for employees who are dismissed after serving at least fifteen years and having attained the age of 50 years. It will also provide for pension rights and benefits to be retained by employees despite breaks in service.

The Opposition does not oppose the Bill but, rather, it welcomes it as it will improve the superannuation benefits to employees of local authorities. However, although it is a considerable step forward, it still has a long way to go. Local government employees consider that they are being treated by the Government as second-rate citizens because, for a long time, their superannuation benefits have been far below those of people doing exactly the same jobs in State Government or Commonwealth Government authorities. The employees of local government authorities have had to sit by and watch people in equivalent positions in the State Government receive considerably higher benefits. This is one of the worst aspects in the work force. In areas where these anomalies occur, there is generally poor morale in the work place. It creates a degree of dissatisfaction and the Government has a responsibility to the employees in the local councils and other authorities to ensure their benefits are kept in line with those of State Government employees.

I shall give an indication of the attitude of local government employees. A meeting was called in Geelong more than twelve months ago. Mr Jenkins, the local member, and the then Minister for

Local Government, Mr Hunt, were present at the meeting. Although the meeting was called after working hours, about 800 people attended, which was remarkable for a public meeting in Geelong. They let the Minister know, in no uncertain terms, how unhappy they were and the Minister gave some assurances. Tonight honorable members are seeing some of the fruits of those assurances—half of them anyway.

The present Minister has accepted his responsibility and agreed to carry on with the commitments to ensure that the financial benefits are paid. They are considerable when one examines the chart of payments. For instance, under the existing scheme, a person at the age of 65 years who had been contributing for 31 years with a class 1 medical certificate and a salary of $15 690, would receive a lump sum of $13 263. Under the new proposal, that person will receive $30 166, which is an additional benefit of more than $16 000. That is a large and welcome increase to these people.

The other aspect for which I will pressure the Government strongly to continue is pensioner benefits. Currently, many local government employees can work for 30 years and retire, only to find that the amount of pension they have accrued works out, roughly, at the same figure as the old age pension. The very fact that they receive this amount means that they cannot receive the old age pension. Therefore, a person works for 30 years to pay for his pension at the end of his working life.

The Government must consider this because local government employees rightly feel that they are being treated by the Government as second-class citizens. Therefore, a welcome change has been introduced into the House tonight. One can say that it is a half-way mark. I hope the Minister can give some firm commitments to the House and local government employees that he will continue to improve superannuation benefits.

My daughter works in a local government authority and I am constantly asked when I will do something about superannuation benefits. When I visit my friends at the waterworks trust I am asked when the Government will do something about superannuation benefits. I stress that this is a grave area of concern for the Minister. I am not exaggerating, when I say that it creates low morale amongst an important group in the work force. The group has close dealings with the general public and it is a group in which the Government can ill-afford to allow dissatisfaction to exist. Therefore, the Labor Party supports this step forward and expresses hope that the other anomalies will be cleared up in the near future.

The Hon. K. I. WRIGHT (North Western Province)—As Mr Mackenzie and the Minister for Local Government have said, the Bill deals with minimum guarantees for lump sum and death benefits only, with a minor exception that other benefits, such as for pensioners, remain untouched. I say at the outset that the National Party commends the Bill and proposes to support it. However, the Bill has been introduced not before time.

Any local government employee or senior officer will say that benefits are poor and inadequate compared with those applicable to the Public Service. Once again, I wish to be critical of the short notice honorable members have been given on the Bill. No time has been provided to refer the Bill to any of the municipal councils in my province. I have had the opportunity of discussing it with Mr Gary Weaven, State Secretary of the Municipal Officers Association this morning and I was informed that even they have not seen a copy of the Bill. They were delighted to see that the commencement date was 1 March 1980. They had hoped for that, but were not aware of it. I also spoke to Mr Ian Pawsey, Secretary of the Municipal Association of Victoria.

Having said that, I concede that perhaps the Minister and the Government have had difficulties in getting the Bill to this stage. It is preferable to ensure that the Bill is piloted through the House and possibly the other place next week than to complain about the

lack of time honorable members have to consider it. Surely things could have been arranged so that the people who are vitally concerned with the proposed legislation could have an opportunity of examining and discussing it.

The Hon. Glyn Jenkins—They have had discussions about it.

The Hon. K. I. WRIGHT—Some of them know about it and there have been conferences and discussions between the Municipal Officers Association, the Municipal Association of Victoria and the Local Government Superannuation Board. I understand the Minister was present at one of those conferences. I am fully aware that discussions took place and that the associations I have mentioned spoke for their members. Well they might have done, because the lump sum benefits that are now available amount to only 1·1 times the annual salary on retirement. The measure will bring that level to approximately three times the annual salary, which is a big improvement, although there is a long way to go before local government employees enjoy some sort of equity with the Public Service. The benefits available to officers of the Public Service are 20 per cent or 30 per cent higher than the benefits that will be available to local government employees.

The Hon. Glyn Jenkins—How will the ratepayers react?

The Hon. K. I. WRIGHT—The Bill will provide a minimum level of lump sum benefit for permanent employees who, having attained the age of 60 years, are retired on account of disability. A similar provision applies to an employee who dies while employed by a council. The member who is a permanent employee on 1 March 1980 will be entitled to a minimum benefit of 10 per cent of adjusted final salary for each year of service after 1 March 1980, plus 5 per cent of adjusted final salary for each year of service prior to 1 March 1980, provided that the maximum length of service taken into account is 30 years, plus his accumulated value.

I join Mr Mackenzie in saying that many local government employees are disappointed about the pension benefits they receive and are attracted by the ability to convert to a lump sum. A retired local government employee who receives a pension is disqualified from being eligible for a social service pension and therefore loses the fringe benefits that go with social service pensions. Some retired local government employees receive smaller pensions than would be payable if they received social service pensions and they have asked whether they can relinquish their present pensions so that they can receive the attractive fringe benefits that go with the social service pensions.

I reiterate that the National Party supports the Bill and, on behalf of the National Party, I express pleasure that the Bill has now been introduced. I hope it will pass through all its stages speedily. I pay tribute to the senior officers involved in local government, who are every bit as capable and experienced as their colleagues in the State Public Service. The officers I see most frequently, particularly the town clerks, shire secretaries, engineers and health officers of the municipalities in the North Western Province, are men of the highest calibre and ability.

The Hon. B. A. CHAMBERLAIN (Western Province)—Mr Mackenzie made some good points about the comparison between pension benefits payable to employees of local government and those payable to members of the Public Service. I prepared a chart comparing the pensions payable to employees of local government, even those of the Melbourne City Council, with the benefits payable to employees of the Melbourne Harbor Trust, the State Electricity Commission, the Gas and Fuel Corporation and other statutory authorities, both Government and semi-government. There was a substantial difference. In some cases, the lump sums payable to local government employees were only a quarter of those payable to members of the Public Service and the pension benefits were insignificant.

One of the reasons for the problem is that for many years the rate of contribution of the employee and the matching contribution of the employer have

been pitched too low. Last year a local government employee who had been employed at a waterworks trust for 45 or 50 years in the Western Province was looking forward to retiring on a lump sum of approximately $10 000. That is most unfair. Many local government employees believe they would be a lot better off if their contributions and the contributions of their employers went towards the purchase of life assurance. Quotations obtained from the life assurance companies indicate that the rates across the board would be much higher.

The Hon. K. I. Wright—They get very little if they survive to that stage with an insurance company.

The Hon. B. A. CHAMBERLAIN—That is not so with the sorts of proposals to which I have referred. They were attractive, and if the Local Government Superannuation Board is unable to provide an adequate pension scheme there will be greater pressure applied to the Government to allow the contributions to go to a private insurance scheme.

Yesterday, at a meeting of the Western District Municipalities Association, I had the opportunity of distributing copies of the Minister's second-reading speech, which clearly described the purposes of the Bill. The members of the association were pleased. Mr Pawsey and Mr Madden were present, and the general reaction was pleasure that, at least to some extent, the needs have been recognized. It was considered that although there is a long way to go with pension rights, the Bill is an acceptable step in the right direction.

The Hon. I. B. TRAYLING (Melbourne Province)—The Bill is important and the Government has not given enough consideration to it. The employee officers of local government have, through their various associations, been complaining to the Government about their superannuation and retirement benefits for a long time. There was little response to their representations, and no recognition that they are people in the working community who deserve appropriate retirement benefits. For many years the Government has regarded local government officers as second or third-class citizens.

Australia has a three-tiered system of Government—Federal, State and local—and for some reason the Victorian Government regards local government as inferior and the employees of local government as inferior beings.

The Hon. N. F. Stacey—Come on!

The Hon. I. B. TRAYLING—Mr Stacey has some notoriety for making boo-boos in this House and for making claims that are subsequently proved to be wrong. He apparently adopts the view that local government officers have everything going their way. I can inform him that local government officers have a contrary opinion. The reason for that is fairly simple: In comparison with the superannuation benefits received by all other Government employees, the superannuation benefits for local government employees make local government the Cinderella, the poor relation. Local government employees do not receive the same retirement benefits that are available at the other tiers of government. There is something sadly wrong with a Government that perpetrates that sort of thinking.

The Opposition supports the Bill because, even if only in part, it will at least give some benefit to local government employees, and they are grateful for that, just as a monkey is grateful for banana peelings passed through the bars. They are grateful for anything because they have struggled for years against this intransigent Government.

The Hon. N. F. Stacey—Rubbish!

The Hon. I. B. TRAYLING—They have struggled to obtain retirement benefits that at least come somewhere near equality with those available in other forms of Government service. Mr Stacey—I shall name him again and again—apparently regards this as being a satisfactory arrangement for local government employees. I say it is not. Mr Stacey, in the Chelsea Province, can take the view that he is happy with local government retirement funds and superannuation, and I shall take the view that they are not satisfactory.

Members of the Labor Party will campaign on that in the electorate represented by Mr Stacey to great benefit.

Mr Mackenzie has outlined in some detail the specific nature of the provisions of the Bill.

The Hon. E. H. Walker—Mr President, I direct your attention to the state of the House.

A quorum was formed.

The Hon. I. B. TRAYLING—Mr Jenkins seems to have the same opinion as Mr Stacey because he asked, by interjection, "How will the ratepayers react?" What Mr Jenkins was really saying is, "How will the ratepayers react to local government officers being given appropriate, proper and equitable retirement benefits?" He is saying the ratepayers would not want to pay for them.

The Hon. Glyn Jenkins—I did not say that.

The Hon. I. B. TRAYLING—That is what Mr Jenkins implied. What else would he mean?

The Hon. Glyn Jenkins—Mr Wright was blaming the Government. I was pointing out that the responsibility probably lies with the ratepayers and the local councils.

The Hon. I. B. TRAYLING—Mr Jenkins might not want to support a proper superannuation fund for local government employees, but I am sure the ratepayers of the Geelong and Chelsea Provinces would be only too happy to ensure that local government employees in their areas receive benefits that are at least reasonably equal to those received by other Government employees in Victoria. Mr Jenkins would deny the ratepayers in his area an opportunity to express an opinion that local government officers should have the same rights to reasonable superannuation as other employees in the Public Service of this State. No apologies by Mr Jenkins or Mr Stacey on behalf of the ratepayers will stand the test in an election.

As I said before, the Labor Party supports this Bill. It must support it, because it does something for local government officers. If one puts a banana peel through a cage, the monkey will grab it and will eat it as if it was a decent feed. This Bill is not giving a decent feed to local government officers. If one's neighbour in the community is receiving a certain minimum wage, or has a roof over his head, or a car, it is not unreasonable to expect the equivalent. This Liberal Government is saying that people in local government employment are not equal to other people in Government employment. Retirement benefits are becoming more important every day because of earlier retirement and more time for leisure. It is because of that earlier retirement that there is more concern about the future beyond one's working period. The Government is saying that officers of local government do not have the same concern, because they are not as important as other people in Government employment. That is a despicable attitude, which I deplore. The Government denies these employees these benefits by its attitude. If an actuarial survey indicated that local government could afford to pay these extra benefits, I wonder if it would do so.

I do not want to quote Mr Jenkins inaccurately, but he said, "How would the ratepayers react if we were to provide local government employees with something like parity with other Government employees?" He is concerned with how the ratepayers would react! This is of fundamental concern to working people in the community, and I am sure that the ratepayers would be at the top of the list in wanting the people who administer and look after their community to be at least as well looked after as officers in State or Federal Government employment.

The Hon. R. J. Long—You are entitled to your view.

The Hon. I. B. TRAYLING—Mr Long is suggesting that I am wrong. The municipal officers in the province that Mr Long represents might have a different opinion. I do not think one needs to comment beyond that. Mr Chamberlain said that people in local government are very pleased with this Bill. I remind Mr Chamberlain that people in office employment in local

government are not very pleased with the way in which he has portrayed that approval. They only approve of this Bill because the Government is doing something. There is no approval of Government responsibility for local government employees. They believe they should have parity with other Government employees.

The Minister, the Government, and people like Mr Jenkins and Mr Stacey, are mistaken in their belief that there is general satisfaction with this Bill. As I said before, if the Government want "out" on the ground that the ratepayers, the Government, or anyone else, cannot make local government employment as good as other forms of Government service, then they will have to stand on that record.

I believe this Bill is a token consideration, and an indictment of the Government's sincerity when it indicated—however obscurely or vaguely—before the last election, that it would do something within the confines of its own power. Honorable members know that the Government depends very heavily on Federal Government policies to contribute more by way of income tax to local government. It is not enough to say that within the context of powers and resources of State Government more should be done for local government. This Government has failed to respond, not just to the aspirations of local government employees, but also to the legitimate and equitable needs of Government employees. In consequence, this Bill fails.

The Hon. N. F. STACEY (Chelsea Province)—I was stimulated by Mr Trayling's contribution. My colleagues have enjoyed seeing a display of a reincarnation of Mr Trayling. He was back to his former self, with arms waving, and with his usual dogmatic style of speaking. It is good to see him return to a forceful position on the Opposition benches, and I congratulate him on his contribution. It is unfortunate that his colleagues were not here to be as stimulated as I was by his contribution.

The Bill does have the approval of Mr Trayling; he said that on a number of occasions. Members of the Government party heard the final invigorating remarks of Mr Trayling, and heard him make the point that local government is not recognized by the Government. That is patently untrue. This Government, under the previous Minister, gave local government constitutional rights by legislation. That is an indication of the Liberal Party's view of local government. It has a commitment to foster a recognition of local government by the total community. Local government is one of the three important spheres of government in this nation. I use the word "spheres" advisedly, on the premise that one cannot put one sphere on top of the other, and the Liberal Party sees an equality of government between the three.

The Hon. R. A. Mackenzie—Why did you leave them behind for so long?

The Hon. N. F. STACEY—I am glad Mr Mackenzie asked that question, because I wish to speak on it. Why has this Bill been discussed in local government for such a long period? The answer is that the Government and the Minister, quite rightly and responsibly, waited until a unanimous view was expressed by the professional representatives of the officers association, the engineers, town clerks and the municipal officers. Those representatives of the professions, and the workers involved in local government, have now agreed on this measure. I am sure that the Minister will reinforce my remarks by saying that this Government does not necessarily see this Bill as the end of the line; it is an agreement at this stage and it has been introduced in the form of a Bill. That is a responsible attitude by a responsible Government.

I contrast that with Mr Trayling's neglect to spell out the Labor Party's policy on local government. I have said it before, and I say it again, some of my colleagues who arrived in this House in 1979——

The Hon. I. B. TRAYLING (Melbourne Province)—On a point of order, Mr President. If Mr Stacey is right, mem-

bers of the Labor Party would welcome an opportunity to espouse their policy during the debate.

The PRESIDENT (the Hon. F. S. Grimwade)—There is no point of order.

The Hon. N. F. STACEY (Chelsea Province)—On that basis it will not delay the House very much, because my recollection is that the pamphlet about local government with the arrows on the front, consisted of 150 words. It would delay the House only 3 minutes if the Labor Party advanced the policy that it espoused in the 1979 election. My colleagues, who arrived in this House in 1979, have heard Mr Trayling for only the second time since they have been here. It is all right for Mr Trayling to say that the Labor Party agrees with the Bill, but that it is not enough, and will result in the ratepayers paying more. It the honorable member wants to come to an agreed policy on this or any other item as an alternative Government, I should be delighted to hear it, because I saw those 1979 pamphlets in the Library. They had red and blue arrows on them. The Labor Party tried in its policy to pander to all sections of the community; it started off with Liberal blue, and finished up with Communist red, but the arrows did not mean anything. When one opened the pamphlet one found there were 20 words on one side, 50 words on the other side, and a picture of the Leader of the Opposition on the back of it—and that is the Opposition's policy.

In the past twelve months the Government has introduced legislation that has benefited Government employees and employees of Government statutory authorities. Those are pioneering efforts, and they are pioneering efforts in terms of the Country Roads Board.

The Hon. R. A. Mackenzie—You have to be kidding!

The Hon. N. F. STACEY—I wonder whether the Opposition is listening. In the past few months, superannuation schemes have been introduced for employees of the Country Roads Board, who previously had no superannuation benefits. The Government has introduced such legislation which, in my view, is pioneering legislation for those people in the Country Roads Board who previously did not benefit from superannuation and will now do so.

This is part of the attitude of a responsible Government towards making proper recognition of amendments or new initiatives in providing superannuation benefits for employees of the Government, statutory authorities and now, employees of that important third sphere of government, local government. I support the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6298 s. 1)

The Hon. D. G. CROZIER (Minister for Local Government)—I must admit that I listened with mounting astonishment to the Labor Party's support of this measure. Perhaps I should take its support and other comments in something like the sequence in which they were offered.

Mr Mackenzie castigated the Government for regarding local authority employees as second-rate citizens. Mr Trayling, who appears to have temporarily retired from the Committee, demoted them to third-rate citizens. Apparently both honorable members failed to recognize or deliberately chose not to recognize that, as was pointed out by colleagues on the Government side, particularly Mr Stacey, this scheme is the culmination of an agreement negotiated, appropriately, between employers and employees. For the benefit of honorable members, I point out that the employer representatives were the Municipal Association of Victoria, the Waterworks Trust Association of Victoria and the Provincial Sewerage Authorities Association of Victoria. For the employees there were likewise three recognized organizations: The Municipal Officers Association of Australia, the Federated Municipal and Shire Council Employees Union of Australia and the Association of Professional Engineers Australia.

I have explained to the House on several occasions in the last two Parliaments that this legislation would be produced as soon as practicable after an agreement had been reached. In December last year I called a conference at which the main theme was the contributions to produce an upgraded lump sum retirement benefit. The general question of pension benefits was also raised at that conference. I pointed out to all delegates that, unless there could be agreement, no Bill would be produced to Parliament, and this goes a long way towards explaining to Mr Wright why the Bill has come in at this fairly late stage of the Parliament.

The Hon. K. I. Wright—I thought there was agreement in December.

The Hon. D. G. CROZIER—There was agreement in December, but, as Mr Wright would know, not only through his municipal experience but also from his experience in actuarial and certainly in financial affairs, to translate this into a Bill, albeit a fairly simple Bill, despite the somewhat quaint formula which accompanies such Bills, takes a good deal of actuarial investigation, and this was exactly what was carried out.

The Hon. K. I. Wright—The Liberal Party's local government committee did not help.

The Hon. D. G. CROZIER—I must correct Mr Wright here; the Liberal Party local government committee was not involved in the preparation of this Bill, nor should it have been, because this is a matter for actuarial determination once agreement has been reached by the two parties, so Mr Wright's criticism is a little unfair.

The Hon. K. I. Wright—Qualified criticism.

The Hon. D. G. CROZIER—Certainly, there are people who are vitally concerned in this Bill who would have had little time to peruse it, but on the other hand, their representatives, through the Municipal Officers Association, were working quietly behind the scenes to produce it. Therefore it is different from a legislative measure which is produced by the Government of the day and introduced into Parliament without prior consultation. Certainly, as I think Mr Wright knows, that is not the Government's style nor its wish.

The reason for the sequence of events that has taken place is simply to get the Bill passed in conformity with the assurances I have given. I emphasize again that this measure validates an agreement. I do not think Mr Wright would disagree with that, although certainly Mr Mackenzie and Mr Trayling disagree. I am surprised, particularly at Mr Trayling, who gave something like a diatribe —it was a good performance. He kept a straight face throughout his speech and did not smile once until he sat down.

I do not know how the employees of local government are going to enjoy being compared with monkeys in cages being fed—I think the expression used was—with banana peel. Given the rhetorical licence which is customary in a House of Parliament and in this place from time to time, I do not see how a lump sum benefit increment which has approximately doubled, as has been correctly pointed out, and which basically takes the lump sum entitlement from about eighteen months of the adjusted final salary to three years of the adjusted final salary can be readily compared with the colourful analogy used by Mr Trayling.

I have always regarded Mr Trayling as one of the relatively few members of the Opposition who really knows what local government is all about. I can only put this down to his enthusiasm which I believe has a fairly blatant and transparent political motivation, because Mr Trayling knows too much about local government for him to be totally serious in his remarks. That is the most charitable explanation I can give of the comments made by Mr Trayling.

The Hon. E. H. Walker—You found him stimulating?

The Hon. D. G. CROZIER—I found Mr Trayling's comments entertaining, and I am sure my colleague, Mr Stacey, will agree with that.

Let us return to the Bill and its true purport, which was to validate the agreement reached. Mr Chamberlain explained that in his conversations yesterday

at the Western District Municipalities Association meeting he discussed the Bill, and also pointed out in his remarks to the House that it had some way to go before it could be considered to be the equivalent of the State service. The assumption, presumably, from the Labor Party is that it is the Government's responsibility to equate it in every way with the State service. I am sure that is not what Mr Chamberlain was saying, but there is a disparity in terms of pension benefits, not lump sum benefits, because, as was pointed out in the second-reading speech, the principal objective of this Bill was to bring the lump sum benefits into line with those of the outdoor staff of the Country Roads Board and the other State Government exempt employees under last year's State Employees Retirement Benefits Act, and that is exactly what was done.

I take it, and I can only infer from the remarks of Mr Mackenzie and Mr Trayling that the Labor Party's view is that it is the responsibility of the Government to equate in every way the benefits payable to municipal employees with those of State Government employees. The essential difference, as Mr Stacey pointed out, and as Mr Jenkins said by interjection, is that in this case municipal government is the employer. Largely due to the efforts of the Leader of the House in his former capacity as Minister for Local Government and in his contributions to the Constitutional Convention, local government is recognized as a partner in one of the three spheres of government.

The trend over recent years has been —and I believe it is correct and desirable—for an increasing devolution of responsibility on municipalities. As honorable members would be well aware, the principal thrust of the Bains report, whatever one may think about its recommendations, is that this process of devolution should continue. We cannot very well argue for this trend to continue and at the same time say that local government is not really capable of making up its own mind on matters of employment, policy and so on in other spheres related to its responsibility and that the State Government should reach out with a heavy hand and tell it what to do.

In this case the State Government was not, as was implied by Mr Trayling, going to pay the piper, because the entire cost will be met by the two parties concerned, the employer bodies and the employees, on a contributory basis. Therefore my view and that of the Government is that an essential ingredient—indeed, the paramount factor —has to be the agreement reached between a responsible and recognized organization on behalf of the local authorities on the one hand, balanced against the demands and aspirations of the employees, the unions, on the other.

Although this Bill does not go as far as local government employee representatives would like in every respect, it is not about pensions except in one very small aspect, and that was explained in the second-reading speech; it is about lump sum benefits. It is a considerable advance and it represents a responsible agreement.

These agreements will never be simple, and clearly the representatives of local government who have the burden of responsibility and of weighing up the various factors and the capacity of local government to pay must always resist the more extravagant demands which from time to time are going to be made by the employees. Nevertheless, in my view this represents a reasonable agreement. It will not be the end of the line; undoubtedly there will be further negotiation on the question of increased pensions, and the arguments that have been put forward that pensions as well as lump sum benefits should more nearly equate with those existing in the State service will certainly be a recognized factor to be taken into account in those determinations.

With that explanation I say finally that I commend the delegates who conducted this negotiation, and I pay tribute again to the assistance of Mr Victor Arnold, the former Victorian Government Statist, currently chairman of the State Superannuation Board, whose experience and expertise as the

actuary to the Local Authorities Superannuation Board has had a material part in translating this agreement to the Bill before the Committee.

The clause was agreed to, as was clause 3.

Clause 4 was verbally amended, and, as amended, was adopted.

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

MONBULK AND DISTRICTS ELDERLY PEOPLE'S HOMES BILL

The Hon. W. V. HOUGHTON (Minister for Conservation)—I move:

That this Bill be now read a second time,

The Monbulk and Districts Elderly People's Homes consists of eighteen small flats for elderly people located on about 1·6 hectares of land on the Silvan–Monbulk road. The project was initiated in 1960 by the Kookaburra Club, a group of people devoted to charitable and community projects, and construction of the first pair of homes was commenced in 1965.

It is understood that initial funds for the purchase of the land and the commencement of the construction of the homes were raised by public subscription together with grants made by the Commonwealth under the Aged Persons Homes Act and by payments made by each resident. The by-laws for the homes provide for a committee of management which is empowered to appoint three trustees to hold in trust the assets of the homes.

Over the years, local interest in supporting the project has declined with the result that there is now a real concern for the future on the part of both the residents and the committee particularly bearing in mind that the project does not include a hostel for the residents as they become frail nor does it include a nursing home. A number of possible solutions have been considered to the problem of providing the homes with security for the future.

Various charitable or church organizations have not been in a position to help and other solutions which have been looked at have not proved practical and certainly not on a permanent basis.

However, following negotiations with representatives of the Royal Freemasons' Homes of Victoria, the Freemasons' homes have agreed to accept the responsibility for the future management of the Monbulk Elderly People's Homes as part of their basic obligation of extending charity in time of need and to bring the Monbulk homes fully within the complex of the Royal Freemasons' Homes of Victoria.

The Freemasons homes will, in fact, be coming to the rescue of the Monbulk homes and will provide the residents with the same security it provides for all its own residents including the availability of accommodation in a hostel or nursing home if and when that becomes necessary and immediately it becomes necessary. I might add that the proposed transfer to the Freemasons' homes has been endorsed by the trustees and each of the residents of the Monbulk homes.

Unfortunately legal doubts have arisen as to, firstly, the power of the trustees and the committee of the Monbulk homes to transfer the homes to the Freemasons' homes and, secondly, the power of the trustees of the Royal Freemasons' Homes of Victoria to hold the Monbulk lands. This has prevented the transfer taking place to date.

On the advice of the Crown Solicitor, it is now proposed to achieve the transfer of the homes by legislation as being the most expedient way of resolving these legal difficulties. Consequently, the objective of this Bill is to facilitate the transfer of the administration of the Monbulk and District Elderly People's Homes to the Royal Freemasons' Homes of Victoria.

The Bill vests the Monbulk lands in the trustees of the Freemasons' homes and dissolves the association known as the Monbulk and Districts Elderly People's Homes. It provides for the Freemasons' homes to be the successor in law to the person or body in whom or which the Monbulk property was vested immediately before the commencement of the Act.

This Bill will give effect to the agreement reached by all the parties concerned to protect the interests of the residents of the Monbulk and Districts Elderly People's Homes and to ensure that the future of the elderly people living in the homes is secured. I commend the Bill to the House.

On the motion of the Hon. E. H. WALKER (Melbourne Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, May 6.

SUPPLY (1980–81, No. 1) BILL

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

The Hon. R. J. EDDY (Thomastown Province)—Once again towards the end of a sessional period the Government has introduced a Bill for debate in this House, without providing members of the Opposition and the National Party the opportunity of researching the measure. It has been the practice of the Government to introduce Supply Bills towards the end of the autumn sessional period and to introduce the Budget in the spring sessional period without providing time for adequate research. I realize the importance of the Supply Bill to the State and to Government departments and I do not wish to delay its passage.

The Hon. B. P. Dunn—A large amount of money is involved.

The Hon. R. J. EDDY—It is a money Bill and is typical of previous Supply Bills. It enables the State to fulfil its financial obligations from the beginning of July until the end of November. This Bill provides for the expenditure of $1306 million.

Supply Bills usually provide little information about where the money is proposed to be spent. The same comment can be made regarding Budget Bills introduced into this House. All honorable members should take strong exception in this regard. There is no doubt that more information is required. Members on both sides of the House are expected to approve expenditure without knowing what the items are or whether funds should be spent as proposed. All members of this House and the public are entitled to know how public funds are to be expended.

The Hon. B. P. Dunn—To what extent should the Bill be documented?

The Hon. R. J. EDDY—The Bill should contain more information on how the money should be spent.

The Hon. B. P. Dunn—Should it provide details of expenditures in each department?

The Hon. R. J. EDDY—Yes. This Bill mentions salaries, general expenses and other services and then provides totals but gives no other information. This matter has been raised not only by the Labor Party but members of the Government party. There is a need for these items to be explained more fully.

Last year during the debate on the Supply Bill, members of the Opposition were critical, as were members of the National Party and of the Government party of the information supplied with the Bill. They asked for percentage changes from one year to the next to be included in each sub-division of the measure. There has been a tendency to regard Supply Bills as routine matters, which is not good enough. That is an indication of the sorry state into which the Government has allowed the Westminster system in Victoria to degenerate. Supply and Parliamentary control over spending is the single biggest issue of Parliament. Members of the Opposition regard it as important; all honorable members should regard the issue as important. Over many years, the Opposition has requested more information on Supply, which the Government has not provided. Information is vital to all honorable members and to members of the public who should know how the money which is being supplied to the Government from taxes is being spent in the various departments controlled by the respective Ministers of the Government, not only for today but also over the past 25 years during which the Government has been in office.

Of all the years I have been a member of Parliament, never once has information been provided to honorable members, whether members of the Opposition, the National Party or of the Liberal Party—some of whom I can name—who are not happy with the manner in which Budget and Supply Bills are presented. Again, members of the Opposition are not happy with the Supply Bill introduced in the autumn sessional period of Parliament for 1980 which will provide the Government with finances to cover the respective Government departments from 1 July to the end of November. The Bill is not explained in the manner in which members of the Opposition have called for on many occasions.

The Hon. D. N. Saltmarsh—what would you do with the information if you had it?

The Hon. R. J. EDDY—Members of the Opposition will be able to attack the Government for not providing moneys for the departments to which money should be provided. The sooner the Government does this, the better equipped honorable members will be to make a more concise and careful examination of the State's expenditure. Members of the Opposition believe this is necessary to satisfy them that the taxpayers' money is being spent wisely. All members of Parliament hold that belief.

In perusing the Bill, one notes that the allocation to the Ministry for Police and Emergency Services has increased by approximately 13·5 per cent over last year's figures but the allocation to the Department of Community Welfare Services has increased by only 5·5 per cent, although the inflation rate is approximately 10 per cent. Money provided for community welfare is well down on what should be provided. Mr Saltmarsh will appreciate that fact because I have often heard him speak intelligently on this subject.

The Hon. D. N. Saltmarsh—The Bill covers five months, not the whole year.

The Hon. R. J. EDDY—I stated that initially—perhaps Mr Saltmarsh was not listening.

The PRESIDENT (the Hon. F. S. Grimwade)—Order! It would be preferable for the honorable member to address his remarks to me and if he wishes to deal in detail with any items on the Bill, the Committee stage will be more appropriate.

The Hon. R. J. EDDY—It is necessary to have a more detailed description of how money is being spent in the interests of the taxpayers to determine whether the money is being spent wisely.

The Hon. B. P. DUNN (North Western Province)—The role of Government expenditure is very much one of setting priorities and the difference between various political parties and members of the House is really in the priorities that their parties hold on Government expenditure. Therefore, to examine Supply, Budgets and expenditure, one must refer to priorities and areas of responsibility that one believes to be more important. Similarly, the Opposition has its own priorities that it believes should be tackled. That is the basis of political philosophy on Government expenditure and finance.

There are basic differences between the philosophy of the National Party and of the Government in expenditure of public funds. The Bill describes the priorities of the Liberal Government for five months until the Budget is passed later in the year when honorable members will again debate appropriation.

The Government, over many years, has, firstly, injected large amounts of money into Melbourne and, secondly, shown a tendency to pour millions of dollars of public money into relatively poorly-researched projects which have no economic basis or study for viability. The Government enters into projects and contracts which will become liabilities, if they are not already, to Victoria.

The Hon. W. V. Houghton—What about the irrigation projects?

The Hon. B. P. DUNN—The Minister for Conservation would know of those as well as I and of the projects that are unproductive and which have been entered into as massive commitments. One example is the Arts Centre.

The Hon. D. N. Saltmarsh—A great development.

The Hon. B. P. DUNN—It is a great development at a great cost and members of the Government party should not grizzle in the House about the poor railway service that is falling apart and the many other services that are severely lacking in Victoria because all honorable members know where the money is going and that the projects being financed will put a noose not only around the necks of members of the community, but also around the necks of their children and future generations who will carry the legacy of the Government for many generations. Where is the economic study and feasibility reports of the West Gate Bridge, for instance? I have yet to examine those figures and reports.

The Hon. Glyn Jenkins—A feasibility study is not carried out for each freeway and country road.

The Hon. B. P. DUNN—Whenever members of the National Party raise an issue in the country that needs attention—a railway needing renewal and so on—some bright spark, usually a Government supporter, suggests that it has to be shown to be economical, justifiable and feasible and that there must be an economic study. However, members of the National Party are not aware of feasibility and economic studies on many projects undertaken by the Government. Usually, the Premier undertakes the proposals with very little reference even to the Parliamentary Liberal Party.

It is interesting to examine the double standards engaged in by Government party members. I shall be happy for feasibility studies to be carried out so long as they are done across the board and not selectively when it suits the Government. Victoria has a Government that has largely lost the course it should be following in the interests of the future of the State. The Government has lost its direction on seeking productivity and expenditure in areas that will be of long-term benefit to the State and on projects that Victorians will state in 30 or 40 years' time that the Government had the foresight to introduce. Instead, Victorians will be gazing at monument after monument to the Government that is of very little advantage to productivity.

The Hon. Glyn Jenkins—We all go overseas to see international architecture—in the thousands.

The Hon. B. P. DUNN—I would rather look at adequate sewerage facilities and water supplies. I would prefer that people in the suburbs of Melbourne travel on decent trains rather than look at expensive monuments around the city to a Liberal Government that has lost its course and direction. Members of past Governments and generations had the foresight to introduce and engage themselves in important projects, one of which is the Wimmera–Mallee stock and domestic system which opened up the north-west region of the State. I refer honorable members to the irrigation developments, the extension of State Electricity Commission power throughout the State and the development of the rail network which demonstrate the foresight of previous Governments. It is time that the Government got its priorities right.

The Hon. R. J. Long—May I quote your remarks when you next request me to visit the province that you represent?

The Hon. B. P. DUNN—Mr Long may quote anything he likes. It is time the Government dealt with the basic needs of average citizens. They want good water supply, sewerage, roads and housing. Those are areas in which the Government has to reorganize some of its priorities.

The Minister of Water Supply almost admits himself that because of inadequate funds he can tackle only a handful of sewerage schemes and water improvement works. There has been report after report on salinity control, but what is really needed is a massive injection of funds. It has been a decade since the Gutheridge, Haskins and Davey report was completed, but there has been little action.

The Minister of Lands is responsible for a department that has shrinking responsibilities because it has inade-

quate staff and facilities to deal with the control of vermin and noxious weeds. The Minister of Education talks about cuts in that critical area of Government spending.

The Hon. A. J. Hunt—When have I talked about cuts?

The Hon. B. P. DUNN—The Minister talked today about the costs of busing students to schools.

The Hon. A. J. Hunt—That is not talking about cuts.

The Hon. B. P. DUNN—It may not be cutting the amount expended, but it is certainly not contemplating improvements. The Minister has said that he intends to rationalize.

The Hon. D. N. Saltmarsh—Where are all the funds coming from?

The Hon. B. P. DUNN—I am talking about reorganizing priorities. The Government must be careful about how far it goes in the areas of the arts and recreation as well as a number of other fields. There is a great need for major projects to be undertaken in country Victoria. The railway system is in critical need of upgrading. It cannot even cope with the commodity that supplies its bread and butter—grain.

The Hon. Glyn Jenkins—It did a pretty good job this season.

The Hon. B. P. DUNN—I admit that, but it was hampered because it had insufficient trucks, out-of-date rolling-stock and locomotives that should be pensioned off. Mr Jenkins would know as well as I do that the railways have been unable to move superphosphate into country areas as quickly as it should be moved because of severe restrictions on the number of rail trucks, owing to the shipment of wheat to ports. The railway system is inadequate to deal with the movement of superphosphate and grain when its major clients, the Grain Elevators Board, the Australian Wheat Board and the farmers want those commodities moved.

The Hon. D. N. Saltmarsh—One does not usually put superphosphate on at the same time as taking crops off.

The Hon. B. P. DUNN—I can understand Mr Saltmarsh being a little out of his depth on the subject. Grain is moved from silos and other points to the seaboard throughout the year, not just at harvest time. The movements depend on the shipping programme. The rolling-stock is inadequate and the lines are virtually falling apart. In many areas trains can travel only at about 5 miles an hour—they are creeping along —because of the poor condition of the lines. There must also be an improvement in the metropolitan system. That improvement is urgently needed.

The introduction of pipelines to replace the open channel system for the distribution of water has been discussed for years. Why does the Government not come to grips with that project? It would provide employment and long-term benefits to the nation. I could name project after project, and I am sure every honorable member could put forward productive suggestions that would benefit future generations.

I am concerned about the field of industrial relations. Some excellent comments about industrial relations have been made in this Chamber, and Mr Hayward has made some worth-while remarks that should be noted. People must be prepared to look at things from the other point of view. The employer must look at things through the eyes of his employees and employees must give consideration to the views of their employer. The community is being divided. The different groups must come together to try to reach common ground. Australia's industrial problems have developed through a lack of communication between employers and employees over a long period. There has been a lack of preparedness by employers to involve employees in the operation of their companies.

The Hon. E. H. Walker—And their profits.

The Hon. B. P. DUNN—That is right. Some companies take a different attitude. Most of the employees of Fletcher Jones and Staff Pty Ltd are shareholders in the company. It is obvious that employees perform far better when they

have a real and direct interest in the companies that employ them. Employers should have examined this matter in the past and it must be examined now.

The Hon. D. N. Saltmarsh—Would you subsidize them to do it?

The Hon. B. P. DUNN—People on Mr Saltmarsh's side of the political spectrum are doing just as much to divide the country as the unions and the Australian Labor Party. The community must become united and reach more common ground if Australia is to overcome its economic problems and set itself on a sound economic and industrial course.

There are a number of other matters I should like to raise, but it would be more appropriate to raise them during the Committee stage. I reiterate that the general view of members of the National Party is that more should be spent on productive areas. We are deeply concerned at the downgrading of services, particularly those affecting country areas, and the downgrading of departments that have responsibilities in country areas. We are also worried about Government moves to close down small facilities, such as one-man police stations and small hospitals. That is a withdrawal of essential services to country people.

The National Party will support the Bill because it is an accepted fact that Supply should be supported to allow the public sector to continue. Members of the National Party will contribute further to the debate during the Committee stage.

The Hon. Dr FOLEY (Boronia Province)—I contribute to the debate with some reluctance. I am reluctant because I have already made the comments I am about to make on several occasions —probably *ad nauseum*—but I shall contribute to the debate because I wish to support the comments made by Mr Eddy. I will not go into detail, but I support those remarks. I am as concerned as he—and I think most honorable members share that view—about the inadequacy of the Budget documents, be they the documents associated with Appropriation Bills or Supply Bills. I have not given up in my endeavours to obtain better documentation for Budget debates held in this Chamber—if one can call them that. Perhaps they should not legitimately be so regarded because insufficient information is provided to generate an intelligent debate.

I also express my concern at the speed with which the House is dealing with a Bill of this importance. I have also made that comment before —probably each time I have debated a money Bill—and it has been made by many other people. Nonetheless, it should be made again and it should also be made by other honorable members. It should be of particular concern to all honorable members and of special concern to the newer members of the House, because this is one of the two Bills that give honorable members the opportunity—and I refer particularly to the newer members—of discussing at considerable length and in great detail almost any subject they wish.

The unfortunate aspect of the Bills that provide us with that facility is that they do not provide us with sufficient information to conduct intelligent debate. We have a situation that has been described, quite aptly, by Dr Howard as "this modern version of Pick-a-Box", where one merely selects a line item and talks about that subject as it relates to the province one represents.

In his second-reading speech the Minister said that this is a significant Bill. Assuredly, any Bill that appropriates $1306 million is important, but one would never gain any indication of that importance by examining the information provided. The Minister said:

> An explanatory memorandum has been attached to the Bill to assist honorable members.

That is true, and, indeed, the memorandum is new and it is an improvement on previous documentation, but it remains hopelessly inadequate. The Minister continued:

> By reference back to this Act—

the annual Appropriation Act—

> Honorable members can obtain full details of the type of expenditure which will be incurred by the various departments.

That is not precisely true. If one refers back to the Appropriation Act—which

is a fairly difficult exercise and one I would suggest that no honorable member has conducted—all one can obtain is expenditure by input. There is no reference in the Appropriation Act to the outputs, the social objectives, if you like, the broad statements of Government policy to which Mr Eddy has been referring. One can get further information on the inputs, the wages, salaries and the general expenses to which I have referred on other occasions. However, one cannot get any reasonable information on the outputs of Government activity.

The Minister went on to state:

> To provide any classification—

here the Minister is referring to the point I have just raised, the distinction between classification or function of the different outputs and the classification or function of the different inputs. The Minister continued:

> other than this, would make the Supply Bill inconsistent with the annual Appropriation Act.

That is true, and although it is an important point, the most important issue is whether the Appropriation Act is in an appropriate format. Quite clearly, from the point of view of a member of Parliament who wants to make informed comment on the budgetary proposals of the Government, it is not adequate; it is far from adequate.

I really wanted to make only those brief remarks. I could repeat in some detail the comments I have made previously, but I shall not do so. Obviously I support the Bill but my main purpose in rising was to indicate my concern over the lack of information provided in it.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Issue out of Consolidated Fund)

The Hon. D. K. HAYWARD (Monash Province)—I support the remarks made by Dr Foley during the second-reading debate. The reason I support his comments at this stage is because I wish to refer to a specific item, the Victorian Employment Committee, which comes under the Department of Labour and Industry and, to be more specific, under Division 280. I agree that honorable members do not have sufficient information to enable them effectively to debate this matter and the Victorian Employment Committee is a good illustration of that point as there is no reference to the Victorian Employment Committee in the schedule.

Not only do honorable members lack sufficient information, but even if that information were properly provided, I wonder whether honorable members have the opportunity to thoroughly analyse and assess it. I feel that thought needs to be given over a period to introducing some change in the machinery or structure of dealing with these matters, possibly even considering establishing estimates committees such as already exist in other Parliaments. The value of an estimates committee is that it can call Government officials to appear before it and then question those officials about certain aspects of the estimates and in this way obtain a better understanding of what is planned.

There is very little information on the Victorian Employment Committee. As I stated, there is no specific information on its estimates in the Bill and honorable members lack information on how it goes about its activities and what are its aims and objectives.

In practice, the Victorian Employment Committee tends to adopt a fairly theoretical approach to this fundamental matter and tends to concentrate on reviewing the macro-economic questions involved in the creation or location of new job opportunities as well as broad-based programmes. Obviously those considerations are very important but a lot could be achieved at the local level as well, simultaneously with its broad brush approach.

We should attempt to get a change in orientation of programmes rather than just waiting for major programmes or policies to be handed down from the corridors of power, as it were, from above. We should attempt to de-

velop more activity at the local level. There are two aspects to this whole matter. The first is that we have to better equip young people so they can be more effective in applying for jobs. The second, and probably the most critical one, is to locate new job opportunities in local communities.

It is desirable for local communities to establish their objectives and to establish action plans so that the best results can be achieved from this activity. There are four elements involved. The first is that of communication. We have to go out into our local community to make it more aware of the problem that there are young people in the communities who do not have jobs. The need to have young people employed is not just a problem for the Government but one for the local community as well. If there are many young people who do not have jobs, then it is a serious sociological problem and creates stress in the local areas.

The second element to be undertaken at a local level is to find local businessmen who have the potential to increase employment in their businesses, including apprentices.

Then we have to try to equip young people so that they are in a better position to apply for jobs with the local businessmen. If we speak to local businessmen, we find often that they are wary of employing the young people as they do not know what will be their attitude, motivation and stability as employees. If more effort were made to help better equip these young people with the local groups standing behind them, that would give a prospective employer a basis for confidence in employing young persons and thereby we could achieve much more than we do at present.

Hand in hand with this is the need to ensure the right type of assistance is available from the Government to promote these local activities. Again it is a question of maintaining or attempting to produce a type of programme suitable for use at the local level and not waiting for the Government to hand down programmes. The local community should work out its programme and then inform the Government what is needed. That is better than the Government adopting a broad-based programme that is not necessarily suitable or applicable for all local areas. A case can be put forward for local communities to consider the establishment of local community committees, which should include businessmen, to help overcome youth unemployment in the local area and to set about working out plans and programmes to achieve this objective.

I am not stating that the Government does not have a responsibility or role to play but in some areas much more could be achieved at the local level. The Victorian Employment Committee should make itself available to receive approaches from within the local community and make itself responsive to local groups instead of acting as a repository for all wisdom relating to youth employment programmes. The committee should be prepared to listen to programmes proposed from the local level.

The Hon. GLYN JENKINS (Geelong Province)—I refer to railways. The total expenditure proposed in the Bill is $165·2 million which the Committee will agree is a sizable proportion of the total allocation set aside under this measure. In the foreseeable future, railway operations will continue to make monumental losses. The community regards the railways as a community service, a service which should not be run completely on commercial or business lines. That is the general attitude taken by Governments throughout the world.

Perhaps our best hope is to proceed with a rationalization of railway services and upgrade and improve those services which in the long term may at least produce better results than the present service provides. Our best hopes lie in improving bulk traffic, such as the handling of grain and superphosphate, encouraging interstate traffic, encouraging commuter traffic to and from Melbourne and upgrading the passenger services within the metropolitan area.

Fuel costs will continue to rise rapidly in the foreseeable future and more and more members of the community will turn to public transport. If the Government is to cope with that extended need, then it should devote more of its resources to those areas which will produce more benefits, not only for the community but also for the railway services. Therefore, I make a strong plea for continued upgrading and duplication of the Geelong to Melbourne line. I do this because I believe quite sincerely that this is one of the railway lines in the State which will afford a reasonable return for any money expended on it.

I have been a member of Parliament for almost ten years and one of my constant requests over that time has been for the continued upgrading of the Melbourne to Geelong service in every respect. Over that period, some improvements have been made. The most obvious, within the metropolitan area, was the general improvement to tracks and bridges between Melbourne and Newport. In more recent years there have been improvements between Corio and Little River so that the stage has now been reached where completion of the duplication of the track between those two centres and the installation of the necessary signalling are required.

In the last Budget, it was indicated that 36 new carriages were being built and progressively would be introduced from July next. They will be used on the services to Geelong and Ballarat. I make no apology for the condition of the present carriages on those services, some of which are 50 years or more old.

Those carriages certainly need to be scrapped. The duplication of the rail line between Corio and Little River and the completion of the proposed loop which will serve the Grain Elevators Board terminal and silos in Geelong should be given the highest possible priority and completed as a matter of urgency. The development of Portland has given a boost to the handling of grain in Victoria and the diversion of part of the Wimmera–Mallee wheat to Portland will provide the opportunity for handling grain through Geelong from northern Victoria and from the Riverina area in New South Wales. Improved bridges are needed across the River Murray and also an improvement in the standard of tracks servicing northern Victoria to complement the duplication of the line and completion of the loop to serve the Grain Elevators Board at Geelong.

All this would be good business for the railways and would allow them to provide the sort of service that all recent reports have indicated they should undertake. There is a role for the private car; there is a role for the private bus industry; there is a role for the overall transport industry, but there is also a real role for the railways in the handling of grain and other bulk products and the carriage of commuter passengers.

The other matter that concerns me is whether the line from Geelong to Melbourne may be electrified. Recently there have been suggestions, mainly from the Commonwealth Government, that the States ought to consider the electrification of the main lines between capital cities. This may sound a good idea, but it would involve enormous expense and the generation of substantial additional amounts of electricity. It would probably also mean the system would have to be revamped to accommodate change from diesel-electric to electric power.

I submit, if Victoria is going to do anything in this field, it should first electrify the line between Geelong and Melbourne and work out the economics of that otherwise successful route.

The Government must do something about upgrading the line between Geelong and Melbourne. If resources are devoted to the completion of the line, including signalling, it could be completed within the next twelve months.

The Melbourne underground rail loop has been soaking up a great deal of Victoria's transport resources and technical know-how in signalling and other areas. With the completion of the rail loop, the next major task by VicRail must be the completion of the Geelong to Melbourne line.

The Hon. R. A. MACKENZIE (Geelong Province)—I wish to comment on several clauses of the Supply (1980–1981, No. 1) Bill and to follow on a couple of comments made by Dr Foley in regard to this document on which honorable members are asked to rely for information. That is disgraceful. It is virtually impossible to stimulate debate or discussion on Supply, as the Government expects, from a document such as this.

The CHAIRMAN (the Hon. W. M. Campbell)—Mr Mackenzie's comments virtually relate to the second-reading debate. The Committee can deal only with specific matters raised by honorable members. I ask Mr Mackenzie to deal with the Bill as in the Committee stage and not the second-reading stage.

The Hon. R. A. MACKENZIE—I shall refer to Division 160, under the heading of Police and Emergency Services. The Government is failing in this area, especially with regard to manpower. Recently in Geelong a couple of trial runs have been conducted of policemen going back on to the beat. It is obvious that this is a successful means of combating crime. This was part and parcel of the way of life many years ago when the local policeman was part of the street scene and known to all. A person could call at the local police station and have a friendly chat. Those days have gone. Many police who used to walk their beat have been replaced by police patrolling in cars. Police who patrol in cars are out of touch with the community so this has been a step back. The Government must look to providing more policemen.

The Hon. B. P. Dunn—They are even withdrawing them from smaller country towns.

The Hon. R. A. MACKENZIE—That is right. Small stations should be opened. Nothing has a more deterrent effect on would-be criminals or disruptive elements in the community than the presence of a police officer in the street. Other countries still maintain police control by having officers on the beat. The Government should seriously consider an inquiry into this matter.

I now refer to Division 240, under the heading Community Welfare Services. The Government fails to realize that there is an ever-increasing demand on community welfare services. The Government has applied staff ceilings for all departments including the Department of Community Welfare Services. That is a disgrace. Because of staff ceilings the Government is relying on natural wastage, as it calls it, to reduce numbers of staff.

When the people at the top level retire—the older public servants—everyone moves up a grade as a replacement and the vacancies all occur at the bottom level. These workers are the people who have close contact with the general public. I do not think the Government has grasped the significance, but one cannot visit a Government department now without hearing some complaint about the lack of service due to the inadequacy of the staff.

This problem applies particularly to community welfare services where there is an increasing demand for help, because of various social problems, including unemployment. The Government is not giving enough attention to community welfare services.

The same comment applies to education. The Government fails completely to realize the effect of the imposition of staff ceilings. It fails to realize that the employment of office staff at small schools will release higher paid employees to do the job for which they are trained. These employees are now forced to do office work for which they are not trained. Principals of primary and secondary schools are forced to carry out office work that a junior office girl could be employed to do.

Victoria's record with regard to ancillary staff is lamentable. The ratio of ancillary staff to students is perhaps one to 161. In New South Wales it is perhaps one to 80. New South Wales makes use of ancillary staff so that teachers are released to do the job for which they are trained. The State has spent a lot of money on training people to

teach. It is false economy to continue in this way. The Government has created this situation because of its school council legislation. Educational allowances are fine, but the Government has failed to realize the enormous amount of extra work that is placed on officers at schools.

The Government fails to realize that the clerical assistant who was once responsible for typing and messages is now responsible for balancing the books. Sometimes at schools with 900 or 1000 pupils clerical assistants have to consider five different items in the educational allowance for each student. They have to balance the books for 900 students for five different items.

Clerical assistants also have to balance the books of the school councils. In a high school with 1000 pupils, approximately $2 million might pass through the school in twelve months, but the Government does not supply the staff to handle the necessary work. The staff ratio for schools is the same as it was many years ago. This is false economy and the schools are rapidly feeling the brunt of it. Many clerical assistants are being forced into earlier retirement because of stress-related illnesses. I speak from experience.

I could mention various departments and express similar criticisms of the Government. One can visit very few departments these days where there is not some complaint about lack of staff.

I now refer to item 680, under the heading housing. There is a tremendous need for housing in the community but the Government fails to recognize that need. In the electorate that I represent there is a great need for low rental accommodation. This need is becoming more and more apparent. There is also a great need for accommodation for unemployed youth, but nothing is done to provide it.

Interest rates are rising all the time, making it more difficult for young people to get accommodation so they grab older accommodation which could be used as low rental accommodation. This is causing rents to rise so that the poor and disadvantaged are the first to miss out. The Government must do something. Every Victorian is entitled to a roof over his or her head and the right to live in dignity.

I move on to the item dealing with water resources which appears on the final page of the document. Again, I put in a plea for Geelong. This House has on other occasions debated the matter of the supply of money for Geelong. There is in the pipeline a project requiring a vast quantity of water, a project which will provide a lot of employment for the Geelong community. The Geelong Waterworks and Sewerage Trust is still waiting for the money it was promised. Assurances were given by the Government that money would be available and as yet it is not forthcoming.

I conclude on the note that this is a disappointing document in many respects. When future documents of this nature come before this House, I hope they will be much more descriptive than this one is.

The Hon. Dr FOLEY (Boronia Province)—I direct attention to the items dealing with community welfare services, education, conservation, Crown lands administration and transport administration to illustrate the point I made previously. The item dealing with community welfare services is described in the second-reading notes in the following terms:

> Community Welfare Services Division 244 regional services as announced in the 1979–80 Budget the State as from 1 January 1980 has withdrawn from the sharing arrangements with the Commonwealth for assistance for sole parents. For this reason expenditure in 1980–81 under the regional services appropriation, from where these payments were met, will be significantly less than the level of payments provided for in the 1979–80 Budget.

It is with that comment that the Treasurer seeks to describe the item dealing with community welfare services, an item which totals $20·464 million. Under the category of other services, honorable members will find a figure of $18·752 million. There is no other description whatsoever. I put it to the Committee that that is totally inadequate. It is impossible from the document before honorable members to

determine to what ends those resources are to be put. Honorable members deserve that type of information.

Item 301 dealing with education administration totals $116·208 million. Under the heading other services honorable members will find the figure $87·99 million. Under the heading general expenses, which is no more enlightening, there is a figure of $20·6 million.

The item dealing with the Ministry for Conservation sets out an allocation of $4·4 million. Under the heading other services, which tells one absolutely nothing, one finds the sum of $3·1 million; and under the heading general expenses, the sum of $420 000.

The item dealing with Crown lands administration shows a total of $8·7 million. Under the heading other services, which, I repeat, tells honorable members absolutely nothing, there is the figure of $5·3 million.

Finally, the item dealing with the Ministry of Transport gives a total figure of $15·6 million. I emphasize that, under the heading other services, one finds a figure of $15·4 million. Almost the entire appropriation falls under the less than enlightening category of other services. I also point out that this item does not even warrant a mention in the second-reading notes.

As I pointed out earlier, this document is an improvement on those which honorable members have seen before. Nevertheless, this remains an insult to the intelligence of any responsible member of this Chamber.

The Hon. R. J. EDDY (Thomastown Province)—I refer my remarks to the items dealing with the Ministry for Police and Emergency Services, Community Welfare Services Administration, Education Administration, the Attorney-General, Health Administration, the Ministry of Transport and the Victorian Railways.

The item dealing with the Ministry for Police and Energy Services has already been mentioned this evening. There is no doubt that every member of this Chamber appreciates the fact that there are insufficient police in Victoria today. The Government continually makes promises that the numbers will be increased, but this has not happened. In many municipalities, there are insufficient police to carry out the duty of protecting the public in the manner in which they should be protected, yet the subject has been debated in this Chamber on a number of occasions and the Government has been reminded on many occasions of the insufficient numbers.

I shall speak now particularly of the northern suburbs of Melbourne. Within those northern suburbs there is a need for police and there has been an outcry for increased numbers. There has been an increase in crime and yet I read with interest that, through the co-operation of people within the City of Broadmeadows with members of the Police Force, there has been a decline in crime in that area. Broadmeadows is a municipality where crime was increasing at an enormous rate because there is only one police station from which members of the Police Force have to patrol an area as far north as the far side of Craigieburn and up to Kalkallo. With the numbers of police allocated to that police station, it is impossible for them to carry out their duties in the proper manner. Even with an increase of some 19·3 per cent in the funding in this Supply Bill and in last year's Supply Bill, it is still not sufficient to enable the interests of the people in this area to be looked after.

There is no police station north of Broadmeadows, and when police are called upon to patrol there are not sufficient numbers to protect the people north of Broadmeadows in the way they should be protected.

I turn now to the other side of the highway and speak of the numbers of police situated within the Shire of Whittlesea. A promise was made that the Criminal Investigation Branch would be moved from the Thomastown police station as from 1 April 1980 to a relocatable building that has been placed on site at the Epping police station, which is a house in High Street, Epping, but this has not happened. Yet we find that, because of lack of numbers, the police station at Thomastown has

to close at 5 p.m. I have been told in answers to questions I asked in the House that that police station closes at 11 p.m., but that is not so. I have spoken with members of the force there and they have informed me that two or three men are transferred to Greensborough to take over divisional van duties to patrol that area from 3 p.m. until they are relieved at 7 o'clock the next morning when the Thomastown police station once again opens with sufficient staff to be able to look after that area. At Epping there are three or four policemen.

As I have already stated, this station now has a relocatable building to house the Criminal Investigation Branch. The station at Thomastown, which is another two-storey house, should be a 24-hour police station. However, because of lack of numbers and finance, despite promises that have been made over the years, there are no police available; yet the members of the Police Force carry out their duties admirably.

A bombing occurred at a medical clinic in Lalor at about 9.15 p.m. one evening last week and there were no police available to attend the clinic, which is about 2 minutes from the Thomastown police station and a little more from the Epping police station. However, the station had been closed at 5 p.m. It was necessary to call D24 to get police to attend the medical clinic where this bomb outrage had been perpetrated by some lunatic. Had there been police available, as there should have been, the person responsible might have been apprehended and might have paid the penalty that he should pay. Fortunately, no lives were lost.

At Whittlesea there is another house in which three policemen are housed. Again, the station closes at 5 p.m. The Shire of Whittlesea has a population of approximately 70 000 with no police protection between 5 p.m. and 7 a.m. The Supply Bill outlines the salaries and general expenses but does not amplify what general expenses cover and then there is a total. What a lot of rubbish presenting honorable members with this type of information! Honorable members are expected to ascertain what money is being expended in the interests of the community—the taxpayers' money.

On police and emergency services, Mr Mackenzie mentioned the needs of Geelong. I have highlighted the absence of services and the low number of police through no fault of the Victoria Police Force. The policemen on duty perform a wonderful service to the community.

Community welfare services is an area of real concern as it covers persons in need. There has been a drop of 5·5 per cent in the amount of funds allocated. When one considers the inflation rate of 10 per cent, the allocation of funds for the Department of Community Welfare Services is appalling in that those persons who rely on the department to exist will be in enormous trouble as they will not be sufficiently cared for because of the lack of funds. The Ministers opposite are asleep, and they have been asleep ever since they obtained their portfolios; they have done nothing in their respective portfolios. The Minister for Conservation, who represents the Minister for Community Welfare Services, does know something about community welfare services. However, when one examines the needs of families and the needs of young persons who are suffering as a result of the inactivity of the Government, one realizes that their plight only highlights the inadequacies of the funding available for the Department of Community Welfare Services.

I have had a question on notice as to when the reception centres promised for Geelong and the Latrobe Valley will be provided. Those items should be considered, but there is no chance of those centres being provided in the next six months, whereas they should have been provided twelve months ago.

On correctional services, there are insufficient prison officers to provide adequate security within the Correctional Services Division. There has been a cut in the allocation of funds and, I am sure, all honorable members will appreciate that that situation will continue and there will be continuing

insufficient protection and security within the Correctional Services Division.

Education is a most vital issue and all honorable members should be concerned. I am sure that all honorable members have received letters of protest about either the lack of staff or the lack of class-rooms in schools. There is always something in the education system that requires rectification. The Shire of Whittlesea was promised two new secondary schools at the beginning of 1980 but there has been no sign of their being built. When one examines the priority list of the regional director, one finds that those schools are listed as numbers 38 and 57. What hope do children in the northern suburbs have? Those children cannot be educated as they should be. The Government has been in office for 25 years but it has done nothing by way of planning in any Government department. I ask the responsible Minister to take charge of the situation.

The Hon. D. E. Kent—I thought Mr Eddy said they were irresponsible Ministers?

The Hon. R. J. EDDY—I did say the Ministers were irresponsible. I ask that the matters I have raised be taken up with the Ministers concerned. Under the Attorney-General's division, I refer to the provision of court houses in the outer suburbs. All the court houses are situated within the inner municipalities and those persons who reside in the outer suburbs, whether it be north, south, east or west, have to travel to Melbourne to attend cases. I ask the Attorney-General to closely examine the situation and rectify it.

Why should persons in the outer suburbs have to travel to the central area of Melbourne to attend court? There may be courts in the Frankston area, but there are no courts north of Preston. The lack of court houses in the outer areas is a disgrace.

Under the item relating to health, I request the Minister for Conservation, representing the Minister of Health in another place, to examine the lack of hospitals in the northern suburbs. The community of Broadmeadows has made frequent requests for the establishment of a hospital. There appears to be no provision in the Bill for any money for the commencement of a hospital within that area. The nearest hospitals to constituents at Craigieburn are the Royal Melbourne Hospital, the Preston and Northcote Community Hospital and the Royal Children's Hospital. The nearest hospitals to the Shire of Whittlesea and people living at Kinglake are PANCH and the Austin.

It is about time the Government took stock of the situation and realized that hospitals are urgently needed in Broadmeadows and Whittlesea, where the populations are growing from day to day. The communities of those municipalities are in a dangerous situation. If someone in either Whittlesea or Broadmeadows were in a serious and dangerous health condition, they would have no hope of obtaining urgent medical treatment at a public hospital.

On transport, the Public Works Committee investigated the extension of the tramline from Plenty Road in East Preston through to the north side of Settlement Road. That investigation was carried out aproximately eighteen months to two years ago. If a committee is asked to carry out an investigation and bring down a recommendation, the Government is responsible to ensure that that recommendation is put into effect. If the Government ignores that recommendation, it has not only wasted the time of the members of that committee but members of the public who have provided evidence. The Government has a responsibility to carry out the recommendations of the committee.

There is no public transport in that area. If the tramline were extended it would travel past La Trobe University, Larundel and Mont Park psychiatric hospitals and Parade Christian Brothers College, close to the Preston Institute of Technology. All those instrumentalities could be serviced by the extension of the tramline. However, the Government has seen fit to do nothing about the situation and to provide no finance for the commencement of such an important project.

The public has been crying out for the extension of the rail line from Broadmeadows to connect with Upfield to transport persons from Craigieburn. The population is growing in these areas at an enormous rate. I believe the Government has not considered any of these matters that have been discussed this evening, and as a responsible Government it should consider these matters fully in the interests of the public.

The Government has fallen down in providing many of the necessities of life that are so urgently required in the northern and western suburbs of Melbourne.

The Hon. D. N. SALTMARSH (Waverley Province)—I address my remarks to two items only. Item 400 is in the area of the Treasury. One of the difficulties that has been highlighted for a number of years, and again tonight, is the lack of information that is provided to enable honorable members to form a realistic assessment and judgment of priorities. In the Treasury there should be a unit of economic planning, and within the report to the House that seeks approval of Supply, information should be indicated based on economic evaluation, highlighting trends that are occurring within the economy and indicating the types of programmes that the Government is seeking to relate to those economic trends.

Honorable members should be aware of economic goals. There is within the community constantly changing information about the population, demographic information, changes in perception, and a change in the needs of different groups within the community. Again, honorable members should be able to relate over-all planning and spending to the areas of need that are occurring as a result of demographic change. If that sort of information were provided by Treasury for this Parliament, honorable members would be at least in a position to make a more rational judgment about Supply.

It is clear also that if this information were available, honorable members would be aware of and identify economic and demographic needs occurring, and various values being changed, and would also respond to the attitudinal responses and expectations of people within the community, which the Government or the community needs to specify so that there is a rational responsibility in providing for stronger growth, a stronger community, and a stronger confidence.

The Supply Bill ought not to be seen just as a document for members of Parliament to handle. It ought to be a document that is available to the whole community, for them to talk about investment, forms of growth, employment opportunities, which were raised by Mr Haywood, and any social or economic points. The Parliament must be aware that confidence of the total community is an essential component to any achievement in this State, and in this nation. There is a need to provide for the community, through the Parliament, an indication of where we believe we are going as a State, where investments ought to be made, what the investment potentials are, what potential lies within this State to develop, to grow and to provide for the true well-being of the population.

This sort of information ought to have been provided to honorable members and to the community in this Bill. Honorable members have been making these complaints for the past few years and there has been only a partial response, almost amounting to—I was going to say contempt—a severe rebuff of the Parliamentary process. This required information is still not being provided, so I make that a strong complaint and also request that a positive contribution, in the information being supplied to honorable members should be coming through Treasury, with the very considerable financial resources that are in that area already.

The other point is concerned with Division 720, transport. People in the community are concerned about the whole issue of transport, especially public transport, given the issues of energy, and all the other constraints and possibilities. It is difficult to provide a comprehensive over-all plan. Consider-

able resources, however, are placed in the Ministry of Transport and other services, as Dr Foley pointed out, but honorable members are not aware of the total over-all overview that provides a vision. It does not have to be a splendid vision, so long as there is some vision. I believe the community is crying out for a positive lead.

One of the areas recognized in public transport is the various modes of transport available, from the private vehicle, through to trams, trains, buses, taxis, and so on. One of the difficulties is to encourage people to use, for example, commuter parking stations. If someone drives to a commuter parking station, that person is usually looking for an immediate connection with the next mode of transport. He is not prepared to wait for a long time in peak hour rushes. Perhaps 2 or 3 minutes is the maximum most people will tolerate, and we need to address ourselves to that problem.

Honorable members are also aware that there is a considerable amount of new technology that could provide an efficient link between various modes of transport. In fact, through the effective use of computers, and by fitting new terminal units on to individual vehicles, it is possible to plot ahead the time that one vehicle will connect with another vehicle, and to know well ahead what arrangements commuters should make in order to travel across the city, or into the city. This type of technology is available, and is becoming increasingly realistic, and we should be gearing ourselves for it.

I wonder how many computers are being organized in the field of transport. I wonder whether there are sections in the public transport system—in the Country Roads Board and other divisions—that are in the process of installing large, sophisticated computers which, if the resources were effectively collated, might well be able to provide a more efficient service across the whole of the metropolitan area and, in fact, across the whole of the State for co-ordinated transport linkages. Because information is not available, we must question these things seriously in order to present a positive contribution. It seems that we have to enter the debate at a negative level. I do not believe that is good enough. Some response is needed from the Government so that there will be more of this type of information provided not only for the Parliament but also for the community, so that we can find a greater confidence, a greater identification of goals, and a greater working together to achieve desired community goals.

The Hon. HADDON STOREY (Attorney-General)—I suggest that progress be reported.

Progress was reported.

ADJOURNMENT

Boating in Port Phillip Bay—Spotlight shooting

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

That the Council, at its rising, adjourn until this day, at a quarter to two o'clock.

The motion was agreed to.

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

That the House do now adjourn.

The Hon. R. A. MACKENZIE (Geelong Province)—I raise a matter with the Minister for Local Government, representing the Minister of Public Works. I have expressed some concern about this matter in the House before, and it concerns the lack of control over boating in Port Phillip Bay. I have spoken about the volunteer coastguard, and the work that this body does without Government assistance, especially the Geelong flotilla. Often these men risk their equipment and their lives to rescue other people in the bay. If the Government expects groups like this to operate, it should co-operate with them to the fullest.

I refer to the regulations under the Motor Boating Act 1961. Part VII clause 801 of the regulations states that all boats shall be seaworthy and

any internal ballast shall be securely fastened in position. This is the point I am raising:

> All boats shall be subject to and made available for inspection by officers appointed for such duty under the Motor Boating Act 1961.

I should like the Minister to ascertain for me where these officers operate from; do they inspect motor boats to ascertain whether they are seaworthy? I have spoken to a few people who have bought boats and registered them, but they have not been subject to any inspection. People have bought second-hand boats and re-registered them, but the boats were not inspected. They have even inquired who the inspectors are, and where they operate from, and if they are carrying out inspections on the motor boats. I ask the Minister to inquire into this matter to ascertain what is going on and whether the motor boating regulations are being observed.

The Hon. J. W. S. RADFORD (Bendigo Province)—I wish to draw to the attention of the Attorney-General, representing the Minister for Police and Emergency Services, a matter relating to spotlight shooting and the injuries to livestock and damage to property that are taking place, as well as the fears of property owners concerning their personal safety.

I have been approached by residents from the Elmore, Diggora and Rochester areas regarding this problem, and an article in the local newspaper, the *Elmore Progress Association News*, recently commented on it. Will the Minister see if the police can have more patrols to deter spotlight shooting, and will he consider imposing heavier minimum penalties on offenders?

The Hon. HADDON STOREY (Attorney-General)—Mr Radford raised a matter of spotlight shooting which is concerning residents in his constituency. I shall certainly take up that matter with the Minister for Police and Emergency Services and ask whether he will give consideration both to paying more attention to the problem and to increasing the penalties.

The Hon. D. G. CROZIER (Minister for Local Government)—The observations of Mr Mackenzie relating to boating safety and adherence to boating safety regulations on Port Phillip Bay are noted. His query will be passed on to my colleague, the Minister of Transport, with a view to the Minister replying directly to Mr Mackenzie.

The motion was agreed to.

The House adjourned at 12.32 *a.m.* (*Wednesday*).

QUESTIONS ON NOTICE

MUNICIPALITIES FOREST ROADS IMPROVEMENT FUND

(Question No. 311)

The Hon. D. E. KENT (Chelsea Province) asked the Minister for Local Government, for the Minister of Transport:

(*a*) When was the Municipalities Forest Roads Improvement Fund established, indicating under what legislation, the means by which the fund receives money, and the means by which funds are allocated?

(*b*) In each of the past five years—(i) what were the total receipts of the fund; and (ii) which municipalities applied for allocations from the fund and which applications were granted, indicating the amount involved in each case?

The Hon. D. G. CROZIER (Minister for Local Government)—The answer supplied by the Minister of Transport is:

(*a*) The Municipalities Forest Roads Improvement Fund was established in the State Treasury in 1955 under the provisions of the Public Treasury Act for the purpose of assisting municipal councils in the improvement and protection of roads adjacent to State forest areas and to facilitate the extraction of forest produce.

Contributions to the fund have been authorized as follows:

1955 Public Treasury Act.

1960–61 Public Works Loan Application Act 6701

1961–62 Public Works Loan Application Act 6826

1964–65 Public Works Loan Application Act 7186

1967–68 Public Works Loan Application Act 7649

1969–70 Public Works Loan Application Act 7925

1970–71 Public Works and Services Act 1970 No. 8049

1971–72 Public Works and Services Act 1971 No. 8212

1972–73 Public Works and Services Act 1972 No. 8365

1973–74 Public Works and Services Act 1973 No. 8517

1974–75 Public Works and Services Act 1974 No. 8635

1975–76 Public Works and Services Act 1975 No. 8779

1976–77 Public Works and Services Act 1976 No. 8928

1977–78 Public Works and Services Act 1977 No. 9068

1978–79 Public Works and Services Act 1978 No. 9205

1979–80 Public Works and Services Act 1979 No. 9231

Allocations of funds to municipal councils for eligible works are made by the Country Roads Board with the agreement of the Forests Commission. The board's divisional engineers combine with the appropriate Forests Commission officers to recommend the priorities of eligible works. Because of the limited funds available, allocations have only been able to be made for the most urgent works in recent years.

(*b*) (i) Payments made into the Municipalities Forest Roads Improvement Fund in each of the past five years are:

	$
1974–75	50 000
1975–76	75 000
1976–77	125 000
1977–78	25 000
1978–79	150 000
1979–80	150 000

(ii) Tables setting out details of the applications received and the allocations made to municipalities from the Municipalities Forest Roads Improvement Fund for each of the past five years are as follows:

MUNICIPALITIES FOREST ROADS IMPROVEMENT FUND
APPLICATIONS AND ALLOCATIONS FOR 1974–75

Municipality	*Name of road*	*Allocation*			
		Application	*Fund*	*Council contribution*	*Total*
		$	$	$	$
Beechworth	Mason–Hurdle Flat	2 500	2000	500	2500
Euroa	Bonnie Doon	16 800	3350	670	4020
Gisborne	Carrolls	8 000	4150	830	4980
Healesville	Spraggs	23 000	4200	840	5040
Kyneton	Trentham–Bullengarook	17 000	4150	830	4980
Maffra	Licola–Glencairn	22 000	3200	800	4000
Mansfield	Merton–Ancona–Dry Creek	4 500	3750	750	4500
Narracan	Tyers–Walhalla	9 000	6300	1050	7350
Orbost	Beasleys	6 950	3200	800	4000
Orbost	Lower Bendoc	2 200	1760	440	2200
Orbost	Combienbar	3 000	2400	600	3000
Otway	Gellibrand East	5 600	4650	930	5580
Portland	Sinclair Settlement	3 500	1400	350	1750
Talbot and Clunes	Mt Beckworth	400 4	3640	364	4004
Tambo	Tulach Ard	1 000	800	200	1000
Tambo	Gillingall	2 000	1600	400	2000

In addition to the above, applications were received from the following municipal councils but no funds were provided:

	$
Avon Shire	14 100
Orbost Shire	20 760
Tambo Shire	10 500
Ararat Shire	14 000
Daylesford and Glenlyon Shire	6 100
Gisborne Shire	1 000
Grenville Shire	1 000
Kyneton Shire	9 800
Lexton Shire	10 000
Newstead Shire	2 100
Benalla Shire	1 250
Euroa Shire	5 300
Mansfield Shire	45 600
Upper Murray Shire	9 500
Violet Town Shire	5 000
Wangaratta Shire	400
McIvor Shire	2 000
Metcalfe Shire	300
Rodney Shire	1 150
Strathfieldsaye Shire	200
Healesville Shire	10 000
Barrabool Shire	6 870
Otway Shire	4 400
Winchelsea Shire	13 500
Buln Buln Shire	7 500
Narracan Shire	18 500
Portland Shire	6 600

Municipalities Forest Roads Improvement Fund Applications and Allocations 1975–76

Municipality	*Name of road*	*Application*	*Allocation*		
			Fund	*Council contribution*	*Total*
		$	$	$	$
Euroa	Bonnie Doon	12 700	4500	900	5400
Gisborne	Blackwood	10 000	3500	700	4200
Gisborne	Carrolls	3 120	2600	520	3120
Healesville	Spraggs	18 500	3500	700	4200
Huntly	West Kamarooka	7 900	1600	400	2000
Kyneton	Trentham–Bullengarook	12 000	3500	700	4200
Metcalfe	Metcalfe–Taradale	625	500	125	625
Narracan	Russells Creek	18 500	4500	900	5400
Newstead	Fryers Taradale	700	560	140	700
Omeo	Beloka	15 000	4260	710	4970
Orbost	Errinundra	25 000	7500	1500	9000
Orbost	Yalmy	3 000	2400	600	3000
Orbost	Combienbar	5 000	4150	830	4980
Oxley	Abbeyards	3 500	2800	700	3500
Upper Murray	Thougla	10 300	960	240	1200
Winchelsea	Bambra–Boonah–Parker	8 500	3000	600	3600

In addition to the above, applications were received from the following municipal councils but no funds were provided:

	$
Avon Shire	18 100
Maffra Shire	18 000
Omeo Shire	17 000
Orbost Shire	60 200
Tambo Shire	10 500
Ararat Shire	14 000
Daylesford and Glenlyon Shire	6 100
Grenville Shire	1 000
Kyneton Shire	9 800
Lexton Shire	10 000
Newstead Shire	1 400
Benalla Shire	1 250
Bright Shire	1 450
Euroa Shire	5 300
Tallangatta Shire	10 000
Violet Town Shire	5 000
Wangaratta Shire	400
Huntly Shire	3 700
McIvor Shire	2 000
Rodney Shire	1 150
Strathfieldsaye Shire	1 700
Healesville Shire	10 000
Winchelsea Shire	11 870
Alberton Shire	3 000
Buln Buln Shire	7 500
Morwell Shire	5 000
Portland Shire	6 600

Municipalities Forest Roads Improvement Fund Applications and Allocations 1976–77

Municipality	*Name of road*	*Application*	*Allocation*		
			Fund	*Council contribution*	*Total*
		$	$	$	$
Benalla	Ethells	1 250	1 000	250	1 250
Bright	Egglestons	750	600	150	750
Bright	Farrellys	250	200	50	250
Bright	Stackey Gully	450	360	90	450
Buln Buln	Loch Valley	20 000	8 520	1 420	9 940
Euroa	Bonnie Doon	7 300	6 050	1 210	7 260
Grenville	Linton–Mortchup	1 000	800	200	1 000
Healesville	Andersons	10 000	5 100	1 020	6 120
Healesville	Spraggs	15 600	13 000	2 600	15 600
Huntly	Kamarooka West	3 900	1 760	440	2 200
Kyneton	Trentham–Bullengarook	31 590	8 300	1 660	9 960
Maffra	Licola–Glencairn	18 000	828	207	1 035
Narracan	Russells Creek	22 000	13 090	1 870	14 960
Omeo	Upper Livingstone	10 000	4 150	830	4 980
Omeo	Little River (Bridge repairs)	15 000	1 600	400	2 000
Omeo	Little River (Resheeting)	7 000	4 150	830	4 980
Omeo	Beloka	10 500	4 150	830	4 980
Orbost	Crinatis	8 580	7 150	1 430	8 580
Orbost	Craigie Bog	8 000	6 650	1 330	7 980
Orbost	Errinundra	15 000	6 650	1 330	7 980
Oxley	Abbeyards	4 400	3 650	730	4 380
Oxley	Merriang Homestead	32 570	4 150	830	4 980
Portland	Golf Course	2 000	1 600	400	2 000
Portland	Sinclair Settlement	6 000	5 000	1 000	6 000
Portland	Triggers	4 000	3 200	800	4 000
Portland	Wanwin	6 000	5 000	1 000	6 000
Tambo	Engineers	8 500	1 600	400	2 000
Upper Murray	Thougla	9 500	5 820	970	6 790
Winchelsea	Delaneys Link	2 500	2 000	500	2 500

In addition to the above, applications were received from the following municipal councils but no funds were provided:

	$
Avon Shire	18 100
Maffra Shire	22 000
Orbost Shire	37 200
Tambo Shire	26 800
Ararat Shire	5 000
Daylesford and Glenlyon Shire	2 000
Gisborne Shire	5 000
Lexton Shire	5 000
Newstead Shire	1 000
Beechworth Shire	2 700
Benalla Shire	22 000
Euroa Shire	5 840
Mansfield Shire	36 000
Tallangatta Shire	10 000
Violet Town Shire	5 000
Wangaratta Shire	2 000
McIvor Shire	2 500
Rodney Shire	1 150
Strathfieldsaye Shire	3 500
Upper Yarra	10 000
Otway Shire	11 000
Winchelsea Shire	16 770
Kara Kara Shire	10 000
Alberton Shire	3 000
Buln Buln Shire	9 000
Mirboo Shire	7 500
Morwell Shire	5 000
Narracan Shire	10 000
Glenelg Shire	6 000
Portland Shire	9 000

Municipalities Forest Roads Improvement Fund Applications and Allocations 1977–78

Municipality	*Name of road*	*Allocation*			
		Application	*Fund*	*Council contribution*	*Total*
		$	$	$	$
Alberton	Napier and Kees	3 600	2 880	720	3 600
Bright	Bakers Gully	5 000	4 150	830	4 980
Buln Buln	Latrobe River	9 000	7 500	1 500	9 000
Buln Buln	Loch Valley	20 000	8 520	1 420	9 940
Daylesford and Glenlyon	Limestone Track	2 100	1 680	420	2 100
Healesville	Andersons	10 000	4 150	830	4 980
Huntly	West Kamarooka	5 300	4 400	880	5 280
Kerang	Condidorios Bridge	10 000	8 300	1 660	9 960
Kyneton	Trentham–Bullengarook	11 600	9 600	1 920	11 520
Maffra	Marathon	30 000	6 300	900	7 200
Omeo	Beloka	5 500	4 550	910	5 460
Omeo	Upper Livingstone	5 000	4 150	830	4 980
Orbost	Lake Tyers House	9 000	2 400	600	3 000
Orbost	Tamboon	6 500	5 400	1 080	6 480
Otway	Yaughers	9 600	8 000	1 600	9 600
Portland	Coffeys	4 000	3 200	800	4 000
Portland	Heaths	10 000	8 300	1 660	9 960
Talbot and Clunes	Mountain Creek	5 000	4 150	830	4 980
Tallangatta	Burrowye–Koetong	10 000	8 300	1 660	9 960
Tambo	Tulach Achrd	8 000	6 650	1 330	7 980
Upper Yarra	Black Sands	16 000	5 000	1 000	6 000
Winchelsea	Bambra–Boonah–Parker	8 500	7 050	1 410	8 460

In addition to the above, applications were received from the following municipal councils but no funds were provided:

	$
Avon Shire	19 300
Maffra Shire	5 000
Orbost Shire	28 700
Tambo Shire	26 100
Avoca Shire	3 500
Ararat Shire	14 000
Ballan Shire	5 350
Daylesford and Glenlyon Shire	4 000
Gisborne Shire	7 500
Kyneton Shire	12 500
Newham and Woodend Shire	3 000
Newstead Shire	15 400
Benalla Shire	22 000
Bright Shire	5 000
Mansfield Shire	10 000
Oxley Shire	27 570
Upper Murray Shire	2 700
Violet Town Shire	7 000
Wangaratta Shire	2 000
Huntly Shire	4 000
McIvor Shire	2 500
Rodney Shire	1 150
Strathfieldsaye Shire	3 500
Otway Shire	6 000
Winchelsea Shire	5 000
Buln Buln Shire	5 000
Narracan Shire	7 000
Portland Shire	4 000

Municipalities Forest Roads Improvement Fund Applications and Allocations 1978–79

Municipality	*Name of road*	*Allocation*			
		Application	*Fund*	*Council contribution*	*Total*
		$	$	$	$
Ballan	Spargo–Blackville	8 800	7 300	1 460	8760
Bright	Mt Porepunkah	2 000	1 600	400	2000
Buln Buln	Eltons	5 000	4 150	830	4980
Buln Buln	Loch Valley	10 000	8 300	1 660	9960
Buln Buln	Nayook–Powelltown	5 000	4 150	830	4980
Buln Buln	Stolls	10 000	2 400	600	3000
Gisborne	Alton	2 500	2 000	500	2500
Gisborne	Blackwood	5 000	4 150	830	4980
Healesville	Andersons	10 000	8 300	1 660	9960
Maffra	Marathon	25 500	10 500	1 500	12000
Mansfield	Walsh's	6 000	5 000	1 000	6000
Metcalfe	Fryers–Taradale	1 500	1 200	300	1500
Narracan	Beards	3 000	2 400	600	3000
Narracan	Childers Connection	4 000	800	200	1000
Narracan	Childers Settlement	4 000	800	200	1000
Narracan	Tyers–Walhalla	10 000	8 300	1 660	9960
Narracan	Russells Creek	30 000	12 840	2 140	14980
Newhan and Woodend	Chambers	3 000	2 400	600	3000
Newstead	Fryers–Taradale	2 000	1 600	400	2000
Omeo	Beloka	5 000	4 150	830	4980
Orbost	Errinundra	7 000	5 800	1 160	6960
Orbost	Wests	2 000	1 600	400	2000
Orbost	Waygara	10 300	8 820	1 470	10290
Orbost	Yalmy	2 000	1 600	400	2000
Oxley	McLees	28 200	8 300	1 660	9960
Portland	Annya	5 000	4 150	830	4980
Tambo	Gillingall	17 600	6 250	1 250	7500
Upper Murray	Thougla	5 000	4 150	830	4980
Upper Yarra	Black Sands	11 000	9 420	1 570	10990
Winchelsea	Bambra–Boonah–Parker	8 500	7 050	1 410	8460

In addition to the above, applications were received from the following municipal councils but no funds were provided:

	$
Avon Shire	15 300
Maffra Shire	5 000
Orbost Shire	6 000
Ararat Shire	9 000
Avoca Shire	3 500
Kyneton Shire	29 000
Newstead Shire	13 000
Bright Shire	3 000
Violet Town Shire	7 000
Huntly Shire	4 000
Rodney Shire	1 150
Strathfieldsaye Shire	3 500
Narracan Shire	8 000

Municipalities Forest Roads Improvement Fund Applications and Allocations 1979–80

Allocations from the Municipalities Forest Roads Improvement Fund for 1979–80 are expected to be made in the near future.

BLOOD LEAD LEVELS IN CHILDREN

(Question No. 321)

The Hon. E. H. WALKER (Melbourne Province) asked the Minister for Conservation, for the Minister of Health:

(*a*) What testing is carried out in Melbourne on blood lead levels in children, and by which authorities?

(*b*) How many children have been tested?

(*c*) How many have been found to have blood lead levels equal to, or in excess of, 30 micrograms per 100 millilitres, which is regarded by the National Health and Medical Research Council as a level for concern?

(*d*) Have different levels been found in children from different areas; if so, what are those differences?

(*e*) What criteria are used in assessing the need for such testing?

The Hon. W. V. HOUGHTON (Minister for Conservation)—The answer supplied by the Minister of Health is:

(*a*) The Industrial Hygiene Section of the Health Commission of Victoria carries out the testing of blood lead levels in children. During 1979, a survey of lead levels in Victorian children was carried out which is now completed. However, the Industrial Hygiene Section offers an ongoing free service for the analysis of lead in blood.

(*b*) During the survey, from April to December 1979, a total of 446 were tested.

(*c*) Of the 446 children examined, 3 children were found to have blood lead levels equal to, or in excess of 30 ug/100 ml, the highest having a blood lead level of 37 ug/100 ml. In addition to the survey, a few children whose fathers worked in a lead industry have been tested, and of these, two were found to have levels in excess of 30 ug/100 ml.

(*d*) A small study was carried out comparing blood lead levels in children from North Melbourne Primary School with those of chil-

dren from St Andrews Primary School. Twenty children from each school, matched for age and sex, were tested. The mean blood level at North Melbourne was 12·1 ug/100 ml, and the mean at St Andrews was 11·4 ug/100 ml. This difference between these means is not statistically significant.

(*e*) To avoid contamination, the blood samples in these tests were taken by puncture of a vein and not by skin prick. The selection of subjects was determined therefore by availability rather than need in most cases and the children fell into three groups as follows:

(1) 284 children in a hospital where the blood sample was taken primarily for another purpose.

(2) 40 children from two schools in a special study where the initiative arose from the children themselves.

(3) 122 children being patients of medical practitioners who had referred these patients to the section for a check of their blood lead level.

DANDENONG VALLEY AUTHORITY

(Question No. 363)

The Hon. D. E. KENT (Chelsea Province) asked the Minister of Water Supply:

What standard does the Dandenong Valley Authority use for the measurement of height datum, and how does this standard compare with the mean low tide at Williamstown?

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

The Dandenong Valley Authority uses Australian height datum as its standard of measurement for height.

It corresponds to a determination of mean sea level derived from tide gauge readings at Point Lonsdale. The relationship between AHD and mean low water Williamstown at Williamstown is approximately 0·5 m (1·7 ft) and expressed in the formula:

$$AHD = 0{\cdot}3048\ (LW.M.W.) - 0{\cdot}5\ m.$$

However, the relationship varies from locality to locality. Furthermore, various departments have historically used different datums which were generally described as mean low water Williamstown. Consequently, precise relationships between AHD and what purports to be Williamstown datum can only be determined by carrying out survey levelling at the particular location concerned.

Legislative Assembly

Tuesday, 29 April 1980

The SPEAKER (the Hon. S. J. Plowman) took the chair at 4.5 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

CHERNOV REPORT

Mr WILKES (Leader of the Opposition)—Will the Premier confirm that a copy of the Chernov report that was lodged with the solicitors acting on behalf of the Co-operative Farmers and Graziers Direct Meat Supply Ltd has eleven pages missing. If so, is this contrary to assurances given to Parliament last week by the Premier and what are the reasons for the removal of this section of the report?

Mr HAMER (Premier)—I am unable to confirm that matter, but I will certainly have inquiries made and advise the Leader of the Opposition.

ROYAL COMMISSION INTO PAINTERS AND DOCKERS UNION

Mr ROSS-EDWARDS (Leader of the National Party)—I refer to recent discussions that took place between the Victorian and Commonwealth Governments about a possible Royal Commission or a police inquiry into the affairs of the Federated Ship Painters and Dockers Union. If the Government decides to conduct a joint police inquiry, will the Minister for Police and Emergency Services assure the House that he is in a position to allocate a sufficient number of officers from the Victoria Police Force to conduct the inquiry?

Mr THOMPSON (Minister for Police and Emergency Services)—This matter was first raised at a conference of State police chiefs with the Commonwealth Police Commissioner, Sir Colin Woods. At that stage a combined police investigation was favoured. However, under this type of investigatory work it is

often difficult to obtain the necessary evidence by the use of conventional methods.

There has been a suggestion that a Royal Commission may be able to pursue the matter further. Before a final answer is given by the Victorian Government, it will be necessary to obtain certain additional information required by the Premier but, before embarking upon any police investigation, the Government would ensure that adequate police are available for the task.

HOUSING FINANCE

Mr COLEMAN (Syndal)—In view of the recent announcement on the scheme of arrangement for permanent building societies, can the Minister of Housing inform the House of the additional number of home buyers who will have an opportunity to purchase a house?

Mr DIXON (Minister of Housing)—The estimated number of home buyers who will be facilitated through this arrangement with the permanent building societies is approximately 1000 and it is estimated that between 30 per cent and 40 per cent of those buyers will be purchasing a new home.

It is interesting for honorable members to note that the total amount of funds made available to the State through the Commonwealth-State Housing Agreement this year was $64 million. Hence, the $30 million represents almost a 50 per cent increase in the funds that will be made available for persons who wish to benefit themselves through the Commonwealth-State Housing Agreement.

Indeed, the $42 million which has been made available through the Housing Commission and the co-operative building societies represents almost a 75 per cent increase on those funds; that is, $30 million compared with $42 million that goes through the Housing Commission and the co-operative building societies which have funds available for persons who wish to purchase homes.

Therefore, it does represent a significant increase. The fact that the Government has obtained these funds for an interest subsidy of approximately $750 000, compared with the first-year administrative costs of the permanent building societies of approximately $600 000, indicates the substantial benefits which this new scheme will confer not only on low-income groups but also on the housing industry.

DOCTORS' FEES

Mr ROPER (Brunswick)—Can the Minister of Health advise the House whether the Victorian Government is considering action to control doctors' fees in Victoria and, if so, what steps are proposed? If it is not considering such action, will the Government make a submission to the Ludeke inquiry into doctors' fees—an opportunity ignored by the Government last year—so that the Victorian public can be protected from what, in some instances, are major financial rip-offs?

Mr BORTHWICK (Minister of Health)—The Government is not at present contemplating the fixing of doctors' fees. I shall give consideration to the latter part of the honorable member's question.

LAKES ENTRANCE SAND BAR

Mr B. J. EVANS (Gippsland East)—In view of the loss of a further vessel at the bar at Lakes Entrance and the preceding losses of life as a result of problems connected with the sand bar, can the Minister of Public Works advise the House whether, at present, any port officer has the power to close the port when conditions are dangerous? If that is not so, will the honorable gentleman give consideration to conferring that authority on a port officer at Lakes Entrance in the immediate future?

Mr AUSTIN (Minister of Public Works)—The Government hopes it will not be necessary to have the port closed. It is hoped that local fishermen and other boat users in the area will take notice of the weather forecasts. I understand from reports I have received by telephone that the boat that tipped over on the bar coming back to the port on Saturday evening was the only boat out in the conditions that prevailed at that time. It went to sea when the rest of the fleet stayed at

home. Not only did it go out to sea; it went eastwards, despite the fact that the forecast stated that later in the day strong winds would develop from the south-west. Apparently, the craft waited until the winds arrived at the spot where it was fishing and then returned and tried to make its way back over the bar.

Rather than having to close the port, I would prefer that fishermen and other boat users take notice of the prevailing weather conditions and regulate their activities accordingly, and that they also take notice of people in the area who understand the dangers that exist in places such as Lakes Entrance, where the bar is known to be treacherous and where no boats should be fishing when conditions are as they were last Saturday.

ANTI-CRIME CAMPAIGN

Mr BROWN (Westernport)—Is the Minister for Police and Emergency Services able to inform the House of the details of the anti-crime campaign, entitled "Working Together", which I understand was launched yesterday by the Chief Commissioner of Police?

Mr THOMPSON (Minister for Police and Emergency Services)—The campaign is a new initiative that was organized by the Chief Commissioner of Police, and I believe is a worthy one. Its aim is to win co-operation in preventing crime and in assisting police wherever possible. The public can do much to reduce the incidence of crime by locking houses and cars properly—certainly by not leaving car keys in the ignition—as well as by taking a number of other measures to make sure that houses and cars are secure.

The campaign is also designed to win the support of the public in assisting police who are confronted with major difficulties in arresting criminals. Not every person may want to help in a dangerous situation, although the police would welcome the support of those who do wish to do so, but the police would certainly welcome the help of bystanders who could use telephones or other methods to make contact with other branches of the Police Force. It is believed that a campaign of this type will encourage the public and the police to work more closely together to combat the activities of the criminal element.

UNEMPLOYMENT FIGURES

Mr JOLLY (Dandenong)—Is the Premier aware that the only unemployment figures based on the survey of the population, the Australian Bureau of Statistics figures, show that Victoria's unemployment rate in the past eight months has only twice been lower than that of New South Wales? Is the Premier also aware of the fact that unemployment in Victoria in March 1980 stayed at 5·9 per cent, which is 5·4 per cent higher than March 1979? In the light of these indisputable facts, how does the honorable gentleman reconcile these facts with the statement that he made last week in the House that unemployment in Victoria is falling?

Mr HAMER (Premier)—I quote, first of all, the Commonwealth Employment Service figures, which are based on people registered for employment, which have fallen each month since January. Those figures show month by month, and even year by year, that Victoria has always had the lowest level of people registered for employment. On the Australian Bureau of Statistics figures, which are a different set, Victoria has consistently, over a long period, had the lowest figures, and the honorable member well knows it. If the two sets of figures are taken together, it is indisputable that Victoria has the lowest rate of unemployment in Australia.

MALATHION LOTION

Mr REYNOLDS (Gisborne)—Is the Assistant Minister of Health aware of a report in a country newspaper that the supply of KP24 malathion lotion, free of charge from shire offices for the treatment of head lice, is dangerous? The report also describes the malathion lotion as a controversial insecticide used during the Vietnam war. Has the safety of the use of malathion for this purpose been fully investigated, and what are the results of those investigations?

Mr LIEBERMAN (Assistant Minister of Health)—I am aware of the report, which I regard as an irresponsible one. The lotion, if used as prescribed, which conforms with the recommendations of the World Health Organization, according to the Health Commission is safe, and I am sure that honorable members who are parents would be able to verify that if they checked with their wives. The solution is an effective means of combating head lice. It is an insecticide, of course. If used as prescribed, it is safe, and I abhor the irresponsible release by the newspaper referred to by the honorable member because, obviously, it causes needless concern.

MELBOURNE UNDERGROUND RAIL LOOP

Mr CRABB (Knox)—Is the Minister of Transport aware that a recent fire in the San Francisco railway system, which caused the death of one person and the injury of 50 others, was contributed to in part by the use of polyurethane in the seats of trains? Is he also aware that the British Railways and several American railway systems are as a result replacing polyurethane seats in trains with seats made of other materials to minimize fire hazards? What action has the Minister taken to ensure that Victorian train travellers will not be unnecessarily endangered by the use of this material?

Mr MACLELLAN (Minister of Transport)—The honorable member asked me if I was aware of a recent fire in the San Francisco underground railway system. My answer is, "No". Therefore, my answer follows that I have not had the matter drawn to my attention and have not made the appropriate investigations, but the honorable member can be assured that the Melbourne Underground Rail Loop Authority has made a very close study of the fire factor in relation to Melbourne's underground rail loop. I will seek a report from MURLA on that subject and bring it to the honorable member's attention so that he will know that the Government is up to date on the matter.

CO-OPERATIVE FARMERS AND GRAZIERS DIRECT MEAT SUPPLY LTD

Mr HANN (Rodney)—I ask the Minister of Housing: Is it a fact that the Chernov report was handed to the solicitors and counsel of the Co-Operative Farmers and Graziers Direct Meat Supply Ltd, less some eleven pages relating to prosecutions and possible charges? Can the Minister advise whether the Government has taken a decision to table this report and, if so, will the whole report be tabled, or an abbreviated version?

Mr DIXON (Minister of Housing)—In answer to the first part of the question, the Chernov report was made available to the solicitors and counsel at the registered office of the Co-Operative Farmers and Graziers Meat Supply Ltd, and on the advice of the Attorney-General, it was minus some pages. As I said, the pages were removed on the advice of the Attorney-General. The Leader of the Opposition says that eleven pages were removed. I am not certain whether that is the exact number, but it was certainly of that order.

The reason for the removal of the pages is that it was considered by the Attorney-General that the matters contained therein were of such legal significance that they ought not be made available to anybody. That is how the report was delivered. The other matters raised by the honorable member are matters of Government policy.

PEDESTRIAN FATALITIES

Mr McARTHUR (Ringwood)—Can the Minister for Police and Emergency Services indicate whether the pedestrian road toll in Victoria has fallen in proportion to the over-all road accident fatalities; if not, can the Minister indicate whether the Government plans any action to combat the pedestrian toll?

Mr THOMPSON (Minister for Police and Emergency Services)—No, the reduction in the number of fatal accidents involving pedestrians has not been as significant as the reduction in total

fatalities on the roads this year. I think honorable members will be extremely pleased to know that the road toll figures indicate a very marked reduction in comparison with the figures for 1979. For example, there has been a reduction of some 66—219 fatalities compared with 285 last year, which was a significant reduction on 1978.

However, it was noted, just after Easter, that the number of pedestrians killed was 47, which was exactly the same as last year. At present, the number of pedestrian fatalities totals 54, compared with 56 at this time last year, which means two fewer pedestrians have been killed this year than at this stage last year. Therefore, the toll is approximately the same.

Accordingly, the Government has embarked upon a campaign, in conjunction with the Road Safety and Traffic Authority, to try to reduce the pedestrian road toll. The advertisements have been couched in different languages to cater for the ethnic community because it has been noted that the highest proportion of pedestrians killed have come from the ethnic communities. No doubt, this has resulted from a lack of knowledge of the road law or the inability to read road signs. Hence, it is proposed to direct the campaign at members of the ethnic communities.

The Government is also entering into two other fields: Firstly, to encourage pedestrians not to attempt to cross roads from between parked cars, but if they do so, to exercise the utmost care; and, secondly, to impress upon pedestrians that when they cross roads at night to assume they are not seen by oncoming motorists, particularly if they are wearing dark clothing. Many of the accidents involving pedestrian fatalities appear to fall within these two categories.

The Government is seeking the cooperation of the press and the other media to highlight these two features in an endeavour to reduce the pedestrian toll. We believe the campaign could make a significant contribution towards the reduction of the pedestrian road toll.

INTERNATIONAL YEAR OF THE DISABLED

Mrs TONER (Greensborough)—Is the Premier aware that 1981 has been designated by the United Nations Organization as the International Year of the Disabled? If so, can he inform the House what special activities the Government intends to undertake for the year and whether, as part of those activities, such discrimination as the ban on handicapped people taking collapsible wheelchairs on public transport before 9.00 a.m. and between 4.00 p.m. and 6.00 p.m. will be lifted?

Mr HAMER (Premier)—The Victorian Government intends to take its place and play its part in the United Nations Year of the Disabled in 1981. The Government has already appointed the Minister of Health to co-ordinate its activities and there will be a very adequate committee. I assure the honorable member that the Government will do whatever it can to improve the conditions and facilities for disabled people in the community. I believe the Government has done a good deal in recent years, and certainly the suggestion made by the honorable member will be taken fully into account.

Mrs Toner—Why wait until then?

Mr HAMER—There is no reason to wait until 1981, so the honorable member's suggestion will be taken into account straight away.

ROYAL COMMISSION INTO PAINTERS AND DOCKERS UNION

Mrs PATRICK (Brighton)—Further to the question asked by the Leader of the National Party and the answer given by the Minister for Police and Emergency Services, can the Premier indicate how long preliminary discussions will take place, referring to the activities of the painters and dockers union and, how long after that the terms of reference will be discussed between the Federal Government and the State Government?

Mr HAMER (Premier)—The Victorian Government has already cooperated with the Federal Government on this matter, so far as it has been

asked in relation to police inquiries. The Government has reiterated in its reply to the Prime Minister that it is prepared to play its part in that respect. With regard to the proposition of a Royal Commission, the Government was asked whether it would agree to confer with officers of the Commonwealth Government on such things as terms of reference, provision of facilities and funding, and it has agreed to do that. As the House would understand, the Government has not made a final decision to go ahead, in that it needs to know what will be the terms of reference and how the inquiry will be conducted. Naturally, the Government would need to know that and to consult with experts in its midst on whether a Royal Commission is necessary and timely and whether it will achieve the sort of results which obviously all honorable members desire.

POLICE SPECIAL BRANCH

Mr MILLER (Prahran)—I direct my question to the Minister for Police and Emergency Services and draw his attention to the decision of the Queensland Government to allow members of Parliament to examine Special Branch files about themselves. In the light of that decision, I ask the Minister whether he will now agree to allow members of this Parliament a similar right to inspect any file held by the Special Branch about themselves.

Mr THOMPSON (Minister for Police and Emergency Services)—First of all it is an assumption that there are names of members on the current files—that has not been stated. Secondly, if the Government gives the right of inspection to one section of its citizens, maybe it should start giving the same right of inspection to other citizens and, before long, such a set of files would be completely useless and as a result, the security of the community would be endangered without any shadow of doubt. Honorable members have seen what happened to many democratic countries overseas when priceless freedoms built up over centuries of struggle———

Honorable members interjecting.

Mr THOMPSON—I shall repeat it again: Many members of our ethnic community would, I am sure, be able to inform members of the Labor Party on this point. I was kept talking to a member of the ethnic community the other night for ten minutes on this point. The man had lived through a period when democratic freedoms were allegedly unchallenged but little by little there was a complete takeover by a totalitarian Government. That has happened repeatedly.

Mr Wilkes—That is not about Special Branch files.

Mr THOMPSON—It has a great deal to do with it—it has everything to do with it, and they refer to people likely to use terrorist activities or force in overthrowing democratic Governments. European lovers of freedom laughed, like members of the Labor Party. Many of those people are now living in Australia because of what happened.

DECENTRALIZED INDUSTRY HOUSING AUTHORITY

Mr JASPER (Murray Valley)—Is the Minister of Housing aware that the subsidy from the Decentralized Industry Housing Authority to decentralized industries building houses for key personnel is currently 0·75 per cent? If so, taking into account the Minister's statement that interest subsidies will be introduced to increase the number of houses being built in Victoria and the rate of home ownership, can he explain why the authority is to reduce the subsidy to 0·25 per cent from 1 June, when the subsidy is an incentive to decentralized industries or to other industries to become decentralized and to assist them to build houses in country areas?

Mr DIXON (Minister of Housing)—I will discuss with the Decentralized Industry Housing Authority the matter raised by the honorable member for Murray Valley and will advise him of the result.

VIOLENCE ON TRAINS

Mr SKEGGS (Ivanhoe)—Is the Minister of Transport aware of the reported stabbing of a man at the West

Footscray railway station last night, and, if so, in view of the alarming incidence of violence on suburban trains in recent weeks, will he advise the House what steps he is able to take to counter this increase in violence?

Mr MACLELLAN (Minister of Transport)—I am aware of the incident to which the honorable member for Ivanhoe referred, in which, I understand, an intending passenger on the rail service was stabbed with a pair of scissors. The honorable member will be pleased to know that charges have been laid in respect of a previous matter, and I hope charges will soon be laid in respect of this matter, too.

We look for better enforcement, not only on the public transport system and trains in particular, but right throughout the community. Therefore it is a matter which rests directly with, firstly, the railways by-laws inspectors in respect of passengers on trains, and, secondly, with the Police Force.

I have asked VicRail officers to increase the membership of the by-laws section to achieve better supervision of train travel as to both vandalism and minor incidents which then escalate or create an atmosphere from which more violent incidents follow. I have also asked them to request police assistance, which has been given readily in the past and, I am sure, will be readily given again, to combat the increasing violence in the community.

However, I have to say to honorable members and to members of Parliament generally that it is violence in the community which is the enemy of the people wherever it occurs, whether on the streets, in hotel car parks, on the railways or anywhere else. We should all be conscious of the need to support the police and other enforcement officers, who have a difficult task in trying to cope with this increasing violence. Therefore, it is most important that this Parliament and all members of it take every action that will support those enforcement agencies and the police in the work they do.

POLICE SPECIAL BRANCH

Mr CAIN (Bundoora)—I direct a question to the Minister for Police and Emergency Services following his indication of his knowledge of the Police Special Branch. The Minister will recall that in the early weeks of this sitting I asked him a question about the activities of Mr Nelson, Q.C., who was appointed by the Government last October, I think, to audit and check the files kept by the Special Branch. The Minister could not answer the specific question at the time. I asked him to find out the answer, and also wrote him a letter asking for the result of those inquiries. Can the Minister now tell the House on how many occasions Mr Nelson has visited the Special Branch since his appointment and up until the time I asked the question, and on those occasions what is the total number of files he inspected?

Mr THOMPSON (Minister for Police and Emergency Services)—At that time I could not contact Mr Nelson. As the question requires specific answers relating to the number of files and the exact dates, I shall obtain the information for the honorable member and will reply to his letter.

PLOT RATIOS

Mr TANNER (Caulfield)—No doubt the Minister for Planning is aware of difficulties caused to the planning process by policies adopted by the Melbourne, South Melbourne and St Kilda city councils in relation to plot ratios for properties bordering St Kilda Road. Can the Minister indicate if any action can now be taken by the Government to review and resolve this situation?

Mr LIEBERMAN (Minister for Planning)—The question asked by the honorable member for Caulfield relates to what I regard as one of the most beautiful streets in the world—the boulevard of St Kilda Road. Honorable members may be interested to know that the planning for St Kilda Road is the responsibility of the councils of South Melbourne, St Kilda and Melbourne and, on an over-all basis, the

Melbourne and Metropolitan Board of Works. Of course, the State has an interest.

The plot ratios that currently apply to the respective areas under the jurisdiction of those councils in St Kilda Road vary somewhat. For example, the plot ratios for St Kilda and South Melbourne councils vary, I understand, from about three up to 4·5, depending upon the type of development that is proposed. The plot ratios for the Melbourne and Metropolitan Board of Works for St Kilda Road can go up to 4·5, again depending on the type of development proposed. The Melbourne City Council has, for some time, taken the view that the appropriate plot ratio for the area which it is responsible for in St Kilda Road is 1·5.

I am aware that a sub-committee of the Melbourne City Council has recently considered the relevance of these plot ratios to the present and future of St Kilda Road and some members have proposed that the plot ratios should be reviewed.

I have taken the view that, because of the importance of St Kilda Road to Melbourne and to Victoria, and because of the need for all planning authorities in the State to work together and to contribute towards a responsible planning policy, they ought to come together and discuss their various attitudes. With that in mind, I have recently invited the mayors of all of the municipalities to meet with me on 15 May, or as soon as possible thereafter, to discuss planning issues concerning their councils and, in particular, the St Kilda Road matter.

MILK

Mr FOGARTY (Sunshine)—I direct a question to the Minister of Agriculture. Is it a fact that the structure of Victoria's whole milk—that is, household milk—supply is strictly governed from the farm to the consumer by the Victorian Dairying Industry Authority? If so, can the Minister explain why Victorian milk is sold by tender to the appropriate authority in the Australian Capital Territory at a price less than that given wholesale and retail to the Victorian retailer and consumer? Can the Minister confirm why the Victorian consumer is paying more than his counterparts over the border?

Mr I. W. SMITH (Minister of Agriculture)—The answer to the first part of the question is, "Yes". The answer to the second part is, as the honorable member is aware, that section 92 of the Commonwealth Constitution permits trade and commerce intercourse between the States and makes it free and unrestricted. Therefore, people who wish to supply milk to Canberra on a tender basis can do so under the protection of that section of the Constitution, and this takes place. As a result, people in Canberra receive cheaper milk than do people in Melbourne.

THOMSON RIVER DAM

Mr McINNES (Gippsland South)—Can the Premier confirm that the Government contribution promised for the construction of the stage 3 of the Thomson River dam will be provided in time to ensure that this project will proceed to completion without delay, in view of its significance not only in ensuring Melbourne's water supply but also of contributing to the industrial and agricultural development of Gippsland?

Mr HAMER (Premier)—This question is really for the Treasurer. It depends on Budget considerations, on the Australian Loan Council and on the allocation of semi-Government and Government loan funds. I cannot answer the question directly from my own knowledge, but I think the honorable member will be able to detect the answer within the next few months.

POLICE SPECIAL BRANCH

Mr COLLINS (Noble Park)—I address a question to the Minister for Police and Emergency Services and refer to questions asked earlier today by the honorable members for Prahran and Bundoora about the security of Victorians and Australians in general, provided through the activities of the intelligence section of the Victoria Police. In view of the interesting position adopted by the Opposition in this

Parliament on the manner in which the Victoria Police Force provides security, will the Minister convene a meeting between the Leader of the Opposition, the Opposition spokesman for police and emergency services and senior officers of his department, so that the Opposition may understand the need for continuous vigilance in the area of security for the community?

Mr THOMPSON (Minister for Police and Emergency Services)—In view of the extraordinary attitude exhibited by interjection by the Opposition on security in this State, and to enlighten the shadow Minister for Police and Emergency Services, I am pleased to accede to the honorable member's request.

TEACHER HOUSING AUTHORITY

Mr CATHIE (Carrum)—Can the Minister of Housing advise whether any Government bodies, teams or persons are currently investigating or have investigated the Teacher Housing Authority and if so, when were the investigations established, what is the nature of the investigations and whether any particular person or persons are being investigated?

Mr DIXON (Minister of Housing)—Some time ago I made a press release indicating the nature of the review that has been associated with the Teacher Housing Authority. To the best of my knowledge the honorable member for Carrum is well acquainted with the matter. His question is detailed and I ask him to place it on notice.

FLEXITIME

Mr COX (Mitcham)—Will the Minister of Transport survey the impact of flexitime on commuters and will he consider the extension of the peak period of public transport services if it is found to be warranted after that survey?

Mr MACLELLAN (Minister of Transport)—I have received a report from the Institute of Urban Studies which contains some comments on the impact of flexitime on transport services. The report suggests that because of the wider use of flexitime, some white collar workers are now clashing with the blue collar transport peak, which is a sub-peak within the peak. Much detail is involved. In the end, it boils down to a recommendation that if it is possible to persuade the banking, insurance and Government employee groups of the central business district to move their times by as little as twenty minutes, there would be opportunities for cutting the number of peak-period travellers by as much as 45 per cent. If I remember correctly, it was on the Glen Waverley line that there was a suggestion that the moving of starting times of schools could improve the situation. The Deputy Leader of the Opposition laughs. No new ideas have ever come through the Opposition. Of the passengers on that line, 45 per cent of those travelling in peak hour are school children. It is suggested that further adjustments be made after consultation with industry, with industrial groups and with other people to see whether changes are practicable.

As part of the inquiry by Mr Lonie, I have referred that report to him and asked him for a specific comment on it. As part of the Budget considerations, the matter is being examined to see whether it may be possible to extend off-peak fares so as to give discounts to travellers who would be prepared, with flexitime available to them, to shift their working times to a period when they would not be travelling in the peak but would be just outside it and therefore able to avail themselves of better service and to give an opportunity for those who are necessarily involved in travelling in the peak of not having as many people pushing and squashing them.

The honorable member raises an interesting point. I shall try to get for him a copy of the report, in which I am sure sure he will be interested.

ROYAL COMMISSION INTO PAINTERS AND DOCKERS UNION

Mr EDMUNDS (Ascot Vale)—In view of the Premier's response to two questions today with respect to the

vagueness of the Commonwealth Government's proposals for a joint Royal Commission into a Victorian trade union and the vagueness of the terms of reference of that inquiry, would he be prepared to suggest to the Prime Minister that the terms of reference be extended to include power to inquire into a company known as Associated Securities Ltd which has obviously got away with many millions of dollars of public funds, so that this matter can be thoroughly investigated on a joint Commonwealth-State basis?

Mr HAMER (Premier)—I have made no reference to vague terms of reference. In fact, at present there are no terms of reference. The inquiry made of the Victorian Government was as to its general attitude and as to its willingness to confer with officers of the Commonwealth in order to prepare draft terms of reference, and I have commented already on that matter in answer to another question. I said that the Victorian Government has replied that it would be prepared for its officers to confer with Commonwealth officers with a view to drawing up terms of reference. I can assure the honorable member that those terms of reference will relate to the union concerned and not to anything else.

DIRECTOR OF MENTAL RETARDATION SERVICES

Mr McGRATH (Lowan)—Has the Minister of Health made any decision as to who will be the new Director of Mental Retardation Services; and when will he be in a position to make an announcement on the matter?

Mr BORTHWICK (Minister of Health)—The appointment of a Director of Mental Retardation Services is not a Government appointment or an appointment made by the Governor in Council. It is an appointment made through the Public Service Board. The position was advertised throughout the English-speaking world and, from memory, there were some 40 applicants, many of them from overseas. The commission and the Public Service Board now have a short list of about ten and I am hopeful that within the next month some announcement will be able to be made on the matter.

"LABOR STAR"

Mr RICHARDSON (Forest Hill)—My question without notice is directed to you, Mr Speaker. Are you aware that an unknown member of Parliament has apparently pinched the April issue of the *Labor Star* from the Parliamentary Library? Sir, in view of the importance of the *Labor Star*, particularly to members of the Liberal Party, will you consult with the President with a view to taking urgent action to ensure that a replacement copy of the purloined paper is procured as promptly as possible?

The SPEAKER (the Hon. S. J. Plowman)—Order! I will rule the question out of order, but in so doing I will raise the matter with the Chairman of the Library Committee on behalf of all members of this House.

PETITIONS

Steel spring leg traps

Mr EDMUNDS (Ascot Vale) presented a petition from certain citizens of Victoria praying that legislation be introduced to prohibit the use of the steel spring leg trap in the catching of animals and to provide for a suitable replacement. He stated that the petition was respectfully worded, in order, and bore 25 signatures.

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

Casinos

Mr McARTHUR (Ringwood) presented a petition from certain citizens of Victoria praying that the proposal to introduce casinos into Victoria be withdrawn. He stated that the petition was respectfully worded, in order, and bore 52 signatures.

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

PAPERS

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

Education Act 1958—Resumption of Land at Wangaratta—Certificates of the Minister of Education (two papers).

Statutory Rules under the following Acts—
Architects Act 1958—No. 66.
Boilers and Pressure Vessels Act 1970—Nos. 96, 97.
Companies Act 1961—No. 125.
Consumer Affairs Act 1972—No. 111.
Co-operation Act 1958—No. 93.
Co-operation Housing Societies Act 1958—No. 104.
Country Fire Authority Act 1958—No. 108.
Dentists Act 1972—No. 118.
Discharged Servicemen's Preference Act 1943—No. 133.
Dried Fruits Act 1958—No. 107.
Environment Protection Act 1970—Nos. 109, 126.
Estate Agents Act 1958—No. 128.
Farm Produce Merchants and Commission Agents Act 1965—No. 88.
Health Act 1958—Nos. 119, 123.
Home Finance Act 1962—No. 94.
Housing Act 1958—No. 114.
Industrial Training Act 1975—Nos. 78, 79, 83, 113.
Labour and Industry Act 1958—No. 95.
Law Reform Act 1973—No. 132.
Local Government Act 1958—No. 77.
Lotteries Gaming and Betting Act 1966—No. 73.
Metropolitan Fire Brigades Superannuation Act 1976, No. 105.
Milk and Dairy Supervision Act 1958—Nos. 81, 106.
Milk Pasteurization Act 1958, No. 89.
Ministry for the Arts Act 1972—No. 134.
Motor Car Act 1958—No. 87.
Motor Car Traders Act 1973—No. 91.
National Parks Act 1975—No. 110.
Poisons Act 1962—No. 121.
Police Regulation Act 1958—No. 117.
Post-Secondary Education Act 1978—No. 92.
Public Service Act 1974—PSD Nos. 29-35.
Racing Act 1958—Nos. 84, 85, 100, 101, 102, 103.
Reference Areas Act 1978—No. 127.
Scaffolding Act 1971—Nos. 80, 112.
Second-Hand Dealers Act 1958—No. 82.
Stock Medicines Act 1958—No. 90.
Valuation of Land Act 1960—No. 86.
Victorian Film Corporation Act 1976—No. 135.
Youth, Sport and Recreation Act 1972, No. 99.

MINISTERIAL STATEMENT
Alcoa smelter at Portland

Mr MACLELLAN (Minister of Transport)—By leave, I move:

That the following Order of the Day, Government Business, be read and discharged:

Ministerial Statement—Alcoa Smelter at Portland—To be considered.

The purpose of the motion is to enable the Leader of the Opposition to proceed tomorrow with his motion, notice of which he gave earlier today.

The motion was agreed to.

APPROPRIATION MESSAGE

The SPEAKER (the Hon. S. J. Plowman) presented a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Fund for the purposes of the Motor Registration Bill.

ABATTOIR CAPACITY

Mr FOGARTY (Sunshine)—I move:

That this House is of the opinion that the powers of the Abattoir and Meat Inspection Act 1973 should be exercised in such a manner as to prevent any increase in the killing capacity of abattoirs until such time as the over-all needs of the meat industry have been investigated and reported upon.

The SPEAKER (the Hon. S. J. Plowman)—Is the motion seconded?

Dr COGHILL (Werribee)—I second the motion.

Mr FOGARTY (Sunshine)—Members of the Opposition believe this motion is realistic and constructive and designed to look after the present and future well-being of the meat industry in Victoria. This is not the first occasion on which the meat industry has been debated in the House during the present sessional period. Prior to the State election honorable members debated certain statements attributed to the Minister of Agriculture dealing with the Co-operative Farmers and Graziers Direct Meat Supply Ltd. Recently there was another debate revolving around the Chernov report, but the proposition put forward by the Opposition on this occasion is designed to look after the future well-being of the Victorian meat industry.

Members of the Opposition believe the meat industry has recently met up with change and the proposition is that the Government shall negotiate a complete and full investigation into the industry in Victoria. During the interim period there shall be a moratorium on the issuing of licences to new

abattoirs and meat processing establishments in Victoria.

Firstly, at this stage I indicate that the Opposition's interpretation of abattoirs in the motion is as contained in section 22 of the Abattoir and Meat Inspection Act, *inter alia*:

(*a*) Export abattoirs;
(*b*) Local abattoirs; and
(*c*) Slaughter houses.

The Opposition freely admits that one of the points that has prompted initiating this move at this stage is that during recent weeks a number of investigations have been carried out by the Opposition, the corner party and, no doubt, the Government, towards abattoirs that have some direct or indirect Government financial involvement. As a result of those investigations, it is known that the Government must take some action in the future to look after the well-being of the industry, because the Australian meat industry is of national importance and one of the country's most important export earners.

It is an industry which directly employs 50 000 people in Australia and indirectly employs many times that number. In Victoria the meat industry union has a register of some 14 000 members. Therefore, it is a most important industry. However, the Opposition's investigations into the affairs of the Co-operative Farmers and Graziers Direct Meat Supply Ltd have led it to believe the industry generally in Victoria is over-capitalized to such a degree that during the peak of the 1978–79 season the abattoirs were working 47 per cent on average. This is not an economical situation and has a reflection on price, on the work force and on the viability of the meat works. It has had a direct impact on the Co-operative Farmers and Graziers Direct Meat Supply Ltd.

I will dwell no further on farmers and graziers because honorable members know that they have viability problems and I sincerely hope the situation is overcome in the near future.

Only a fortnight ago members of the Opposition investigated the Countryside meatworks at Donald. Those works have a viability problem and one of the reasons for that is that meatworks throughout Victoria are over-capitalized and stock is not available. Recently, the Government negotiated with Canadian Packers to dispose of the works on land owned by the Geelong Harbor Trust. The works had been closed for some time and Protean Enterprises had purchased them for a song. Canadian Packers rationalized its production at the Bendigo complex, but in the past fortnight the beef section at the Bendigo works ceased operations, which will result in the loss of employment for 85 people.

The meat industry in Victoria is in dire straits because it is so over-capitalized. That is obvious from the statistics. The figures for the years from 1975 to 1979 show that stock numbers in Victoria are dwindling rapidly. The total number of cattle for all purposes in 1975 was 6 192 417. The figure for 1976 was 5 868 367, and the numbers declined to 4 134 356 in 1979. The numbers for sheep show a similar decline. In 1975 there were 26 409 930 in Victoria and in 1979 there were 22 750 116. In 1975 there were 5 621 172 lambs and hoggets, but their numbers had decreased to 4 864 312 in 1979. Those figures show that there are one-third fewer cattle in Victoria than there were in 1975.

The livestock numbers reflect on the killing capacity and the slaughterings. A document recently forwarded by a meatworks organization to an inquiry gives the figures for Victoria for the year ended 30 June 1979. The capacity for cattle slaughterings was 5·75 million, but the actual number of slaughterings was 2 794 838, a percentage usage of 51·16 per cent. For sheep and lambs the capacity was 32·5 million and the actual killings numbered 11 729 678, a usage of 36·09 per cent. The figures are shown for most of the other States, and they illustrate in no uncertain manner Victoria's bad position. The percentage usage of killing capacity for cattle in South Australia was 85·64 per cent. In Queensland it was 78·23 per cent and in Western Australia 83·4 per cent. The figures for New South Wales are conspicuous by their absence

Despite the dramatic decrease in stock numbers, the killing capacity has remained almost the same, but the Abattoir and Meat Inspection Authority has granted additional licences to certain abattoirs and local councils have granted permits to build meatworks. Not only the Opposition, but also the Pastoral Division of the Victorian Farmers Union, disagrees with that policy. The 1979 report of that organization goes into great detail about the future of the meat industry and states:

> Those works which have not made significant progress over the five years of operation of the Authority have had conditions that certain works must be completed within the licence year (30th September) placed on their licences. Licences may not be renewed on expiry unless a clear effort has been made.
>
> Those works which have made virtually no progress have a shorter time table and a legal order to complete the specified works within the time.
>
> Of the larger works, Newmarket (M.C.C.) abattoir falls in the second category and South Melbourne City Abattoir falls in the third.

That shows the uniformity of thinking of the Opposition and the Victorian Farmers Union. The report continues:

> NEW WORKS
>
> In recent discussions on application for licences to build new works (not replacing old works), the Authority has established the principle that each application will be treated on its merits. Due regard will be given to the particular circumstances, but under the overall view that where there is sufficient up-graded capacity, new licences should not be granted.

That is the view of the organization representing the farmers, whose livelihoods depend on the prosperity of the meat industry. I now refer to a report of the Prices Justification Tribunal entitled, "Beef Marketing and Processing". This report is the result of a Commonwealth inquiry that received submissions from all States. I believe Victoria did not contribute as much to the inquiry as some of the other States. The following recommendation was made, at page 41:

> NEW INVESTMENT
>
> There does not appear to be scope at the present time for any general expansion in slaughtering facilities; at least in southern Australia there is evidence of excess capacity, and in the past year several works have closed down or have been put up for sale.
>
> Considerable capital investment in meatworks has been necessary for the past fifteen years as plants were required to move up to export standards. There has also been significant expenditure on updating equipment, increasing freezer capacity and on complying with environmental regulations.

Members of the Opposition believe over-capitalization encourages inefficiency. The fixed costs of running a meatworks remain the same, which has a detrimental effect on the producer, the employer and the consumer. It has an impact on the processor and, of course, it has an effect on the Commonwealth Government and its financial commitments both overseas and in this country.

It may be said that the proposal put forward in the motion conflicts with the free enterprise policy of the State Government, but I point out that restrictions are placed on almost all primary industries, particularly those governed at a national level with complementary State legislation. The dairying industry is a good example. Restrictions are imposed on that industry by the Victorian Dairying Industry Authority. An illustration of what happens in that industry was seen at Heytesbury. Ten farms had remained closed in that area until the Government moved recently to bring the farms back into operation. The farms were unattended because there was over-production within the industry. Restrictions are placed on the egg industry throughout the country. That was instanced by the problems experienced by Bartter Bros. In the fruit-growing industry, a programme called "Operation Tree Pull" was introduced in the Shepparton area, which was designed to restrict the production of fruit in the Goulburn Valley because it was uneconomic at that time. It was a good scheme, but it showed that there was over-production in the industry.

Over-production has a detrimental effect on the whole of the industry involved and on the employees working within the industry. Industrial strife in the meat industry was settled only a month or so ago, and that trouble arose because workers are tied to particular works. The strife arose because workers were not receiving continuous

employment. The main area of operation on the chain is the slaughter-house and, in the days when I worked there, the high tally on the mutton chain was 80 and the low tally was 65. Unless the works are working to capacity the employee does not receive enough in his wages to maintain his family and the consumer does not obtain the goods at a fair and reasonable price. When there is over-capitalization and the stock numbers fall dramatically, in order to overcome problems of maintaining a good productivity rate, many works are closed down for certain times of the year. The employee is then not able to obtain social services for at least six weeks and cannot get the dole. He is tied to the individual works for his working life in the industry because of a seniority system, which means he loses his position immediately if he does not return to the works when he is called.

Last week the television programme *Four Corners* showed what happens in country towns when an abattoir closes. The programme showed what happened in Forbes in New South Wales. Of course, this sort of situation is not confined to the meat industry. It also happened in the dairying industry. The closing of meatworks has an effect throughout the community, in that skilled men often leave the town and obtain employment elsewhere, but the ordinary worker is tied to the town because of financial commitments, such as a home mortgage, and cannot leave the locality without suffering heavy financial loss. The closing of meatworks has a detrimental effect on the town—embracing the baker, the butcher, the candlestick maker—in fact, it affects the town *in toto*.

The proposition put by the Opposition is that the Government should carry out a complete investigation into all areas of the meat industry affecting processing and allied sections and, in the interim, a moratorium should be imposed on the issue of the granting of future abattoir licences in the meat industry in Victoria.

I have mentioned the Geelong works owned by Protean Enterprises. That company also leases the Melbourne city abattoirs and the Richmond abattoirs. Protean Enterprises, which owns the Geelong abattoirs, has now made application to build another abattoir in the Derrimut area.

I refer to the *Werribee Shire Banner* of 3 November 1976 and the heading "Gigantic Abattoirs applies for Site". The article commences:

> The gigantic abattoirs enterprise, Protean (Holdings) Ltd has applied for a permit to establish an abattoirs at Laverton North.

The article reads, in part:

> Council's planning department, commenting on the application stated that the application was for a very large complex, in fact it is evidently proposed to be a replacement for the Melbourne City Abattoirs leased from the Melbourne City Council.
>
> . . . . .
>
> It was felt, however, that such a development would not cause significant detriment to the Shire of Werribee.

A point at issue is that over the years reports have been made by the Victorian Abattoir and Meat Inspection Authority concerning the Melbourne city abattoirs. The Opposition acknowledges that the authority has done a reasonably good job since its inception in 1973. It took over various areas of Government administration and in the main it has performed well, but in certain areas it has used a marshmallow glove. Those areas are allied to the State Government or to its sister, the Melbourne City Council.

In 1976 on page 4 of the report of the Victorian Abattoir and Meat Inspection Authority, it is stated:

> (*a*) The abattoir, as at present constructed and operated, could not economically be brought up to the standards required by the legislation.
>
> (*b*) To achieve the required standards, the owner or operator of the works should give careful consideration to restructuring the abattoir and to alternative procedures for slaughtering animals.
>
> (*c*) Planning and costing the reconstruction of this establishment would require the services of a consultant competent in the area.

I agree wholeheartedly with that comment. The abattoir is a disgrace to the City of Melbourne, the Government and

to the meat industry. However, the one over-riding thought in my mind when I have considered the future of the Melbourne city abattoirs has been that the works employ several hundred persons. I have no doubt that if I stated what I know about the Melbourne city abattoirs, and I went in hard enough, it would have to close its doors. However, if any action is to be taken on the future of the Melbourne city abattoirs, the action must be considered as a phasing-out operation over a period to allow for the employment of its current employees to be ensured for the future. That is why it is necessary to ensure that the Melbourne city abattoirs do not close immediately.

I have just referred to a report from 1976, but in 1977 when dealing with the Melbourne city abattoirs, the Victorian Abattoir and Meat Inspection Authority stated:

> At the discussions a two-year programme for upgrading the abattoirs was tabled and agreed to in principle. Reports submitted by officers of the Meat Inspection Branch indicated that considerable alterations and up-grading had been already carried out.
>
> It was agreed that the licence be renewed with conditions and that an order be issued under section 29 of the Victorian Abattoir and Meat Inspection Act 1973, specifying certain works to be completed by a determined date.

The report further states:

> Subsequent to last year's Annual Report members of the authority met with representatives of the Melbourne City Council and Protean (Holdings) Limited, on Wednesday, 21st October, 1976, to discuss the possible phasing out of the works.
>
> At the discussions the Town Clerk, Melbourne City Council and representatives of Protean (Holdings) Limited indicated that they were prepared to expend money to upgrade the construction and hygiene at the works provided a sufficient period of time was available to recoup the expenditure. It was agreed that Protean (Holdings) Limited submit plans and a programme for rectifying existing deficiencies to the Authority by 1st December, 1976. Plans have been submitted for upgrading the abattoirs.

Whilst the report was for the period ended 30 June 1977, it is strange to note that the programme had to be tabled with the appropriate authorities by 1 December 1976. Honorable members may recall that in the *Werribee Shire Banner* there was the comment:

> Council's planning department, commenting on the application, stated that
>
> . . . . .
>
> in fact, it is evidently proposed to be a replacement for the Melbourne City abattoirs.

In short, if the three quotations, including the article in the *Werribee Shire Banner*, are factual, then Protean (Holdings) Ltd is playing the Victorian Abattoir and Meat Inspection Authority on a "break". In other words, the cost involved in updating the works is $11 million and only a second-rate works will be gained. I hear a voice in the wilderness—the honorable member for Doncaster—who was reported in the *Herald* of 20 September 1977 under a heading "Your Meat: How Clean is it?" That comment was not made by a member of the Opposition but by a supporter of the Government. The honorable member still raises the matter occasionally but he has gone cold as he feared he might be fitted with a pair of lead boots. The honorable member has now transferred his attentions to casinos to make sure that he is fitted with a pair of lead boots.

I have dealt with the situation as it applies to Protean (Holdings) Ltd. Even if I do not have Government supporters on side, I definitely have the honorable member for Doncaster because it has been shown that Protean Enterprises operates a second-rate abattoirs on lease, another export works on lease and it has purchased one abattoir. What concerns me is that the industry is over-capitalized.

I refer to an article which appeared in the *Geelong Advertiser*—I like reminding the Premier of this article every pancake Tuesday because it shows that the people of Geelong were conned when they were informed by the Premier that there was an 800 job potential and within a short time 500 people would be employed at the Protean works at Geelong. According to my information, the Geelong works has never operated more than one chain, and is only working to part capacity. I know that those honorable members who have a certain influence in the Geelong area would like to see the Geelong works operating at full capacity. I, too, would like to see them working to capacity but the whole industry is over-capitalized and, being over-capitalized, no matter how many

times the Premier opens works such as he did at Geelong, this factor cannot be overcome in that it is not possible to kill more stock than are available, no matter how many meatworks are established in Victoria.

I now want to dwell on the Melbourne situation because I would like to see the Melbourne city abattoirs updated. I know that that operation will cost $11 million, but much work would be provided in updating the works and the present employment would be maintained.

Mr I. W. Smith—But you are saying that the industry is over-capitalized.

Mr FOGARTY—But updating does not mean Victoria will kill any more stock; it means that the stock will be killed hygienically and the operations of the Melbourne city abattoirs will become viable.

I refer to a press statement released by the Victorian Wheat and Woolgrowers Association on 7 September 1962, which stated:

> Nothing should be done to harm Australian meat exports at a time of market uncertainty, the Chairman of the Victorian Wheat and Woolgrowers' Association Wool and Meat Committee (Mr A. Laidlaw), said today.
>
> He was commenting on the statement of the Premier (Mr Bolte), that the State Government had decided not to remove the Newmarket Abattoirs facilities to Derrimut "in the immediate future" and to spend about £1 200 000 on existing facilities.

Once again those were idealistic words but not a cent was spent at that time on the Newmarket abattoirs. The statement continues:

> He said that last year the City Council's Superintendent of Markets (Mr R. Birch), had reported that the design of the main buildings at Newmarket would make it hard to introduce new techniques and better hygienic control. This applied especially to the handling of meat for export.

In effect, the statement indicates that the Newmarket complex could be nothing more than a service abattoir or an abattoir for local trade. The Newmarket system of service abattoirs is the only system that will remain viable for a long period. If an abattoir operates only as a service abattoir, it will go broke because it will handle only the overflow from the large meat export works or the large wholesalers. Once those organizations have overcome their own difficulties and solved their own problems, and there is a downturn in the market, the service abattoirs are the first to go.

I have dealt with the situation of Protean Enterprises and indicated to honorable members that it has three major works and has applied for a permit to build another multi-million dollar complex at Derrimut, but that permit is the subject of an appeal before the Town Planning Appeals Tribunal.

There is the ridiculous situation where, at the same time, H. W. Greenham and Sons Pty Ltd has applied for and has been granted a permit by the Shire of Werribee to construct another abattoir. Despite opposition from the cities of Sunshine and Altona, the company obtained a permit from the Shire of Werribee to build an abattoir in close proximity to Sunshine and Altona. However, Greenhams, which had most of its previous operations performed at the Co-operative Farmers and Graziers Direct Supply Ltd abattoir, has now purchased the R. J. Gilbertson Pty Ltd meatworks at Newport. That indicates that Greenhams has found it more profitable, instead of having seventeen small outlets, boning rooms and so on, to put all its eggs in the one basket at Newport. It should be remembered that Newport was completely closed for twelve months, and it was closed for one reason—it was over-capitalized. R. J. Gilbertson Pty Ltd found it more profitable to have the Kyle Road works at Brooklyn operating at a reasonable pace and maintaining the employment situation at a reasonable level rather than having both Newport and Brooklyn operating at half pace. One works was closed down and Greenhams bought it. This is happening right throughout the country. The Dromana works have closed. A well-known operator from the Melbourne city abattoirs is moving to Kyneton. This has compounded the situation. Industry is over-capitalized in Victoria.

This will have an impact upon the employment situation. I have quoted the Victorian stock figures.

The figures included in the report by the Prices Justification Tribunal in December 1978 show how Australian stock numbers have dwindled. In 1969 there were 8·3 million beef cattle, cows and heifers, and in 1978 there were 12·7 million. In 1969 there were 4·3 million dairy cattle and 3·2 million in 1978. The amount of beef produced has naturally decreased. In the past, in some areas, it was necessary to get rid of cattle in a hurry. One inducement was the high prices available on the overseas market.

Today the Minister of Agriculture said that section 92 of the Commonwealth Constitution allows free trade between the States. The figures have dwindled dramatically because there is less stock coming from the Riverina. I am not riding the Victorian Abattoir and Meat Inspection Authority because, in the main, it has done a good job. The deficiency has been due to Government direction. A number of meat works do not meet the required standard.

In answer to question on notice No. 448, reported at page 1343 of *Hansard* on 26 June 1970, asking whether the Victorian Abattoir and Meat Inspection Authority, during the year 1978, renewed the licences of 16 local abattoirs and 17 slaughter-houses, the Minister gave a lengthy reply stating:

> (a) The sixteen local abattoirs and seventeen slaughterhouses that had licences renewed in 1977 with conditions and orders issued under section 29 of the Abattoir and Meat Inspection Act 1973 specifying certain works, repairs, or installations to be carried out were:

He listed the abattoirs *in toto*. Although the Minister made a statement in 1979, something should have been done long before then.

Mr Bob Carrail has written two reports on meat classification and the future of the Derrimut scheme. Victoria has a lot to worry about in connection with the meat industry. Perhaps the Meat Industry Committee could be revived to look into these matters. It took the committee dealing with the Derrimut scheme some time to complete its investigation. A recommendation was made but I understand the Minister is the only person who has seen it. I, too, would like to see it. I may hold a different view from the Minister regarding certain matters.

The Carrail report may have thrown a different light on certain aspects of the Derrimut scheme. The Opposition acknowledges that when Derrimut was first mooted in the 1920s—the land was purchased in 1957—the area consisted of open paddocks and Sunshine was a small shire. Things have progressed and the proposed green belt was taken over by the State Government for a housing project of 1200 homes.

I hope stock numbers will be revived in future. I would not like to see the situation of two or three years ago repeated, when stock was shot. That was a sin. The Opposition would like to see stock numbers reach a reasonable level, and the producer receiving a reasonable price for his product. I cannot see that happening in the meat industry for some time because the laws of nature have to take over.

The whole thrust of the motion is that the meat industry is overcapitalized. This has a detrimental effect on the price structure of the goods in all areas and it particularly affects employers and employees. The Government should authorize an inquiry into all aspects of the meat industry as it applies to meat works in Victoria, including the availability of stock in Victoria related to the whole situation governing labour, the future of certain country towns where there are large meat works and the impact upon those towns if there is some falling off in the killing capacity of the works. The Opposition is simply asking for an inquiry and, in the interim period, it suggests that no more licences be issued until the needs of the industry are made known.

Mr I. W. SMITH (Minister of Agriculture)—I have listened with interest to the honorable member for Sunshine. I noticed that members of his party shared my perplexity about the case that he argued in support of his motion. He asked that an inquiry be estab-

lished and, while that is continuing, that no new licences be issued. The honorable member for Sunshine has failed to demonstrate a need for this course of action.

Although I entered the debate with an open mind because I was not sure, from reading the notice of motion, what the honorable member was going to hang his case on, I have now listened to him and can find no reason for supporting the motion. I had to look at it in a number of lights. Is he trying to benefit the consumer? Because of the intense competition within the meat killing industry the consumer is better off now in not suffering consumer price index price rises attributed to meat killing costs.

In 1977 there was a consumer price index increase of 7·8 per cent and, in 1978, an increase of 10 per cent, which is now running at 2·2 per cent for the first quarter. In spite of these increases in the consumer price index, the cost of killing in most works has not risen, or has only marginally risen, in that two and a half year period. Looking at it from the point of view of the consumer, one can only deduce that current circumstances within the industry are beneficial to the consumer.

I then looked at the question of the farming community and where its benefits lay. If killing costs have been maintained at a lower level, obviously that factor assists the farming community. The farming community is also assisted by having a wide choice of buyers.

The honorable member for Sunshine suggested that the State is overcapitalized with abattoirs and slaughter-houses. I can only deduce that he means that there should be fewer abattoirs and slaughter-houses. If that were the position, there would be fewer purchasers and the farmer would obviously run the risk of getting a lower price for his stock because of a reduction in competition. That is a logical deduction. Obviously, the more buyers in the market place for a farmer's stock, the better chance he has of receiving higher prices.

I cannot understand how the buyer would benefit from the motion moved by the honorable member for Sunshine. Who is to benefit? All I can see is that there is some arrangement between the honorable member for Sunshine and meat works operators—probably the larger ones—because their vested interest is naturally in the closure of some of the smaller works which act in competition with them. They are concerned about dwindling stock numbers. The reason is fairly clear.

The farmer responds to supply and demand and to profitability or the lack of it in the industry. In the Whitlam and immediate post-Whitlam era, the rate of inflation and the escalation in wages hit the farming community hardest. It was least able to pass on the costs which had been granted in handouts, namely, extra holiday pay bonuses, leave and wages. These hit home hard on the farmer and had the effect of reducing his competitiveness on the market place, particularly overseas. Therefore, he responded by reducing his herd sizes. It is only now that we are feeling the effects of that period.

It is clear to me that the only people who would benefit from what I understand the honorable member for Sunshine to be seeking, namely, some sort of rationalization in the killing facilities within the States, are those meat works operators who still remain in the industry.

The honorable member for Sunshine made some veiled criticism of the Abattoirs and Meat Inspection Authority because, as I understood his remarks, he indicated that although there had been a number of meat works with licences which included conditions, these conditions were not rigidly enough enforced and, therefore, not as many meat works closed as he would have liked to see close.

When the Abattoir and Meat inspection Act was proclaimed in 1974 it was as a result of recommendations of an inquiry carried out by a Select Committee of this Parliament.

If the structure of the Abattoir and Meat Inspection Authority is not right, then obviously that committee, of which the honorable member was a member until recently when it was disbanded, must bear some of the responsibility.

The first task of the authority was to survey the facilities which were available in the State for the slaughtering of animals and it had to keep under review the construction and hygiene and the plant and equipment in meat establishments, with particular regard to the slaughtering capacity and the location of those establishments in relation to the over-all needs of the State. It must report annually to the Minister on these establishments and their hygiene. It must regulate and control the training of inspectors and conduct qualifying examinations for them and it considers applications by persons wishing to establish slaughter-houses and abattoirs.

The authority saw as the first need the initiation of a review of the construction and hygiene of plant and equipment in meat establishments. It carried out a survey in 1975 and documented the location of each of these works in relation to the cities, towns, shires, the human population, the livestock population, markets and all the sorts of criteria that one would expect. I make this point because all the work which the honorable member suggests in his motion has already been done and is done in an ongoing manner by the authority as part of its responsibility.

In 1975 the standard of hygiene, the standard of construction and the operation of most slaughter-houses and abattoirs were, to say the least, moderate to bad. The owners and operators of meat works were advised of deficiencies in their works and of the need seen by the authority for an upgrading programme. Various criteria were established by the authority for the issue of new licences and for the sort of people who should be licensed to operate meat works. A survey of the chilling capacity of all meat works in Victoria was carried out and that was reported on in 1978.

These surveys demonstrated that, in 1975, there was a daily capacity of some 20 000 cattle and 139 000 sheep, lambs, calves, goats, pigs and deer. In 1978 the capacity for cattle was lifted to 23 000 and the capacity for sheep, lambs, calves, goats, pigs and deer was reduced to 129 000, as a result of the upgraded requirements in many of the meat works, but it also indicated that there was quite an increase in the capacity of Victorian abattoirs because of the upgrading programme. Any businessman who was required to spend money on the upgrading of an abattoir would naturally want to see an increase in productivity so that he could recoup some of his investment, but that is his commercial choice to make. He has the choice either of his abattoir being closed or, alternatively, of upgrading and spending money.

I am sure all honorable members would wish the Abattoir and Meat Inspection Authority to set these standards and to impose them. I have never heard any criticism, either from members of the community or from members of the Opposition, about the standards being too high.

At the time the authority assumed responsibility for the licensing of abattoirs in Victoria in 1974, some 20 export abattoirs, 73 local abattoirs and 99 slaughter-houses became licensed with the authority. At 28 April 1980 there were 19 licensed export abattoirs, a drop of 1, 82 licensed local abattoirs, an increase of 9, and 25 slaughter-houses, an enormous decrease from the previous figure of 99.

It is interesting that, since commencing its operations, the authority has granted licences for the building of new works on sites where there were not previously abattoirs in only six cases, so that the authority has not gone out and encouraged people to build new abattoirs. There were no applications approved in years 1974–75 and 1975–76 and only one local abattoir was approved in 1976–77, two in 1977–78 and two in 1978–79. In the export abattoir field,

there was only one new abattoir approved, and that was in 1977–78. So far, approvals to build new works have resulted in only three new works actually commencing operations. Those new works are located at Pakenham, Barnawartha and Cobram.

In following through the policy of the Government in this area, it is interesting to note that the trend has been away from city killing to country killing. In the years under discussion, from 1974 when the Abattoir and Meat Inspection Authority was established, there has been a loss of 14·6 per cent of throughput in metropolitan abattoirs and at the same time there has been an increase in the country killing capacity. There are probably many reasons for this, one of which is the activity of the trade union movement within abattoirs. It is far more difficult for the trade union organization to keep its foot on all of its members in country areas because basically they wish to work and to maintain reasonable levels of productivity that will be profitable. It is only by making a profit that operators can maintain people in employment. It is interesting that the union has its foot on the membership more in Melbourne, as has been demonstrated over the past few months when meat workers have not worked on Fridays. For about 26 weeks the trade union movement in Melbourne did not work in abattoirs on Fridays and I can think of nothing that would knock the profitability of an abattoir operator more than to have his employees working only four-fifths of the time. The result has been that wholesale butchers have moved a large part of their operation to country abattoirs and slaughter-houses. No doubt that is welcomed in terms of extra jobs provided in the country, but the end result is fruitless. The unionists' country cousins have benefited by additional work to the detriment of their city cousins. It is time some of these people woke up to the situation. They all ought to be concerned to achieve the maximum productivity from the works where they are employed and, therefore, the maximum profitability; then their jobs would be less in jeopardy.

The honorable member for Sunshine dwelt at some length on the situation at the city abattoirs and I wondered what he wanted. Did he want to close them? At one stage he was even suggesting a phasing-out situation. I was not too sure what he was suggesting. If he wanted to reach a situation where the authority would report on the scaling down of involvement in meat works in Victoria, he should have said so. One can only deduce from the terms of the motion that he wants an inquiry to take place in order that there may be some sort of rationalization. In that event, the honorable member must realize that it will be necessary to bite the bullet and close some works. Although, on the one hand, he presumably meant that, on the other hand he was saying that he did not want to close any. The honorable member cannot have it both ways.

In the entire life of the Abattoir and Meat Inspection Authority, only six new licences have been granted and only three have been proceeded with. I do not see that as a plethora of abattoirs or slaughter-houses that is likely to wreck the meat industry.

I demonstrated earlier that the current situation has led to the lowest possible price of killing being maintained and that the industry is as highly competitive as is possible. In my view, that is a fairly healthy state. I should not like to own a meat works, nor would the honorable member, because they are relatively unprofitable now. However, while farmers were going through a bad time because of an oversupply of stock, meat works were making reasonable and sometimes high profits. Such has been the cycle of the meat industry since the year dot. Perhaps the honorable member wants a situation of socialization, control and regulation, such as now exists to some extent in New South Wales through the establishment of a meat authority there. All that that meat authority has achieved has been additional costs in slaughtering. It has done nothing for the markeing of meat and, therefore, no benefit has flowed to the farming community or to the

consumer in terms of cheaper meat, as promised by Mr Wran in his policy speech. In fact, quite the contrary—the cost of meat has risen and, in addition, it has been puffed up by the extremely high killing costs. Precisely the same thing happened in South Australia under the administration of the Labor Government. I hope that a more enlightened approach will lead to a reversal of that situation. The honorable member would know that one of the most pressing fears of the meat works operator he visited in Donald a couple of weeks ago is, not competition locally in Victoria, but rather competition from South Australia because the system there is being desocialized and revamped.

I do not know what the honorable member expects. In his argument, he certainly has not demonstrated a case for setting up a committee. By his actions on the Meat Industry Committee and in this Parliament up until twelve months ago—and twelve months in the lifetime of the meat industry is not long—he has not demonstrated a need for such an inquiry. The Meat Industry Committee could have conducted such an inquiry. Neither I nor the Government sees that factors have changed so dramatically in the past twelve months as to make it now imperative that this motion be carried. I therefore urge honorable members to vote against it.

Dr COGHILL (Werribee)—I congratulate the honorable member for Sunshine on his treatment of this complex issue. It is unfortunate that the Minister has replied in a somewhat confusing manner which has not really been a rebuttal of the argument advanced. Indeed, it is rather difficult to categorize his reply.

It would be helpful to go over the facts again. I direct the attention of the House to the fact that, in the May 1978 issue of *Grazing*, the journal of the then Graziers Association of Victoria, Dr D. M. Flynn, the then Chairman of the Victorian Abattoir and Meat Inspection Authority, was quoted as saying:

> At present we have 100 per cent over-capacity. In fact, the industry is grossly over-capitalized.

That fact alone makes it obvious to honorable members that the Victorian Abattoir and Meat Inspection Authority has been well aware of its responsibilities in this matter and certainly, the Labor Party, in sponsoring the motion, does not criticize the officers of the authority, who have been doing the best possible job within the constraints imposed by the Liberal Government to which the authority is responsible.

Honorable members should closely examine the figures on slaughtering capacity. In 1975 the Abattoir and Meat Inspection Authority estimated the slaughtering capacity to which the Minister of Agriculture referred and, if one assumes an average killing period of 225 days a year, it is a reasonable assumption that the theoretical killing capacity for sheep, lambs and calves was 20 678 175. According to the most recent report of the authority the number of stock killed in the year 1 April 1978 to 31 March 1979 for sheep, lambs and calves was only 9 533 322, or 46 per cent of the 1975 theoretical capacity. The comparable figures for cattle were 3 052 125 for 1975 and from 1 April 1978 to 31 March 1979, 2 400 848, a mere 79 per cent of the theoretical 1975 capacity.

Despite the warning two years ago of the then chairman of the authority, expansions and alterations have been approved by the authority under its responsibilities to the Liberal Government. Those expansions and alterations have been to the advantage of the individual operators—it is unlikely that they would have made the decision to go ahead had they not seen the opportunity for profit—but to the disadvantage of producers, consumers, meat industry employees and Victoria.

I shall refer to the points made by the Minister of Agriculture, the first of which was that only six new licences have been issued since 1974. That statement masks reality because

in its latest report the authority pointed out the number of approvals given for extensions and alterations to abattoirs which have had a major impact on the capacity of the plants. At page 2 of the report, the authority stated that twenty applications for extensions and alterations were approved in 1978–79 for local abattoirs. This number is for one year of the period to which the Minister referred.

It is misleading for the Minister to quote the figures for one category—the issue of new licences—when the important factor is the expansion of killing capacity which has been deliberately encouraged by the Government. The twenty approvals for extensions and alterations affected 87 local abattoirs; almost one-quarter of the existing local abattoirs were given approvals for alterations and extensions. The Minister ignored that aspect when he stated that only six new licences were issued over a period of five or six years. It is absolute nonsense to state that only six new licences have affected the capacity of abattoirs in Victoria.

Over the past few months, approvals have been given in the western suburbs for new major works—when the nearby Co-operative Farmers and Graziers Direct Meat Supply Ltd abattoir has been operating far below capacity and when the viability of the co-operative has been the subject of considerable public debate. Despite the few kilometres separating that abattoir from the sites approved in the Laverton North area and the impact of those approvals on the co-operative, the Government has decided to proceed to place in jeopardy this major works. Those approvals were given not only under those circumstances but also in the face of massive opposition from local people who have every right to be gravely concerned about the impact of the proposed works on their quality of life, on nearby housing, and on the environment generally.

Further, the proposed works will probably be located in an area which is inadequately served by sewerage and other essential services. One would have thought that the first factor to apply to any development of an abattoir would be that the area was adequately serviced. I am vigorously opposed to the proposed works not only for the effect they will have on the electorate that I represent but also because of the impact they will have on the Co-operative Farmers and Graziers Direct Meat Supply Ltd works and other abattoirs in the western area of Melbourne.

The consequences of the actions of the Liberal Government are profound. The honorable member for Sunshine mentioned some of them. One of the most profound, which will affect Victorian taxpayers severely, is the failure of the Government to protect the stake Victorians have in the Co-operative Farmers and Graziers Direct Meat Supply Ltd abattoir.

Victorians have a stake of $4·5 million in the guarantee the Government undertook for that company. Not one Victorian taxpayer would wish Victoria to be forced into honouring the guarantee and every Victorian would wish the Liberal Government to act so that it would never be required to honour the guarantee and that the co-operative will be able successfully to trade its way out of debt. Yet, by its own deliberate policy, the Government is failing to protect the stake Victorians have in the co-operative.

The Minister of Agriculture dealt at some length with the cost of meat to the consumer as a consequence of what he considers the very spirited level of competition in the meat industry in Victoria. I seriously ask the Minister to reflect on what he has said. It is absurd to suggest that where the costs are spread across a greater capital investment they will not be passed on to the consumers in some way or another. Obviously, if the abattoirs were operating at close to full capacity there would be far less in capital, management and other charges, built into each kilogram of meat marketed. The Minister knows that well, and should acknowledge it. Where the capacity of abattoirs is double the required amount, that has to be spread across the amount of meat consumed and obviously

the cost of killing built into each kilogram of meat must be nearly doubled. That is undeniable and the Minister should be honest in acknowledging it.

Producers are not benefiting from competition in the way in which the Minister suggests. If the costs could be contained at the works by maintaining full capacity there would be an advantage to those who produce livestock for slaughter just as there will be an advantage to consumers.

One of the other profound effects which the Minister completely ignored is the instability of the meat industry which is a direct consequence of overcapacity. It reflects itself in many ways, particularly in the instability of employment wherever abattoirs are located. The honorable member for Sunshine and I know very well that in the western suburbs workers are very often reduced to a three-day or a four-day week at the meat works and sometimes the works close down entirely for weeks on end simply because the operators do not have the stock necessary to keep those abattoirs operating at full capacity. The Minister knows the truth of that, as do other honorable members. The honorable member for Polwarth, who is interjecting, ought to know that is true. He should know from the constituents in the electorate he represents who suffers from it and I hope he remembers their interests when he contributes to the debate.

It not only has direct serious social effects on the community but also provokes a considerable amount of industrial unrest. Most of the industrial unrest in these premises is caused simply because workers are trying to defend their livelihoods and their rights to work five days a week for a reasonable amount of money. As a consequence of the deliberate policies of the Government, workers do not have those privileges. The Government ought to pay heed to those circumstances in fulfilling its obligations to the welfare of Victorians and to the people working in the meat industry.

A further aspect is the effect on regional development. Where there is such a fluctuation in employment and in levels of income as occurs in those areas dependent on the meat industry, it is impossible for communities to develop as well as they otherwise would.

If, for example, the western suburbs had abattoirs functioning at full capacity for almost all of the year, there would be a far greater prosperity in the region than currently exists. Similarly, in other areas of Victoria having large meat industries and abattoirs which are subject to fluctuating rates of killing there are enormous problems and brakes on development simply because of those fluctuations. It is impossible for families to plan ahead and even for school councils to obtain money from parents that would have been obtained if there were stable employment. The Government should consider that factor seriously in its concern for regional development and decentralization.

The sitting was suspended at 6.15 *p.m. until* 8.4 *p.m.*

Dr COGHILL—Before the suspension of the sitting I was discussing the consequences for Victoria and for the meat industry of the Liberal Government's failure to adequately plan the development and expansion of the industry. I was pointing out that, among those consequences, has been the failure by the Government to protect the interests of the Farmers and Graziers Co-operative Direct Meat Supply Ltd and the stake which Victoria has, through the Government, in that co-operative. I was pointing out that the costs borne by consumers are greater because of the proliferation of abattoirs. One point that should be kept in mind is that in many cases Victorian families spend $1500 or more a year on meat. This cost could be significantly reduced, perhaps by even several hundred dollars, if killing charges were reduced by rationalization of the industry and of its expansion.

Further, the costs borne by producers could also be reduced if this excessive over-capitalization did not

exist. I was going on to point out the difficulties which are thrust on Victoria by the instability of employment in the industry. The honorable member for Sunshine made the important point of the difficulties faced by abattoir workers who are put off for short periods, because they cannot become eligible for unemployment benefits until they have been off work for at least six weeks. Therefore, if an abattoir is closed for four weeks because of a lack of requirement for its killing capacity, those people, their families and the community which depend on them, directly and indirectly, are deprived of all income for four weeks. They have no right to unemployment benefits under those circumstances.

I also pointed out that the industrial unrest which unfortunately has characterized this industry largely results from workers in the industry attempting to defend and protect their livelihood and trying to get greater stability in their income. Further, these various effects have put a brake on regional development in different parts of Victoria and have inhibited the decentralization policies which all honorable members endorse.

Equally as profound as those consequences is the misallocation of resources available within Victoria as a whole. Clearly if $2 million is to be invested in Victoria, it is far better for the money to be invested in a new industry for which there is a strong demand, than used to duplicate killing capacity in abattoirs. That is what has happened in Victoria in recent years because of the Liberal Government's deliberate policy of not planning the development of the meat industry and the abattoir component of the industry. There has been a gross waste of resources available for investment in Victoria because of this duplication of existing capacity with no net benefit to Victoria. There may be some net benefit to individual investors but it is certainly not in the community's interests.

Clearly there should be an over-all plan for the development of the industry, which should provide for the protection of the farmers and graziers co-operative and for the protection of the stake which Victorians have in that co-operative's success. The plan should protect the owners and shareholders of other abattoirs throughout Victoria. Honorable members will know that some abattoirs have failed simply because of the over-capacity of the industry, not only abattoirs owned by the co-operative but also ones owned and operated by families and shareholders in the private sector.

Of course, there should also be reductions in the price of meat and in slaughtering charges as they affect the price offered for livestock in Victoria. As a consequence, livestock prices could be increased if buyers did not have to take into account high slaughtering charges in their bids for cattle and other livestock. The plan should also seek to stabilize employment, both within the metropolitan area and in country Victoria. Such a plan would need to be based on facts and those facts would need to be the result of an investigation such as that proposed in the motion moved by the honorable member for Sunshine.

In his speech, the Minister suggested that such investigations were happening continuously. Certainly he made the point, quite correctly, that an investigation was carried out in 1975 at his direction and it was reported in the annual report of the authority for that year. However, there have been no follow-up reports, as were implied by the Minister. The Sixth Annual Report of the Victorian Abattoir and Meat Inspection Authority, which is the latest report available, for the year ended 30 June 1979 stated:

MAJOR ACTIVITIES

The Authority's main efforts were again directed towards the continued implementation of its policy of upgrading standards of construction and hygiene at metropolitan and country meat establishments.

Close attention was paid to establishments where little or no progress had been made since the legislation came into force in 1974.

There is no reference to any monitoring of the killing capacity in Victorian abattoirs or of any need to rationalize that, as justified by the statement

reported in May 1978 of the then chairman. What the Minister suggested was happening is simply not on record and there must be grave doubts whether the authority actually carried out those works or those studies.

Clearly an investigation should be made into the killing capacity in Victoria for each species of livestock. There is much greater over-capacity in the sheep and calves' area than in the cattle area, although it is serious in that area. The position is not so clear regarding other species because figures are not available. An investigation should be made of that position and of ways of minimizing the impact of the fluctuations which occur in demand for abattoir slaughtering. These fluctuations are caused by variations in export demand and seasonal factors. Therefore, a study should be made of each of those areas and that should be taken into account in making a plan for the future development of the Victorian meat industry. Unfortunately, the Government, by not making these plans and not continuing with these investigations, has shown a high degree of incompetence and quite irresponsible behaviour in administering the Act which is referred to in the motion.

In addition, there has been a clear lack of co-ordination between the authority acting under the Minister's direction, the Ministry for Planning and the instrumentalities under it. Approvals have been given by the planning authorities with apparent disregard to the views of the authority. Those matters should be tidied up by good co-ordination between the authorities. Again, this could be done by a proper investigation and the development of a plan. As matters stand, there has been a lack of recognition of the needs of the industry, of the needs of consumers, of the rights and needs of people working in the industry, and a lack of recognition of the entire Victorian community. An investigation such as has been suggested by the shadow Minister is certainly needed. While that investigation is taking place, there should be a suspension of any further expansion of the industry, whether by extension of existing premises or by the establishment of new premises. I commend the motion to the House.

Mr McINNES (Gippsland South)—The National Party does not support the motion, which is an example of the chickens coming home to roost. The Labor Party has become concerned with unemployment in the meat industry, and rightly so, but I hasten to add that less concern was expressed when the base of the meat industry, the farming suppliers and producers, was in trouble.

The motion exemplifies the difficulties that arise when one attempts to take a problem in isolation, rather than dealing broadly with the entire industry, starting off at the point of production and continuing through the markets to the processors and the retail marketing side to the consumer. There should be a constant flow through all those stages and, as far as possible, the fluctuations that occur in any industry that depends on overseas markets and weather and climatic conditions should be removed. It is simply not possible to take one step in isolation and examine the situation of abattoirs standing down workers. It is all very well to say, "There is a problem here. We want to prevent the building of any further abattoirs until we can ensure that there are jobs for all," but that will not solve the problem.

The unions have endeavoured to work a shorter week, but that is not the answer. The people who are producing the basic commodities must be able to obtain a reasonable return for their labour and investment to encourage them to stay in production and to ensure that they are able to produce a reasonably steady supply. Victoria has just suffered a heavy drought that has caused concern to producers, and the problems will not be remedied by shutting down additional meat works and carrying out what the Opposition appears to regard as a rationalization. Even the best judgment can go astray in farming because it is so dependent on the clim-

ate, fires, droughts, floods and so forth. It involves so many imponderables that it is almost impossible to make a reasoned judgment.

Australia as a country is dependent on agriculture and a different attitude ought to be adopted by all Australians; perhaps an attitude similar to that which seems to exist in the United States of America. In that country there seems to be more sympathy and appreciation at grass roots level of the role of the primary producer. Even though it is a highly industrialized country, people seem to appreciate the situation of the farmer. That is reflected in legislation and the importance attached to primary industries. Unfortunately, Australians seem to knock farmers as much as possible and, when they find that in knocking farmers they have knocked themselves, they squeal.

Members of the National Party agree —and we have always supported this view—that there should be a full and complete inquiry into the meat industry.

Mr Fogarty—Why are you opposing it, then?

Mr McINNES—Because what the motion suggests is not the way to go about it. There has been evidence of vertical and horizontal integration among the meat processing companies. They have used their own farming properties and kept a balanced supply of stock coming through from other States, where seasons might have been better than they were in Victoria. They have drawn from the sale-yards as they have wanted to. Obviously, it is not possible for them to supply all their needs through their own farming operations, but it does help them to keep control of sale-yard prices.

Another device that is unfair but is frequently used is the rumour. Farmers may have spent two or three years getting their beasts ready for market. They have gone through all the health problems and the drenching, feeding, culling and transporting to market only to find themselves in the inglorious position, when a whisper ripples up and down the sale-yards that Gilbertsons are going out next week—and these are staged whispers that are designed to deflate prices—of having to accept prices that may be $50 or $100 a head lower than expected. That sort of drop in price has occurred in the past two or three weeks. If the farmers do not accept those prices, they have to return the livestock to their farms.

That is an unpleasant situation and, quite rightly, the farmer becomes suspicious of the part that unions play in it. The National Party is not union-bashing. Members of the National Party have a great deal of sympathy for the people who work in abattoirs. It is not the most pleasant of jobs and one would not choose it if there were alternatives.

Mr Fogarty—They are treated like slaves.

Mr McINNES—Yes. There is a lot of female labour in abattoirs and meat boning works. As I have said, it is not attractive employment and if one adds to that the instability, with workers having to work very hard for short periods as runs go through and then being stood down, it is only to be expected that the workers should not be happy with their situation. It is only fair that they should demand high wages. It is one of the industries in which high wages are justified. If one compares the work done by an office worker with a job in an abattoirs, one realizes that there is no doubt who should be getting the higher return for his or her labour.

The farming community is suspicious that there has been collusion at the sale-yards not only between processors and their buyers but also between processors and the unions, management and labour. I am sure that at times there has been an unholy alliance in that area and the bunny is the farmer, despite the fact that he is the base producer upon whom both components of the industry rely for the raw material to keep the plants in operation.

The first thing the workers must do is to get the farmers on side. They must gain farmer confidence. If they are going on strike, the farmer must be sure he will receive adequate warn-

ing so he is not left at the mercy of the operators. The workers would gain a deal of goodwill if they adopted that principle. It is a reasonable proposition, but no action has been taken on it.

At times one is left with the unsavoury belief that the processors are less than frank. I suppose one could say they are good businessmen, but they are often fairly ruthless. The machinations that take place in the meat industry—as the honorable member for Doncaster has illustrated—have to be known to be believed. If an inquiry into the whole of the meat industry is to be conducted, the National Party believes the area to which I have referred requires close examination.

Everyone has heard the saga of Co-operative Farmers and Graziers Direct Meat Supply Ltd. Members of the National Party gave the co-operative support not only because it is a farmers' co-operative but also because they are unhappy with the present meat processing arrangements and what might be called the skullduggery in the industry. A unit like the meat works at Brooklyn, which are reasonably modern and efficient, could act as a contract killer for many small butchers and act against monopoly control of the industry. If we do not watch out the industry will come under monopoly control. It would be in the interests of a small group of large companies to work closely with each other to control the market and that would be to the long-term detriment of not only the consumers but also the meat workers and the farmers.

It will not be possible to prevent that situation simply by stopping the construction of abattoirs. In fact, there is a case for the establishment of additional abattoirs in regional areas with a throughput of approximately 300 cattle or a comparable number of other stock. They would be relatively small, modern and close to the source of supply. The farmer would have better control and the unit would be considerably more flexible. Added to that, the labour force in country areas tends to be more stable for reasons mentioned by members of the Opposition. A man who has his family and his home in a small town is more inclined to take an interest in the job he is doing. There would be fewer industrial problems and flexibility would be gained.

It seems foolish to move livestock on the hoof to Melbourne to be killed and processed rather than having that take place in country areas and using cold storage vehicles and rail trucks to move the carcases and boned meat to the consumer.

Mr Fogarty—What happens when the railway trucks do not turn up at the sale-yards?

Mr McINNES—There are no railway trucks at present. The Victorian Railways have not built livestock cattle trucks for a long time. As a result, the railways are simply not getting the business.

As I have said, the National Party cannot support the motion in its present form. Members of the National Party appreciate the concern of people working in meat works, but the proposal suggested by the motion is not the right way to go about correcting the problem. There should be more competition and more outlets, more abattoirs, although not necessarily more big ones. The history of big abattoirs has, in many cases, been a saga of mismanagement. That was made obvious by the Victorian Inland Meat Authority and the Government's involvement in it. The Government should be kept out of the operations of the meat works and ownership and control should involve a greater number of people and companies, so that the opportunities for collusion do not exist and the competitive spirit can prevail.

That would solve the problems. It should not be too hard to carry out a survey to show the over-all profit margin. At present profit margins fluctuate fairly dramatically, but a

reasonable margin of profit should be possible at all points along the production chain.

I strongly urge meat workers to gain the confidence of farmers. They have our sympathies. Farmers would like meat processing to be in more stable hands, which would mean that meat workers could obtain continuous employment that is financially rewarding. The farmers do not want meat workers to be at the mercy of the processors, just as they do not want to be at the mercy of the processors. A great deal of sympathy exists, and the unions would be doing themselves a service if they improved their public relations with the farming community.

Many farmers have never seen through a meat works and do not know how the operation is carried out. They have never followed their stock through from the sale-yards, and they have believed once the stock left the farm, that was the end of the matter. That is an indictment of farmers. They should follow their stock through much more closely. There is an opportunity for the partners in the venture to get together. This would remove the disadvantage to the parties that has been seen from time to time.

Mr GINIFER (Keilor)—In speaking to this motion, which was so ably moved by the honorable member for Sunshine, and adequately supported by the honorable member for Werribee, it is desirable to remind the House of the wording of the motion. It states:

> That this House is of the opinion that the powers of the Abattoir and Meat Inspection Act 1973 should be exercised in such a manner as to prevent any increase in the killing capacity of abattoirs until such time as the over-all needs of the meat industry have been investigated and reported upon.

I put it to the Minister that it may well be that market forces, and the larger abattoir operator within the metropolitan area and the larger regional centres, will in effect rationalize the needs of the industry in those centres, but there is a responsibility upon the Government to protect public investment, whether at local level, State Government level, or, for that matter, at Commonwealth level, in the smaller abattoirs, operating and encouraged in the more remote parts of the State.

I address myself to the particular problems in Donald. The Labor Party is really asking the Government in this motion to pause for a short time to look at some of these abattoirs where there is a large amount of public investment, because it is beholden on the Government to ensure that this public investment is guaranteed and not lost.

It is to the credit of the Shire of Donald that in re-establishing the abattoirs it was servicing the employment needs of the area. Before the meat inspection services were taken over by the Department of Agriculture, the Shire of Donald had an incentive to reopen the abattoirs in Donald. It gave concessions in meat inspection services and rate concessions to the abattoirs, and it supplied water to the abattoirs at a rate that was about 60 per cent of the normal domestic rate in Donald.

The Shire of Donald also underwrote the borrowing of loans for the abattoirs to the extent of $450 000. This was done with the encouragement of the professed policy of this Government, and the Opposition, to establish decentralized industries to arrest the drift of youth from the rural communities, and also the dispossessed in some areas of the rural communities. The Government was forthcoming with housing, and since the re-opening of the abattoirs about eight years ago, the Housing Commission has built fourteen houses in Donald. Another ten are in the process of being constructed, and the commission has 59 allotments. This is no mean public expenditure for Donald, and it was based on the argument that the abattoirs would be an ongoing industry and houses were needed for employees of the abattoirs.

I take the matter a step further to the housing co-operatives. In the eight years since the re-opening of the abattoirs, four housing co-operatives have

been established in the area, and those co-operatives have lent money to people employed at the abattoirs. If the abattoirs were to close, one can well imagine how property values would collapse. The people who have put their money into homes, and the co-operatives, would be at a severe disadvantage.

The State Rivers and Water Supply Commission has made loans amounting to $250 000 available to support the increased water requirements for Donald. The Government should take these matters into account when considering the rationalization of the abattoir industry and in deciding whether it will allow market forces to decide where abattoirs should be and whether they should be closed. The Government should also take into account the public investment in the Shire of Donald and the encouragement given by the municipality.

There are 230 people employed at this abattoir. It is the largest employer of labour in the Horsham region. The population of the township of Donald is 1700, and the closing of the abattoirs would have an economic effect on 230 breadwinners out of a total population of 1700. When 200 people are put off in a regional area that has a population of 30 000, it is regarded as a catastrophe, but in Donald one-third of the work force is employed in this industry. There are ten people employed by the Department of Agriculture as meat inspectors, and some of these meat inspectors have purchased homes in the area. The closing of the abattoirs will also have an effect on Government services.

Someone earlier in the debate mentioned industrial problems. Most of these industrial problems revolved around people employed on a daily basis wishing to be employed on a weekly basis. However, at Donald, there is no guarantee that there will be enough funds available for the people in this industry to be paid their annual leave, their long service leave entitlements, or deferred wage payments, because they agreed on a number of occasions to take two or three days short in their pay so that the operator of the abattoirs would have sufficient funds to carry on. I have no brief for this operator, but I do have a brief for the Shire of Donald, because it has followed Government policy on decentralized industry. The capital value of the abattoirs is $1·4 million, but if it were to close there is no guarantee that the realizable figure would be anywhere near that amount.

I ask the Government to look at the proposition that is being debated. This motion will give the Government a chance to look at the whole situation and, in analysing it, it might well remember that although abattoirs in the metropolitan area will be able to rationalize their own affairs if other abattoirs are closed, in towns where people cannot get alternative employment, public investment is lost, people's savings are lost, and there is a social implication that cannot be divorced from the operation of the abattoirs.

The House divided on the motion (the Hon. S. J. Plowman in the chair).

Ayes	32
Noes	46
Majority against the motion	14

AYES

Mr Amos	Mr Remington
Mr Cain	Mr Roper
Mr Cathie	Mr Rowe
Mr Crabb	Mr Sidiropoulos
Mr Culpin	Mr Simmonds
Mr Edmunds	Mr Simpson
Mr Ernst	Mr Spyker
Mr Fogarty	Mr Stirling
Mr Fordham	Mrs Toner
Mr Gavin	Mr Trezise
Mr Ginifer	Mr Walsh
Mr Hockley	Mr Wilkes
Mr Jolly	Mr Wilton
Mr King	
Mr Kirkwood	*Tellers:*
Mr Mathews	Dr Coghill
Mr Miller	Dr Vaughan

NOES

Mr Austin
Mr Balfour
Mr Birrell
Mr Borthwick
Mr Brown
Mr Burgin
Mr Coleman
Mr Collins
Mr Crellin
Mr Dunstan
Mr Ebery
Mr Evans (*Ballarat North*)
Mr Evans (*Gippsland East*)
Mr Hamer
Mr Hann
Mr Hayes
Mr Jasper
Mr Jona
Mr Kennett
Mr Lacy
Mr Lieberman
Mr McArthur
Mr McCance
Mr McClure
Mr McGrath
Mr McInnes
Mr McKellar
Mr Mackinnon
Mr Maclellan
Mrs Patrick
Mr Reynolds
Mr Richardson
Mr Ross-Edwards
Mr Skeggs
Mr Smith (*South Barwon*)
Mr Smith (*Warrnambool*)
Mr Tanner
Mr Templeton
Mr Thompson
Mr Trewin
Mr Weideman
Mr Whiting
Mr Williams
Mr Wood

Tellers:
Mrs Chambers
Mr Cox

MINISTERIAL STATEMENT

Pentridge Prison explosion and prison security

Mr JONA (Minister for Community Welfare Services)—I desire to make a Ministerial statement on the circumstances surrounding the explosion which took place at Pentridge Prison on Thursday, 10 April 1980 and on related matters, including prison security. In view of the considerable publicity and speculation which has surrounded this subject, I believe it is proper that I should now place on record factual information concerning this incident and the results so far of the investigations which have been conducted.

At approximately 3.35 p.m. on Thursday, 10 April 1980 an explosion occurred in cell 51 of "A" division, Pentridge. The prisoner accommodated in the cell was showering at the time, but four other prisoners were present. The four prisoners were subsequently taken to St Vincent's Hospital where all were treated for injuries to the legs, and one prisoner was also treated for perforated eardrums.

The precise nature of the explosive device has not been clearly established and investigations are being pursued by the forensic science laboratory of the Police Department. I have been assured, however, that no commercially manufactured explosives were used. It is worth noting that materials which could be utilized for a bomb are available for other purposes in the prison and at many other locations in the community. Items such as match-heads, garden fertilizers, small pieces of metal, acid from fire extinguishers and rubber bands can, I am told, be effectively combined for the purpose, and a latter-day Guy Fawkes could probably find these ingredients around this Parliament House.

The explosion caused other materials in the cell to ignite, and greater damage was caused by the secondary factor. Prison officers and prisoners in the vicinity extinguished the blaze within a short period. The external parties called to the scene that afternoon included the local police, fire brigade and ambulance to take the prisoners involved to hospital and the police bomb and forensic units to assist with precautionary and analytical investigations respectively.

The motivation for the explosion is still uncertain. Prisoners are just as prone to feuding and plotting as are many groups of people outside prison. Most of us, fortunately, tend to verbalize our differences, but frequently violent conflicts do arise outside the prison and often are continued or reflected within the walls. The continuing exercise in prison administration nowadays is assessing antagonism, segregating antagonists, and giving protection where necessary. It is not generally known that the number of prisoners requiring protection has increased significantly in recent years. It is significant that a prisoner asked for protection soon after the explosion and is currently held in "H" division for that purpose.

On the day subsequent to the explosion, a journalist, Mr David Richards, advised the prison authorities and police that he had information that plastic explosives had been smuggled into Pentridge during recent performances of the drama group. He named a particular prisoner as being involved in these events. This journalist had re-

ceived his information from another prisoner whom he had been interviewing for the purpose of gathering material about activities of the Federated Ship Painters and Dockers Union. In order that I could extract from Mr Richards all information which he had in his possession and which could possibly be of value to my department in its immediate post-explosion investigations, I asked Mr Richards to meet me in my office at 4.30 p.m. of Friday, 11 April. At that meeting he was unable to provide me with any details additional to those which he had previously supplied to my officers and to the police, but he did promise to provide me with "certain names" within 24 hours. I should add that this journalist had been to see me approximately six weeks before the explosion, and made general statements about explosives being smuggled into Pentridge, among other broad allegations. This general information was conveyed to the appropriate authorities at Pentridge who interviewed the alleged prisoner informant, but he denied having made any such statement to Mr Richards.

I asked Mr Richards on two occasions prior to the date of the explosion to give me more specific information about these matters, but no further information was forthcoming until after the explosion. Mr Richards maintained that prior to the explosion he had given the name of a prisoner to a telephonist in the Department of Community Welfare Services, although there is no record in my department of such a phone call being received. However, it would seem that the explosion prompted the journalist to provide some particular information to the prison authorities and police on the day after the explosion. The product of this advice was a further search by both prison and police officers on Friday 11 April. A trained police dog was employed in this search and a variety of materials were taken away for analysis by the police forensic laboratory. All of these materials have since been determined as being non-explosive.

I emphasize, therefore, that, despite allegations from certain quarters, which have been reported in the media, there is no evidence at this stage that explosives were smuggled into Pentridge. The police dog, however, was useful in finding traces of commonplace materials previously described as possible ingredients for the bomb that had exploded within "A" division.

I previously indicated that the journalist involved in the events had made many broad allegations about prison officers, and some of these have since been repeated in the media. At 6.50 p.m. on the Sunday subsequent to the explosion, the journalist called at my home and provided me with a document which again contained a variety of broad allegations, and which named particular prison officers and other persons associated with services to prisons and/or prisoners. I informed the journalist that I would have an immediate evaluation made of the document.

The Director-General of my department personally interviewed Mr Richards on Tuesday, 15 April, and kept the Chief Commissioner of Police fully informed of developments. All the material has since been referred to the Chief Commissioner. It is quite clear to me that the information provided by Mr David Richards impresses as general statements without great specificity and is essentially based on hearsay from prisoners. Subsequent to the perusal of this information by the Chief Commissioner of Police, I have today asked the police to make a full and detailed investigation of all the allegations and statements made by Mr Richards in respect of this matter, and the dossier which Mr Richards made available to me containing the names of the persons to whom I have referred has been passed on to the police for that purpose.

I have underlined on other occasions that the prison population in this State has changed during the past decade to the extent that the percentage of men imprisoned for violent offences has doubled. This reflects the increased violence in the general community, and prison security has had to cope with more desperate men using different methods, including drugs, in environ-

ments often designed to accommodate penological methods long since outmoded.

The Government's view of imprisonment is that loss of liberty, as directed by the court, should be the only punishment received by prisoners, and that every endeavour should be made to provide facilities for prisoners which are consistent with the needs and maintenance of essential security. It should be borne in mind that, in recent years, involvement of the wider community has substantially increased through contact visits, volunteer interest, drama groups and many other activities which bring visitors to prisons. It it noteworthy that despite this trend there have been remarkably few incidents and breaches of security.

The Government has been concerned to provide adequate security within all Victorian prisons in this new atmosphere, and many developments designed to overcome the increased risk have been initiated. Foremost among these is the redevelopment of prison space. The new Jika Jika unit will be open at Pentridge within a few months, and will provide secure accommodation enabling appropriate separation of prisoner groups without the overbearing surveillance and harshness that have provided problems in security units elsewhere. The hospital at Pentridge will soon open also and, together with the security unit at St Vincent's Hospital, will allow the treatment of prisoners without the previous risks arising from the use of public hospitals in past years.

The new "J" division at Pentridge has been eminently successful in alleviating difficulties associated with the previous dormitory accommodation in that area, and the new accommodation block now being constructed at Fairlea will similarly minimize problems in respect of female prisoners in this State. The new remand centre, to be located away from Pentridge, will provide modern accommodation and relieve risk at Pentridge. It will particularly ease the problems of maximum security at Pentridge by reducing traffic to and from that prison. The Government has already announced the intention of proceeding with a further security prison at Castlemaine.

There are significant improvements now in progress by way of new and updated equipment and resources to cater for the required prison security commensurate with current prison circumstances. The prison system will be equipped with two four-man dog squads.

I have previously announced that the dog squads would comprise only half that number of personnel and it should be noted therefore that each of the dog squads will comprise two four-man teams, one based at Pentridge Prison and the other at Ararat Prison.

Each squad will be supervised by a senior prison officer familiar with dog operations. It is anticipated that these squads will improve security at each prison by patrol work, drug and alcohol detection, and preventive security by assisting with perimeter surveillance. I would point out here though that the meeting of the Australian prison administrators in Sydney recently expressed the view that "It is unrealistic to expect prisons to be totally drug-free". The administrators indicated that, although every reasonable precaution is taken, drugs will still find a way into prisons because of the ingenious and sophisticated methods used by prisoners and traffickers in achieving their aims. Prison administrators clearly indicate, however, that contact visits and other prison visits by citizens and friends have more benefits in terms of enhancing management and effective prison control than would be the case by refusing them. By resorting to the practice of restricting prisoners to security visits in cubicles alone, we would certainly minimize security risks, but only at the expense of high social cost in terms of contemporary prison objectives.

Closed-circuit television has been installed at Ararat Prison and some parts of Pentridge where it has proved to be very successful in providing a comprehensive observation field. Plans are under way to provide further closed-circuit television coverage in selected areas throughout Victorian prisons.

The entire stock of firearms throughout the Victorian prison system has been replaced with modern weapons, and the standardization of weapons has made it possible to improve the standard of markmanship at all prisons. In-service weapon training for officers is carried out at both Pentridge and country prisons. Modern riot-control equipment has been issued to all Victorian walled prisons and is the most modern of its kind in Australia. This equipment, together with tear-gas supplies, is available in the event of a major disturbance. Developments in the in-service training programmes offered for officers have enabled staff to be effectively trained in the use of firearms and riot-control equipment.

The Government has established a programme of radio communication within Victorian prisons, and this programme, which is nearing completion, has been of invaluable benefit to security by providing officers with a ready means of communication within prisons and with any vehicles that are travelling between prisons. Modern switchboard systems have been installed at all prisons and improvements have been made to upgrade telephones. Inquiries are underway to identify suitable personal alarms which can be carried by officers at all times.

Metal detectors have previously been supplied at Pentridge, Geelong and Fairlea prisons. These detectors are about to be updated with the most modern and effective equipment. Such detectors prove invaluable when screening visitors to the prisons, and will be extended to all walled prisons in due course. X-ray equipment will soon be introduced so that packaged and enclosed materials can be closely scrutinized before entering Pentridge, and the "black light" process will be available to maintain a check on visitors entering and leaving that prison.

Tenders have been called for the installation of double-security fences at Ararat Prison. These fences will be protected by two security electronic wiring systems which will provide in-depth security at the prison. The programme on security wire renewal is underway in all prisons in order to maintain appropriate perimeter security, and consideration is being given to the extension of the use of razor ribbon at the prison.

In view of the increased need to investigate incidents thoroughly when they occur, the investigation team in the Correctional Services Division of my department has been doubled to four officers, and an additional security governor to oversee security in all Victorian prisons has been appointed. The role of the security unit at Pentridge is currently being re-examined. In addition to these appointments, it has been recognized that the increased duties experienced by senior staff in all Victorian prisons in recent years have made it necessary to provide administrative staff so that governors and other senior officers are available to provide more time in the direct supervision of staff and their prisons, and to ensure that appropriate security is maintained. Pentridge has received administrative support staff and administrative positions have been established at Ararat Prison. Further administrative staff, particularly for country prisons, will be extended as soon as possible.

Prison security requires continuing reappraisal of method and alertness of staff. It is to the credit of the Victorian prison officer that the escape rate in Victoria is lower than in all other States, except Tasmania, and that nine out of ten potential incidents are discovered before they occur. In current circumstances, the security relating to the access of all groups of persons to Pentridge is under review, and the activities of the drama group at that prison have been deferred until that review is completed.

There is altogether, therefore, strong evidence that the Government of Victoria has been consistently aware of the increasing problems associated with appropriate prison security in the modern world, and that it has made significant improvements for this purpose. The Government will continue to modernize prison security. In so doing, it will not overlook a very important consideration for a prison system which requires preparation of a willing prisoner

for successful re-integration into the community after release. The real criterion for the success of our prison system is the extent to which we are able to reduce the likelihood of a prisoner, on discharge, returning to the system. This is the paramount aim. Accordingly, the nature and effectiveness of essential security measures are important components within the overall considerations.

By leave I move:

That the Ministerial statement be taken into consideration forthwith.

The motion was agreed to.

Mrs TONER (Greensborough)—It is with much disappointment that I have listened to the Ministerial statement, having waited nineteen days since the incident at Pentridge Prison for the Minister to present the statement to the House.

Honorable members were told that no commercially manufactured explosives were used and that the ingredients of the bomb at Pentridge could have been found around the prison. No reference was made to where these ingredients might have been found or to the checks done in that division on why such a bomb was under the bed of one prisoner and what actually occurred. Last May, when the Minister took over his present office, a call was made for an inquiry into a fire in a dormitory at Pentridge Prison but no intensive questioning of prisoners took place. The same situation seems to have occurred here. The Minister has not referred to the questioning of prisoners or prison officers.

I was deeply disturbed to discover that today the Minister has asked for the police to make a full and detailed investigation of all the allegations and statements made by Mr Richards about prison security. I should have thought that that request would have been made six weeks prior to the explosion when Mr Richards first approached the Minister about the matter. That would have seemed the appropriate thing to happen. The Minister now says that at that time there was nothing to investigate. I note that he has increased the number of departmental staff to check on security but I think the police, who are expert in this field, could be called in much more often than they are. It seems that a crisis must occur before police, who are surely the most appropriate people, are called in. As soon as there is some obvious breach of security, I should like the police to be involved, rather than officers of the Department of Community Welfare Services who are usually called in to cover up.

The statement contains many limitations. I hoped for a broader statement on security and management problems in Victorian prisons and some indication from the Minister of an investigation of the whole prison system in Victoria. At present various investigations are taking place in bits and pieces. Security at Pentridge is not the only matter under investigation. All matters which affect the functioning of the prison system in Victoria should be covered by this statement. Honorable members know that an investigation is going on at Ararat Prison.

The SPEAKER (the Hon. S. J. Plowman)—Order! The honorable member should not canvass matters which are not contained in the Ministerial statement.

Mrs TONER—When the Minister referred to his Ministerial statement, or proposed Ministerial statement, he commented upon my statements about the security at the gaol and said that it is significant that in a wide range of matters problems are occurring in the prisons. He said that he would go into those matters but he had been ruled out of order because the House is dealing with security, but when those matters are dealt with he would be happy to debate them with the honorable member.

The SPEAKER—The honorable member is saying that she will take up certain matters with the Minister. They have not been raised in this statement. Honorable members must relate their remarks to the statement made today by the Minister for Community Welfare Services.

Mrs TONER—I shall desist from talking about the alleged misappropriation of finances at Ararat, but within Pentridge Prison itself there is a certain

malaise. Investigations carried out by the Department of Community Welfare Services are probably inadequate because at present the department is so busy. I understand that an investigation is currently being undertaken at Pentridge into misappropriation of prison——

The SPEAKER (the Hon. S. J. Plowman)—Order! I thought I had made it clear to the honorable member what she may canvass. The honorable member then said that she would not talk about a specific project which she knows is not within the bounds of the debate. I ask her to keep to the matters contained in the statement.

Mrs TONER—The delays which have occurred in the investigation are unfair to the hard-working officers and administrators who are in the vast majority at the prison. Those delays put the officers in a bad situation, particularly in light of the allegations that have been made.

When talking about proposed security wiring in various areas, the Ministerial statement did not mention the security wiring which had already been installed at Pentridge, which cost up to $250 000 and which I understand is useless. Mention was made of updating of metal detectors and that is probably just as well because I understand that the metal detectors used at present in the main entrance of Pentridge are ineffective because people are standing on or surrounded by metal when entering the gaol. It is just a public relations exercise for the officers to check visitors with the metal detector.

The Minister did not explore whether the allegations made by Mr Richards about the ingredients for the bomb were correct. The Minister said that such ingredients could have come from within the gaol or from around the Parliament. I believe what is around Parliament is an entirely different matter from what might be around the gaol. Although honorable members serve a limited time within this Parliament, they come here with a certain amount of confidence from the electorate and it could be assumed that they would not use explosives for the same purpose as might prisoners in Pentridge. It was a bad analogy.

Mention was made of the Pentridge players and Mr Richards alleged that explosives might have been brought in at the time of their performances, but the Minister did not refer to special security checks of the audience. The honorable gentleman did not refer to whether the ingredients were brought in at that time, to whether the opportunity was there or to what special arrangements were made for security at that time. I understand that in the past the audience was carefully vetted, but that that no longer occurs. It is a fairly *laissez-faire* arrangement when the audience enters the gaol. It may be possible that the ingredients were passed on at that stage.

The Minister did not mention that this year two family day picnics have taken place in the activities areas of the southern prison.

Mr Jona—There was a visit by the Alcoholics Anonymous people. There were 49 visitors, not 100 as you previously alleged, and furthermore, it was in "A" division not "B" division. You should have got your facts straight.

Mrs TONER—I appreciate the Minister's comments on the matter but I would have appreciated them in the statement. Honorable members are endeavouring to discover how the ingredients of the bomb entered the gaol, how the bomb came to be under someone's bed and how people were injured severely and may have been killed. It is a question of possible death.

I am exploring situations in which security may have been breached and which I had hoped the Minister would include in the statement to explain what occurred on that occasion. I ask what security arrangements were made in the ventures which I understand were good for the morale of the visitors. I understand that appropriate searches of the activity areas were not made after visitors had been to the gaol.

This occurred despite the prisoners being searched before they were returned to their divisions. Explosive ingredi-

ents may have been left in those areas and they may have been picked up by the prisoners the following day.

The dogs, in which the Minister for Community Welfare Services places great faith, did not pick up the explosives that were secreted in a fluorescent tube at the gaol recently. To place enormous faith in dogs at the expense of the ability of people to search areas thoroughly is difficult. Dogs are no substitute for staff.

Six weeks prior to the explosion at Pentridge, a journalist approached the Minister and made—admittedly—broad allegations received from a prisoner informant. I wish to know from the Minister why a detailed search was not called for then. It is not sufficient for the Minister to say that only a broad allegation was made. It was a serious allegation. The Minister has commented that he receives this type of allegation every few days, but, nevertheless, he should have responded seriously when the journalist approached him, instead of treating the matter with apparent levity. Only today has the Minister asked for a full and detailed explanation from the Police Department.

The Minister has stated that the Government has been concerned to provide adequate security within all Victorian prisons. I draw his attention to an article in the *Age* of Saturday 6 April 1980 by John Dawes, which is a perceptive review of John Braithwaite's book, *Prisons Education and Work*, and which highlights the problems faced by even the most progressive administrator in corrective services. The article states, *inter alia*:

> The problem of attracting adequate budgetry support is difficult for prison administrators. Often, response to crises rather than rational planning seems to determine priorities and size of the budget.

If the Minister were serious about wishing to improve security in gaols, he should have included reference to this problem in the Ministerial statement. It is not merely a question of playing politics all the time, or covering up a disturbing situation. The Minister should have gone into bat for his department and administrators who are experiencing enormous difficulties because the Government is prepared to respond only to crises that occur and to provide unpredictable budgets which, as John Dawes stated in the article, are major constraints to good planning.

I realize that few votes are won in providing an adequate prison system and that one only loses votes when problems occur. Nevertheless, a proper prison system is the responsibility of Governments. Certainly, it is the responsibility of the present Government, which has held office for a quarter of a century and at whom the blame has to be levelled.

It is all very well for the Minister to defend his administrators when he is not prepared to fight for them by complaining about the miserliness of the Government in overhauling the system. Again, the Minister has stated that Victoria will be getting a new remand centre. There is a certain sense of *deja vu* about that because the same statement was made several years ago. The Minister also stated that the Government has already announced the intention of proceeding with a further prison at Castlemaine. All Victorians know plans are on the drawing board, but the Minister has not said when the project will commence. People can be forgiven for interpreting these actions either as a cover-up, as a refusal by the Government to make a commitment, or as the failure of the Minister to persuade the Treasurer to make funds available for the project.

Mr Jona—1981–82.

Mrs TONER—The Labor Party will certainly keep the Minister to 1981–82 and I am sure his administrators will note that comment with pleasure also.

The Minister stated that closed-circuit television has been installed in the Ararat gaol and in some parts of Pentridge Prison. That was not sufficient to overcome some of the problems at Ararat. Although the system has improved since, it has not solved all the problems—perhaps closed-circuit television should have been used to examine the books rather than the prisoners. The Minister spoke also of improved standards of markmanship of

officers, although I am unaware of the relevance of that measure. The Minister referred to the few escapes from prisons and stated that it is impossible to maintain a drug-free prison. Perhaps there are few escapes because the prisoners who might otherwise escape are heavily drugged.

The Minister referred to modern riot control equipment being issued to prison officers at Victorian prisons. I remind the Minister that the views of criminologists attribute security problems to lack of work and education provided in prisons. There are only 200 real jobs for approximately 1000 prisoners at Pentridge Prison. Obviously, boredom is the problem. I would have expected the Minister to refer to that aspect and to promote measures to relieve the tensions in prisons.

The Minister has not mentioned classification in his statement, yet all critics of the bomb blast incident maintain that the situation arose because of poor classification procedures when prisoners who are natural enemies were placed together. I am conscious of the accommodation problem at Pentridge Prison. I stated earlier that Victoria is still awaiting the Jika Jika unit, and the remand centre promised years ago. Classification is extremely difficult. The Government should have kept its promises for further remand centres to overcome the problems of classification.

The Minister commented that the Government will continue to modernize prison security. One must be sceptical of his comment because the modernization of the prison security system really occurs only after particular crises of fire, bombing or prisoners being found in the possession of drugs.

Month after month, the Minister has stated that he is calling for one report or another and that tough new security measures will be introduced. He made that statement last September, in January of this year and again today. Victorians are tired of promises. They want a commitment and some action. The security in Victorian gaols will be only as good as the Government is prepared to make it and I hope the Minister is able to do a better job in the future in persuading the Government to improve the prison system than he has done in the past.

Mr JASPER (Murray Valley)—It is disappointing to debate the Ministerial statement immediately. I should like to study it in detail but I realize the subject was debated at length during a motion before the House a few weeks ago when many areas of prison management and the operation of the prison system were detailed and debated. The Ministerial statement is also very detailed and I have no doubt that the Minister for Community Welfare Services has carried out extensive discussions with officers of the department and ensured that the officers have investigated the explosion and other security matters thoroughly. The prison system is sensitive.

The Minister mentioned the increasing number of violent prisoners within the prison system. Conversely, the number of prisoners being gaoled at Pentridge Prison has dropped dramatically, which should result in better security.

Victoria needs the best possible management and administration of its prison system and I am disappointed by many of the comments of the spokeswoman for the Opposition, the honorable member for Greensborough. She gave no credit to the Government for action it has taken. The prison system has been upgraded and the Government has carried out certain modifications and improvements. That there have been problems highlights that those modifications and improvements have not gone far enough. One expects better from the Opposition than criticism without practical suggestions. The honorable member for Greensborough quoted at length from a letter which was quoted in the previous debate and which was supposedly written by a prison officer. The letter was not substantiated and was critical of the officers and the prison system generally. It does nothing to help the morale of prison officers or of prisoners.

To provide additional staff for corrective services, as the Minister has stated, is not going far enough. The Government needs to ensure that existing staff are given the best and most adequate training. I particularly stress on-the-job training so that prison officers are adequately equipped to handle situations that confront them in the day-to-day operations of the prisons. Better trained staff will be more effective.

The Minister referred to many improvements in prison security—closed-circuit television, modern weapons, modern riot-control equipment, radio communications, metal detectors, double-security fences, and so on. The Minister goes on to say:

> Prison security requires continuing reappraisal of method and alertness of staff.

Further on he says:

> There is altogether, therefore, strong evidence that the Government of Victoria has been constantly aware of the increasing problems associated with appropriate prison security in the modern world.

That is simply a play on words because, as I mentioned earlier, although the Government has moved and action has been seen in this area, it certainly has not been good enough. I hope the Minister for Community Welfare Services will take up the challenge presented to him with the explosion at Pentridge Prison and the problems that have been created and ensure that in the best management of administration a direction can be provided by which prison officers can operate the prison system effectively in the rehabilitation and security of prisoners, and also that the general public is protected from people who need to be taken away from society for a period.

The Minister faces a great challenge. The administration also faces a challenge and the Minister should start at the top by ensuring that the administration provides the best management for prisons throughout the system. There should be the best classification possible of prisoners so that they are appropriately placed.

The Minister mentioned particularly the new remand centre to be located away from Pentridge Prison. I am not sure to which remand centre he is referring. I hope he is not only referring to the remand centre at Melbourne but also to the remand centre which it has been indicated to me will be provided in 1981 at Beechworth Training Prison to provide a place in north-eastern Victoria where prisoners can be held on remand without the necessity and cost involved of bringing those prisoners to Melbourne on those occasions. I hope the Minister will take particular note of that matter.

The Minister should also consider the matter I raised in the debate a few weeks ago that a number of small maximum security prisons need to be developed throughout Victoria so that prisoners can be moved around to the advantage of the prison officers, the administration and the prisoners themselves.

The SPEAKER (the Hon. S. J. Plowman)—Order! I trust the honorable member is relating his remarks to security as contained in the Ministerial statement.

Mr JASPER—I most certainly am relating my remarks to security and I am suggesting that the problems at Pentridge should be dissipated by the development of maximum security sections at other prisons throughout Victoria. I trust the Minister will meet the challenge to which he has referred in the Ministerial statement and that the prison system will operate to the benefit of Victorians, the prison officers who have to work within the system, and of course, the people held within the prison for the wrongs they have perpetrated on the State.

Mr TANNER (Caulfield)—I move:

> That the debate be now adjourned.

Mr FORDHAM (Footscray)—I do not oppose the adjournment of the debate but note, for the sake of the record, that this is the eighth Ministerial statement on which debate has been adjourned in this sessional period and it is likely that none of these debates will be resumed. This highlights the weakness of the opportunity for the House to debate a Ministerial statement. In a Ministerial statement, a Minister makes appropriate Govern-

ment announcements which should be the vehicle for extensive debate by honorable members on both sides of the House. I hope appropriate discussion can be undertaken between the parties in the intervening period to try to develop a more satisfactory system which will allow proper debate on such important matters as are contained in Ministerial statements. Members of the Opposition realize that the Minister did not have to allow the Opposition the opportunity of discussing the matter and we are thankful for that opportunity, but we still regard the system as unsatisfactory and look forward to an improved system in the near future.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until next day.

IMPERIAL ACTS APPLICATION BILL

This Bill was received from the Council and, on the motion of Mr MACLELLAN (Minister of Transport), was read a first time.

IMPERIAL LAW RE-ENACTMENT BILL

This Bill was received from the Council and, on the motion of Mr MACLELLAN (Minister of Transport), was read a first time.

CONSTITUTIONAL POWERS (REQUEST) BILL

This Bill was received from the Council and, on the motion of Mr MACLELLAN (Minister of Transport), was read a first time.

HOME FINANCE (BORROWING POWERS) BILL

Mr DIXON (Minister of Housing)—I move:

That this Bill be now read a second time.

Section 6 of the principal Act provides the Home Finance Trust with the authority to receive money on deposit and to borrow moneys from any bank by way of overdraft of current account. Moneys so raised by the trust are normally repayable over periods up to ten years. In the odd instance in the past, it has been possible to negotiate a longer repayment term.

Under the principal Act, the trust is empowered to lend, by way of either first or second mortgage, over periods up to 30 years.

As a matter of prudence, bearing in mind the long-term nature of its lending, the trust endeavours to borrow for the longest possible term—preferably more than ten years. As the majority of lenders prefer a shorter term, the trust's borrowing capacity has been limited to banks and, to a much lesser extent, insurance companies.

The amount outstanding at 30 June 1979 in respect of fixed term loans from banks was $18·1 million. In addition, overdraft limits totalled $18·15 million.

If the trust is to continue to assist first home buyers—applications are being received at a steady rate—its demands on the banks will progressively increase. It will be appreciated that there is a limit to the extent to which banks can be expected to increase long-term loans to the trust. In fact, the stage has been reached where it is becoming increasingly difficult to obtain funds from them.

It is desirable, therefore, that the trust be placed in the position of being able to tap a wider range of prospective lenders by offering a negotiable form of security. No doubt, that form of security would also appeal to the banks in the management of their investment portfolios, enabling them to buy or sell as and when they desire to do so.

The Bill appropriately extends the borrowing powers of the Home Finance Trust contained in section 6 of the principal Act. Clause 1 cites the Act as the Home Finance (Borrowing Powers) Act 1980, and provides for the Act to come into operation on the day on which it receives Royal assent.

Clause 2, which replaces the existing section 6 of the principal Act, is divided into two sections. Sub-sections (1) to (3), inclusive, of the proposed new

section 6 provide the Home Finance Trust with the necessary ability to borrow funds, the repayment of which will be guaranteed, subject to terms and conditions approved by the Treasurer of Victoria.

Sub-section (4) provides that the obligations of the Treasurer to make payment under a guarantee shall be met by payment of the necessary sum from the Consolidated Fund and, conversely, any sums recovered shall be paid into the Consolidated Fund. Sub-section (5) provides that, in respect of any borrowing, the trust may give such security as may be agreed by the Treasurer of Victoria. Sub-section (6) provides that any sums borrowed by the trust shall be paid into either the first fund or the second fund. The remainder of clause 2 merely replaces the existing section 6 of the principal Act in the form of a new section 6A.

Since its establishment almost 24 years ago, the Home Finance Trust has performed an extremely useful service in the cause of home ownership in this State and, given the widened scope to raise funds, will continue to assist families, mainly in the lower income group, in the future. I commend the Bill to the House.

On the motion of Mr FORDHAM (Footscray), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, May 6.

EXTRACTIVE INDUSTRIES (AMENDMENT) BILL

The message from the Council relating to the amendment in this Bill was further considered.

Discussion was resumed of the Council's amendment:

Clause 8, page 5, line 15, after "fee" insert "and shall give to the owners or occupiers (if any) of lands adjacent to the deposits notice in writing of the making of the application".

and of Mr Balfour's motion:

That the amendment be agreed to.

Mr AMOS (Morwell)—During the second-reading debate and particularly the Committee stage of the debate on this measure, I believe I placed the Opposition's consideration of the matter well on record by indicating that it was opposed to the whittling away, whether gradual or in some greater part, of citizens' rights, particularly the appeal mechanism. I refer in particular to clause 8 of the Bill which in effect brings about a new extraction permit which in itself takes away the necessity for the authority to have advertised the application for a proposal to establish a quarry or an extractive industry. Without again canvassing that same ground, suffice to say that at the time I expressed the fear that many Victorians could be disadvantaged by the denial of the right of appeal simply by the implementation of clause 8 of this proposed legislation in that the clause would deny the right of persons to know of the new form of extraction permit application.

Notwithstanding the volume of evidence that was considered by two joint committees of Parliament when they considered the nature and extent of extractive industries and recommended that any application for a proposal to extract material ought to be widely advertised by newspaper advertisements and by a notice on the land and by any measure that brought such action to the attention of the community, the Government contemplated bringing forward a proposal to allow the Minister for Minerals and Energy to authorize a restricted form of extraction permit for up to twelve months' duration which did not need to be advertised.

I adopted that stand on behalf of the Opposition during the second-reading debate and in the Committee stage because, if one did not inform the community that that form of authorization was being sought, the community would be denied the right to object and appeal. The honorable member for Gippsland East took up that call and, while he did not consider the principal objection as being as important, he acknowledged that some information ought to be provided at least to adjoining landowners. The honorable member made the plea to the Minister that adjoining landowners affected

ought to be notified of any application as a result of the proclamation of the Bill. In another place last week, consideration was given to an amendment of the Bill to allow for advice to be given to adjoining landowners. Hence, the Bill is once again before the House.

Having painted that scenario, before continuing further, I want to make one fundamental point which is important to the Opposition's consideration of this type of amendment. When one has a situation such as occurred last week when a public holiday occurred, namely, Anzac Day, no copy of *Hansard* was made available. If the Government is sincere about informing the community and this Parliament of the intent of its legislation, it is incumbent upon the Minister responsible for the passage of the legislation concerned to at least inform the Opposition of what is intended.

Last week an amendment was carried in another place and one had the spectacle of the Government attempting to bulldoze that amendment through this House without the courtesy of informing the Opposition of the amendment or the extent which that amendment touches.

Mr Kennett—To be touched; covered?

Mr AMOS—The honorable member for Burwood says, "covered". I would remind him that, so far as I am concerned, the argument advanced during the second-reading debate and the Committee debate "covered" a great deal of area that the Minister's amendment does not attempt to go anywhere near let alone cover now.

The Government and this Minister, in fact any Minister of the Crown placed in that position, has a responsibility to at least say what is intended, and that did not occur last week. That is why the debate did not proceed further than it did. The House still does not have the information or the advantage of what occurred in another place during debate on this measure last week.

Hence, the House has before it an amendment of four short lines circulated by the Minister this evening. Those four short lines seek to amend clause 8 and they talk about giving the owners or occupiers of lands adjacent to the deposits "notice in writing of the making of the application".

It goes only part of the way in ensuring that the community's rights to object and appeal are protected. The amendment basically says, "at least an applicant for this new form of authorization shall at the same time inform the owners or occupiers of adjacent land that he intends to make the application". That sort of notification does not say—and I challenge the Minister in winding up the debate to state otherwise—that those persons will be informed of their rights to object or appeal. It does not say that those persons will be informed that they can write to the relevant town planning authority to lodge their objection so that their objections can be taken into consideration by the appropriate planning authority before a town planning permit is issued. It does not say anything at all about the rights of those persons who do not live adjacent to land that is subject to extraction of material when they may well be affected perhaps even more so than the owner or occupier of the adjacent land.

I refer to the most likely possibility of landowners living on a road leading to a proposed quarry who are very much part of that situation but who do not live adjacent to the land affected. What if the adjacent landowner is an absentee owner and lives many miles away? The persons who may wish to object are not informed at all and do not know, until such time as it becomes a *fait accompli*. What then of their rights to object and appeal? There are no rights whatsoever. It comes back to the situation that I referred to during the second-reading debate and the Committee stage: That if persons are not made aware of their rights by advertising or notification in writing, they certainly have no right of objection and appeal.

I make the plea again to the Government that, if it is sincere about protecting those rights, it has an obligation to inform those persons, that is, all persons who can be reasonably deemed to be affected by an extraction permit. Not merely the adjacent landowner or occupier because, as the Minister well knows, that person may be an absentee landowner and the adjacent land may not be occupied. If that is the case, those persons who live nearby and those persons who reside in the area and who will be affected by the proposal ought to be given the opportunity to object and/or appeal.

Hence, without taking the House to the extent of moving an amendment or opposing the amendment made by the Council, I merely place on record the Opposition's continuing concern that the Government is whittling away rights that have been hard fought for and won, the rights of persons to object and appeal.

While the amendment goes part of the way to inform some persons that a specific extraction permit is being applied for, it does not go anywhere near ensuring that that protection is fully extended. It goes only part of the way to ensure that the community will not be disadvantaged. To that extent the Opposition does not intend to vote against the amendment but it places on record its displeasure with the Government's continuing ignorance of persons who may be disadvantaged by the proposed amendment.

Mr B. J. EVANS (Gippsland East)—I am pleased that the Minister for Minerals and Energy has taken up the suggestion I made that a minor amendment of this nature could overcome the situation that adjoining landowners in a case like this could be unaware of a permit being granted for an extractive industry until it was a *fait accompli*.

I am a little surprised that the honorable member for Morwell should have spoken at such length about this provision because it is nowhere near as earth shattering as he makes out because, after all, the type of permit to which it relates is a relatively minor proposal and extremely limited in its extent. It will obviously need to be administered with a degree of discretion. I do not have any grounds for believing that it will be otherwise.

I am interested in the word, "adjacent" rather than, "adjoining". I do not know whether there is any significance in the use of that word. Whilst the dictionary defines "adjacent" as meaning, "lies near or contiguous", the generally accepted meaning of the word is not necessarily contiguous. If that is the case, the question arises as to what comes within the definition of adjacent lands in these circumstances.

Is it the intention of the Government that it should apply only to abutting lands, immediately adjoining lands which are, for instance, on the other side of the road? What is the Government's real intention with regard to the definition? I do not wish to labour the point, but I seek clarification from the Minister as to what is intended. Does it mean abutting land; in other words, land which actually abuts the property, or does it also include land across the road which may be adversely affected by the granting of such a permit.

Apart from those relatively minor questions, the National Party is pleased that the Minister has accepted the proposal. Despite what the honorable member for Morwell has said, the Minister advised me the week before last that he proposed to have an amendment of this kind moved in another place. The honorable gentleman has kept me informed all along of his intention with regard to this measure.

Mr BALFOUR (Minister for Minerals and Energy) (*By leave*)—Replying to the honorable members for Morwell and Gippsland East, I indicate that it was not the intention of the Government to take into account all the matters which had been proposed by the honorable member for Morwell during the second-reading debate and the Committee stage of the Bill. As I indicated when this amendment was introduced to the House the other day,

I undertook to look at the proposition put by the honorable member for Gippsland East and, as it was considered to be reasonable, this amendment has been proposed.

The honorable member for Gippsland East asked a question about land adjacent to the deposits, which is quite a good point. In assessing whether an extraction permit should be granted, the Minister would need to assure himself either that planning permits were not necessary or planning permits were necessary, and he should also assure and advise himself whether these notices had been given.

I suggest that a property across the road would be an adjacent property and is the type of property one would have in mind, similar to whether the land was abutting or had a common boundary.

I also accept the point made by the honorable member for Morwell, that people living along a roadway leading away from a quarry could be at some disadvantage, and should also be taken into account. People living immediately in the vicinity of the proposed extraction area, who might be upset by the quarrying operations, would be advised and I hope in future when these extraction permits are issued, these aspects will be taken into account. The provision should not just necessarily apply to properties with abutting boundaries but to people who live on properties adjacent to the quarry and they should also be notified.

The matter of owners or occupiers was raised and maybe that could also include a designated owner. However, if people were living in a house on an occupied property, it would be reasonable for those persons, who would be the ones really inconvenienced, to be notified of the intention to issue an extraction permit.

As I have stated previously, the main reason for this provision is to save time on small jobs and not to take away the rights of the people. The amendment proposed will at least give some rights to people who might be concerned and who live close to the proposed extraction area.

The motion was agreed to.

SALE OF LAND (DEPOSITS) BILL

This Bill was received from the Council and, on the motion of Mr MACLELLAN (Minister of Transport), was read a first time.

FRIENDLY SOCIETIES (BENEFITS) BILL

This Bill was received from the Council and, on the motion of Mr MACLELLAN (Minister of Transport), was read a first time.

MAGISTRATES' COURTS (JURISDICTION) BILL

This Bill was received from the Council and, on the motion of Mr MACLELLAN (Minister of Transport), was read a first time.

WODONGA AREA LAND ACQUISITION (VALIDATION) BILL

The debate (adjourned from April 2) was resumed on the motion of Mr Hamer (Premier):

That this Bill be now read a third 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 House refuses to read this Bill a third time until officers of the Department of State Development, Decentralization and Tourism, the Treasury and the Albury-Wodonga (Victoria) Corporation are made available to the Opposition to comment upon the land purchases referred to in the Bill".

Mr CRABB (Knox)—By leave, I wish to speak on this matter.

The SPEAKER (the Hon. S. J. Plowman)—Order! The honorable member for Knox has requested that leave be granted to enable him to speak on this matter. I advise the House that this is rather unusual, but if the House gives leave and there is no dissenting voice, the honorable member for Knox can have leave to proceed.

Mr WOOD (Assistant Minister for State Development Decentralization and Tourism)—Leave is granted.

Mr CRABB (Knox)—When this matter was last before the House on 2 April, I moved an amendment which called on the House to refuse to read the Bill a third time until officers of the Department of State Development Decentralization and Tourism, the Treasury and the Albury–Wodonga (Victoria) Corporation, were made available to members of the Opposition to comment upon the Bill.

Since then, not only has the Government allowed members of the Opposition access to those officers who had been requested, but also in the meantime members of the Opposition have been given permission to have discussions with the Valuer-General. I am grateful to the Premier and the Minister for Local Government for allowing those consultations to take place.

In the event there was no trouble. However, those discussions having taken place, the amendment which has been moved by me is now clearly redundant and I seek leave of the House to withdraw it.

By leave, the amendment was withdrawn.

Mr CRABB (Knox)—The discussions which members of the Opposition have had have certainly given us a far better insight and greater knowledge of the purchases which are the subject of this Bill and, more particularly, the purchase by the corporation from Mr Wallace, namely, the property known as Bethanga Park, the purchase of which has been debated in this House on a number of occasions. Each line of inquiry which members of the Opposition have made into the Bethanga Park purchase has produced further reasons for concern over this $974 000 land transaction. After having discussed the matter with all the officers who are available or all of the officers who may reasonably be expected to have knowledge of the matter, there are now dozens of alarming features of this transaction which I and my colleagues will spell out in detail during the course of this debate.

I shall summarize the principal matters of concern on this purchase. Firstly, the Wallace land was removed from the threat of compulsory acquisition in May 1975 on the initiative of none other than the Premier himself. This fact was apparently never drawn to the attention of the then Minister for State Development and Decentralization and certainly has never been drawn to the attention of the House until this moment.

The second matter is that the Wallace land was the last land ever to be purchased outside the now reduced designated area. If the Wallace land had not been purchased at that last gasp of funds being made available, it would never have been purchased to this day.

Thirdly, although the whole of Mr Wallace's land was purchased, namely that inside the designated area and that outside, in many other cases people's land was only part purchased despite the fact that in those other cases there was demonstrable hardship.

Fourthly, it is now clear beyond doubt that the Albury–Wodonga (Victoria) Corporation, deferred consideration of approval of the Wallace purchase at its meeting of 1 March 1975. The corporation did not again consider that purchase until after the contracts had been signed on 5 March. Simply put, the purchase was not approved by the Albury–Wodonga (Victoria) Corporation and no doubt the Leader of the National Party, who is interjecting, will have plenty of time to make his contribution later.

Mr Ross-Edwards—Was it 1975?

Mr CRABB—It was 1976. I take the honorable member's point and I am grateful for his correction. The fifth alarming fact, and perhaps this is——

The SPEAKER (the Hon. S. J. Plowman)—Order! I would like to clarify one point for honorable members. The honorable member for Knox is, by leave of the House, speaking a second time on the third reading of the Bill. Other honorable members have spoken after the honorable member for Knox originally moved his amendment and at that stage I indicated to the House that honorable members would be speaking to the third reading and to

the amendment. That includes the Premier, the Leader of the Opposition, the honorable member for Keilor, the Leader of the Opposition and the honorable member for Bundoora. Those honorable members have exhausted their right to speak on the third reading. I wished to clarify that point as the honorable member for Knox has indicated that the Leader of the National Party would have the opportunity of speaking again and to put his position clearly. I indicate that position to honorable members so that there is no confusion on the rights of honorable members to speak again on the third reading, except by the unanimous leave of the House. Also, the Premier, having moved the third reading, has the right of reply. Otherwise those honorable members previously mentioned have exhausted their right to speak.

Mr ROSS-EDWARDS (Leader of the National Party)—On a point of order, Mr Speaker, you mentioned the Leader of the Opposition twice and I was wondering whether you meant the Leader of the National Party on one occasion.

The SPEAKER (the Hon. S. J. Plowman)—I meant to refer to the Leader of the Opposition and the Leader of the National Party.

Mr CRABB (Knox)—I have already indicated four alarming aspects of this purchase which have been brought to the attention of members of the Opposition. The fifth and most alarming fact of all is that the purchase was made at a price above the Valuer-General's valuation. The valuation of the Valuer-General was for a total of $847 400 and the price actually paid by the corporation was $907 808 plus a solatium or disturbance allowance of $66 041. The 10 per cent solatium—that is 10 per cent of the price for the land inside the designated area—was paid without any exercise of discretion of any kind by the Minister despite the fact that the statute required the Minister to exercise his discretion in each case.

It is the view of the Opposition that the payment of a 10 per cent solatium in the Wallace case was clearly illegal and beyond the powers of the Minister.

I shall deal with the detail of these five aspects. Firstly, the Wallace land at Bethanga Park was excluded from the acquisition area. So far the House has been told that it was necessary for Mr Wallace to sell his land to the corporation because it was under threat of compulsory acquisition. That phrase has been used by many speakers from the Government and the National Party. The House has been told that he could not sell the land to anyone else. The truth is that his land was not under threat of acquisition.

A document which came into my possession, I know not how, headed "Ministerial Notes" contains notes which were apparently prepared for the Minister for State Development and Decentralization in 1977 and states:

> Following initiatives taken by the Victorian Premier, the Honorable R. G. Hamer, in May, 1975, further areas including Allans Flat, Upper Kiewa and Bethanga South were removed from the threat of acquisition.

Bethanga South is the area in which Mr Wallace's land is situated. The Premier seemed to have forgotten that or has forgotten to tell the House. It is an important aspect of the matter. It is remarkable that the Premier could make a number of speeches on this purchase without referring to the fact that he excluded this area.

The instigation of the Premier is reflected only once in the documents on the Wallace file and that is an oblique reference on the form used for the purchase. The form referred to:

> 708 acres in non-compulsory area.

When the Opposition asked Mr Read of the Albury-Wodonga corporation what that meant he was unable to explain immediately, although he explained later. That was subsequent to my having drawn attention to the Ministerial Council decision. That is reflected in Mr Beard's valuation of the land next to the Wallace land. The Premier has placed reliance on Mr Beard who was well aware of the exclusion from the acquisition area when

he made the valuation in June 1975 of the land next door to Mr Wallace. The only other evidence, other than the resolution by the Albury-Wodonga corporation on 8 May that can be produced is a copy of the *Border Morning Mail* of 31 May, which states:

"Victoria's Premier, Mr Hamer, said in Albury last night . . . there would be no compulsory acquisition in the five peripheral towns on the Victorian side of the growth centre in the areas of Allan's Flat, Bethanga and Upper Kiewa".

It is unbelievable that a statement of Government policy of that import should be recorded only in the files of the Albury-Wodonga corporation by means of a newspaper article. I do not believe the Premier should run the State in such a way that statements of policy are merely recorded in press cuttings.

However, although exclusion from the acquisition area was not mentioned in the Wallace file, with the exception of the one oblique reference to which I referred, it should have been drawn to the attention of the corporation and the Minister when he was asked to sign the contract. It should be noted that on 30 May 1975, the date on which the Premier made the statement that the land was to be excluded from compulsory acquisition, Mr Wallace requested that a valuation of his property be obtained from the Valuer-General.

It appears that the exclusion of Bethanga Park was common knowledge long before the corporation made an offer to buy the Wallace land. There is no indication that Mr Wallace ever requested that his land be purchased by the corporation. On 30 May, Mr Wallace merely requested a valuation. He went as far as deleting the word "purchase" from the form he signed. He asked that the land be valued, not purchased following the valuation by the Valuer-General. There is no record of any response following the provision of the valuation by the Valuer-General.

The next event that occurred was that the corporation forwarded a contract to Mr Wallace on 4 September 1975 without his having offered the land for sale. Given the fact that the corporation was prohibited from buying land unless at the request of the landowner, that is a peculiar circumstance.

The Wallace land was the last land of its type purchased. The funds for the Bermarden and Wallace land were the last moneys provided for land outside the reduced acquisition area. Only one-half of the Adams land, the other case being dealt with simultaneously, was bought, and the amount of $200 000 saved by buying only half that land was applied to purchase all of Mr Wallace's land. The other half of Mr Adams's land has not been bought, even to this day. Mr Adams wanted to sell the other half of his land and, if honorable members investigate the matter, they will find that he put up a case of being in hardship.

After 10 March 1976 when funds were provided to buy the Wallace land, no further money was forthcoming until 16 December 1976, by which time, as honorable members will be aware, the acquisition area had been dramatically reduced, leaving the Wallance land several miles from it. If all or part of the Wallace land had not been purchased by the corporation in March 1976 it would never have been bought.

The case of the Rapsey land is comparable with the Wallace land in this regard. It was included in the qualified approval given on 20 October 1975 and included in category 4 of the memorandum of 15 December. However, it was never purchased. The Rapseys, like everyone else, were reimbursed for their expenses and given an apology. That is in dramatic contrast to the treatment received by Mr Wallace.

The next point relates to treatment of other people whose lands were split. The determination of the Ministerial Council on 27 September 1974 has already been quoted by the Premier in the House but *Hansard* seems to have picked it up wrongly. If anyone outside reads the report they would get the wrong impression. The determination of the Ministerial Council reads as follows:

Properties partly designated to be excluded from acquisition or purchased on the basis that minimum disruption should be caused and

proper regard be paid to posible claims for severance based on continued viability of the holding.

The Ministerial Council gave two options. Where the land was split by a designated boundary the council stated that the corporation could purchase all or none of it. The first option—to exclude it from the acquisition—should have applied to Bethanga Park. The fact is that that was the only legal option available to the Albury-Wodonga corporation since, after 1 January 1975, it was beyond the powers of the corporation to purchase land outside the designated area. That is why this Bill has been introduced. Given that Ministerial determination, the only proper course of action available to the corporation was to tell Mr Wallace that it was not able to buy his land.

When the Albury-Wodonga corporation was considering whether it could buy half his land, Mr McPherson of the corporation wrote to the Valuer-General on 1 March 1976 and requested to be informed of the severance payable if the land outside the area was not bought. The valuer at Wodonga replied verbally that none would be payable as the basis of valuation was the capacity of the land to be split into farmlets or hobby farms. Apparently Mr McPherson informed the valuer that no written reply was necessary. None of this information was supplied to the Minister, Mr Byrne, prior to his signing the contract.

In two other cases, to the knowledge of the Opposition—the land belonging to Phillips and McKenzie-McHarg—the land inside the designated area was purchased but the land outside was not, despite considerable hardship being demonstrated in both cases.

The SPEAKER (the Hon. S. J. Plowman)—Order! I remind the honorable member for Knox that debate on the third reading is strictly confined to what is in the Bill as reported. I do not believe Phillips and McHarg are part of the schedule. They are not part of the Bill on the third reading. I ask the honorable member to restrict his comments to the ten specific cases referred to in the Bill.

Mr CRABB—I was making only a passing reference for the sake of comparison. I was going to say Mr Wallace was dealt with simultaneously with Mr Adams and the Bermarden family, but Mr Wallace was the only one who had his entire land purchased. The other two, who had part of their land purchased, were treated differently from Mr Wallace. It has been claimed by the Government that the Bethanga Park purchase of Mr Wallace's land was approved on 20 October 1975. The resolution of 20 October read:

> The Corporation approves of negotiations reached . . . on condition that no contracts be exchanged until individual priorities are determined unless the property is within the defined priority areas.

Mr Wallace's land was not within the defined priority areas. Of the eleven properties subject to this resolution, six were included in the schedule to be purchased in Mr Read's letter to the Minister on 15 December. The other five were in the schedule not to be purchased. Two of those were never purchased. That clearly indicates that the resolution of 20 October was by no means final.

At the corporation meeting of 1 March 1976 the Bethanga Park Wallace land was presented for final unqualified approval but it was resolved by the corporation that it be referred back to the Chief Property Officer for a report as to why the Corporation should proceed with the purchase of that portion of the land owned by the vendor and lying outside the designated area because it objected to the purchase. Members of the Opposition who sought to ascertain which board members had raised objection, were refused the information and, to date, I do not know who it was. Therefore, I am not in a position to inform the House of the reasons for his objection. It would not be hard to speculate what they were.

The corporation did not approve the purchase at its meeting on 1 March. Nevertheless the Minister, Mr Byrne, was not informed of this resolution other than by routine circulation of the minutes. I imagine that the Min-

ister would be no more assiduous about reading minutes than any other Minister or member.

The Minister, in ignorance I believe, signed the contract for the purchase of the Wallace land on 5 March. It should be noted that at the meeting held on 1 March the two other purchases were considered—the Bermarden and Adams purchases—and were split, part to be bought in the next financial year. The second parts were never purchased. Wallace was unique because his land was the only land it was decided to purchase. *Ex post facto* approval was given by the corporation at its meeting on 22 March.

I now refer to the land that was valued in two parts on 26 June 1975 by a valuer from the Valuer-General's Department. The designated area was valued using the index of 31 March at a figure of 186. The valuation put on the land was $600 000. This valuation was given to Mr Wallace on 18 July 1975. The new index figure was not published until 9 August and there is no further record of any discussion prior to the corporation's letter of 4 September 1975 enclosing a contract for $974 000 which was based on a price of $660 408 for the land inside the designated area.

The corporation price was apparently based upon the 30 June index of 205. The chairman of the corporation does not appear to have been aware of that change. I certainly did not draw his attention to it, but when the Opposition discussed the matter with him it was his opinion that a valuation was obtained from the Valuer-General and that was the valuation that should matter.

I inform the House that the Valuer-General was, to say the least, shocked when he discovered that the Albury–Wodonga corporation had exceeded his valuation. The index that was used for the Wallace land of 205 has never been as high before or since. Indeed, by the time the Albury–Wodonga Corporation bought the land after 31 March 1976, the index had fallen to 157. The correct value of the land, according to the index, at the exchange of contracts was not the $660 408 which was paid, but $505 800. That is the land inside the designation. The Valuer-General placed a market value of $247 400 on the land outside the designation. The corporation did not vary this figure but at the time of the valuation in June the planning permits covering that land provided for one building permit for each 16 hectares. That was revoked on 24 September and replaced by a new interim development order which provided for one building permit for each 40 hectares and prohibited further subdivision. The land was not revalued following this, but the shire valuation on the land next door—which I am assured is comparable in every way—was $436 per hectare, nearly 40 per cent of the $1100 per hectare paid for the Wallace land. The appropriate value of the land at exchange of contracts appears to have been $97 100, not the $247 400 that the taxpayers of Victoria paid to Mr Wallace.

Lastly, the solatium of 10 per cent was to be paid on a designated portion only. No judgment or discretion was used, nor consideration given, in this matter. The corporation was instructed by the Minister to pay the full 10 per cent on every purchase, despite the requirement of the Land Compensation Act that the Minister exercise discretion in each case. That 10 per cent went illegally to every vendor and I direct that matter to the attention of the House. It was outside the law to pay 10 per cent to every vendor when the law provided that discretion must be applied. Even the Minister for Immigration and Ethnic Affairs should understand that.

When one compares the land next door to Wallace's land based on the shire valuation of that land, one finds that the Wallace land inside the designated area at December 1975 had a market value of the order of $300 000 and the land outside the designated area had a market value of $97 000-odd. If we value the land according to the index basis at the date of exchange of contracts, the total value of the package was $602 900, 62 per cent of the $974 000 paid. The market

value of the land at that time was of the order of $400 000, merely 41 per cent of the price paid.

I direct the attention of the Premier to his own speech in this House as recorded at page 7823 of *Hansard* where he stated:

> In July 1975 a valuation was provided by the Valuer-General. It is common ground that the actual purchase took place within the parameters of that valuation and for the amount laid down by the Valuer-General.

That is simply not true and I believe the Premier was misled on that matter.

I have set out to the House in as much detail as I can in the time available to me the matters that are of deep concern to the Opposition. This matter ought to be investigated, and investigated in such a way as to be fair to everyone concerned—fair to Mr Wallace, to the corporation and, indeed, to this Parliament. The Labor Party considered the various ways an investigation could be conducted more appropriately than Opposition members have been able to do in the past three weeks. On each occasion that we have gone there, we have found something new. That applies not only to Opposition members but also to National Party and Liberal Party members. Each time we have investigated the matter, something else has emerged. I am concerned that there is something which I have not noticed during the course of investigation. The proper course of action is for a Queen's Counsel to be appointed, given similar powers to those provided under the Companies Act, to examine the transaction and report back to the House, Accordingly, I move:

> That all the words after "That" be omitted with the view of inserting in place thereof the words "this House refuses to read this Bill a third time until a Queen's Counsel, with powers appropriate to the powers given under Part VIA of the Companies Act 1961, has been appointed to examine the Wallace transaction referred to in item 10 of the Schedule to the Bill."

Dr COGHILL (Werribee)—I second the amendment.

Mr CRABB (Knox)—I have demonstrated so far that the purchase was illegal and that is the reason why the Bill is before the House. The land was removed from the acquisition area before it was ever conceived that it should be purchased. It was the last land bought in such circumstances by the Albury-Wodonga Corporation. Mr Wallace was treated far better than other people who had split properties at the same time. The corporation did not approve the purchase prior to the signing of the contract by the Minister. The price paid was more than 10 per cent above the Valuer-General's valuation and, in addition to that, an extra 10 per cent was paid to Wallace as a solatium without any discretion being exercised, as was the legal obligation of the Minister under the legislation governing land acquisition. Further, Mr Wallace never formally offered his land to the corporation; the corporation offered to buy his land. That is the reality of the hard data on the file.

Mr Ross-Edwards—What about on 30 May?

Mr CRABB—On 30 May he asked for a valuation. If the Leader of the National Party had read the data carefully, he would have seen that there is no doubt about that. Mr Wallace asked for a valuation, not for the purchase of his land.

I wished to raise two other matters. However, in view of the fact that the time allotted to me has expired, I shall leave those two matters to my colleagues. I commend the amendment to the House.

Mr WOOD (Minister of Immigration and Ethnic Affairs)—The Bill was introduced to validate the purchase of properties outside the designated areas. Mention has been made in previous debate and in debate tonight of an illegal act. There was no illegal act. I invite honorable members to look at the definition of the word "illegal" in *Osborn's Concise Law Dictionary*:

> Illegal. Unlawful; an act which the law forbids, as to commit a murder, or to obstruct a highway . . . Thus a contract made *ultra vires* is void, but not illegal.

If one looks at the definition of *"ultra vires"*, one finds that it means beyond the power and in excess of authority conferred by law and, therefore, invalid.

The preamble to the Bill says:

Whereas the *Wodonga Area Land Acquisition Act* 1973 empowered the Minister . . .

To do certain things—

And whereas the *Wodonga Area Land Acquisition (Amendment) Act* 1974 amended the said *Wodonga Area Land Acquisition Act* 1973 with effect from the 1st day of January 1975 so that thereafter the Minister was empowered to purchase land . . .

. . . . .

And whereas all such contracts of sale relating to land wholly or partly outside the designated area have been completed and doubts have arisen as to the authority of the Minister to make such purchases:

The whole purpose of clause 2 of the Bill is to validate certain items as specified in the schedule. I maintain that, if taken to a legal opinion, it would be proved that this was not an illegal act. There is no law that says the Minister cannot purchase those lands. They were purchased without authority, I agree. Perhaps later on I can have a conference with Labor Party members and try to convince them that the purchase was not an illegal act. The land was purchased without authority and the contracts could have been invalid in part, but this Bill is to validate those purchases.

It is suggested that this land should have not been purchased at all. Previous speakers and I have outlined that these properties were purchased in good faith and in accordance with the policy direction of the Ministerial Council comprising a Minister from each of the Federal, Victorian, and New South Wales Governments. Honorable members should bear in mind that, at the time, the Ministerial Council comprised a Labor Prime Minister, a Victorian Liberal Minister and a New South Wales National Party Minister. Their decision of 27 September 1974 authorized properties partly designated to be excluded from acquisition or purchase on the basis that minimum disruption should be caused and proper regard should be paid to possible claims for severance based on continued viability of the whole. The directive and the philosophy behind the action to be taken in the purchase of properties in the proposed growth centre was carried out in that spirit in the Wallace transaction. The property was purchased in good faith and in accordance with the wishes of the Ministerial Council.

The honorable member for Knox stated that, because the Premier had made a press statement that these properties were not under any acquisition order, they would not be acquired. I am sure right up to the time of the purchase it was pointed out to him that the Albury-Wodonga Corporation was asked to deal with landholders wishing to sell; and it was only in November 1976, many months after this land was purchased, that the area of acquisition was reduced. At the stage when the land was purchased by the Minister it was still under an acquisition order, although no acquisitions had, I understand, taken place at that stage. Wallace had negotiated and he was still under threat of acquisition so there was a hardship factor to be borne in mind. People of commonsense would realize that when land is in a designated area and is under a threat of acquisition, it is extremely difficult to sell it.

The SPEAKER (the Hon. S. J. Plowman)—Order! The time for me to interrupt business has in fact passed, so I shall now interrupt business.

On the motion of Mr WOOD (Minister of Immigration and Ethnic Affairs), the sitting was continued.

Mr WOOD (Minister of Immigration and Ethnic Affairs)—The suggestion was made that Wallace gained something or that there was something irregular because his land was the last to be purchased. If honorable members examine a minute of the Albury-Wodonga (Victoria) Corporation dated 15 December 1975, they will find set out a list of proposed land purchases. As I have already informed the House, the order of suggested signing of contracts of sale and subsequent settlement was to be based on a priority to be determined on the basis of when agreement was reached with the vendor; so that if a vendor had agreed on, say, a Monday to the price that had been offered and had come to agreement on terms and conditions of the contract of sale, he was to be given priority for settlement and for signing of the contract of sale

over anybody following that, even over somebody with whom agreement was reached on the Tuesday. That list shows that, in the case of Wallace, agreement was reached and settlement was recommended and his was one of twenty names on the list. In fact, his name was twelfth on that list. He ended up being one of the last three in respect of whose land a contract of sale was signed and where settlement was effected. There was no advantage to him in being third last, second last or last. His contract should have been effected earlier and one could say that he was disadvantaged rather than advantaged.

I know Opposition members believe it is a terrible thing that somebody sells property and gets money—a dirty word. I would like to see some members of the Opposition in the same situation. I know what their actions would be. There was no detriment to the others. If anything, there was detriment to Wallace. Instead of being twelfth, he ended up being nineteenth.

Other properties have been mentioned which were not on that list so I will not refer to them by name. However, funds were available for the purchase of all of those properties I have mentioned as being on that list dated 15 December 1975.

Honorable members interjecting.

The SPEAKER (the Hon. S. J. Plowman)—Order! The honorable member for Knox moved an amendment by leave of the House and he was heard in silence. The honorable member for Knox has raised a serious matter and I ask him and the honorable member for Melbourne, the Deputy Leader of the Opposition and other honorable members of the front bench of the Opposition to remain silent while I at least listen to the argument being put by the Minister.

Mr WOOD—At that date agreement had been reached with other parties, apart from those who were on that list. Of course, funds were available to settle the transactions set out in that list, of which Mr Wallace was one, and funds to the extent of $11 900 000 were made available to satisfy the purchase of the Wallace and other properties. Hence, it is not as though Mr Wallace received some enormous favoured treatment or was given great precedence over anybody else. Mr Wallace took his turn, in fact he was delayed in receiving settlement.

The value has been mentioned and it was suggested that the Wallace property was purchased at a higher figure than that determined by the Valuer-General. If one examines the entire system of valuations, the Wodonga Area Land Acquisition Act provides that the Valuer-General shall determine the market value of the lands as at 3 October 1972, disregarding any improvements which were on the lands at that date, and the Act goes on to provide that the category or categories of land use to which the percentage increase or decrease relates should be valued on the base rate in 1972, which was an index of 100. On 9 July 1975 the Valuer-General placed an applicable index of 186 and the Albury-Wodonga Development Corporation offer of 18 July 1975 and the land owner's agreement of 8 September 1975 were based on an index of 205 which was provided by the Valuer-General and applicable when the offer and acceptance was concluded.

Mr Wilkes—What does that mean?

Mr WOOD—If the Leader of the Opposition had been present with the officers concerned, he would know. It has been explained to those members of the Opposition who were present and had discussions with officers of the corporation and of the Department of State Development, Decentralization and Tourism. It was explained quite simply and it is in the Act and, no doubt, the Leader of the Opposition was present when that Act was passed on 18 November 1975.

The entire basis of the Valuer-General's valuation was in accordance with the Act and the valuation was based upon an index which on the date of agreement, was 205 and, when that is applied, the figure of the purchase price is arrived at.

One cannot undertake a value and arrive at an agreement and say that at the date of settlement, "We will sign

the contract on what the value is". That is not done because terms, conditions and price must all be previously agreed upon. The Wallace price was agreed upon in accordance with the directions of the Valuer-General under the Act, and that figure applied at the date of agreement—the date of acceptance by Mr Wallace.

A solatium is mentioned. It has been suggested that Mr Wallace should not have received solatium on the property. Solatium was paid to Mr Wallace on that area of land within the designated area, not on any land outside, purchased by the Albury-Wodonga Corporation. Solatium was paid for all properties purchased in every case.

Mr Crabb—Illegally!

Mr WOOD—The honorable member for Knox can argue whether it was illegal or otherwise. It was an accepted fact that in every case solatium was paid. The suggestion comes back to why the land was purchased and whether it was viable. Argument in previous debates has claimed that there was no need to purchase the land. The land within the designated area could have been purchased and Mr Wallace could have been left with the area of land outside—approximately 550 acres. In fairness to Mr Wallace, there was only one thing to do. He had been told by the corporation that it wished to purchase the land, and there was a chance that it could be compulsorily acquired.

The SPEAKER (the Hon. S. J. Plowman)—Order! The honorable member for Brunswick will win something else if he does not cease interjecting along with his colleagues. I have repeatedly asked honorable members to cease interjecting. Honorable members might disagree with the point of view expressed, but they have had adequate opportunity to put their points of view in refuting the argument made. I ask those honorable members to follow the rules of debate and withhold their comments until they rise to their feet, instead of interjecting.

Mr WOOD—The Ministerial Council had said that properties partly designated should be excluded from acquisition or purchased on the basis that minimum disruption would be caused and that regard be paid to possible claims for severance based upon continued viability of the holding.

Was the holding viable? Everyone I have spoken to, including farmers within the district area, have said that the undesignated section of the property would not be viable on its own. A retired farmer, Councillor Martin of the Shire of Tallangatta, informed me that he could not under any circumstances regard the 550 acres of undesignated land—the area to be validated in the Bill—as a viable holding capable of being farmed as a separate unit. I understand Mr Martin was invited by the Labor Party to examine the land. He has made a statement to me in which he confirms that water was available only in one corner of the paddock. It was dependent upon supply from the homestead, which was within the designated area and, if that area only had been purchased, supply would not have been available.

Mr Martin says it is foolhardy to suggest that a farmer whose viable area is taken by the Government could operate with such restrictive supply and be forced to make arrangements for supply through other adjoining properties. Anyone who has had any dealings in trying to obtain easements on neighbours' properties for water courses, or whatever it might be, would know the enormous difficulties that can be encountered. Neighbours will often say, "Sure you can take water through here but I am not going to give you a registered easement". It is most necessary to obtain registered easements and vital to ensure continuity of supply. Farmers do not like giving easements.

Mr Martin pointed out that it was neither equitable nor reasonable under conditions of Government acquisition that a farmer should be faced with using proceeds from the sale of a viable farm to prop up an unviable holding. That is a sensible approach. It has been suggested that a person who

receives, for example, $600 000 for a designated area, could move over the road, spend a lot of money, build a house and improve the property and, if things did not go too well, he could live off the proceeds of the interest on the area of land he sold. That is not common sense.

A farm is either viable or unviable and, in this case, because of the topography—the sloping nature of the ground and the southern aspect—to farm it alone is very difficult. Feed would be poor or non-existent during the winter months and it would have a limited summer capacity. It is not a viable area. That has been confirmed by Mr Bob Beard of Robert Beard and Associates. Mr Beard is a senior municipal valuer in the area. He has retained notes from a valuation of the property in November 1975.

Mr Beard said that the property, undesignated, could not be considered viable—especially in the 1975-76 era when the property was being purchased. He backed that up by saying that 80 per cent of the land is steep to very steep; the water supply is very poor and useless in summer months, and there are no improvements on the property except a hayshed. Hence, to suggest it is a viable area is just not on. It is not viable and it is as simple as that.

What does a person do if the viable part of his property is taken away and that person is left with an area such as this on which he cannot make a living? Without the slightest doubt, compensation would have to be paid. That person would have to be afforded some form of remuneration or compensation for his property being cut in two and being forced to retain an unviable holding.

All purchases in the Albury-Wodonga area were made in good faith. Again I emphasize that the Wallace property was purchased under a direction of the Ministerial Council. It was not done to try to help Wallace in any way whatsoever; it was done in the true spirit of the Ministerial Council. Hence, the points raised by the honorable member for Knox do not cut any ice and I am sure they have been explained to him by officers of the corporation.

The suggestion that Mr Wallace received some sort of favoured treatment is yet to be proven. The valuation and the solatium were all in accordance with other purchases made by the corporation. There was no distinct advantage whatsoever. Mr Wallace was informed that his property would be acquired in good faith, and he proceeded to discuss price. Eventually agreement was reached and there was no alternative but for the corporation to proceed and purchase the property.

The SPEAKER (the Hon. S. J. Plowman)—Order! I advise honorable members who have not spoken previously on the third reading that they will now be speaking to the amendment and the third-reading motion.

Dr COGHILL (Werribee)—The contribution of the Assistant Minister for State Development Decentralization and Tourism did not do justice to the importance of the issue before the House and the importance of the amendment moved by the honorable member for Knox. Unfortunately the House has been treated to little more than an exercise in semantics and a lot of waffle about what went on in some sort of vain attempt to refute the arguments of the honorable member for Knox.

I have had to give the matter deep and thorough consideration and examination because at the time of these transactions I was one of the strongest defenders of the propriety of the land acquisition programme in the Albury–Wodonga area. At the time I was a councillor of the Rural City of Wodonga and a member of the Albury-Wodonga Consultative Council. Both bodies had close liaison with the Albury-Wodonga Development Corporation as to the progress of various aspects of the development, not the least being the land acquisition programme. Through my involvement with various contacts, I knew quite a number of individuals involved in land acquisitions and I knew most of the land that was involved. Like others

right across the political spectrum, I believed that those policies were being administered efficiently, with precision and without fear or favour.

Members of the National Party, the Liberal Party and the Labor Party were led to believe that there was no reason to hide anything because there was nothing to hide. That was not only the position which I found myself in but the position which the Honorable Bill Baxter, who was then member for Murray Valley, which included the Wodonga area, found himself in. I firmly and confidently held that view until the Auditor-General's report revealed that these deals were subject to some legal doubt. The report showed that it could well be that the transactions had not been carried out legally, and if that is not an illegal act, I do not know what is. Even then, the deals which are the subject of the legislation——

The SPEAKER (the Hon. S. J. Plowman)—Order! I remind the honorable member for Werribee that he is speaking to the amendment which deals specifically with the Wallace transaction. I ask him to confine his remarks to that particular transaction.

Dr COGHILL—I am speaking to the motion too, I believe, Mr Speaker.

The SPEAKER—The honorable member is quite correct. I withdraw that remark.

Dr COGHILL—Thank you, Mr Speaker. Even then, having seen the Auditor-General's report, it was being portrayed by the Liberal Government as nothing more than an administrative oversight, a simple matter of an administrative mistake that had to be tidied up. I have made a thorough examination of these matters and it cannot be explained away as easily as that. These matters were not simple administrative oversights, as has been displayed in the debate to date, and I seek to reinforce that in this contribution.

The more one looks at these land deals, the files, and the facts, the more suspicions are raised about exactly what went on; and the more one looks at Wallace's case in particular, the stronger is the case for a full and detailed inquiry, such as that proposed in the amendment moved by the honorable member for Knox.

Many facts were not revealed at the time, and even now some of the facts that are coming to light have done so only with great difficulty, after much questioning, after much examination of files, and documents. They were not facts readily available to any person, and those who sought them had some difficulty in locating them. I do not say that we experienced "obstruction", but certainly we had difficulty. There has not been a satisfactory explanation of the actions of the Minister who was responsible for these purchases, or for the actions that were carried out under his supervision.

I wish to refer to the facts, which are significant, because I believe they amount to prima facie evidence that ought to be thoroughly investigated in the manner suggested.

For the sake of clarity, I shall take these facts in chronological order. The first fact, which is undisputed, is that the Wallace property was well within the original area for planning control. In mid-1974 the Ministerial Council agreed on a designated area. Through some mapping error, part of Wallace's land was placed outside the designated area, as were some parts of other property. Those facts are undisputed. The Ministerial Council became aware of these mapping errors and considered them at its meeting on 27 September 1974. The council made a number of resolutions at that meeting; one was to exclude some peripheral areas from acquisition. Another one that has been referred to was to allow an option whether or not these properties on the fringe should be purchased, and I shall quote the relevant parts of the resolution:

> The council authorized . . . subject to funds being available, (properties) partly designated to be excluded or purchased on the basis that minimum disruption should be caused and proper regard be paid for severance based on continued viability of the holding.

That clearly gave a choice. The Wallace property could have been purchased, or it need not have been purchased. It has been asserted that there was no choice by the Victorian Minister, but at that meeting of the Ministerial Council there was a choice as to which action he should follow.

Following that, at a public meeting at Wodonga on 7 November 1974, the Premier indicated that there would be no acquisition of land that was not needed for urban development. That was a clear, unequivocal statement, made before a very large audience at Wodonga.

On 8 May 1975, about six months later, the Ministerial Council discussed the release of certain lands from compulsory acquisition. From the records available, the precise decision is not clear, but it was soon to become clear. On 30 May 1975, the Premier, while in Albury-Wodonga, made a statement that was curiously recorded only in the *Border Morning Mail,* not in the records made available to members of the Labor Party by the Victorian Development Corporation, and in that he said:

> No compulsory acquisition in the five peripheral towns on the Victorian side of the growth centre or in the areas of Allans Flat, Bethanga and Upper Kiewa.

Bethanga is the area where Mr Wallace's land is, and was, located.

Mr Simpson—Is there a press release?

Dr COGHILL—There was a statement to the press, that members of the Labor Party have been unable to locate, in a press release by the Premier and it seems the report is on the basis of a direct interview with the *Border Morning Mail.* However, on this issue there is no record of the Premier's policy decision being formally recorded. It is an extraordinary situation that a decision of this magnitude, not only about the Wallace property, was not formally recorded with the Victorian Development Corporation, or on any other file, as best members of the Labor Party can find.

On that same day, 30 May 1975, Mr Wallace asked for a valuation of his property. He specifically did not ask for his property to be purchased. The option of purchase was deleted from his application form quite deliberately. By a strange coincidence, that was the same day that the Premier was in Albury-Wodonga, and the same day on which he announced his policy. I might add that the honorable gentleman was quoted as having said it "last night". That was on 31 May, so presumably he made that statement late on 30 May. Not only were the dates the same, but the solicitors acting for Mr Wallace were a firm in which the Premier holds an equity share. That has to be of some significance. It is something that ought to be investigated to ascertain whether it is simply coincidence, or whether there is some more sinister basis to it.

It was almost a year from that date, 30 May, since Mr Wallace first knew that his property could have been subject to acquisition, yet by strange coincidence he let it go almost a whole year until the day on which the Premier, who held a share in his law firm, was in Wodonga making a significant announcement that affected Mr Wallace's property.

The next significant action was the valuation signed by the Valuer-General on 9 July 1975. The valuation was as at 26 June 1975; in other words, before it would have come under the new index—no matter what. The valuation was sent to Mr Wallace on 18 July 1975. It has been pointed out in debate that the price offered to Mr Wallace was on the basis of the index figure as at 30 June 1975. The figure prevailing at the date of valuation, 26 June, was 186—that is, 86 per cent above base valuation in 1972. The corporation offered a price based on the index of 30 June 1975, which was 205; in other words, 105 per cent above the base valuation. This is not a new valuation made by the Valuer-General; it was an adjustment calculated by the Victorian Development Corporation.

There is a further aspect to that. The figure that the corporation used in its adjustment was not made known by the Valuer-General until 4 August 1975. The figure was provided to Mr Wallace on 18 July, yet it was adjusted according to a figure that did not become available until after that date, 4 August. This was not the standard procedure followed by the Victorian Development Corporation or, so far as members of the Labor Party can establish, by the Minister, by making offers and entering into negotiations. This certainly was not the procedure that was generally followed, and should have been followed, in every case. The Valuer-General should have been asked to make any adjustment he thought to be appropriate, but it was not done in this case, for whatever reason the adjustment was made on the Minister's behalf.

The next event is that on 4 September a draft contract was sent to Mr Wallace, "as requested", according to the file, but there is no indication of the nature of that request. It is not known whether it was requested in a telephone call, in a personal visit, a telegram or a letter from Mr Wallace. There is no indication—and yet this is a major stage in the negotiation—of it being recorded. It ought to have been recorded how Mr Wallace made this request, given that his only formal request on the file had been for a valuation—not for purchase.

The draft contract was returned to the corporation on 8 September, four days later. At that stage negotiations were not complete. According to the files, negotiations were completed on 27 September 1975. Those negotiations included the lease-back rental figure. The very next day the new interim development order, applying to Wallace's property and others, came into effect. That new interim development order significantly reduced the market value of properties in the area. That was only one day later, yet the corporation and the Minister did not take it into account. It is incredible to suggest that either the corporation or the Minister could not have known that the interim development order was imminent. They should have known on 8 September, but there is no evidence that they took it into account.

It is worth recording that at that time the Victorian Development Corporation was working closely with the municipalities, and the Town and Country Planning Board, on the preparation of plans for the area, yet the Minister suggests that this was an oversight, or that in some other way it was not taken into account.

The significance of the interim development order was that it reduced these lands in market value by about 40 per cent. That reduction was for two reasons. Firstly, it prohibited further subdivision and it reduced the building potential of allotments. Buildings could only be constructed on those allotments after that date if they were 40 hectares or greater. Prior to that date, it was 16 hectares, and subdivision was possible. The effect of that interim development order was to reduce the value of the land outside the designated area by at least $100 000. That is very clear from an examination of the determinations of values of adjoining properties.

The next significant date is 20 October 1975. The records of the Victorian Development Corporation for that date show a list of properties where negotiations had been completed, and they were submitted to the Victorian Development Corporation for approval. One of those properties was Wallace's property. The whole eleven properties were approved, subject to certain conditions as to priority and funds being available. Of those properties three were never bought, yet for some reason the Wallace property was bought, and it has been held that that decision of the corporation was legally binding. That is simply not so, because if it were the case, all the properties would have been acquired by one means or another.

Following that, on 15 December 1975 a letter was sent from the chairman of the Victorian Development Corporation to the then Minister for State Development and Decentraliza-

tion, the Honorable Murray Byrne. In that letter he referred to hardship cases, and indeed, the Minister who just spoke also referred to hardship and indicated that it was a factor in the considerations of the purchase of the Wallace property and other properties. Yet we have been told in our inquiries that hardship was not a factor, and that is a direct contradiction of that assertion by the Minister. We were told that the settlements were made simply in order of agreement; no hardship factor was taken into account, according to the evidence given by the public servants who are involved—a direct contradiction of the statements made by the Minister. Those two accounts of what happened cannot be reconciled. There is something very strange about them which cannot be explained by the information given to the House, something which must be referred to an inquiry.

On 26 February 1976, the Minister was advised to sign a contract subject only to funds being available. In other words, he was advised that provision should be contained in the contract that it could go ahead only if funds became available.

On 1 March 1975, a few days later, the development corporation resolved to investigate the possibility of purchasing only that part of the Wallace property that was inside the designated area. The effect of that motion was to defer approval by the development corporation of the purchase—in other words, to defer a recommendation to the Minister that the property should be acquired. Nevertheless, despite the significance of that resolution, no evidence was presented to show that the Minister was advised of it. That is an incredible situation. A few days before the Minister was likely to sign this contract, a motion was passed, in effect, deferring a recommendation on it, but that basic information was not transmitted to the Minister.

On 6 March 1976 the Minister signed the contract unconditionally, regardless of the advice he had been given on 26 February and of the decision taken by the Albury-Wodonga Development Corporation. He signed it without having had before him a full report on the property proposed to be purchased and without reviewing in full the details of the proposed purchase, and, more particularly, he signed it without reviewing the basis of valuation. That shows that the Minister, on all the evidence we have been able to examine, was ill-informed when he signed the contract.

As has been pointed out, this was the last property outside the reduced area to be bought by the Minister on behalf of the development corporation. If it had not been bought at that last gasp it would never have been purchased. Parts of other properties in like situations have been acquired, and the honorable member for Knox has elaborated on those, but for whatever reason, the Minister was determined to push ahead with the Wallace transaction and acquire the property in full.

That leaves a number of matters which have not been adequately explained. The first is in regard to the decision on 27 September 1974 and the question is why the Minister did not exercise the choice which was open to him not to purchase that property. The second is why the Minister did not heed the Premier's statement of 7 November 1974 not to acquire properties in that area which were not required for urban development and could not conceivably be required in the foreseeable future.

Further, the Ministerial Council on 8 May 1975 had made a decision which is unclear, but certainly brought into question the acquisition of these areas. This decision of the Ministerial Council was confirmed by the Premier's statement on 30 May 1975 that acquisition would not proceed at Bethanga, amongst other areas. Then there was the coincidence that the valuation was sought on 30 May 1975, the very same day, by a person who was a client of the firm in which the Premier holds a share. The index was adjusted quite outside the standard procedures which were adopted and which the Valuer-General expected would and should have been followed.

Negotiations were completed on 23 September 1975, just one day before the new interim development order came into effect, which reduced the market value of the land outside the designated area by somewhere around 40 per cent or in excess of $100 000. On 20 October 1975 eleven properties were put up for approval, including the Wallace property; three of those were never bought, but for some reason the Liberal Government pressed ahead with the Wallace property. On 15 December 1975 a reference to hardship was made in a letter to the Minister, and we heard the statement of the Minister tonight that hardship was a factor, yet we have been given the understanding that hardship was never a consideration in these property transactions.

On 26 February 1975 the Minister was advised to sign the contract subject only to funds being available, yet later he signed it unconditionally. On 1 March 1975 the corporation sought an investigation and thereby deferred approval. The Minister was not advised of that, although it was his usual procedure to act on the basis of recommendations by the development corporation.

Then the Minister signed the contract without re-examining the purchase, without a revaluation, despite the significant events which had intervened—he went ahead none the less. The property was bought as a whole, whereas the others were bought in part, although there was provision for the Minister not to purchase the property at all.

Those are thirteen major grounds for concern which I see. They include facts which evidently have not previously been drawn to the attention of the Leader of the National Party or, indeed, the Government. It would seem that in all the contributions honorable members have heard on previous occasions, these facts have not been revealed to the Minister, to the Leader of the National Party or to the Parliament. Those thirteen grounds individually may not seem significant, but together they amount to a damning indictment. It is an utterly amazing coincidence that these thirteen events could happen in one transaction unless something was behind them. It is an incredible string of events which has led to the public incurring an additional cost of more than $300 000 of taxpayers' money which could have been saved by a judicious and competent exercise in Ministerial responsibility.

My close examination of those files and the facts supplied in interviews with public servants involved have forced me to change my view on the matter—I make no secret of that. In my view there is only one responsible way for Parliament to handle this matter, and that is to refer it to the inquiry, as proposed in the amendment.

Mr ROSS-EDWARDS (Leader of the National Party)—The proposed legislation to validate certain purchases made by the Minister for State Development Decentralization and Tourism pursuant to the Wodonga Area Land Acquisition Act 1973 has been debated in detail, and I shall confine myself to answering and debating various matters raised, particularly by the honorable member for Knox, on behalf of the Opposition. However, I shall first make the comment that we should try to look at this situation through the eyes of a person who was there at the time, in 1974, 1975, and 1976, as were certain other members of the National Party and I, and I took a close personal interest in the Albury-Wodonga area at that time.

We must also remember that the Ministerial Council gave some very specific instructions to the corporation on what it had to buy, and among those instructions was one that if people wanted to sell, the corporation was to purchase their properties and to take hardship into consideration. I do not want to discuss Mr Wallace's affairs publicly, but he was suffering hardship during 1975. I shall not discuss it any further than that; it would not be fair to Mr Wallace to do so, but I make the point that he was suffering considerable hardship in 1975 because of the development of Albury-Wodonga.

The other point made by the Opposition was that this property was removed from the threat of compulsory acquisition in May 1975, and that this was not drawn to the attention of the Minister. To say that would be the greatest confidence exercise that I have seen in a long while, and I will explain what that means. The greater part of the property was in a designated area at that time and remained there until the end of that year. The Premier was in Wodonga on 30 May and made a public statement—I think it was at a meeting—in which he said that the Government did not want to compulsorily purchase land in the future in certain areas, so if people did not want to sell they would not be chasing their land, but the Premier did not say that that land had been taken out of a compulsory acquisition area. That was done many months later in December 1975, but it could still technically be compulsorily acquired. Particularly at that time there was no practical way in which an owner could sell to anybody apart from the corporation.

The Premier made a statement of Government policy at Wodonga to clear the air, and to say that that was not made known to the Minister would be ridiculous. I know what the situation was at that time, and the Premier and the then Minister for State Development and Decentralization were in daily contact with each other. Honorable members representing the area were queued up to speak to both of them about the problems that were occurring in the Wodonga area.

It may not be documented but it was known to the Minister for State Development and Decentralization and it was common knowledge amongst honorable members. The statement made by the Premier about the development of Wodonga was significant at the time. I knew about it early the morning after the statement was made.

It has also been stated that this was the last land purchased. There is nothing wrong with its being in the last batch of land being purchased, which is a more accurate statement. It has also been said that Mr Wallace did not ask for his land to be acquired. He did ask for it. In the statement that I have been given and which I understand the honorable member for Knox was given four or five weeks ago, it is mentioned that negotiations began in letters between Mr Wallace's solicitors and the corporation. I have read those letters. Negotiations for and discussions on the possibility of purchase continued through 1974 and 1975 and the beginning of 1976. Perhaps the Premier can give specific details of the time when he speaks later.

I ask the Premier to clarify one point about which I am uncertain. Early in March one member of the corporation asked for the Wallace transaction to be deferred apparently because of concern about part of the land being outside the designated area. It was some days later that the Honorable Murray Byrne signed a contract. That point should be answered.

The property was sold at the valuation which would have been calculated by the Valuer-General if he had done the valuation. The Valuer-General did his valuation as at the end of June, and the consumer price index variation was added for the next three months to the end of September or thereabouts, and that was the price. Technically, the Valuer-General signed a valuation as at the end of June and the corporation added the consumer price index figure for three months and came to the same result that the Valuer-General would have reached. The price was right and the calculation was correct. However, this is one of the points on which the honorable member for Knox hangs his case. It is almost as weak as the three points with which he started and which he has long since cast aside and forgotten.

The solatium of 10 per cent has been made a feature. Every vendor to the corporation was paid 10 per cent.

Mr Cain—At a discretion.

Mr ROSS-EDWARDS—It was a discretion and it was paid.

Mr Cain—To a maximum.

Mr ROSS-EDWARDS—To a maximum, but it was not more than 10 per cent. Would the Opposition hang its case on that?

Mr Cain—Yes, I would. It was not a discretion.

Mr ROSS-EDWARDS—The Opposition has not raised that point in relation to the dozens of other purchases made in 1974, 1975 and 1976.

Mr Cain—It did not know about it. It was wrong.

Mr ROSS-EDWARDS—All honorable members knew about the solatium that was being paid. It had been common knowledge all through the years that it was 10 per cent.

Mr Cain—It was wrong.

Mr ROSS-EDWARDS—Wrong?

Honorable members interjecting.

The SPEAKER (the Hon. S. J. Plowman)—Order! If honorable members on both sides of the House take no notice of the continuous appeal from the Chair for some consideration of the Standing Order regarding interjections, the Chair will be forced to take action against honorable members. I do not wish to do so in this debate or at any time. But honorable members are pushing their luck too far. I also include the honorable members for Niddrie and Polwarth.

Mr ROSS-EDWARDS—The Ministerial Council gave specific instructions to the corporation. I believe the press statement by the Premier has been answered. The valuation and the calculation were correct. Members of the Opposition have made some serious charges and for their own good and obvious political reasons they want an inquiry into the affairs of Albury-Wodonga to ascertain whether anything occurred there was dishonest or favoured a particular person. There is nothing wrong with that, but before an inquiry can be instituted, if it is to be fair, one must produce prima facie evidence. The Opposition has brought out some points—5 or 6 were made by the honorable member for Knox and 13 or 14 by the honorable member for Werribee—but on any one of those there could not be a prima facie case to refer to a court or a commission of inquiry.

I am the first person to support the Opposition if something corrupt or dishonest or involving personal favour occurs. I have crossed the floor and voted with the Opposition, as have other members of the National Party. It is the duty of the National Party to do that, but when there is no prima facie evidence, and the Opposition is obviously on a fishing expedition, it is the responsiblity of the National Party to make a judgment on the facts. I have tried to judge this case on its merits. I have conferred with my two colleagues in another place who represent the area, one of whom represented the Wodonga area in the Legislative Assembly at that time. We have looked at the files and have conferred with officials from the Albury-Wodonga corporation. I believe, and they believe, that at this juncture, unless something else is produced, the evidence presented by the Opposition does not justify the matter being taken further.

Mr SIMPSON (Niddrie)—This has been an interesting debate because honorable members have heard detailed facts from the honorable member for Knox, detailed facts from the honorable member for Werribee, a silly speech by the Assistant Minister for State Development Decentralization and Tourism, and one of the poorest speeches that I have had the displeasure to hear from the Leader of the National Party.

The Leader of the National Party said that evidence of a prima facie case should be provided before the matter is sent to a Queen's Counsel. The Opposition is not asking for a Royal Commission or for a Sir Gregory Gowans board of inquiry; it is merely asking for the matter to be dealt with in the terms of the amendment. That seems to be warranted by the evidence and the substantial facts quoted by the honorable members for Knox and Werribee.

Following the debate that took place earlier on this Bill, the Leader of the National Party said that he had done

some investigations over a period of sixteen days. All honorable members know that he was offered the services of many people, which had not been made available to the Opposition at that time.

Mr Wood—You did not ask for it.

Mr SIMPSON—I take up that interjection by the Minister. The honorable member for Knox asked the Premier in November 1979, and his request was rejected. As a result of the debate that followed in this place on 2 April 1980, when the matter became publicly exposed, the Premier had no alternative but to back down and make the same opportunities available to the Opposition.

Representatives of the Opposition met with Mr Read, the chairman of the corporation, and with Mr McKenzie. Two of us went to Wodonga and met with farmers, more than the one mentioned by the Assistant Minister for State Development Decentralization and Tourism. We also met senior officers in the departments concerned. One of the people with whom we had discussions was Mr McGlade, the Valuer-General.

Mr Crabb—Did the Leader of the National Party speak with the Valuer-General?

Mr SIMPSON—Through you, Mr Speaker, I ask the Leader of the National Party whether he spoke with the Valuer-General. From his lack of response I can only gather that the Leader of the National Party did not speak with him, or that he did not have the opportunity of doing so.

In their discussions with the Valuer-General representatives of the Labor Party put forward certain evidence and were provided with some information. The comment by the Valuer-General was, "I wash my hands of it". The Valuer-General said that, and yet the Leader of the National Party says that no prima facie evidence has been placed before this Parliament

At the beginning of his contribution the Assistant Minister for State Development Decentralization and Tourism said that this was not an illegal transaction. Honorable members have been through this exercise before. I went to the trouble of finding out that in 1979 the Leader of the National Party said that it was an illegal transaction. It is recorded in *Hansard* that the Leader of the National Party agreed that it was an illegal transaction. Mr Mal Read, the chairman of the Albury-Wodonga (Victoria) Corporation, said that it was an illegal transaction. In fact, there was more than one illegal transaction—hence the validating legislation. The Auditor-General also said that it was an illegal transaction.

The Bill before the House says just that—the House is debating validating an illegal transaction. It is disappointing that within weeks there have been two pathetic performances by the Assistant Minister for State Development Decentralization and Tourism on this matter. It has been proved conclusively that these transactions require full investigation by Queen's Counsel with all the assistance that can be made available to him. In earlier debate, the Leader of the National Party said that he had spoken to the Premier, who is also Minister for State Development Decentralization and Tourism, the Director of State Development, two officers of the Albury–Wondonga (Victoria) Corporation, Mr Read and Mr McKenzie, and to Mr Bob Beard, a valuer. At page 7838 of *Hansard* of 2 April 1980 the Leader of the National Party is reported as stating:

> I have been satisfied by what I have been told by Mr Beard who is the senior municipal valuer. I had to hang my hat on a certain person and he assures me the area is not viable.

When the Opposition asked for an inquiry it gave the reason that of the 1258 acres available for the Wallace farm, approximately 550 acres were outside the acquisition area. The Opposition argued that surely the 550 acres would have been a viable proposition for a farm.

Honorable members interjecting.

Mr SIMPSON—I hope the interjections continue to flow.

The SPEAKER (the Hon. S. J. Plowman)—Order! The Chair does not wish the interjections to flow.

Mr SIMPSON—I can understand why the Chair does not want the interjections to flow—I will destroy those interjections and that will not be in the best interests of the Government.

The honorable member for Melbourne and I accepted a challenge from the Leader of the National Party and, accompanied by a research officer, visited the farm. Before going to the farm we surmized that we probably did not have the expertise to make valuations or to determine whether the property was viable. The Leader of the National Party, hanging his hat upon a certain person, assured me that the area was not viable but I did not want to hang my hat on a certain person so I indicated that I wished to speak to as many farmers as I could possibly meet and that I wanted to meet people with farming experience to make an assessment of what they had to say and to listen to the advice of people living in the area and farming the land. No one would know better than the farmers themselves.

We met many farmers outside the Albury-Wodonga (Victoria) Corporation offices and accepted the generosity of the chairman, Mr Read, for refreshments and a briefing on the further information we required. Then, in the company of Mr Read, we drove to the property. The drive took 45 minutes and I would have preferred the driver to have been a little slower—at the pace I would have preferred, it would have taken approximately an hour to reach the location. Honorable members will understand the urgency to have the land for urban development around Albury–Wodonga that distance away and on the wrong side of the weir!

Upon reaching the farm, we met with local farmers, amongst whom was the gentleman who has been mentioned tonight, Councillor Norman Martin, on whom the Assistant Minister for State Development Decentralization and Tourism hangs his hat about the viability of the farm as the Leader of the National Party hangs his hat on Mr Beard.

Councillor Martin invited us to look at the 550 acres and mentioned that it appeared to be a fair acreage to farm. Investigations showed that that was about the average holding for viable farms in that area but the councillor said that the difficulty with this farm was that it would not hold water. He said, "Of course, it is my belief that it will not hold water and without water those lovely Herefords you see would starve and die and the farm would not be viable".

Other farmers did not appear to share that opinion so the honorable member for Melbourne and I discussed the viability of the farm with those farmers. As a result of those discussions, Councillor Martin went home and we proceeded to inspect the farm. We wanted to look at the property to see whether any water was in the dams that had already been dug on the farm and to look at Spring Creek adjoining one section of the farm. We were delighted to discover that water was running in Spring Creek. We could visibly see that there were gallons of water in the weir that could feed stock and that, above all else, the creek flowed adjacent to the property owned by the Albury–Wodonga (Victoria) Corporation.

I ask honorable members not to forget that and if Government supporters are suggesting that the corporation will not allow water to be pumped through their property, they are making a serious allegation about the people who are running the corporation—I do not believe for one moment if there were a need for water to come from the weir, officers of the corporation, under instructions from the Government, would deny the right of animals to drink water and to survive and for the farmers to be prosperous.

The honorable member for Melbourne and I climbed over the magnificent fences and up the hills that were supposed to be difficult to climb. Even a man of my solid build only cut his hand trying to scale them!

When examining the dams in April 1980, we saw water—Councillor Martin, on whom the Assistant Minister for State Development Decentralization and Tourism hangs his hat, said that the farm was big enough, but that it would not hold water. The records showed that there had been no run-off water in that area since November 1979. On the other side of the River Murray there was to be a meeting that week between representatives, largely comprising certain Government officials, to decide when that area would be declared a drought area—but here we were, in drought conditions, looking at the water in the dams!

I invite any honorable member supporting the Government to view the photographs that have been supplied to the Labor Party and which are now in the possession of the honorable member for Melbourne. I found them fascinating—and I do not suggest there is anything improper about them. When we were on the farm there were a few Herefords and upon asking the farmers —because the Leader of the National Party believes from Mr Beard there is no water——

Mr Ross-Edwards—I did not say that.

Mr SIMPSON—The Leader of the National Party said that the farm would not be viable. Viability depends on water. The honorable member for Melbourne and I asked those farmers to take photographs in case we had difficulty in persuading our friends that the farm held water. The photographs, taken the day after our visit, showed not only the Herefords but also an increase in the number of Herefords, sheep and stud horses which had suddenly emerged—presumably from somewhere else—on to Mr Wallace's farm. I am advised of a figure of approximately $80 000 for the stud horses, Herefords and sheep drinking from dams holding water in drought conditions. Unfortunately, Councillor Martin did not jump the fence with the honorable member and myself to look. If the Assistant Minister for State Development Decentralization and Tourism wishes to hang his hat on that gentleman, that is his responsibility.

I refer now to the gentleman on whom the Leader of the National Party hangs his hat—Mr Beard, the valuer. Before visiting the area the honorable member for Melbourne and I were advised that if we wished the assistance of Mr Beard in our investigations, he would readily provide that assistance at $35 an hour. However, we were not able to expend that amount of money and we took the advice of those who were happy to give their services free of charge. When we returned to Wodonga we asked for information about Mr Beard and spoke to a solicitor who said that Mr Beard was a valuer who, he recalled, had approximately ten of his valuations challenged through the various appeals available and on each occasion the challenge was upheld. That is the man on whom the Leader of the National Party hangs his hat. There may well be more than ten cases, but the ten to which I refer included successful appeals by Mr K. J. Mitchell, Mr H. M. Mitchell and Mr J. W. Mitchell.

Mr Whiting—What is the difference in the valuations?

Mr SIMPSON—I shall give honorable members all the information: Mr K. J. Mitchell, 89·73 hectares, successful application against Mr Beard's valuation; Mr H. M. Mitchell, 340·09 hectares, successful application against Mr Beard's valuation; Mr J. W. Mitchell, 241·86 hectares, successful application. This information was obtained from the minutes of a meeting of the Shire of Tallangatta of 15 May 1978, Valuers Report, Land Valuation, Board of Review Appeal. The list goes on: Grant, successful, Grant again successful, Grant, for the third time, successful, Martin—and so it goes on and on with a list of appeals lodged against Mr Beard on whom the Leader of the National Party hangs his hat. The solicitor with whom I spoke told me that he had lodged ten appeals and had won every one of those appeals. An edition of the *Border Morning Mail*

of April 1978, under the heading, "Appeals Cost Shire $5000", stated, *inter alia*:

> Bad property valuation had cost Tallangatta Shire Council more than $5000 in the past two years a councilor said yesterday.
>
> A former Shire President, Cr. Martin—

Honorable members may recall that I mentioned earlier a Councillor Martin:

> . . . said during the council meeting yesterday some properties in the shire had been "ridiculously overrated".
>
> Cr. Martin said the council had lost a few legal challenges over its valuations.

The total amount was $5233.

The ACTING SPEAKER (Mr Birrell)—Order! The debate on the motion for the third reading of a Bill must be limited to the contents of the Bill. Some of the remarks now being made are in the fringe area. The debate must be confined to the proper scope.

Mr SIMPSON—With great respect, Sir, the point I am trying to demonstrate is that the arguments put forward by honorable members from the Opposition side of the House have been based on fact. The honorable member for Knox took the House through documented facts for 30 minutes. He was able to do so as a result of hours and hours of research and interviews with people who know all the details of the matter. The honorable member for Werribee made ten or more points that were also discovered through investigation. The opposite view has been put forward by the Assistant Minister for State Development Decentralization and Tourism and the Leader of the National Party. The Assistant Minister pinned his case on the belief that the farm is not viable, according to what Cr Norman Martin had to say.

Cr Martin joined the honorable member for Melbourne and myself, and had he stayed with us he would have seen that the dams do hold water. I do not detract from the honesty and integrity of Cr Martin, but from where we stood it was impossible to ascertain whether the dams contained water. One had to climb over the fence and walk part of the way up the hill to determine that. Cr Martin was probably giving an honest view, but it was wrong. Had he gone to the trouble of walking up the hill he would have seen that there was water in the dam.

I have raised the matter of Mr Beard's valuations because the Leader of the National Party hung his hat on the opinions of Mr Beard. I have demonstrated how those valuations cost the local shire more than $5000. Every case that was challenged by a particular solicitor was upheld on appeal. By interjection, I am asked what the average was. It was ten out of ten. That would tend to encourage one to go to that solicitor and say, "Would you mind taking my instructions and dealing with my case?" It is not possible to do better than ten out of ten.

The other argument put forward was hardship. Members of the Government party said that it would be almost impossible for the farm to be viable. I have explained that it would be possible for the farm to be viable without outside assistance, because our inquiries revealed that adjacent farms were of the same dimensions as what was left of the Wallace property—about 550 acres. Nowhere did we see a windmill. Obviously, dams dug into the Bethanga hills would be able to carry the water needed for the type of grazing that takes place in that area. Mr Wallace not only had a farm of 550 acres outside the designated area, which was viable, but also would have received $727 000 for the 708 acres inside the designated area. If one assumes Mr Wallace owed something like $300 000, he would still be left with $407 000 in the bank. That could have been invested at 10 per cent with no risk, and Mr Wallace could have farmed his 550 acres.

Mr Wood—What has viability got to do with that?

Mr SIMPSON—It is interesting that the Assistant Minister for State Development Decentralization and Tourism should make that interjection now, when a moment ago he was saying that the farm was not viable. Viability has everything to do with the need for an inquiry. Parliament has never been given an explanation of what was done and that is why the Opposition wants a Queen's Counsel to examine the

matter. I do not know why the Leader of the National Party is not supporting the amendment moved by the Opposition. My assessment of the Leader of the National Party is that in most cases he sees through a problem and makes a judgment based on the facts before him. I cannot understand why, in this case, he and the National Party are not supporting the simple proposition of calling for a proper examination of the matter.

Mr REMINGTON (Melbourne)—Since the debate was last adjourned nothing has arisen from the investigations and inquiries made by the members of the Opposition to allay our doubts about the Bethanga Park purchase. In fact, the opposite has occurred.

Before going into the details, I refer briefly to remarks made by the Assistant Minister for State Development Decentralization and Tourism. Parliament is an excellent debating forum and it is easy to determine when a speaker does not have his heart in what he is saying. There is no doubt that the Minister's heart was not in the arguments he was putting forward. He was simply not fighting for the case he was purporting to support. He went to the almost laughable extent of saying that if something was invalid it was not necessarily illegal, and he quoted from some source to corroborate that argument. I wondered whether he was saying the Auditor-General was a fool, because it was the Auditor-General's report that brought this matter to the attention of Parliament and the people of Victoria. He highlighted the illegality of the actions taken by the former Minister of the Crown, for which the Government is responsible.

I have many relatives in Swan Hill and I am sure that most of the people in that electorate are intelligent, but there must be some exceptions to all rules. *The New English Dictionary* edited by James Murray defines "invalid" as:

> Not strong, infirm, weak, inadequate; not valid. Of no force, efficiency or cogency; *Esp.* without legal force, void.

That is the definition, but the Assistant Minister for State Development Decentralization and Tourism tried to tell the House that something that is invalid is legal, not illegal. The Minister not only has a poor knowledge of what "invalid" means, but was snowed by Cr Martin. The honorable member for Niddrie and I met Cr Martin, and there is no doubt that he was determined to prove that the 220 hectares was not a viable property. He told us about the water problems and suggested that the dams would not hold water. We believed him, and I suppose he believed what he said. However, after he left we examined the property. He said the dams were porous and there were some discussions about basalt. No doubt it is easy for a countryman to take on a couple of city slickers and to snow them. It was obviously easy to snow the Assistant Minister for State Development Decentralization and Tourism.

Mr Wood—How deep were the dams?

Mr REMINGTON—The water in them would be over the Minister's head. The Minister would have drowned. I will show him the photographs. There is no question that the farm is viable if its viability depends on an adequate water supply. There were horses worth more than $60 000 on the property and the honorable member for Mildura would know that horses need good, clean water. There was good, clean water there.

The honorable member for Niddrie and I met about half a dozen farmers and all of them said the property was viable and they would like to purchase it. They said no land in that area that was for sale was not readily saleable. That was the opinion given by the farmers in the area. They were not hand picked by the Opposition. We asked for a cross section of farmers. They were certainly not duchessed, otherwise Cr Martin, who was intensely hostile to us, would not have been there. The Assistant Minister for State Development Decentralization and Tourism and the Leader of the National Party can examine the photographs.

Although it is a false assumption, I shall assume that there was no water on the farm. Even if that were so, water from the weir and Spring Creek would be readily accessible. If Mr Wallace was concerned that the property was not viable, he could have obtained water rights to Spring Creek and the weir during the negotiations with the authority. There is no question that adequate water would have been available from that source, even remembering that it had been a dry season.

A lot of nonsense has been put forward by the Leader of the National Party, who has been misled. He must acknowledge that. He is an honest man, but he was certainly misled about the viability of the 220 hectares and the credibility of the valuer whose evidence he relied on. The Bill being debated seeks to validate illegal purchases made at a cost of more than $1 million. The House is not dealing only with the Wallace property. Other properties are involved and honorable members ought to be made aware of the Kruss purchase.

Mr KENNETT (Burwood)—I raise a point of order. I direct your attention, Mr Acting Speaker, to the purpose of the debate on the motion for the third reading. I believe the honorable member for Melbourne is going beyond the confines of the debate in giving information that has already been given during the second-reading debate.

Mr FORDHAM (Footscray)—On the point of order, Mr Acting Speaker, as the Speaker indicated when this matter was first raised, this debate is dealing with the contents of the Bill and the honorable member for Melbourne is speaking to both the Bill and the amendment. The Bill unquestionably deals with a schedule of particular purchases and the honorable member for Melbourne is dealing with one of those ten purchases. I might add that he is only dealing with it in passing, but I suggest he is in order at this stage and should be allowed to proceed uninterrupted by the honorable member for Burwood, who has at last taken his seat.

The ACTING SPEAKER (Mr Birrell)—I uphold the point of order and ask the honorable member for Melbourne to continue his short speech!

Mr REMINGTON (Melbourne)—Dealing with the purchase from Kruss, honorable members should bear in mind that the original debate took place in this House on 17 December 1974 and much play has been made of the fact that the Bill passed through the House on 17 December 1974. The point has been made that it was not proclaimed at that time but it has been overlooked that the original Act expired on 31 December 1974, which was precisely a fortnight later, so the Bill had to be proclaimed on 1 January 1975. Honorable members should bear in mind that Parliament debated the Bill which went through the House on 17 December 1974. It is extremely ironical, in fact very disconcerting, how the purchase of the Kruss property was affected because the letter of acceptance was not sent out until one week after the Bill had gone through the House and precisely seven days before the Minister knew that the Bill was to be proclaimed. Mr Kruss would have been told when that Bill was to be proclaimed and also have been informed that after that his property would not have been able to be purchased as it would be totally outside the designated area. The letter of acceptance was posted on 24 December 1974 and although signed it was never dated. One can only assume why it was not dated! It is reasonable to assume that the letter of acceptance was signed after 31 December 1974 so the transaction itself, without question, would have been invalid, in fact illegal.

Had the conditions of the contract been fulfilled on 31 December 1974, prior to the proclamation of the Bill, the Kruss purchase might have got through, but the letter of acceptance sent out was a conditional contract; it was contingent on finance being available, the funds being approved.

The Auditor-General also had critical comments to make on the Kruss purchase. He wanted to know why the letter of acceptance was not signed. He thought that should have been drawn to

attention and he posed the question whether the Public Works Department could have withdrawn the finance and cancelled the transaction knowing the Bill was not to be proclaimed.

Why did that not take place? Other aspects have been raised in the debate on the validation Bill although the Wallace purchase has been concentrated on. The honorable member for Knox presented the facts to honorable members but there is no question that several properties were involved. The Wallace area involved and outside the designated area was 222 hectares; and that was a totally viable farming property. There has been talk about hardship and even the Minister mentioned it, but in this instance there is no question of hardship at all.

Members of the Opposition have discussed that question with the relevant officers. I know that the Leader of the National Party referred to some private difficulties that the vendor had. Certainly there were mortgages on the property and members of the Opposition searched the titles and looked at the mortgages, but there was no evidence in the files that any of the mortgagees were pressing or demanding payment. If that were the position it was not apparent from the files and was not known to the officers from the Albury-Wodonga (Victoria) Corporation.

Assuming that the vendor had entered into a commitment to operate after the property was acquired, even then no question of hardship arises because the Premier had made the position clear to the vendor. The vendor would have been interested in the statement made by the Premier, and would have known that his property was not to be compulsorily acquired. It was clearly excluded and the vendor knew that.

Let us assume that he did not know. That would have been very strange because everybody in the area knew what was happening. The total Albury-Wodonga community was kept abreast of everything that was happening and they knew what was occurring in the area. I would be astonished to learn that the vendor was not aware of the statement made by the Premier who had indicated that his property would not come into the acquisition area.

I ask honorable members to assume that the main portion of his farm was to be acquired but it was not to be purchased at that stage. There is no question that he would experience hardship if he could not sell the 222 hectares had he placed it on the market. In this instance the man was not a battler, but a wealthy man even before he received the $1 million.

I come back to the responsibility of Parliament. It is to ensure that the Bills it passes are in the interests of the general community. Parliament should not be selective or grant favours to certain people. The Government should not be generous with taxpayers' money as it is the taxpayers of the State who will ultimately pay for the illegalities and the actions taken by the Minister at that time. The full responsibility falls on the Government of the day.

A substantial prima facie case has been established and a proper inquiry should be conducted. Honorable members can vote against the amendment but to do so would be for policital reasons as they cannot state that a prima facie case has not been made out. If honorable members state that a prima facie case has not been made out, then I categorically state that they are wrong in making that assumption.

The ACTING SPEAKER (Mr Birrell) Is the Premier now exercising his right of reply?

Mr HAMER (Premier)—Yes. I indicate at this time that I want to deal with what I hope will be facts and not false inferences and produce some real figures and not mistaken figures. It is apparent to anyone with a fair mind that there is not the slightest justification for an inquiry which by its very nature imputes, to say the least, bad management or errors of judgment on the part of the then Minister for State Development and Decentralization. The Minister was a man admired by everyone in this Parliament.

He was well-qualified and one of the most successful Ministers to have been a member of this Parliament.

The first matter I wish to deal with is the statement which was only partially quoted by the honorable member for Knox. Is the honorable member now indicating that he agrees?

Mr Crabb—Which one?

Mr HAMER—The statement I made in Albury-Wodonga on 30 May 1975, a statement from which some quite wrong inferences have been drawn. This is what I said, and these are the words quoted by the honorable member for Knox; that there would not be compulsory acquisition in the peripheral towns or the three rural areas. The honorable member for Knox did not read the next sentence; that the corporation would buy land from people who offered it for sale. I went on to state that events had virtually overtaken the non-acquisition policy because many landowners in the area had approached the corporation to sell their land; that the threat confronting the landowners had now been disposed of and district members of Parliament would be happier.

I recall very vividly the representations made at that time by the Honorable W. R. Baxter, who was then a member of the Legislative Assembly representing the district of Wodonga. Representations were also made by the Honorable A. K. Bradbury who was a member of another place at that time, and both honorable members were anxious to ensure that the threat of compulsory acquisition should be lifted in areas outside the designated area, and indeed inside it as well. It was the clear policy of the Victorian Government, just as it was the clear policy of the corporation, that there would be no compulsory acquisition near those five peripheral towns or in the three rural areas which I mentioned, including Bethanga Park. In fact, this was borne out because there were no compulsory acquisitions in any of those areas.

I have also indicated to the House that where a landowner wanted to sell his land which was in the designated area, then he would be accommodated, and again the facts bear out that statement.

I want to indicate that when the threat of compulsory acquisition was lifted, the land remained designated. That aspect was not removed and the land remained subject to what many people regarded as a blight, that is, in a sense no other purchaser was really available except the corporation. That was the situation in which all these landowners found themselves.

That is the first point: When one removes a property from compulsory acquisition, it does not remove it from the designated area, and it does not remove the blight under which these landowners found themselves to be suffering.

The next matter relates to the severability of portion of the land outside the designated area. At the very least this is a matter of opinion and it is not to the point to say that the Labor Party or even some of its supporters agreed on this point. The view that the land outside the designated area was not viable, if it was severed, is a perfectly sound point of view which was held at that time and strongly held to this day by many people who know what they are talking about. I do not know enough about farming to know whether or not it is true and I have to rely on some of those gentlemen who have given their opinion, and that includes Mr Beard, who has been most unfairly slated tonight.

Mr Simpson—I was quoting the facts.

Mr HAMER—The honorable member did not quote all the facts, he only quoted some of the facts. The statements he made were most unfair and the honorable member ought to be ashamed of himself.

Mr Beard is the valuer for the Rural City of Wodonga, for the Shire of Tallangatta, the Shire of Yackandandah, the Shire of Chiltern and probably other

municipalities. It does not matter whether the honorable member for Niddrie has any faith in his opinions, at least five shires and a rural city do have faith in him.

Mr Simpson—There were successful challenges against his valuations.

Mr HAMER—That is not to the point, and it is not fair to say that he had ten valuations challenged successfully unless one knows the number that were not challenged, and the total number of valuations he has made throughout the north east. I have been told by a number of people that Mr Beard is generally regarded as a very fine valuer and he certainly knows more about this area than does the honorable member for Niddrie.

Even the anonymous farmers who accompanied the honorable member for Niddrie to view this farm, and who were presumably taken along to support his opinion, refused to do so.

Honorable members interjecting.

Mr HAMER—I will give the names of the three men who accompanied the honorable member for Niddrie in his car. The only one who was of the same opinion was Mr Ian Searle who happens to be a supporter of the Australian Labor Party, although I do not suggest that that affected his judgment. His views were similar to those of the honorable member for Niddrie. However, I am not raising anything about that but simply stating the position.

Of the other two gentlemen, one was Councillor Norm Martin, a person who has been much mentioned. He is a retired farmer and presumably knows a little about the area, and he was of the opinion that this additional area outside the designated area was not viable as a farm. The name of the other person who was present and who has not been mentioned was Mr Clyde Rowley, another Bethanga farmer who agreed with Councillor Norm Martin, which means that two out of the three gentlemen thought that this land was not viable. The honorable member for Niddrie states that it would not matter whether it was ten. The fact is that two of the three gentlemen who accompanied him did not support him.

Mr Simpson—That is not true.

The SPEAKER (the Hon. S. J. Plowman)—Order! I have indicated to the honorable member for Niddrie that I will not warn him again, and I state quite categorically that if he interjects again I will name him.

Mr HAMER—Finally, one could consult, as has been done, the previous owner of the property, Mr Northey, who is adamant that he was never able to rely on a year-round water supply or sufficient grazing capacity. One need go no further on this question than to say that it is a matter of opinion, a matter on which there is a division of opinion. I need put it no higher than that.

I suggest that for an honorable member to say on the evidence that a decision is wrong, or that there is something fishy about the decision to buy the whole property instead of part of it, will not hold water. On the question of solatium, I point out that solatium of 10 per cent was paid with respect to every property in the designated area. There is nothing improper about exercising the discretion contained in the Act in that way.

A decision was made by the Ministerial Council and carried out by the corporation that in every case a 10 per cent solatium was to be paid. One can quarrel about whether that is wise, but that is what happened. That is no evidence of any advantage being given to the Wallace property. The solatium, in fact, was paid on only part of the property—on the portion inside the designated area; it was not paid on the portion outside the designated area.

Similar payments are made across the border in New South Wales. New South Wales has a different provision in its Act which provides for a severance cost and disturbance cost but an additional amount is certainly paid over and above the valuation. One cannot rest

a case or any suggestion of improper practice on the payment of a solatium of 10 per cent.

The next point relates to when the request was made by Wallace that his property be purchased. The initial request was made, not in 1975, but in 1974, in a letter dated 30 August 1974 from the solicitors acting for Mr Wallace. The letter is on the file. I will paraphrase the letter:

Mr Crabb—Read it all.

Mr HAMER—I will make the letter available but the honorable member for Knox must have seen it. The letter states, *inter alia:*

> Would you please let us know if the Corporation is able to state whether our client's property is to be included in the area which your Corporation proposes to acquire or whether it will be excluded therefrom. If the property is part of the area to be acquired, our client has indicated that he would be interested in negotiating for the immediate sale of the property to your Corporation provided he will be granted the right to lease the property back on reasonable terms and conditions.

That was an indication to anyone of even moderate intelligence that this man was willing to sell his property. That is why his name went on file. That was the beginning of the process which was followed on 30 May 1975—about nine months later—when he requested the corporation to arrange for a valuation of his property.

If the honorable member for Knox will read the application he will see that Mr Wallace was asking the corporation to arrange a valuation and was not asking the corporation to arrange the purchase of the land. Of course, the purchase followed.

Mr Crabb—Why did he score it out?

Mr HAMER—He was not asking the corporation to arrange the purchase of the land.

The SPEAKER (the Hon. S. J. Plowman)—Order! I have appealed to the honorable member for Knox on a number of occasions not to interject and I do not want to have to appeal to him again.

Mr HAMER—There is no doubt, from the course of events, that Mr Wallace was a willing seller. Once the valuation was produced the matter was resolved fairly quickly and the terms and conditions were also settled and agreed.

The next point is the amount paid. The amount paid was the valuation of the Valuer-General, plus the index which the Act provided should be applied to the original valuation as at 1973. The index figure that was applied was 205. That was supplied by the Valuer-General himself. It was supplied by means of a computer. No one else could work it out. The Valuer-General was asked in every case what the appropriate index was in this case and he gave it as 205. It was 205 when the offer was made to sell the property and it was 205 when the offer was accepted. At all relevant times, therefore, the Act was followed and the Valuer-General's valuation and the index figure given was followed. It was on that proper basis that the transaction was entered into.

The Leader of the National Party asked about an inquiry made in March by one member of the corporation on whether there should not be a severance of this property. I understand his name was Cox and that he was one of the part-time members of the corporation. He raised this matter by way of a query, which was answered in terms of the valuation, and accepted, as the minutes record, at a meeting of the corporation on 22 March. The corporation accepted that it should go ahead and purchase the whole property. The minute, headed "Land Acquisition—Wallace", states:

> It was RESOLVED that the purchase of the total area owned by D. A. Wallace including the portion outside the designated area be permitted to proceed forthwith.

This transaction has been selected by the Opposition apparently because of its size, but, in no other respect, was it unusual. It followed a regular course. It followed the expert advice of the Valuer-General. It followed the expert advice of expert valuers in the district and followed a pattern which was familiar to everyone present.

The House divided on the question that the words proposed by Mr Crabb to be omitted stand part of the motion (the Hon. S. J. Plowman in the chair).

Ayes	45
Noes	32
Majority against the amendment	13

AYES

Mr Austin	Mr McClure
Mr Balfour	Mr McGrath
Mr Birrell	Mr McInnes
Mr Borthwick	Mr McKellar
Mr Brown	Mr Mackinnon
Mr Burgin	Mr Maclellan
Mr Coleman	Mrs Patrick
Mr Collins	Mr Ramsay
Mr Crellin	Mr Reynolds
Mr Dixon	Mr Richardson
Mr Dunstan	Mr Ross-Edwards
Mr Ebery	Mr Skeggs
Mr Evans (*Ballarat North*)	Mr Smith (*South Barwon*)
Mr Evans (*Gippsland East*)	Mr Tanner
Mr Hamer	Mr Templeton
Mr Hann	Mr Thompson
Mr Hayes	Mr Weideman
Mr Jasper	Mr Whiting
Mr Jona	Mr Williams
Mr Kennett	Mr Wood
Mr Lacy	*Tellers:*
Mr McArthur	Mrs Chambers
Mr McCance	Mr Cox

NOES

Mr Amos	Mr Remington
Mr Cain	Mr Roper
Mr Cathie	Mr Rowe
Dr Coghill	Mr Sidiropoulos
Mr Crabb	Mr Simmonds
Mr Culpin	Mr Simpson
Mr Edmunds	Mr Spyker
Mr Ernst	Mr Stirling
Mr Fogarty	Mrs Toner
Mr Fordham	Mr Trezise
Mr Gavin	Dr Vaughan
Mr Ginifer	Mr Wilkes
Mr Hockley	Mr Wilton
Mr Jolly	
Mr King	*Tellers:*
Mr Kirkwood	Mr Miller
Mr Mathews	Mr Walsh

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Mr Lacy	*Tellers:*
Mr McArthur	Mrs Chambers
Mr McCance	Mr Cox

NOES

Mr Amos	Mr Remington
Mr Cain	Mr Roper
Mr Cathie	Mr Rowe
Dr Coghill	Mr Sidiropoulos
Mr Crabb	Mr Simmonds
Mr Culpin	Mr Simpson
Mr Edmunds	Mr Spyker
Mr Ernst	Mr Stirling
Mr Fogarty	Mrs Toner
Mr Fordham	Mr Trezise
Mr Gavin	Dr Vaughan
Mr Ginifer	Mr Wilkes
Mr Hockley	Mr Wilton
Mr Jolly	
Mr King	*Tellers:*
Mr Kirkwood	Mr Miller
Mr Mathews	Mr Walsh

The Bill was read a third time.

LOCAL AUTHORITIES SUPERANNUATION (AMENDMENT) BILL

This Bill was received from the Council and, on the motion of Mr BALFOUR (Minister for Minerals and Energy), was read a first time.

CHIROPODISTS (AMENDMENT) BILL

The debate (adjourned from April 15) on the motion of Mr Borthwick (Minister of Health) for the second reading of this Bill was resumed.

Mr HOCKLEY (Bentleigh)—Clause 2 of the Bill, which is welcomed by the association, permits chiropodists

who have qualified before attaining the age of 21 years to enter practice. Members of the Australian Podiatry Association (Vic) with whom I have discussed the Bill, have expressed their satisfaction with the proposed legislation so far as it goes. They believe, as do members of the Labor Party, that it is reasonable and fair that a chiropody student who qualifies before attaining the age of 21 years should be permitted to practise.

No one in the profession opposes clause 3 of the Bill which requires the association to table an annual report. The clause is in keeping with a private member's Bill introduced earlier this year by the honorable member for Brunswick advocating the tabling of an annual report by the Chiropodists Registration Board of Victoria. In fact, the clause puts into effect the contents of that private member's Bill.

The members of the association have raised with me the question of the licensing of those chiropodists who have completed a course in the administering of local anaesthetics. I have discussed the matter at length with members of the association and they are divided in their opinions. They would see such licensing as stratifying the profession if some members are to be licensed and some are not. Perhaps the Minister could examine the problem on behalf of the association, quite a number of whose members are qualified to administer local anaesthetics.

Members of the association have indicated to me that there are still some anomalies in the Act, but these will be the subject of submissions to the Minister in due course. Irrespective of those anomalies, I commend the Bill to the House.

Mr WHITING (Mildura)—This is a small Bill covering two major points for those people who are involved in the situation and who find at present they are unable to be registered on completing their course if they are under 21 years of age. Under the proposed new provision to be inserted in section 9(2) of the principal Act, there will be no reference to age and this will allow younger people who are able to complete the course to be registered and to practise as chiropodists.

At present, the board is required to furnish an annual report to the Minister, but there is no requirement that the Minister lay that report on the table of both Houses of the Parliament. Clause 3, which inserts such a provision in the principal Act, will be of interest to honorable members and will be of assistance to those people who are interested in all aspects of the Chiropodists Registration Board of Victoria. The National Party supports the Bill, believing it will go towards improving the situation within the profession.

Mr ROPER (Brunswick)—I support the remarks of my colleague, the honorable member for Bentleigh, in putting forward the Labor Party's general support for the Bill and also in asking specific questions of the Minister. I ask that the Minister in his reply specifically outline the Government's policy with respect to the use by chiropodists and podiatrists of anaesthetics because this matter has caused concern among chiropodists themselves as well as among those who are involved in their training.

The Labor Party has been given information about the need for the use of anaesthetics and also about concern over the fact that many chiropodists are not qualified to use them adequately. The Opposition would like the Minister to take the opportunity of this second-reading debate to explain the Government's position on the matter.

The other matter I mention briefly concerns clause 3 which deals with the tabling of an annual report. I suggest to the Minister that the cleanest way of ensuring that this occurs throughout the various registration boards under his control is, not to wait until specific amending legislation comes before Parliament—at the moment there is no suggestion that there will be amendments to the Acts of the three major boards—but to have an over-all Bill which ensures that this important information is provided. It

has seemed to the Opposition for a considerable time that these boards are concerned with the registration and the control of certain professional groups and their activities on behalf of and with members of the community and that, therefore, Parliament, as the body which provides the Act and their legal entitlement in the first place, should be permitted to know what they are doing. It seems to us that there must be a more expeditious way of dealing with the matter of reports to Parliament than waiting for each particular Act to come up for amendment. On that basis, it could be five years or more, given the activities of the Health Commission and its predecessors in the legislation area, before the last board, which may well be one of the most important boards, is finally obliged to report to Parliament.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 7765, s. 9)

Mr ROPER (Brunswick)—The Opposition was disappointed that the Minister of Health did not take the opportunity during the second-reading debate of discussing the use of anaesthetics. One of the matters that should be considered in the registration of a chiropodist or podiatrist is the kind of tools used in those professions as well as their good characters and the fact that they have paid certain fees. The Government should state its intention because there are other matters related to whether a person should be registered. Ideally, the Minister should have answered these questions during the second-reading debate, but he chose not to do so. If he could not supply the information he should have sought advice from the numerous officers of the Health Commission.

On the registration of a group of professionals, a definite view on what tasks those persons can perform should be established, including whether there should be different categories of registration according to whether those persons undertake additional tasks and even whether registration is desirable, given the remarks of the honorable member for Bentleigh, who spoke of a two-tier profession developing. The Minister should make known the policy of the Government on this matter and the debate on the Bill is the appropriate time for him to do so.

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

The Bill was reported to the House with an amended title, and the amendment was adopted.

Mr BORTHWICK (Minister of Health)—I move:

That this Bill be now read a third time.

Mr ROPER (Brunswick)—The Opposition regards with some concern the fact that important questions about chiropodists and podiatrists relating specifically to the use of local anaesthetics, have not been answered by the Minister of Health.

The SPEAKER (the Hon. S. J. Plowman)—Order! I advise the honorable member that debate on the third reading of the Bill must be related directly to what is contained in the Bill, as reported. There is no reference relating to anaesthetics to which the honorable member refers. I rule that his present remarks are out of order and ask him to refer to the Bill, as reported to the House.

Mr ROPER—It would appear that a person improperly using local anaesthetics would be of bad character.

The SPEAKER—Order! The honorable member's remarks do not refer to the Bill, as reported.

Mr ROPER—Parliament has a right to have those questions answered by the Minister.

The SPEAKER—Order! The honorable member for Brunswick will accede to the request of the Chair that, following the Standing Orders of Parliament, debate on the third reading of the Bill must relate directly to the Bill, as it is reported. I do not accept the argument of the honorable member that his remarks relate to the Bill as reported and

I request him, if he has not concluded his remarks, to confine those remarks to the Bill, as reported.

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

YOUTH, SPORT AND RECREATION (GUARANTEES) BILL

The debate (adjourned from April 15) on the motion of Mr Dixon (Minister for Youth, Sport and Recreation) for the second reading of this Bill was resumed.

Mr TREZISE (Geelong North)—The Bill will enable approved sport and recreation projects to be assisted in the future by Government guarantees for financial borrowing. At present, borrowing is difficult and extremely costly. Councils are mostly responsible for community sport and recreation facilities and occasionally they are assisted with subsidies from the Department of Youth, Sport and Recreation, which has a limited source of funds. As a result, the majority of clubs and organizations have had to provide their own finance for community projects and have often had to obtain high interest loans which are a heavy burden on those sections of the community providing essential sport and recreational facilities.

Under the provisions of the Bill, the Government will now be able to give guarantees for borrowing for approved projects. Projects must be viable and the organization borrowing the money must prove itself able to repay the money and must be approved by the local council and by a section of the Department of Youth, Sport and Recreation.

Whilst I presume the number assisted would be fairly limited, if it is only a handful it would be better than the present situation. It is unsatisfactory that the Department of Youth, Sport and Recreation is not appreciated by the Government because it allocates hardly anything at Budget time for that department when compared with allocations for health and education.

The Government is relying more and more upon utilizing the financial turnover of the Totalizator Agency Board, which accounts for approximately 85 per cent of the total funding of the department. With the comparative downturn in the Totalizator Agency Board turnover, the department no longer has sufficient funds to cater for the ever-increasing demands of the community for sporting facilities. That does not take into account the demands that will arise in the years ahead because of the high number of unemployed, persons retiring earlier, shorter working hours and part-time workers. It is essential that recreational facilities be provided to keep those persons occupied, help reduce the rate of crime, drug effects and other matters which are an enormous cost to the community.

The provision of sporting and recreational facilities reduces the enormous cost to the community of health services.

It is unfortunate that the Totalizator Agency Board punter practically finances all of the department. It is about time the Government examined the entire area, apart from its own Budget allocations. Why does the Government not examine the Tattersalls organization and take a percentage of that as it does from the Totalizator Agency Board? It would not hurt the Government to consider the Opposition's proposal that it run a special sporting lottery. There has been talk about a Federal sport lottery to help sport around Australia but that proposal has never got off the ground. However, there is no reason why Victoria should not establish its own sporting lottery, like the Tatts Gold Lottery and have one each year to raise up to $1 million to bolster the urgent needs of the Department of Youth, Sport and Recreation.

One of the great burdens has been the lack of interest shown by Australia's non-sporting Prime Minister. When Malcolm Fraser came to office, he immediately sliced the sporting and recreational allocations previously granted by the most generous Whitlam Labor Government. For example, the Federal capital assistance programme provided approximately $12 million in the mid 1970's. Last year that amount dropped to $3·7 million, which is a

pretty measly sum. No wonder Victoria is hard done by in finances for sporting and recreational facilities.

The Bill may, to a minute degree, encourage and assist organizations to provide sporting and recreational facilities. Naturally, the Opposition does not oppose the Bill.

Mr McGRATH (Lowan)—The National Party supports the Bill. It is similar to the Young Farmers Finance Council (Guarantees) Act through which the Government will guarantee the repayment of interest on loans. The Bill before the House will help sporting organizations. It is interesting to note that the honorable member for Ballarat North, when he spoke on the Young Men's Christian Association of Ballarat (Guarantee) Bill, mentioned how that organization had obtained its loan and subsidized it on an eight to one basis through contributions from local communities. The Bill before the House will ensure that local communities will, once again, take up the opportunity to help themselves to provide more local facilities.

It is the Government's responsibility to stimulate the provision of recreational facilities. In my electorate, the Horsham Amateur Cycling Club received a grant of $20 000 from the Department of Youth, Sport and Recreation and turned that $20 000 into a facility that is worth more than $90 000.

I suggest to the Minister for Youth, Sport and Recreation that, when a sporting organization or group avails itself of the guarantee by satisfying the necessary requirements and the loan is guaranteed, the department should provide a 10 per cent grant to that organization because it is in the first year of operation that an organization experiences its greatest difficulties in meeting repayments and loan obligations. Such a grant would help carry an organization through that first difficult year. The organization could stand on its own feet and move forward to repay the loan. Hence, such a grant would reduce the obligations of the Government.

It is necessary that the Government provides sporting organizations with more stimulus. Young country persons often come to the city as good sportsmen and women but disappear from the sports scene. It is to be hoped that the sporting associations and organizations will avail themselves of the benefits to be derived from the Bill.

The Rupanyup Agricultural and Pastoral Society has received a grant from the Department of Agriculture to build an arts and crafts shed at its showgrounds. The society has requested the Department of Youth, Sport and Recreation to supply a further grant to match that of the Department of Agriculture to roof the pavilion. Rupanyup would then have a facility for indoor sports such as basketball and netball. This body could avail itself of the Government guarantee. On behalf of the National Party, I commend the Bill to the House.

The motion was agreed to.

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

WANGERRIP (LAND EXCHANGE) BILL

The debate (adjourned from April 17) on the motion of Mr Borthwick (Minister of Health) for the second reading of this Bill was resumed.

Mr GAVIN (Coburg)—The Bill concerns an exchange of land at Devondale, which is a tiny spot on the map about 50 kilometres from Colac. In the exchange two pieces of land will be transferred to a Mr and Mrs Johnson, who will, in turn, transfer one piece of land to the Crown.

I visited the properties last Saturday week, so I know a little about the area. I drove around the land on a tractor and I thank the Johnsons for allowing me to do that. The exchange is necessary. Mr and Mrs Johnson have a dairy farm and the dairy is in a dilapidated condition. They must build a new one and the land most suitable for that purpose is the Crown land that will be transferred to them, which is less than 50 yards from their homestead. The

land that will be transferred to the public is the area of land belonging to the Johnsons that is farthest from their homestead. It is beside a stream and could provide pleasant recreational facilities in the future. Mr Johnson leases one of the areas of Crown land at present, for grazing purposes, and it would no doubt be of assistance to him to own that land.

On my visit I was accompanied by Cr Bob Trotter, who showed me how to get to the land. I was grateful for that assistance because it is a difficult place to find. The Shire of Otway supports the exchange and Mr Tom Richardson, the shire secretary, was also most helpful to me.

The exchange was recommended in the final recommendations of the Corangamite study carried out by the Land Conservation Council. On page 66 of the proposed recommendations, it was suggested that only one piece of land be transferred to the Johnsons. The second piece, an area of 8 hectares, was not included in the proposed recommendations, but was in the final recommendations. I have been assured that this is above board. I sought that assurance from a number of people and I was told that reassessments and readjustments were made between the proposed recommendations and the final recommendations. However, if the Minister has any additional information, I should be pleased to hear it.

I also point out that the areas of land mentioned in the recommendation and those mentioned in the Bill are different. I have been told that this is so because, until it was surveyed for the Bill, the land had not been surveyed since 1908. The dimensions given in the Bill are accurate.

The Opposition is not entirely happy with the way in which the Government has handled the final recommendations made by the Land Conservation Council concerning the Corangamite study area, which consists of the Otway Ranges and the volcanic plains of the Western District. I understand the Government accepts the majority of the recommendations, although it has not announced that publicly, and is acting on them. It is only because public servants have said that the Government is acting on the majority of the recommendations that the Opposition is aware of that fact. The Minister has not issued a press statement and the public is therefore unaware of developments in the study area. The Land Conservation Council has complained about that in a letter to the Minister.

The SPEAKER (the Hon. S. J. Plowman)—Order! I suggest to the honorable member that he may mention this matter in passing. Although it has some relevance, it is not directly associated with the Bill and only a passing reference will be permitted.

Mr GAVIN—It is a major recommendation of the report.

The SPEAKER—Order! The honorable member will abide by the ruling of the Chair.

Mr GAVIN—I simply make the point that it is a recommendation and I refer to the fact that the Opposition is not happy with the way in which the Government has handled the recommendations. I hope the Minister will make some comment on this because, in my view, there is a great deal of confusion, which ought to be cleared up.

The Opposition does not oppose the Bill and places on record its thanks for the assistance it has received from the Johnsons, who have helped in enabling the Opposition to comment on the exchange.

Mr McGRATH (Lowan)—The National Party supports this transaction between Mr and Mrs Johnson and the Lands Department. It seems that private enterprise has come together with the department to bring about a sensible resolution to a problem involving 35 hectares of land being exchanged for another area of 30 hectares. The value of the Crown land is $17 500 and the land now owned by the Johnsons has been valued by the Valuer-General at $19 000.

The Lands Department will do well out of the transaction and Mr and Mrs Johnson—I have spoken to Mr Johnson on the telephone—are quite happy. They will be able to build their new

dairy on the Crown land which has been transferred to them and, which will add to the value of their property. I am sure everyone concerned will be satisfied.

Mr BURGIN (Polwarth)—As the proposed exchange of land will take place in the electorate I represent, I was pleased to learn that the honorable member for Coburg was to visit that beautiful area to ascertain whether the exchange was above board. I am glad that he found out that it was. I could have told him so. This Bill concerns the exchange of a piece of land. It suits the Government to make the exchange because the piece of land involved is vital for future generations. It suits the Government to have control of this area, and it suits the Johnsons to have this area of Crown land adjacent to their homestead, as a site for a dairy, and for other purposes. The Johnsons have been leasing part of this Crown land for some years past, and this Bill will now allow them to build on it. The shire has no objection, and I wish the Bill a speedy passage.

The motion was agreed to.

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

RAILWAYS (BRIDGES) BILL

The debate (adjourned from April 17) on the motion of Mr Maclellan (Minister of Transport) for the second reading of this Bill was resumed.

Mr WALSH (Albert Park)—This Bill empowers the Railways Board to construct additional, or substitute, bridges. Section 79 of the Act empowers the board to do certain things and section 80 limits the board's powers in respect of bridges so that it may only widen bridges or raise or lower bridges. This has been brought to the attention of the Minister through legal advice.

There is no doubt that in time the board will do something about the bridge over Kororoit Creek, between Mobiltown and Seaholme. Many inquiries have been made about when something is going to be done with this bridge. Nowadays, the so-called modern trains in our State have to travel across this bridge at about 5 kilometres an hour. That is one of the reasons why this Bill is before the House. In addition, an anomaly has been found to exist within the principal Act.

Many bridges within the State need urgent attention. I have had correspondence from Bendigo, where there are three bridges that need urgent attention. I hope the Minister will ask the Railways Board to have something done about these bridges. One is the Hann Street bridge in the Bendigo area. There have been lengthy closures of this bridge, and this has inconvenienced many people in the area. It is between Strathfieldsaye and Marong shires. There is also the Chapel Street bridge; that is a timber structure. It is of an early vintage and, with the increased traffic, and the deterioration in the bridge, work is required to be done on this bridge.

Since the Granville disaster in New South Wales some years ago, the Railways Board has done work on many bridges. There are 100 bridges in Victoria that are below the maximum height for trucks to pass under. Train drivers and guards realize that work has been done on some bridges since the Granville disaster, bringing some bridges up to standard, but they would like the board to move more quickly in this area. Some bridges have been strengthened, and this has made them more acceptable to people travelling on trains, and particularly to those who work on the trains.

The Opposition supports the Bill. It gives the board powers to do the things I have mentioned.

Mr B. J. EVANS (Gippsland East)—This is a very small Bill, and it seems extraordinary that it is necessary to have an amendment of this nature before the House. Obviously the railways have been labouring under great difficulties in the past in doing anything about replacing or altering bridges of any kind. This measure will help in that regard.

The work that has been done by the railways in the electorate I represent in relation to the replacement of old timber trestle bridges, of which there are a large number, has been most noticeable. Many of them are approaching the end of their lifespan, as they were constructed as long ago as 1916. There was a battle in regard to one of these bridges, which is uniquely high, over Stony Creek near Nowa Nowa. The people in that area are pleased that the structure has been retained, because it is unique.

Nevertheless, there are problems with bridges. One of the major difficulties concerns two railway bridges that go over the main Maffra-Stratford road. Only a few days ago I saw a road transport that was unable to pass under these bridges because its upward exhaust was too high. That gives some indication of how low the bridges are. There is a need to find some solution to these problems, as a considerable amount of hay, and other loads, that need a high clearance are carted along these roads, and the alternative route is a long way around. A simple solution to overcome the problem is to bypass the bridges and construct a road, on the northern side of the line for half a mile, that would link up with the road at the Princes Highway, without being involved with the bridges on the Maffra-Stratford road, or the bridge over the Princes Highway, which is in the same vicinity. I hope something can be done to resolve this problem because it is a real difficulty for transportation over dimensional roads in that area.

The Bill is a short one. Obviously the railways need this authority, and it has the support of the National Party.

Mr STIRLING (Williamstown)—In his second reading speech, the Minister spoke about a particular bridge over Kororoit Creek and spelt the word "Koroit" which I understand is an area located in the electorate represented by the Minister of Public Works or the Minister of Agriculture. The particular bridge to which the Minister was referring is near my house and it is over the Kororoit Creek. which is spelt "Kororoit". Nevertheless, that bridge has some historical significance in that area but I am not sure whether the Minister knows that. The bridge is near the old historic Williamstown racecourse and many years ago the railway line which crosses the bridge was privately owned and ran from Newport to Altona.

The bridge over Kororoit Creek covers a flood plain which the Melbourne and Metropolitan Board of Works uses to control flooding in the area. The land is low lying and if heavy rain has fallen, the bridge is sometimes only 5 to 6 inches above water. The trains which travel from Altona have to traverse that bridge at slow speed, even in the dry periods. In fact for the past two years, train travel over the bridge has been limited to 5 kilometres an hour and that speed restriction applies to the silver trains, the Harris trains and the red rattlers which are usually allocated for service on the Altona line.

Without going into the circumstances of the widening or construction of new bridges, although the present bridge is of historic significance, it would be of benefit to the 30 000 inhabitants of Altona if the bridge were renewed as that would speed up the traffic between Altona and Newport and help connections with the transport services to Melbourne. I support the remarks of the honorable member for Albert Park.

The motion was agreed to.

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

CROWN LAND (MINERAL SPRINGS) BILL

The debate (adjourned from March 13) on the motion of Mr Borthwick (Minister of Health) for the second reading of this Bill was resumed.

Dr VAUGHAN (Glenhuntly)—In rising to speak on this Bill at 1.45 a.m., I must begin by protesting at the hour. The honorable member for Mildura interjects that I have a lot to learn—I feel he has a few things he has to forget.

The purpose of the Bill is to amend the Crown Land (Reserves) Act 1978. The Bill provides for definitions of "mineral water", "mineral spring" and "mineral springs reserve" to be written into the principal Act. The definition of mineral water is:

ground water which in its natural state contains carbon dioxide and other soluable matter in sufficient concentration to cause effervescence and impart a distinctive taste.

A mineral spring is:

any place where mineral water issues naturally or is extracted from an aquifer.

The definition of mineral springs reserve is:

(*a*) any Crown land reserved pursuant to section 4 or any corresponding previous enactment for the purpose of mineral springs; or

(*b*) any Crown land reserved either temporarily or permanently pursuant to section 4 or any corresponding previous enactment for any purpose on which there is a mineral spring.

The Bill then goes on to amend the Crown Land (Reserves) Act 1978 in such a way as to enable the committee of management of a mineral springs reserve or, where there is no committee of management of a mineral springs reserve, the Governor in Council to grant leases to persons for the purposes of:

(*a*) the collection preparation sale and removal of mineral water; or

(*b*) the operation of mineral water baths spa therapy centres kiosks or other amenities.

It also provides that:

A lease under this section—

(*a*) may be granted for a term not exceeding 21 years or in a case where a certificate has been obtained from the Minister under sub-section (4) for a period not exceeding 99 years;

The Bill goes on to provide additional amendments to the principal Act relevant to the provisions I have just mentioned and also provides additional flexibility to committees of management to enter into agreements with any person for the commercial exploitation of a mineral water resource. An agreement under that provision of the principal Act shall be for a term not exceeding ten years.

The Bill also amends the principal Act in a way which will enable moneys received under a lease granted by a committee of management to be applied by the committee of management in accordance with section 15 (1) (*e*) or (*f*) of the principal Act.

Section 15 (1) of the principal Act provides, *inter alia*:

(1) A committee of management of any land appointed under section 14—

. . . . .

(*e*) may expend any revenue from the land or any other moneys for any of the purposes mentioned in this section;

(*f*) shall expend or apply any revenue for any other purpose whether or not related to the land as directed by the Minister;

However, in his second-reading speech the Minister stated:

Any moneys received by a committee of management under any lease or agreement would be applied by the committee towards the maintenance and development of the particular reserve.

That is not a true and accurate description of the situation, and perhaps the Minister was less than honest when he made that statement in his second-reading speech.

The Bill provides the facility for the Minister to appoint an advisory committee consisting of officers of any Government department or statutory authority concerned with mineral springs or mineral waters and such other persons as he thinks fit to report to him before any lease or agreement is entered into pursuant to sections of the Act as amended. It also states that:

Nothing in this Act will affect the operation of the Groundwater Act 1969.

The Bill repeals a section of the Land Act 1958 which the Minister correctly stated in his second-reading speech had never been invoked. It also repeals two minor Acts of Parliament, the Hepburn Springs Land Act 1959 and the Daylesford Springs Land Act 1966.

In the second-reading speech the Minister said:

Its provisions arise out of an earlier report of the State Development Committee on the Mineral Spa Water Resources of Victoria.

The report of the State Development Committee to which the Minister referred was published in 1970. Members

of that committee are no longer members of the Victorian Parliament; however, I note that the late father of the present honorable member for Caulfield was a member of the committee, and I commend the committee on its work at that time. It produced an impressive report which contains a wealth of information of relevance to this Bill, as well as to the next item on the Notice Paper.

That report of the State Development Committee reached 35 conclusions. I do not intend to deal with them all, particularly at this hour of the morning, but for the benefit of honorable members I shall mention three of them. The fourteenth conclusion states:

> The Shire of Daylesford and Glenlyon, as the Committee of Management of 8 separate reserves, encompassing 20 springs, is confronted with a management problem of some magnitude.

The 27th conclusion was:

> The economy of the Daylesford-Hepburn Springs area is essentially geared to the tourist trade, featuring the mineral springs of the area; but tourist interest in the area is declining due to a variety of reasons, including the lack of modern amenities to cater for tourists, and changes in the pattern of living, in which the motor vehicle prominently figures.

Finally, I quote the 31st conclusion of the report, which states:

> There has been no co-ordinated approach to the promotion, on a State wide basis, of the mineral spa water resources of Victoria.

The report made 24 recommendations to the Victorian Parliament, and I would not be doing justice to the work of the committee if I did not refer to those 24 recommendations, if briefly, in some places, even considering the time. The first recommendation was:

> That, in cases where mineral springs are located on Crown reserves which have been developed for public patronage, the Mines Department, in association with the local authority, take the necessary measures to update the available data concerning the nature and extent of natural resources.

It took ten years to implement some of the recommendations in this report, and they have not all yet been implemented. The second recommendation was:

> That, as a pre-requisite to any further substantial development of the mineral water resources of any region (especially where commercial exploitation is proposed), a thorough investigation be carried out by the Mines Department, in co-operation with the local authority, to assess the full potential of the area, with particular reference to the maximum rate at which pumping can be sustained without depletion of the aquifer.

I note from the second-reading speech that the Department of Minerals and Energy has done quite a bit of work on springs in the Daylesford-Hepburn Springs area. The third recommendation was:

> That, from the hygienic aspect, pipes and fittings provided to deliver mineral water to the public should be fabricated in non-corrosive materials.

That needs no further comment. The fourth recommendation was:

> That investigations be carried out by Committee of Management into the desirability and economics of the use of vending machines designed to dispense low-cost containers, such as paper cups, for the use of members of the public wishing to partake of mineral waters.

The fifth recommendation was:

> That the Department of Crown Lands and Survey and the Mines Department confer with Committees of Management with a view to preparing a complete inventory of names of mineral springs.

To my knowledge that has not been done, but it may since have been done and would be of interest. The sixth recommendation was:

> That, in a case where a mineral spring located on either Crown or freehold land has been developed for public patronage, the controlling body, or owner of the land (as applicable), be required to clearly and prominently display by notice, of dimensions and in print to be determined, the nature of the chemical constituents of the waters, expressed in parts per million, together with the corresponding chemical symbols.

Mineral water sold in bottled form throughout the world seems to carry such an analysis. Indeed, so does mineral water bottled at Hepburn Springs. However, I do not intend to vouch for the truth of such an analysis. The seventh recommendation was:

> That mineral waters available for human consumption be tested regularly by a competent authority to ensure that biological disease agents and other pollutants do not exceed levels which would present a danger to public health.

That is a most important recommendation, and I hope the Health Commission will keep a watching brief on that theme. The eighth recommendation was:

> That there be no alienation from the Crown of any reservation, or portion thereof, affording protection to the mineral springs which they encompass.

That recommendation is particularly relevant to the Bill. The 9th, 10th and 11th recommendations were:

That, in cases where mineral springs are located on Crown land not reserved for any type of public purpose, the Department of Crown Lands and Survey examine the feasibility and desirability of reserving the areas pursuant to section 14 of the Land Act, 1958.

That early action be taken by the Department of Crown Lands and Survey to re-examine regulations made pursuant to Section 218 of the Land Act 1958, governing the care, protection and management of reserves encompassing mineral springs, with a view to their uniform amendment in keeping with present day requirements.

That Part 12 of the Land Act, 1958, comprising Sections 385 to 398 inclusive, which has remained on the statute books for nearly 60 years without being invoked, be immediately repealed.

The Crown land (Mineral Springs) Bill repeals Part XII of the Land Act 1958 so, ten years hence, recommendation No. 11 will be implemented. The twelfth recommendation was:

That, where future commercial development of mineral waters is envisaged, each proposal be treated on its merits, with special legislation being necessary to provide for such development, as has been done in the past.

I do not think that is the thinking of the Government at this time, and perhaps the Government is right. The thirteenth recommendation was:

That any future legislation, authorising the commercial use of mineral waters by private enterprise, be framed so as to provide for associated buildings to be sited on freehold land, and for mineral waters to be conveyed by pipe thereto.

I shall canvass that recommendation later. The fourteenth recommendation was:

That the Hepburn Springs Land Act 1959, No. 6517, be amended so as to include legislative provisions similar to those recommended in (13) above.

Of course, the Hepburn Springs Land Act 1959 is being repealed by this measure. The fifteenth recommendation was:

That any proposals to secure sole rights to commercially use mineral waters be carefully examined, in the light of the volume of water sought and actual production requirements.

I assume that the work done by the Department of Minerals and Energy on mineral springs in the Daylesford-Hepburn Springs area covers that recommendation. The sixteenth recommendation was:

That, in the public interest, the tenure of the company, which is at present occupying portion of the Hepburn Springs Reserve, pursuant to an agreement made under the Hepburn Springs Land Act 1959, be extended no longer than is necessary for it to transfer its bottling operations from the public reserve to its adjacent freehold land.

I understand that is in the process of happening now, if it has not already been completed. It has taken a long time. I would appreciate some remarks from the Minister on that item. The Minister might also appreciate some information from some source on that item. The seventeenth recommendation was:

That future agreements entered into involving the commercial use of mineral waters for bottling purposes, be on the basis of the payment of a fixed weekly, or annual rental, plus the payment of royalties according to volume of production.

Those honorable members who will speak during the debate on the next Bill on the Notice Paper, the Groundwater (Mineral Water) Bill, may comment further on that recommendation. It does not really apply to this debate. The eighteenth recommendation was:

That practices relating to the marketing of natural mineral waters, and waters purporting to be natural mineral waters, with particular reference to labelling, be regulated so that a clear distinction is made between natural mineral waters and artificially produced waters.

That was a useful recommendation. The nineteenth recommendation was——

The SPEAKER (the Hon. S. J. Plowman)—I ask the honorable member for Glenhuntly to inform the House how many recommendations he proposes to discuss.

Dr VAUGHAN—Twenty-four.

The SPEAKER—I suggest to the honorable member that, as he has read and passed over a number of recommendations, having regard to the time of morning, he should read only those specifically relevant to his argument, rather than taking up the time of the House on those recommendations on which he does not propose to comment.

Dr VAUGHAN—Thank you for your guidance, Mr Speaker. It was my view, in speaking during this debate, that the report of the State Development Committee was of sufficient importance to have all the recommendations put on the record, despite the hour.

The SPEAKER—The honorable member for Glenhuntly should be aware that the report is available to all members of Parliament at any time.

Dr VAUGHAN—The report contained several more recommendations, but I will take the guidance of the Chair to heart and will note that there were a number of other recommendations relevant to this debate in a minor way and of importance to the development of the mineral water industry in Victoria as a whole, but I will not canvass them individually at this stage.

The Bill mainly affects the Shire of Daylesford and Glenlyon. I have been informed by the town clerk that it is a shire of 235 square miles, of which 80 square miles is State forest. It has a population of 4100, of which 3000 live in the twin towns of Daylesford and Hepburn Springs.

Investigations by the Department of Minerals and Energy show that certain springs in the area would support commercial development. This is good news for that locality and for tourism in Victoria. The Opposition supports anything that will assist tourist development in the Daylesford-Hepburn Springs area and I assume that this Bill has the support of the House.

The Opposition is concerned about the future of the committees of management of these mineral springs reserves. The reason is that the Opposition is uneasy about any dealings by the Government that relate to land, having regard to the past record of the Government. That hesitancy on the part of the Opposition is well placed. I gather from the murmurs of the Minister of Health that he does not share that view.

I recall that it was this Government that amended the Land Act 1958, the net effect of which was an attempt to establish a licensed restaurant in the Royal Botanic Gardens. Therefore, the Opposition watches every proposed amendment to legislation.

At present, as I pointed out when I referred to the fourteenth recommendation of the State Development Committee on the mineral spa water resources of Victoria, the Shire of Daylesford and Glenlyon is in fact a committee of management for some eight reserves covering twenty springs. The future of the Shire of Daylesford and Glenlyon, as the committe of management for those reserves, is not spelt out in the Bill as one might expect. It was not mentioned by the Minister in his second-reading speech, but it is of importance when considering this Bill. The Opposition would appreciate some comment from the Minister about the future role of the committees of management in these reserves and, indeed, the future position of the Shire of Daylesford and Glenlyon on those committees of management.

Earlier, I mentioned that I proposed to refer to a company that has been in existence for some time. If the label on a bottle of Hepburn sparkling natural mineral water is correct, the company has been in existence for more than 125 years.

Mr A. T. Evans—That company has been there about ten years, not 125.

Dr VAUGHAN—A company was operating prior to 1970 under the Hepburn Springs Land Act of 1959 which is being repealed by this Bill and which in turn repealed an earlier Act. It appears that a commercial enterprise had been bottling at Hepburn Springs at a plant on Crown land for some considerable time prior to 1970. That would refute the interjection by the honorable member for Ballarat North.

Mr A. T. Evans—You said that it was the present company. I said that the present company has been there for about ten years.

Dr VAUGHAN—Daylesford Nominees has for some time been bottling at a plant which is situated on Crown land. I understand that Daylesford Nominees have, by lease or freehold,

some 4 acres of land at Hepburn Springs. I also understand that the Government has resumed the Crown land on which Daylesford Nominees have their plant. If that is the situation, members of the Opposition would appreciate some comment from the Minister about the nature of the land exchange or land dealings in which Daylesford Nominees are involved.

The Opposition does not oppose the Bill, but it does not trust this Government in any land deals. It wishes tourism in the Daylesford and Hepburn Springs area a prosperous future.

Mr WHITING (Mildura)—This comparatively small Bill is extremely important for the Hepburn Springs-Daylesford area. It removes from the Land Act, Part XII (1), referring to mineral springs on Crown lands, and repeals the Hepburn Springs Land Act, as mentioned by the honorable member for Glenhuntly. At this stage I congratulate the honorable member for the amount of work that he has done, although perhaps he should have visited the area, as did the honorable member for Coburg in relation to the previous Bill before the House.

Although the provisions in the Land Act relating to mineral springs on Crown land are repealed, the provisions of this Bill are not in every respect the same as those removed from the Land Act. There are considerable differences and I am concerned about some of them, particularly the fact that the Land Act provided that the Minister of Forests and the Forests Commission would administer that part of the Act. Proposed new section 29A (1) reads:

> Notwithstanding anything in this Act the committee of management of a mineral springs reserve or, where there is no committee of management of a mineral springs reserve, the Governor in Council may grant leases to persons for the purposes of—

There is then provided a series of requirements, and it appears that committees of management will have much greater powers in the granting of leases than was previously the case. This may or may not be a good thing, but knowing the strengths and weaknesses of some of the committees of management of Crown land reserves over many years, I believe there is a possibility that where there is an existing committee of management, much pressure could be placed on that committee if there were competing interests for leases of the area under its control. I hope the Minister, through the Governor in Council, may have some oversight of the allocation of leases under the new section.

As well as providing some additional definitions within the Crown Land (Reserves) Act with regard to mineral water, mineral springs and so forth and the provisions regarding moneys obtained from the lease, the measure is a good one which will improve conditions in the Daylesford-Hepburn Springs area for the promotion of spa water. Given the new lease of life that may result from this Bill, one would hope that the benefits will flow to the surrounding districts.

As has been mentioned, a subsequent Bill to this will create debate about what should happen to royalties charged for the use of mineral water in these areas. Apart from the comment that there may be a weakness in the change from the provisions of the Land Act to those that will now be incorporated in the Crown Land (Reserves) Act, I believe the Bill is generally for the betterment of Crown lands in that part of Victoria. Members of the National Party trust that it will have the desired result.

Mr A. T. EVANS (Ballarat North)—This Bill is long overdue. I look forward to there being no further delays in its passage through the House. The people from the Daylesford and Hepburn district have been waiting for legislation like this for 40 years, and the blame for the delay rests on the shoulders of each and every one of the three parties in this Parliament. During that period, the Labor Party represented the Daylesford–Hepburn area in the person of the Honorable Clive Stoneham, who, during his term of office, was the Minister for State Development. There then followed a redistribution which brought that area into National Party

representation by the Honorable Russell White, who was also a Minister for State Development, and I have represented the area for sixteen years. After eight years as the local member, I was awarded a Commonwealth Parliamentary Association trip overseas and spent six weeks doing an extensive study of spa water resources throughout Europe.

On my return I prepared a report of 57 pages which was submitted to the State Development Committee, plus another 50 pages of documents which I had collected from Governments and countries around Europe. The honorable member for Glenhuntly quoted the State Development Committee's report. If he peruses a transcript of the evidence which was given to that committee he will find that much of the substance of the report he quoted to the House tonight was lifted fully from my report for which I received special mention in that committee's report. That report came to this House in 1970. The Government then appointed an officers' sub-committee to investigate the matter and it eventually brought in a report three years later which was rejected by the late Councillor George Barren, the then President of the Daylesford Shire Council, and myself who sat in on meetings with the sub-committee, because it achieved nothing except to form a committee of public servants who would control the sale of the spa water. It did nothing towards implementing the purpose for which the people of Daylesford had been waiting and the report was rejected.

Nothing further happened until a deputation waited on the Premier, Mr Hamer, soon after he came into office. That deputation arose out of a public meeting in the Hepburn Springs Hotel, Daylesford. On the occasion of the deputation, the Premier said, "I will help you, but first I want to know if there is enough spa water there to make your dreams and ideas a feasible possibility". He then allocated $40 000 to the Mines Department to carry out an intensive investigation. The local people estimate that it must have cost $100 000 for such an extensive operation.

Arising from that investigation the Government decided to proceed towards the long-held visions of the Daylesford people. I will not go into the report in detail at this time, but it revealed that large quantities of commercial waters existed, mainly at Sutton Springs at Daylesford and at Lithia Springs, a new commercial area at Hepburn. It also mentioned that the water in the Hepburn Springs area, which was referred to by the honorable member for Glenhuntly, was limited and should not be further used for bottling purposes; and that it should be used for hydro-therapy purposes as wanted by the Hepburn Springs residents.

That is the background leading up to this Bill. I refer briefly to some of the comments of the honorable member for Glenhuntly. The matter he dwelt on mostly was recommendation No. 16 of the report of the State Development Committee on the mineral spa waters of Victoria, which is as follows:

> That, in the public interest, the tenure of the company, which is at present occupying portion of the Hepburn Springs Reserve, pursuant to an agreement made under the Hepburn Springs Land Act 1959, be extended no longer than is necessary for it to transfer its bottling operations from the public reserve to its adjacent freehold land.

That recommendation includes the words "in the public interest". I direct attention to the urgent wish of the people of Hepburn Springs that this bottling company be taken out of Hepburn Spring Park because there is only a limited amount of spa water there. The bottling of this water depletes the water available for the present baths which are a most unsightly arrangement in the middle of this attractive valley. The reason why the people want this company out is that they want a hydro-therapy centre established in this very pretty valley, which could be made as attractive as the leading spa therapy centres in Europe.

The comment by the honorable member for Glenhuntly that the Government is acquiring the land is in-

accurate. Obviously, he has been ill-informed. The company's lease has expired and, in spite of several endeavours to have it renewed, the council has rejected the approaches and the Government also has rejected them. The company is currently negotiating with the council to transfer to Sutton Springs and part of that deal is the forfeiting of those 4 acres of Crown land in the middle of the reserve which are wanted so urgently and which would be so valuable for the development of the hydro-therapy spa. The original company in the area was the old Kia-Ora Company from Prahran which operated there for many years from about the turn of the century before selling out to the Hepburn Mineral Springs Company, which operated for some time and about ten years ago passed its operations over to the present company. Those companies certainly put the Hepburn spa on the market. The present company has done very well because it pays practically nothing for its raw material, a nominal amount only being charged for its lease.

I will leave further discussion until another Bill is being debated.

Mr REYNOLDS (Gisborne)—I support the Bill. It is so important that I wish to speak on it even at this hour of the morning. I have learned a little about the mineral springs and the spa water and, having been the member representing that area for only one year, I am pleased that this Bill has been introduced after such a short time.

The Bill is necessary, as the mineral springs with the highest rates of flow emanate chiefly from springs in Crown reservations, to enable committees of management of these areas to commercially develop the mineral water resources as they cannot enter into agreements to commercially use waters as the law now stands; in other words the Bill is needed to permit the commercial use of mineral waters.

To bring this legislative measure before the House, facts were obtained. The measure is the combined results of the 1970 report of the State Development Committee—a joint Parliamentary committee—a geological survey of the Department of Minerals and Energy, which was completed in 1977, and the 1979 report on the economic viability of mineral water, which was commissioned by the Department of State Development. The honorable member for Glenhuntly wished to know why it took ten years for the introduction of the Bill. I assure the honorable member that a thorough investigation was undertaken and that it takes time for reports to be presented.

All three of the reports to which I refer recommended in principle the provisions of the Bill. The geological survey listed 71 springs located in 6 shires—the shires of Creswick, Newstead, Metcalfe, Kyneton, Ballan and Daylesford and Glenlyon. The majority of the springs are in the Shire of Daylesford and Glenlyon. A total of 47 exploratory bores were drilled at Sutton Springs, Hepburn Springs and Lithia Springs and all bores intersected mineral water—or carbonated ground water, as it is known. The survey stated that any bore drilled in the springs area would yield mineral spa water. This is a magnificent resource and with promotion and proper regulation, its use can be tapped to be of benefit to the areas concerned. At present, mineral water is bubbling out of the ground and just running away as fast as it comes out. Any visitor to the Hepburn Springs will confirm that.

Strict controls must be exercised over the siting and spacing of bores to safeguard against a proliferation of bores and to allow the supply to be replenished. I suggest that the operations of contractors must be continually monitored to safeguard the resource and that in the near future further studies are undertaken to determine the extent of spa water that exists. For the development of the resource, which is prevalent mainly in the Shire of Daylesford and Glenlyon, extraction must be permitted and factories encouraged to bottle and sell mineral water.

The SPEAKER (the Hon. S. J. Plowman)—Order! Is the honorable member making a speech or is he quoting from a document?

Mr REYNOLDS—I am quoting from a document. The development of the resource will encourage the establishment of spa therapy and health facilities which, in the view of some medical experts, will assist in the treatment of health complaints such as arthritis and rheumatism. The provisions of the Bill allow control over the environment to be retained and give the committee of management or the Governor in Council the power to lease Crown land for 21 years or, in special cases where there is substantial investment, for 99 years. The Bill is to proceed hand in hand with another Bill, the Groundwater (Mineral Water) Bill, which will give further power to enable a surcharge to be applied.

The SPEAKER—Order! It appears that the honorable member is simply reading the speech and he is doing so blatantly. I ask him to make use of his notes as notes and not as a speech.

Mr REYNOLDS—The second Bill will allow these moneys to be applied as a benefit to the areas concerned. I commend the Bill to the House.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendments of No. 9212)

Dr VAUGHAN (Glenhuntly)—I assume that clause 2 of the Bill is the appropriate clause for the Minister to comment on the land dealings concerning Daylesford Nominees at Hepburn Springs and at Daylesford. The Opposition would appreciate comments from the Minister on the land exchanges and dealings in those areas.

The clause was agreed to.

Clause 3 (Amendments of No. 6284)

Dr VAUGHAN (Glenhuntly)—The clause, amongst other things, repeals the Hepburn Springs Land Act 1959. Section 7 (2) (*a*) of the Act provides, *inter alia*, that a lease under this section:

> Shall contain a condition that nothing therein shall be deemed to lessen or interfere with the right of the public to the use of the mineral springs on the land adjoining the land leased—

and so on. However, no such protection of the public's right is given in the provisions of the Bill. I ask for the Minister's comments on this matter.

The clause was agreed to.

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

GROUNDWATER (MINERAL WATER) BILL

The debate (adjourned from March 18) on the motion of Mr Balfour (Minister for Minerals and Energy) for the second reading of this Bill was resumed.

Mr WILTON (Broadmeadows)—The Bill amends the Groundwater Act by broadening the definition of bore to include:

> works constructed for the purpose of intercepting, collecting, obtaining, appropriating and using any natural flow of any spring.

The previous Bill, the Crown Lands (Mineral Springs) Bill has a direct relationship with the Bill now before the House. These types of Bills are handled together in the Federal Parliament and I would respectfully suggest that you, Mr Speaker, give some consideration to taking this matter up with the Standing Orders Committee in the interests of having both Bills handled in the one debate because of their close relationship. When researching this Bill, I had to continually refer to the other Bill to achieve a better picture of what the Government was doing about mineral waters.

The SPEAKER (the Hon. S. J. Plowman)—I thank the honorable member for Broadmeadows and advise him that this matter is under consideration and will come into effect very shortly.

Mr WILTON—The Bill includes a proposed section 48A which will introduce a surcharge of one cent a litre on the extraction of water. It has been suggested that the Bill could be taken as being unconditional on the ground that it is entering the field of excise, which is the province of the Commonwealth Government. However, my colleague, the honorable member for Prahran, is much better qualified than I to explore that matter.

The Bill also establishes a fund which will be held in Treasury to be known as the Mineral Water Development Fund and provides guidelines for the spending of that money. Proposed section 72 (4) provides that the Minister of Lands, after consultation with the Minister for State Development Decentralization and Tourism, may authorize expenditure of money on:

(i) Promoting and assisting the commercial development of mineral water resources; and

(ii) the carrying out of works and improvements the management and maintenance of such works and improvements and the provision of services directly associated with the extraction and utilization of mineral water.';

Finally, it will require persons who produce what is now termed as "artificial" mineral water to so label their product so that the consumer can determine the difference between mineral water that is extracted from the ground in its natural state and mineral water that is manufactured.

The use of the word "artificial" may imply in the minds of some persons that that manufactured mineral water may be inferior, whereas it could, in some circumstances, be superior, inasmuch as in a manufactured state the quality control of the mineral content of the product can be much more precise compared with the mineral water extracted from the ground. The mineral content of the water will depend on nature and the normal process involved in the percolating of rain water and the geological structure of the soil However, it is for the competitors in the market place to determine and exploit their talents and convince the consumer which is the better product.

The Bill is too loosely drafted as to how the money will be spent. The Bill has received a lot of attention from persons who are deeply concerned with the use of mineral water. In the previous debate, the House heard a good deal of information about the area of Daylesford and Hepburn Springs and, naturally, that is the most widely known area of the State which contains a large concentration of mineral springs.

The Daylesford and Glenlyon Shire Council is the committee of management of a number of Crown reserves in which there are mineral springs and that is where the council has a vital interest in the Bill. The council called a special meeting last Monday to which two of my colleagues and I were invited for the purpose of discussing the Bill.

The Opposition agrees with the council that the Bill should provide that the money derived from the surcharge should be spent in the municipality from which the money comes. To that end the Opposition will be submitting an appropriate amendment during the Committee stage to insert a clause stating that the money must be spent within the municipality from which it is derived.

The proposed sub-section to be inserted after section 72 (2) is poor and better wording could be adopted, as it should focus on the promotion and development of mineral water resources. Again, an amendment will be submitted in Committee.

A committee of management should be engagaed in a promotional campaign, not necessarily confined to its own district, but embracing the entire State or even the whole of Australia in bringing to the attention of the community the specific features of its area or any other area where there are mineral springs in Crown reserves, and the committees of management should be charged with the responsibility for controlling and developing those reserves in the interests of the community.

Proposed section 72 (4) is cause for concern. That is pretty broad, and the Opposition believes it would be possible for a future Minister of Lands to allocate moneys from the fund to a private entrepreneur who wished to develop a mineral spring on private land. That would not be a proper use of the money that is to be collected from the consumer, because in those circumstances the entrepreneur would have his capital assets substantially increased at little or no cost to himself when he ought to have to do as other business people do—obtain finance in the normal way. If an entrepreneur wished to develop a mineral

spring on private land that could provide a tourist attraction, other sources of Government assistance would be available through, for example, the fund for the development of tourism and, in the case of an industry, through the Decentralization Fund.

The expenditure of the funds collected under the proposed legislation should be confined to Crown land reserves under the control of committees of management. To achieve that objective, the Opposition will be submitting a further amendment suggesting the following wording:

Assisting the development of any person entitled to a Crown lease pursuant to section 29A of the Crown Land (Reserves) Act 1978—

The SPEAKER (the Hon. S. J. Plowman)—Order! The honorable member has foreshadowed amendments. He should spell them out during the Committee stage.

Mr WILTON—Very well, Mr Speaker. The purpose of the amendment will be to confine the expenditure of moneys from the fund to Crown land reserves on which there are mineral springs and which are under the control of committees of management. Section 29A is the new section that will be inserted in the Crown Land (Reserves) Act as a result of the enactment of the previous Bill.

In discussing this Bill with the Daylesford and Glenlyon Shire Council, I was made aware that the council has little or no faith in the Minister responsible for decentralization and tourism—I do not refer only to the present incumbent of that portfolio, I refer to his predecessors. The shire council said that it had been neglected by the Government for so many years that it now believes, unless it is able to obtain some guarantee that the funds will be expended within the municipality, it will again find itself battling to cope with the task of managing the reserves already under its control.

Much of the dilapidated state of the reserves, which was referred to in the report of the State Development Committee, is due to the lack of assistance received from the Government over the years. During the Committee stage, I will be elaborating in more detail on the amendments that will be moved.

Mr McINNES (Gippsland South)—This in an interesting Bill and it has attracted a lot of attention from honorable members representing the area. I do not claim a great knowledge of the area and I shall endeavour to make my contribution to the debate fairly brief. However, the knowledge I have gained was obtained from a report of the State Development Committee in 1970 and from part of a document prepared by the honorable member for Ballarat North. It is quite obvious that the honorable member has made a substantial study and his views are to be respected.

Apparently, 90 per cent of mineral spring water in Victoria is located within the Shire of Daylesford and Glenlyon, and the shire has some criticisms of the Bill. It has provided me with its views, as is no doubt the case with other honorable members. It is concerned that no provision for a decentralized industry has been made. That is a natural concern. Its suggestion is that the surcharge should be increased to 2 cents a litre and that water used for spa therapy should be free of the surcharge but water used for bottling and sale should bear the surcharge, with provision for a rebate of 50 per cent to an approved decentralized industry. That seems a reasonable proposition.

The shire is small and it is concerned to ensure that any money obtained from its resources is spent in the shire on the improvement of Crown land reserves. I have no doubt that there is, at least in part, a case for this, because if there is to be over-all development of the industry the amenities must be improved to make them more attractive. If spa therapy clinics are established, attractive surroundings are essential. Overseas experience shows that part of the therapy is for the patient to be in pleasant surroundings in which he or she can take walks before returning to the spa waters for physiotherapy and all the other bits and pieces that go with it. The Shire of Daylesford and Glenlyon

quite rightly believes the money should not be distributed elsewhere. It points out that, under the Bill, the money can be diverted by the Minister to the development of resources not only elsewhere on Crown land but also on private land.

There seems to be some confusion about how much revenue the surcharge of 1 cent a litre will bring in. The *Herald* of 15 March 1980 suggested that the surcharge is expected to rake in up to $5 million a year for the Government. The *Age* of 17 March 1980 followed that line and suggested $4 million. In the *Sun* of 18 March 1980 the Premier is quoted as suggesting "a small contribution". The larger estimates are probably examples of poetic licence on the part of journalists, and the people who know what will happen are more modest in their predictions. If it is a comparatively modest fund of $50 000 or $60 000, as suggested by the people who are involved, it should go directly to the shire. It should have first claim on the fund to develop its resources.

Alternatively, the question of whether the industry will develop greatly in the future must be answered. From my reading of the report and the document prepared by the honorable member for Ballarat North, it is obvious that it is a large industry overseas. One wonders why it has not taken off as it showed promise of doing years ago when the population of the area was higher. The number of ethnic groups in the community has increased and their members are used to spas in Europe and have a great awareness of the need for physical fitness. If the mineral water does have the properties that are claimed, one can see scope for a much larger development. Unfortunately, this is something to which I cannot really give an answer.

For that reason, I should like the Government to apply as much of the moneys as are gained out of this revenue—say over a period of three to five years, as the spas have been there a long time—to the Shire of Daylesford and Glenlyon as an initial measure, but to retain the Bill in its present form so that if the industry does grow, and if further economic surveys show that it is capable of major development, then the incentive will be with the Government to assist private enterprise to develop the spas, and spa clinics, on Crown land with long-term leases, and to set up clinics of an international standard in this area, which is so close to Melbourne. It is a convenient day trip, and as tourists come to it, particularly from overseas, it may well be that the popularity of the spas will increase, and the Australians themselves will use it considerably more.

I have no doubt that it is a growth industry, but I am unable to forecast to what extent. I have to be guided by the people in the area. It seems that the shire is saying it is a limited industry and will not grow; therefore, what little comes out of the widow's mite, as it were, ought to be retained by the shire.

There is a case in the exploratory phase of the next two or three years for the Government to give every consideration to this project. However, the Bill explores the development of an industry, and provision needs to be made in case the capacity is there. The National Party would prefer to support the Bill as it presently is.

Mr A. T. EVANS (Ballarat North)—I appreciate the sincere interest from all parties in the House in an endeavour to have this project rank as one of the great tourist attractions in Australia. The qualities of the water are undoubted. They are equal to Perrier water which I drank in France and is now available in Australia. It is better than the famous Vichy waters, but there is a need to consider, while so much argument is revolving around the benefits of the spa water, the royalty, or the levey, or charge, that may be imposed on it, and how the money collected will be spent.

Honorable members are losing sight of the principle of this whole object. Spa water today is bottled in factories, which are highly mechanized, and it needs only a minimal amount of labour. Whether the water is bottled in Dayles-

ford, or transported to Melbourne, will not make much difference to employment in Daylesford. There is a need for a hydro-therapy establishment at Hepburn Springs for treating people. This is what brings the people in large numbers, and it will stimulate the whole district, the shops, and the guest houses. The hydro-therapy establishments will give Daylesford its lift.

Unfortunately, there are no other similar set-ups in this country at present on which to model our plans. There is no similar legislation in any State, or the Commonwealth. In Europe, because most countries have only one central government, it is much easier to handle the situation regarding the imposition of a charge. Within the States there is a limit on the capacity to charge. Also, nowhere else in Australia is spa water being bottled and a charge collected for the purpose of underwriting the operations of a hydro-therapy establishment, which is the most important part of the whole project. The hydro-therapy establishment at Vichy, in France, is well known. This famous hydro-therapy establishment was running at a loss when I visited the spa town, but the loss was defrayed from the profits of the bottling works.

I am hoping that in the Daylesford area, like some of the more modern spas around Europe, the local hydro-therapy establishment will make a profit. Many of those in Europe do not show a profit, and have to depend on the money received from the bottling plants to make them a viable project.

I appeal to the House to carefully consider how the funds are to be allocated. I strongly disagree with the proposal of the Shire of Daylesford and Glenlyon, as do many of the general public in the district, that all moneys should go back to the shire and be spent on Crown reserves. It would not be limiting it to two or three Crown reserves in which there are spa waters. It could be spent anywhere on Crown reserves throughout the whole shire.

The other aspect is that in the European centres this same money is used for beautifying the area that is frequented by people relaxing after the spa treatment. A policy will have to be laid down in conjunction with the local organizations, local councils and the Government departments. One of the most important elements of the success of spa towns in Europe is the local environment. A tremendous amount of money is spent for this purpose. Money will have to be allocated to the Shire of Daylesford and Glenlyon to beautify the streets, and parks, particularly in the valley at Hepburn. Money will also have to be found to upgrade the hotels and motels in this town to accommodate people who are attracted from all over Australia to stay two or three weeks to "take the waters", and receive therapy treatment.

The honorable member for Gippsland South said that there was some confusion as to the estimated amounts of revenue that may be derived, and he quoted a figure of $50 000. That is the figure that has now been quoted by the local council, although the residents, who observe the output from the bottling plant, estimate a figure nearer to $100 000. The council maintains that if the figure is only $50 000, there is no use arguing about it; the council may as well take it. It is estimated that the amount received will total $100 000 from Hepburn Springs alone.

In conclusion, I quote from the Geological Survey of Victoria—Daylesford–Hepburn Springs Mineral Water Investigation in 1977. This was the report produced as a result of the generosity of the Premier in making funds available for research purposes. The output of spa water from the Hepburn Park commercial springs is estimated at a flow of 96 cubic metres a day.

The report also shows that at Sutton Springs, which I mentioned earlier and where the present operating company may transfer to if its current negotiations with the council are successful, there will be a continuing flow of 89 cubic metres a day and at Lithia Springs there will be a continuing flow of 6 cubic metres a day.

Remembering that the investigation was carried out by the Mines Department, the geologists involved also located a number of sources of mineral spa water on private property. There are plans afoot for a well-known company in Australia to bottle water extracted from private lands and again that would boost the revenue derived from the area. I suggest we could be looking at an amount ranging from $100 000 to $200 000 but we should not lose sight of the fact that the main objective is the establishment of hydro-therapy treatment establishments, which is the recognized European term, and which would bring thousands of people to the district each year.

Mr MILLER (Prahran)—The Bill introduces a number of important amendments to the Groundwater Act and in essence there are three major purposes articulated in the Bill.

The first one is to impose a surcharge or tax of 1 cent a litre on the volume of mineral water extracted under groundwater licences issued to people who wish to extract groundwater.

The second principal purpose is to create a fund from which revenue may be applied towards the cost of the management and improvement of certain Crown reserves and to promote the economic development of Daylesford and other areas where mineral water is derived.

The third objective is to give some degree of protection to industries which utilize and are dependent upon mineral water resources which are derived from those areas.

It should be pointed out at the outset that the general aims and purposes of the Bill are supported by the Labor Party, but I would be very remiss if I did not point out that the provisions in the Bill could fail under the Australian Constitution. In particular the proposal to establish a surcharge of 1 cent a litre on mineral water which is extracted from the areas concerned is constitutionally doubtful as that imposition could quite easily raise the principles of section 90 of the Constitution, for the surcharge is almost certainly an excise.

Looking at the proposal contained in clause 2 dealing with an amendment to section 48 of the principal Act, the clause proposes a new section 48A. It is proposed that before a groundwater licence is issued, and as part of the granting of the licence, the licensee must agree to the imposition of a surcharge of 1 cent a litre on every litre of mineral water extracted.

I have discussed this proposal with Mr Finemore, the Chief Parliamentary Counsel and other Constitutional law experts. I must indicate that Mr Finemore very succinctly and clearly put the Government's proposals for the amendment, especially the validity of this measure.

I must indicate that I remain quite unconvinced on the validity of the proposal which will almost certainly require a High Court decision to determine whether it is an excise.

Mr A. T. Evans—We accepted his recommendation.

Mr MILLER—I disagree with his recommendation on a number of bases which we should examine. The first is what the Bill does. We should not look at the terminology that is used; it is simply a surcharge and the Bill seeks to validate it.

If honorable members examine what the proposal does and cut through the terminology and the rhetoric and look at the actual operation of the proposal in the Bill, they will see that mineral water is defined in the Bill as being a groundwater, which is one of the old prerogative rights of the Crown—water is vested in the Crown. The Crown has traditional rights over creeks, river beds, banks and streams and other water which is free flowing. This was a right vested in the colony of Victoria before Federation, and subsequently vested in the State of Victoria.

Mr A. T. Evans—Spa water has been defined as a mineral.

Mr MILLER—I appreciate that. If honorable members look at some of the Crown prerogative rights which relate to royal minerals—gold and silver, the right to take whales and other matters —they can see that the Crown has cer-

tain prerogative rights which the ordinary citizen does not have. The Crown also has the right to control certain waters in the State of Victoria and this is covered by a number of statutes as well as in the exercise of certain prerogative powers.

In its attempt to raise moneys by means of a surcharge, the State is attempting to impose licence fees on individuals to enable them to have the right to use this water. To achieve this requires the imposition of a surcharge and a surcharge, by definition, according to the *Shorter Oxford Dictionary,* is to put an additional weight or burden on something, and there are a number of other definitions which probably are not so relevant, but the surcharge is certainly an additional weight or burden imposed upon people. There is no doubt that in this case the surcharge will be passed on to the person who is the licence holder in the area, or alternatively, the surcharge will be passed on to the ultimate consumer who drinks the bottled water.

Another question is whether it is a royalty. The traditional definition of royalty is a payment to a lessor proportionate to the amount of demised mineral which is extracted within a certain period of time. That definition is from *Halsbury's Laws of England,* third edition at page 438.

What we are witnessing here is an attempt to use licence fees to get around section 90 of the Constitution; to provide that by means of a licence fee or a licensing system, a person may for a fee be permitted to take water and to use certain water for bottling and other purposes.

The result of imposing a surcharge or tax of 1 cent a litre is obviously a variation to the imposition of a tax, and this is an interesting development. Whether the High Court will uphold this view should it be challenged is arguable. The argument which ultimately could be put is whether this is a valid exercise of the licensing powers which the States have, to permit people to carry on certain industries.

The question is whether this is similar in many respects to the licence fees which are already in the tax structure, and which have already been held by the High Court to be a charge which relates to costs incurred in the course of production or consumption. It is my view that this provision almost certainly will fall foul of section 90 of the Constitution. There is a relationship with the proprietor of the land in that the person wishing to distribute or bottle water must first obtain a licence but there is no fixed fee, whereas under the previous system, a person would obtain a licence, as the honorable member for Ballarat North indicated, and a small fee would be charged, something like $15 per annum. The present proposal is that the licence fee will fluctuate depending on the amount of mineral water actually extracted or recovered.

Perhaps this is analogous to a right to cut or remove timber or analogous to a royalty payable to remove gravel or other minerals from the soil. If that is the case, it raises some interesting legal questions because the High Court has not been called on to rule specifically on this matter.

If we examine the historical development of excise and excise duty through time as the High Court has developed it, it will be seen that, because there is no definition of an excise in the Constitution, the High Court has expanded the concept of an excise exponentially. In 1904, in one of the first cases that went to the High Court, *Peterswald v. Bartly,* reported in the Commonwealth Law Reports 497, page 509, the High Court spelt out five principal criteria to determine what would be an excise.

The first criterion was that it had to be a tax, and there does not appear to be any doubt that this is a tax. It is disguised as a licence fee, but it is a compulsory exaction of money for a public authority, and the money is to be paid into a public fund and to be used for public purposes.

The second is that it must be a tax on goods. Once again, there is no doubt that it is a tax on water which is to be

used either for consumption or perhaps for bathing. It is a tax on goods, unlike a tax on timber or gravel which are not going to be consumed.

The third criterion is that it be referable to quantity or value. It is a tax on water based on a formula of 1 cent per litre.

The fourth criterion laid down in the case is that it must have some relation to production or manufacture. This is one of the steps that must be taken before the water is put into the hands of the general consumer; it must be bottled or placed into some sorts of containers. There is a definite relationship to production or manufacture of the goods.

The fifth criterion is that it is not a personal tax, but an indirect tax, and that it relates directly to goods. If it can be seen to be a tax on goods, it will almost certainly be held by the High Court to be an indirect tax or an excise.

The High Court has looked at length at section 90 and its approach is to see whether some sort of tax is imposed along the lines of production, manufacture and distribution. Quite a number of cases have gone to the High Court on that subject, and invariably the decisions have been that the States cannot impose these taxes; they cannot raise revenue by a tax on goods or through indirect forms of tax.

The case of *Dennis Hotels v. Victoria* was probably the major decision that upheld the right of the States to impose licence fees on victuallers and other licensees. Once again the High Court split narrowly, four to three, and this decision will undoubtedly be referred to by the supporters of this proposed licensing scheme. It is arguable in the light of the changed composition of the High Court whether the case of *Dennis Hotels v. Victoria* will be followed, particularly because in a recent case, *Logan Downs v. Queensland*, a levy on owners of sheep, cattle and swine was struck down as being a duty of excise even though the duty was going to be paid to a veterinary fund for the promotion of good husbandry of cattle in the State of Queensland.

An innovative and interesting scheme has been put forward by the State in this worth-while and useful exercise. There is no doubt, as every speaker tonight has indicated, that the purposes and objects of this proposed legislation make good sense, and particularly when one considers the types of spas and resorts that have been set up in Europe, such as at Baden-Baden, Vichy and other places, which are magnificent tourist attractions but which essentially depend on the tourist trade and are centred around a great deal of activity on mineral water.

The second objective which is articulated in the second-reading speech is to create a fund from which revenue may be applied towards the cost of management. This fund also raises very real questions about the validity of this surcharge. Obviously, the fund is set up for a specific purpose, but nevertheless it can be focused on by the court or by anybody who wishes to challenge the validity of this proposed legislation. In all conscience we need to put the Government on notice that this proposed legislation could well fall foul of section 90.

It is interesting that the Government has not proposed any exemptions from the proposal that there be simply a blanket 1 cent per litre surcharge. No exemptions are proposed for uses in hydrotherapy or for baths. If an exemption were made for any particular objective or purpose, it would certainly weaken the Government's case considerably.

The third objective is designed to give some sort of protection to decentralized industries, particularly those in the Daylesford area. The proposals foreshadowed by the honorable member for Broadmeadows go further than the Government's view and would tighten up the legislation. Any money derived from this surcharge should be spent in the municipality from which the money is raised. The Opposition believes that is a most desirable and worth-while proposition. During the

Committee stage perhaps we can also refer to the other foreshadowed amendments proposed by the honorable member for Broadmeadows.

In proposed section 77A which is contemplated by the Bill it is suggested that the word "artificial" which appears on the label of a bottle or of any container to indicate that it contains mineral or spa water is to protect consumers. It seems highly unlikely that the outcome will be to protect consumers. It looks as though this is a move which has not been thought out carefully. It could fall foul of section 92 because it will force bottlers to bring goods in from interstate that may not necessarily have this description attached to their labels. I ask the Government to reconsider this proposal carefully.

By and large the measure has the support of the Opposition. Its aims and objectives are certainly worth while, and the Opposition will support the Bill and the proposed amendments which have been foreshadowed.

Mr REYNOLDS (Gisborne)—I also support the Bill. Its provisions will be of direct benefit to the people of Daylesford and Hepburn, as were those of the previous Bill, but a little history of the area would not go amiss, and it will not take long.

The first settler arrived in Daylesford in 1840; in 1854 or 1855 Daylesford was named after the home of Warren Hastings at Worcester in England. In 1852 gold was discovered. I have to go through the history of the area because that is where my ancestors came into the act.

The area boomed after the discovery of gold, and there were four major claimants for the reward of that discovery. One of those claimants, a Richard Reynolds, who was my great-uncle, missed out, and that has been the story of the Reynolds family's life through history—we have missed out. Unfortunately his successors have not been able to strike gold either.

Over many years the gold petered out and the twin towns of Daylesford and Hepburn became areas where guest houses and hotels flourished and the tourist trade was prominent. In later years Daylesford and Hepburn became the honeymoon centre of Victoria. Today 26 per cent of the population are pensioners, and that is the second highest pensioner population of any town in Victoria; the highest is Mount Martha. A few guest houses are still in existence and are struggling for survival. Recently some industries have closed down or moved away.

Many of the buildings appear to need a coat of paint. Outwardly the town appears to need enlivening. A revival of the tourist trade could achieve this.

I must refer to the attitude of local residents. Since I have been visiting Daylesford regularly as the local member I have attended many public meetings and local annual general meetings. I have never before witnessed such community involvement. My first visit was to a meeting of the Red Cross ladies auxiliary. I expected to see six people present but there were 106. Many shire councillors and other local dignitaries were present.

If the old cliche is correct that towns are people and not buildings, there is no doubt that Hepburn Springs and Daylesford are alive, vibrant and very well. Tourism could give this area a fillip and rejuvenation. Tourism must be promoted, but to promote something one must have something to sell. This Bill will provide a reservoir of funds which will significantly assist in this rejuvenation. The Groundwater (Mineral Water) Bill and the Crown Land (Mineral Springs) Bill are complementary Bills. Their aim is to provide the principal guidelines to enable the area to attract tourists.

There have been comments and reports that the surcharge of 1 cent a litre would threaten the viability of firms bottling in the area currently and those wishing to bottle. From information I have been able to obtain, a 750-megalitre bottle of Hepburn Spa would attract the minute surcharge of three quarters of a cent, or about 1·5 per cent when a bottle sells at around 48 cents. I doubt that there are many companies with economies tuned to

such a degree that this will make them unviable. If they are, they are working to a finer degree of profitability than I believe they are.

Following the suggestion by the Premier—I read about it in the press—that Victorian products should be marketed and used in the Parliamentary refreshment room, I notice that the mineral water now available is Hepburn Spa. That is a great promotional value to the Hepburn area. I hope the people from that area read about this.

The community, the Daylesford and Glenlyon shire, and the Citizens' Committee for Spa Centre Development and other interested bodies have had the opportunity to comment on these measures. I thank them for their assistance in drafting the Bills. The Government recognizes the assistance given.

It would be particularly remiss of me if I did not recognize this measure as the culmination of a magnificent contribution over many years by my colleague the honorable member for Ballarat North. The report of the State Development Committee which was issued in 1970 was as a result of much of the work done by the honorable member for Ballarat North, who has devoted much of his time and energy over many years, into this resource. I believe the House owes him a debt of gratitude. The people of Daylesford and Glenlyon shire worship Tom Evans for the work he has done for them.

This measure is breaking new ground. It is the first of its kind in this country and, as the Bill primarily concerns a significant area in the electorate I represent, it is imperative that it should proceed without delay. I commend the Bill to the House.

Dr VAUGHAN (Glenhuntly)—I rise to comment briefly on this Bill. During this debate, much has been said about mineral water but the motives of the people who reach for a glass of Hepburn Spa or mineral water have not been canvassed. People drink mineral water for a number of reasons. I will recount for the benefit of the House a point I picked up on my last visit with my wife to the Daylesford-Hepburn Springs area not long ago. When my wife and I were walking in the vicinity of a tap that delivered water from a spring I bothered to ask a man who was filling lemonade bottles with mineral water why he drank the stuff. He said to me, as only a Frenchman could, "It makes my wife very happy". The penny dropped. I had seen paintings of voluptuous ladies beside springs and I know that reference to mineral springs occurs frequently in certain ancient classical literature. Mineral water is Nature's aphrodisiac.

The SPEAKER (the Hon. S. J. Plowman)—Does the Minister for Minerals and Energy wish to reply to that submission?

Mr BALFOUR (Minister for Minerals and Energy)—I did not intend to reply at this stage. However, the honorable members for Broadmeadows and Prahran asked whether what the Government was proposing to do on this measure was constitutional. The Government believes it is constitutional. Section 47 of the Groundwater Act 1969 vested the right and use and control of all groundwater in the Crown. The Government also based this Bill on a precedent set by the Irrigation Act of 1855.

Mr Miller—It hasn't been tested.

Mr BALFOUR—Perhaps it has not been tested but I believe the Government has been working on a rather solid foundation. If it has not been tested since 1885 perhaps it is not too bad. When the groundwater legislation was introduced it was determined that so far as stock and domestic supplies were concerned there would be no charge, but as far as irrigation and other uses were concerned a licence fee of $15 would have to be paid irrespective of the amount used. The proposal under this measure is to impose a surcharge of one cent a litre on recovered water.

Mr Miller—That is different from the flat licence fee.

Mr BALFOUR—There will be a $15 licence fee plus 1 cent on recovered water on an amount worked out by the State Rivers and Water Supply Commission and the entrepreneur. I thought I would mention

that because I believe the Government has done its best to ensure that what it is doing under this measure will be satisfactory.

So far as the amounts of money which this measure will bring in, 1 cent a litre is equal to $10 000 for each megalitre. At present, there are three applications for three megalitres, a total of nine megalitres. One licence has been issued for three megalitres so I assume that if the total amount were collected on that licence it would amount to $30 000. If the three licences were issued for nine megalitres, the total amount involved would be $90 000. Only time will tell how much money will be derived from this measure.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Mineral Water Development Fund)

Mr WILTON (Broadmeadows)—I move:

Clause 2, page 3, line 12, after "development" insert "in the municipality in which the moneys were raised".

The section will then read:

Moneys held in the Mineral Water Development Fund may be applied in respect of any mineral water development in the municipality in which the moneys were raised by the Minister for Lands after consultation with the Minister of State Development, Decentralization and Tourism.

Members of the Opposition believe some guarantee should be written into the Bill that the municipalities in which the mineral reserves are located will receive a fair share and return of whatever revenue is raised as a result of the surcharge. The report of the State Development Committee of 1970 has already been extensively quoted during this debate and the previous debate. Conclusion No. 14 in the report reads:

The Shire of Daylesford and Glenlyon which has a committee of management of eight separate reserves encompassing twenty springs is confronted with a management problem of some magnitude.

Conclusion No. 6 in the same report reads:

In most cases the amenities provided by committees of management for the use of water are archaic, dilapidated, unhygienic and uncomplimentary to the environment in which they are situated.

The Daylesford-Hepburn Springs area is the best place in Victoria to see at first hand the problems that committees of management have faced for many years. If accepted, this amendment will give some heart to those committees of management and will create an incentive for them to become more active in promoting the natural resource now that they have been given the authority under the previous Bill to grant leases to persons to develop and exploit the mineral water resources.

When the honorable member for Ballarat North was speaking during the second-reading debate, he referred to a report on the geological survey of the area and mentioned volumes of water. He made a serious error because he implied that the 1 cent a litre surcharge would be derived from that volume of water. That is not the situation. The figure related to the volume of the bores, and the actual volume marketed would depend entirely on the market.

Honorable members should not be carried away with the idea of an enormous upsurge in the tourist potential of the resource. It is appreciated that it has potential and that committees of management should be given every assistance to develop the potential, but when making comparisons between what happens in Australia and in Europe one must remember that Australia has only 14·5 million population spread over a wide area, and it is a long way from the heavily populated parts of the world. It is expensive for tourists to get here. The development and exploitation process will be long and will involve hard work and a lot of capital. The committees of management will now be given some incentive to get into the project and will have some financial resources with which to do so.

Mr BALFOUR (Minister for Minerals and Energy)—The Government does not accept the amendment which makes the provision too narrow. It wants the provision to be as wide as possible. The insertion of the proposed amendment might even debar the municipalities from advertising their resources in the metropolitan area or throughout Australia. If the money must be spent within the municipality in which the money is raised, the provision could be restrictive.

Mr McINNES (Gippsland South)—The National Party prefers the Bill as it stands. It is at present unknown what amount will be derived by way of royalties. I believe it will be a modest amount, $50 000 or $100 000. A better way of approaching the matter would have been to hand back all the revenue to the shire and to limit the period after which there should be a review. It is an open-ended provision. As yet no one can say with confidence how much money will be derived.

The honorable member for Broadmeadows said that honorable members should not be carried away by events in Europe. That may well be so, but the arguments that have come out of studies by the State Development Committee have shown that this industry can stand substantial developments.

Another point that must be considered is that a precedent is perhaps being set. If the revenue derived from the brown coal or oil resources in Gippsland was returned to that area, the municipality would be well off indeed. On many occasions it has passed through my mind that this is precisely what should be done, in the absence of any fair return from the Government of royalties derived from source.

Nevertheless, in principle, revenue derived from resources owned by the Crown should be applied fairly, and for that reason the National Party opposes the amendment.

Dr VAUGHAN (Glenhuntly)—I support the amendment moved by the honorable member for Broadmeadows. In my discussions with people of the Daylesford area I have gained the impression that they believe they have had a raw deal. They have told me the sorry story in the continuing saga of the Jubilee Lake project and have mentioned a potato factory being built at Ballarat despite the commitments of the Government in this area.

They fear that this Bill is merely another instance where a similar thing will happen and, indeed, that the moneys raised in a municipality will not be spent for the benefit of that municipality. They fear that this will join the list of misleading statements and broken promises.

Mr WILTON (Broadmeadows)—The Minister has misunderstood the purpose of the amendment. Its purpose is not to restrict a municipality to spending the money within the municipality. The clause continues with the words "promoting and assisting the commercial development of mineral water resources and the carrying out of works, improvements" and so on. In the view of the Labor Party, that does not restrict the municipality to spending the money within its own boundaries, and that is the advice Opposition members received from the Parliamentary Counsel when the amendment was being drafted. We made it clear that what was desired was to achieve the situation that, where water is taken on which the 1 cent per litre is to be applied, the volume of water coming from a specific municipality will produce a specific amount of revenue, and we believe that that revenue should go back to the municipality to assist the committees of management within the municipality to promote and develop the whole of the enterprise, whatever it may be. "Promotion" means a promotion campaign, not confined to the State of Victoria or even to Australia. Nowhere do I see in the Bill how the municipality would be restricted in that way.

The division bells were rung.

Mr GINIFER (Keilor) (*Speaking covered*)—I raise a point of order. On the basis that the Chairman of Committees is in the Chamber, should he not take the chair?

The ACTING CHAIRMAN (Mr Birrell)—The point of order is sustained so I will vacate the chair.

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

Ayes	32
Noes	45
Majority against the amendment	13

AYES

Mr Amos	Mr Remington
Mr Cain	Mr Roper
Mr Cathie	Mr Rowe
Dr Coghill	Mr Sidiropoulos
Mr Crabb	Mr Simmonds
Mr Culpin	Mr Simpson
Mr Edmunds	Mr Spyker
Mr Ernst	Mr Stirling
Mr Fogarty	Mrs Toner
Mr Fordham	Mr Trezise
Mr Gavin	Mr Walsh
Mr Ginifer	Mr Wilkes
Mr Jolly	Mr Wilton
Mr King	
Mr Kirkwood	*Tellers*:
Mr Mathews	Mr Hockley
Mr Miller	Dr Vaughan

NOES

Mr Austin	Mr McCance
Mr Balfour	Mr McClure
Mr Birrell	Mr McGrath
Mr Borthwick	Mr McInnes
Mr Brown	Mr McKellar
Mr Burgin	Mr Mackinnon
Mrs Chambers	Mr Maclellan
Mr Coleman	Mrs Patrick
Mr Collins	Mr Ramsay
Mr Crellin	Mr Richardson
Mr Dixon	Mr Ross-Edwards
Mr Dunstan	Mr Skeggs
Mr Ebery	Mr Smith
Mr Evans (*Gippsland East*)	(*South Barwon*)
	Mr Tanner
Mr Hamer	Mr Templeton
Mr Hann	Mr Thompson
Mr Hayes	Mr Weideman
Mr Jasper	Mr Whiting
Mr Jona	Mr Williams
Mr Kennett	Mr Wood
Mr Lacy	*Tellers*:
Mr Lieberman	Mr Cox
Mr McArthur	Mr Reynolds

Mr BALFOUR (Minister for Minerals and Energy)—I move:

Clause 2, page 3, line 17, omit "resources" and insert "resource areas".

The purpose of the amendment is to widen the interpretation of the clause so that moneys from the mineral water development funds will be applied in accordance with the legislation. The amendment indicates more specifically that it is not only to be spent on the resources but also on the areas.

The amendment was agreed to.

Mr WILTON (Broadmeadows)—I move:

Clause 2, page 3, line 18, omit "and" and insert the following words—

"(i) assisting the development by any person entitled to grant a lease pursuant to section 29A of the Crown Land (Reserves) Act 1978 of tourist and recreational facilities associated with the use of mineral water resources on any Crown land mineral springs reserve established pursuant to the Crown Land (Reserves) Act 1978 which is under the control of a committee of management; and"

The Opposition believes the expenditure of these moneys should be confined to Crown reserves if mineral springs are to come under the control of committees of management. That is an important distinction from the way in which the Bill was originally drafted when it would have been possible for moneys to be spent on private land not necessarily under the control of a committee of management. Much has been said about the potential of the mineral spring reserves and it appears these matters could be brushed aside and left in the cold as they have been in the past.

Mr BALFOUR (Minister for Minerals and Energy)—The Government does not accept the amendment. It narrows down further the provisions the Government intended. Revenue will be gained from springs on private land and for that reason it should be open to the two Ministers, no doubt on the advice of the committees of management in the area, to decide where the money should go and at this stage the clause should not be restricted only to Crown lands.

The Committee divided on the question that the words proposed by Mr Wilton to be omitted stand part of the clause (Mr Birrell in the chair).

Ayes	44
Noes	32
Majority against the amendment	12

AYES

Mr Austin
Mr Balfour
Mr Borthwick
Mr Brown
Mr Burgin
Mrs Chambers
Mr Coleman
Mr Collins
Mr Crellin
Mr Dixon
Mr Dunstan
Mr Ebery
Mr Evans (*Gippsland East*)
Mr Hamer
Mr Hann
Mr Hayes
Mr Jasper
Mr Jona
Mr Kennett
Mr Lacy
Mr Lieberman
Mr McArthur
Mr McCance
Mr McClure
Mr McGrath
Mr McInnes
Mr McKellar
Mr Mackinnon
Mr Maclellan
Mrs Patrick
Mr Ramsay
Mr Richardson
Mr Ross-Edwards
Mr Skeggs
Mr Smith (*South Barwon*)
Mr Tanner
Mr Templeton
Mr Thompson
Mr Weideman
Mr Whiting
Mr Williams
Mr Wood

Tellers:
Mr Cox
Mr Reynolds

NOES

Mr Amos
Mr Cain
Mr Cathie
Dr Coghill
Mr Crabb
Mr Culpin
Mr Edmunds
Mr Ernst
Mr Fogarty
Mr Fordham
Mr Gavin
Mr Ginifer
Mr Jolly
Mr King
Mr Kirkwood
Mr Mathews
Mr Miller
Mr Remington
Mr Roper
Mr Rowe
Mr Sidiropoulos
Mr Simmonds
Mr Simpson
Mr Spyker
Mr Stirling
Mrs Toner
Mr Trezise
Mr Walsh
Mr Wilkes
Mr Wilton

Tellers:
Mr Hockley
Dr Vaughan

Mr BALFOUR (Minister for Minerals and Energy)—I move:

Clause 2, page 3, lines 26 to 35, omit paragraph (*h*).

The initial purpose of inserting the paragraph was because of recommendations made by the State Development Committee that practices relating to the marketing of natural mineral waters and waters purporting to be natural mineral waters, with particular reference to labelling, should be regulated. Hence, with that in mind, the proposed clause states that waters which are not naturally occurring mineral waters should be labelled, "artificial". However, after giving the matter considerable thought, the Government believed it would be difficult and possibly unconstitutional, as the honorable member for Prahran suggested, if the Government did this, hence, it is proposed to delete the whole of the paragraph.

The amendment was agreed to, as were verbal amendments.

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

The House adjourned at 4.15 *a.m. (Wednesday).*

QUESTIONS ON NOTICE

The following answers to questions on notice were circulated—

HOUSING COMMISSION

(Question No. 1591)

Mr CATHIE (Carrum) asked the Minister of Housing:

1. In respect of each of the four recommendations under B and C of the report by the Anti-Discrimination Bureau on Tenancy and the Housing Commission, what steps have been undertaken to implement the recommendations to date?

2. Whether any steps have been taken to set up a Housing Commission appeals board, as proposed in recommendation F; if not, why?

3. What action has been taken to prepare a new standard tenancy agreement as proposed in recommendation D of the report; if not, why?

Mr DIXON (Minister of Housing)—The answer is:

1. The following steps have been taken in relation to Parts B and C of the recommendations of the Anti-Discrimination Bureau regarding the appointment, selection and training of staff.

B1. This recommendation is borne in mind when Housing and Estate Officer vacancies are filled. At present there are 118 Estate Officers and 18 Housing Officers employed by the Ministry of Housing. Thirteen of these Estate Officers are able to communicate in demand languages other than English and of these 13 officers, 7 can communicate in more than one demand language. In addition a register is kept of Ministry personnel located at 250 Elizabeth Street fluent in a language other than English who are prepared to act as translators or interpreters. There are over 40 officers listed in the register, covering 26 foreign languages.

The successful implementation of this recommendation depends on the background, language skills and quality of applicants for advertised vacancies.

B2. Submissions were put in 1979 to the Public Service Board by the Ministry of Housing seeking upgraded salaries for Estate Officers. In respect of one Estate Officer at Frankston and all resident Estate Officer positions they were successful.

In addition there is a major staffing review of the whole of the Estate Management and Teacher Housing Division at present being examined by the Public Service Board in an endeavour to ensure that the division has appropriate staffing resources to meet the challenge of the early 1980s.

B3. Positive moves have already been initiated in this direction and further training programmes are anticipated.

B4. Adequate advice has already been given to all staff on the availability of the interpreter service.

C1. The Ministry of Housing, particularly through its Housing Advisory Centre, promotes and publicises the many positive aspects of both its policies and its clients where practicable. The Ministry also endeavours to counter attempts by various groups and individuals within the community to treat its clients differently from anyone else in the community.

C2. The Housing Commission has instigated a number of promotional and advertising initiatives aimed at assisting low-income families with housing problems. A number of measures are also being implemented to cope with language difficulties when communicating with migrants from non-English speaking countries.

C3. (i) Hand books have previously been distributed in a variety of languages. As a result of extensive discussions with a variety of groups, and with the aid of the Ministry of Immigration and Ethnic Affairs and the Housing Commission Tenants' Union, a series of multi-lingual policy brochures are currently being prepared to replace the Tenants Manual. These brochures will initially be produced in English, Arabic, Greek, Italian, Maltese, Serbo-Croatian, Spanish, Turkish and Vietnamese—two languages more than recommended in the report. It is planned for further languages to be incorporated as demand dictates.

C3. (ii) The policy brochures have been written in simple terms and care has been taken to avoid words which create confusion in the translation process. The design of the policy brochures provides for greater efficiency in printing and greater flexibility in printing additional brochures when policies change.

C4. Where practicable, all notices circulated to tenants are printed on a multi-lingual format within the one sheet.

2. A preliminary examination of the concept of a Housing Commission Appeals Board has been undertaken. However, a detailed examination has been deferred pending finalization of the current Residential Tenancies Legislation and the setting up of a Project Section within the Estate Management and Teacher Housing Division of the Ministry of Housing. The Housing Commission is to be bound by the new legislation.

3. As the Housing Commission is to be bound by the Residential Tenancies Legislation when enacted, action on this matter has been deferred until the Residential Tenancies Bill is passed.

BABIES WITH CONGENITAL ABNORMALITIES

(Question No. 1825)

Mrs PATRICK (Brighton) asked the Assistant Minister of Health:

Whether records of babies born with congenital abnormalities are collected in Victoria for the National Perinatal Statistics Unit situated in Sydney; if so, who is responsible and when such records started being kept?

Mr LIEBERMAN (Assistant Minister of Health)—The answer is:

Material is recorded at hospital level on all births in Victoria at present. A standardized system of collecting statistical data has been instituted in 84 public hospitals so far with the remaining 55 public hospitals expected to adopt the standardized system by the end of the year. It is expected to take a further twelve months, to bring the standardized system into being in the private hospital arena.

This system of collecting data is being carried out by the Hospitals Division of the commission in conjunction with the Australian Bureau of Statistics and the newly created National Perinatal Statistics Unit located at the University of Sydney.

The unit has yet to advise on the methods by which they wish to receive data.

AGRICULTURAL ADVISORY COMMITTEES

(Question No. 2058)

Dr COGHILL (Werribee) asked the Minister of Agriculture:

What committees have been established to advise him in matters related to his duties, indicating in respect of each committee—(*a*) the authority under which it is constituted; (*b*) the date on which the advisory committee was first appointed; (*c*) the matters on which it advises him; (*d*) the term for which members are appointed; (*e*) details of each member including name, address, industry represented or other reason for appointment and when first appointed; (*f*) what payments were made in 1978–79 and are proposed in 1979–80 to or on behalf of members of the committee; and (*g*) what other expenses of the committee were paid in 1978–79 and are estimated for 1979–80?

Mr I. W. SMITH (Minister of Agriculture)—The answer is:

I have access to advice from the following 24 bodies:—

1. Agricultural Engineering Advisory Committee.

2. Agricultural Seed Advisory Committee.

3. Agricultural Research Unit Advisory Committee.

4. Burnley Horticultural College Advisory Committee.

5. Dookie Agricultural College Advisory Committee.

6. Ellinbank Dairy Research Institute Advisory Committee.

7. Gilbert Chandler Institute of Dairy Technology Advisory Committee.

8. Glenormiston Agricultural College Advisory Committee.

9. Hamilton Pastoral Research Institute Advisory Committee.

10. Horticultural Seed Advisory Committee.

11. Irymple Horticultural Research Station Advisory Committee.

12. Kyabram Animal and Irrigated Pastures Research Institute Advisory Committee.

13. Livestock Advisory Committee.

14. Longerenong Agricultural College Advisory Committee.

15. McMillan Rural Studies Centre Advisory Committee.

16. Ornamental Plants Research Advisory Committee.

17. Rainmaking Advisory Committee.

18. Turf Research and Advisory Institute Advisory Committee.

19. Victorian Barley Advisory Committee.

20. Victorian Irrigation Research and Advisory Services Committee.

21. Victorian Oilseeds Advisory Committee.

22. Victorian Potato Advisory Committee.

23. Victorian Poultry Advisory Committee.

24. Victorian Tobacco Advisory Committee.

There are also seventeen statutory bodies (each established by virtue of an Act of Parliament) which have an advisory role as part of their statutory functions. They are as follows:

1. Dairy Produce Board.

2. Filled Milk Advisory Committee.

3. Grain Elevators Board.

4. Imitation Milk Advisory Committee.

5. Melbourne Wholesale Fruit and Vegetable Market Trust.

6. Milk Pasteurization Committee.

7. Poultry Farmer Licensing Committee.

8. Poultry Farmer Licensing Review Committee.

9. Tomato Processing Industry Negotiating Committee.

10. Victorian Abattoir and Meat Inspection Authority.

11. Victorian Advisory Council of Agricultural Education.

12. Victorian Broiler Industry Negotiation Committee.

13. Victorian Dairy Industry Authority.

14. Victorian Dried Fruits Board.

15. Victorian Wheat Advisory Committee.

16. Wine Grape Processing Industry Negotiating Committee.

17. Young Farmers' Finance Council.

Answering the remaining parts of this very detailed question would require a considerable amount of time and effort which I do not consider warranted. I would, however, be prepared to consider any request from the honorable member for information on some specific point.

NAMING OF SCHOOL IN RAWSON

(Question No. 2126)

Mr AMOS (Morwell) asked the Minister of Health, for the Minister of Lands:

1. Whether the Place Names Committee is considering the naming of the primary school at Rawson; if so, which Members of State Parliament have made representations concerning this matter?

2. Why it is considered necessary to determine the name of the school when the Place Names Committee and the Government firmly rejected the name of Robertson in favour of the pioneering name of Rawson for the town where the school is located?

Mr BORTHWICK (Minister of Health) —The answer supplied by the Minister of Lands is:

1. The Place Names Committee is considering the naming of the primary school at Rawson following receipt of many submissions on the matter. The Honorable J. C. M. Balfour, M.P., has made representations to the Minister of Lands on the subject.

2. Under the provisions of Part Two of the Survey Co-ordination Act 1958, the Place Names Committee is empowered to consider the names of "State schools". There are a number of instances where a school has a different name to the locality in which it is situated. The Place Names Committee has to consider which name is best for any particular place, and that is what it is presently doing in relation to the school at Rawson.

PATERSON'S CURSE

(Question No. 2139)

Dr COGHILL (Werribee) asked the Minister of Health for the Minister of Lands:

Further to the answer to question No. 1728 given on 18 March 1980, what are the components of the estimated potential annual loss of production in north-eastern Victoria from the continued spread of Paterson's curse, indicating how the estimates of each component were made?

Mr BORTHWICK (Minister of Health)—The answer supplied by the Minister of Lands is:

The estimated potential annual loss of production to the grazing industry was made after canvassing the opinions of landholders, shire councillors and government officers living in north-eastern Victoria.

The components studied were the effects of Paterson's curse in reducing carrying capacity in the beef, sheep and dairy industries. Based on the data presented the potential losses to these industries were estimated at $3 million, $0·65 million and $1·1 million respectively.

MELBOURNE AND METROPOLITAN BOARD OF WORKS

(Question No. 2172)

Mr WILKES (Northcote) asked the Minister of Agriculture, for the Minister of Water Supply:

Whether the Minister will make available to the Leader of the Opposition a table of monthly cash receipts and expenditures plus balances of cash and other financial assets for the Melbourne and Metropolitan Board of Works during the year 1978–79?

Mr I. W. SMITH (Minister of Agriculture)—The answer supplied by the Minister of Water Supply is:

I am not prepared to make this information available since it concerns the internal financial operations of the Melbourne and Metropolitan Board of Works which the Government sees at the board's responsibility.

BRUCELLOSIS ERADICATION CAMPAIGN

(Question No. 2233)

Dr COGHILL (Werribee) asked the Minister of Agriculture:

What claims have been lodged in respect of injuries, damage to property or other damages related to the brucellosis eradication campaign in Victoria other than by persons employed by or contracted to the Department of Agriculture, indicating—(*a*) the number of claims; (*b*) the amount of compensation or other damages sought; (*c*) the number of cases in which the claim—(i) was withdrawn; (ii) is still pending; and (iii) resulted in damages or compensation being paid; and (*d*) in any cases in which compensation or damages were paid, the amount and the source of funds in each case?

Mr I. W. SMITH (Minister of Agriculture)—The answer is:

(*a*) There have been 59 claims.

(*b*) $15 449 has been claimed by 46 claimants. The other 13 have not stated an amount.

(*c*) (i) None has been withdrawn;

(ii) None is pending;

(iii) Ex gratia payments have been made in 29 instances.

(*d*) A payment of $175 was made in one instance from the Incidentals Vote. Payments totalling $5634 in 28 instances have been paid from the Tuberculosis–Brucellosis Trust Fund.

INQUIRY INTO FLUORIDATION

(Question No. 2300)

Mr HOCKLEY (Bentleigh) asked the Minister of Health:

1. When the results of the Inquiry into Fluoridation by Dr V. D. Plueckhahn, E.D., Dr D. Myers, C.M.G., and Dr A. L. G. Reese, O.B.E., can be expected to be announced to the House?

2. Whether this inquiry was open to the public and whether all documents will be made available for public scrutiny?

Mr BORTHWICK (Minister of Health)—The answer is:

The committee referred to is to report to the Honorable the Premier. Any questions concerning the operation of the committee or its report should be directed to the Honorable the Premier.

Legislative Council

Wednesday, 30 April 1980

The PRESIDENT (the Hon. F. S. Grimwade) took the chair at 2.6 p.m. and read the prayer.

WODONGA AREA LAND ACQUISITION (VALIDATION) BILL

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

CHIROPODISTS (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. W. V. HOUGHTON (Minister for Conservation), was read a first time.

YOUTH, SPORT AND RECREATION (GUARANTEES) BILL

This Bill was received from the Assembly and, on the motion of the Hon. F. J. GRANTER (Minister of Water Supply), was read a first time.

WANGERRIP (LAND EXCHANGE) BILL

This Bill was received from the Assembly and, on the motion of the Hon. W. V. HOUGHTON (Minister of Lands), was read a first time.

RAILWAYS (BRIDGES) BILL

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

CROWN LAND (MINERAL SPRINGS) BILL

This Bill was received from the Assembly and, on the motion of the Hon. W. V. HOUGHTON (Minister for Conservation), was read a first time.

GROUNDWATER (MINERAL WATER) BILL

This Bill was received from the Assembly and, on the motion of the Hon. F. J. GRANTER (Minister of Water Supply), was read a first time.

QUESTIONS WITHOUT NOTICE

CHERNOV REPORT

The Hon. W. A. LANDERYOU (Doutta Galla Province)—Did the Attorney-General advise the Minister of Housing to delete sections from the Chernov report being made available to solicitors representing the Co-operative Farmers and Graziers Direct Meat Supply Ltd and, if so, was the Premier consulted, bearing in mind that the Premier earlier assured the public of Victoria that the full report would be made available?

The Hon. HADDON STOREY (Attorney-General)—The Minister of Housing sought my advice before presenting the report to the co-operative. The Minister was acting under the Co-operation Act which placed an obligation on him to make the report on the co-operative available to it unless there was good reason for not doing so. The part of the report not made available consisted of information on what criminal charges should be laid.

My advice to the Minister of Housing at the time advice was sought was that if that part of the report was made available to the co-operative, it could prejudice possible criminal proceedings and he ought to be satisfied that good reason existed for the part of the report not being made available to the co-operative.

The Hon. W. A. Landeryou—Did he consult the Premier?

The Hon. HADDON STOREY—My advice was sought and given. It was not a question of consultation with the Premier or other people.

EUROPEAN CARP

The Hon. B. P. DUNN (North Western Province)—Is the Minister for Conservation aware that European carp are being found in increasing numbers in the Wimmera River and lakes such as Lake Hindmarsh? What steps are to be taken to combat the spread of European carp in this system and in the Wimmera–Mallee stock and domestic supply system?

The Hon. W. V. HOUGHTON (Minister for Conservation)—I am aware that European carp has spread rapidly into all the river systems of south-eastern Australia and reports have been received about the incidence of carp in the Wimmera river systems. These are monitored through reports from anglers and Fisheries and Wildlife Division officers. Steps are being taken to research a biological control method. This is being done in conjunction with a British research unit at Weymouth in England, and the scientist who is conducting that research has visited us to discuss the whole project with officers of my department. I hope that will provide a biological control method of European carp.

INFLUENZA VACCINATIONS

The Hon. N. B. REID (Bendigo Province)—I direct my question to the Minister for Conservation, representing the Minister of Health. Is the Minister aware of a statement attributed to the Director of the Commonwealth Serum

Laboratories, Dr Neville McCarthy, regarding a shortage of influenza vaccines for the next two months? If the Minister is aware of the situation, will he make representations to the Minister of Health to undertake an immediate investigation into the matter to alleviate the problem?

The Hon. W. V. HOUGHTON (Minister for Conservation)—I have seen the report in the *Herald* today about the expected shortage of influenza vaccinations for the next two months and I hope that will not produce a problem. I am sure the Minister of Health has the matter in mind and I will ask him to contact the honorable member to provide him with an answer to the question.

CHERNOV REPORT

The Hon. D. R. WHITE (Doutta Galla Province)—I ask a question of the Attorney-General further to the question asked of him by Mr Landeryou. In respect of the Chernov report and the advice he gave to the Minister of Housing, can the Minister inform the House whether the Premier sought advice from the Attorney-General on this matter and whether he was the recipient of such advice? Is it correct to say that the Minister of Housing is the only person who received advice on the Chernov report from the Attorney-General?

The Hon. HADDON STOREY (Attorney-General)—The matter to which I adverted in answer to the previous question was raised and discussed by me with the Minister of Housing.

NOXIOUS WEEDS

The Hon. D. M. EVANS (North Eastern Province)—My question is directed to the Minister for Conservation and follows a question I asked yesterday to which the Minister replied that responsibility for weeds on the side of roads is being passed back to farmers. The Minister indicated that he would be prepared to debate the question. In view of the increasing alarm throughout Victoria on the spread of noxious weeds and the need to define specific responsibilities, will the Minister make a Ministerial statement on this important subject?

The Hon. W. V. HOUGHTON (Minister for Conservation)—The control of weeds on roadsides has always been, and still is, a statutory responsibility of the landowner along the roadside. An earlier policy decision I made has been reviewed, and discussions have occurred in the rural community about the future approach to the control of vermin and noxious weeds. I am anxious to change some procedures to make them more effective and efficient. Currently, I have several consultation groups working on the proposal.

I will consider the suggestion of Mr Evans seriously as it may be worth making a Ministerial statement on the sort of policy to be evolved over the next month or two on the control of weeds. If it is appropriate, it will be discussed in the spring sessional period of Parliament. The House will then be able to debate the subject.

BICYCLE PATHS

The Hon. D. K. HAYWARD (Monash Province)—I direct my question to the Minister for Local Government, representing the Minister of Transport. A number of young people in the province I represent who are students at Rusden State College, South Clayton, have difficulty in getting to the college by public transport. It seems to be inconvenient and expensive and a number of them are now riding their bicycles to the college as it is less expensive and healthier. A great danger is involved in riding bicycles along Dandenong Road. Will the Minister of Transport consider taking action to provide a bicycle path along Dandenong Road? The students have carried out a feasibility study on bicycle paths. Will the Minister be prepared to consider this in planning facilities for Dandenong Road?

The Hon. D. G. CROZIER (Minister for Local Government)—I would be happy to bring to the attention of the

Minister of Transport the matter raised by Mr Haywood. I am sure he would be interested in examining the feasibility study to which Mr Haywood referred.

TEXTILE INDUSTRIES

The Hon. R. A. MACKENZIE (Geelong Province)—I ask the Minister of Education whether he is aware that if the Industries Assistance Commission recommendations for the textile industries are adopted, it will result in a loss of employment of some 3350 textile workers, 1800 of them in Geelong. Of those workers, 1200 are women. What steps will the Government take to protect these jobs and what plans does the Government propose to implement to provide these women in Geelong with employment if such steps fail?

The Hon. A. J. HUNT (Minister of Education)—The Premier has been in the forefront in this country in seeking reasonable protection for the textile and footwear industries.

The Hon. W. A. Landeryou—You will soon be saying that he voted for Mr Fraser.

The Hon. A. J. HUNT—I may say that. The protection for these industries was largely removed during the interregnum of the Whitlam Government—in one fell swoop that Government destroyed many jobs. The Premier will continue to support the viability of these industries in every way possible, with the full support of his Government.

Mr Mackenzie well knows that Statement Planning Policy No. 7 specially designates the Geelong area for assistance. That has been followed by payroll tax assistance and other special schemes. The Geelong Regional Commission is doing its utmost to stimulate industries in the Geelong area with a considerable degree of success. The Government will continue to support the commission.

BICYCLE TRACKS

The Hon. ROBERT LAWSON (Higinbotham Province)—Is the Minister for Local Government, representing the Minister of Transport, aware that a study has been published of a proposed bicycle track through the bayside suburbs? Can the Minister advise whether it is possible for the same consultants who conducted that study to produce a map suitable for use by the people who propose to use the bicycle tracks so that the efficacy of the suggestions can be determined?

The Hon. D. G. CROZIER (Minister for Local Government)—The proposal outlined by Mr Lawson is certainly attractive and I shall be happy to discuss the matter with the Minister of Transport.

KANANOOK CREEK

The Hon. D. E. KENT (Chelsea Province)—Can the Minister of Water Supply advise whether any decision has been made or any action taken to implement the recommendations of the Dandenong Valley Authority study into the Kananook Creek rehabilitation which was released last July?

The Hon. F. J. GRANTER (Minister of Water Supply)—No firm decision has been made by the Government regarding the Kananook Creek report. The report was released for public exhibition and comment and, to date, no firm action has been taken.

MOUSE PLAGUE

The Hon. K. I. WRIGHT (North Western Province)—My question refers to the disastrous mouse plague. Is the Minister for Conservation aware that mice are now entering the urban centres of Swan Hill, Mildura, Hopetoun, Ouyen and other areas? Can the Minister give an indication of whether there will be an abatement of the plague with the recent outbreak of cold weather?

The Hon. W. V. HOUGHTON (Minister for Conservation)—At present I have no indication about the movement of the mouse plague. However, I strongly suspect that Mr Wright may be able to help in this matter. The weather conditions experienced over the past fortnight would have slowed down the mouse plague. I have evidence that the mice are beginning to eat themselves and by that method a fair amount of progress should be made towards

their elimination. I am not really surprised that the mice are moving out of the wet areas in the country into the urban areas. I hope the townpeople are taking appropriate steps to overcome the problem and if the Government can help in any way it will be delighted to do so.

SQUID FISHING

The Hon. GLYN JENKINS (Geelong Province)—The Minister for Conservation will recall an interesting and instructive evening spent aboard a Japanese research vessel called the *Hoyo Maru* 67 earlier this month. The vessel is engaged in investigations into squid fishing in southern Australian waters. Can the Minister advise when the evaluation by that vessel, which was undertaken in co-operation with the Japanese Government, will be completed and when it is likely that licences will be issued for people to undertake squid fishing on a permanent basis?

The Hon. W. V. HOUGHTON (Minister for Conservation)—The research cruise undertaken by the vessel has now been completed and the data collected by Mr Machida, the scientist on board, is being compiled and evaluated. It will take approximately three months for the evaluation of the feasibility of squid fishing to be determined. Data was collected about the effect of squid fishing on the food chain, particularly as it affects the predators of the squid and those creatures on which it preys, as well as breeding habits and how quickly and in what conditions the squid is able to multiply. Once an evaluation of the data is made, the area will initially be thrown open to Australian fishermen; whatever happens the Australian fishermen will have the first option to enter the project. The industry will then be open to fishermen who wish to engage in joint ventures with either Australian or Australian and Japanese companies. Finally, the project will be open for any other ventures that may be proposed from other parts of the world. For example, Poland has quite a large fishing fleet and may wish to establish a joint venture. The prospects for squid fishing are such that potential exists for a $50 million industry. If the evaluations prove successful, a new and valuable industry for Victoria will be established.

DRUG REHABILITATION

The Hon. R. J. EDDY (Thomastown Province)—Can the Minister for Conservation, representing the Minister of Health, explain why drug rehabilitation clinics that receive Government grants to provide treatment for patients who require assistance are unable to offer treatment after business hours and at the week-ends?

The Hon. W. V. HOUGHTON (Minister for Conservation)—I assume the explanation is that the staff have ceased work during those times. I shall take up the matter with the Minister of Health.

TRAVELLING ON SCHOOL BUSES

The Hon. W. R. BAXTER (North Eastern Province)—In answer to a question raised yesterday, the Minister of Education mentioned a sum that was costed for the operation of school buses. Did that amount include the subsidies or costs of providing concessional transport on metropolitan trams, buses and trains? Is the Minister able to indicate the approximate cost of those concessions and whether it is provided by the Education Department or directly by the transport authorities concerned?

The Hon. A. J. HUNT (Minister of Education)—In my answer yesterday, I specifically referred to bussing and conveyance allowances so the figure I gave related to the two figures combined. Therefore, off the top of my head, I am not aware of the precise break-up of the figures.

LAND PURCHASED BY LOCAL AUTHORITIES

The Hon. D. N. SALTMARSH (Waverley Province)—Can the Minister of Water Supply indicate the valuation policy of the Government where land, which has been purchased for a specific reservation in the past and is no longer needed by the organization, is desired by another public body such as a municipality? Can the Minister advise whether the valuation for the purchase

by the local government authority should be done at current valuation or should it be valued at the rate at which the authority originally purchased the land?

The Hon. F. J. GRANTER (Minister of Water Supply)—The valuations are usually done at current valuation prices.

The Hon. W. A. Landeryou—It depends on whether the valuation is done by the Housing Commission or by somebody who is honest.

The Hon. F. J. GRANTER—I am referring to water supply valuations. However, if the land is to be purchased by another authority perhaps some consideration of the purchase price could be entered into.

LEGAL AID

The Hon. JOAN COXSEDGE (Melbourne West Province)—In view of the 30 per cent fee increase for some struggling solicitors and the expectant flow on, as announced within the past day or so, access to the law is increasingly restricted to the wealthy and privileged in our community. Funding of an alternative approach to legal service is therefore necessary and urgent and I ask the Attorney-General whether he has read the submission of the interim consultative committee for the establishment of a welfare law practice in the western suburbs and whether the Government is prepared to give immediate support to such a project.

The Hon. HADDON STOREY (Attorney-General)—I am not aware of what the honorable member is talking about when referring to a 30 per cent fee increase. If there was a fee increase, it would have been determined by a statutory body set up to establish that fee increase and would be based on whatever has happened in terms of increased cost since the last fee was set.

In answer to the question, which has nothing to do with the matter of fees, if the honorable member has read the submission, as I have, she would understand that the object of those concerned in that enterprise is to provide assistance to people who at present do not have access to the law. They are concerned with matters of poverty law. I believe it is an excellent project and have already expressed that view to the Federal Attorney-General, the Victorian Law Foundation and the Law Institute of Victoria and I will do what I can to encourage it.

PERSONAL EXPLANATION

The Hon. A. J. HUNT (Minister of Education)—I desire to supplement an answer which I gave yesterday to Mrs Coxsedge who inquired about the position of schools where enrolments were fewer than 225. At the time of her question I was unaware that there had been any recent circular on the matter. I was aware that Treasury provides funds for the employment of a part-time clerical assistant for 560 hours per annum in schools with between 225 and 499 pupils and it does so in accordance with a Public Service Board determination.

Being unaware of the basis of the question, I inquired further this morning and found that in accordance with normal practice, a circular was sent out advising schools whose enrolment this year had fallen below 225 that they should comply with the Treasury ruling by the end of the first term. I inquired further and found that 30 schools were affected by the long-standing ruling rather than the notice to which Mrs Coxsedge referred. The notice, in fact, was a reminder.

I also inquired about the basis for fixing the 225 limit in schools and found that it was based on a Teachers Tribunal determination. As honorable members will be aware, the Teachers Tribunal has recently reduced from 225 to 200 the enrolment requirement for the schools in question. I therefore arranged for an urgent application to be made to the Public Service Board this morning, and the Public Service Board has altered its ruling from 225 to 200. Treasury will supply funds for the employment of a part-time clerical assistant for 560 hours per annum in all schools where enrolment falls between 200 and 225. This means that 24 schools which have not previously had clerical assistants will

now gain them; and 19 schools which previously had clerical assistants but were about to lose them will retain them. However, in 11 schools the enrolment has dropped from above 225 to below 200 and I regret that those schools must lose the part-time clerical assistant as from the end of this term. Honorable members will appreciate, however, that the over-all result is a real net gain for small schools.

The Hon. B. P. Dunn—Will the Minister table the list of schools?

The Hon. A. J. HUNT—I shall make it available to honorable members who desire to see it.

STATUTE LAW REVISION COMMITTEE

Statute Law Revision Bill

The Hon. J. M. WALTON (Melbourne North Province) presented a report from the Statute Law Revision Committee on the Statute Law Revision Bill, 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.

PAPERS

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

Public Service Board—Report for the year 1978–79.

Town and Country Planning Act 1961—

Echuca—City of Echuca Planning Scheme—Amendment No. 41, 1979.

Lillydale—Shire of Lillydale Planning Scheme 1958—Amendment No. 115, 1979.

Rosedale—Shire of Rosedale Planning Scheme—Amendments No. 13 and 14, 1979.

On the motion of the Hon. E. H. WALKER (Melbourne Province), it was ordered that the report be taken into consideration tomorrow.

WODONGA AREA LAND ACQUISITION (VALIDATION) BILL

The Hon. D. G. CROZIER (Minister for Local Government)—I move:

That this Bill be now read a second time.

Its purpose is to validate the acquisition of certain properties in the Wodonga area purchased as part of the Albury–Wodonga growth centre programme.

The lands involved fall into two categories; firstly, those properties on the edge of urban Wodonga which were included in stages 1 and 2 of the Wodonga area land acquisition programme and, secondly, those properties which are partly inside and partly outside the designated area. In the first category there are four properties purchased from K. G. Renwick Home Units Pty Ltd, A. G. Richardson, C. M. Cole and D. C. Kruss.

Prior to formal designation taking place, the Ministerial Council responsible for the growth centre project directed that two areas, comprising a number of properties immediately adjacent to the existing edge of urban Wodonga, were to be purchased. These areas were publicly identified and announced as stages 1 and 2 of the land acquisition programme.

Each of the abovementioned properties was included in either stage 1 or 2. The properties were to be purchased under the provisions of the Wodonga Area Land Acquisition Act 1973, which at that time gave the Minister power to acquire land in Victoria within a circle the centre of which is a point on the centre of the carriageway and equidistant from each end of the union bridge and the radius of which is 55 kilometres.

The selection of these areas was designed to provide for the quickest possible growth in the early stages of development. For example, the property acquired from K. G. Renwick was quickly developed as part of the corporation's first industrial estate, offering fully serviced and attractively priced land and a number of small factories for prospective industrialists. These early development incentives have paid off in terms of employment creation and continuous vigorous growth.

Since 1973 more than 40 basic industries large and small have established in Albury–Wodonga.

Before the project commenced 15 800 people were employed in Albury–Wodonga. This number has grown to more than 20 800.

Manufacturing employment in Albury–Wodonga rose by 6 per cent during the last financial year compared with an Australia-wide rise of 1·1 per cent.

Capital investment in 1978–79 rose to almost $82 million and it is estimated that more than $150 million will be invested in the area during the current year. Investment *per capita* in Albury–Wodonga during the past six years has been 32 per cent higher than the *per capita* figure for Australia as a whole.

All of this expansion has supported a growth rate in Albury–Wodonga which is faster than in any other provincial centre in Victoria or New South Wales and the absolute increase in population in 1978 was higher than any other Victorian non-metropolitan area.

Of the properties purchased in stages 1 and 2, in four transactions the contracts of sale were exchanged after 1 January 1975, the date on which the Wodonga Area Land Acquisition (Amendment) Act 1974 came into operation. This amending Act restricted the Minister to the purchase or acquisition of lands in the designated area only as distinct from the larger Wodonga area which had applied until the amendment came into operation.

The amending Act also provided, in section 5:

> Nothing in this Act shall affect anything done in relation to the purchase or compulsory acquisition of land under the principal Act prior to the commencement of this Act and where notice to treat has been served or a contract of sale has been entered into in respect of any land under the principal Act prior to the commencement of this Act the acquisition or purchase of the land concerned may be completed as if the principal Act had not been amended by this Act and for the purposes of sub-section 6 of section 15 of the Albury–Wodonga Agreement Act 1973 if any such land is not in a designated area it shall be deemed to have been purchased or acquired prior to the commencement of this Act.

In all four cases in this category serious negotiations were commenced under the original legislation prior to 1 January 1975, and the Minister at the time agreed to conclude those transactions, no doubt believing that the provisions of section 5 of the amending Act empowered him to do so.

The legality of these purchases was first raised by the Auditor-General at the completion of his audit on the accounts of the Albury–Wodonga (Victoria) Corporation. Advice was then sought from the Crown Solicitor, who subsequently advised that section 5 of the amending Act did not empower the Minister to take this action as the Minister's powers were specifically limited to the designated area unless a notice to treat had been served or a contract of sale entered into prior to 31 December 1974.

The second category of properties with which the Bill deals relates to those which were divided by the designated area boundary, part being designated and part being immediately adjacent to the designated area. The policy of the three Governments involved was handed down by the Ministerial Council on 27 September 1974 when the council resolved that, where a property was cut by the designated area boundary, negotiations should be conducted on the basis that minimum disruption should be caused by the acquisition programme, and bearing in mind that part acquisition could bring about a claim for severance, proper regard was to be paid to the continued viability of the remaining holding.

At the time, the Ministerial Council was comprised of representatives of the three political parties—a Federal Labor Minister, a New South Wales Country Party Minister and the Victorian Liberal Minister. The policy adopted by the Ministerial Council was based on the basic principles of fairness, justice and common sense. This policy was actively supported by all local members of Parliament backed by strong public support at several community meetings with the Ministers at that time. It is a matter of record that the community strongly advocated that a landowner's future position should be of paramount consideration should his property be partially designated.

Six properties fall into this category; those purchased from F. S. & R. A. McFarland, V. J. & E. M. Tobin and Co.

Pty Ltd., J. W. Proctor, D. A. Wallace, B. W. Harvey and N. J. & I. J. Rowan. The property of A. G. Richardson, included in the first category, could also have been included in this category as it was also divided by the designated area boundary.

There is no doubt that the Minister and the Ministerial Council acted in good faith with the best interests of the individual landowners in mind at all times. The whole land acquisition programme was carried out in such a manner as to ensure that the landowners were disadvantaged to the least possible degree and in this regard officers of both the Victorian Public Works Department and the Albury–Wodonga Development Corporation are to be commended.

Notwithstanding these commendable motives, the Crown Solicitor has advised that the Minister had acted beyond the powers conferred by the enabling legislation at the time. Ideally the boundary of the designated area should have been drawn so that the whole of these properties was either totally inside or totally outside the designated area. However, there are several important factors to be taken into account.

Firstly, the initial identification of the growth centre was by way of a circle of 55 km radius in which many hundreds of properties lay. Quite understandably there was a great deal of local pressure to fix the designated area boundary quickly so that the large number of property owners who eventually would be excluded from designation could be relieved of their concern. Secondly, all of the preliminary work was performed by a task force established by the Canberra-based Cities Commission prior to the establishment of the development corporation, and there is little doubt that deficiencies in local knowledge subsequently showed up.

The only appropriate action in the circumstances is for the Government to recommend that the Parliament now validate the acquisition of these properties. The transactions have been concluded, the corporation now owns the lands in question and in some cases development has already taken place on those lands.

The Minister for Planning has asked me to record that the firm, Harris Lieberman and Co., of which he was then a partner, acted as solicitors for the vendors in certain of these transactions but this was prior to his election to the parliament. I also record that Messrs. Smith and Emmerton, the law firm in which the Premier was formerly an active partner acted as solicitors in the Wallace transaction. I commend the Bill to the House.

On the motion of the Hon. D. R. WHITE (Doutta Galla Province), the debate was adjourned.

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

CHIROPODISTS (AMENDMENT) BILL

For the **Hon. W. V. HOUGHTON** (Minister for Conservation), the Hon. D. G. Crozier (Minister for Local Government)—I move:

That this Bill be now read a second time.

Its objective is, firstly, to remove the requirement that a person be at least 21 years of age before he or she can be registered as a chiropodist and, secondly, to make provision for the tabling in the Parliament of the annual reports of the Chiropodists Registration Board of Victoria. Clause 2 deals with the first of these objectives.

The course of training in Victoria for chiropodists is given at the Lincoln Institute of Health Sciences and the first graduating class at the end of this year will include persons who are under the age of 21.

In the view of the Government, it is not appropriate that persons, who are otherwise qualified, should have to wait until they reach 21 before they can be registered as chiropodists and, accordingly, this clause, in effect, deletes the minimum age requirement from section 9 (2) of the Chiropodists Act.

The course of training I have mentioned is a three-year full-time course for which the prerequisite is the successful completion of sixth-form. Students must reach 17 years of age by 31 March

of the first year of the course. It is considered that these educational requirements give as much guarantee of maturity as is necessary and I am sure honorable members will agree that the proposed amendment is in keeping with the spirit of the Age of Majority Act.

Clause 3 relates to the second of the objectives I mentioned earlier. Section 13 of the Chiropodists Act requires the Chiropodists Registration Board of Victoria, among other things, to submit to the Minister by not later than 31 March of each year a report of its proceedings for the preceding calendar year, together with a copy of its financial statement for the period. This section is to be amended by the Bill by then requiring the Minister to table the financial statement and report in both Houses of Parliament within fourteen sitting days. The effect of this amendment will be to ensure that Parliament is kept both informed on the work of the Chiropodists Registration Board and the manner in which the board is discharging its duties and responsibilities under the Chiropodists Act.

The two amendments proposed in the Bill are in the interests of both the profession and the general public and, accordingly, I commend the Bill to the House.

On the motion of the Hon. R. A. MACKENZIE (Geelong Province), the debate was adjourned.

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

YOUTH, SPORT AND RECREATION (GUARANTEES) BILL

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

That this Bill be now read a second time.

The Treasurer, in his second-reading speech on the Young Men's Christian Association of Ballarat (Guarantees) Bill, last session foreshadowed the introduction of legislation to enable guarantees to be given in respect of moneys borrowed to provide recreational and sporting facilities.

Municipal councils have been responsible for constructing most of the State's recreational and sporting facilities and the Government's assistance by way of subsidies has, therefore, been channelled through the councils.

Sporting clubs are not eligible for direct financial assistance for capital works under the Department of Youth, Sport and Recreation's policy guidelines, but the Government has now decided that non-profit sporting and recreational organizations should be eligible for assistance by way of Government guarantees for loans raised by them for the construction of sporting and recreation facilities.

The Government guarantee will enable these organizations to borrow at more advantageous interest rates than would be charged normally for this class of venture. Of course, any club applying for a guarantee will have to show that there is a real need for the facility, that the facility will be financially viable, and that it has the ability to repay the loan.

Each application will be the subject of a report and recommendation from a committee drawn from the three advisory councils which have been established under the Youth, Sport and Recreation Act. Applications will also be thoroughly investigated by officers of the Department of Youth, Sport and Recreation, who will consult the appropriate municipal council on, amongst other things, the need for the facility.

The Government is well aware that some sporting and recreational organizations are qualified to seek loan guarantees under the provision of either the Co-operation Act or the Crown Lands (Reserves) Act. However, there are others that are not so qualified and I am sure that they will welcome this measure. I commend the Bill to the House.

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

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

WANGERRIP (LAND EXCHANGE) BILL

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

That this Bill be now read a second time.

Its purpose to to enable an exchange of 35·04 hectares of Crown land being allotments 126 and 127, Parish of Wangerrip for an area of 30·82 hectares of freehold land being allotment 77, Parish of Barwongemoong owned by Mr and Mrs Bryce Leslie Johnson of Devondale.

The exchange was suggested by those landowners during investigations conducted by the Land Conservation Council with respect to the use of public land in the Corangamite Study Area. The council in its final recommendations considered that the exchange should be effected in the interests of both the Crown and the Johnsons.

The freehold land is a steeply sloping area of bushland, which should be conserved by adding it to an adjoining area of Crown land proposed for streamside amenity. The Crown land is undulating country contiguous to the Johnsons' dairy farming property and which rather intrudes into that property. An area of 26 hectares of the Crown land is being grazed by them under licence.

Further, the local dairy inspector has requested that the Johnsons erect a new dairy and the most suitable site for the new dairy is on the Crown land.

Valuations of both parcels of land have been obtained from the Valuer-General, the Crown land being valued at $17 500 and the freehold land at $19 000.

However, as the Department of Crown Lands and Survey has carried out the survey of both parcels of land at its expense, the exchange is being effected without payment of monetary consideration by either party. I commend the Bill to the House.

On the motion of the Hon. R. J. Eddy, for the Hon. E. H. WALKER (Melbourne Province), the debate was adjourned.

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

RAILWAYS (BRIDGES) BILL

The Hon. D. G. CROZIER (Minister for Local Government)—I move:

That this Bill be now read a second time.

The Bill seeks to amend the Railways Act 1958 to empower the board to construct additional or substitute bridges within 40 metres of an existing line of railway.

Where an old railway bridge must be replaced it is often necessary to build the new structure nearby and retain the old bridge until the new one is completed so that rail services can be maintained without interruption.

The board has no general powers to construct railways; there must always be an enabling Act. The Railways Act, however, in section 79 empowers the board to do certain things in respect of making railways, and contains the general power that "it may do all other things necessary or convenient for making, maintaining, altering or repairing and using the railways".

This general power, however, is limited to some extent by section 80 of the Railways Act, which requires Ministerial sanction for the construction of certain works and imposes a limitation on the amount of land which may be acquired for the purpose of constructing those works. Section 80 specifically limits the board's powers in respect of bridges so that it may only "widen bridges or raise or lower bridges".

This inadequacy was brought to the attention of the Minister by legal advice in relation to the contemplated replacement of the timber bridge over the Kororoit Creek between Mobiltown and Seaholme.

There are many other old timber bridges around the Victorian railways system approaching the end of their economic life and, accordingly, it is desirable that the board's powers be widened to enable the board to construct additional or substitute bridges. Naturally, if it were desired to build a bridge outside the 40 metre limit, special enabling legislation would be sought. I commend the Bill to the House.

On the motion of the Hon. G. A. S. BUTLER (Thomastown Province), the debate was adjourned.

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

CROWN LAND (MINERAL SPRINGS) BILL

The Hon. W. V. HOUGHTON (Minister for Conservation)—I move:

That this Bill be now read a second time.

The purpose of the Bill is to update the law relating to the development or use of mineral springs reserves for commercial purposes, and as such is part of the general review of the Land Act 1958. Its provisions arise out of an earlier report of the State Development Committee on the mineral spa water resources of Victoria.

However, as it would appear that a large percentage of any commercial operations would be conducted in the Daylesford–Hepburn area, the introduction of this part of the general review of the Land Act has awaited the outcome of the investigation carried out by the Department of Minerals and Energy of mineral springs in that locality. Investigations show that certain springs would support commercial development.

By this Bill, power is to be given for a committee of management of a mineral springs reserve or, where there is no committee, for the Governor in Council to grant leases for the collection, preparation, sale and removal of mineral water or for the operation of mineral water baths, spa therapy centres, kiosks or other amenities.

Any lease would normally be for a period of up to 21 years and. if granted by a committee of management, would require the approval of the Governor in Council on the recommendation of the Minister of Lands. However, provision is made for the issue of a lease for a period up to 99 years where substantial buildings are erected or are to be erected and large expenditure incurred under the covenants of the lease.

The Bill also empowers committees of management of mineral springs reserves to enter into agreements for a term of up to ten years for the taking and removal of mineral water where those committees or any person holds a groundwater licence under the Groundwater Act 1969. Any moneys received by a committee of management under any lease or agreement would be applied by the committee towards the maintenance and development of the particular reserve.

Before recommending the grant of any lease or approving of any agreement, the Minister of Lands may appoint an advisory committee consisting of persons having the necessary expertise in this field to advise him thereon. The Minister would need to be assured that all public and environmental issues have been considered and that the mineral water in the particular area exists in such quantity so as to not risk permanently damaging the resource.

Part XII of the Land Act 1958 which deals with mineral springs on Crown land, but which has never been invoked, and two local and personal Acts which provide for commercial activities on specific reserves, will be repealed. I commend the Bill to the House.

On the motion of the Hon. D. R. WHITE (Doutta Galla Province), the debate was adjourned.

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

FORESTS (FURTHER AMENDMENT) BILL

The debate (adjourned from April 23) on the motion of the Hon. F. J. Granter (Minister of Forests) for the second reading of this Bill was resumed.

The Hon. D. M. EVANS (North Eastern Province)—Members of the National Party have examined this interesting amendment of the Forests Act, following on an amendment that was introduced into this House only a few weeks ago. We are in substantial agreement with the provisions in the Bill which, of course, are in several different fields.

The first clause allows the Forests Commission to enter into agreements with certain other Government authorities and the National Party understands

the difficulties that the Forests Commission may have encountered from time to time in this matter.

The second clause of the Bill, dealing with the power of the Forests Commission to co-operate with tertiary institutions, and to use the forestry school at Creswick, again appears to be a laudable addition to the options available to the Forests Commission.

The National Party believes the most interesting provision in the Bill is the widening of the powers of the Forests Commission to manage substantial areas of public land. Clause 5, which is the relevant clause, refers to "State park regional park multi-purpose park wilderness education area historic area fauna reserve flora reserve". The National Party has already expressed the view on several occasions in this House, and in another place, and I believe, publicly, that the whole of the areas of land adjacent to forest areas that are created as public parks, or public areas of various categories, should be managed by an expanded Forests Commission; that all the functions and responsibilities of the National Parks Service, including the management of national parks, which I notice is not included in clause 5, should be handed over to such an expanded body. That, in our view, would be a sensible, reasonable, management of the areas concerned.

I know that to some people it may look suspiciously like we are trying to get our hands on public parks or national areas. I do not see that as the case, because the Forests Commission operates according to guidelines set down from time to time by the Government, and it will manage any responsibility in the way it is directed. The National Party suggests that the Forests Commission should take over these responsibilities so that there will be at least one less Government department, and it will give a greater degree of flexibility in the management of these areas to the benefit of the people of Victoria. There will certainly be a greater flexibility of use of the land, and that will be of economic benefit to the State of Victoria.

There was a lengthy debate on the Supply Bill last evening, and when anyone suggested that more money should be spent on something, the question was always asked, "Where is the money coming from?" It can come from the rationalization of Government departments, and more efficient use of resources, and this is a way of doing it.

The National Party, as I said, believes that the additional responsibility should be passed to the Forests Commission and it has been suggested before that the name of the Forests Commission should be changed to the Natural Resources Commission, its guidelines widened, and the responsibility that it needs to take on with the additional areas of categories of land should be clearly spelt out. This would benefit the people, and the National Party will continue with that particular line of debate to have this matter seriously considered. An increasing number of people within the community believe this also.

Clause 6 allows persons who have an area of land of particular interest to the community to pass it over to the commission. It may be that older persons who own such land might wish to retain their responsibility for their land for as long as their health lasts, or for as long as they live. That is a reasonable precaution to take, but this clause facilitates the passing over of private property into the public domain, and makes the management process easier. It also retains benefits for those persons who are generous enough to make such a donation. The net effect will be to encourage that procedure. I do not suggest that there will be a rush of landowners "willing" their land to the State. There are areas of land privately owned which have considerable public attraction, and this Bill will encourage persons to transfer it to the commission.

The National Party supports the Bill and, as I have indicated, it finds the provisions of clause 5 interesting.

The Hon. D. E. KENT (Chelsea Province)—The Labor Party does not oppose the Bill. However, the very fact that a further amending Bill is being considered only a few weeks after Par-

liament debated the Forests (Amendment) Bill is an indictment on the administration of the Forests Commission. Parliament expects that when a Minister is preparing amendments, he should be able to get together all the amendments necessary to bring the Act into line with current events at one time, because nothing in the further amending Bill which the House is considering today relates to anything that has occurred during the past few weeks. This is due to lack of attention by the Forests Commission, for which the Minister is responsible. I am sure the Minister feels a deep sense of insecurity because of his failure to bring these amendments into the one Bill some weeks ago. Clause 2 merely provides for the substitution of the title of the Minister for Police and Emergency Services because responsibilities in that field have been taken over from what was formerly the Chief Secretary's Department.

The Labor Party agrees with the expansion of provisions for the commission to enter into agreements. Clause 4 inserts a new section which is related to the amendments that were passed a few weeks ago in relation to the School of Forestry at Creswick which is now to be affiliated with the University of Melbourne, and it provides for the degree courses to be conducted there so that the school will not be used only for the training of people to become forestry officers.

The other proposed amendment in the Bill to section 50 of the principal Act provides that, in accordance with the recommendations of the report of the Land Conservation Council, new categories of reserves might be set aside. Interestingly enough, some fears have been expressed that the reserves can also be revoked by order of the Governor in Council by agreement between the Minister of Forests and the Minister of Lands. It is most important that the public should have confidence that the categories that are being gazetted now in accordance with the recommendations of the Land Conservation Council report should be secured. However, the Labor Party is confident that the provisions will not lead to hasty changes of application in any particular area.

Sadly enough, I will not become involved today in a discussion with members of the National Party on whether the Forests Commission should be administering every aspect of the forest areas, whether national parks or otherwise. However, it seems contradictory that a party which always emphasizes the value of decentralization and the delegation of authority is in this instance endeavouring to create a large monolithic structure.

I have confidence in the ability of the National Parks Service, the Lands Department and the Forests Commission to co-ordinate their operations in the field in which they are specialists. I suspect that part of the motivation behind the National Party's attitude is that it regards forest country primarily as timber-producing country. What society and the Government have emphasized in recent legislation is that there is an appreciation in the community and the Government that other values must be preserved which are of equal importance and significance to the community.

The Labor Party agrees with the other provisions in the Bill and is particularly interested in the possibility of land being donated to the Government for conservation purposes. It is good to note that provision is being made so that land which is being donated or is later to be devised to the Government may be properly transferred and that the wishes of the people who are offering the land will be honoured.

In general this is a measure to which the Labor Party cannot object because it further extends the progressive steps which the Government has taken in the use of forest land generally. Accordingly, the Labor Party does not oppose the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6254 s. 3)

The Hon. F. J. GRANTER (Minister of Forests)—I thank Mr Evans and Mr Kent for their comments. I understand what Mr Evans said about the National Party's attitude on the Forests Commission and the National Parks Service, but the Government has a policy of preserving both the forests and the national parks for the benefit of the people of the State. That policy has been carried out by my colleague, the Minister for Conservation, and me.

Mr Kent commented that two Bills on a similar subject had been introduced, and I have some apologies and explanation for that. The previous Bill was drawn up some time ago, and was not debated during the last sessional period of Parliament. This Bill follows advice received from the Crown Solicitor on agreements of the Forests Commission with tertiary education bodies. The commission believed that it should also bring in these few other matters that were outstanding in respect of forestry, and accordingly a second Bill was introduced.

Mr Kent also asked whether the areas reserved under clause 5 could be changed by Order of the Governor in Council. Those areas are permanently reserved under section 4 of the Crown Land (Reserves) Act 1978, and that rules out any change unless the matter comes back to Parliament. Some time ago I introduced a Bill designating those areas that were listed, and they were incorporated in *Hansard*. That was when Mr Williams was a member of this House.

Mr Kent and Mr Evans also referred to clause 6 which makes it possible for donors to make bequests of their property to the Forests Commission or as part of a national park. This is an excellent provision. Although there are not large numbers of people who make this bequest, some people are very keen to do so, and the Bill allows the Forests Commission to enter into an agreement with those people to allow them to stay on the property during their lifetime.

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.

MELBOURNE (YARRA PARK) LAND BILL

The debate (adjourned from April 23) on the motion of the Hon. W. V. Houghton (Minister of Lands) for a second reading of this Bill was resumed.

The Hon. D. M. EVANS (North Eastern Province)—This Bill deals with the Richmond football ground, the home of some enormously successful and famous footballers of bygone years and, I understand, the training track of some current champions. It is also an historic park because the first of the games of that tremendous sport, Australian rules football, were played there. The first game ever recorded was held just across the road, where the Melbourne Cricket Ground is now situated, and the game took place over two years from 1858 between two school sides, Melbourne Grammar School and Scotch College. You, Mr President, will recall the history of that. As I said, it is a most historic ground from the football point of view.

The Bill, which is intended to improve the facilities for the public in the area to make it a better ground for public use, is welcomed by the National Party. Provision is contained in the clauses for the Country Roads Board to carve a small slice off one wing. I hope it is not made too narrow so that the football will not be such a good spectacle. The National Party supports the proposed legislation.

The motion was agreed to.

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

STATUTE LAW REVISION BILL

The debate (adjourned from October 17, 1979) on the motion of the Hon. Haddon Storey (Attorney-General) for the second reading of this Bill was resumed.

The Hon. A. J. HUNT (Minister of Education)—Honorable members will recall that the Bill was fully explained

by the Attorney-General and was then referred to the Statute Law Revision Committee for examination and report. Honorable members will also be aware that the Statute Law Revision Committee has examined the Bill in detail and has approved of all the concepts embodied in it but has suggested a number of technical amendments. It is proposed to make those amendments completely in accordance with the unanimous report of the committee when the Bill goes into the Committee stage.

The Hon. J. M. WALTON (Melbourne North Province)—I move:

That the debate be now adjourned.

As the Minister has explained, I presented the report of the Statute Law Revision Committee to Parliament this afternoon, so that my party has not had the opportunity of having a report on it. Although the contents of the Bill are of no great consequence, the principle of reporting to the party wherever possible should be adhered to.

The Hon. A. J. HUNT (Minister of Education)—I understand the honorable member's concern and I desire to facilitate the achievement of his objective. However, the course he advocates would preclude circulation of the amendments. May I, with respect, suggest that the second reading be proceeded with, that the House go into Committee and that I tender the amendments; then the honorable member would be able to take the whole issue back to his party.

The Hon. W. A. LANDERYOU (Doutta Galla Province)—Mr President, with the greatest respect, I understand what the Leader of the Government is attempting to achieve. However, my colleague puts a valid point. Although it may well be a formality, the time-honoured principle is that my party and the National Party should be given the opportunity of formally attending to our own procedure of review. There is nothing to stop the Minister from making available to my colleague on a confidential basis the amendments proposed so that he can report accordingly. I urge all Ministers to take that course with any amendments they propose to move when moving the second reading of Bills in this House.

The Hon. A. J. Hunt—Will you reciprocate?

The Hon. W. A. LANDERYOU—Yes, I think the Opposition can reciprocate, and in that case the Minister will be supplied with two copies. I make the point because I would be loath to depart from the time-honoured procedure, and I urge the Government to adopt the procedure that has been the rule.

The Hon. A. J. HUNT (Minister of Education) (*By leave*)—The honorable member well knows that it is always my practice to try to assist all parties to have the fullest opportunity of considering measures and amendments. I will accept the course proposed, and, with the leave of the House, distribute now the amendments which it is proposed to submit in Committee after debate on the Bill is resumed. I do, however, assure the House that the amendments are in accordance with the recommendations of the Statute Law Revision Committee whose report explains the reasons for them.

The PRESIDENT (the Hon. F. S. Grimwade)—This practice is somewhat unusual. However, if the House is in agreement, I shall be prepared to permit it.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate was adjourned until Tuesday, May 6.

HEALTH (SPECIAL ACCOMMODATION HOUSES) BILL

The debate (adjourned from April 22) on the motion of the Hon. W. V. Houghton (Minister for Conservation) for the second reading of this Bill was resumed.

The Hon. J. M. WALTON (Melbourne North Province)—The Bill amends the Health Act in respect to special accommodation houses, and I am sure it will receive the support of honorable members of all parties. Indeed, it has already been passed by the Legislative Assembly, where many of the amend-

ments suggested by the Opposition were adopted and are now included in the Bill. There are, however, a small number of amendments that the Labor Party believes will improve the Bill and it intends to move those amendments during the Committee stage.

All honorable members are aware of the publicity in recent weeks given in the press, on television and by certain members of Parliament to the plight of elderly people requiring special accommodation. It is mainly as a result of that publicity that this matter has been brought before Parliament in a somewhat urgent fashion.

On a number of occasions, I have visited some special accommodation homes, as I am sure other honorable members have. From what I have seen, they are in the main run properly. Many and varied charges are made, some even in excess of the inmate's age or invalid pension, especially where additional services are provided, and the choice rests with the people concerned of the type of special accommodation they desire. That, too, is a good thing. However, it would appear that, as in most businesses there are those who like to make a quick buck and who will take advantage of the sick, the young, the old, the feeble and so on. This field has proved to be no exception. Some people who have been running special accommodation homes have done so in a manner which brings no credit to themselves, especially as they are dealing with people who are unable to look after themselves. The Government is to be commended for bringing the Bill forward in such a short time; but again I remind honorable members that it was, in the main, members of the Opposition and the media who forced the Government to move as quickly as it did. History discloses that this matter has been under consideration for some considerable time and the Health Commission needed that prod to get the matter before Parliament as quickly as possible. With all of that, the Opposition is in agreement.

It is rather sad that we all grow old. No doubt each of us has at some time reflected on what will happen to us. One may have children who are prepared to look after one, or one's children may not be in a position to do so; one may not have children at all or might have outlived them. For many reasons, one may find one's ability to look after oneself limited and it is in those circumstances that these special accommodation homes become very useful.

In the future it will probably be found that further amendments are necessary. Unscrupulous operators may very quickly find, as an honorable member in the other place said, loopholes in the law. If that occurs, I hope the Government will move speedily to bring in legislation to close those loopholes because we all have sympathy for old people. I hope all honorable members will one day reach that honorable state.

With those few remarks, I indicate that the Opposition does not oppose the Bill but intends moving several amendments in the Committee stage.

The Hon. B. P. DUNN (North Western Province)—As Mr Walton has said, there are a number of circumstances to which strong objection should be taken and there are some things about society or mankind that completely sicken me. One is the way that some people treat and maltreat other people, especially those who are not able to stand up for themselves and care for themselves. Basically, I speak of both ends of the spectrum of life, very young children and child abuse, the very old and those who are perhaps incapable of fending for themselves and do not have sufficient strength or the resources to be able to do so. When the community is prepared to openly maltreat these people, we must all begin to examine, and probably should have examined a long time ago, the course of our whole way of life. It appears to me that elderly people in the community are not being cared for as well as most honorable members think they are. Admittedly, there are nice, new brick buildings and big homes for the aged.

The Hon. W. A. Landeryou—There are not too many in Doutta Galla Province!

The Hon. B. P. DUNN—There are many of them throughout the State, and the Federal Government is to be commended on providing some of those places. However, it is often saddening to go into some of these centres and see the people housed there. Many of them are placed in centres so that their families can get rid of them. They are no longer on the hands of their families and their families no longer have any responsibility towards them. I visit a lot of hospitals and wards where the elderly are catered for, and it is in many cases sad to see them just waiting there with little occupational therapy and with little family or community contact. It is time to examine the situation and to realize that, as in education and in many other fields, a good service is not necessarily provided because the buildings and the physical requirements are provided. It goes much further than that.

The Bill attempts to tighten up the running, the inspection and registration procedures of special accommodation houses because it has become obvious that some operators have been prepared to exploit helpless people.

I commend not only the Government but also the other persons involved in expediting the introduction of the Bill by drawing public attention to the exploitation of persons in some special accommodation houses. I commend the Opposition for the excellent work undertaken by its spokesmen because although the Minister of Health last year set up a committee to investigate the changes necessary in the Act to close the loopholes that exist in the operations of special accommodation houses, many months had elapsed before the Government took action. However, I do commend the Minister of Health for acting quickly this year to close the loopholes in the Act which were causing exploitation. The loophole causing most concern was the requirement that all special accommodation houses accommodating more than five persons were subject to inspection but those with fewer than five persons were not subject to inspection and registration and were therefore outside the control of the Health Commission.

The Bill proposes to reduce the number of persons from five to two. I have been asked by some people how the new provision will affect a family; the provisions of the Bill ensure the exemption of families. Many questions were asked about inspectors because the only inspector operating in Victoria covers 250 special accommodation houses which have an approximate total of 5600 beds. There were two inspectors, but one, Sister Blanton, recently resigned because of the appalling conditions of special accommodation houses she visited in the course of her work. She claimed that one in eight of the houses was exploiting the inmates and she made several shocking allegations about exploitation practices in some of the accommodation houses. Sister Blanton played a great part in the matter being drawn to the attention of the House, which led subsequently to the introduction of the Bill.

The National Party trusts that the Bill will close all loopholes in the Act which have allowed special accommodation houses to exploit elderly persons and hopes the Government will appoint sufficient inspectors to ensure that careful inspection is carried out of these centres so that the interests of the elderly and other persons housed in these special accommodation centres are adequately protected. Admittedly, the number exploited may be few, but nevertheless they must be protected. The National Party supports the Bill and commends the action of the Government.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 to 3 were agreed to.

Clause 4 (Amendment of No. 6270 ss. 220B and 200C)

The Hon. J. M. WALTON (Melbourne North Province)—I move:

Clause 4, page 3, line 42, after this line insert—

"(5) Where a person is convicted of any offence against any of the provisions of this Division he shall be guilty of a further offence against this Act if the offence continues after

he is so convicted and he shall be liable to an additional penalty for each day during which the offence so continues of not more than—

(*a*) in the case of an offence under subsection (2)—$500; and

(*b*) in the case of offences under subsections (3) and (4)—$200.

(6) Where any offence is committed by a person by reason of his failure to comply with any provision of this Division by or under which he is required or directed to do anything within a particular period that offence for the purposes of sub-section (5) shall be deemed to continue so long as the thing so required or directed to be done by him remains undone notwithstanding that such period has elapsed."

The amendment provides for a continuing penalty after the two fines imposed under clause 4, the first part of which is a fine of up to $5000 for non-registration of a special accommodation house and the second of which is a fine of up to $2000 for a person who does not comply with either the Act or the regulation. A similar amendment was moved during debate on the Bill in another place and I am aware of the Government's attitude but the Opposition believes a continuing penalty for each day that the person committing the offence carries on the business after being fined, ought to be imposed. The amendment proposes a continuing penalty of up to $500 a day for a continuing offence of non-registration of a special accommodation house, and for non-compliance with the Act or the regulations, a continuing penalty of $200 a day while the offence continues.

If the Bill is passed in its prsent form, a person, after paying the original fine, may continue the offence, which would require the Health Commission, with its limited staff, to again gather evidence to place before the courts in order for the person to be again fined. Should the person be fined again, he or she may become more cunning and get around the law in other ways. However, it is likely that a magistrate will consider a second offence more seriously than a first offence.

Under the provisions of the clause, the total amount of the fines are $5000 and $2000 respectively, which should be heavy fines. However, it may take some time for the commission to gather the sufficient evidence it requires to go before the courts and, there may be a delay before the matter is heard. With a provision for a continuing penalty there is no profit in the persons running special accommodation houses to continue to be dishonest but some people may be prepared to suffer the penalties presently provided for in the clause in the first instance and continue to operate in the manner in which they have in the past knowing full well that it may be twelve months before they will be again proceeded against. Time amortizes the loss they would incur in fines over the twelve months and the fine consquently becomes a small amount. The Committee should consider the amendment carefully. It is worthy of consideration and the Opposition strongly supports it.

The Committee divided on Mr Walton's amendment (the Hon. W. M. Campbell in the chair).

Ayes	10
Noes	25
Majority against the amendment	15

AYES

Mr Butler	Mr Walton
Mrs Coxsedge	Mr White
Mr Eddy	
Mr Kent	*Tellers:*
Mr Landeryou	Mr Mackenzie
Mr Walker	Mr Trayling

NOES

Mr Baxter	Dr Howard
Mrs Baylor	Mr Hunt
Mr Block	Mr Jenkins
Mr Bubb	Mr Knowles
Mr Chamberlain	Mr Lawson
Mr Crozier	Mr Reid
Mr Dunn	Mr Saltmarsh
Mr Evans	Mr Storey
Dr Foley	Mr Taylor
Mr Granter	Mr Wright
Mr Guest	*Tellers:*
Mr Hayward	Mr Hamilton
Mr Houghton	Mr Hauser

PAIRS

Mr Kennedy	Mr Stacey
Mr Sgro	Mr Long

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

Clause 7 (Regulations)

The Hon. J. M. WALTON (Melbourne North Province)—I move:

Clause 7, line 36, after "baths" insert "shower recesses and other bathing facilities".

The purpose of this amendment is to further describe the sanitary conveniences mentioned in the Bill, which ought to be made available to elderly people. The amendment extends the definition of "baths" even when it might be considered that "baths" include these facilities. However, it would be far safer, in the view of the Labor Party, to have it spelt out in the Bill.

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

New clause A

The Hon. J. M. WALTON (Melbourne North Province)—I move:

Insert the following new clause to follow clause 4:

'A. Before section 220F of the principal Act there shall be inserted the following sections:

"220EB (1) Where a person is convicted of any offence under this division the court may in addition to any other penalty—

(*a*) direct that the commission cancel the registration of the special accommodation house in relation to which the offence was committed;

(*b*) direct the commission to vary the terms and conditions to which the registration of the special accommodation house is subject;

(*c*) direct the commission to make such arrangements as are necessary for the proper accommodation of residents affected by such direction made pursuant to paragraphs (*a*) or (*b*); or

(*d*) order that the person convicted of the offence take no part in the management or control of a special accommodation house for such period not exceeding twelve months as the court thinks fit.

(2) Any person who fails to comply with an order of the court made under paragraph (*d*) of sub-section (1) shall be guilty of an offence against this Act and liable to imprisonment for a term of not more than three months.

I believe these amendments are worth while. They give the court a power which is non-existent at present. Without the amendment, these people might be found guilty of an offence of the kind which the Minister explained earlier in the debate, and then they are able the next day to continue in the same sort of business. They may be people who are totally unsuited to that particular line of occupation and the Labor Party considers that in those circumstances the court ought to have the power—having heard evidence of the offences which have come before it—to direct the Health Commission to either cancel the registration or to vary the terms and conditions of the registration.

The Hon. R. A. MACKENZIE (Geelong Province)—I support my colleague, Mr Walton, in this matter. I believe this clause is a reasoned amendment to the Bill. The arguments put forward by Mr Walton are extremely sound and, as the Minister has not given the House any indication of the Government's view on these amendments, I would like to hear what he has to say on this clause. I would like to know exactly why this clause cannot be incorporated into the Bill.

The new clause was negatived.

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

GROUNDWATER (MINERAL WATER) BILL

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

That this Bill be now read a second time.

The natural mineral water resource of the Victorian Central Highlands region has always been looked upon by Government, the local municipalities and the community generally, as being suitable for commercial development, with obvious benefits to the area generally.

Legislation to effect that development has long been sought and the recommendations of the State Development Committee in its 1970 "Report on the Mineral Spa Water Resources of Victoria" set down guidelines and objectives for future action.

One fundamental recommendation was that as a prerequisite to any further substantial development of the mineral water resources, a thorough investigation be carried out by the Department of Minerals and Energy to assess the full potential of the area. To date, investigations have been undertaken to determine the extent of the resource available and the safe yield of the Hepburn, Sutton and Lithia Springs aquifers.

As a preliminary to legislative action, the Government also instituted an economic survey of the mineral water industry. This investigation culminated in the 1979 report "Victorian Mineral Water Economics" which provided a basis on which legislation could be framed. The resulting Bill has two principal objectives, the first of which is to impose a surcharge of 1 cent per litre on the volume of mineral water extracted under groundwater licences issued for that purpose.

The second objective is to create a fund from which the revenue may be applied towards the cost of the management and improvement of Crown Land Mineral Springs Reserves and, generally, the promotion of the economic development of the mineral water resource areas.

At this point I might mention that the State Development Committee and the consultants who carried out the economic survey of the mineral water industry both recommended regulatory measures to require the labelling, as appropriate, of natural and artificial mineral waters offered for sale. Unless there is to be complementary legislation in other States, any such provision could apply in Victoria alone. Because of the presence on the market of interstate and imported products, administration would be difficult, and the provision originally contained in this Bill has been deleted by amendment in the Lower House.

Before I speak to the general provisions of the Bill, I should explain that the Groundwater Act is the vehicle for these measures because mineral water is groundwater; the right to the use and control of which is vested in the Crown by that Act. All uses of groundwater, except for domestic and stock entitlements, and bores under test, are subject to the licensing provisions of the Act.

The Bill provides for a number of machinery amendments to the principal Act to facilitate the administration of the proposals. The first amendment extends the already broad definition of "bore" to include any works constructed for the purpose of intercepting, collecting, obtaining, appropriating and using any natural flow of any spring. The amendment relates to springs generally, not merely to mineral springs, and is necessary because a spring does not satisfy the existing definition of a bore unless works to create an underground cavity or other improvements are undertaken. Otherwise the use of a spring flow cannot be licensed and safeguarded under the Groundwater Act. The amendment overcomes this difficulty.

The inclusion of a definition of "mineral water" in the principal Act is necessary to identify the class of groundwater to which the surcharge provisions will apply under a licence issued for the extraction of mineral water.

The existing provisions of the Act which enable the Governor in Council by order to exclude any bore or class of bores from the provisions of the Act, or conversely, to apply the whole or any part of the Act to a bore, are simplified under the Bill. A single Order in Council will suffice in circumstances where two may now be necessary.

The remaining machinery provision is contained in paragraph (c) of clause 2 and this amends section 51 (3) of the principal Act. At present the section imposes an obligation on the State Rivers and Water Supply Commission to refuse the issue of any groundwater licence which would materially interfere with the volume of groundwater to which any other person is entitled under the Groundwater Act. The amendment extends this obligation to entitlements established under any other Act. The particular Act in mind is the Crown Land (Reserves) Act 1978. As honorable members are aware, amendments to that Act relating to mineral spring reserves are presently before the House.

The mineral water resources occurring on mineral spring reserves are, of course, the reason for their reservation for public purposes. The amendment will ensure that this is taken into consideration even where specific entitlements have not been recorded under the Groundwater Act itself.

The central provision of the Groundwater (Mineral Water) Bill, as honorable members will have seen, is the imposition of a surcharge of 1 cent per litre for every litre of mineral water extracted or recovered under a groundwater licence. The level of the surcharge, and its effect on the marketability and the profitability of mineral water has been closely examined by consultants retained by the Department of State Development Decentralization and Tourism.

The amount of the surcharge is considerably less than that recommended by the consultants. Adoption of the lesser amount is consistent with Government policy to encourage the growth and development of the industry, but at the same time ensuring that the industry makes some contribution to the development of the resource area.

The application of a volumetric charge under an instrument such as a licence is the adopted practice in connection with the use of surface water resources under the Water Act. Its adoption in respect of the groundwater resources departs from current practice in that hitherto all groundwater licence fees have been a fixed nominal annual amount, currently $15. The departure, though, is fully justified having regard to the uses to which the surcharge will be put—on which I shall speak later.

Incorporation of the amount of the surcharge in this legislation means, of course, that it can be increased only after consideration of any such proposal by the Government and this Parliament. The amount cannot be increased by subordinate legislation or administrative decision.

The Bill also provides that the amount of mineral water extracted or recovered by a licensee, and thus subject to the surcharge, shall be determined by agreement between the licensee and the State Rivers and Water Supply Commission, or in default of agreement, by the Minister of Water Supply. Under the Bill the surcharge is accounted for separately from ordinary groundwater licence fees.

A Mineral Water Development Fund is created in the Treasury into which are paid all moneys received by way of surcharges or otherwise appropriated by Parliament. These moneys will be expended to promote the commercial development of the mineral water resource areas, and on works, improvements and services directly associated with the extraction and utilization of mineral water.

The fund will be administered by the Minister of Lands in consultation with the Minister for State Development Decentralization and Tourism. The former Ministry has the responsibility for the administration of mineral spring reserves throughout the resource area, and the prime objective of this Bill is to provide a source of funds which will assist in the development of the reserves.

It is envisaged that the committees of management of mineral spring reserves will, in accordance with their charter, submit developmental proposals to the Minister of Lands. The Minister, if in agreement, may then determine, after the consultation to which I earlier referred, the extent of the financial assistance available from the fund.

At the same time, it is recognized that the resource area is not confined to Crown land reserves. In time, equally important tourist development could occur within the resource area as a result of private enterprise based on freehold lands.

In the case of private development, an approach for assistance may be sponsored by a municipality, made directly to the Minister of Lands, or conveyed through the Minister for State Development Decentralization and Tourism. The form of assistance which could be given from the fund to any such private development would, in general, be different and less direct than to, say, the development of public facilities on a public reserve. Nevertheless, the avenue is created in this Bill for the mineral water industry to seek financial assistance for the promotion and development of the industry in the commercial sphere.

I see this Bill as of great significance to the future of the mineral water resource areas. Its purpose is to contribute to the economic betterment of those areas. It has long been sought by community groups within the resource areas and I commend it to the House.

On the motion of the Hon. D. R. WHITE (Doutta Galla Province), the debate was adjourned.

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

CANCER (AMENDMENT) BILL

The debate (adjourned from April 22) on the motion of the Hon. W. V. Houghton (Minister for Conservation) for the second reading of this Bill was resumed.

The Hon. JOAN COXSEDGE (Melbourne West Province)—Although this Bill is not a major one, nevertheless it is important because it deals with the subject of cancer. Cancer is a problem which touches all of us in some way. It strikes not only at the elderly but also at other age groups including the very young. One could describe cancer as the plague of the twentieth century.

The striking increase in cancer death rates in this century cannot be accounted for by ageing alone, and cannot be due purely to genetic changes in the population, which one would think would take generations to propagate through the population.

According to Samuel S. Epstein in his book *Politics of Cancer,* specialized studies have concluded that environmental factors cause from 70 to 90 per cent of all cancers. While the over-all incidence of cancer has risen over the past four decades, and even more dramatically over the past ten years, there has been little over-all improvement in the treatment or the survival rates.

The recent cancer epidemic has been parallelled by the enormous growth in the petrochemical industry and the resulting introduction of a wide range of synthetic carcinogens into the environment and the work place and by the increased use of naturally-occurring carcinogens such as asbestos.

The connections are inescapable, and most independent experts now agree that the overwhelming majority of all human cancers are environmentally induced or related—which means they are preventable. The crucial problems of regulation and prevention stem not so much from a shortage of laws or scientific information, but from the failure to implement laws and put knowledge into practice.

The responsibility for this failure is shared by industry which has consistently opposed regulations on the twin grounds that the risks of industrial carcinogens are outweighed by their benefits, and that the costs of regulation are too high, and by unresponsive governmental agencies whose authority and function are often subverted by political pressures.

Many of those working in the field of cancer believe that the risks of environmental cancers are great and growing, and the costs of failing to regulate are expensive and inflationary. The key to the solution lies in widespread public recognition that most cancer is preventable and that concerted action must be taken at both the political and personal levels.

So far as this Bill is concerned, there are three amendments to the principal Act, namely the Cancer Act which was passed in 1958. All of the amendments relate to the Cancer Institute Board, but otherwise they do not have a great deal in common.

Clause 1 is the normal citation clause which provides for the Act to come into operation on the day it receives Royal assent. Clause 2 corrects a drafting error in the principal Act. This occurred when the Cancer Act was amended in 1962 by inserting a new section to give the Cancer Institute Board power to enter into agreements with medical practitioners employed by the board for the treatment of private patients. Inadvertently no reference was made to the board and the new subsection was inserted in the wrong place, so clause 2 corrects that error.

The main section of the Bill is clause 3 and that is concerned with a new provision which will allow the Cancer

Institute Board to borrow money from financial institutions for bridging purposes providing that all arrangements are approved by the Treasurer.

It is plain that this provision is being inserted to stave off the potentially awkward situation of the Peter McCallum Hospital running out of funds at a time when Government money is a little slow in coming forward. This clause is obviously necessary to ensure the smooth running of that excellent institution, staffed by dedicated people who are carrying out vital work under difficult circumstances.

The other provision in the Bill is contained in clause 4 and is purely a machinery matter. It is necessary because of changes that have been made to section 41 of the Health Commission Act 1977, to be proclaimed next December. This reduces the membership of the Cancer Institute Board from 22 to 10 or 12, which then means that more flexibility is needed for quorums of its meetings. The quorum is to be reduced to three or not less than half the membership of the committee, whichever is the greater. The Labor Party does not oppose the Bill. I now move the following reasoned amendment, which has been circulated in my name:

> That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and re-drafted to provide for the establishment in Victoria of a central cancer registry and the notification of cancers to such registry."

As I said earlier, cancer is a problem that touches everyone in some way. All honorable members, and their families, are daily exposed to agents that cause cancer, often unknowingly, while going about their daily business. Furthermore, people usually have no knowledge of what they are actually being exposed to.

In order to respond properly to the treatment of cancer, everyone must be equipped with basic information about preventative policies and actions that can be taken. If action is to be effective, it must be based on information and properly directed. That is why the amendment I have moved is so important. Of all States in Australia, Victoria stands isolated in that it is the only one that does not have a central cancer registry. If we hope to combat cancer, surely one of the first weapons is information on the subject.

A central cancer registry would mean that doctors, hospitals, and pathologists would be required to inform the registry of any details about patients. This information would be stored and I hope used as a basis for research. Since 1975, submissions have been made by the Health Commission seeking such a registry and the same was requested in the most recent annual report by the Cancer Institute Board. At present, a relatively unsatisfactory situation exists whereby the Anti-Cancer Council in Victoria is running a voluntary system.

However, as cancer is not a notifiable disease, information does not automatically go to the council and, apparently, some of the ten teaching hospitals in Melbourne supply information but this relates to public patients, rather than private patients, which has some interesting connotations. If cancer were a notifiable disease, it would be a relatively straightforward matter. It would require only the making of a regulation under the Health Act and expansion of the number of hospitals providing such information. Currently, it is clear that not nearly enough information about cancer is coming in. The register of the Anti-Cancer Council cannot be adequately and accurately used because it does not cover enough cases. One should consider the unnecessary snooping that goes on into the affairs of people. For example, one can get a credit rating on a person at the drop of a hat, and yet, for some reason, we do not have a satisfactory way of tabling the incidence of cancer.

Victoria is lagging behind, not only the other States in Australia, but also most other countries in the Western World. The collection of statistical data is not just a mathematical exercise but would enable better monitoring from a specific geographic area and could assist an increasing public health problem. Information services must be established, such as a central registry, to assist in the protection of workers

from the effects of toxic substances that are already known, as well as potentially toxic substances.

In a report called, "Crises in the Work Force", researched and prepared by Nicholas Ashford in 1976 for the Ford Foundation, certain unpleasant predictions were made. One prediction was that out of 500 000 American asbestos workers, 170 000 will die of cancers and asbestosis by the turn of the century. Another prediction was that of 6000 uranium miners, between 600 and 1100 will die of lung cancer alone. Ashford stated, in his 1976 report, that some 100 000 chemicals have been introduced into production since the second world war, at a rate of more than 3000 new chemicals each year. Of these chemicals, 12 000 are known to be toxic.

The case of ICI in Britain is a sobering one. That company produces nanox S, containing naphthylamine which had a dramatic 100 per cent rate of causing cancer of the bladder. In 1971, it was found out during a court case that ICI had had information about this since 1935 and withheld the information. By 1964, 183 workers had died from this type of cancer, thanks to the callous attitude of ICI.

In order to avoid this situation, it is obvious that Victoria needs a central cancer registry to collect statistics for cancer research, as the fight against cancer needs to be carried out effectively. I hope this will be followed by some action. The Opposition believes this registry should remain within the province of the Anti-Cancer Council of Victoria.

The Hon. B. P. DUNN (North Western Province)—The Cancer (Amendment) Bill is an important Bill for the Cancer Institute Board and for the operation of the Peter McCallum Hospital which provides an outstanding service for the people of Victoria. I do not know how many honorable members have been to the Peter McCallum Hospital, but it is an extremely worth-while place to visit to see what is available in the State of Victoria for treatment of cancer, particularly the use of X-ray therapy.

X-ray therapy is an essential part of the treatment of most cancers and is being widely used with considerable success in the treatment of various tumours and other types of cancer. It has to be used with a considerable degree of care because a person can absorb only a certain amount of radiation, as honorable members are aware, particularly to the brain area, before severe damage is caused to the individual. It is carefully and selectively monitored and used by professional people.

I commend the people who work at the Peter McCallum Hospital and the board that is responsible for its running. Developments, which will be of long-term benefit to the State, have occurred. A clinic was run by the Peter McCallum Hospital at Mildura. I am not sure whether it is still in operation, but those sorts of services that provide ongoing treatment to people throughout the State will be of great importance.

It is difficult for many people receiving treatment for cancers to travel to and from Melbourne, which they need to do regularly. The people of the State should be proud of the amount of research being undertaken by various people into the field of cancer and its control. I shall mention the work that has been done at the Royal Children's Hospital in the field of leukaemia. That hospital is one of the leading hospitals in the world in the field of childhood leukaemia. Research is conducted under the control of the head of the haematology division, Dr Henry Ekert. A number of important advances have been made. Many of the drugs that are injected regularly into people for the control of leukaemia or other cancers, have been found to have a severe effect on healthy blood cells. They have the effect of actually destroying some blood cells and damaging the bone marrow so that the tolerance of an individual to those drugs is relatively small before unacceptable side effects are created.

All honorable members know what some of those side effects can actually cause. An interesting concept of bone marrow transplant is now being performed in which the bone marrow is

actually withdrawn from the affected person, treated in a situation outside the body and later injected back into the person. Those bone marrow cells are returned in a natural state to the bone marrow. Therefore, they can carry out control of leukaemia without the toxic effects that are found in the patient concerned.

This kind of research is continuing in the State and we should be aware of it. Honorable members should also be prepared, as Mrs Coxsedge will agree, to ensure that an ongoing commitment is made by Governments to tackle the research needed into the control of cancer in its various forms. Some excellent people are available in the research field in Victoria and we should be aiming to keep them here. They should be encouraged to continue their work, through Government support and assistance. If one examines the amount of financial assistance the Victorian Government provides for cancer research, one will see that it has not been increased in recent years—I recall asking a question about this a couple of years ago—but it is still a small amount.

I agree with the proposal that a central registry should be established but the right time to introduce such a measure is not during the passage of the Bill. The introduction of the Bill provides the necessary vehicle for Mrs Coxsedge and members of the Labor Party to raise the question of the need for a central cancer registry. Members of the Opposition want the Government to withdraw the Bill and they have brought in an amendment unrelated to the operation of the Cancer Institute Board. The purpose of the amendment is commendable but I do not believe it is the right time to introduce it. Members of the National Party do not want to see the Bill withdrawn because it involves amendments to the principal Act that will bring immediate benefit to the Cancer Institute Board.

I hope the Minister representing the Minister of Health—who was the previous Minister of Health and I know has an interest in the field—will give the House an assurance that the Government will establish or at least investigate the establishment of a cancer registry. Although such a registry is necessary the Bill should not be formally withdrawn to achieve that end.

One of the dangers in today's society is that present-day knowledge may not necessarily supply the information required to protect people from what could be cancer causing agents. One only has to examine the experience with the effects of radiation. Honorable members may have viewed a programme on television recently showing people involved in the testing of atomic bombs and other devices. The film showed air force personnel who were actually ordered to fly through the cloud of an atomic bomb to take samples. They wore normal flying gear which afforded no more protection than a pair of overalls.

Another case illustrated on the programme was that of army personnel on the ground who were made to witness the blast and then march through the blast area when the dust was still settling. A similar situation exists with asbestosis, which affects workers involved in asbestos mining and factory work. Asbestos is a serious cancer-causing agent and it has cost the lives of many people. Recent day knowledge has proved that those agents were dangerous to human beings. It may well be that many other cancer-causing agents exist in our daily contact. Present-day knowledge gives us the capacity to understand that.

The world has to live with the threat of radiation. The threat exists in the form of an atomic war where massive increases in radiation would occur causing cancer and leukemia. Examples of this have been seen in Japan and the disease of cancer seems to be a direct flow-on from exposure to radiation. As legislators, honorable members have an important responsibility to ensure that every safeguard is taken and that people are warned of the dangers of various carcogenics. An extremely dangerous carcogenic is present in cigarette smoking which was not mentioned by Mrs Coxsedge. However, cigarette smoking is a major cause of lung cancer and associated cancers.

People must be warned of the dangers of cigarette smoking and the dangers of exposure to asbestos, radiation and other cancer-causing agents. Unfortunately with cigarette smoking people tend to make up their own mind as to whether they want to run the risk involved. The National Party supports the Bill which will give the Cancer Institute Board the power—and this is a basic clause of the Bill—to borrow certain moneys with the approval of the Treasury and a guarantee. The board needs help in its operation and members of the National Party hope that the Government will support research and assist the people involved. Members of the National Party agree with the thrust of the amendment proposed by Mrs Coxsedge. However, the National Party does not want to see the Bill withdrawn in order to achieve the goals of the amendment.

The Hon. R. A. MACKENZIE (Geelong Province)—I support the remarks made by my colleague and I also support the comments made by Mr Dunn because they dealt with a subject that touches us all. Cancer is a disease that knows no barriers. It strikes at the rich and the poor and the young and the old alike. There is probably not one honorable member who has not had the experience of some friend or relative who has suffered from the disease. It is fitting that the Government should assist the Cancer Institute Board by introducing the Bill. It is an area that requires much attention and an area which will entail much more research and investigation because of the increasing number of cancer victims.

I support Mrs Coxsedge in her reasoned amendment because at present not enough statistical evidence is available. Such information must be collated so that society can cope with the disease. An important feature is illustrated by the figures published in the annual report of the institute. The report states that in 1978–79, 3595 new patients were treated in the city; the figure for the country areas was 603. Another interesting and amazing statistic is that the out-patient attendance for patients requiring out-patient treatment was 40 000 in the city area and 6000 in the country area.

I particularly want to refer to the country patient because, compared with the city patient, the country counterpart is faced with transport problems in attending for treatment at the institute. Many country people are forced to travel to the institute two or three times a week for treatment during the after-care period. To its credit, the Government began a pilot scheme for after-care patients in Geelong. The trial period has now been completed and, at this stage, there has been no guarantee of further funding until an evaluation has taken place. I have spoken to the people who used this service and, not only is it of great benefit to the patients, but also it is of valuable benefit to the families of the patients involved. Honorable members can well imagine that persons requiring treatment once or twice a week often has to rely on a member of the family to drive them to Melbourne. The situation must be far worse for patients in electorates such as those which Mr Dunn, Mr Baxter and other members of the National Party represent.

The Hon. B. P. Dunn—Is X-ray therapy treatment provided in Geelong? I believe the equipment is expensive.

The Hon. R. A. MACKENZIE—I believe some facilities are available. The provision of treatment for patients in country areas is an area that requires further examination so that people in country areas can have access to after-care cancer treatment. I realize the equipment is expensive and if the Government is not in a position to provide it, an examination should be made of the pilot scheme in Geelong which assists people who are forced to travel backwards and forwards for treatment. I support the Bill and also the reasoned amendment put forward by Mrs Coxsedge.

The Hon. W. V. HOUGHTON (Minister for Conservation)—I agree with the reasons given by Mr Dunn for not accepting the amendment proposed by Mrs Coxsedge. The Bill is not concerned with the treatment of cancer. It con-

cerns the administration of the Peter MacCallum Hospital, Mrs Coxsedge made the point that part of the Bill enables the hospital to borrow funds for carry-on finance which is an important reason for it.

The idea of a registry is something that no honorable member should reject; I accept it. The Government ought to be moving towards the establishment of such a registry. However, I do not believe the Bill before the House provides a suitable opportunity. It is a matter which would best be handled by the Minister of Health.

I was surprised that both members of the Opposition who spoke about the various carcinogenic compounds and substances did not deal with the best-known carcinogenics in the world and I thought Mr Dunn would never get around to mentioning it; I refer to the problem of cigarette smoking. Twelve thousand Australians will die this year from the effects of cigarette smoking. A great proportion of that number will die from cancer, statistically due to the smoking of cigarettes. Regrettably, it is not yet known precisely what the causes of cancer are, but the evidence is persuasive. It is generally accepted that smoking is a serious risk to health and it is of particular risk to the health of young people.

I notice that most honorable members, although they may have smoked cigarettes at some time, have now abandoned the practice. Their age group has come to recognize the dangers of cigarette smoking and it is not seduced by the advertisements urging people to smoke the harmful and dangerous substance. However, that is not the case amongst the younger people. The incidence of smoking in high schools is about equal to the general incidence of smoking in the community. This is regrettable and although the Opposition had not mentioned this most dangerous carcinogenic substance known, I hope there was no other motive. I welcome any efforts that can be made and anything that can be done in this House to discourage the habit of smoking in the community and the loss of 12 000 Australian lives each year. For the reason I have mentioned, the Government does not accept the reasoned amendment.

The House divided on the question that the words proposed by Mrs Coxsedge to be omitted stand part of the motion (the Hon. F. S. Grimwade in the chair).

Ayes	27
Noes	11
Majority against the amendment ..	16

AYES

Mr Baxter	Mr Jenkins
Mrs Baylor	Mr Knowles
Mr Bubb	Mr Lawson
Mr Campbell	Mr Long
Mr Chamberlain	Mr Radford
Mr Crozier	Mr Reid
Mr Dunn	Mr Saltmarsh
Dr Foley	Mr Stacey
Mr Granter	Mr Storey
Mr Hamilton	Mr Taylor
Mr Hauser	Mr Wright
Mr Hayward	*Tellers:*
Mr Houghton	Mr Evans
Mr Hunt	Mr Guest

NOES

Mr Butler	Mr Walker
Mrs Coxsedge	Mr Walton
Mr Eddy	Mr White
Mr Kent	*Tellers:*
Mr Landeryou	Mr Thomas
Mr Mackenzie	Mr Trayling

PAIRS

Mr Block	Mr Sgro
Dr Howard	Mr Kennedy

The motion was agreed to.

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

MINISTERIAL STATEMENT

Alcoa Smelter at Portland

The Ministerial statement relating to the Alcoa smelter at Portland, made by the Hon. D. G. CROZIER (Minister for Local Government) on March 25, was taken into consideration.

The Hon. D. R. WHITE (Doutta Galla Province)—I move:

That the Council take note of the Ministerial statement.

The Labor Party considers this to be one of the most important issues to have come before the Parliament in recent years. It has a

position on the issue which is more considered than the Ministerial statement which was recently made to the House. The Labor Party approves the first stage of the Alcoa aluminium smelter at Portland, subject to Alcoa meeting the full cost of the supply of electricity, but it does not condone an agreement that the Premier has entered into, whereby Alcoa will receive electricity from the State Electricity Commission at a price less than the average cost of production.

Members of the Labor Party agree to the first stage of production provided certain environmental standards are met regarding the emission of fluoride at the border of the property at Portland and regarding the method of burying pot linings, to minimize contamination of the underground water supply and other matters, all of which are believed to be within the capacity of Alcoa to meet in the near future before the commencement of the project.

Members of the Labor Party make it clear that although they support Alcoa commencing the first stage at Portland, with the qualifications that I have mentioned, which will not jeopardize that stage of the project, they stress that the Government should have insisted that before any further stages of the project are undertaken, a proper energy impact statement, a proper economic valuation and a proper environment effects statement should be prepared. In other words, although members of the Labor Party support Alcoa proceeding to the first stage, they do not approve of it proceeding to the second, third and fourth stages until those three tasks have been undertaken and completed.

There is an urgent need for an energy impact statement and the Parliament and the people of Victoria are entitled to understand the reasons for that. If this State unequivocally supports the construction of a number of aluminium smelters at this stage, the generating capacities of factories and the State's industrial future could be committed to a few heavily capital intensified projects which might not create sufficient jobs to reduce significantly the high level of unemployment. This issue is of the utmost importance.

It is recognized that Alcoa not only wishes to proceed to a 530 000 tonne smelter but also wishes to extend at Point Henry, and that Comalco, Nabalco and other aluminium manufacturers are looking forward to the opportunity of building aluminium smelters in Victoria. Before they do so, the State has a responsibility to consider the implications of such developments on Victoria's generating capacity and the effect it would have of committing the whole of the Loy Yang project to aluminium smelters.

The preparation of an energy impact statement would reveal that the Government has failed to appreciate that it has had, and still has, significant bargaining power in this issue. It is not just a question of tariffs in Victoria relative to those in other States; Alcoa could not readily go elsewhere. Victoria's bargaining power is the availability of generating capacity in the near future. I shall elaborate on that.

Victoria is an attractive site to prospective aluminium producers for two reasons. The first is its tariff structure. It is important to realize that the tariff structure for electricity in New South Wales, Queensland and in countries like Brazil is equally attractive to aluminium smelters; so Victoria does not have a competitive advantage in respect of tariff structure, except that it has relatively cheap electricity compared with New South Wales and Queensland. It is not in the forefront. The second element which the Government has failed to make use of, and which is the key bargaining power it had at its command to ensure that it obtained the best possible deal from Alcoa, was the generating capacity that the completion of Loy Yang power station would provide to the community. New South Wales and Queensland do not have immediate access to the necessary generating capacity, nor does the most conspicuous country outside Australia, namely, Brazil.

It the Government had bargained more vigorously with Alcoa of Australia Ltd, that company would not have immediately gone to New South Wales and Queensland, where it would have

had to join the queue. The completion of Loy Yang power station will provide excess generating capacity, even after the completion of the first stage of the smelter at Portland, and accordingly the Government should have made maximum use of that fact to extract the best possible deal from Alcoa. The Government failed to make maximum use of that bargaining capacity and, as a result, the States are competing, unnecessarily, against each other.

There is a need for an energy impact statement and some national co-ordination, if not a national inquiry. The Opposition would look forward to a uniform tariff structure throughout Australia, if that were possible. In other words, if a tariff "M" option 5 applied for large industrial consumers, the Opposition would consider the possibility of having the same tariff structure apply in each State so that the States would not compete against each other unnecessarily during a period when Australia, especially the eastern States, are attractive to aluminium manufacturers.

Parliament has a responsibility, on behalf of the community, to ensure that Victoria obtains the best possible arrangement without necessarily jeopardizing the prospect of those companies coming to Victoria. The Opposition is also most concerned at the escalating costs of the Loy Yang power station. It was originally estimated to cost $1500 million, whereas the latest estimate is $2800 million. The costs are escalating in excess of movements in the consumer price index; at the rate of approximately $1 million a day, which would suggest $365 million a year.

If the costs of Loy Yang power station get out of hand, that will have a significant effect on the marginal cost of producing electricity. That in turn may well affect the tariff structure and the State's competitiveness. As J. K. Stanley and C. J. Martin point out in their cost benefit analysis prepared within the economic research section of the Department of the Premier, unless controls are kept on the construction costs of Loy Yang power station, and the Government is vigorous in that regard, it may jeopardize the cost benefits of Alcoa going to Portland. The Government does not have a good record of effectively managing projects under its administration.

Victoria needs a complete and comprehensive assessment of energy reserves and their utilization. Once stage 1 is commenced and proceeds, there is a need, before any other smelters or stage 2 is commenced, for an energy impact statement.

The Government's Green Paper on energy envisages the commitment of the State's 35 000 million tonnes of economically recoverable brown coal reserves to provide continued use for electricity generation and liquefication of brown coal, which is a pet project of the Premier, and coal gasification of solvent refined coal. If the State is to have a number of aluminium smelters of the size Alcoa is contemplating at Portland, in addition to interest expressed by Comalco Ltd and Nabalco Ltd, there is no reason why those companies should not express an interest in Victoria.

However, if the Government is to encourage all those companies to develop in Victoria and continue with the liquefication of brown coal and coal gasification, that will not only tie up the existing generating capacity of the State but will also hasten the day when the Government will have to consider the prospect of turning to nuclear energy. That is a prospect that the Opposition deplores.

Stage 1 of the Alcoa project proposes a smelter with a capacity of 132 000 tonnes which, at 96 per cent load factor, means 127 000 tonnes per annum production of primary aluminium ingot. Since it takes 15 000 kilowatt hours to produce 1 tonne of electricity, it means that 10 per cent of the total electricity sales in 1978–79 will be tied up in the first stage of the project.

Equally, by 1989–90, if the project proceeds, it will tie up approximately 25 per cent of Loy Yang generating capacity. If the development of smelters is undertaken in that range, the day

will fast approach when the Government will have to seriously examine the use of nuclear power. That should not be contemplated at any stage.

The Opposition welcomes the first stage of the Alcoa project of Portland, subject to two qualifications: Firstly, that it meets the full cost of the supply of electricity and, secondly, that it satisfies certain environmental requirements. Approval for stage 2 of the project should not be given until an energy impact statement is undertaken.

The Hon. Glyn Jenkins—What about expansion at Geelong?

The Hon. D. R. WHITE—Expansion at Geelong ought to proceed simultaneously with the first stage at Portland.

The Hon. Glyn Jenkins—Do you want an energy impact statement there too?

The Hon. D. R. WHITE—The Opposition believes an energy impact statement should be in two contexts: Firstly, it should be in respect of a specific project, and secondly, it should relate to a general consideration of the utilization of the coal reserves and generating capacity of the State as a whole. The Ministerial statement by the Minister for Local Government should cover those grounds but it does not.

In terms of priority, the energy impact statement is of fundamental importance to the future of Victoria. The Government cannot proceed, as it has, in such an *ad hoc* fashion in its approach to energy resources. Before stage 2 of the project at Portland is considered, a proper economic evaluation should be completed. The most important issue is an energy impact statement.

The next most important priority is an economic evaluation. Undoubtedly there has not been a proper economic evaluation of the Alcoa project. As J. K. Stanley and C. J. Martin pointed out in their cost benefit analysis at page 31, their paper did not discuss the financial arrangements relating to power supply. It is essential that before honorable members can satisfy themselves that tariff "M" option 5 covers the average cost of production, Parliament should be able to examine the tariff structure of the State Electricity Commission. Evidence will be submitted during the debate as to why the Opposition believes Alcoa is not being charged the average cost of production of electricity.

The Ministerial statement indicates that the concessions offered to Alcoa are, firstly, a $21 million contribution by the Government towards the Geelong–Portland section of the transmission line over a seven-and-a-half-year period and, secondly, $58 million of that is to be recovered from some or all classes of electricity consumers over the next 25 years.

The tariff "M" option 5 at approximately 1·6 cents per kilowatt hour in no way covers the cost of that proportion to the cost of the power line. The Government insists in the Ministerial statement that the $58 million is built into tariff "M" option 5, but that is not the case and there is no evidence for it.

On the contrary, the Opposition knows that tariff "M" option 5 has been applied to John Lysaght (Aust) Ltd and if Alcoa were to have located the project in Weternport, where it would not have needed such an extensive power line, Alcoa would have been charged approximately 1·6 cents because that is what John Lysaght pays.

Hence, if Alcoa could have obtained the same tariff at Westernport, clearly it does not include a charge to meet the $58 million component of the power line which the Government insists it will recover from Alcoa when the tariff is charged. That will not be the case. In fact, a form of cross-subsidization will apply whereby other consumers, be they domestic, industrial or commercial, will subsidize Alcoa for that tariff.

It is also known that the ten-year exemption from the 5·5 per cent levy on the State Electricity Commission turn-over tax amounts to approximately $1·65 million at present for stage 1, rising to $6·3 million at stage 4.

The State Electricity Commission has a legal obligation to levy that charge on Alcoa, whereas the Premier offered this exemption for Alcoa. As I will point

out during the debate, the profitability of the project will clearly demonstrate that that token gesture to Alcoa is meaningless in terms of, firstly, the turn-over it can expect to generate from the project; secondly, the return on the investment, and, thirdly, profit after tax. There was no need for the concession because it was not asked for, but it was given. It is not relevant to Alcoa to be given that exemption, but it is important to the finances of Victoria, especially during a period of financial austerity.

It is hard to understand why the Premier needed to personally offer that exemption, especially when Alcoa did not seek it.

The Hon. Glyn Jenkins—You are looking at it in isolation.

The Hon. D. R. WHITE—For the benefit of Mr Jenkins, I inform the House that Alcoa did not seek that concession. The concessions sought were: A cheap, effective electricity supply; a guaranteed supply; a reasonably cheap tariff and a commitment by the Government to a certain base load of the Loy Yang power station. Beyond that, all the other so-called packaged concessions are of little consequence to the financial operations of Alcoa. They were not required and are not needed. Once again, the Government gave away something that it did not need to provide.

Based on the Opposition's consultations with Alcoa, we believe the company did not seek an exemption on the turn-over tax; moreover, it was surprised to be offered it and, in that context, it is ridiculous to realize what was given.

The Government should provide a rebate of all pay-roll taxes and incentives to encourage decentralization and employment but the Opposition is uncertain of the extent to which the Government needed to provide that concession.

The Hon. Glyn Jenkins—Do you agree that it does help decentralized industry?

The Hon. D. R. WHITE—The exemption on pay-roll tax is a clear incentive for decentralized industries. There is no doubt about that, but in terms of the profitability, which I will discuss later, it is a meaningless contribution—a token. Alcoa's desire to obtain the Portland site was strong enough to allow considerable room in which the Government could negotiate concessions to be granted to the company.

Executives of Alcoa readily concede that if their company had not grabbed Portland, a rival company would have in the near future. Given the company's desire to go there and given the availability of excess generating capacity, I do not perceive the advantage to be gained by giving concessions that did not have to be given. Australia is one of the few countries with supplies of cheap electricity, stable politics and reserves of bauxite. Therefore, Victoria was in a relatively strong bargaining position with Alcoa and *vis-à-vis* the other States. It must also be remembered that Victoria's bargaining power has been enhanced by the fact that for conservation of energy and environmental reasons both Japan and the United States of America have scaled down the production of aluminium.

As mentioned earlier, the tariff to be charged, tariff "M" option 5, is just below 1·6 cents a kilowatt hour. There was no analysis of the economics of this tariff by the economics group of the Department of the Premier in its cost benefit analysis of the smelter proposal, or by the Government.

The Hon. Glyn Jenkins—What about the State Electricity Commission?

The Hon. D. R. WHITE—The tariff structure of the State Electricity Commission is deserving of urgent review. On the basis of published information, an estimate of the average cost of State Electricity Commission power production has been calculated by the Opposition. Based on a conservative estimate, the average cost of State Electricity Commission production for grid power as supplied to Alcoa would be in the area of 2·06 cents a kilowatt hour. That estimate demonstrates the need for a detailed examination of the whole of the State Electricity Commission tariff structure.

The Hon. Glyn Jenkins—Who did that estimate and what are their qualifications?

The Hon. D. R. WHITE—The Opposition undertook to examine the tariff structure of the State Electricity Commission, as a responsible Opposition should, and during its investigations it found that conspicuous savings could be gained by having large industrial consumers such as Alcoa, but there are also cost savings to be made in distribution and administration, as one would expect, as well as in the methods of production. All those matters should be taken into account in determining the tariff structure of the State Electricity Commission. Certain of the assumptions made about the cost of financing capital works projects and the return on those funds and the proper apportionment of production costs lead the Opposition to believe that the State Electricity Commission charges do not meet the costs of production. The mere fact that no turnover tax has been charged is indicative of the fact that the tariff is below the cost of production.

In carrying out an assessment of the tariff structure of the State Electricity Commission, the Opposition has had the benefit of advice from a research economist attached to the staff of the Leader of the Opposition. His name is Colin Richardson and he has a doctorate of philosophy in economics. It also had the benefit of advice from a research economist in the Latrobe Valley and others from various academic institutions. It is reasonable, from the information publicly provided by the State Electricity Commission, that the Opposition should have reservations about the commission's tariff structure.

The Hon. J. V. C. Guest—Are you prepared to table your calculations?

The Hon. D. R. WHITE—The Opposition is prepared to provide a paper on the calculations of the tariff structure and the Leader of the Opposition in another place has made such a document publicly available today. For Mr Guest's benefit, I shall provide him with a copy after the debate.

It is important to appreciate that the State Electricity Commission is a relatively closed institution and the Opposition has not had access to some information that may have been of benefit in its study. As everybody knows, the State Electricity Commission is certainly not infallible, and the investigations of the Newport Review Panel adequately demonstrated that. In the estimates that were examined by the panel, the State Electricity Commission made errors in its forecast of total future electricity consumption, population predictions and *per capita* energy consumption. In that context it is not unreasonable to expect that the State Electricity Commission is not infallible when it comes to its tariff structure. That structure has not been reviewed by either the Government or Parliament to date, and the Opposition carried out its calculations in an effort to be constructive. It is a pity that the Premier did not give consideration to this issue in the Ministerial statement.

The urgency of the task is paramount. It is not of great consequence that Lysaghts should be operating on tariff "M" option 5 when that project is considered in isolation, but when one considers the prospect of Alcoa taking up a substantial portion of the power to be produced by the Loy Yang station and other companies coming into Victoria, if tariff "M" option 5 does not cover the average cost of production it is obvious that the rest of the community will be paying a heavy subsidy to aluminium manufacturers.

There is another criterion for costing projects such as the Alcoa project at Portland. Instead of using the average cost of production, one should examine the Loy Yang project in isolation and calculate the marginal cost of the electricity produced at Loy Yang, which, as a matter of course, would have to be higher than the average cost of production. The marginal cost would be greater because, although there may have been improvements in technology, the earlier power stations would have been constructed with money borrowed at a cheaper rate than the present 10 per cent. If that criterion were used as a basis for costing, it would become obvious that the marginal cost is significantly beyond tariff "M" option 5. In that context, Alcoa is certainly not meeting the cost of production.

For each 0·1 cent per kilowatt hour that Alcoa electricity is under-priced, the State Electricity Commission must recover $1·91 million a year from its customers at stage 1, rising to $7·4 million at stage 4. That is a significant amount if the real figure is 0·3 or 0·4 cents below the average cost of production.

The Hon. R. J. Long—The State Electricity Commission can raise the tariff if it wants to.

The Hon. D. R. WHITE—That is correct, and one of the reasons why the Opposition has supported the first stage of the Alcoa smelter at Portland is that the proposed agreement is not based on a contract price, it is based on a published tariff, tariff "M" option 5.

The Hon. D. G. Crozier—Unlike New South Wales.

The Hon. D. R. WHITE—Unlike Point Henry, which was a fiasco. In that context, I accept the point made by Mr Long, that tariff "M" option 5 can be altered. Alcoa understands and accepts that and did not seek a contract price. It recognizes the bona fides of the Opposition when it says that, as a Government, it would re-examine the tariff structure of the State Electricity Commission to ensure that the average cost of production is met. The Opposition is drawing this matter to the attention of the Government now because it believes the Government should undertake the exercise. If it did so it would find the prima facie case demonstrated by the Opposition today to be correct.

The Government is wrong in claiming that Alcoa is paying a contribution of $58 million towards the cost of the transmission lines. It is, in fact, paying nothing towards those lines. Tariff "M" option 5 is a published tariff and Alcoa is entitled to a discount below that tariff that is not available to Lysaghts, because it qualifies for an interruptibility discount on its first 300 megawatts. It is entitled to that discount because it is prepared to say to the State Electricity Commission, "You can turn the power off for up to 2 hours a day". However, an extraordinary expense is involved in the project, namely, the power lines. The Government insists that $58 million of the cost of the transmission lines will be recovered from 1983 onwards by Alcoa's contribution through the payment of the tariff.

There is no evidence to support that contention. If the project were to be located at Westernport, the company would have sought tariff "M" option 5, which is the same tariff that is to be granted at Portland. A component of $58 million has to be built into the tariff structure to cover that. A levy should be imposed. There is no evidence that the Government intends to do that.

The Hon. R. J. Long—What about the advantages of the power lines to western Victoria, without anything else?

The Hon. D. R. WHITE—There is no doubt that everyone hopes—it is probably more than a hope—that the power lines that will go through western Victoria will benefit western Victoria as a whole and, at a later stage, will be extended through South Australia to Adelaide so that Victoria may have, as part of a national grid, a prospect of exporting electricity to South Australia as well as providing generating capacity for other manufacturers who choose to locate in Portland or other parts of western Victoria. If those hopes become a fact, Alcoa would be entitled to recover part of the cost of the transmission lines from the State Electricity Commission. Anyone else who uses them should pay a portion of their cost, and if Alcoa is not using the whole of the lines or if the costs can be partly recovered elsewhere at a later date, Alcoa should be entitled to a reimbursement—as the State Electricity Commission does and has always done.

The tariff paid by Alcoa should include the component of $58 million now, and, at a later date, when electricity is being exported to South Australia or other manufacturers make use of the power lines, the company should be reimbursed by a further discount of the tariff. That is the legitimate, practical, common-sense method of dealing with the issue. That is the way, historically, in which the State Electricity Commis-

sion has dealt with such matters, and it is regrettable that the Government has not dealt with this matter correctly.

I reiterate that Alcoa legitimately qualifies for the interruptibility discount on its first 300 megawatts. However, it is clear that, for the reasons I have given, the 5·5 per cent turnover tax exemption should not have been provided to the company. I have indicated that there is a need for an energy impact statement and I have also mentioned that there is a need for an economic valuation. Both those studies should be undertaken before the Government approves stages 2, 3 and 4 at Portland.

There is a sense of irony about this debate. It is worth pointing out that in 1978 the Government was forecasting an electricity blackout by the winter of 1978. Only twelve months later it was talking about excess generating capacity. It is also ironic in the political context of the debate that during 1977 and 1978 the Government was talking about the need for Newport. It was pointing out the advantages of having a power station close to the metropolitan area and saying that if power lines had to carry power over huge distances there was a prospect of a loss of up to 15 per cent. That was one of the reasons put forward in support of a power station close to the metropolitan area, namely, Newport. Now in the context of the politics of this debate, we are being told that the power loss from the power line from Geelong to Portland is in the vicinity of 4 per cent. It has been reduced from 15 per cent to 4 per cent.

The financial programmes associated with that project should be renegotiated and a new agreement should be made with Alcoa to rectify the problems associated with the turnover tax and the tariff structure. If it is not possible to renegotiate the turnover tax concession with Alcoa because of a contractual agreement that the Government has entered into, a licensing fee should be introduced to recover the revenue that will be lost by the Government having conceded the turnover tax which Alcoa never sought and never wanted.

Members of the Opposition are concerned about the economic implications of this project proceeding beyond stage 1 and believe an economic evaluation should be carried out on the concession, the infrastructure, the turnover tax and the tariff in that context.

I draw to the attention of the House the Opposition's assessment of the profitability of the Alcoa project. According to the *Age* of Friday, 15 February 1980 the world price for a tonne of aluminium was 955·5 pounds sterling. On that day the selling price for sterling was 0·4775 pounds sterling, which equals $A1. Therefore the world price for a tonne of aluminium expressed in Australian dollars on that date was $2001·047.

I have been reliably informed that the quoted world price or "spot price" is the upper limit and that very little aluminium changes hands at that price. A more reliable guide is the U.S. Alcan published producer price, which is currently $U.S.1600. During 1979 the price increased from $US1235 to $US1600. It is expected to increase 10 per cent this year.

The current selling price for $US1 is $US1.10, which equals $A1. Therefore the Alcan published producer price expressed in Australian dollars is $1454.54 a tonne. In other words, aluminium is currently being sold in the range $1454.54 to $2001.047 a tonne.

In 1989 it is expected that the Portland aluminium smelter will be at full capacity producing 530 000 tonnes of aluminium per annum. The gross revenue to Alcoa of 530 000 tonnes at today's "spot price" of $2000 a tonne would be $1060 million or $1·06 billion per annum. The gross revenue on a daily basis will be $2·921 million.

The only difference between my contribution to the debate and that of Mr Jenkins, who is interjecting, is that I have given significant consideration to it. If Mr Jenkins's contribution is as superficial as the Ministerial statement, he should realize that I have at least done some homework, which is more than Mr Jenkins has done. I am pleased

that for the first time in ten years Mr Jenkins has taken to publicity advertising for work for his constituents.

The gross revenue to Alcoa of 530 000 tonnes at the Alcoa published producer price would be $770 906 200 per annum or $2·11 million daily.

The next issue is what are the costs involved in producing a tonne of aluminium. According to page 44 of the environment effects statement, Alcoa requires 14 megawatt hours of electricity to produce a tonne of aluminium.

If the cost of electricity is expected to be approximately $0.015 per kilowatt hour, the energy cost of producing a tonne of aluminium will be approximately $210 a tonne. According to the Alcoa environmental impact statement, Alcoa requires approximately 1·95 tonnes of alumina to produce a tonne of aluminium. The current spot price for alumina varies between $160 and $200 a tonne. I have been informed that in order to guarantee their supply, aluminium smelters are prepared to pay a premium price for alumina—that is, between $200 and $220 on today's prices. Therefore it would appear that, based on $200 a tonne, the raw material cost of producing one tonne of aluminium is $200 multiplied by $1.95, which amounts to $390.

Therefore if 1·95 tonnes of alumina is needed to produce 1 tonne of aluminium it will not cost much more than $390 to $400, and alumina is the basic raw material used to produce the aluminium ingots.

The Hon. R. J. Long—Is that delivered to Portland?

The Hon. D. R. WHITE—That is at Portland, from Western Australia in the Darling Ranges. The aluminium smelter will cost $350 million for a 120 000 tonne plant, or approximately $1590 million for a 530 000 tonne plant. Calculated over 30 years and taking into account an annual production of 530 000 tonnes, the annual depreciation will be $53 million or $100 a tonne. At an average sale price of $1700 a tonne the net profit per tonne of aluminium would be $423 after tax.

On an annual production of 132 000 tonnes in 1983, the net profit after tax will be $55 836 million. On an annual production of 530 000 tonnes in 1989, the net profit after tax will be $224 190 million. All those calculations should have been made by the Government and taken into consideration before it determined the package of concessions which it so freely made available before any of this work was done. If it has been done, there is no evidence of its having been made available, either in the Ministerial statement or the cost benefit study done by Stanley and Martin. There is no justification for the Government not having done so, considering that there was sufficient published evidence in the economic evaluation to enable it to do so.

If the Government had done its job and appreciated that the net profit after tax would be from $410 to $423 a tonne, and given that after taking into consideration a reasonable rate of return on the original investment, there would be significant profits beyond the 15 per cent rate of return, there was no need in that context to make the concessions that the Government has made on both the turnover tax and the tariff. Given that that is the case, there is an outstandingly urgent need for an economic evaluation of this project to be done before the project proceeds to stage 2, and the Opposition would insist that before stage 1 is proceeded with, Alcoa should be requested to meet the average cost of production.

The three categories of issues were the energy impact statement, the economic evaluation and the need for a proper environmental assessment. I shall deal with the third category. Only recently in answer to a question without notice about the environmental assessment asked of the Minister for Conservation, the Minister indicated that, having seen the Alcoa environmental assessment, he was looking forward to receiving submissions from the public so that the project could be proceeded with. The Minister failed to understand the participation process on an environmental assessment. Submissions must be received from the public

about the environmental implications of the project, and no stage should be approved until the objections have been properly considered, commented on and resolved. There are still 2, 3 or 4 unresolved matters which it is quite within the province of Alcoa to rectify before it proceeds with stage 1. Before approval is given to stage 2, a proper environmental assessment should be carried out of the whole of stages 2, 3 and 4 with a public participation process.

My colleague, Mr Walker, will speak in greater detail on the environmental assessment. For stage 1 the immediate needs are for proper and more stringent standards to be met, which Alcoa is capable of meeting, for the emission of fluoride on the borders of the property at Portland. As that is in the electorate represented by the Minister for Local Government, who is interjecting, he should express more concern about the environmental assessment than he has done because it will intimately affect his constituents.

The Point Henry site is on a safer environmental location and is farther removed from nearby housing than the proposed site at Portland. Moreover, as Alcoa would inform the Minister if he asked the right questions and bothered to do his homework, the environmental standards required to be met in the United States for emissions are more stringent than those contemplated by the Government, and there is no reason why that should occur, especially when a so-called Cabinet Minister is operating in the electorate. The people there should be entitled to reasonable representation, but the Minister has not begun to ask the relevant questions.

The other specific matter to which I refer is the method of burying pot linings to minimize contamination of underground water supplies. Particular study should be given to effects of fluorides on terrestrial fauna, including grazing animals, on vegetation, on marine life and on birds, especially the gannetry on Lawrence Rocks. With regard to emissions of wastes to air, water and land, the Environment Protection Authority should be funded to employ exempt staff as a monitoring task force to be located at Portland to fulfil the needs outlined.

If it is possible for the panel to recommend such a monitoring task force in respect of the Newport power station, it is not unreasonable for the Government to suggest that similar action should be taken on the proposed aluminium smelter at Portland.

Therefore I indicate, in commenting on the regrettably superficial Ministerial statement on such a sensitive issue, that while the Opposition approves of the first stage of the project, subject to the conditions I have mentioned, no one could condone the Government's neglect and failure to bargain on behalf of the State, recognizing that it has excess generating capacity which is not immediately available in New South Wales or Queensland. A better deal could have been extracted. The Opposition believes that the first stage should proceed, but that before stages 2, 3 and 4 are proceeded with a proper energy impact statement, an economic evaluation and a proper environmental effects statement must be carried out.

There is an urgent need for all of these exercises to be undertaken now.

The Hon. W. R. BAXTER (North Eastern Province)—During the earlier stages of Mr White's address, I had the distinct impression that his heart was not really in it. He was torn between condemning the Government and Alcoa. I am not sure why. It might be because Alcoa is a multi-national company and makes a profit. On the other hand, Mr White did not want to be seen to be knocking development in country Victoria because that would obviously not benefit the Labor Party. He was walking a tightrope for a while. He warmed to his subject but he went astray on a number of occasions and took the House through a convoluted economic argument about how profitable aluminium smelters are.

I noted an interjection by Mr Jenkins who asked whether the investigation was similar to that carried out by a well-known store which is having economic difficulties at the moment. That is what it sounded like. The investigation was

superficial and based its assessment of profit on current prices of aluminium, which are high because of the high demand.

Everyone knows that minerals, like primary production, have a notoriously unstable market return. It is unrealistic to think that any company would envisage spending a huge sum of money on the basis of what the profitability might be at one particular stage. It is necessary for the company to look into the future and ensure that there is a fat period to cover the inevitable downturn that occurs from time to time.

It would be completely unreasonable to tell Alcoa it could go ahead with stage 1—which of course involves a large amount of infrastructure expenditure which can be amortized in stages 2, 3 and 4—but that before it can proceed with further stages the Government will again consider the proposal and may not allow the company to continue with the other stages. What company would provide that sort of infrastructure if a sword were hanging over its head before the project reached its full potential?

It boils down to whether Victoria wants development. Are we prepared to see raw materials go out of Australia to be processed elsewhere? Are we prepared to look realistically at our energy resources? Victoria is very well endowed with natural resources, such as coal. We cannot export brown coal but we can certainly export it in a processed form such as aluminium ingots. Surely that is a reasonable way to utilize natural resources.

It is necessary to examine why Portland has been selected as the location for the proposed smelter. Many people have rightly asked that question. Some people have asked why the smelter should not be built near the bauxite at Gove or in Western Australia in the Darling Ranges. As I understand the position, the additional electricity that the smelter will use when fully developed exceeds the total generating capacity of that State. It would need to generate power by burning up fossil fuels and I do not think anyone would recommend that at this stage.

In future it may be possible to generate power by using tidal movements in the north west of Western Australia, but even if that were possible it is years away. The cost of conveying the power to where it would be utilized in a smelter would be astronomical and is therefore not practicable.

Obviously if one is going to build a smelter which will produce 530 000 tonnes of aluminium a year it has to be near a deep water port. Victoria does not have many deep water ports. There are none in the Latrobe Valley near where power can be generated. The smelter must either be put in Westernport and thus add to the conurbation of Melbourne and Geelong or development should be encouraged elsewhere. The next logical location is Portland because it has an excellent deep water port.

Are we to recoup some of the Government expenditure that has gone into the infrastructure at Portland over the years in an endeavour to attract industry to Portland? Those efforts have not been successful. I am sure honorable members will agree that the results have been disappointing in the past twenty years, notwithstanding the encouragement given to industry by providing that infrastructure.

The Alcoa proposal provided an opportunity to get a big industry into what was an obvious location provided one could get the power there or provide power from another source. What are the realistic options to providing power at the source? There is coal in that area and in South Australia just across the border. My understanding is that the lead time for building a thermal power station to generate power from that coal would be at least ten years. It is not possible to wait ten years. The smelter would be built elsewhere and Victoria would have lost the opportunity to become one of the biggest aluminium producers in the world.

Victoria should covet this ambition because obviously aluminium will be the metal for the future because of its attractive properties and its abundant supply from the raw material bauxite. Victoria could look to nuclear power

generation, forgetting the lead time to build a nuclear power station. I am sure that in future nuclear power generation will be used both in Australia and throughout the world.

The Hon. E. H. Walker—Do you support that?

The Hon. W. R. BAXTER—I do. Nuclear generation is still some time away but those people who say we will not have nuclear stations are engaging in the ostrich syndrome. If the world is deficient in energy supplies, people will pay anything for energy and will approve of any type of energy generation. The obvious alternative is nuclear generation so Australia will have nuclear generation in future. Nuclear generation is not applicable to the proposed Alcoa Portland smelter at this stage so Victoria is left with the problem of constructing a high voltage transmission line from Melbourne to Portland.

The Hon. R. J. Long—Even if we generated it we would still want the power line.

The Hon. W. R. BAXTER—Yes, we would. There has been a suggestion from landholders whose properties will be traversed by the power line that it ought to be placed underground or under the sea along the coastline. I can sympathize with and understand the objections made by people who will not be directly advantaged by the power line but who will have it traverse their property or nearby. Economically, there is no feasible way of putting the powerline underground or under the sea along the coastline. From my investigations I understand that would cost at least ten times as much, and instead of costing $100 million it would cost $1000 million. Obviously one could not take up that option.

I must correct the errors made by Mr White regarding the loss of power for the transmission lines. He said there was a 15 per cent loss on the transmission to Newport but the State Electricity Commission claims that there will be a 4 per cent loss for the transmission line to Portland. The clear answer is that two different voltages are involved. The line to Portland will be high voltage, 500 kilovolts; therefore the loss is much smaller. I am happy to accept the estimate of a 4 per cent loss made by the State Electricity Commission. Mr White was on a wild goose chase, so I refer him to page 91 of the environment effects statement.

I submit that the House can accept that Portland is a desirable and obvious location for the proposed aluminium smelter. There are costs involved in providing power to that location but let us examine who is paying.

It will cost $100 million to put in the transmission line, of which 21 per cent will be paid by the State of Victoria, 21 per cent by Alcoa, to be paid during the next five and a half years and 58 per cent to be recouped by the State Electricity Commission from the power revenue received from Alcoa.

The Hon. E. H. Walker—There is no component in the tariff for that.

The Hon. W. R. BAXTER—I am coming to that. Bearing in mind that the power bill that Alcoa will be paying will be in excess of $120 million per annum when the smelter is fully operational, one would have thought that was a good return on the capital investment. If by spending $50 million or $60 million one can then sell $120 million worth of product a year, one is not doing too badly. Bearing in mind that one is selling power in bulk and the company is obviously the largest customer by far anywhere in Victoria, the usual economic practice can obviously apply to some extent, namely, that those who buy in bulk pay less than those who buy small amounts. That applies to any business. Honorable members can say that is unfair but it is an economic fact of business life. Alcoa will pay a tariff which has been published—tariff M option 5.

Mr White said it hardly seemed necessary for the Government to offer the remission of the turnover tax. The Minister may say something about that later. I will be charitable and assume that it was part of an over-all package but I wonder whether it was necessary to go that far. I look forward to further light being shed on that subject by the Minister in due course.

It is unreasonable to claim that Alcoa is getting an over-generous deal for the power costs, bearing in mind its contribution to the construction of the line and the consumption of power per annum. There is, of course, a capacity to increase the tariff over the years and, like other electricity charges, it will increase. I do not accept that the House should be overly concerned about that fact.

On the aspect of whether the location at Portland has support, Mr White did not really advance much evidence to suggest that there was widespread community concern in Portland. Whatever type of survey is conducted in Portland, whether it be in the public bars or a rather more scientific poll, one finds —I was about to say almost unanimous support evident in Portland—but perhaps I should not put it quite so high because a number of people in every circumstance will be happy in a community and will not wish to see it radically altered. There is no doubt that a development of this kind, with the expenditure of this amount of money and the employment of 1200 people, will dramatically alter the face of Portland. Many people in the community will be concerned about that, but there is overwhelming support for the project by the people.

The stirring is coming, as one so often sees, from outside groups which sometimes have an axe to grind. They see themselves as morally obligated to set themselves up as guardians of the people. They believe they know what is best for the people in an area, notwithstanding that they are not the elected representatives of the people, that they are not responsible to the people and that they have not consulted the people. Nevertheless, they form themselves into groups, nowadays often called action groups—it is a fashionable term—and they make all sorts of allegations, mis-statements of fact, selective statements from overseas documents and instil fear in people. Such groups have been active, endeavouring to instil in the minds of people along the power route or in Portland fear of the ramifications of this development. So often, there is absolutely no foundation for their statements.

It is remarkable that when one goes around Victoria and looks at the inquiries being conducted into various aspects of the development of this State one sees these same people popping up time after time. They are professionals at it. That seems to be their sole purpose in life. They should be largely disregarded because they have been completely discredited over the years.

In the Minister's statement to the House he spoke about the overseeing of the development of Portland by a Ministerial Council. That proposal has a good deal of merit in terms of co-ordinating the development which will be necessary. He mentioned that the representatives on the Ministerial Council will be the Premier, the Assistant Minister for State Development Decentralization and Tourism, the Minister of Public Works and the Minister for Local Government, together with representatives of the Town of Portland, the Shire of Portland and a number of other bodies. I suggest to the Minister that it may be prudent to expand the membership of the council to include more representation from western Victoria at a greater radius from Portland, because the surrounding municipalities will feel the impact of this development as a result of population moving to their areas, people wanting to be associated with Portland and wanting to work in Portland but not necessarily wanting to live there. There will be some planning pressures.

It is obvious that, in the future, there is some likelihood of an association with South Australia through an extension of the transmission line to that State, as Mr White mentioned, and he seemed to believe that was a good idea. When one takes into consideration statements in the green triangle report of some years ago, it appears that it may be desirable to associate South Australia with the co-ordinating group either through direct representation or through some other contact so that a regional type of development can be considered.

As I understand it, this is the biggest individual development project that will have been seen anywhere in Victoria, and its spin-off and its impact will be greater than has been witnessed on any other occasion in this State.

Another point on which I wish to comment is the housing demand. I agree that Portland will need a big influx of development by the Housing Commission, but I want to be assured by the Minister that that will not mean that the rest of country Victoria and, for that matter, welfare housing in Melbourne, will be starved for funds while this quick development in Portland is undertaken. The development of other services to cater for this growth should not be at the expense of funding for other country areas.

There is no doubt that the costs of the transmission line sound enormous when one mentions a figure of $100 million. However, when one considers the capital investment in the smelter, $100 million is not such a high percentage. Furthermore, it must be kept in mind that the transmission line will benefit the rest of Victoria by an extension of the grid system and by attracting other industries to the area.

Honorable members must completely reject Mr White's contention that Alcoa of Australia Ltd should somehow go ahead with the first stage but have no guarantees in respect of the second, third and subsequent stages. That is not fair to the company. It is totally unreasonable, as my Leader interjects. His call for an energy impact statement is quite valid. Efforts should be made to co-ordinate energy development in this State more efficiently than has been done in recent years, but that matter is entirely separate from the Alcoa issue and cannot be used as a lever in any way. It is something that the Government and society should examine, because there is a potential for energy production in Victoria and there is need for co-ordination of effort in that direction.

The National Party welcomes the development in Portland, having fought for many years to have Portland developed and expanded. This project will prove to be the turning point in the development of western Victoria and that will be to the benefit, not only of the whole of Victoria, but of Australia as a nation.

The Hon. B. A. CHAMBERLAIN (Western Province)—I should like to deal with the matter in two parts: Firstly, to deal with some matters raised by Mr White; and secondly, to deal with the broader issues of the social impact of the Alcoa development on the town of Portland and the surrounding area, the Government's responsibilities in that area and the way it is already reacting to those responsibilities.

As the investment adviser to this House, Mr White has given honorable members one message: Sell gold and buy aluminium. It will be interesting to check honorable members' registers in twelve months' time to see how many have taken his advice. I hasten to say that I have no shares in aluminium companies.

The whole project finds the Australian Labor Party on the horns of a dilemma. Right from the initial announcement, the Government's support of the Alcoa project, plus its success, has left the Labor Party nonplussed. It is interesting to compare that with the reaction of the honorable members who say they represent the people of western Victoria. This project has the unanimous support of the Trades and Labor Council of the area, and the local branches of the Australian Labor Party. It has the support of people who work in the existing installations in Portland. For instance, from a deputation which Mr McKellar, from another place, and myself had at the meatworks last Friday week and from previous discussions with the Australasian Meat Industry Employees Union, it is obvious that they support the aluminium project. People working in other factories in the area have made it clear that there is a groundswell of support for the project which is almost unanimous throughout Portland. I can say that with confidence because during the past six months I have spent a good deal of time in the area—on the aver-

age, one visit a week. I will be spending much more time there and I am confident that this project has a groundswell of support both from organized groups such as councils and from people in the street. The people welcome this development.

Ostensibly, the Labor Party supports this project, but it hurts like hell; and it hurts like hell because the decentralization policies of the Government are succeeding. The Government has put its money where its mouth is and the Labor Party does not like that. It is interesting to compare the sort of approach made by Mr White today with that of a Labor senator from western Victoria. He stands up at public meetings and says, "Of course the Labor Party supports the project, but . . ."

The Hon. Joan Coxsedge—That is reasonable.

The Hon. B. A. CHAMBERLAIN—Does the honorable member think so? If one took all the honorable member's "buts" into account, the Alcoa project would never eventuate. This Government has had a consistent policy on the matter.

The Hon. Joan Coxsedge—Yes, to sell out Victoria.

The PRESIDENT (the Hon. F. S. Grimwade)—Order! There is far too much interjection.

The Hon. B. A. CHAMBERLAIN For the past ten years it has been a consistent policy of the Government to make its decentralization policies work, to provide positive incentives and to remove the disadvantages which attach to operating in country Victoria.

Honorable members interjecting.

The PRESIDENT (the Hon. F. S. Grimwade)—Order! Mr White has already made his contribution to this debate.

The Hon. B. A. CHAMBERLAIN—The Labor Party is extremely embarrassed by the potentional success of this project which is supported almost unanimously throughout western Victoria. The Government can see the advantages flowing from the project—not just to Alcoa, but the flow-on of advantages throughout the Victorian community. Portland already realizes the advantage of that. The advantage is not only in the provision of the work force to construct the factories, and the people who will obtain work in those factories. Bear in mind that the project will provide employment for people with a range of skills from young graduates to foreman tradesmen to semi-skilled people and, in addition, there will be the opportunity for all the ancillary services which are required, whether surveyors, accountants, lawyers or whatever. The flow-on effect from this type of development is well documented in other areas and in this case it is an integral part of the development and of the Government's decision to give the project whole-hearted support.

Mr White dealt with a couple of issues which deserve serious consideration. He dealt with the technical question of the design of the pot linings and I hope he will feed that suggestion, which no doubt has some merit, to the Ministry for Conservation, if he has not already done so. At present, the Ministry is considering various submissions for an environment effects statement and it will be necessary to wait until recommendations are made.

The Hon. D. R. White—That has been passed on.

The Hon. B. A. CHAMBERLAIN—I am pleased to hear it. The Government has gone through the process of consultation. The report was widely publicized in the media and there has now been the opportunity for a large number of statements to be submitted. That is the ground that has been set and that is an integral part of a development of this type. The statement by the Ministry for Conservation by no means preempts or circumvents public discussion, because it is obvious that there is a good deal of flexibility in this proposal which will allow many suggestions to come from the public and be accommodated.

The sitting was suspended at 6.30 *p.m. until* 8.4 *p.m.*

The Hon. B. A. CHAMBERLAIN—Before the suspension of the sitting I was informing the House of the breadth of support the project has in Portland. Perhaps I should add to the

previous information I have given by advising honorable members of what the new Labor Party candidate for the Legislative Assembly electorate of Portland was reported as saying in an article that appeared in the *Hamilton Spectator* on 24 April, last week. The article states:

> He believed the new Alcoa smelter planned for the electorate was a "major advance".
>
> . . .
>
> "It is important to encourage ancillary industries around Portland and its surrounding districts.
>
> "We must look for industries which will even use the aluminium soon after it is produced at Portland, as well as industries which service Alcoa's needs.
>
> "It would be a shame if all the production from Alcoa was shipped or transported away from Portland electorate and, indeed, Australia to be processed."

That is what I regard as a responsible and positive statement and one that anyone who is interested in the welfare of that part of Victoria would make. It is not the sort of statement made by Mr White this evening.

What is obvious to everyone who listened to Mr White's contribution to the debate is that he is overwhelmed by the project. It is just too big for him to contemplate. In the comments he made about the assistance the Government is offering to Alcoa as a package, he made it obvious that he has no conception of the norm. He has no conception that in this part of the world a number of countries offer packages of incentives for the establishment of industries. I have visited some of those countries, seen the industrial estates and learned of the sorts of packages offered. Singapore, Taiwan and the Philippines have consistent policies of offering, say, five-year tax holidays, no land tax, assistance with the construction of factories and other similar incentives. The concept of assistance in the form of a package of incentives is not new to Australia, and it is certainly not new to South-East Asia. Mr White obviously has no experience of these things, which are part of the real world. Mr White's remarks show that on this occasion, as with most things, he is not aware of what happens in the real world.

The year before last I was driving along with the radio on and I heard Mr Wran, the Premier of New South Wales, make his Budget speech for 1978. He said that up to now—that was 1978—Victoria had led the way in offering incentives to industry but New South Wales was determined not only to match Victoria but also to beat it. That is the sort of policy that has been criticized tonight. Mr White suggested there was no need to offer Alcoa a rebate of pay-roll tax. He conveniently ignored the fact that under legislation passed by this Parliament any industry that satisfies the definition of an approved decentralized secondary industry is entitled, as a right, to a pay-roll tax rebate. Mr White gave the impression that the Government was offering Alcoa something that was unnecessary or represented a special deal for that company. It is an incentive that is, as Mr White admitted, an important integral part of the Government package of incentives to industries to establish themselves in country Victoria.

Mr White spent a lot of time dealing with the cost of the power to be supplied to Alcoa, and some of the issues he discussed were technical. However, what he said, basically, was that the tariff being charged to Alcoa was 1·6 cents a kilowatt hour. He said that, according to the formula devised by his advisers, the actual cost of that power was 2·05 cents a kilowatt hour. He did not name the people who produced the information, although he offered to make the calculations available.

The Hon. D. R. White—I named the person responsible. It was Dr Colin Richardson.

The Hon. B. A. CHAMBERLAIN—Usually, people who claim to be doctors of philosophy are doctors in a discipline different from the one in which they are seeking to be regarded as experts. Mr White claimed that the power costs the State Electricity Commission 2·05 cents a unit and will be sold to Alcoa at 1·6 cents a unit. There is strong evidence that the cost of power per unit is 1·5 cents, and that evidence comes from a source that I

regard as just as reliable as the source quoted by Mr White. I shall reveal that source in a moment. If that figure is correct, power will be sold to Alcoa at more than the cost of production. That is an important issue. If what I say is right, and the cost of power is 1·5 cents a kilowatt hour, the whole of Mr White's argument falls to the ground.

The Hon. Joan Coxsedge—How is that so?

The Hon. B. A. CHAMBERLAIN—The crux of Mr White's case is that it is inequitable for power to be sold to Alcoa or anyone else at a subsidized rate because the tariff is not sufficiently high to recoup the cost of production. I say there is evidence that is equally as strong as that produced by Mr White to show that his figures are wrong and that the correct production figure is 1·5 cents a kilowatt hour, which is less than the amount for which it is to be sold.

The basis for my statement comes from a newspaper article that appeared in the *Labor Star*. It was written by Mr Brian Howe, member of the House of Representatives for Batman, and it points out a number of things that are germane to this debate. One of those points is that the cost of production of power is 1·5 cents a kilowatt hour, as compared with 3 cents in the United States of America, 4 cents in Europe and 8 cents in Japan. A member of the party to which Mr White belongs, in the official organ of that party, claims that Mr White is wrong. That is relevant.

The article also claims that in discussions between the Queensland Government and the company that proposes to operate a smelter at Gladstone, the Queensland Government suggested providing power at 0·5 cents a unit, which is a little less than one-third of the amount the State Electricity Commission is to charge. The whole of Mr White's argument concerning the cost of the power and hidden subsidies is at least arguable on the basis of the report of the article written by Mr Howe that appeared in the *Labor Star*. If Mr White can justify figures 33 per cent above the figures quoted by Mr Howe, I suggest that he sends his report to Mr Howe.

Mr White also suggested that if, in fact, the power lines that will service Alcoa become part of the national grid, Alcoa should be reimbursed a proportion of the cost. That is not my view. This is a package deal and Alcoa knows the basis on which it is going into the project. If other people use the power lines, there is no argument to suggest that Alcoa should get a reimbursement, because in other areas of the State the policy of the State Electricity Commission is contrary to that. If someone goes into an area as a pioneer, brings in the power at his cost and other people tack on later, there is no reimbursement due to the person I referred to as the pioneer.

In relation to the question of emissions, Mr White virtually ignored the environmental effects statement and the data it contained. This is a matter for the Ministry of Conservation to follow up, based on the published statement and various reports that will be produced. It is interesting to note the comments of a well-known Portland citizen, Cr Joy Davies, who told me that her house will be the closest to the aluminium smelter. She is not concerned for the safety of herself and her family.

Environmental effects are most important, as Mr White said, but they are being handled in the regular way, with the maximum opportunity for public involvement.

The Hon. E. H. Walker—That is nonsense! The public was pushed aside.

The PRESIDENT (the Hon. F. S. Grimwade)—Order! I suggest that Mr Chamberlain should ignore the interjections.

The Hon. B. A. CHAMBERLAIN—It is certainly an interjection worth ignoring. The smelter cannot operate without an Environment Protection Authority licence, with all the research and safeguards that go with it.

I now turn to the social impact of the project on Portland. I would like to comment on some of the problems and some of the ways in which the

Government intends to tackle them. These are issues which have been canvassed by the Labor Party in the past. There have been instant experts after one visit to Portland.

In relation to the matter of schools, the secondary schools at Heywood and Portland have excessive capacity and can provide for quite an increase in enrolments without requiring any major or structural additions. The same position applies to the modern Portland Technical School. In the last fortnight a contract has been let for work at one of the primary schools and a contract is about to be let for the Portland South Primary School. It is probable that as time goes by there will be a requirement for another primary school in Portland and discussions are already taking place with the regional director on that matter.

The area of health is one which has perhaps been overplayed. I understand from the Minister of Health that with the development of the Dartmouth dam, where there was a very large work force working with large equipment, one would have expected that the opportunity for injuries would be quite great. In fact, the needs of the people concerned were serviced by one sister and one doctor operating within a small hospital. One could paint the scenario for a major accident where half a dozen people may be injured but the Dartmouth experience has shown that although that is a possibility, the needs of the people involved in that project can be catered for very well.

Recently the Minister of Health was in Portland where he met a hospital committee. As a result of that meeting, a programme of planning for the hospital is already in train and it is hoped that within eighteen months the first of the plans will take effect. Also as a result of that visit, there will be a community health centre in Portland from August this year. It will provide the ancillary health services which are necessary for any community and which will become more necessary with the Alcoa project.

In the field of recreation, Portland needs nothing in my view. It is well endowed with sporting areas, boating facilities, beaches and the like as well as in the area of the arts and libraries. So there is no doubt about the ability of Portland to handle any influx of people in those areas. There is also excess capacity in the field of accommodation for the elderly.

An area of great importance which is mentioned in the Ministerial statement is housing. Honorable members know that Alcoa intends to provide a construction camp for the factory on the aerodrome site. It took a little while for that decision to be made, as honorable members know. Alcoa is at present negotiating for the erection of some 200 houses and it has in fact bought the land on which to build those houses. The key personnel of the industry will be housed that way. There will also be a requirement for more co-operative housing society funds and more Housing Commission homes. The Minister of Housing will be visiting Portland shortly to assess the needs and costs.

The cost of land in Portland is quite cheap compared to that in many other areas. Fully serviced blocks can be obtained for $6000 and houses can be constructed for $30 000 on top of that. In relation to the other services which are important in the development of Alcoa, the port is an integral part. Just today I received a report of the Portland Harbor Trust Commissioners and this shows that this financial year, in nine months, 1·436 million tonnes of goods passed through that port. The previous record total, which was for the year 1977–78, was 1·126 million tonnes. Therefore, that figure has been surpassed by some 30 per cent, with only three-quarters of the year passed: So the prospects for Portland are enormous.

From a discussion which took place recently, it was apparent that its prospects are even greater. That development of the port will also be dependent of the development of the woodchip industry from South Australia. Of course, the throughput of this factory will increase. I am talking about the input of

the raw material and the export product of some 480 000 tonnes, or another third again on top of the current turnover. This includes livestock exports, dead stock exports, fuel and superphosphate. So the prospects for the port of Portland are enormous.

A special quay will be built for the import of raw materials for this project. As honorable members would be aware, there will also be a covered conveyor belt for the transport of raw materials to the factory site; so no environmental hazards will be associated with that.

There are other needs such as roads. Recently in Portland a meeting was held of representatives of the Country Roads Board, the railways, the Grain Elevators Board and the municipal council to discuss the need for an overpass over the railway line in the port area. The Minister of Transport has made $20 000 available for a feasibility study of the configuration of that particular development.

One of the most important features arising out of this development is the setting up of a Ministerial council which involves the Premier, the Assistant Minister for State Development Decentralization and Tourism, the Minister of Public Works and the Minister for Local Government. These honorable gentlemen are familiar with Portland, having been there many times. The Minister for Local Government is the local member. Very shortly, they will be visiting Portland, as a Ministerial council, to keep the lines of communication which are spelt out in the Ministerial statement open. One of the advantages in this development was the appointment of a senior project officer who was experienced in this type of development and extremely capable. He has been of assistance to any person interested in the Alcoa project and in bringing forward to the Government his assessment of the need to liaise with the various groups involved in the area and of the day to day needs.

On the question of power, it is interesting to note Mr White's contention that the tariff on which Alcoa will operate—a standard tariff—is insufficient to recoup the cost of the power. It is also interesting to read the article which appeared in the *Geelong Advertiser* on 30 November 1979. It concerned a statement made by Mr Trezise, I think supported by Mr Mackenzie, in relation to a proposal to set up a $20 million carborundum plant. This carborundum plant would have operated on the same basis of power as Alcoa and what did we have? We had the local member, Mr Trezise, presumably supported by Mr Mackenzie, saying that it was too much and that there should be a cheaper rate of power for this industry. It is very interesting. On one hand, Mr White is telling us that the rate for power offering to Alcoa is insufficient to cover the cost and, on the other hand, the Labor member for Geelong is criticizing the Government because it refuses to negotiate a competitive price for power—something below normal.

The Hon. R. A. Mackenzie—Not below cost.

The Hon. B. A. CHAMBERLAIN—I suggest that Mr Mackenzie should read the article. In this matter there is inconsistency from the Labor side of the House. The figures offered by Mr White are inconsistent with those offered by the Labor magazine, *Labor Star*, of March this year. Honorable members have had Mr White telling them that not enough is being charged for power and Mr Mackenzie telling them that too much is being charged for it. The Government recognizes that it has considerable responsibilities following the Alcoa announcement. I believe the efforts which have been made so far as regards the developments I have outlined to the House in which any objective assessment would be recognized as being——

The PRESIDENT (the Hon. F. S. Grimwade)—Order! Mr White has already made his contribution. I have warned him once. I am now warning him a second time. If it occurs a third time, the honorable member will be named.

The Hon. B. A. CHAMBERLAIN—As I have said previously, there is inconsistency within the Labor Party on this

issue. Ostensibly, there is support from the Opposition in this House on the Alcoa project. However, honorable members know that that support is followed by a big "but". As I said previously, the Labor Party is embarrassed by this development. It is embarrassed because it is the most significant decentralization project in Victoria and is likely to be the most significant one the State will see for some time. The Government is happy to give its support to the project, but not uncritical support. It knows that there are problems and will be happy to meet those problems as they arise. The framework set out in the Ministerial statement gives us a very good chance of meeting the challenges before us.

The Hon. E. H. WALKER (Melbourne Province)—I rise, as my honorable colleague, Mr White, suggested to comment on aspects related to the environment. However, first of all, I wish to make a few comments about the contributions made by the two previous speakers. I commend my colleague, Mr White for an excellent paper. He spoke at length and he spoke with great knowledge after many weeks of research. He gave the House the benefit of information it has not had from the Government.

I make that comment because the two previous speakers have simply given honorable members what might be called something of a Cook's tour of personal opinion, and rather loosely held opinions at that, especially those of Mr Baxter who appeared to give an after-dinner speech before dinner this evening, which is a little unusual for him. I regret that because I waited with interest to hear Mr Baxter's speech. I had hoped that he would contribute to this debate with some real knowledge of the project. I am sorry to say that the honorable member indicated sheer ignorance of many aspects of the project and then gave some sort of Government support in terms of a little logic, one might call it, as to why Portland was chosen. I thought it was specious.

I shall make a couple of comments about Mr Baxter's statements because I think that they bear some comment. The honorable member asked a few retorical questions about the viability of stage 1 on its own. He thought that the Labor Party's position was unsupportable in that regard. I can assure him that the Labor Party has carefully examined the prospect of stage 1 being viable in its own right. The Labor Party has Alcoa's assurance that that is a possibility and that, in fact, the size of this stage 1 is not unlike a normal smelter elsewhere. Stage 1 of 130 000 tonnes output is not unlike the bulk of smelters elsewhere and it is possible that that smelter can be viable in its own right. It is not unlike the present size of the Point Henry smelter which Alcoa has had in the Geelong area for some fifteen years.

Mr Baxter made an apparently strong statement about the need for a deep-water port. I suppose he would then say that the Point Henry smelter should never have existed because one could hardly describe Geelong as a deep-water port and yet it functions extremely well. If Mr Baxter had taken the trouble to go to Point Henry and ask about Alcoa's plans, he would have found that not only is it adding a new pot line to increase its capacity to about 170 000 tonnes a year, but also has well-developed plans for a second smelter on the same site for another 300 000 tonnes—which in total would make Point Henry similar in size to Portland. Alcoa has no worries about the capacity of that very shallow port to handle the incoming material and outgoing products. Mr Baxter should have done a little homework in that regard. It is not necessary for a smelter to be on a deep-water port. I admit that it is helpful.

I pay Mr Baxter the credit of taking his comments seriously by taking them one at a time. The honorable member indicated that because a power line would have been needed anyway, we should not be complaining about this particular power line.

One tends to forget the matter of scale. It is no normal power line—it is huge because the smelter is a large user of energy. If the smelter were not located at Portland, a power line of this size would not be necessary, not even

to bring Portland or South Australia onto a national grid. The idea that this huge power line could be needed anyway is arrant nonsense. Without the smelter, the State would have had a power line of much smaller proportions.

The Hon. H. R. Baxter—Nobody would have that.

The Hon. E. H. WALKER—If that is the opinion of Mr Baxter he should have said so. He spoke about pressure groups causing trouble. Mr Baxter suggested that responsible conservation groups which gather on an issue of this kind are irresponsible. I think his description was that their opinions were held against all logic and that their methods were unacceptable. He said that they were small groups in society of which no notice should be taken and, by the time he had finished describing such groups, I thought he had aptly described the National Party. I suspect that the National Party functions in that fashion and has done so for years. I take the credibility of local conservation groups very seriously, and I suggest that Mr Baxter should also do so. Having had time to consider some of the material produced by the south-western Alcoa action group, I thought he would have been better informed.

The Hon. W. R. Baxter—Most of it is rubbish.

The Hon. E. H. WALKER—Mr Baxter seems to think that the use of the State's power and energy resources is a straightforward matter. He thinks that, as soon as coal deposits run out, nuclear power will be used. This reminds me of the sort of farming policy of the National Party—it chops down every tree in sight, clearing total blocks of land. National Party members now say that they wish they had not acted so rashly. They are learning that some reasonable management of plant life, such as trees, and reasonable husbanding of natural resources, is worth while. It is a bit late after the predecessors of National Party members have laid waste by a scorched earth policy so much of this State. Perhaps when Mr Baxter travels —I believe he will do so later this year—he will come back with some ideas on the kind of environment that has developed in Los Angeles from the sort of policy he espouses. The comments of Mr Baxter should be dealt with. That kind of rambling nonsense deserves a response. This is a serious issue and should have been taken more seriously by the National Party.

Mr Chamberlain suggests that the Labor Party is in some difficulty and that if all the objections that appear to have come from the Opposition side of the House were considered, the project could not go ahead. Later in his speech, he suggested that any of the objections that have been raised, which are reasonable and responsible, would have rendered this programme not viable.

I suppose Mr Chamberlain means that the Opposition should take an at all costs with a "grab and run" approach. This describes what the Government has done. It has not responsibly bargained in any way for the State. However, Mr Chamberlain should have known better. I appreciate that in the province he represents he is looking forward to the introduction of this industry. I can understand that, as long as conditions are to exist.

The Hon. B. A. Chamberlain—They are your words.

The Hon. E. H. WALKER—I wrote down the words of Mr Chamberlain as he said them. He showed some extraordinary ignorance about the pot linings. He challenged Mr White to offer any information he may have in regard to the dangers of pot linings to Alcoa. Obviously, Mr Chamberlain has not read the environmental effects statement by Alcoa, because it devotes considerable time to the problems of pot linings. Pot linings contain a great deal of cyanide and other chemicals and they are currently stored in earth —that is the term used—they are not buried for ever.

The Hon. B. A. Chamberlain—That is a very constructive approach.

The Hon. E. H. WALKER—I understand Mr Chamberlain has not heard that expression before. Mr Chamberlain hoped the Opposition would hand

its information to him. I am indicating to him that he should have known at least some of the basic information on the industry. Pot linings are a problem but this company—a responsible company—has shown that it can manage the burial of pot linings at Point Henry in reasonably safe circumstances. It states that it is watching over a long time to see that the leachate of cyanide does not get into the sub-groundwater.

This matter is important because, as honorable members may know, Portland uses sub-groundwater for its town water supply. The aquifers available go down to a depth of 4000 feet and the one used at Portland is below that level. There are two or three on the way down that are used for industrial purposes. It is true that the geological structure of Portland is such that the location chosen by Alcoa for a smelter means that any leaching of chemicals which gets into the sub-strata—the company hopes it will not happen—will run away towards the sea. The company has chosen the geological structure in which the second line of defence is to see that the leachate moves away from the town and the town water supply. The company is hopeful that that will work and it will monitor the situation.

My worry is that the company cannot answer criticisms too comfortingly in the sense of what happens to the sea life if cyanide leachate moves towards the sea. What will be the end result of that? I have looked into the matter of pot linings and I have considered the situation at Point Henry. I say categorically that the geological structure at Point Henry is safer for the burial of pot linings in the manner now used than the site proposed at Portland. I do not claim that there is any major danger at Portland on the present information. However, as Mr White said, it is an issue that must be considered.

The Hon. R. J. Long—Have you looked at the matter?

The Hon. E. H. WALKER—I am indicating that I have considered the matter and I believe Alcoa has done its best in regard to leaching and it understands the problem. The company also believes that technology will reach the point in the future where recycling of pot linings will occur so that some of the material can be re-used. It is called "Earth storage" rather than simple burial.

Mr Chamberlain put forward an extraordinary argument that the person —I think it was a councillor—he mentioned who will be living close to the site is not worried and, therefore, honorable members should not worry either. What a nonsensical argument that is! I do not say she did not say that, but it is nonsense for Mr Chamberlain to suggest that, because a person who will live near the smelter is not worried, honorable members should not be worried. Of course, honorable members have to do their homework. That lady may change her mind in years to come if the defoliating effects of fluoride coming across her property mean that all her trees are laid bare.

She may not know that that could occur. I am not suggesting that it will but the lady should be more worried than she is. Perhaps she was suggesting that she appreciates the industry at Portland as a new industry coming to her town. Whether she will be worried in ten years' time is another matter. I wish to deal with a point raised by Mr Chamberlain on the subject of recreation. The matter related to the province Mr Chamberlain represents and he knows that the surfing clubs at Portland have been irate and upset about the extraordinarily bad quality of water in which they must surf.

The Hon. B. A. Chamberlain—It has nothing to do with aluminium smelters.

The Hon. E. H. WALKER—It has a lot to do with the sewerage system, which is related. I shall comment on this matter in a moment. I am sure Mr Chamberlain would be aware of the situation, as he must have received letters on the subject. He should realize that pollution problems exist already as the infrastructure of Portland is not capable of handling the sewerage load. Surfers are not people who are known to make a fuss.

In this instance, because of eye and ear irritations and skin problems, surfing groups have begun to lobby to clear up the water as it now exists. Any overload on the sewerage system will make it worse. The infrastructure at Portland has not been properly considered in terms of the environmental effects of the smelter.

I shall comment on the environmental issues of the smelter. The Government has clearly hidden behind the fact that a piece of work was done. I want to correct some impressions that may have been gained that the Opposition party believes the environment effects statement is not a good one. I state that it is the best of its kind that has been produced so far. It has been produced to State and national standards. It has been produced by 25 subconsultants and a major consultancy firm, Kinhill Planners Pty Ltd. It follows a pattern that I support. That sort of work is worth doing.

I shall state what is the real issue concerning that statement. If one examines the legislation, it requires statements to be produced and the process involved includes, not only the preparation of such background, but also a process leading up to it and a process following it. My major complaint is that that process has not been followed through. I shall read from a Ministerial statement made by the Minister for Local Government on the Alcoa smelter. Page 7 of the statement under the heading "Environmental Effects Statement" states:

> A comprehensive environmental effects statement has been produced by Alcoa and has been on public exhibition since early January. Some 90 submissions were received in the extended 2 months period allowed, and are being considered by the Ministry for Conservation.

That gives a clue. Some of the submissions which are very important to the whole process were, at the time the statement was made by the Minister, still coming in and were to be considered by the Minister for Conservation. The decision had already been made. This is not, in any way, consistent with the intent of the legislation. I shall refer to the Environment Effects Act 1978 which is included in the guidelines booklet that was produced at the same time. Section 8 (2) of the Act states:

> If the Minister advises the person or body that a Preliminary Environment Report or Environment Effects Statement should be prepared the works shall be deemed to be works to which this Act applies and the works shall not proceed and no decision shall be made until the report or statement, as the case may be, has been prepared and an assessment of the environmental effects of the works has been made and considered by that person or body.

I submit that that process has not been completed and it is not acceptable that the Government should bring in the Environment Effects Act—an Act of such significance—and not comply with it. The Government should undertake a proper, well-done study and not hide behind it as if it were all it needed to do. The process should have been completed before the decision was made.

I submit that many of those submissions were serious and the Minister for Conservation would agree, as they came to him. If they had been properly considered, the Government would have realized the fact that some serious environment problems exist.

The Opposition contends that the whole programme of assessment has been poorly handled. It is true that an environment effects statement was prepared for the site, but it is also true that a rather narrowly based cost benefit study was done within the Department of the Premier, and my colleague, Mr White, referred to that.

No cost benefit study of the over-all situation has been conducted. Mr Chamberlain mentioned social factors but there ought to be a decent cost benefit study done of social costs and environmental costs—I do not mean just effects—on the area. The relocation of the aerodrome which is not mentioned, should be included. A proper study on new harbour works which previous speakers have mentioned is needed.

In other words, the environment effects statement represents a fragmented piece of work. As far as it goes, that book does the site job well, but it is only one step in the process and it

does not handle the whole subject. If one wished to consider the whole issue of the environment, one would need to start at Loy Yang. My colleague, Mr White, spoke at some length about Loy Yang. One should consider the transmission lines and the Portland site and assess these environmental factors together.

I agree that the State Electricity Commission did two studies on the transmission lines. In my view, they were not good enough, but they were done. The environment effects statements were prepared by a different body, not co-ordinated with this piece of work at all. The work was carried out and revealed certain difficulties. For some time the Public Works Committee has been considering which route the transmission lines should take and important environmental issues are involved. A co-ordination of that material and an environmental assessment of the effects of the coal reserves have not been undertaken. An energy impact statement should be included in such a study. All these topics are interdependent. It is not possible to do one piece of work and hide behind it.

It is not acceptable to do one part of the process and then talk—as the Premier did in another place today—as if all that was necessary had been done for the protection of the environment. Some serious warning bells are sounding concerning that work. I shall mention a few of them and deal with some of the inadequacies of the work. Having said that it is the best so far, that certainly does not mean that it will go without complaint.

I shall mention a few of the inadequacies. The legislation which referred to the environment effects statement that I have mentioned calls upon the body that is contemplating the environmental effects statement to examine alternatives. I take that seriously and it should be taken seriously, because when one is conducting a project such as Alcoa intends at Portland, one should examine all the alternatives. The study admits that it has not examined alternatives. An alternative is offered which is close to the site recommended and the writers of the study indicate that they do not believe it to be a proper alternative. It is a nearby alternative of a similar kind.

I have tried to obtain from Alcoa an indication of the other work that has been done. Reference has been made to alternative sites. Studies have been made and on various occasions the names of Westernport and Port Albert in South Gippsland has been mentioned. An inland site nearer to Loy Yang, has appeared. Honorable members have heard reference to the studies undertaken in other areas, but no indication has been given that a proper set of alternatives has been arrived at. The project deserves an alternative, in order to properly assess the chosen site.

That is why the legislation stipulates the need for an alternative strategy. I believe it is good legislation. The alternatives need to be examined. If alternatives are to be examined properly, they must be made public so that comparisons can be made. An inland Gippsland based area near Loy Yang might be an alternative and it should be examined.

The Hon. H. M. Hamilton—There is already too much pollution there.

The Hon. E. H. WALKER—I shall tell the honorable member about inland smelters. In conversations I have had with officers of Alcoa—and I have had many meetings with them and found them to be open about answering questions—I posed the question of constructing an inland smelter closer to the power source. The answers have been varied. Some have said that there are just as many environmental problems. However, nobody has said that there would be more problems. In inland areas one depends more on thermal dispersal of emissions rather than a coastal wind dispersal. Inland sites exist in Victoria and are more than 1·5 kilometres from houses. The real reason why an inland smelter was not examined as an alternative was that the company was unhappy about the prospect of dealing with a rail link between the smelter and the harbour, which is not an unusual circumstance.

The company gave up the prospect because of the railway link. That is not my idea of what the legislation meant when it set out the guidelines so that alternative sites would be considered. Studies should have been made of at least two or three nominated locations.

The Hon. J. V. C. Guest—Who would nominate the alternative sites?

The Hon. E. H. WALKER—The legislation makes it clear that the Government should ask a company such as Alcoa to undertake work on its behalf. The legislation also provides that the company undertaking the project make alternative suggestions of where such a smelter might be located. Alcoa is happy to admit that there are alternatives. However, the company has undertaken a decision-making trick. It decided not to include the real alternative so that a major debate on alternatives did not occur. The choice was made before the announcement was made public. The legislation provides that the company suggests alternatives and since Alcoa has done this privately, it has overridden the provision. Perhaps the Opposition should suggest that the Government take a hand and indicate the kind of alternatives that should be examined.

The study is a complex document which was compiled by 25 sub-consultants and much work has gone into its preparation. It was available for public comment only during the months of January and February this year. The Ministerial statement suggested that the two-month response period be extended and, generously, it was. All honorable members know that January is a holiday month. Therefore, before any person had a chance to examine the document—which takes quite a bit of reading and costs $20—it was February and it was realized that a lot of work had to be done in evaluating the study. The evaluation requires the same process as that undertaken by the consultants. Three or four weeks is not sufficient to carry out such an extensive study and it became apparent that many groups were unable to compile a proper response. As a result some people asked for an extension and this was granted by the Minister. However, it was not an adequate time in which to make a proper response, particularly as it was a holiday time of the year.

Many of the people who made a response were unhappy about the time allowed for the study. The study was conducted over a couple of months because it had to be done quickly. Ecosystems within such a sensitive area need to be studied for at least a two or three year period. Scientists in the area say that it is not possible to conduct a proper study in that time. One cannot compile sufficient base line data to make the longitudinal comparison that ecosystems require on such a delicate area of land as Point Danger.

The matter is further complicated when one finds that some of the most important information contained in the study was arrived at by mathematical modelling on information from other areas. Much of the data used to determine the quantities of emissions and how thermal dispersal might occur at that location is not information from studies made on site, but is information obtained from as far afield as Mt Gambier. Some information was based on an area two or three kilometres away around the harbour. In other words, no information on the critical aspects of such a delicate site was gleaned from the immediate area. Monitoring systems have been set up but it would take two or three years for worthwhile results to be forthcoming and for one to be in a position to give credibility to the conclusions on what will happen to certain land and sea-based emissions. The time allotted for the study of the natural system was not long enough.

The Hon. J. V. C. Guest—What are you suggesting for such cases?

The Hon. E. H. WALKER—I am suggesting that more information be made available in cases of this kind. I agree that the establishment of the first stage is a commitment to select a site. Degradation is involved in selecting a site and, on such a sensitive site, one ought to be more sure of what will happen in an area so close

to a town. If I had my way in interpreting the legislation, I would demand that more than a two-month study is undertaken because the information obtained is not good enough. The qualification appears time and again in the study that clearly the scientists cannot be sure of what they predict. One has to make decisions on the basis of poor information. I indicate that one must not take the report as the gospel truth. It is a good report as far as it goes; but it does not go far enough.

The Hon. J. V. C. Guest—I should have thought your party would have suggested that some Government department ought to make a study over a couple of years.

The Hon. E. H. WALKER—That is a reasonable suggestion and I am sure I would have got around to making it.

The DEPUTY PRESIDENT (the Hon. W. M. Campbell)—Order! It would be preferable if honorable members made their own submissions rather than interrupt Mr Walker.

The Hon. E. H. WALKER—I shall discuss the inadequacies of the policy of the Government in these matters. The Government announced the go-ahead for the smelter while the environmental effects statement was still being considered. That indicates that the Government was ignoring its own public intention and it had made a fuss about the fact that it was to include the public in its decision-making process. However, it did not do so. The environmental effects statement was used only to legitimize Government decision-making which had already been concluded. It is clear that from the time the Premier announced the Alcoa project in Portland in September 1979 that it was a foregone conclusion. I am bound to say that much of the work done since, regardless of its quality, has simply been used to justify a decision that had already been made. The process is back to front. It should not have been handled that way.

Victoria is suffering under a Premier who constantly subjects it to decisions made prior to proper procedures. One has only to recall the fiasco of the casino affair. The Premier announced that a casino complex would be developed before he had received submissions from his own party, let alone the public. Such a process is not acceptable. Honorable members debated the issue last week. A proper consultative process is absolutely essential in major public decisions. Any responsible Government will undertake a process which allows for proper consultation before a decision is made. That has not happened in this case. The Government has refused permission for me and other honorable members to peruse the submissions made on the environment effects statement. I have seen one or two statements because the persons who made them gave me copies. However, 90 or 100 such statements were made and the Minister may even put the number up to 120.

It would have been sensible for responsible bodies in the community—and I claim to represent one of them—to be allowed to consider the statements that were made in order to be informed. If a process like this is properly used, it receives a good response. The Minister has had some excellent responses to his environmental effects statements and people are not allowed to consider them. It is a serious allegation and I hope at some point the Minister will take account of that fact. The environmental effect statements have indicated that there is not a good enough base line of data and the time has not been sufficient to put down a decent line of data. The natural systems require plenty of time in comparative studies and further time should be allowed.

I hope major studies are being carried out even though the go-ahead has been given for the project. The smelter will not be commissioned until 1983 and there is still time to undertake proper studies. I hope the Minister can reassure honorable members that, in making the final decision, the bundle has not been dropped. The reason I worry is that the Government gave assurances on Newport that studies would be made and that by the time Newport was commissioned predicter equipment would be installed.

The equipment was to be paid for by the State Electricity Commission; $2 million last year and $300 000 this year and for every year following. It was anticipated that by the time Newport was commissioned one could predict the days the power-station ought to be closed down. That has not occurred.

However, there is no evidence that the Government can be trusted to do the necessary work at Point Danger. Such work will be necessary by the time the first stage is completed, and it will need to predict most accurately the pollution count because on that basis decisions should be made to go ahead with stages 2, 3 and 4. I do not have the confidence that the Government will do so.

Point Danger is a valuable environmental area. One does not hand out a point along the coast of Victoria so easily, particularly an area of delicate natural environment of great beauty, as all honorable members who have visited the site will be aware. One hands over such beautiful sites grudgingly. It is on the basis of that decision that the Opposition has had difficulty because it is sad to witness the degradation of not only a beautiful area but also a valuable environmental site. Victoria will never be able to claim it back. The Labor Party agreed on a policy at some cost when it agreed to the first stage of the project. In doing so, the party agreed that Point Danger would be degraded for all time. It is a shame.

There are other characteristics. Having accepted that there will be a degradation of the area, the Opposition is also concerned that the smelter and the emissions will affect the area surrounding it. It is one matter to take an actual site and build a smelter on it, but it is another matter to pollute the huge area surrounding it. I speak of an emission such as fluoride which is a serious and dangerous chemical. Fluoride produces what is known to the scientists as a phytotoxic effect and is dangerous to plants.

The Hon. R. J. Long—What percentage escapes into the atmosphere?

The Hon. E. H. WALKER—If Mr Long had done his homework he would realize that in an aluminium smelter it is possible to have the best technology and try to take as much emission up the stacks as possible and scrub that emission, but in aluminium technology there are pot lines which are lines in which the pot smelters are in an electrical series. It is necessary to open the pots for ten minutes or so when the contents are changed over.

When the pots are opened troublesome emissions occur because they are not taken up the stack. In order to clean the emissions from the pot lines it is necessary to gather within the building, with large ridge fans and gathering devices, the emissions so that they can be scrubbed. There are no scrubbers of that kind at Point Henry and they are not planned at the moment for the proposed Alcoa development at Portland.

It could well be critically expensive for Alcoa to install machinery to ensure clean air at the boundary of the plant. Alcoa knows, the Government knows and I know that if the Government were to demand stringent standards on the emission of fluorides at the boundary the company would have to invest large sums of money for some of that scrubbing to occur within the building. The standard agreed to by the Government on fluoride emission is such that the Government will be allowing 1·38 kilograms of fluoride per tonne of aluminium produced at the border of the site. The standard in the United States of America is one kilogram. That is a large difference. If one considers micrograms of fluoride per cubic metre, the standards are worse.

Australia is asking for standards that are lower than the American standards. It would cost millions of dollars extra to achieve the standards that the American authorities demand. It is necessary for the Government to seriously examine that issue because the fluorides that pass the border of the property 30 per cent of the time will lay waste to plant life.

I suspect that the lady referred to by Mr Chamberlain who says she does not mind the proposed Alcoa plant coming near her house will change her mind when her trees and plants have died.

Point Danger is an important natural environment and I shall explain why that is so. Its geological base is volcanic, overlaid with sandstone and sands. Extensive studies have been done. One scientist who was involved as one of the special consultants to investigate plant communities, Mr Cliff Bueglehole, is trying to have the whole area declared as a scientific reserve. He is concerned that the area should not be used for the proposed purpose. I take this complaint seriously. He knows the value of plant life and the plant-animal system in the area and believes this proposal should not be permitted.

The Hon. B. P. Dunn—What do you believe?

The Hon. E. H. WALKER—On a conservation basis, if I had to make a decision, I would look for another site, but I understand that there are a composite of factors which include decentralization, the use of energy and the fact that a coastal site can disperse emissions better. If I were asked directly, I would say that I have serious doubts about using the site.

The Hon. B. P. Dunn—You would not build it at Portland?

The Hon. E. H. WALKER—I did not say that. I have indicated that it is a most valuable site. Other industries have been built on sites where I would not have built them, such as the John Lysaght plant next to Westernport, but I understand the necessity for compromise. The Labor Party also understands the need for compromise, but we have done our homework and suggest to the Government that certain things can still be done to protect an environment that ought to be protected.

It is one thing to lose that portion that is built on, but another to waste 2000 hectares because of emissions at irresponsible levels. It is a serious issue. I do not wish to go into detail regarding plant and animal life, as I suspect other speakers may do so later.

As honorable members are aware, at least one species of plant life is doomed, namely, the Mellbloms Spider Orchid. This is an endangered species which exists only at that site. Efforts have been made to transplant this orchid but a favourable environment has not been found. There are 300 plant species on the site and 100 species of birds, some of which are endangered species.

The Rufous Bristle Bird is one species that is threatened. There are nine mammal species, including the rare Heath rat, which are under threat. More importantly, some very important Aboriginal sites deserve to be researched.

This worries me because last week this House was forced to go through a Bill which, at least in the form it was debated last week, allowed the Minister full responsibility for determining whether relics on Aboriginal sites were to be considered valuable. The reason stated for the provision was that, in a case such as this, if it were considered that an important Aboriginal site was in the way of an important industrial development, the Aboriginal site would have to be declared non-valuable. I hope when that Bill is further considered in Committee, there will be an amelioration of that provision. There are important Aboriginal sites that deserve further research. It is not only a matter of plant and animal life but also of important Aboriginal sites.

I now refer to the effects of smelters. I pointed out previously that the project will have a destructive effect. There is also the noise factor. Honorable members who have visited a smelter such as the one at Point Henry will know that it is a noisy industry. The pot line buildings are open because if they were closed it would be necessary to install airconditioning and that would be too expensive. Noise is a problem.

At Point Henry the nearest house is 4 kilometres away but the nearest house to the proposed Portland plant is one and one half kilometres away. That is another reason for suggesting that the Point Henry location is a better location for a smelter.

There are pollutants from processing, particularly gaseous fluorides. I have talked about gaseous fluorides being dangerous to plants. Studies have indicated that fluoride can enter the food cycle, not only of land-based animals but of fish in the sea. There is an important gannet colony on Lawrence Rocks. The information contained in the environment effects statement indicates that 70 per cent or 80 per cent of the time the dispersal winds will be blowing offshore. That is fine for dispersal if there is just ocean, but the Lawrence Rocks are in line with dispersal and one of Victoria's two gannet colonies lives on those rocks. It is possible when fluoride gets into the sea and fish that it will affect the bird life.

It can affect cattle on the land, causing a loss of weight and milk production. Fluorides are dangerous. If lower standards are allowed, environmental degradation will occur well away from the site. There are other gaseous pollutants, such as sulphur dioxide, carbon monoxide and carbon dioxide. Honorable members will understand the poisonous nature of those pollutants. The most serious pollutants are the fluorides. At full production, the proposed plant will produce approximately 700 tonnes of fluoride per annum and approximately 12 500 tonnes of sulphur dioxide.

As I said, the vegetation on 2000 hectares outside the site will be seriously affected. That includes a good portion of the town. The environment effects statement states there is no air monitoring in Portland. It will be necessary now, if we are to know the effects of a smelter, to not only study the effects on site, but also to go into the town with air monitoring equipment. At page 47, the environment effects statement reads:

> The quality of air in Portland has not been monitored.

That is an admission that there is a serious deficiency in that study. The air is already affected at Portland by the fertilizer works, the Pivot works, nearer to town. There are already emissions of fluorides and sulphur dioxides, so the figures I have been referring to will be additional to current emissions.

The United States of America Environment Protection Authority standards for total fluoride atmospheric emissions are 1·0 kilograms of fluoride per tonne of aluminium. It is estimated by Alcoa that at Portland it will be 1·38 kilograms per tonne. That is a serious discrepancy and a high level.

Finally, I shall talk a little about people. There are industrial illnesses related to an industry of this kind, especially for pot room workers. That is a known fact. At Point Henry, Alcoa closely monitors the health of its workers in and around the smelter because it knows a number of industrial illnesses can occur. It is not yet fully aware of long-term results, as with asbestosis. In that case it took years before the results showed up in the workers within the industry.

There is evidence that in the aluminium industry there have been longitudinal studies that show certain illnesses I will mention. A paper was prepared by the Parliamentary Research Library in Canberra which shows problems associated with long-term effects—overseas studies—of skeletal fluorosis which is a change in bone density, chronic pulmonary disease and cancer. A 1972–73 team from Prince Henry's Hospital carried out studies in three Australian aluminium smelters. Reports were made to the companies but they have not been made publicly available. This indicates the existence of serious problems.

The suggestion is that they were of such a serious nature that the companies decided not to let the public know the results of the studies. The studies did show a correlation between asthma and the length of pot room exposure. It is now a known fact that any worker who suffers from asthma is not allowed to work in the pot room.

In fact, they are more suspectible to some pulmonary diseases. Honorable members should be allowed to see the Prince Henry's study.

Finally, I deal with cancer. There is evidence from the United States of America, produced during the 1970s, and some from Canada and Russia that work within the pot room environment can be cancer producing.

The Hon. B. P. Dunn—Are they authentic studies?

The Hon. E. H. WALKER—They are authentic studies and I can give references later, if the honorable member so desires. I make the point again that standards in Australia must not be below those established in other countries, particularly countries where there has been experience with smelters. It is necessary that experts be sent to countries where the effects of smelters are known and where smelters have been used for years to examine the standards they have established and to hold to them. It would be a grave mistake on the part of the Government to have attracted to Australia an industry simply because less stringent standards were demanded here; and there is some evidence that that may be the case. When the Minister comments later, I hope he will respond positively by saying that the Government will not accept standards any less than the most stringent elsewhere where industrial diseases in relation to aluminium smelters are understood.

I have probably spoken for long enough and raised enough questions. However, I want to answer those who ask what a Labor Government would do. It is not unlikely that, by the time this plant is commissioned in 1983, the Labor Party will have been in office for a year. I will outline the steps which would be taken. The Labor Party would take careful steps in this regard and it is necessary for me to outline them. I have already indicated that the Opposition believes steps should be taken now; but after stage 1 of the smelter has been in operation for at least twelve months, a thorough environmental assessment would be made by the Ministry for Conservation, and I mean a thorough investigation, not just a document which would not be followed up.

The Hon. B. P. Dunn—What would you do if the result was adverse?

The Hon. E. H. WALKER—The Labor Party has already said that it accepts stage 1.

The Hon. B. P. Dunn—But what about stage 2?

The Hon. E. H. WALKER—The way of dealing with the matter would be to increase the technology in stage 1 to improve or reduce the level of emissions. It is quite possible to install the machinery I have talked about such as scrubbers within the building. If there were adverse results after a major study when stage 1 had been in operation for twelve months, the necessary equipment would be installed. The Labor Party would not put workers and a town at risk. We would include wide public participation in that study, because, by the time stage 1 has been operational for a year, some of the effects will be known and the public should be included in that study. The assessment would be made publicly available before the development would be permitted to go on to stage 2, the reason being that there is in fact a reserve of skill, understanding and scientific knowledge in the community that must be trapped.

It is not good enough for the Government to work secretly with information simply because it does not want trouble in decision-making. The Labor Party would include the best and most skilled people in assessing the results, and would follow the same procedures after stage 2, stage 3 and stage 4. The only sensible way of utlizing environmental effects procedures is to undertake the first step and then test it at every stage and include the public in doing that. The Labor Party would ask Alcoa of Australia Ltd to fund a research programme, through the Ministry for Conservation and through any suitable tertiary institutions, to determine further the present ecology of the site and its environs and to conduct con-

tinuing studies to establish the effects of the plant's construction and operation. A specific study should be made on the effects of fluoride on terrestrial fauna, including grazing animals. Not enough is known on this subject at present. The information from South Africa, Russia and the United States of America is not sufficiently extensive and work should be done on it, because this development will be one of the largest ever undertaken and should be studied properly.

The Hon. R. J. Long—Would you increase the State Electricity Commission's tariffs?

The Hon. E. H. WALKER—Perhaps Mr Long had not noticed that, for the past three-quarters of an hour at least, I have been concentrating on a certain aspect of this smelter. It is an important issue. There have been at least three speakers in the other House and three in this House. I am attempting to deal at length and responsibly with environmental factors. If the honorable member wishes me to come back to issues of tariffs, I will do so at the end of my contribution.

With regard to emissions of wastes to air, water and land, the Environment Protection Authority should be similarly funded to employ exempt staff—that is a manner of making staff available when staff ceilings exist—and a monitoring task force should be located at Portland. That should not be just Labor Party policy. That outline should be undertaken by the Government of the day, whatever its political philosophy.

The hollow promises made in relation to the Newport power station give the Labor Party grave concern over what may occur at Portland. I have attempted tonight to sound serious warnings.

To give honorable members a quick resume of the matters I have raised tonight, I have talked about the inadequate assessment of energy reserves and the general pattern of assessment of the whole project. I have spoken of an inadequate environment effects study, although I have complimented the company and the authors because it is the best environment effects study we have had so far. I have talked of inadequate Government policies. I have talked about the lack of perusal. I have spoken about the fact of a go-ahead before consideration of an environment effects study. I have talked about using an environment effects study simply to legitimize an already-made decision. That makes a mockery of public participation. I have talked about serious environmental effects on and around the site on land, at sea and in the air. I have talked of industrial diseases. I have talked of waste disposal.

Finally, let me say that I believe there is, as usual, no planning base to this piece of work. It is being done on an *ad hoc* basis as a decision-making process. The Government stands condemned for having once again made decisions before making a proper study and it has left to the Opposition and other critics the task of bringing out the essential issues which must now be dealt with.

The Labor Party accepts stage 1 of the Alcoa project at Portland, but with some serious concerns. I believe I have outlined for honorable members those that relate to environmental factors.

The Hon. W. V. HOUGHTON (Minister for Conservation)—I want to make only a brief contribution to the debate. I had not anticipated making any contribution at all. However, some response to Mr Walker's contribution is warranted.

Both Mr White and Mr Walker are to be congratulated on the amount of research and homework they have put into their contributions to tonight's debate because they have outlined to the House their views—I emphasize their views—about the concerns which are expressed in various quarters in the community about this development.

I also congratulate Mr Baxter on his contribution. I do not view it in the same light as Mr Walker does. Mr Baxter is a very able politician who has expressed some of the valid political views of his party about the importance of the development of rural

Australia and rural Victoria. Obviously, what he has said has been very much a part of the sort of decisions that have been made by the Government in respect of this undertaking. I respect what he says and it was well said. In fact, I am not yet in a position to criticize anyone who has entered this debate.

I shall deal briefly with the kind of environmental concerns which Mr Walker expressed. I agree with him that there are considerable environmental concerns. There has not yet been in any part of the world a smelter which is as close to the urban population as this one will be. It is true that political decisions have had to be taken, particularly in respect of the siting of this smelter, which might or might not have been done under different circumstances. I take full responsibility and I share—not as the Minister for Conservation, but as a member of the Government—in the decisions which were made. They were made on grounds not solely concerned with the environment. Nevertheless, as Minister for Conservation, I am deeply concerned about the environmental effects, as is Mr Walker, and much of what he says is quite true.

The Government is not in an irretrievable situation in this matter—far from it. The real essence of the matter is that this smelter will operate under a licence from the Environment Protection Authority and that licence will take into account, not necessarily the concentrations at boundaries of the site, but will take into account the ground level concentrations of fluoride at the sensitive spots such as in populated areas and in those areas where there happens to be some vegetation which may be sensitive to fluoride emissions. It may sound strange, in view of experience with smelters all around the world and the effects of fluoride emissions from them, that the Government does not yet have, but is working very hard to obtain, an accurate idea of what the effects of fluoride emissions from this smelter will be on the specific forms of vegetation existing around the smelter. Certainly, the Environment Protection Authority licence will ensure that the danger to significant and important plant communities is monitored. I suppose one could include in that the gardens of the people of Portland, some of the natural vegetation in the rural areas around Portland and the effect on human health of the emissions from this smelter. The Environment Protection Authority in this State has been charged by legislation with the responsibility for determining at what level it will set standards for emissions from a whole variety of large industrial undertakings, and there are some extremely large ones in this State. For instance, there are the Loy Yang project, the whole of the State Electricity Commission Latrobe Valley complexes, the chemical works of which Victoria has its fair share, the phosphate works and now the aluminium smelters.

As Mr Walker says, the large smelter which exists in this State at Point Henry is in a comparatively ideal site for a smelter. The prevailing wind takes the emission straight out over the water and the emission problems from that smelter have been minimal. The Portland smelter is a different matter.

Because I was part of making the Government decisions on the aluminium smelter, I support the project. I recognize the environmental concerns which Mr Walker stated so clearly this evening, I can assure the House that the Government will not tolerate emissions from a smelter which will in any way endanger human life or endanger the important plant communities in the vicinity of that smelter.

The Hon. JOAN COXSEDGE (Melbourne West Province)—I commend both my colleagues' speeches, which contributed greatly to the knowledge about the Alcoa project and which were refreshing on this important issue. I wish I could say the same thing for the contributions made to tonight's debate by Mr Baxter and Mr Chamberlain, that avid reader of the *Labor Star*. Listening to the Minister, I got the impression that he was agreeing with everybody.

I would like to make a few general comments at this stage. Because of problems in the nuclear industry and environment in the United States, the aluminium industry has been forced to look elsewhere. The situation is that the trans-national aluminium producers, and there are many of them—Alcoa, Alumax, Alcan, Comalco—have descended *en masse* on Australia. They have been welcomed, perhaps all too readily, by many Governments in Australia offering cut-price deals in competition with each other and at the expense of Australia as a whole. The Victorian Government is no exception. In line with its policy of spending the taxpayers' money as if it were going out of fashion, the Premier has rushed in to offer huge concessions to Alcoa's Portland smelter project. The former Minister for State Development Decentralization and Tourism, whose electorate just happens to include Portland, has also been involved in the dealings with Alcoa of Australia Ltd. Alcoa is a subsidiary of the giant Aluminium Company of America with a 51 per cent interest held by the parent company and the rest is mainly shared by Broken Hill South Ltd, North Broken Hill Ltd and Western Mining Corporation Ltd, which itself is a subsidiary of Alcoa.

Alcoa, with an issued capital of $75 million, is already making huge profits. Its profits after tax for the year ended December 1979 were $95 million. I do not have the figures for its investments but——

The Hon. R. J. Eddy—Mr Deputy President, I draw your attention to the state of the House.

A quorum was formed.

The Hon. JOAN COXSEDGE—As I was saying, Alcoa's assets increased from $999 million to $1281 million in the same year, that is, up to December 1979. In the quarter ended 31 March last, the company made a further profit after tax of $32 million and its assets increased by a further $61 million.

Yet the Hamer Government is offering concessions virtually on a platter to this wealthy giant and the Premier's negotiations—if you could call them that—will cost Victorian taxpayers $70 million in lost revenue. The Government has offered Alcoa a gift of $21 million towards the cost of the power line to Portland and a 5·5 per cent discount on its electricity bills for the first ten years. Those are two subsidies which, it is interesting to note, have never before been given to any Victorian industry. When the smelter is operating at full blast, it will consume as much electricity as all Victorian households or 20 per cent of the total Victorian output. However, Alcoa will pay only 8 per cent of the bill and, while domestic users pay 4 cents per kilowatt hour and the average industry pays 3·3 cents, Alcoa will pay only 1·6 cents per kilowatt hour.

One could argue that, due to the administrative costs, the rate can be lower than the normal household rate but I do not accept that relativity, even if I accepted that argument. The State Electricity Commission, which already faces a deficit of $500 million over the next six years, will have to find an extra $162 million to finance the power line, apart from financing the $2·8 billion Loy Yang power station which Mr White spoke about at some length.

Mr White stated that the increase in the cost of Loy Yang is something like $1 million a day and one-third of the output from Loy Yang will be for Alcoa. Hence, power will be given to Alcoa at the expense of industries and at increased costs to all other consumers.

After all, on the expenditure on the power line from the Latrobe Valley, Victorians may well be left to carry the baby in a few years' time when Alcoa starts to generate power near Portland from the coal which has been discovered nearby by Alcoa's subsidiary, Western Mining, and, apart from the cost of the power line, Victorian taxpayers will have to pay for the relocation of the Portland aerodrome, the new port facilities worth $3 million and the outer port facilities worth up to $15 million.

Victorian taxpayers will also pay for the multitude of incentives that the Hamer Government will provide Alcoa

with as a decentralized industry. For example, no pay-roll and land taxes and a wide range of subsidies for one thing or another. According to the *Age* of 15 June last year, the Premier said that Alcoa will make a substantial contribution to the cost of the line but he refuses to say how much. It is known from recent experiences here and in the other House how vague a definition that is.

Despite the huge capital costs of the Alcoa smelter, it will employ approximately only 1000 workers at its peak and many of those workers will be imported technicians. The Government could finance many other projects that would employ more workers and may be of more benefit to Victoria.

It is absurd, surely, to slug the Victorian motorists by import parity pricing for oil while Victoria exports congealed electricity at about half the world price. In addition to the financial costs to Victorians of the Alcoa smelter, there will be many other disadvantages.

Mr Walker went into a lot of detail about the environment problems that could be faced by the siting of a smelter at Portland. I will just touch on a few of those problems because Mr Walker covered the matter fairly well. Parliament is being asked to virtually give away to a foreign company huge amounts of precious brown coal as if it was so much rubbish to be got rid of. The brown coal is not only an energy resource for generations to come but it is also a potential source of petrol, oil and a host of chemical products.

I ask honorable members opposite whether the Government has given proper consideration to the effect that the proposed smelter will have on Portland as a seaside resort and on the residents who have chosen to live there because of its pleasant environment and freedom from pollution. Has the Government given any consideration to the poisonous fluorides and sulphur dioxides that will be emitted from the smelter on to the community, animals and plants, some of which are quite unique, in the Western District?

Has the Government given any consideration to the effect of the power line with its enormous 70 metres or 20-storeys high towers visible for up to 15 kilometres across the third largest basalt plain in the world and the possible detrimental impact that this will have on the many historic properties? Has any consideration been given to the way the power line and its easements will threaten the wildlife? There are unique species of wildlife in that part of the world, and I mention a few: Echidnas, bandicoots and rare birdlife such as brolgas, ibis and cranes, and I am naming only a few because I could go on and on. I have not even mentioned the wild flowers and the native grasses.

What about the Aboriginal archaeological relics which are also threatened? Apparently many landowners have already complained about the problems they will face with the destruction of trees, pasture, the audible noise from the towers and cables and the effect that will have on irrigation spraying, to name but a few of the problems.

I would like to conclude with a quotation from the *Age* editorial of Friday 11 April 1980, which states, *inter alia*:

> The evidence suggests that there has been a frantic rush in which the aluminium producers have played off one State against another in order to get the best deal, with the taxpayers of the State bearing the cost.
>
> . . . . .
>
> The move to place Alcoa's second Vicorian smelter at Portland is a triumph of political expediency over common sense.

The Hon. D. G. CROZIER (Minister for Local Government)—I hope that some time before the next State election we could have a panel consisting of Mrs Coxsedge, certainly Mr White and even Mr Walker visit Portland, the north-east or anywhere else and explain how the Labor Party would translate the bold words which appeared in the document that achieved a certain amount of publicity and notoriety before the last State election. I refer

to the Wilkes Plan, a Blueprint for Victoria, which had this to say on decentralization:

> New industries—and extensions to existing industries—will be given incentives to establish themselves in country areas.
>
> . . . . .
>
> The aim will be to provide a variety of manufacturing and service industries within each region, with prosperity firmly based on diversity. We will support the accelerated growth of a limited number of regional centres including Ballarat, Bendigo, Geelong, Portland, Albury-Wodonga and the Latrobe Valley.

Listening to this litany of woe from members opposite, in terms of the detrimental effects to the State of Victoria and its citizens, an argument which has been soundly and sensibly refuted by Mr Baxter, Mr Chamberlain and the Minister for Conservation, one would be permitted to wonder whether the Labor Party in this State will ever have the effrontery to again go before the people of Victoria and attempt to put such a policy of industrial development.

I feel constrained to endeavour to refute some of the patently false statements that have been made. Even though my colleagues have done a good job already, it seems to have made no difference, particularly to the last speaker. Mrs Coxsedge disregarded the Ministerial statement, which was, after all, a recent one, when she told us that there would be a further cost to the taxpayers in relocating the Portland aerodrome. Certainly there would be some cost. On page 6 of the Ministerial statement, I said:

> The town of Portland will raise a loan to cover the cost of relocating the airport and will recover that cost from Alcoa by means of a special rate.

Before that, Mrs Coxsedge told the House that Alcoa would be given power—in a similar argument to that used by Mr White—at the expense of other industries. I ask, is there any evidence that Alcoa would be taking power from other industries coming to this State? That is not the view of the State Electricity Commission. Mrs Coxsedge also made mention in her dire predictions of the effects this development would have on the tourist industry. My colleague, Mr Chamberlain, mentioned a well-known Portland resident and I thought she would be known to members of the Opposition as well as to Government members—a former mayor, Councillor Joy Davis. Councillor Davis recently wrote to the *Age*. The letter was headed:

> Portland is on a crest of a wave.

I quote from part of the letter:

> Our community is certainly not equally divided. There may be 10-15 per cent of people who would rather Portland stayed small and peaceful—the retired and elderly and conservation-minded. You could say they were not so much against it, as not for it.
>
> The majority of townspeople welcome the opportunity for their children to get jobs in their own home town and not have to move to Melbourne with its attendant complications. We will still have our pleasant town, including Alcoa.
>
> There is no reason to suppose Alcoa will be bad news for the tourist industry. It will probably increase it as the development of the harbour did.

There is absolutely no evidence that those consequences will flow.

I return to the more serious thrust of this argument. Clearly, the Labor Party, as my colleague Mr Chamberlain told the House, is very embarrassed by the dilemma in which its members find themselves. They have some expert knockers who could not develop themselves into top gear. The message has got out that the Labor Party cannot really damn this thing, because it is going to do too much for the State of Victoria, particularly for Portland. It is, as Mr Chamberlain said, a very graphic example of a government putting its money where its mouth is.

What the Government has said is not so very different from that document that purported to represent the Labor Party policy. The big difference is that the Government is prepared to translate it. I quote from the official platform of the Liberal Party for 1978. Delineating our decentralization policy, it states:

> Vigorous encouragement of industry to relocate or establish in country areas, we will give continued support to the following principles—

And principle 2 is this:

> Decentralization incentives by way of tax rebates, freight and communication subsidies and other assistance should be available to all, with special emphasis on those areas capable of early development to the stage of self-generating growth.

While I was privileged to hold the portfolio of State Development, as I explained to the House in September last, it was my principal objective, and it became, on direction, the department's principal objective, to encourage by any means the sort of development now being discussed. So I agree with Mrs Coxsedge, that in common with my colleague, Mr Chamberlain, and Mr McKellar in another place, we worked very solidly to encourage this sort of development. I reiterate that it was not just a matter of persuading Alcoa to locate, or expand in Victoria, because there were at least another three potential starters.

Reference has been made by Mr White and other speakers to this competition. There is competition for industry. It is also a fact that the neighbouring State of New South Wales, under a particularly versatile Labor Premier, one of the few Labor leaders who does understand free enterprise and what business is all about, has had considerable success in attracting sections of the aluminium industry to New South Wales, but at a cost which we, in Victoria, would not regard as tolerable. This was referred to last week in an article in the *Age* of Thursday 24 April. Reference was made to the sort of competition that has existed, and to the sort of deals that aluminium smelter companies have been able to negotiate in other States. Comparing these State rivalries in an analysis by Michael Gill on page 18 of that issue of the *Age*, this is what was written:

> Alcoa is demonstrably not in that group.

This is referring to the sort of deals that existed in other States.

> It has paid a published tariff (the SEC is the only Australian authority to publish its tariff) because the SEC told the Hamer Government that it could not offer less.

Naturally enough, the Government does not make these decisions in isolation. Mr White's first criticism was that there should have been, what he calls, an energy impact statement. I know the Labor Party has a great propensity for all sorts of expert statements, and the academic bureaucratic analysis that has to precede any move. However, in this case, the inference is that the Government just went ahead with this project because it conformed to Government policy and, because it was part of a decentralization objective, it pursued this without reference to other essential consideration.

One of the most essential considerations was what would be our generating requirements, what was our likely generating capacity going to be, and whether the particular power needs of Alcoa would be appropriately met by existing tariff policy. As Mr Trethowan said recently, there is sufficient capacity by contrast with the situation in other States, whereas the tariff M, which Mr White and Mrs Coxsedge by inference have criticized, is a flexible tariff. It is not the sort of contract that exists in New South Wales and Queensland in relation to aluminium smelters. This article makes reference to this in these words, and I quote:

> But the evidence shows that in NSW and Queensland aluminium companies have agreements which involve not only low tariffs—two thirds and less of what Alcoa will pay—but commitments to limit future price increases.

Mr Trethowan, in another article on this page, by Tim Colebatch, has pointed out that this is not the situation in Victoria. Firstly, Mr White's remarks about insufficient planning in regard to the generating capacity, and secondly, his vehement assumption that the Government has forced the State Electricity Commission to sell power to Alcoa at less than cost, as Mr Chamberlain pointed out, is patently spurious. Even the *Labor Star*, as Mr Chamberlain also pointed out, obviously knows better, because the State Electricity Commission, offering its M tariff, and from time to time revising this in line with production costs, along with all other tariffs, ought to know what is required. I hope that particular myth is dispelled. The cost of power to Alcoa is not a gift. It was not a figure that was dreamed up, and it is certainly a figure that makes business sense.

The Opposition talks about competition. It is not just that Victoria is in competition with other States. I personally do not object to that. The Government can be selective, and of course it should be. The Liberal Party is a free enterprise party, unlike our opponents opposite. We understand the effects and the benefits of competition. Mr White castigated the Government for not extracting a better deal; in other words, for not demanding, and securing, a far higher-power cost agreement. By inference, he is criticizing the very existence of tariff M option 5. There would not be room for tariff M under Mr White's particular analysis because, again by his analysis, the cost of power is 2·05 cents. The Government disputes that. It knows that is not the case.

The Hon. D. R. White—That is what I say tariff M option 5 ought to be.

The Hon. D. G. CROZIER—Yes, and Mr White believes there ought not to be any differential for large users. The inference was that Alcoa, or some aluminium smelter, only had to stick around, and because of Victoria's inherent advantages, we simply had to strike a hard bargain, and sooner or later one of the major aluminium companies would locate here. However, Mr Haymaker made it very plain, and I quote again from the article by Tim Colebatch in the *Age* of 16 April this year:

> If the Hamer Government had not offered Alcoa substantial incentives, he said, the smelter might not have been established in Victoria—or even in Australia.
>
> There was no certainty that any other aluminium producer would have come forward to take its place.

He added to this:

> Alcoa still might have to pull out if a re-negotiation of the deal threatened to make it unprofitable.

I take it from the Labor Party's curiously ambivalent policy, that it supports stage 1. It is a very strange support. Any respected industrialist confronted with that would turn around and go 1000 miles, but that is now the Labor Party's official stance. It supports stage 1, but after stage 1, the Labor Party reserves the right to really put the screws on. Presumably, having enticed the industry to set up in Victoria, if by some evil chance they became the Government, they would regard it as a large milking cow to simply milk on the premise that it would be there for ever. If that particular horrendous scenario ever developed, the company would have to think seriously about abandoning its investment. Alcoa has come to Victoria not only after very patient negotiation, in which I am proud to have had some part and, as I said, this was a prime objective when I was Minister for Decentralization but also, after painstaking work by members of its organization, and also senior officers of the Department of State Development Decentralization and Tourism, leading up to top negotiations between Mr Haymaker and the Premier.

I turn to the second of Mr White's objections, when he said there should have been an economic evaluation. In the course of his remarks on this particular proposition, the honorable member made the strange comment that Alcoa did not really ask for some of the concessions given to it; in fact it was the Government trying to lure Alcoa in by baiting the hook. I have here a document which has the authorization of Mr Haymaker. Speaking of the controversial turnover tax waiver, the document points out that it is in the early stages of development that the really difficult period occurs, and the ten-year waiver gives Alcoa the maximum encouragement to take the smelter to full-scale operation as early as possible. That has the spin-off of providing the State with the maximum benefits of this development at an early stage. As I said earlier, we must realize that we are in competition not only with other States but also with overseas countries, and before a company of this magnitude makes a decision of this kind, obviously it considers the alternatives very carefully, and there are alternatives in the developed and the developing countries which must be attractive.

In Australia power cannot be provided at the same cost as, for instance, in Canada. The figure of 1·6 cents per

kilowatt hour mentioned here does not compare favourably with the going rate in Canada. In Brazil, where there is a massive hydro-electric potential which is probably far greater than anywhere else, again the likely cost is much less. This includes long distance transmission lines to potential smelters. Brazil is also prepared to offer tax and other developmental incentives substantially greater than those that are offered in Victoria. Like Victoria, Brazil has abundant bauxite reserves to combine with the power. This applies not only to Brazil, but as also to New Zealand, Venezuela, some of the Middle East oil States, several African countries and Argentina. At a certain level of disincentive, clearly a company of Alcoa's international reputation, expertise and magnitude would be turned away, so I suggest that we in Australia are extremely fortunate that for a short time we have this comparative advantage, and for Victoria to capitalize on this it is certainly necessary to enter onto these sorts of negotiations.

I shall take the House briefly through some of the factors, apart from those mentioned specifically in the Ministerial statement. The first is tax. Over the life of the smelter it is estimated that the company will pay out some $2500 million in company tax at a rate of 46 per cent. Clearly, the main beneficiary of this will be the Federal Government directly. Some of that tax will come back to Victoria, and in any case it must be considered as a national as well as a State development.

The second factor is rates. Even at the first stage of development, Alcoa will be paying, under the rate agreement recently concluded with the Town of Portland, between $600 000 and $700 000 per annum. That is at the first stage, and that will increase. On present predictions that represents between one-third and one-half of the total rate revenue of the council.

One thing Mr White did not mention was the wharfage charges. He may have spoken about the cost of the wharf, as did Mr Walker, but neither mentioned the revenue which the wharfage charges will bring in. It is estimated that some $270 000 a year will be earned in this way, and, given that the life of the smelter is likely to extend to 30 years—and it is likely to do so on current predictions—that amounts to about $8 million in total.

Then there is the breakdown of the direct financial output through employment and wages, both direct employment and spin-off employment, as a result of the multiplier effect of this development. These are estimated, over the life of the smelter, to be of the order of some $2500 million in wages and benefits, and that is a substantial sum.

The Hon. D. R. White—That is direct and indirect?

The Hon. D. G. CROZIER—That is direct and indirect. Now I come to the costs. Contrary to what Mr White and other members of the Labor Party believe, the State Electricity Commission will recoup its share of the 58 per cent cost of the power line over the life of the smelter. The accumulated tariffs over this period will exceed $3000 million.

I submit that these figures in themselves go a long way towards dispelling the reservations—indeed, the direct criticism—which Mr White and other members of the Labor Party have expressed on the lack of economic evaluation. The Government's figures just do not measure up with those of Mr White, and I make no apology for this because I am confident about who is likely to be right on this question.

The Hon. D. R. White—I will be right, just as I was right on the Housing Commission land deals.

The Hon. D. G. CROZIER—I suspect that Mr White is going to find this very difficult to disprove.

The Hon. D. R. White—And on Albury-Wodonga.

The Hon. D. G. CROZIER—I will be prepared to talk about Albury-Wodonga in a later debate which is coming up, and I look forward to that.

I refer to the other factor in terms of the waiving of the turnover tax. Great play has been made of the fact

that this has been offered to Alcoa and readily accepted as an establishment concession, the sort of concession which the Premier has made plain that the Government was prepared to offer to any major development in a "greenfields situation". Remarks have been made about the so-called cost of this. First of all, there will be no cost as such to the Victorian taxpayer; this is revenue foregone, but if the company had not established in Victoria, there would be no possibility of receiving this extra revenue from the turnover tax. What has been conveniently overlooked further to this argument is that this concession lasts for ten years—it is a finite period. The smelter's life is estimated to be 30 years, so the turnover tax will apply for the final 20 years. But it does not take any great mental calculation to realize that this is going to produce revenue of well over $100 million during the life of the smelter. On today's cost, it would be $120 million or $130 million, but if the tariff increased at a rate greater than present predictions, which it could well do, that revenue component must be far greater.

Mr White, interestingly, agrees that the allowance for interruptibility is legitimate, and he has no argument with the Government on this issue. I am certainly pleased that that is the case, so I do not have to take the House again through the reasons for that concession.

Finally, Mr White, Mrs Coxsedge and Mr Walker, who dwelt on the matter at some length, obviously have grave reservations about the environmental effects. I must pay tribute to Mr Walker's obvious interest in this subject, his considerable research and the knowledge that he exhibited during the debate. Nevertheless I find it curious that he is apparently not as concerned about the health and general environmental effects that have occurred at Point Henry, which has been established for twenty years, as was pointed out in the Ministerial statement, and which recently increased its capacity. One would have thought some of this damage would have been manifest in the Point Henry environment, but that matter was conveniently disregarded.

The Hon. D. R. White—That is a greater distance from nearby households.

The Hon. D. G. CROZIER—But one would think that some of the people living near the Point Henry smelter would see some of these diabolical effects.

I also point out that the recent environment effects statement referred to by Mr Walker makes copious reference to precautions that will be taken and the equipment that will be installed to minimize the effects of the fluoride emissions. Clearly it is the fluoride emissions that pose the greatest environmental hazard.

I refer firstly to page 50 of the report where it states:

> The gases collected by the fume extraction system would be directed to banks of A398 reactors. In these reactors, more than 99 per cent of the fluoride within the gases would be absorbed by the alumina before it entered the process. This 'reacted' (i.e. fluoride-containing) alumina would then be delivered to hoppers above each pot.

Reference is also made to the site at page 138 under the heading, "Air Dispersion Climatology", and the article states:

> At Portland, winds prevail from the sector between north and south-west from April to October and shift to between east and west for the period November to March.
>
> Atmospheric conditions favourable to dispersion of emissions (neutral atmospheric stability), and most frequently associated with westerly winds, prevail for almost two thirds of the year at Portland.

It concludes:

> The site exhibits characteristics very favourable to the dispersion of emissions from a smelter.

The summary of these considerations appears on page 56, and I quote briefly from paragraph 5.5 under the heading "Emissions to Air" because it is pertinent:

> Utilizing proper equipment and controls, an aluminium smelter is a relatively 'clean' operation by industrial standards.

The paragraph concludes:

> Emissions to air would be subject to EPA licensing procedures.

My colleague, the Minister for Conservation, has already explained the sorts of procedures and precautions which will be taken, and, while I do not doubt the sincerity of Mr Walker's comments about laying waste, as he puts it, to 2000 hectares in the vicinity of the smelter, I believe those fears just cannot be sustained. I am certain the Environment Protection Authority and the control by the Minister and his department will ensure that this smelter, when it is established, will be a model for other industrial undertakings.

Some comparison has been made in the correspondence—not in the debate tonight, except in an oblique way—about the experience overseas. As Mr Haymaker told me today, there is really little comparison with some of the older smelters in some places, particularly Norway, where fluoride emissions have had a visible effect on plant life. It would be quite unfair to compare those consequences with the likely consequences of the establishment of this smelter in Portland under the conditions which will be prescribed by the Environment Protection Authority and in the light of the technical standard of the extractors and the other sophisticated machinery which will be used to monitor and minimize environmental damage.

To sum up, the establishment of such an industry at Portland has been a major achievement for the Government. It is certainly a project with which I am proud to have been associated. It is the culmination of a lot of work by many people and the fortuitous circumstances from which, as I said, for a short time Australia and Victoria will receive a relative advantage.

They are the factors to which Mr Haymaker referred, and I remind the House that it is not the Government that tells industry or industrialists where they are going to establish their plants. You, Mr President, and everyone on this side of the House with any conception of business practice and experience would no doubt sympathize with the investor, whether small or large and whether the investment be a few thousand dollars or, as in the case of the Alcoa development, $1000 million. The investor is, after all, the person or the outfit that has the prime say. Alcoa chose Portland because in the view of its management Portland had definite advantages. In the debate last September I referred to a speech made by Haymaker, the Managing Director of Alcoa Australia Ltd, to the American Chamber of Commerce in July of last year when he made it quite clear why Portland was chosen. He said:

> We chose the Portland location because of its clear technical advantages for a smelter which must compete in a world market.

There was no doubt about Alcoa's choice. It could have chosen any site in Australia or any other country in the world, but it chose Portland. It was not an accident but a combination of careful evaluation by the company and of careful negotiation, sometimes hard bargaining, between the company and the Government. I reiterate the satisfaction that the Government, my colleagues, Mr Chamberlain and Mr McKellar, and I and the satisfaction of the vast majority of the Portland residents and country people generally for the certain knowledge that such a development was in prospect and the further confirmation when the project was announced. Many far-sighted people in the Portland region have already stated that this will be the turning point in the development of that port and in the development of the region.

It will be the catalyst which has been long sought but which, until this opportunity came along, had not been found, despite the strenuous efforts made over the years to accelerate development of Portland. The missing link was an industry which would provide a guaranteed volume of general cargo. It is such an industry. I am certain that the expectation which has been generated by this announcement will not be misplaced, and I am also confident that the environmental aspect can be covered. I have no doubt about the long-term benefit to the State of Victoria, not just to the Portland region.

On the motion of the Hon. D. G. CROZIER (Minister for Local Government), the debate was adjourned.

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

VICTORIAN FILM CORPORATION (AMENDMENT) BILL

The debate (adjourned from the previous day) on the motion of the Hon. A. J. Hunt (Minister of Education) for the second reading of this Bill was resumed.

The Hon. W. R. BAXTER (North Eastern Province)—The National Party supports the alterations being made to the Victorian Film Corporation. I am particularly interested in the emphasis that is being placed on the production of television films rather than cinema films, and in particular on films suitable for children. From time to time honorable members have expressed dissatisfaction with the type and quality of some television films available for children and I noted during the second-reading speech with a good deal of gratitude the Minister's comments that emphasis will be placed on the production of better quality children's programmes.

Film is an important medium, particularly in this day and age when it seems that fewer people are reading newspapers, particularly people who are not involved in the widest scope of things, who tend to rely basically on the television set for their information and who do not have any opportunity for any input of knowledge from other sources. If we were living in a totalitarian society, one might be concerned about a Government-run corporation producing television films, because of the propaganda opportunities that it would present that type of regime. Fortunately this is not that type of society and I believe the Victorian Film Corporation has a significant role to play in fostering, encouraging and assisting the production of high-quality films, particularly for television. I wish the corporation well in its future activities.

The Hon. E. H. WALKER (Melbourne Province)—I apologize for having missed a few of Mr Baxter's comments but I noted that he indicated that the National Party supports the Bill. The Labor Party also is not opposed to it; it welcomes it. Having read the second-reading speech by the Leader of the House, I realize that the Victorian Film Corporation (Amendment) Bill enables the corporation to invest funds. That is a worth-while advance of the corporation's powers and it gives greater flexibility by enabling the corporation to have its own funds and to manage them under proper Ministerial direction and control.

I searched back into the annual reports of the corporation and am sad to say that the most recent one was for 1977–78. The original Act setting up the Victorian Film Corporation provided for reporting within a specific time period and if I am correct, there should have been a report for last year presented around last September.

The Hon. P. D. Block—It may well be that the inadvertent resignation of the chief executive of the corporation caused the delay.

The Hon. E. H. WALKER—I should have thought that that would not have upset the normal administrative affairs of a corporation. Parliament should have received a report. I read the available report with some interest. It was the second report produced since 1976 when the corporation was established. The comments made by the chairman of the commission in the report are reflected in some of the initiatives contained in the Bill. I refer specifically to the issue of children's television. I read on page 3 of the report as follows:

> And finally, because the feature film has had such emphasis in recent times, perhaps excessive emphasis, we will constantly devote more attention to the television sector, in telemovies, drama series and, hopefully, children's programmes.

That simply indicates the initiative contained in the Bill. It has taken one-and-a-half to two years to carry it out.

In dealing with what appears to be an acceptable and routine Bill, honorable members should check what cor-

porations state in their reports, and in future I intend to do that. The honorable member who handled the Bill in another place on behalf of the Labor Party, the shadow Minister of the Arts, indicated the approval of the Labor Party of this initiative and commented about the cultural base for the creation of an art form such as film and films for television. I recommend that honorable members read that speech, which is excellent.

In a short period Victoria has rapidly reached some maturity in film production. It was not the first in the business of creating film corporations—I think the Australian Film Corporation or the South Australian Film Corporation were earlier, and they have done well—but in the short period that Victoria has had a corporation it has functioned most creditably. I sound a note of warning that there is too much of a businesslike nature entering into the activity of the corporation. This Bill helps that to a degree. It would be a pity if too much stress was placed on wanting every product to be successful. When there is some success, and some good movies have been successful, there is an aim perhaps too much towards the foreign market. The bigger markets are outside Australia. Some Victorian films have done well in the United States. It would be a pity if there was some loss of Australian cultural quality simply because we wanted to sell well overseas. I shall not comment more strongly than that but I reiterate that the corporation is a Government body. It should report in a better way.

The Labor Party supports the provision in the Bill for the corporation to take more financial initiative and to take on partnerships and the stress indicated on moving more into television which is an important cultural medium. In the past there has perhaps been too much concentration on feature movies. I believe the $100 000 suggested for children's television purposes is not enough. Recently the Department of Youth, Sport and Recreation allocated $10 000 for children's television. There should be co-ordination. Money should not come from two or three Ministries for the same purpose. The proper location for money is from the Ministry for the Arts and if children's television movies are to be improved, as they should be, more money should be available and money sources should be consolidated. The Labor Party supports the Bill.

The motion was agreed to.

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

RAILWAYS (BRIDGES) BILL

The debate (adjourned from earlier this day) on the motion of the Hon. D. G. Crozier (Minister for Local Government) for the second reading of this Bill was resumed.

The Hon. G. A. S. BUTLER (Thomastown Province)—As the Minister for Local Government stated in the second-reading speech, the Bill provides for a minor amendment to section 80 of the Railways Act. Although it appears minor, the addition of the words "additional" and "substitute" are important because under the Act the authority, with the sanction of the Minister, has only the right to actually widen, raise or lower any existing bridge on a railway. Obviously, as the Minister has stated, from time to time replacement of the trestle bridges, of which there are several in the State, is necessary and it is also necessary for the authority to build an additional bridge alongside within the distance of 40 metres or to build a substitute bridge so that work can commence on the construction and replacement of the old bridge.

Far be it for the Opposition to delay any legislative measure which will hasten an improvement in the railway system both for efficiency and for a safer and better service for those using the railway system. The Opposition supports the Bill.

The Hon. D. M. EVANS (North Eastern Province)—The Victorian Railways have been in existence for 120 years and I am certain that some of the systems under which it operates and the laws constricting the way in which it runs its business date back as far. The Act which the Bill is amending

appears to be one of the earlier Acts governing that authority. It is incredible that such an authority cannot run its own business to the extent of being able to replace bridges without having to seek Parliamentary approval.

I have always believed there should be Parliamentary and Ministerial responsibility, but that responsibility must be tempered with a little wisdom.

Obviously the Victorian Railways have not had the ability to undertake that work on their own authority and the Bill in part redresses that circumstance. The National Party enthusiastically supports the Bill and hopes the through the whole of the railway system principle contained therein will run so that the service is brought into the twentieth century.

The motion was agreed to.

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

COUNTRY FIRE AUTHORITY (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. HADDON STOREY (Attorney-General), was read a first time.

WANGERRIP (LAND EXCHANGE) BILL

The debate (adjourned from earlier this day) on the motion of the Hon. W. V. Houghton (Minister of Lands) for the second reading of this Bill was resumed.

The Hon. E. H. WALKER (Melbourne Province)—On the surface, and I suppose in fact, the Bill appears to provide for a simple exchange of land. The land is not far from Cape Otway in the southern part of western Victoria. The exchange really eventuates from the Corangamite study by the Land Conservation Council. A piece of property is being given to Bryce Leslie Johnson and Lillian Ann Johnson in exchange for a piece of their land which will become available to the Crown to be used for public purposes.

Similar provisions to those contained in the Bill are often before the House and on this occasion I examined the recommendations of the Land Conservation Council of 1977 and I noticed that the recommendation then was for only one of those pieces of land to be given to the Johnsons in exchange for their land. The piece to be given was 26 hectares in exchange for 30 hectares of theirs. That appeared reasonable but, on examining the provisions of the Bill, I discovered that an extra piece of land had been added and that the Johnsons appeared to be making a profit of an extra 8·3 hectares because the land reverting to the Crown had not altered but another piece of land was attached to Mr Johnson's land when the original recommendation of the Land Conservation Council referred to only one piece of land.

I telephoned the Land Conservation Council and, as the people whom I usually contact were absent, I spoke to a younger person who was not familiar with the exchange and who examined the file and stated that he did not understand the reason for the additional piece of land. A young colleague of mine then telephoned some councillors from the Shire of Otway and asked several questions which led to his driving to Wangerrip and, in the company of a local councillor of that area, inspecting the land.

An interesting story emerged. An old dairy building that the Johnsons had used had to be replaced and it was discovered that it needed to be placed on a piece of land over which they had no control. Obviously, a correction had to be made. My young associate asked questions about values of land in the area and quickly made calculations. He telephoned me and we made further calculations and discovered that the Johnsons had a perfectly legitimate case for saying that the land they were to get in the original recommendation was not worth as much as the land they were giving up.

It disappointed members of the Labor Party because we thought we had discovered a new land deal but on our calculations it was obvious that

the exchange was sensible and that the original recommendations should have included the two pieces of land, and that there was equity in the exchange. The State is doing quite well out of the exchange because it will add significantly to other land in the area owned by the State and the land the Johnsons gained in the exchange is more suited to their purposes for dairying. The Opposition supports the Bill.

The Hon. D. M. EVANS (North Eastern Province)—When I first studied the Bill, I thought there were two fascinating aspects to it and I now find there are three. I found fascinating initially the pronunciation of Wangerrip and Barwongemoong and now I discover the magnificent detective investigation by the Labor Party which has not turned up anything more than that justice has been done.

The Hon. E. H. Walker—It was still worth doing.

The Hon. D. M. EVANS—I am sure it was and I am sure that it was a magnificent drive down through the countryside, especially after the rain. All in all, the exercise worked out well. The Johnsons have a piece of land suitable for their purposes, as does the Crown. The Johnsons have a dairy legitimized and a better piece of land, and the Crown is able to add to its lands. The National Party indicates that it has pleasure in supporting the Bill and certainly states that no illicit land deal has been involved.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Exchange of Land)

The Hon. W. V. HOUGHTON (Minister of Lands)—I am sorry that Mr Walker had to go to so much trouble to find out that I was doing the right thing. I have no doubt that, in future, that will be taken for granted.

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

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

COUNTRY FIRE AUTHORITY (AMENDMENT) BILL

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

That this Bill be now read a second time.

It provides for a number of amendments to the Country Fire Authority Act, principally in relation to the declaration of days of total fire ban and the disbursement of moneys collected from fines imposed upon a landowner for failure to comply with a notice directing the removal of fire hazards from his land.

As honorable members are aware, it is a function of the Country Fire Authority to declare certain days to be days of total fire ban when weather conditions and the state of vegetation in Victoria are considered to be conducive to the outbreak of fire on such days. Such a declaration is required by the Act to be made by means of a radio or television announcement prior to the midnight at the commencement of the day to which the declaration applies. It is the practice of the authority, having determined the need for a total fire ban, to cause such a broadcast to be made prior to or during the normal evening television news service. In this manner, adequate warning of a day of total fire ban is given to the public. In addition, the morning newspapers published on the day in question carry prominent advice of the declaration.

However, there are occasions when, because of sudden unexpected changes in weather conditions, the authority considers that it is necessary to make a declaration of a day of total fire ban after midnight at the commencement of the day in question. Under the present provisions of the Act, the authority is precluded from making such a declaration and, if a declaration were to be made, it would have no legal force or effect.

Accordingly, clause 2 of the Bill enables the Country Fire Authority to cause a declaration of a day of total fire ban to be made at a time after the commencement of the day to which it relates, if changing weather condi-

tions so warrant. Any declaration so made will apply from a time specified in the broadcast until midnight at the end of that day. It is envisaged that the broadcast would be in the following terms:

> Today is a day of total fire ban from, say, 7 a.m. until midnight. The lighting of fires in the open air during that period is prohibited.

Because of the short notice that will necessarily be given to the public in such circumstances, and without the usual media coverage, clause 2 of the Bill also provides that it will be a defence to prosecution on a charge of lighting a fire in the open air on a day of total fire ban, which has been so declared after midnight at the commencement of the day in question, if the defendant proves that he did not know or could not have reasonably known of the declaration and that he had taken all necessary precautions to prevent the spread of the fire.

Clause 3 of the Bill also empowers the authority to amend or revoke, by means of a broadcast, a declaration of a day of total fire ban at any time if changing weather conditions so warrant. As the Act stands at present, a declaration of a day of total fire ban remains in force from midnight to midnight, even if the expected adverse weather conditions do not eventuate on the day in question.

The Country Fire Authority Act provides that, in country areas of Victoria, the proper officer of any municipality may, by notice in writing, direct the owner or occupier of land within that municipal district to remove fire hazards from, or to clear fire-breaks on, his land. Failure to comply with such a notice renders the owner liable to a maximum penalty of $1000 or twelve months' imprisonment. Any monetary penalty so imposed is required to be paid in to the Consolidated Fund. In order to partially offset the costs incurred by municipalities in prosecuting offenders in such circumstances, clause 4 of the Bill provides for all monetary amounts recovered from such prosecutions to be paid to the municipality which brought the proceedings, rather than to the Consolidated Fund as at present.

Clause 5 of the Bill effects a number of machinery amendments to the Country Fire Authority Act. Paragraph (*a*) amends the principal Act consequent upon the abolition of the Chief Secretary's Department and the transfer of the administration of the Act to the Minister for Police and Emergency Services. Paragraph (*b*) provides that the expenses incurred by any Minister as a result of requesting a fire brigade to clear fire hazards from Crown land under his control shall be defrayed out of money provided by Parliament. The Act currently refers only to "the Minister", who by definition is the Minister for Police and Emergency Services, whereas it is the intention of the Act that any Minister who makes such a request shall have any expenses met from appropriated funds.

Paragraph (*c*) provides that the expenses incurred by an assistant regional officer in performing the duties of a proper officer of a municipality, where such assistant regional officer has been appointed to perform those duties by the Governor in Council because of the inefficiency of the proper officer, shall be borne by the particular municipality. The Act at present provides for the appointment of a regional officer, an assistant chief officer or an assistant regional officer in such circumstances, but provides for the expenses of such action to be borne by the municipality only in respect of the former two officers. It is desired that the expenses incurred by any of these officers in performing such duties be met by the municipality.

Paragraph (*d*) effects an amendment consequential upon an amendment to section 96 of the Stamps Act which was made by the Stamps Act 1978 and which abolished the licensing of insurance companies under the Stamps Act and substituted a system of registration.

Paragraph (*e*) corrects an omission consequential upon the Country Fire Authority (Amendment) Act 1972, which had the effect of transferring

from section 41 (3) to section 41B the provisions empowering municipal officers or members of brigades to clear fire hazards from private land where the owner had not complied with a direction to so clear his land. Section 94(2) provides an indemnity for any such officer or member against any liability for loss or damage arising from such action. I commend the Bill to the House.

On the motion of the Hon. R. A. MACKENZIE (Geelong Province), the debate was adjourned.

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

SUPPLY (1980-81, No. 1) BILL

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

Discussion was resumed of clause 2 (Issue out of Consolidated Fund of $1 306 023 850)

The Hon. D. M. EVANS (North Eastern Province)—I refer to two items in the Supply Bill, the first of which is the State Emergency Service and the second relates to hospitals. Both matters raise important points that require consideration.

The State Emergency Service is almost an ugly duckling, yet it performs a useful and valuable function in the community. It assists in many areas when unusual events or disasters occur. It does rescue work in situations where a drowning or suspected drowning has occurred or where people —hikers, for example—are lost. It has the control of specialized equipment that is capable of assisting in extricating people involved in motor car accidents. It has substantial responsibilities in the event of a major disaster, such as a bush fire, in cases where the powers of the Country Fire Authority do not extend to the responsibilities that have to be met. It assists in major road accidents that may involve the overturning of tankers carrying petrol or other inflammable liquids. In addition to those functions, it has a close liaison with the local disaster controller, whomever he may be, through municipalities, the Police Force and so on.

Despite the valuable functions it performs, the organization has grown up, rather than been developed. As I understand it, the service requires its functions, its powers and its responsibilities, as well as those of its officers and the volunteers who work within it, to be fully defined so that the people involved can carry out the acts they must carry out and be protected against any litigation that may follow.

I shall not go into the details of some of the more horrifying events in which the State Emergency Service has been involved, but I point out to honorable members that, in the case of a road accident in which a motorist is trapped by the foot in a motor car that is on fire, it may be that the only way to get the motorist out in time is to cut off his foot. In such a case the member of the service concerned could be sued by the motorist or, should he be badly injured and die, by his family. That is an untenable position, but such cases can and have occurred. The needs of the State Emergency Service must be met adequately and its powers and responsibilities must be adequately spelt out.

I understand some inquiries are being carried out at present and it may be that they are more advanced than I am aware of. I hope that is the case. A number of volunteers give freely of their time and talents, often performing the most distressing and unrewarding tasks, and it is up to the Government and Parliament to ensure that these people are properly supported, secure and equipped. It is my view that the equipment of the service is probably adequate for its responsibilities at present, but I am not certain about the legislative protection. I draw the attention of the Government to this important matter.

The next item with which I shall deal is referred to under the heading of "Health". Five items come within that area, they are health administration, public health, hospitals, mental retardation and mental health. The Bill

authorizes the expenditure of $186 million on those five items. This is an emotive issue and one to which the Government, quite properly, gives substantial consideration and a substantial priority. However, at present there is concern about the escalation of health costs and confusion in the minds of many people about the operation of health services, including health insurance.

One of the reasons for the confusion in the public mind may well be the apparent philosophical difference between the way in which the health needs of the community, particularly in the area of hospitals, are approached by the State and Federal Governments. On the one hand, the Federal Government, after the traumas involved in the introduction of Medibank in 1972, the various systems that have operated since, and the grinding changes that have occurred fairly recently, now appears to have taken the view that every possible incentive should be given to encourage people to look after themselves by taking out adequate protection. This is a laudable aim. On the other hand, the State Government appears to have adopted the philosophy that everyone in the community must have access to proper medical care. That is also a laudable philosophy.

However, in the difference between the two approaches, and bearing in mind that both Federal and State Governments have responsibilities in this area, many of the people who take out private health insurance believe the amounts they pay to take out that insurance are being increased because of factors over which they have no control.

As I understand it, the person who has no insurance, particularly in country hospitals, generally receives hospital accommodation that is as good as that provided for the person who is insured and who meets his own costs. Therefore, there is a real disincentive for people to take part in health insurance schemes. That is instanced by the press reports that have recently been published showing a substantial reduction in the number of people who are insuring themselves against health risks. I have seen indications of the enormous reduction in the number of people who are now carrying health insurance cover. I understand that by the end of the year the number of people who carry this benefit could be as low as only one in every two in the community.

What is also occurring is that hospitals are providing many services beyond that of simply accommodating sick people in a bed and caring for them. The hospitals are offering a specific teaching function for resident doctors, nurses and a variety of other services within the community, including services for long-term patients and day hospital and health care services through the community. A substantial portion of that cost is weighted against those people who carry private health insurance to meet the costs of hospitals.

These areas need close attention and co-ordination between State and Federal authorities otherwise there will be a further run down in health services in Victoria leading to more confusion and there needs to be a passing over of the costs from the private individual to the community at large. I shall expand a little on that area, and make some suggestions on perhaps how the problem may be overcome, at least to some extent. If private individuals are to continue carrying their own private health cover, it is obvious that some of the responsibility for the additional costs which I have mentioned—that is the training facilities and so on—needs to be borne substantially by the community and not become a load on the cost of providing a hospital bed.

One could go through each item separately and make comments on each. Honorable members would have some views on this very important matter, the expenditure of public funds. At various times I and other members of the National Party have examined and made comments on the majority of the items contained in the Bill. I do not propose to do so tonight as it would be unnecessarily taking up the

time of the Committee, but the two areas I referred to, State Emergency Services and hospital costs, are relevant and ones on which I felt I should make a contribution tonight.

I indicate that the National Party supports the Bill which is its custom when a Supply Bill is under consideration.

The Hon. H. M. HAMILTON (Higinbotham Province)—I want to make a few remarks about some of the items of expenditure set out in the details of the Bill. With your permission, Mr Chairman, I should like to take the items out of the order in which they are listed because that will provide a better sequence for the remarks I wish to make.

I begin with the Treasury. Initially I support the comments made by my colleague on the inadequacy of the information which is provided to honorable members in examining this important document. In the future I hope more attention will be given to this aspect of the Bill.

You would be aware, Mr Chairman, that over many years I have sought additional information on some of these matters and since my colleague, Dr Foley, entered the Parliament, he has also emphasized this need. Perhaps in the near future his advice will be accepted.

The Hon. E. H. WALKER (Melbourne Province)—On a point of order, Mr Chairman, might I remind you that on a previous occasion when my colleague, Mr Mackenzie, was making similar comments in Committee, you indicated that he could not continue in that vein at that stage.

The CHAIRMAN (the Hon. W. M. Campbell)—Mr Walker is correct and has beaten me to the punch. I was about to suggest to Mr Hamilton that I do not mind a passing reference being made to something that should have been covered during the second-reading debate. It would be quite wrong to deal with the over-all aspects of the Bill at this stage—that should have been done at the second-reading stage. In Committee, honorable members should deal with specific points of Government expenditure and I ask Mr Hamilton to restrict his remarks to those matters.

The Hon. H. M. HAMILTON (Higinbotham Province)—With respect, Mr Chairman, item 400 refers to Treasury and I was dealing with the function of the Treasury. I cannot see that my remarks do not affect the function of the Treasury and if any honorable members can point out how they do not do so, then I will gladly accept that I am out of order, but I am referring to the Treasury and the function of the Treasury.

The CHAIRMAN—I agree with Mr Hamilton on that matter.

The Hon. H. M. HAMILTON—I have said all that I wanted to say on that aspect. I now intend to move to another function of the Treasury, a function which has been assuming greater importance as recent events have emerged, that is, trying to secure for the State of Victoria justice in the distribution of revenue.

I am aware that the Treasury has prepared a submission on this matter. It may be of interest to the Committee to learn that I have taken out some figures which relate directly to the ability of this State to underwrite its expenditure. It transpires that the *per capita* income of Victoria, in direct State personal taxation and reimbursement under the income tax reimbursement scheme, amounts to roughly $550 a head of population. If one checks that figure with the other States, one will find that the figure varies from $550 to $650 a head of population. Yet, when one examines the details, one finds that Victoria's reimbursement amounts to $259 million whereas State taxation totals $297 million. In other words, Victoria is the highest taxed State in the Commonwealth.

For instance, the State of Queensland is reimbursed to the extent of $361 a head of population and the level of State taxation is only $189 a head of population.

Listening to honorable members who have preceded me, I have noted that most of them have made requests for

additional expenditure. If Mr Eddy's comments last night were analysed, he probably requested expenditure totalling something like $100 million on hospitals, police, courts and so on. Victoria cannot underwrite that amount of expenditure under the present terms of reimbursement. I urge the Treasury to renew its efforts to secure justice in this matter.

The second point I refer to briefly relates to specific purpose grants, particularly in relation to the funding of roads which comes under the item of transport. It has been the practice of the Commonwealth for many years to allocate certain funds to the State for its roads programme. In doing so, it expressly provides that a certain percentage is expended on particular projects. For instance, last year the Commonwealth directed that out of an allocation of $113 million, an amount of $33 million should be allocated to works on the Hume Highway and the Western Highway. This underlines the difficult position in which the State is placed and illustrates the unsatisfactory nature of specific purpose grants which distort the State expenditure pattern and determine for the individual States the direction of their own expenditures.

If we are to get a bit of common sense into the conduct of our public transport system, Victoria needs more money and the only way we can obtain additional funds is to receive grants from the Commonwealth, particularly from the excessive funds that it has been collecting from road users. However, Victoria must receive untied grants to enable it to develop its road and rail systems, in fact, the whole gamut of its public transport system. This is probably one of the most important problems confronting the State in determining its expenditure in the current year.

I turn to one or two specific matters which have cropped up in recent weeks. I mentioned one to the Minister of Education a couple of nights ago relating to administration of education policy. Last week it was drawn to my attention that in one particular school it is laid down that students should study needlework and woodwork as compulsory subjects, irrespective of sex. As a result of the boys attending needlework classes, the conduct of those classes has been turned into a shambles and the girls attending woodwork classes have done little better.

It is beyond my comprehension how any principal could be so stupid as to require boys to study needlework against their will. By contrast, at the same school, the study of geography and history are elective subjects. I do not know what can be done about the position. I know that Government policy is to give a certain amount of freedom to schools to determine their own syllabus and related matters, but I am sure that if a principal goes to those lengths, there is something wrong. Perhaps he should be the assistant to the "sweeper-up" in the Ararat mental asylum—that is about the limit of his capabilities!

I turn now to police and emergency services and refer to a couple of episodes which probably affected other honorable members over the past few weeks. On two occasions it has taken me an hour to travel along Punt Road from the St Kilda Junction to the Punt Road Bridge. On the first occasion a truck had broken down in Punt Road near the Richmond railway bridge. On the second occasion there had been fairly heavy rain on the Tuesday—that is last week—and water was over the intersection of Punt Road and Swan Street.

The result was that more than 1000 vehicles were banked up along Punt Road, according to my estimate. That represented a waste of energy and loss of time, and the economic loss to the community was enormous. However, if one or two policemen had appeared and taken charge of this traffic hold-up, I am sure they could have sorted out the problem in no time.

I ask that the Police Department set up an emergency procedure to deal with traffic hold-ups as they occur and this would also be in the interests of the conservation of energy. This service is essential and will provide an

economic saving to the community in return for the cost of the time provided by a few policemen on the task.

In the same vein, Melbourne must be the only major city in Australia which does not have a controlled and co-ordinated traffic control system. With the shortage of liquid fuel developing throughout the world, if our traffic intersections are properly controlled we could save enormously in the use of fuels. Probably one of the reasons why Melbourne does not have a co-ordinated system is that it is favoured with wide streets which normally carry the flow of traffic fairly well. By contrast, Sydney, with its narrow streets, some of which wind about a bit, has a far better system of traffic control. The points where concentrations of traffic develop are quickly cleared by the use of manual controls in some cases or, in other cases, by the use of automatic controls from the traffic control centre. The time may be ripe for Melbourne to adopt a similar method which should extend over a fairly wide area.

Unfortunately, the Government did not proceed with the proposal to construct a ring road and most of the through traffic has to travel through the city itself. That brings me to another problem. The Melbourne City Council is toying with the idea of installing a mall in Bourke Street. Quite apart from the advantages and disadvantages to shoppers and so on, the proposal has one enormous disadvantage from the transport point of view in that it concentrates traffic in Collins Street to an intolerable degree. There are times when it is not possible to avoid delays, but these delays are unacceptable in a modern society, quite apart from the savings in fuel. I suggest that the points I have raised should be carefully considered.

Finally, I wish to talk about Parliament and the conduct of this House. As one of the longest serving members of this House, the matter has disturbed me for a considerable time. This House is conducted more or less according to the procedures of the Westminster system. There are conventions and rules which are followed both in the conduct of debate and in the general running of the House.

One of the provisions in Westminster which is notable is that insufficient seating accommodation is available for all members. The reason is that the leaders of the British Parliament were only too well aware that the duties of a member often lie outside the House and there was therefore no need to provide accommodation for them within the House.

I wish that certain members of Parliament would take note of that fact when they attempt to score personal points by pointing out that member A and member B are not and have not been present in the House. Honorable members who use this type of personal attack are unaware of the history and traditions of Parliament and are indulging in cheap political point scoring of a personal nature.

The CHAIRMAN (the Hon. W. M. Campbell)—I cannot understand how the comments of Mr Hamilton are related to the expenditure of Parliament. He is dealing with the procedures of the House. If he were dealing with the problems of accommodation and other matters of a Treasury nature, his comments would be relevant to the Supply Bill, but he is now dealing with the Westminster system which is not a matter relating to Supply.

The Hon. H. M. HAMILTON—Item 100 relates to the Legislative Council. I am talking about the conduct of the Legislative Council.

The CHAIRMAN—I inform Mr Hamilton that that has nothing to do with Supply.

The Hon. H. M. HAMILTON—It has a great deal to do with the conduct of the House, but I accept your guidance, Mr Chairman. I will refrain from further comment as I think I have made my point, which I hope will be accepted.

Naturally I support the Bill. As Mr Evans said, one could talk about the individual items all night because there are many problems in the community which additional expenditure could rec-

tify. However, money is not available, so there is no point in discussing them. I support the Bill.

The Hon. D. K. HAYWARD (Monash Province)—I refer to items 100 and 106 which relate to the Legislative Council and the Parliamentary Library. During the ten months I have had the honour to be a member of this House I have been amazed at the difficulty in obtaining information about the operation of government. As honorable members are aware, government is the biggest business in Victoria and an indication of that is that more than 250 000 people are employed in the public sector. Of course government is immensely complex and difficult and it proves a massive task to completely monitor and control all aspects of it.

Professor Anthony King, in a BBC television programme entitled *Why is Britain becoming harder to govern?*, on the problem of Government overload, stated:

> Politicians used to decide, or at least believed they were deciding, now they merely grope.

To a large degree in respect to this Supply Bill that is what we have been doing—groping for information which is not available. This raises the question of the effectiveness of Parliament in the budgetary review area and the relevance of this debate in the Committee stage where, I presume, the Committee will approve of the expenditure of $1300 million.

The CHAIRMAN (the Hon. W. M. Campbell)—I believe what Mr Hayward is dealing with now should have been dealt with during the second-reading debate. When the Supply Bill is discussed in Committee, honorable members must refer to matters relating to the table attached to clause 2. If Mr Hayward wishes to continue I ask him to continue with matters specifically relating to the details contained in the table attached to clause 2 of the Bill and not deal with the principles which apply. Since Mr Hayward began his speech he has been dealing with principles.

The Hon. D. K. HAYWARD—If I may indicate my intentions, I wish to speak specifically about item 106—Parliamentary Library—the expenditure involved and the need for additional resources. My remarks to this point have been in the nature of a preamble. The purpose of my remarks has been to indicate the difficulty in which honorable members find themselves in obtaining information and how I believe additional resources for the Parliamentary Library would help to alleviate that difficulty. May I move towards that point, Mr Chairman.

The CHAIRMAN—I do not believe Mr Hayward is moving towards the table at the moment, but he is getting closer. I am prepared to allow Mr Hayward to go further.

The Hon. D. K. HAYWARD—If I may express it in these terms, I believe the dominant political question in the 1980s is how to come to terms with rapidly increasing demands on expenditure for Government resources. Supply provides for the expenditure of $1300 million.

The CHAIRMAN—Mr Hayward is now making a second-reading speech because he is dealing with the principles of the Supply Bill and not the details as listed in the table attached to clause 2 of the Bill.

The Hon. D. K. HAYWARD—Perhaps I could speak about the individual amount available for the Parliamentary Library.

The CHAIRMAN—Yes, that is all right.

The Hon. D. K. HAYWARD—Item 106, Parliamentary Library, provides for $111 900 for salaries and $17 500 for general expenses, a total of $129 400. What is happening to that money? The Parliamentary Library and the Legislative Reference Service in particular, is admirable as far as it goes. The staff are hard-working people who try their best to help members of Parliament.

I sometimes think the senior reference officer cringes when he sees me walk through the door with a certain look in my eye. There is an im-

balance between the amount of information and resources which are available to the executive and the bureaucracy and that which is available to poor back-benchers. It does not matter what side of the Chamber on which the back-benchers sit.

Knowledge is power and the bureaucracy has that knowledge. One of the founders of the American Constitution, Mr Madigan, made a statement that "Knowledge will always govern over ignorance". Perhaps that is what bureaucrats think. They keep back-bench members in the dark, keep the knowledge and govern. Sometimes there is a wealth of information in sections of the Government that other sections of the Government do not know about. That results in added duplication.

I return to the question of the Parliamentary Library. At times when I sit in this Chamber, I wonder about the relevance of members of Parliament. When the Supply Bill for $1300 million is passed I suggest that each honorable member should ask himself whether he has really examined and monitored the Bill and how he can check whether the proposals are effective. It is related to information.

It does not matter which item, whether it be item 106 or 504, one refers to if one does not have knowledge. That is where the Parliamentary Library can help. More resources are needed. In the Federal sphere, research assistants are available. The Victorian Parliament should have research assistants but whether it would be possible to get the required money to provide research assistants is another question. The Library could do more for the members in the research field.

The libraries of other Parliaments provide legislative reference services which are different from the service available in Melbourne. Those services are backed up with electronic data processing facilities. These libraries not only refer honorable members to individual documents, papers or books, but can provide a printout of material and, in some cases, a position paper. Honorable members know what happens with position papers in Canberra.

That does not detract from the fact that a legislative research service would help members of Parliament to fulfil their role more effectively. More money should be provided for the Parliamentary Library, which could be devoted to providing an effective legislative research service.

Honorable members know the situation in the Parliamentary Library. One problem is lack of space. It is difficult to find anything when books are on the floor and goodness knows where else. What are the objectives of the Library? It is nice to have valuable, historical documents and a lot of recreational reading; but basically the Parliamentary Library ought to be devoted to the provision of background information to help honorable members to do a better job on this Bill than they are doing tonight. That will require more money, more space and effective electronic data processing. This is a critical matter and one which should not be allowed to lapse. I will keep at it, whether in the Committee stages or the second-reading stages or any time!

The Hon. H. G. BAYLOR (Boronia Province)—As near as I can, Mr Chairman, I wish to refer to the item dealing with the Ministry of the Arts. I reiterate that there is a certain amount of guesswork in this because I am not at all sure the item I wish to raise in connection with the Ministry of the Arts is in fact included in that item of expenditure. In the absence of other information, I am guessing that it is.

The Hon Haddon Storey—If it is not, it should be.

The Hon. H. G. BAYLOR—Presumably it is. I refer to library subsidies and the fact that they were not raised in the last State Budget. Dire consequences to the very good library service of the State have resulted. For a number of years, subsidies have kept in line with costs but they were not increased in the last Budget.

In last Tuesday's issue of the *Knox News* an article under the heading "Library is in heavy debt" stated, *inter alia*:

> An auditor's report has drawn attention to a $92 391 overdraft incurred by the Knox-based Eastern Regional Library Committee and a deficit of $20 878 for the past financial year.

It is a matter of some concern because it is not only regional libraries that are affected. I am quite sure library services throughout the State including a lot of country library services are also affected.

Some subsidy increase is necessary this year, and an increase at least in line with inflation is necessary even to keep pace with current rising costs. The Government has done a good job over the years in building up the standards of libraries in Victoria, and they now receive a lot of use by the community. They are branching out into all sorts of areas such as audio-visual, cassette tapes, records and picture libraries and goodness knows what, and libraries have become a most valuable facility and an educational asset. It is a great pity that, although we all appreciate the constraints the Treasury has had placed upon it by various cutbacks in Commonwealth funding, in the process of deciding their priorities, the Treasury and the Ministry of the Arts have found it necessary to cut back on the funding of libraries.

I make the plea that this matter be taken into account and examined closely when the next State Budget is being formulated so that a more realistic subsidy is granted for municipal library services for the next financial year.

The Hon. Dr FOLEY (Boronia Province)—To extend my remarks of last evening, I direct the attention of the Committee to the item dealing with education administration. Last evening in discussing the Supply Bill and in making reference to this item, I said that the Bill was an insult to the intelligence of any responsible member of this Chamber. I should have added that it is an even greater offence to the integrity of a House that purports to have a review function, even if that is not its primary or its sole function. Then again as this House does not seem to have a review function, perhaps that is not important.

To return to the item, I quote again from the second-reading notes where the Minister stated:

> During the debate on the Supply Bill for the 1979–80 financial year the question of the meaning of these classifications of expenditure was raised. The classifications of salaries, general expenses and other services are used in the table because they equate to the subdivisional headings used in the annual Appropriation Act for each division.

The CHAIRMAN (the Hon. W. M. Campbell)—The honorable member is again dealing with the principles of the Bill, which should be dealt with during the second-reading debate. When a Supply Bill is in Committee, honorable members are expected to speak specifically to the items listed in the table attached to clause 2 of the Bill, not to speak on the principles of the Bill but specifically to the expenditures listed in the table attached to clause 2.

The Hon. Dr FOLEY—Thank you for your guidance, Mr Chairman. I was aware of that stricture and I hoped that I was adhering to it. This is by way of a prefatory remark and I had but another sentence to complete that. Then I shall return directly to the area that you would wish me to comment on, the specifics of clause 2. Referring back to that quotation, the second-reading notes continued:

> By reference back to this Act honorable members can obtain full—

I wanted to emphasize "full"—

> details of the types of expenditure which will be incurred by the various departments.

That, with the greatest respect, is not true. Honorable members do not know that from the 1979–80 Act which I, like the Minister, have examined. Honorable members know from the Act how the funds for the full twelve months are to be dispersed but they have no idea how the funds appropriated under item 301 are expended, other than the amount of $7·6 million under the heading of salaries.

The CHAIRMAN (the Hon. W. M. Campbell)—The honorable member is dealing with the principles of the Bill,

not with the specific matters listed in the table attached to clause 2. I do ask him to be specific and to speak to the expenditures which have been created for each of the divisions listed in that table and to make his comments specific to the expenditure which has been allocated to each division in the table, not on the general principles and layout of the Bill.

The Hon. Dr FOLEY—Mr Chairman, I am very specifically referring to clause 2. The item in front of me deals with education administration. I have just referred specifically and directly to the item of salaries, $7·6 million. As I read clause 2 of the Bill, I can understand, and honorable members can all appreciate, how that sum of $7·6 million will be dispersed; and it is important to the interpretation of the clause to determine how these funds are to be dispersed. That category of salaries is relatively clear, although honorable members do not know into what various grades those salaries will be paid. However, I am not quibbling about that. I find that a satisfactory explanation.

The next item listed is allocated $20·613 million and I am suggesting to the Chamber that, contrary to the statement in the second-reading notes, honorable members are not able, either from the Bill itself or from the document to which the Minister refers, to determine the full details of that proposed expenditure. Honorable members are not able to determine how that sum will be dispersed.

The CHAIRMAN—If the honorable member continues along that line, I will have to rule him out of order on the Committee stages of the Bill.

The Hon. Dr FOLEY—Mr Chairman, I have probably made the point I wanted to make so I shall not proceed further along those lines. I support the Bill but I stress my dissatisfaction with the information provided in it. The Bill reduces members of this Chamber to ciphers and I find that situation unacceptable.

The Hon. D. N. SALTMARSH (Waverley Province)—I wish to speak to the item dealing with State development, decentralization and tourism as included in clause 2 of the Bill. At least I think that is the item. The issue I believe is important to raise relates to the Small Business Development Corporation. Despite the fact that this document does not really explain whether the Small Business Development Corporation actually exists within this designation, honorable members know that it does. That highlights the point a number of honorable members have been attempting to make throughout this debate, that additional information is required for rational decision-making processes. That point cannot be made too strongly.

The type of document honorable members have in front of them is the bureaucrats' security blanket, isolating them and their departments from effective public accountability, and that is serious. Governments and the Parliament within society have a special role in assisting public accountability. In speaking about that and raising the issue of small business, there are important matters that honorable members should be able to identify in information. This is a Supply Bill for five months, but it does require that there be information communicated to the community.

I make the point that that type of information ought to be available so that honorable members can pick the Bill up, follow it through and help to understand the levels, the extent and the nature of expenditures——

The CHAIRMAN (the Hon. W. M. Campbell)—The honorable member is doing precisely the same thing as was done by Dr Foley. If he continues in the present fashion, I must ask him to resume his seat.

The Hon. D. N. SALTMARSH—I believe I have made the point again. I am concerned that members should be focussing in this item on a specific problem outlining the difficulties confronting the small business community.

The Hon. HADDON STOREY (Attorney-General)—Many members have spoken during the course of the debate

on the Supply Bill and during the Committee stage and a number of them have mentioned specific items in the Bill. Other honorable members have dealt with matters in a more general way on the nature of the whole exercise. I assure all honorable members that their comments will be referred to the relevant Ministers for consideration.

The Hon. B. P. Dunn—Is that actually done? I know it used to be but we do not see evidence of this now.

The Hon. HADDON STOREY—I am sure it is done. In the case of Bills that I handle for other Ministers I ask my staff to write to each of the other Ministers and inform them of the points raised and I shall do the same on this occasion.

The Hon. B. P. Dunn—The Ministers used to reply as well.

The Hon. HADDON STOREY—I shall make a note of the comment and pass it on to the other Ministers. It is an important part of the exercise of a Supply Bill that relevant Ministers and Government departments take note of what members have to say on the various items raised. I will certainly facilitate that in this case.

I shall now refer to the matters raised by Dr Foley and other members about the presentation of the Bill because I believe there is another side to the picture that ought to be stated to balance the position. As honorable members know, the financial provision for any year is embodied in the Appropriation Bill and that is the Bill which sets out the detailed break-up of the way in which grants are proposed to be expended during the course of the year. For technical reasons normally an Appropriation Bill is not passed until some months into the financial year. It is necessary to have a Supply Bill to enable the business of the Government to be continued until such time as the Appropriation Bill is passed. If the Appropriation Bill is passed before the five months covered by the Supply Bill has expired, the Supply Bill ceases to operate and the Appropriation Bill takes over. So, it is simply a measure designed to enable the business of Government to continue until, in the ordinary course of events, the Appropriation Bill can be passed.

Also, it is a convention and one that is stated in the second-reading speech, in this case, that the Supply Bill is only to continue policies of the Government already established in the Appropriation Bill. It does not raise new questions on policy; it simply enables the continuation of that expenditure on the policy which has been approved by Parliament in the passing of the Appropriation Bill. The second-reading speech makes it quite clear that no provision is made in the Bill for any new policy decisions. It also makes it clear that the table which is set out uses the same classifications as are used in the annual Appropriation Act so that honorable members can pay reference to these headings if they wish to and refer to the annual Appropriation Act to ascertain the items covered under those headings.

The Hon. H. M. Hamilton—That is not a document dealt with in this House.

The Hon. HADDON STOREY—The House has already dealt with it.

The Hon. H. M. Hamilton—That is a document of the Assembly, not the Council.

The Hon. HADDON STOREY—The Appropriation Bill comes to the Council and is dealt with in the House. It was dealt with in the last sessional period. Dr Foley said that a statement in the second-reading speech was untrue. I believe the statement made by Dr Foley was unfair.

The Hon. Dr Foley—Not accurate.

The Hon. HADDON STOREY—I think it was inaccurate and, for that reason, unfair. It was inaccurate because the statement said nothing to the effect that the Bill sets out the individual manner in which the funds are to be expended each year which was the point Dr Foley went on to make. I noted Dr Foley's words that it does not show how the funds are expended. If Dr Foley did not say that I must have misheard.

The Hon. Dr Foley—I did say that.

The Hon. HADDON STOREY—I point out that the second-reading speech does not say any such thing. It does not say one will find how this amount will be expended.

The Hon. Dr Foley—It does say full details.

The Hon. HADDON STOREY—It does not. The statement was:

> The classifications of salaries, general expenses and other services are used in the table because they equate the sub-divisional headings in the annual Appropriation Act for each division.

I believe that to be true. The second-reading speech further states:

> By reference back to this Act, honorable members can obtain full details of the types of expenditure which will be incurred by the various departments.

I believe that is also true. If Dr Foley reflects on the comment made in the second-reading speech, he will find it is quite accurate in what it does. It does not say how particular funds will be expended. So I say, in a spirit of charity, that Dr Foley's statement was inaccurate and therefore, to that extent, unfair.

The Hon. Dr Foley—You are right.

The Hon. HADDON STOREY—Dr Foley now concedes that after careful examination of all the points made in the second-reading speech. The information set out in the Bill is more detailed than I understand has been the case in previous Supply Bills and is certainly more detailed than that provided in any other State Parliament in Australia. The Supply Bills of the other States—I will not bother to go through them all in detail—in most cases simply set out a sum under a particular heading. They do not break it up in the way the amounts are broken up in the Bill. They do not have an explanatory table which sets out the details set out in the explanatory table. They do not break up amounts between Government departments. Taking the New South Wales Supply Bill dated 12 September 1979, as an example, it merely states, "Consolidated Revenue Fund, $516 million".

However, in the Supply Bill of the Victorian Parliament the figures are broken up between the different departments and then broken up again between salaries, general expenses and other services. I say this despite the criticism made by various members about what ought to be in the Bill because the Bill goes further than any other Supply Bill in the State Parliaments of Australia in providing information to honorable members.

The Hon. Dr Foley—Do you believe it is adequate for the needs of the House?

The Hon. HADDON STOREY—If Dr Foley likes, I am redressing the position and showing that the Treasurer, in the Supply Bill, has set out to provide more information than has been provided in the past. If honorable members do not consider it is enough it is their right to say so. I think credit should be given to the Treasurer for the information that is provided in the Bill which is an endeavour to meet the criticism made in the past. To provide further detail—and I am subject to debate on that—would really involve having another Appropriation Bill. It would have the same detailed description of expenditure of funds which is set out in the annual Appropriation Bill. Whether that is a desirable matter or not is a matter for the members of the House to judge. However, that is what it would come to.

The Hon. D. N. Saltmarsh—Should we have more flexibility in budgeting areas?

The Hon. HADDON STOREY—The provisions set out in the Bill, by reference to the headings that are set out in the Bill, should be referred back to the Appropriation Bill for the further subdivisions indicating the areas in which the moneys are to be expended. It is accompanied by the statement to enable the business of the Government to go on until the next Appropriation Bill comes in and there is no change in policy. I do not believe it is beyond the wit of any member to speak on any individual item of Government expenditure. What honorable members would not obtain from the

Bill is a precise amount for the five months of that particular governmental function. However, honorable members already have that information in the annual Appropriation Bill; the amount that is set aside for the twelve months to that item of Government expenditure. The second-reading speech makes it plain that there is no change of policy embodied in any part of the Bill. I make those comments because there has been trenchant criticism of the Bill during the second-reading debate and also during the Committee stage.

The Hon. W. V. Houghton—The extra information has not led to a different debate, has it?

The Hon. HADDON STOREY—That is true. It needed to be pointed out that the Bill does supply more information than it has done in the past. It supplies more information than can be obtained from any other State Parliament. I mention the State Parliaments because I do not know the situation with the Commonwealth Parliament. The Supply Bill does not represent any policy change and therefore it is possible for any honorable member to speak on any individual item in terms of policy in the way some honorable members did when they adverted, for instance, to the Parliamentary Library and other items. I thank all honorable members for their contributions and will make sure that the information is passed on to the relevant Ministers.

The CHAIRMAN (the Hon. W. M. Campbell)—I remind honorable members that the reason why the Minister was speaking on the principles of the Bill during the Committee stage was that the honorable gentleman has the right, in Committee, on clause 2, to answer any queries which have been raised by any honorable members during the second-reading debate and during the Committee stage. That is why the Minister was not called to order when he dealt with the Bill in that way.

The clause was agreed to.

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

ADJOURNMENT

Live sheep exports—Collisions with roadside poles.

The Hon. A. J. HUNT (Minister of Education)—By leave, I move:

That the Council, at its rising, adjourn until tomorrow, at eleven o'clock.

The motion was agreed to.

The Hon. A. J. HUNT (Minister of Education)—I move:

That the House do now adjourn.

The Hon. D. E. KENT (Chelsea Province)—I raise a matter for the attention of the Minister for Local Government, representing the Minister for State Development Decentralization and Tourism. The Minister has expressed his keen desire to see the development of processing works and industrial activities expanded at Portland. In view of the widespread attitude of Government supporters that sanctions should be imposed on Iran and other countries unfavourably disposed towards Australia's ally, the United States, will the Minister take steps to ensure that the proposed loading of sheep on a ship at Portland is not allowed to take place next week? Will he ensure that port facilities at Portland are not made available for that purpose?

The Hon. R. A. MACKENZIE (Geelong Province)—I raise a matter for the attention of the Minister for Local Government, representing the Minister of Transport. It concerns the attitude of the Victorian Government on the problem of traffic collisions with utility poles. I refer to the report of the Road Safety and Traffic Authority of the Ministry of Transport which was presented in February 1979. It indicates that about one in ten urban road accidents in Victoria result from a collision with a pole. I suppose they would be State Electricity Commission and telegraph poles. In the State of Victoria primary collisions with poles in 1976 resulted in 54 fatalities and 813 non-fatal injuries. Does the Government intend to take action on the recommendations of the report, which include the installation of break-away or wrap-around poles, luminaire sup-

ports, underground conductor cables and the requirement that poles be placed at least 3 metres from the roadside?

This situation has been brought to my attention by several people in the province I represent and a new subdivision in Geelong which has many hills, curves and poles. Can the Minister for Local Government say whether local councils have any power to insist that developers place all new installations of State Electricity Commission cables underground and whether they will have the authority to do that when the permits come up for approval of the council?

The Hon. D. G. CROZIER (Minister for Local Government)—Mr Kent gave the House a resume of the Federal Government's policy on Iran, but he omitted to add an important qualification—an exemption which applies to food products and medical supplies. As the live sheep trade clearly belongs in one of these categories, I inform Mr Kent that it is certainly not the intention of the State Government to inhibit, in any way, the live sheep trade unless the Federal Government's trade bans on Iran are extended to include food items and medical supplies.

In addition, the loading of live sheep scheduled for early next week will not be prevented by the State Government but will continue, in conformity with the policy of this Government, not only to assist in legitimate trade, but also to promote export trades. The live sheep trade, apart from being a most valuable trade to primary producers of the nation, is also a useful export trade. The action by the Australian Meat Industry Employees Union which is, one suspects, somewhat aided and abetted by certain abattoir proprietors for reasons which have been canvassed outside this House and are not too difficult to determine, is, in my view, totally reprehensible and has no bearing on the Federal Government's policy on Iran.

Mr Mackenzie raised the matter of the danger of State Electricity Commission and other roadside poles. I am indebted to Mr Dunn, who is a member of the Road Safety Committee, for advising me on the matter and reminding me that it is currently before the committee. The Government will consider the recommendations of the committee with a view to endeavouring at least to minimize traffic hazards imposed by roadside poles.

The suggestion that local government authorities have the power to require mandatorily a developer to remove overhead poles and place the facilities underground is a matter that I will investigate. I will provide Mr Mackenzie with a written answer on the matter.

The motion was agreed to.

The House adjourned at 12.8 *a.m.* (*Thursday*).

Legislative Assembly

Wednesday, 30 April 1980

The SPEAKER (the Hon. S. J. Plowman) took the chair at 2.5 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

CHERNOV REPORT

Mr WILKES (Leader of the Opposition)—Did the Minister of Housing advise the Premier of his decision, after consultation with the Attorney-General, to delete sections from the Chernov report that was made available in confidence to the solicitors representing Co-operative Farmers and Graziers Direct Meat Supply Ltd? If he did not, why not, particularly bearing in mind that the Premier had earlier informed the House that the report would be made available to the solicitors without any such deletion?

Mr DIXON (Minister of Housing)—The Premier, the Attorney-General and I had a discussion about this matter and the fact that I, as Minister of Housing, should write to Co-operative Farmers and Graziers Direct Meat Supply Ltd. Within that letter would be

contained certain conditions which would require acceptance by the co-operative before that report would be received. One of those conditions was that the matters which were peculiarly relevant to the trial concerning Mr Smart were to be deleted. That letter was duly sent. It was not confirmed with the Premier that that was what occurred. The Premier was aware that it was my intention to send such a letter and that we would request Co-operative Farmers and Graziers Direct Meat Supply Ltd that the matter would in fact be received under those conditions. That was duly undertaken and proceeded with and everything occurred in the way in which I have described. However, the Premier had not been informed that the event had taken place in the way in which it has been described.

EXPENDITURE OF GOVERNMENT DEPARTMENTS

Mr ROSS-EDWARDS (Leader of the National Party)—I address a question to the Treasurer. Will the Treasurer consider at some date soon after 30 June 1980 releasing the details of the estimated expenditure of various Government departments for the current financial year, together with the actual expenditure by the departments?

Mr THOMPSON (Treasurer)—I am not sure whether the Leader of the National Party is referring to expenditure for the current financial year and the degree to which estimates met up with actual expenditure. I have not heard of that proposal before but it merits consideration. I shall be pleased to consider it and inform the honorable member.

PETROLEUM INDUSTRY

Mr COLLINS (Noble Park)—I direct a question to the Premier on behalf of the small independent petrol retailers and distributors in the State. Is the Premier aware of the current determined attempts by the oil companies to purge small independent operators completely from the retail petrol industry scene? If he is aware of these attempts, what steps are open to the Government to assist these small businessmen to redress the unfair price differentials with which they must contend and which, of course, are drastically affecting their profitability?

Mr HAMER (Premier)—The Government has always had the interests of small businesses very much at heart. It is aware that there are great discrepancies in the retail selling of petrol between the prices charged wholesale to these resellers, according to whether they are leasehold operators or proprietors or whether they have some other relationship with an oil company.

It is very difficult to assess, but it is quite obvious that a number of small businesses are prejudicially affected because they have to pay a lot more for their petrol than their competitors do.

The situation is serious and the Government is prepared, in the first place, to have discussions with the Victorian Automobile Chamber of Commerce, which represents the great bulk of petrol resellers, to ascertain what can be done to make competitive positions, attitudes and conditions more equal. I do not believe anyone would relish the inequality that exists at present. What the Government can do, either by itself or in conjunction with the Federal Government, it will do, and it will begin by having real discussions with the Victorian Automobile Chamber of Commerce.

CLOSURE OF SCHOOLS

Mr FORDHAM (Footscray)—In view of the widespread and marked concern of school councils, parents and teachers at the possible decision by the Government to close some schools without adequate local consultation because of declining enrolments, will the Assistant Minister of Education now give an assurance that such consultations will be had before any decisions are made —recent examples are the Latrobe and Richmond high schools—and a particular assurance that the proposed broad-based committee announced by the Minister late last year to inquire into and report on the impact of dwindling enrolments will be appointed and begin its study on this important matter before any decisions are made?

Mr LACY (Assistant Minister of Education)—In respect to the first part of the question, which relates to the closure of schools, the Parliament and people of Victoria must recognize that, with a massive decline in enrolments, the rationalization of physical resources becomes a fundamental responsibility of the Government. Proper procedures for effecting rationalization of resources in the interests of children—particularly at schools where enrolments have declined in the way they have at Latrobe and Waterdale high schools so that an effective six-year programme cannot be achieved and where the projections are such that the only solution for providing a satisfactory secondary curriculum is to effect some rationalization—must be achieved.

The consultation referred to by the honorable member has been developing since early this year and is now reaching the stage where it will be possible within a short time to announce a comprehensive set of procedures to cover the situation. I have studied the appropriate procedures developed by an education board in the State of Michigan in the United States of America. That State has taken significant initiatives in this area and has developed a sound approach. I have given instructions that those procedures be evaluated and, as far as the building function is concerned, appropriate procedures be developed for Victoria.

The committee referred to by the honorable member was announced by the Minister of Education, and I understand that the problem with the appointment of the committee, which would have been established long before now, is with its composition. The committee was intentionally designed to be small, and was to include a representative of teacher associations. The teacher associations were written to and invited to get together to nominate a person who could participate in the process. Although the situation may have changed recently, I understand that for some months the teacher associations have been unable to reach agreement on who that representative should be. As soon as that problem is resolved, I am sure the Minister of Education will be ready to announce the appointment of the committee.

CHERNOV REPORT

Mr HANN (Rodney)—In view of the fact that the debate on the Ministerial statement last week was adjourned to allow the Government time in which to consider tabling the Chernov report, can the Premier advise whether the Government has taken a decision to table the report and, if so, when, and whether the report will be tabled in its entirety?

Mr HAMER (Premier)—I expect to be able to answer that question tomorrow.

ALCOA SMELTER AT PORTLAND

Mr MACKINNON (Box Hill)—Is the Minister for Minerals and Energy aware of Labor Party claims that power to be supplied to the Alcoa plant at Portland is to be supplied at a price that is less than the cost of production? Will the Minister advise the House whether the power for Alcoa is to be supplied at less than cost? If not, what arrangements have been made regarding payment?

Mr BALFOUR (Minister for Minerals and Energy)—The State Electricity Commission has a full list of published tariffs that were worked out at the cost of supplying each particular class of customer. I will come to what the Leader of the Opposition suggests, by way of interjection, later in the day. This is not a Dorothy Dixer. One cannot compare the cost of power generation at an individual station with the pricing, because the type of load that is being used has to be taken into account, and in the case of Alcoa, with a 97 per cent load factor——

Mr Wilkes—96 per cent.

Mr BALFOUR—As far as I am aware it is 97 per cent. A tariff can be worked out that does cover the cost, and there are arrangements for the tariff to be increased from time to time as costs increase.

JUDGES AND MAGISTRATES

Mr GAVIN (Coburg)—In view of the disclosures in Federal Parliament regarding the potential conflict of public duty and private interest relating to the Chief Justice of the High Court of Australia, will the Premier give consideration to requiring that all Victorian judges and magistrates furnish particulars of their private interests in a public register?

Mr HAMER (Premier)—I have seen nothing in any matter that has come before any Victorian court that would justify that sort of action. The Government has never even considered it, nor has it had to consider it. There has never been a case in which this matter has been brought into any kind of question. Until that happens, the Government has no intention of considering it.

GEORGE STREET, DONCASTER

Mr WILLIAMS (Doncaster)—The Assistant Minister of Education will be aware that the East Doncaster Primary School and also the East Doncaster High School have served the educational needs of children in my electorate, and also his own. He will also be aware that these schools are built on a very dangerous sub-standard road, called George Street. Can the Minister assure me that the Education Department is fully co-operating with the City of Doncaster and Templestowe in having this dangerous road reconstructed, particularly in front of the schools, and I refer particularly to the East Doncaster Primary School?

Mr LACY (Assistant Minister of Education)—I am familiar with the problem raised by the honorable member. I have visited the schools in company with him to look at the particular problem about which he is concerned. For some time, the City of Doncaster and Templestowe has been attempting to arrange for the acquisition of a piece of the Doncaster East Primary School site to allow the road widening to take place.

On 22 April, Mr Neville Rohan, the Co-ordinator of Building Operations, wrote to the City of Doncaster and Templestowe and informed it that valuations were being obtained for that very small slice of land along the boundary of the school, but in the meantime the department is willing to co-operate to the fullest in giving the municipality access to that area of land so that work can continue.

SAFETY MEASURES FOR COMBAT SPORTS

Mr TREZISE (Geelong North)—The Minister for Youth, Sport and Recreation would be aware that in Victoria there are no controls over safety aspects associated with combat sports. There is control over boxing but another field in which safety controls should be introduced covers combat sports such as ju-jitsu, Kung-fu and Korean boxing. The honorable gentleman may be aware that last Sunday, at the Kew Town Hall, a competitor engaged in Korean boxing was penalized because he punched his opponent in the head when he should have kicked him—that is the rule in that sport. Similarly, now that we have licensed women boxers, will the Minister confirm that there is no medical adviser to his department who is prepared to guarantee that the protector that women wear on their breasts protects them from permanent damage from punches being inflicted on their body? In view of the two queries I have raised, will the Minister confirm whether these matters are under consideration and, further, what action will he take to introduce safety provisions to cover combat sports similar to the safety measures introduced for boxing?

Mr DIXON (Minister for Youth, Sport and Recreation)—That was an interesting insight into the background of the honorable member for Geelong North, that these are the matters he raised—I shall make no further comment on that aspect. The department has sponsored a Martial Arts Council of Victoria and one of the functions of the council is to promote an improvement in safety standards for practitioners. The department has asked its representatives on the council to advise on safety aspects, on the accreditation of instructors and whether any provision ought to be legislated for along the lines of the Professional Boxing Control Act. Until that advice is received, I am not really in a position to make any comment.

So far as women and their breastplates are concerned, the information we have received from the Sports Medicine Council, which has been providing the department with some advice on this matter, is that the plates do provide some measure of protection. In view of the honorable member's interest, I will have the matter taken up again and will inform him accordingly.

SPECIAL EDUCATION TEACHERS

Mr JASPER (Murray Valley)—Can the Assistant Minister of Education confirm whether it is a fact that on 16 March last the Minister suspended 54 transfers of teachers, who were in excess, to special education schools, most of which were located in country Victoria? Is it also a fact that the Minister cancelled all those transfers that involved ex-college graduate trainee teachers? Can the Minister inform the House what action he has taken to have those special positions filled within those schools with the appropriately-trained teachers, and also why the suspensions applied until 9 April?

Mr LACY (Assistant Minister of Education)—The first two items in the honorable member's question are certainly facts. With respect to the fourth item, the purpose of suspending the transfers until 9 April was to allow a period of three weeks for all those persons involved in the transfers, other than ex-college graduates, to be interviewed to assess their suitability for the positions to which they had been transferred and to also assess personal factors which may present difficulties to them if they were transferred to those positions.

As a result of that process, the net gain from the 54 proposed transfers was 13 teachers. These were subsequently appointed without any appeals being lodged against their appointments. At the same time, in the period to 9 April, the department undertook a survey of teachers in primary schools to ascertain which teachers held special education qualifications. It was discovered that 313 teachers held such a qualification but only 13 of them were in temporary positions and able to be readily transferred, other than using some provisions under the Act which would have created some industrial difficulties.

Those thirteen were all interviewed, but none were found to be suitable for appointment in regard to the criteria I mentioned before. However, 50 of them were people who had obtained special education qualifications and who had never served in a special education facility. It was considered that we should write to those 50 to invite them to take up those positions and offer special conditions with a view to maintaining their present appointments for them to return to later.

When it was realized at the beginning of the second term this year that we would be 600 teachers short in the Primary Schools Division as a result of resignations, deaths, transfers and so on, it was decided that the best course would be to employ additional teachers from the employment register. Two weeks ago I obtained the approval of the Minister of Education to employ an additional 60 teachers for special education facilities. Forty of the teachers on the employment register are teachers with special education qualifications. They were to be invited, first, to take up those positions, and if any positions remained, those with more than three years' experience in primary education were to be invited to take up the remaining positions.

The other matter that is related to this question and is important is the minus children's complex at Kew. A committee has been established with representation of the Public Service Board and the Minister of Health to try to resolve the appropriate staffing level and composition. I expect to receive a report on that matter shortly. I will be discussing it with the Minister of Health so that a joint decision can be reached on the staffing of that facility.

HOUSING COMMISSION ELDERLY PERSONS' UNITS

Mr BROWN (Westernport)—Is the Minister of Housing aware that the existing bed-sitting units constructed by

the Housing Commission create many inconveniences for their elderly occupiers? If the Minister is aware of this, will he give consideration to providing a better standard of unit for the benefit of elderly occupiers?

Mr DIXON (Minister of Housing)—In Victoria some 7600 elderly persons units have been constructed over a fairly long time, of which 5856 have been bed-sitters and 1752 have been one-bedroom units.

The question of whether some change should be made in the policy of the Housing Commission has been investigated, and it was decided that the additional cost of $2500 which is required to provide the extra bedroom is well worth while, and in future only one-bedroom units will be constructed for elderly persons; bed-sitters will no longer be built. Many elderly people in the bed-sitters to whom I have talked are very happy with those units. Nevertheless, there are very strong grounds for the additional expenditure of $2500 to upgrade those units, and therefore that policy will come into being.

I add that next year the Housing Commission still expects to build about 350 units. No reduction will be made in the number of units being made available as a result of that policy change.

PRIMARY SCHOOL STAFFING

Mr ROWE (Essendon)—I remind the Assistant Minister of Education of the Government's election promise to staff primary schools on the basis of one teacher for 21 students without qualifications within the life of this Parliament. In view of this firm commitment, why has the Government now decided to staff primary schools on the basis of one teacher for the first 26 students and only thereafter on the ratio of 1 to 21?

Mr LACY (Assistant Minister of Education)—That is not a new decision. That was the staffing establishment for some time until the last Budget, when the staffing establishment was reduced. A similar question to this was asked by a member of the National Party last week, and it was accurately answered.

In the 1979–80 Budget the Government reduced the staffing established for primary schools with an enrolment of up to 300 to one teacher for 22 pupils as the first stage of implementing an election promise which every honorable member in this House will realize applies to the course of this Parliament. I expect that further steps towards the objective of achieving staffing of 1 teacher for 21 students in primary schools will be achieved during the rest of the course of this Parliament.

The honorable member for Essendon is mistaken in the assumption upon which his question was framed with respect to 1 to 26 for the first 26 and then 1 to 23 thereafter because when one works it out over all schools the staffing establishments it averages out at 1 to 23 or 1 to 22 irrespective of whether one teacher is provided for the first 26 students or not.

AUSTRALIAN RULES FOOTBALL

Mr SKEGGS (Ivanhoe)—Has the attention of the Minister for Youth, Sport and Recreation been drawn to the Barassi programme for the promotion of Australian Rules Football? If so, will the Minister's department be in a position to assist in this plan to project the great Victorian code of football to other States?

Mr DIXON (Minister for Youth, Sport and Recreation)—I was most interested in Ron Barassi's comment that he believed a thirteenth League team should be established in Sydney. That proposal certainly has my support. Honorable members may not be aware that there is already one full-time administrator in Sydney, subsidized by the Australian Football Championships company and one full-time coach subsidized by the National Football League and the Federal Government. There are 1 million people in Sydney not committed to any particular code and I believe the Victorian Football League could do very well there.

I have asked the Junior Football Council and my department to give me some comments on the proposal by Mr Barassi. I propose writing to the Min-

ister of Education to ask him whether he would be prepared to take up with his New South Wales colleague some teacher exchange from Victoria into New South Wales. There is already a programme of Victorian football in the schools in New South Wales but I believe a teacher exchange programme could really assist and enable a Sydney team to win the Victorian Football League premiership.

NEWPORT POWER STATION

Mr STIRLING (Williamstown)—The Minister for Minerals and Energy would be aware that boiler firings are taking place at the new Newport power station and that some 100 boiler attendants and engine drivers are facing redundancy with the impending closure of the old station. As some 70 of the 100 employees have indicated that they wish to continue service with the State Electricity Commission, will the Minister give an assurance that jobs will be found for those 70 skilled personnel?

Mr BALFOUR (Minister for Minerals and Energy)—Some years ago the State Electricity Commission had a redundancy arrangement with the Trades Hall Council and in about 1972, when the Newport power station was to be built, that arrangement was upgraded to suit the time, with the expectation that the new station would be opening with its first unit in 1976. However, that did not happen.

I understand that discussions have recently taken place between the State Electricity Commission and the Trades Hall Council on behalf of the unions about redundancy and a guarantee was given that the men will be employed in the new station or re-employed elsewhere in the system. I think the Government will have to keep the Newport, Richmond and Spencer Street stations going for at least the next twelve months.

Today I could not give any guarantee on the matter, but I am sure that the State Electricity Commission and the Trades Hall Council will try to work out whatever is best for any men who want to stay on.

LIVE SHEEP SHIPMENTS

Mr McGRATH (Lowan)—I direct a question without notice to the Minister of Transport. In view of the fact that VicRail is transporting 15 000 sheep in each live sheep shipment to Portland from the Wimmera, the Mallee and lower New South Wales, will the Minister consider building facilities and sheep-yards at the railway yards in Portland?

Mr MACLELLAN (Minister of Transport)—I have not had this problem directed to my attention. However, I shall investigate the matter—although there would be a temptation to name the yards the Wally Curran memorial yards!

OVERSEAS MARKETS

Mr KENNETT (Burwood)—In the light of the Premier's considerable efforts to create new markets for Victorian industries overseas and, on the other side of the coin, to encourage new investment into Victoria, can he inform the House whether the State Government is meeting with the team of American businessmen at present in Australia; if so, what opportunities will he be promoting with these businessmen to advance Victorian business interests overseas?

Mr HAMER (Premier)—The Victorian Government has already met with this group of investors. They were organized by one of the largest merchant banking groups in America, namely, Merrill Lynch, and between them they represent some of the largest industrial investors in the United States of America with assets of something like $75 000 million.

The visit of this group to Australia was the first of its kind. None of these people had visited Australia before but all were extremely interested in the potential of Australia for development and as a scene for the investment of American funds. They were particularly interested in the potential of Victoria. Government representatives had long discussions with them and they have gone back to America with a clear impression that there exists here potential which requires only the kind of

financial contribution from overseas that Australia has always required in order to produce jobs, growth and development on a scale which is superior to the prospects of any other country of its size in the world.

PETITIONS

East Bentleigh Community Health Centre

Mr SPYKER (Heatherton) presented a petition from certain citizens of the State of Victoria praying that action be taken through the Health Commission to permit construction of the planned building of the East Bentleigh Community Health Centre to proceed without delay. He stated that the petition was respectfully worded, in order, and bore 434 signatures.

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

STATUTE LAW REVISION COMMITTEE

Statute Law Revision Bill

Mr AUREL SMITH (South Barwon) presented a report from the Statute Law Revision Committee relating to the proposals contained in the Statute Law Revision Bill, together with minutes of evidence and an appendix.

It was ordered that they be laid on the table and that the report and appendix be printed.

ST NICHOLAS HOSPITAL INQUIRY REPORT

Mr BORTHWICK (Minister of Health) —By leave, I move:

That there be presented to the House a copy of the report of the Committee of Inquiry to Investigate Claims about Children at St Nicholas Hospital, March 1980.

The motion was agreed to.

Mr BORTHWICK (Minister of Health) presented the report in compliance with the foregoing order.

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—

Public Service Board—Report for the year 1978–79—Ordered to be printed.

Town and Country Planning Act 1961—

Echuca—City of Echuca Planning Scheme, Amendment No. 41, 1979.

Lillydale—Shire of Lillydale Planning Scheme 1958, Amendment No. 115, 1979.

Rosedale—Shire of Rosedale Planning Scheme, Amendment Nos. 13 and 14, 1979.

MINISTERIAL STATEMENT

St Nicholas Hospital Inquiry Report

Mr BORTHWICK (Minister of Health) —I desire to make a Ministerial statement concerning the report of the Committee of Inquiry to Investigate Claims about Children at St Nicholas Hospital.

In March 1979, the Health Commission established a committee to inquire into the intelligence of a group of children at St Nicholas Hospital. The committee has completed its report of the inquiry. I believe that it is in the best interests of the children, their parents, and the staff and voluntary helpers, as well as the general public, that this report has been tabled.

The report has been prepared by an expert committee, namely: Dr Peter Eisen, formerly Associate Professor of Psychiatry at Flinders University, Adelaide, and now Medical Director of the Austin Hospital's Department of Child and Adolescent Psychiatric Services; Dr Ian Hopkins, Director of the Department of Neurology, Royal Children's Hospital; Mrs Gwenda Wilkinson, Principal of the Glenroy Treatment Centre of the Yooralla Society of Victoria; and Mr Douglas McCully, an educational psychologist and Senior Guidance Officer of the Counselling, Guidance and Clinical Services Division of the Education Department. They are an excellent team—the best available to the Government.

The terms of reference of the inquiry were:

To consider claims that some children at St Nicholas Hospital, formerly believed to be profoundly mentally retarded, may in fact be of average or even superior intelligence.

To inquire into the total functioning of these children, particularly regarding their physical, psychological, social, emotional, academic, vocational and recreational capacity and potential.

To inquire into the past and present provision of services at St Nicholas for these children.

To call for submissions, both written and oral, from all parties with a professional and personal interest, including the parents of the children, and seek assistance from consultants in specialized areas to aid in its deliberations.

To inquire into all placements which may be available for these children.

I realize, in tabling the report, the intense emotional feelings experienced by parents and all involved in the care and welfare of the children at St Nicholas Hospital. To conduct the inquiry within these extremely emotional circumstances has not been an easy task. I am completely satisfied that the committee functioned at all times at a high level of professional competency in the preparation of this report.

Following extensive assessment of the children, by the committee members themselves, and by independent consultant psychologists, the committee has found that:

None of the eleven children shows any evidence of a level of intellectual functioning beyond that expected of children of two and a half to three years of age. The eleven children function at levels indicative of severe or profound mental retardation.

The committee has made a number of recommendations and the Health Commission has studied the report and is in agreement with all recommendations. The State Government accepts those recommendations. They are a further reminder of the tremendous need that still exists in the field of mental retardation in this State. However, concrete and substantial progress is being achieved. I should like to take this opportunity to speak in some detail on these initiatives, but first I will return to the report to hand.

Mr Borthwick

The recommendations of the committee of inquiry of major concern to the Government relate to the children and the hospital, and I will refer to them specifically.

Each of these eleven children at St Nicholas Hospital should have their needs met to the optimal level possible, by the provision of individual programmes.

I believe that with all children at the hospital and, in fact, at all of our training centres, this optimal level can only be achieved with an adequate establishment of qualified staff, and every endeavour will be made to achieve this situation.

The deficiencies in the facilities at St Nicholas Hospital should be remedied by improvement in bathing and toileting facilities, the provision of suitable seating and lifting equipment, and the space available to the Department of Physiotherapy and the Educational Annexe.

Plans are well advanced for the commencement of work to provide appropriate toilet and bathing facilities where they are inadequate. This work will commence in 1980–81 at an estimated cost of $300 000. Funds will be made available for the necessary equipment to provide individual seating for those patients who cannot use conventional furniture and lifting facilities.

Consideration be given to the provision of short-term accommodation for parents in St Nicholas Hospital.

The administrative and professional staff of the mental retardation service are currently located in various sections of the hospital. They are to be relocated to new division offices away from the hospital. Valuable space will then become available to the hospital to meet those accommodation needs highlighted in the recommendations.

The deficiencies in current social skills training programmes at St Nicholas Hospital be remedied, with particular attention to the provision of intensive programmes for feeding skills and toilet training.

This will be facilitated by the completion of the works to start in 1980–81, to improve bathing and toileting facilities and the appointment of additional staff, which I will refer to in more detail when commenting upon another recommendation.

Regular review and reassessment of children at St Nicholas Hospital, particularly with respect to developmental progress, be instituted and documented.

The Health Commission will be advertising immediately for a consultant paediatrician so that regular review and reassessment of the children can be carried out. To assess the developmental progress of the children, it will be necessary to employ two full-time psychologists who will carry out their own tests as well as assist nurses to make and record observations of the children's attainments. They will be supported by consultants from a multi-disciplinary assessment team to be developed as part of the clinical services section of the new division. The clinical services section will provide assessment services for the metropolitan region as well as organize and supervise services in country regions.

As recommended by the report of the Victorian Committee on Mental Retardation, the clinical services section will co-operate actively and exchange expertise with personnel from hospital departments of paediatrics and psychiatry and from tertiary institutions.

Consideration be given to an increase in current staff establishment at St Nicholas Hospital, with particular attention to positions for physiotherapists, specialist nurses such as a nurse educator, specialist teachers, specialist psychologists, and a speech therapist.

The Government will provide additional domestic and professional staff needed for more intensive individual programmes and direct child care.

The Government of Victoria gives urgent consideration to increasing the number of suitable placements and support services available to grossly physically and mentally handicapped individuals.

A constant problem at St Nicholas Hospital is that, as children physically outgrow the cots and beds provided, there is no alternative suitable placement available in the State, while there are usually, at least, ten young children who require urgent admission. The need for adequate suitable accommodation is the major, most pressing problem facing the mentally retarded and their families.

I take this opportunity to briefly outline initiatives already under way or proposed by the State Government in this important area. The State Government, through the mental retardation services section, has sought to identify the gaps in existing services and most urgent needs for future services. At the beginning of this year there were some 98 people on the urgent waiting list for accommodation away from home. Of these, 53 were profoundly or severely retarded. A further 69 were on the less urgent waiting list.

Two other distinct areas of need are of major concern. They are:

(i) Those children who, through the rapid increase in the number of day training centres since the 1950s have been able to be cared for by their parents in the home much longer than would have been otherwise possible. As large numbers of these parents approach the time when they are no longer able to continue to care for their children the need for alternative accommodation will become progressively greater; and

(ii) Those moderately retarded adults now in our institutions who have the potential to live in the community.

It is roughly estimated that for an effective attack on this problem something in the order of 1000 places will be required over a period of the next five years. In accordance with the recommendations of the Premier's committee on mental retardation, the State Government believes these needs can best be met through the development of comprehensive networks of services and facilities within the community.

The beginnings are emerging. There are now six community residential houses operating in the Loddon–Campaspe region at Mildura, Swan Hill, Echuca, Kyneton and Bendigo, which has two. The houses provide both temporary relief and permanent accommodation as part of the local community setting. A regional team provides expert back-up support to intellectually handicapped children and their families throughout the region. This team comprises two social workers, a paediatrician, two psychologists, one domiciliary nurse, one

advisor, two welfare workers and supportive clerical and typing staff. Further appointments will be made in the near future.

Loddon–Campaspe has been developed as a pilot project. From what I have seen personally of the dedicated hard-working communities behind these houses, I know it will be successful. Plans are already under way for similar regional community developments.

The attainment of our goals in meeting the accommodation needs of the mentally handicapped has been given a tremendous boost recently by the action of the Minister for Social Security, Senator Dame Margaret Guilfoyle. She has indicated that the Federal Government has made provision for the funding of eighteen houses for the mentally retarded in 1980–81 as the beginning of a three-year programme.

These houses will attract a 50 per cent Commonwealth grant for salary. The State Government will develop a form of deficit funding to assist each local committee. This will also allow the development at State level of an overview and co-ordinating role by the Mental Retardation Division. The State Government is keen to pool resources with the Federal Government so that the needs can be met and the best possible services provided. A co-ordinating committee from the Department of Social Security and the Health Commission is being formed. The State Government is already considering various proposals to put to the co-ordinating committee.

I emphasize that family group homes are one facet only of a spectrum of accommodation facilities required to meet the varied needs of intellectually handicapped people. However, the positive and direct Commonwealth Government involvement makes the achievement of other goals by the State more easily attainable.

Planning accommodation services for the retarded has always been complicated by the large number of people who have been accommodated, in many cases for most of their lives, in large overcrowded and, by modern standards, unsuitably designed institutions. Institutionalized people will be included in the planning of all future facilities for the retarded. Wherever possible they will be given the opportunity to live in regionally-based accommodation close to their homes. Those who remain will live under less crowded conditions with greater staff assistance, and with living quarters modified to resemble, as closely as possible, the home situation.

Most mild to moderately retarded people coming either from their own homes or from institutions require training in independent living skills before they can live in family group homes and other less supervised accommodation. To achieve this the pilot independent living training unit at Middle Park will be further developed and assessed. Other units will be established in the western and outer eastern suburbs. These units will provide training and experience for young people who have prospects of semi-independent or independent living as well as social and recreational programmes. Professional counselling will be provided.

Intensive programming homes are being designed to accommodate two-family size groups of five with home-like environment, providing intensive physical care and training in self-help skills for severely and profoundy retarded children and adults on a regional basis. These homes will be staffed and run by the Mental Retardation Division. Such units will relieve the strain on St Nicholas Hospital, enabling the present older residents to be accommodated closer to their homes. The hospital will then be able to provide the necessary inpatient assessment facilities as recommended by the committee, as well as permanent placement for severely and profoundly handicapped children from the metropolitan area. Intensive programming homes for severely retarded people will require trained nursing staff. Steps will be taken to increase the number of student nurses to be trained at Kew Cottages and Sunbury.

A hostel accommodating a maximum of fifteen people will be developed as an alternative form of community-based accommodation and its functioning evaluated. With the support of indepen-

dent living training units, it is anticipated that, ultimately, hostel residents will be able to move on to family group homes and more independent living, while those whose health deteriorates will be provided with the necessary care. These community-based facilities will be developed on a regional basis with specialist regional teams providing the necessary professional support, similar to that now operating in Loddon–Campaspe.

There can be no doubt about the long-term advantage of foster care as an alternative to institutional care for retarded infants. Apart from economic advantages, foster care offers the experience of family relationships in normal community settings to infants who would otherwise grow up in institutions. Discussions between the Mental Retardation Services and the Department of Community Welfare Services suggest that approximately ten children per year could be placed this way. The foster grandparents scheme, which has been operating at St Nicholas Hospital with the support of the Victorian Council on the Aging, is a proven success. The State Government supports this scheme and will fund it.

As it is unfortunately inevitable that institutions will remain with us for some time to come, it is not the State Government's policy to disregard the welfare of people in them while concentrating on the more attractive community-based accommodation I have outlined. Included in the plans for the upgrading of accommodation at Kew Cottages will be the establishment of a unit for retarded deaf-blind children. There are at present 35 such children at the cottages.

The urgent need for accommodation will occupy a great deal of the time and resources of the new Mental Retardation Division over the next few years, but long-term policies and projects will also be planned in accordance with modern concepts for the care of the retarded. The new division will shortly be a reality. The appointment of the director is imminent and additional staff will be provided to enable the division to carry out its functions.

In general, services for the retarded will be initiated by the Mental Retardation Division, but in accordance with the principles of normalization will, wherever feasible, be handed over to organizations already conducting the same services for non-retarded people, provided always that all such transfers of responsibility are done primarily with the best interest of the retarded person in mind.

For example, the transfer to the Education Department of the responsibility for education of school-age retarded children is under way. This will allow the Mental Retardation Division in the future to concentrate more and more on education services for pre-school children and young adults.

Further, it is possible that in the not too distant future, the Health Commission's infant welfare service and early childhood development programmes will be in a position to include early intervention programmes for retarded pre-school children in their services for normal children, with experts of the Mental Retardation Division acting as consultants. In fact, the whole range of services already provided by the Health Commission will be reviewed by the new Mental Retardation Division. For example, through its Hospitals Division, the Health Commission has always actively supported prenatal, perinatal and neonatal care, one of the primary aims of which is to eliminate brain damage and mental retardation.

Genetic counselling is a major part of pre-pregnancy counselling but of equal importance is advice concerning adequate nutrition, avoidance of drugs, alcohol and smoking and the optimum period between births. Antepartum assessment of the condition of the foetus over recent years has become refined by such new techniques as sonar measurement of skull and placenta size and estimation of urinary oestriols. Amniocentesis has now made it possible to assess foetal maturity in amniotic fluid. This can also be examined for a wide variety of chemical substances which may indicate mal-

formations and metabolic disorders and culture of cells from amniotic fluid may reveal foetal chromosomal anomalies.

The Mental Health Division laboratory at Mont Park has pioneered screening tests on new-born babies for phenylketonuria (PKU) and hypothyroidism which can be eliminated as causes of retardation by appropriate treatment.

The Public Health Division has developed a highly effective immunization campaign against measles (morbilli) and german measles (rubella), both of which are known causes of mental retardation.

The new Mental Retardation Division will actively support all of these measures for prevention of mental retardation and where necessary, advise as to the need for extension. It is anticipated that a public education officer will be appointed by the new Mental Retardation Division in the 1980–81 financial year. It will be one of the duties of this officer to make prospective parents, and the public at large, aware of all the services available.

Secondary prevention refers to the early detection and treatment of additional handicaps which would otherwise increase the degree of retardation. Examples of such additional handicaps are defects of vision or hearing, neuromuscular inco-ordination and disturbances in mother-child relationships which can lead to degrees of rejection up to child abuse.

As I mentioned earlier, assessment services will be given a high priority. The office of Assistant Director (Clinical Services) of the new division has already been recommended for creation and the creation of an office of Consultant-in-Charge (Assessment Services) should follow soon after. The offices of Principal Social Worker and Principal Psychologist are expected to be created during 1981. It will be the duty of these officers to re-organize the present assessment service.

In general, families require a great deal of assistance to enable them to accept an intellectually handicapped member and to provide the child with optimum conditions for learning and development. Any assistance is more effective the earlier it is given and it must be easily accessible to the families who need it most. To this end, infant welfare sisters will be offered additional in-service training in child development.

Provision will be made by the clinical services section for medical, psychological and social work services to be made available at short notice to the parents direct, through infant welfare sisters or their family doctors. Such a service is now operating in the Loddon–Campaspe Region and it will be extended to other regions as funds become available.

Planning is under way for the establishment of a Combination Creche and Demonstration Early Intervention Unit. Such programmes will require the active co-operation of the Health Commission's school medical, and infant welfare services and early childhood development programmes. Ultimately it is proposed that these areas will be in a position to include early intervention programmes for retarded pre-school children in their services for normal children, with experts of the Mental Retardation Division acting as consultants.

The Victorian Committee report on Mental Retardation to the Premier made 137 recommendations. That report graphically outlines the goals to which we should aspire. Concrete steps are being taken to meet those goals through careful co-ordinated planning.

This brings me to perhaps the most far reaching, if not, most important recommendation of the St Nicholas inquiry report:

> The Government of Victoria gives immediate tangible recognition to the many complex and sensitive legal, moral and rights issues relevant to the total welfare of physically and mentally handicapped individuals as are highlighted in this report and in the report of the Victorian Committee on Mental Retardation.

A working party has been appointed to make a preliminary investigation into all aspects of this matter. One of the primary tasks of the new division will be to totally review all legislation that affects the intellectually handicapped to protect their rights and those of their parents and guardians.

The imminent creation of the new Mental Retardation Division, along with the appointment of a director and necessary additional staff, will provide the necessary impetus and guidance to implement these and other initiatives so that the intellectually handicapped people of this State have the opportunity to live with dignity and to his and her full potential, as is their right.

I move:

That the Ministerial statement be taken into consideration tomorrow.

Mr ROPER (Brunswick)—I ask the Minister of Health to give an undertaking that this matter will come on for debate during this sessional period because the Minister has just made a most important Ministerial statement. The Opposition would not want to waste the time of the House but desires to examine the Ministerial statement and the report and then have the opportunity to express to the House the views of the Parliamentary Labor Party. I am sure the National Party would want a similar facility during the next few days.

Mr BORTHWICK (Minister of Health) (*By leave*)—I give that undertaking.

The motion was agreed to.

SECOND READING OF COGNATE BILLS

Mr MACLELLAN (Minister of Transport)—By leave, I move:

That this House authorizes and requires Mr Speaker to permit the second readings and subsequent stages of the Imperial Acts (Application) Bill, the Imperial Law Re-enactment Bill, and the Constitutional Powers (Request) Bill to be moved and debated concurrently.

The second readings of the three Bills are listed as Orders of the Day, Government Business, No. 1, No. 2 and No. 3. I have discussed the matter with members of the other parties with a view to facilitating the joint debate of these three related Bills and this procedure has been agreed upon.

The motion was agreed to.

APPROPRIATION MESSAGE

The DEPUTY SPEAKER (Mr A. T. Evans) 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 Home Finance (Borrowing Powers) Bill.

LIQUIFIED PETROLEUM GAS SUBSIDY BILL

Mr BALFOUR (Minister for Minerals and Energy) moved for leave to bring in a Bill to subsidize the cost of liquefied petroleum gas when used for certain purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

STATE EMPLOYEES RETIREMENT BENEFITS (AMENDMENT) BILL

Mr THOMPSON (Treasurer) moved for leave to bring in a Bill to amend the State Employees Retirement Benefits Act 1979 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

PLANNING APPEALS BOARD BILL

Mr LIEBERMAN (Minister for Planning)—I move:

That the following Order of the Day, Government Business, be read and discharged—

Planning Appeals Board Bill—Second Reading—*Resumption of Debate.*

and that the Bill be withdrawn.

The motion was agreed to, and the Bill was withdrawn.

PLANNING APPEALS BOARD BILL (No. 2)

Mr LIEBERMAN (Minister for Planning) moved for leave to bring in a Bill to make provision for the establishment and constitution of a Planning Appeals Board, to confer jurisdiction thereon, to amend the Drainage Areas Act 1958, the Health Act 1958, the Local Government Act 1958, the Town and Country Planning Act 1961, the Port Phillip Authority

Act 1966, the Strata Titles Act 1967, the Environment Protection Act 1970, the Cluster Titles Act 1974, the Drainage of Land Act 1975 and the Central Gippsland (Brown Coal Land Compensation) Act 1980 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

WATER (VALUATION EQUALIZATION) BILL

Mr I. W. SMITH (Minister of Agriculture) moved for leave to bring in a Bill to amend the Water Act 1958 with respect to the rating of properties and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

ALCOA SMELTER AT PORTLAND

Mr WILKES (Leader of the Opposition)—I move:

That the Ministerial statement in respect of the proposed Alcoa development at Portland fails to disclose in complete and accurate detail, all aspects of the effects of the proposed development.

The DEPUTY SPEAKER (Mr A. T. Evans)—Is the motion seconded?

Mr AMOS (Morwell)—I second the motion.

Mr WILKES (Leader of the Opposition)—Mr Deputy Speaker, you would be entitled to suggest that there might be something unusual about the approach by the Opposition to this debate because a Ministerial statement has appeared on the Notice Paper for some days and when I indicated yesterday that I was prepared to debate the Ministerial statement I was advised that was not the intention of the Government. I could not understand that, but I was further advised that if I was prepared to submit a motion it would be considered by the Government. I have done that.

I would have been prepared to debate the Ministerial statement and grant leave to the Premier to speak on the Ministerial statement. After all, the Ministerial statement was made by the Premier. However, the motion the House is debating today is in line with the Ministerial statement because it adverts to those areas of the Ministerial statement that the Opposition considers inadequate in describing the risk, the effect and the Government's attitude towards the Alcoa development at Portland.

The Labor Party welcomes stage 1 of the Alcoa development at Portland provided that Alcoa is prepared to meet the full cost of electricity supply to stage 1 and if certain basic environmental standards are met. The Opposition would apply three conditions to give support to anything beyond stage 1. Those conditions are:

(*a*) that the adequacy of Victoria's energy resources will not be placed in jeopardy because of the Alcoa development at Portland;

(*b*) that the living, working and recreational environment of all Victorians will be improved and that the natural environment will not be degraded in any way; and

(*c*) that the Victorian electricity consumers will not have to subsidize the Alcoa development at Portland.

That puts the Labor Party's case succinctly with respect to the Alcoa development. There is much that is significant about the Alcoa project, but I suppose there is nothing more significant than the fact that the Government is approving the development by Alcoa at Portland without the benefit of any detailed plan of Victoria's future industrial development. The Opposition has repeatedly urged the Government to develop a detailed economic plan for Victoria—a plan, which, as the Opposition views it, will assess all of the strengths and weaknesses of Victoria.

A plan which looks at each region of Victoria and makes objective decisions about how those regions can best be developed is the plan the Government should have considered in the first place. Such a plan would enable Parliament, public investors and the business community to develop a clear vision of where Victoria is heading. I do not believe the Government has

that impression or that information today. Instead, the Government's answer is that it has responded to plans made by other people. It has considered projects—some large, some small —in isolation and not within the framework of any detailed study of the economic structure of Victoria or what could be provided.

Any country or State that attempts to grapple with a project as large as the Alcoa project at Portland without such a plan is bound to make mistakes. What is worse is that the system of government in Australia ensures that these mistakes are always compounded. Indeed, it is true to say of Alcoa, and in particular the development of aluminium smelters anywhere in Australia, that they have highlighted the weaknesses as they have never been highlighted before.

The Governments of Queensland, Victoria, Western Australia and New South Wales are in fierce competition in trying to persuade half a dozen aluminium companies interested in setting up in Australia to set up within the boundaries of their States. Naturally, the skilled negotiators from the international companies are overjoyed by the competition. Why should they not be overjoyed? It allows them to play one State off against the other, and that is what they are doing. It allows them to persuade the various States to compete and offer more and more concessions. That is what is happening in Victoria.

When the aluminium company representatives came to Victoria, they had the added advantage of dealing with a Government which has a notorious record for poor bargaining with international companies. Honorable members need only remember the sad history of the negotiations between the Government and Esso-BHP as a demonstration of how poor that record is. The Premier says, by interjection, "Oh yes". An asset of international importance was handed over to two companies with an ease which defies description by anyone in this House. Fresh from negotiating with tough bargainers in Canada and the Middle East, Esso came across a group of people in this State who were like babes in the wood. Esso had no difficulty in getting the Government to enter into an agreement, for which Victoria has been paying ever since.

Today the Opposition wishes to put forward a series of propositions which will ensure that, if nothing else, Victoria will never have to pay again in the same way as it did in the case of Esso and which will ensure that the Alcoa project at Portland does not become another Esso-BHP Bass Strait situation.

To ensure that the mistakes that have been made are corrected before it is too late, let me again point out that the Opposition will welcome stage 1 of the Alcoa project provided that Alcoa meets the full cost of electricity supply and that certain basic environmental standards are met. The Opposition has been kept informed by the company about its plans and is grateful to Alcoa.

Members of the Opposition have made several visits to the existing Alcoa plant at Point Henry and are aware of what that type of development means. A decision that the first part of the plan should go ahead has been made by the Labor Party. In saying that, the Opposition has raised questions about the future stages I initially outlined to the House. There are basically three fundamental requirements which must be satisfied for projects as large as the Alcoa development at Portland. Firstly, the Opposition believes the project requires an energy impact statement to ensure Victoria's energy supplies for the future are guarded and that they are not placed in jeopardy.

Mr Kennett—How long will that take?

Mr WILKES—It should not take long. Given that the Government was aware of the intentions of Alcoa to go to Portland, one would have thought the first step a responsible Government would take would be to insist on an energy impact statement. I will explain precisely what I mean by an energy impact statement.

Secondly, the Opposition believes that an environment assessment is necessary to ensure that the living, working and recreational environment of all Victorians will not be degraded. That is not too much to ask. Alcoa did prepare an excellent environment effects statement on criteria that are not common to Portland in many areas. Because the Labor Party and I believe that, we regard the environmental assessment of stage 1 at Portland to be fundamental.

Thirdly, the Opposition believes an economic evaluation is necessary to ensure that Victorian electricity consumers—this is important—will not have to subsidize Alcoa at Portland and that the provision of other infrastructure facilities are considered by the Government now. These matters should have already been considered.

If one visits Portland, one sees no evidence of any infrastructure. There are no houses for the itinerant workers; there are no houses for the number of workers that will be employed at the plant; there is no casualty section at the hospital or other facilities consistent with the development that is proposed. The Government is not making an effort to produce that infrastructure in Portland.

The honorable member for Geelong West says, by interjection, that 1983 is early enough for that. That is when the first stage of the plant is due to go on line. Perhaps he expects that workers will be living in tents and on the river banks. There will be no hospital facilities, so if workers are injured, heaven help them!

The first is a requirement that Victoria would need, whether Alcoa went to Portland or not or whether it came to Victoria or not. Victoria's abundant brown coal and oil and gas reserves have bred complacency in the Government. Victoria is an energy-rich State. The 35 000 million tonnes of economically recoverable brown coal reserves provide Victoria with an insurance policy for the future, a safeguard against any severe problems that other States and other countries may suffer as energy shortages become more apparent in the future.

However, that insurance cannot be provided if the reserves are squandered in any way, and according to the Government's Green Paper on energy, Victoria has already committed a massive proportion of these reserves to electricity generation, oil from coal, solvent refined coal, gas from coal and now stage 1 of Alcoa at Portland. That will provide a smelter which will produce 127 000 tonnes of aluminium ingots each year, operating on 96 per cent capacity. Each tonne will require 15 000 kilowatt hours of electricity to produce. This means that an additional demand of 1908 megawatt hours will be placed on the Victorian electricity grid from 1 April 1983. The figure represents about 10·7 per cent of all Victorian electricity sales in 1978–79. At stage 4 it will be greater, so that by 1983 Alcoa will be using about 42 per cent of Victoria's total capacity. By 1990 the consumption will increase even further. Is it any wonder that a senior State Electricity Commission official, none other than Mr Jack Johnson, was quoted on 21 February this year as stating that in the 1980s the State Electricity Commission would not have the capacity to meet demand for new aluminium projects and cater for other industrial growth at the same time?

In this regard it is important to state that at this stage the Opposition strongly supports the construction of aluminium smelters. It is envisaged that in the future Victoria's generating capacity will be devoted to a few capital intensive projects which may not create sufficient jobs to alter significantly this State's high level of unemployment. Victoria is an energy rich State. However, even the richest State can squander its wealth and its power resources if they are not handled properly.

The Green Paper also discusses the possibility of introducing nuclear power during the 1990s. So far this Government has refused to admit that it is even considering nuclear power as an option. There has been no indication to the contrary from the Government.

Mr Kennett—What do you say?

Mr WILKES—Members of the Opposition say unequivocally that no nuclear power should be generated or produced in this State ever. If Victoria's cheap coal resources are wisely used and wisely handled there will be no need for nuclear power in the foreseeable future. I warn the Government that without proper planning the nuclear option will become an inevitability. The Government should be providing this State with a proper plan now; otherwise Victoria will be forced to accept all the risks of Harrisburg and the nuclear industries.

The option of nuclear energy is totally unacceptable to the average Victorian, and to avoid that option, immediate action must be taken. The responsibility is with the Government to take the first step, which is a complete and comprehensive assessment of this State's energy resources and, more particularly, their utilization. The Government should know exactly what they are and how it is proposed to use them. Once that assessment has been completed, individual developers should also be required to undertake energy impact statements. If the Government required those statements from Alcoa before giving its approval to Alcoa, honorable members would have concrete evidence of what the energy demands would be and how the State would cope with them beyond the first stage. The Opposition would require that information and a statement of that nature.

Closely linked with the question of energy use is the question of the environment. It is an important matter, particularly when one considers whether the Alcoa development will be in line with what is outlined in the environment effects statement. Alcoa has already carried out an environmental impact study, but there is a need for future assessment of the project's environmental impact to answer the questions not answered in the study. Alcoa would be the first to admit that the criteria used in the production of that study may not be suitable to be transposed to Portland. A further assessment of the project's environmental impact is required to answer those questions. Obviously such an assessment cannot be completed until the project is actually operating, and that is why members of the Opposition say that the assessment should be made during stage 1.

In particular there needs to be sufficient environmental monitoring to detail the precise environmental impact of the plant—the safety of the plant. There is a need to evaluate the health and safety within the plant and the environmental consequences of relocating the Portland aerodrome, of extending the harbor, of building the materials conveyor and of extending the transmission line. All these things should be investigated. I do not know whether honorable members have had the conveyor explained to them and whether they know the proposed size of the conveyor and what it will be expected to do. The effect of that should be included in the impact study.

Victorians should know the costs of any pollution or environmental damage that may be associated with the project. At present they do not know that and there is no way in which they can find out. After stage 1 has been in operation for at least twelve months, if all the conditions have been met and certain things show, as members of the Opposition believe they will, something can be done.

Firstly, a thorough environmental assessment should be made by the Ministry for Conservation, including wide public participation. There is nothing unusual about that. The only unusual thing about the Ministry for Conservation is that some of the permissible levels it has assessed for emissions from a plant like Alcoa at Portland or at Point Henry are about 38 per cent higher than would be required in the United States of America. It is high time these figures were updated. I am sure that the Government and the Ministry for Conservation would want an assessment which would include public comment before the smelter went to the next stage. Similar assessments are needed at every stage of the development of the project because Australian standards are much lower than those in the United States of America

and some other countries. That is one of the reasons why there is a rush by transnational aluminium companies——

Mr Kennett—The attraction is low-cost energy. Where else in the world can it be obtained?

Mr WILKES—That is one of the reasons. I suggest to the honorable member for Burwood that because Australian standards are 38 per cent lower than those in the United States of America, it represents a massive saving to a company like Alcoa to establish here. I understand the reason for Alcoa coming here just as well as does the honorable member for Burwood. It is because Alcoa can obtain power cheaper than it costs the State Electricity Commission to produce it, and cheaper than it can be bought in any other country where the company can operate under the same conditions. The company will be permitted to operate under concessions which this Government rushed in to provide. The Victorian Government had the best bargaining power of any other State Government in this country, and it blew it.

Honorable members read of the Premier trying to recapture some of that position by attempting to have another go at negotiating the terms and conditions of the contract, but the Premier was too late. Instead of using that bargaining power in the interests of Victorians, he messed it up. I will be interested, as perhaps may be members of the Government party, to study the conditions of the contract with Alcoa. The Opposition regards itself as responsible enough to want to know what is in the contract and what it will mean to the people of Victoria and, more importantly, what it will cost the people of Victoria. If members of the Government party want to take another course, that is a matter for them.

The Opposition believes Alcoa should be further required to fund a programme through the Ministry for Conservation or any approved tertiary institution to further the present ecology study of the area and its environs. It is important in this type of development that continuing studies take place to show the effects of the plant's construction and operation from time to time. Particular attention should be given in the study to the effects of fluoride emissions on the fauna, including grazing animals in the area, and on the vegetation, marine life and birds.

Mention has been made in the environmental effects statement of the gannetry on Lawrence Rocks in a direct line of the emissions under certain prevailing wind conditions. Honorable members should visit the area to appreciate the importance of that. If the Government does not want to do anything about the matter, there is nothing unusual about it. In the long term, until there is a change of Government, there will be another Esso-BHP situation.

On the matter of emissions of waste to air, water and land, the Environment Protection Authority should be similarly funded to employ expert staff as a monitoring task force in the area. In this way, if an aluminium smelter is established in Portland or in any other part of Victoria, the information that will be gleaned from the operation will be invaluable to a responsible Government. Precedents have already been set for this, and the Premier is aware of them because in the April 1977 recommendations of the Newport review panel it was suggested that the State Electricity Commission finance an adequate air monitoring and air quality programme to be carried out by the Environment Protection Authority. If the Newport Review Panel saw the need for that type of monitoring of a plant the size of Newport, what would it recommend if it were asked to consider a plant the size of the proposed development at Portland?

These measures are needed to protect not only the citizens of Portland but also the entire community. They should be automatically taken by any responsible Government. I regard the matter as one of the most important issues that Parliament has been asked to address itself to in this session.

Mr Kennett—It is a bad start then, isn't it?

Mr WILKES—That will be determined as the debate develops. It is important that the Opposition puts the

views that have taken it considerable time, work and study to arrive at and I propose to do so.

The failure of the Government automatically to institute these measures is further evidence of its failure to cope with the fact that development and environmental protection should go hand in hand. That Victoria can be developed without being degraded is something to which the Government has to address its mind. It must realize that environmental degradation need not occur.

I shall now examine some of the economic implications of the project. Some six concessions are being offered by the Government. Firstly, there is the Government's $21 million contribution over seven and a half years towards the cost of the Geelong-Portland section of the transmission line. My colleagues, the shadow Ministers for Minerals and Energy and Economic Planning, will develop that argument. Secondly, the recovery from all Victorian consumers, including Alcoa of Australia Ltd, of $58 million over 25 years of the transmission line costs.

Thirdly, a ten-year turnover tax exemption that the Premier ran headlong into giving to the negotiators who acted for Alcoa of Australia Ltd. They must have thought the Premier was easy. That will cost Victoria $1·65 million at stage I and $6·39 million at stage 4. It is no good the Premier, Alcoa or anybody else arguing that if Alcoa were not situated at Portland there would not be a turnover tax. That is a fallacious argument. One may as well apply that argument to the whole of industry.

Fourthly, the electricity is priced at 1·6 cents a kilowatt hour based upon tariff M option 5. It is now known that that 1·6 cents a kilowatt hour based upon tariff M option 5 provides electricity to Alcoa at Portland for this and subsequent stages at half a cent cheaper than it costs to produce the electricity. I challenge the Minister for Minerals and Energy to produce figures of average costing from his own department to prove otherwise because it is exceedingly difficult to obtain any information on the commission's tariff manipulation and that is precisely what it is. Fifthly, there is a pay-roll tax exemption, and sixthly, the provision of extra infra-structure to support the development.

Mr Hamer—It will be paid for.

Mr WILKES—Of course it will be paid for, but by whom?

Mr Hamer—By Alcoa.

Mr WILKES—I would like to see written into the agreement that Alcoa will pay for it.

Mr Hamer—Through the rates.

Mr WILKES—The Premier knows as well as you do, Mr Deputy Speaker, that the local government authorities are making a rate concession to Alcoa that exceeds even the concessions made to John Lysaght (Aust.) Ltd at Westernport. Just as tariff M option 5 provides Alcoa with cheaper tariffs, the only other company operating on a similar tariff is John Lysaght (Aust.) Ltd at Westernport. The concessions ought to be considered in the light of encouraging investment and also in the light of Victoria's bargaining strength in the future with similar developments or indeed any type of development.

On 12 April 1980, a Japanese official was quoted as saying that places with supplies of cheap electricity, stable politics and reserves of bauxite do not exist anywhere, apart from Australia. Indeed, a report on 7 April this year included a statement that executives of Alcoa freely concede—and the Premier ought to be aware of this—that if Alcoa had not grabbed Portland, a rival group would have. The truth of that statement is that the future generating capacity of New South Wales and Queensland is already committed to aluminium smelters. Another smelter could not be established in New South Wales where the total electricity commitment has been met.

Mr Hamer—What are the incentives?

Mr WILKES—The incentives in New South Wales are not as immense as those which the Government is offering. Comalco Ltd approached the Government seeking a suitable smelter site in this State and, according to the Premier, the company achieved a better bargain in New South Wales. The Opposition

rejects the argument that Comalco obtained a better bargain in New South Wales. It has to be proved that the company did obtain a better deal in that State. Nobody could have obtained a better deal than that which the Victorian Government has given to Alcoa at Portland.

The DEPUTY SPEAKER (Mr A. T. Evans)—Order! There are too many interjections, especially from the honorable member for Burwood. The honorable member is revealing a keen interest in the debate and I will offer him an opportunity to participate in an orderly fashion later.

Mr WILKES—As time goes by, the desirability of Australia and Portland for aluminium smelters will be further enhanced and, as the international market situation indicates, the aluminium market is moving into an excess demand situation as smelters in Japan are closing down and those in the United States have ceased expanding for a variety of reasons, one of which is the high cost of power. The reason is clear to everyone except the Premier.

Higher crude oil prices have made oil-based electricity and oil-fired transportation of bauxite and alumina completely uneconomic. According to the article I mentioned a moment ago, the Japanese Ministry of International Trade and Industry said that it now costs two and a half times as much to produce electricity in Japan as it does in Australia. I believe that applies to Victoria. Further, the present aluminium price of $1545 a tonne will soon rise to approximately $2000 a tonne or more, so that Alcoa which will produce aluminium at Portland, in that first stage, at $1373 a tonne will be well placed to exploit the excess demand situation that is now appearing in the world market.

Even allowing for the competition from Brazil and other States that the Premier and the honorable member for Burwood are talking about, Alcoa's strong desire for Portland gave the Government a good deal of room for manoeuvrability. The Government did not use that room for manoeuvrability. The Opposition wants to know why the Government was not prepared to use its position in the bargaining that ensued.

Information published last month suggests that the Premier did not realize this until very late in the negotiations, if he ever realized it at all. When the Premier tried to achieve a better deal than the one first proposed, he discovered that it was too late because Alcoa had seized the opportunity that had been handed to it on a plate, shut the gate and began to count the benefits that it would derive from its development.

I do not blame the company. Its executives have an obligation to the shareholders to obtain the best possible deal. Unfortunately, the Premier and the Government have not visualized their obligations to Victoria as clearly as the Alcoa executives accepted their obligations to the shareholders. Hence, the concessions and the bargaining strengths are hard to correlate. How the two match up provides the basis for severly censuring the Premier and the Government.

I want to examine how the tariff concessions match up with the strong bargaining position of the Premier. As I mentioned earlier, the tariff to be charged to Alcoa is tariff M option 5 at 1·6 cents a kilowatt hour. That is the equivalent of $236 a tonne compared with $700 a tonne in Japan today. It is significant that the only other company in Victoria receiving that concession under tariff M option 5 is John Lysaght at Westernport.

Mr Hamer—How many other companies are on tariff M?

Mr WILKES—There are eleven other companies on tariff M option 3 or tariff M option 2, and the Premier would be aware of that. These are enormous benefits. Undoubtedly the options of the M tariff offer enormous incentives. However, the differential in averaging the tariffs out is something the Opposition claims the Government ought to examine.

It is significant that only one other company is operating on tariff M option 5. Surely with all the development that is occurring—according to the Premier—in Victoria, there would have been more? I should have thought that the

economics of this tariff, if only because of its extreme rarity, would intensely concern the Premier. Apparently it has not because no analysis of the economics of this tariff has been undertaken by the Premier's department and his own economic group in its cost-benefit analysis of the proposal.

In Parliament the other day, in answer to a question asked by me, the Premier said, "It is not the job of the economic section of my department to check on the operations of the State Electricity Commission". It was of no concern to the honorable gentleman what tariff was charged or how the State Electricity Commission manipulated and averaged tariffs. The Premier was quite honest about it; he said, "It is not the job of my department. They did not want to have anything to do with this". In other words, the Premier assumed the tariff was the correct one and that it would cover the costs, as it is supposed to, under the State Electricity Commission Act. Of course, the Premier is not as sure about that position as he was on 17 April.

Mr Hamer—Yes, I am.

Mr WILKES—The Premier says he is. So much for the Government's comprehensive cost benefit analysis. More importantly, there is no way in which one can compare the tariff with the average cost of the production of electricity by the State Electricity Commission, because the State Electricity Commission does not make the average cost of production available to members of Parliament and obviously does not make it available to the Premier or the Minister for Minerals and Energy. I have often commented on the lack of data supplied by the Government, but I am now beginning to understand why that happens. It is because the Government does not receive sufficient financial data from the statutory authorities. It is astonishing that that should be so and it is particularly astonishing that a figure so basic to all sorts of calculations about Victorian industry and its development is not available to the Government.

I have attempted to remedy the deficiency—and I offer no apology for that—by having a panel of economic experts calculate the average cost of production. The honorable member for Noble Park, who is interjecting, can check the validity of the criteria the panel used to arrive at the figure in the absence of information from the authority. That is a responsible course for an Opposition to take in the interests of the people, and that is precisely what the Opposition has done.

The panel estimated that, on the basis of published figures, the average cost of production of State Electricity Commission power is in the order of 2.06 cents a kilowatt hour, or, as the honorable member for Morwell points out, in round figures 2·1 cents a kilowatt hour. Because of the Government's failure to provide this critical information that calculation is, in effect, the only concrete information on which Parliament can judge the economics of the tariffs to be charged, not only to Alcoa but also to any other company that has the capacity to get on to tariff M option 5.

What is the significance of that concrete information? That can only be seen from another calculation, because, on the basis of the amount of power the project will use, for every 0·1 cent per killowatt hour Alcoa electricity is underpriced, the State Electricity Commission will have to recover $1·91 million a year from all its other customers during stage 1. By the time the project reaches stage 4, the State Electricity Commission will have to recover $7·4 million for every 0·1 cent Alcoa is undercharged for the electricity supplied to it by the State Electricity Commission.

I am not an economist, and neither is the Premier—indeed, only two members of this House are—but, as a non-economist, I would expert information such as this to be freely available to all honorable members, not just to those who can arrange to have members of their staff or other people advising them on how to make the calculations. Even a person who has had no formal training in economics can see that the Gov-

ernment is asking every Victorian consumer of electricity to subsidize Alcoa.

Mr Kennett—That is not true.

Mr WILKES—The honorable member for Burwood, who claims to have a business brain, will no doubt inform the House of the criteria he is prepared to use to prove that what I have said is not true. The situation is completely and utterly unacceptable to the Opposition and it should also be unacceptable to the Government. I invite the Premier and the honorable member for Burwood to dispute the figures, and I also invite the Premier to make all the necessary information available so that the experts—both on his staff and on mine—can calculate exactly how many millions of dollars a year the Government is costing the people of Victoria. The Opposition sees it as a substantial figure that ought to be made public.

The turnover tax exemption is another subsidy and it will be worth about $1·65 million a year at stage 1 and $6·39 million a year at stage 4. Does the honorable member for Burwood not regard that as a give-away, because that is precisely what it is? Moreover, if Alcoa is getting electricity at a price that is lower than the cost of production, the people of Victoria will not even get back the $58 million the State Electricity Commission is contributing to the cost of the transmission lines.

Mr Kennett—Don't you consider employment to be of any value?

Mr WILKES—That is not the question. The Opposition has already made its position abundantly clear. Other issues associated with the project require a considerable amount of attention, but in view of some of the confusing statements made by the State Electricity Commission and members of the Government party, honorable members need to know the costs associated with the project. We still do not know precisely what the cost of constructing the power station at Loy Yang will be and precisely what the escalation in costs has been. The Government ought to monitor the increases in the costs of that massive project to ensure that the cost benefit terms of Portland are completely justified, but it has not done that. If that situation is allowed to continue much longer every Victorian will be paying more for electricity so that the Premier can add another item to his little list of projects for the future development of Victoria.

The next item with which I shall deal is the infrastructure facilities that are required but do not, as yet, exist. The Premier and members of the Government party make it seem that all the planning took place years ago and that one has only to go to Portland to see precisely what is happening. I invite members of the Government party to do that. Many members of the Opposition have visited the area and seen it for themselves. From Alcoa's environmental impact study and the Ministerial statement made by the Premier which, for some reason best known to the Premier, is not being debated——

Mr Hamer—You are debating it now.

Mr WILKES—Of course I am debating it now, but the opportunity of debating it has nothing to do with the Premier—it is clear that a variety of other concessions are being made to Alcoa at Portland. I do not suggest for one moment that all of these are extra costs because most of them are costs that may well have had to be met whether Alcoa was located at Portland or elsewhere. I propose to deal with debate.

Additional concessions have been given in the form of rate relief, harbour upgrading, additional housing, new roads, a new traffic organization and so on. All that is missing is visible evidence of any of those things. It has been promised that all of those things will occur, but there is little or no evidence of their being on the way, yet the Government claims that by 1983 Alcoa will be on-line and producing. It has been suggested that it will be sufficient to then consider the infrastructure or back-up facilities that should be made available for such a project. The Opposition is concerned about the cost of the facilities and

about ensuring their proper distribution in a rational and planned manner. There is, as yet, no evidence of that. The Premier did not give any evidence of it in his Ministerial statement.

I quote as an example of what can happen if proper planning does not take place, the experience of the people in the Latrobe Valley as the Loy Yang project went ahead. The Government did nothing in that area to provide an infrastructure or to meet the needs that were generated by the project. Young families were forced to move into caravans and to pay rental of more than $50 a week, simply because the Government did not provide the housing needed to back up the sort of development that was taking place. Schools in the Latrobe Valley face acute overcrowding. Local roads are overworked because of the heavy loads they have to carry. A visit to the Latrobe Valley reveals why the Opposition is anxious to ensure that a similar situation does not arise in Portland.

Last year I suggested to the Government that it should invoke the Development Areas Act while planning for Alcoa at Portland was proceeding. There is nothing novel about that proposal, although it did not appeal to the Government. The Development Areas Act can be used to freeze a situation while planning is undertaken—but the Government does not like planning—to give the Town and Country Planning Board and other planners the time to make sure that the problems I have been discussing do not arise. The Government ignored the suggestion.

What has already occurred with the prices of land and houses—and the Premier cannot deny this—is worrying, and community concern about the provision of adequate facilities is growing day by day. I urge the Premier to fly to Portland in his helicopter and see the situation for himself. If the provision of the facilities had been coordinated, the situation would never have arisen. Once again, the Government's *ad hoc* decision making and its complete lack of planning is responsible for problems.

The Opposition has demonstrated that although stage 1 of the project should certainly go ahead, much more must be done before the further stages are proceeded with. I have grave doubts about whether the Government would be able ever to rectify the problems that will occur because of its lack of planning and lack of appreciation of the problems. In 1981 or 1982, whenever the next State elections are held, the new Victorian Labor Government will be left with the task of sorting out the mess.

Mr Kennett—Will you be the Leader?

Mr WILKES—Yes, I will be the Leader. I would be less than honest if I did not inform the Parliament and people of Victoria, as well as Alcoa and all the investors who will be involved in the development of the area, how a Labor Government will go about rectifying the mistakes being made by this Government. Under no circumstances will it repudiate any contract entered into by the Premier or this Government with Alcoa. The Labor Party is not in the business of repudiating contracts, no matter what the terms of the contracts are. It will attempt to renegotiate in an effort to correct the mistakes that may or may not have occurred in the contract. If that is impossible and the contract cannot be renegotiated, a Labor Government will use every means possible to ensure that the principles I have outlined are fulfilled—and there is nothing novel about these principles.

Mr Kennett—You will repudiate.

Mr WILKES—A Labor Government will not repudiate the contract. I have already said that it would attempt to renegotiate and, if that renegotiation failed, the first step would be to impose a licence fee on the tonnage produced at the smelter to recover the losses due to the ten-year turnover tax exemption. There is nothing new about a licence fee. The Government applies licence fees whenever it runs into trouble. It did so with the tobacco

industry and it applied a licence tax to the liquor industry that is nothing more than a straight-out 8 per cent excise. Both of those licence fees were contested in the courts, and the Government won. It has now imposed a licence fee on petrol, which will not be contested because of the precedents. Obviously, there is nothing wrong or immoral with a responsible Government taking over from this Government and wanting, through a licence fee, to recoup, on behalf of the people of the State, the moneys that this Government has squandered. The Labor Party would be inclined to that notion.

It is strange that, significantly enough, Alcoa agrees—and I have seen it written somewhere—that a licence fee is not only desirable, but also is acceptable to it. On 16 April this year, the chief at Alcoa, Mr George T. Haymaker Junior, was quoted in the daily newspapers as saying that if it came to a choice, Alcoa would prefer to pay a tax on its ultimate output rather than pay any additional infrastructure costs. Mr Haymaker has not denied that, and the Government has not denied it. That is a fair statement.

Mr Haymaker wants to retain the benefits that his company has been able to squeeze out of the Government, but he is realistic enough to realize that another Government would quite properly seek to redress that balance and, further, a Labor Government would place a specific premium loading on Alcoa's tariff to ensure that no loss is suffered on the transmission line. The State Electricity Commission is to receive $23·5 million over seven-and-a-half years, with interest, from Alcoa.

Further, a Labor Government will undertake a complete overhaul of the State Electricity Commission tariff structure. We see that as a responsibility of the Government, and we are smart enough to know that the Government is not going to attempt anything like that, so a priority would be given to undertake a complete overhaul of the tariff structure of the commission. This would be part of a complete and comprehensive assessment of Victoria's energy reserves and their utilization. The key elements of such a transaction would be that any inequities that exist could be then rectified, and energy conservation—not energy wastage—could be rewarded. I believe such a review would facilitate any losses that Victorians may suffer because of the tariff concession, as we know now, that is offered to Alcoa.

I have set out to propose a number of measures, which I believe would ensure that Victoria's energy future will not be put in jeopardy, and this would ensure that the living, working, leisure and natural environments of Victorians would not be seriously degraded. This would also ensure that electricity consumers would not have to subsidize Alcoa at Portland, and the energy impact statement, the environment assessment, and the economic evaluation necessary for stages 2 to 4, would be automatically undertaken by a Labor Government in this State. It should be undertaken by any Government, in view of the size of the Alcoa project, and the fact that it has not been is to the Government's eternal discredit.

The Government is incapable of any coherent planning in this State and its decision-making processes, as have been seen over the past few months, are dictated by the whim of the Premier, and the Premier's love of models, proposals, nice plans and landmarks, like the Yarra bank casino—I should not mention that—leaves the State with no vestige of economic planning. My authority for that statement is the Premier's admissions on the State Electricity Commission's tariffs, if in no other direction. The Government's attitude to the environment will significantly degrade the quality of life in Victoria, and its failure to ensure that the new developments are matched by new infrastructure facilities will depress the standard of living of Victorians, not only in the Portland area, but over the entire State.

With the coming of a project as big as Alcoa to Portland, the Government has been given an opportunity to provide exceptional co-operation between it and private enterprise, but that has

not been the case. It is not the fault of private enterprise or of Victorians generally that that co-operation has not existed; the fault lies in one place, and in one place only, with the Premier and his Government, and their approach to a development the size of the plant at Portland.

I thank the House for allowing me to take up time in debating this issue because, as I said initially, I regard it as one of the most important debates to occur during this sessional period.

Mr HAMER (Premier)—The real difficulty in dealing with this motion is to know exactly what it is supposed to mean. The Leader of the Opposition wandered all over the landscape, but I will refer to what the motion says. It states that in respect of the proposed Alcoa development, the Ministerial statement failed to disclose in complete and accurate detail all aspects of the effects of the proposed development.

The first observation I make is this: Unless a Ministerial statement is to go on forever, it must give the main outlines of the proposed agreement with Alcoa, and that is exactly what happened with this Ministerial statement. It was given against the background of a lot of other information, which is freely available to the Opposition and to the National Party, and I instance the environment effects statement prepared by Alcoa itself, under Government legislation, which I personally regard as about the most comprehensive and complete statement that I have seen on an environmental matter.

It does not, as the Leader of the Opposition implied, merely translate some foreign standards to this country; it deals precisely with the Portland smelter. It deals with Portland as an area, and it deals with every aspect, not just physical aspects, of the proposal. I am glad to have the words of the Leader of the Opposition, "an excellent study". It forms part of the information available to every member of Parliament, and indeed, to interested members of the public as well. It is required by Government legislation, and I personally commend Alcoa on the preparation of this effects statement, and on its comprehensiveness.

It has dealt with a description of the proposal in all its aspects, the work force, the working environment, the economic environmental effects of the proposal—that is something the Leader of the Opposition should study—the social environmental effects of the proposal, the existing infrastructure, and so on. All this material is available to everybody freely, under the kind of approach that this Government adopts to major developments of this sort.

In addition to that, and this is not so common, there has been an economic evaluation of the proposal, and that has also been made available to the National Party and the Opposition. The whole project has to be seen and evaluated against the background of the Government's Green Paper on Energy, which again is the most comprehensive energy statement of any State in the Commonwealth. It sets up a complete register, so to speak, and a list of the energy resources of this State, the expected demands upon those energy resources, and how it is proposed to meet them in the future. That is the proper role of a Green Paper, to set up facts, and then establish policy. This is all material that is available.

In addition to that, and this again is not invariable by any means, the actual agreement, as I said in the Ministerial statement, will be brought to this House for approval. The terms of the agreement will be there for all to see. I do not think the same thing is happening in New South Wales or Queensland. There has been no Ministerial statement in either State setting out the details of the proposals, so the information available to this Parliament far exceeds that available to equivalent Parliaments elsewhere in Australia on similar projects.

It has all been laid out by the Government, and the Government believes that is the right way to approach it, and what the Opposition ought to do is to use its own evaluation of the material. If the Opposition wants more material, the Government can provide it, but the Op-

position should evaluate it accurately in the first place. This Parliament will have the opportunity in the spring sessional period of validating the agreement, once it is reached, and that will give a further opportunity for Parliament to be informed, and to inform itself, on every aspect of the proposal. That is the background to this debate.

The Opposition apparently welcomes the project, and even approves of stage 1, with the qualification that Alcoa meets the cost of the power adequately, or some words to that effect, and my colleague, the Minister for Minerals and Energy will deal with that aspect. What I think was an alarming proposal put forward by the Leader of the Opposition was that although the Opposition would not repudiate any agreement, according to the Leader of the Opposition, the Opposition would undo the effects of the agreement by other means. If there is one thing that is going to create uncertainty, an unfair situation for a very large enterprise, it is that sort of threat. It is similar to the threat that his Federal colleague, Mr Uren, makes, that a Federal Labor Government would not honour agreements made by a Government of a different colour. That, I think, is unspeakable, and I hope the Leader of the Opposition will see fit to withdraw that statement in due course.

Mr Wilkes—I will not.

Mr HAMER—It is no good the Leader of the Opposition saying that he wants these projects, and then saying that he will not honour agreements that will bring them about. The Parliament will have the opportunity in the spring sessional——

The DEPUTY SPEAKER (Mr A. T. Evans)—Order! The Leader of the Opposition was heard in reasonable silence when he made his contribution. I ask him to show the same respect to the Premier.

Mr HAMER—I remind the House of some of the outstanding advantages that this project will bring to Victoria. The estimate is, in financial terms, that the company will contribute $3400 million in company and income taxes alone; that it will provide $60 million to the Town and Shire of Portland over the period of its life; that it will provide 5650 new direct, and indirect jobs; that it will generate $2500 million in wages and benefits, and its export earnings for Australia are expected to be $15 000 million—one of the largest projects that has ever come Victoria's way.

It is a matter of judgment, and it is also a matter of comment, that the Victorian Government has encouraged the development of Alcoa because of its effect on the economy, because of the jobs it will provide, because of the spin-off effects that are expected in many other industries that are expected will follow it, and above all, it will contribute to the growth of a part of Victoria that the Government is anxious to see grow, namely, the south-west. It is basing itself on one of the finest deep water ports around Australia, and one on which a great deal of public money has been spent in the past to develop its capacity. All these things come together with this great project.

The House has to assess what value it puts on having a project of this sort. I can tell the Leader of the Opposition, although I think he knows already because he referred to it, that there is, of course, quite a deal of competition among the States to get large projects. I personally do not find that to be detrimental. I think each State has its own attributes, its own advantages, and in the end each project is decided upon on a business basis. But each Government is expected to do its best for its own future, to create jobs and to encourage industry to come to its State. The reason that the State Electricity Commission established the M tariff was to encourage large-scale industry. As the Leader of the Opposition finally admitted, eleven industries are using it.

Mr Amos—Not the M tariff; they are using option 5.

Mr HAMER—Alcoa is also on option 5. The honorable member for Morwell well knows that the options refer

largely to power inputs and requirements. This is the biggest usage of all; the Lysaght group is also a big user.

What I am getting at is that tariff M was devised by the State Electricity Commision under its charter to encourage the development of industry in Victoria. That is part of the commission's job, and it is not a new thing; it has been going for quite some time and it has been successful in encouraging the growth of major industry in Victoria. Therefore, the Government does not apologize for the use of the tariff; Alcoa is using the same tariff which is available to many other major industries and is being used by them.

The DEPUTY SPEAKER (Mr A. T. Evans)—Order! The honorable member for Morwell is now apparently starting his speech and he is trying to drown out the words of the Premier as he is making his contribution. I ask the honorable member to desist immediately.

Mr HAMER—What the Alcoa company has is what is available to any other large enterprise, and it is the tariff which was devised by the State Electricity Commission under its charter to encourage the development industrially of Victoria. That tariff is being used; no one is disputing it. No one is seeking any special deals or advantages for Alcoa in relation to the tariff. I shall not say any more about it, because the Minister for Minerals and Energy can give the details.

I turn to the other matters raised by the Leader of the Opposition. He said that this development did not fit any economic plan which the Government has developed. I remind him that the Government has many times given details of its approach to the development of this State. The Government seeks, firstly, the maximum decentralization of industry away from the metropolitan area, and there are clear signs of the success of that part of the policy.

Secondly, the Government believes it should use the resources of Victoria to produce jobs and encourage growth and industrial development, and that they should be used wisely and well for that purpose. I agree with the Leader of the Opposition that Australia enjoys a tremendous advantage in its energy resources. Victoria in particular is estimated to have about 36 per per cent of the energy resources of the whole of Australia, largely in the oil and gas fields of Bass Strait, in the brown coal deposits in Gippsland and those which will later be tapped in the Western District.

That very advantage imposes an obligation to use it wisely and for the benefit and development of our State. Above all, we should be seeking—and this is a clear part of the Government's policy which has been enunciated many times—to use our energy to process the State's local materials. Rather than shipping either primary produce, minerals or any other form of production overseas, we should process it first using the energy available to us and adding value to it before it leaves these shores. That, certainly, is a primary aim of the Government's industrial policy.

Finally, the Government tries to disperse what it has, particularly through the development of transport and of ports. Portland has been developed as a port. That development is costing the State some millions of dollars a year at present, but industries like that of Alcoa and others which it will bring in its train will give Portland the basis on which to develop into a second or third major port for Victoria. So the Government claims, with some justice, that the information behind the Alcoa proposal has been provided to the best of the Government's ability and in a measure which is not usually matched by other major industrial developments. Many of those developments are not even debated in Parliament. Certainly Ministerial statements are not made on them. They have not had environmental effects studies of such magnitude or Green Papers on energy to back them up.

It cannot be said that the Ministerial statement does not disclose in complete and accurate detail all aspects of the effects of the proposal. There are some effects which will occur in the future; I do not suppose anyone can know

in advance exactly what will be required, but the Government has set up the structure which will meet the requirements and tackle the impact of this large development on the port of Portland and the surrounding district.

In the Ministerial statement I indicated that a Ministerial Council had been formed and that a consultative council was being formed. The whole purpose of that is to plan the infrastructure development for the housing, the new roads, the railway line, if that is necessary, and the social welfare effects such as the requirements of the hospital and other amenities which will be needed in the community. The Government does not underestimate the effects of a large development like this, and I agree that it must be co-ordinated. The Ministerial statement showed what was being done and planned. The leader of the Opposition says by interjection that he is not debating that, but he will agree that he raised it as part of his statement a few minutes ago. I am just discussing what has already been done.

The Government regards the Alcoa proposal as a major project for Victoria and sees in its impact on the Victorian economy and the Australian economy something which is wholly beneficial. We are not in the market to give away Victoria's resources; we believe that, in requiring Alcoa to pay the same electricity tariff as anybody else in a similar situation, the Government has adhered to a correct principle.

The discussion will rotate around the cost of the power line, but when one assesses the fact that this power line will bring to the south-west of Victoria for the first time a real chance of development, one sees that its capacity is far beyond what will be required just for Alcoa. The power line will have a large capacity to carry power for other developments which we know are going to occur in the future. Eventually we hope it will link up with the South Australian grid, because there are many advantages in interchanging power between the south-eastern States and possibly Tasmania eventually, and many economies can be achieved if that can be done. This power line will be the way in which it can be achieved.

I assure the House that in the wharfage dues which will be paid by Alcoa, the cost of the new berth will be recovered over the correct period. Portland will receive a new seaport, and that again will be paid for by Alcoa through increased rates. The hospital will be improved; there will be an increase in the size of schools and the number of pupils attending them. In other words, the Town and district of Portland will have all the advantages which a large development of this kind can bring. We acknowledge and accept the responsibility for providing those things for a town which we know will grow with sudden and considerable speed.

Let us remember that 1500 jobs will be created to construct the plant. The initial work force in 1983 will be 600, rising to 1200 by the end of the development of stage 4. All this will have an enormous impact on the town and district, and all these factors add up to a development which the Government has thought it proper to encourage in every way it can. Let me say quite positively that, before the Alcoa company made its decision, the Government was negotiating with about four other potential smelters. In their business judgment they decided to establish their plants elsewhere, and made it plain that they did so because they would receive a better deal on power. There is no question about that, although I challenge the Leader of the Opposition to suggest what the power tariff was. We know what it was, but it has never been disclosed to the people of New South Wales. I defy the Leader of the Opposition to tell me what the equivalent arrangement is in New South Wales. It was said that both the Nabalco and Alimax companies decided that New South Wales was the place for them.

The Government has responsibilities. If the Alcoa company had not come to Victoria but had decided to ship its alumina to Brazil, West Africa or

some other country where cheaper power is available and where many other advantages are offered, the Leader of the Opposition would have been the first to criticize the Government for letting a great opportunity go by.

The Government believes a great deal has been done in this instance for Victoria and for Australia. I have told the House the many advantages that the Government can see. At the end of ten years from now, Alcoa will have spent about $1000 million in Victoria, will have created 1500 jobs for the construction stage and 1200 full-time jobs with at least another 1800 in spin-off activities that were envisaged in the economic study to which I referred. These are considerable advantages. The Government does not have any regrets for what has been achieved. It will be a great and encouraging development and the Government would like to see many more developments of this kind in Victoria; it is now moving towards some of them.

The most recent of those is one which I welcome—I do not know whether the Leader of the Opposition does. I welcome the decision by Australian Paper Manufacturers Ltd to expand its Maryvale plant with the expenditure of $150 million. It will provide between 200 and 250 more jobs. I hope the honorable member for Morwell also welcomes this development, because it adds variety to the growth in the Latrobe Valley and uses what I have just described as the State's energy resources in processing by using power, water and so on, so this will be of advantage to the State.

The Leader of the Opposition referred to the deal which was arranged with Esso-BHP in Bass Strait and criticized it. Let him remember that the oil coming from Bass Strait, if one excludes the crude oil levy, is about the cheapest oil in the world. It still costs less than $3 a barrel.

Mr Wilkes—What are you getting out of it?

Mr HAMER—The Government receives a certain amount in royalties. Nevertheless, it is very cheap oil for the people of Australia.

Natural gas is provided at a remarkably low cost. I congratulate the Gas and Fuel Corporation for what has turned out to be a magnificent arrangement. That is the sort of deal the Leader of the Opposition is seeking to criticize. I only hope the benefits to the people of Victoria from the Alcoa proposal will be equivalent to the benefits received from Esso-BHP because if they are it will be a profitable and successful enterprise.

Mr ROSS-EDWARDS (Leader of the National Party)—The motion moved by the Leader of the Opposition criticizes the Ministerial statement made by the Premier regarding the proposed Alcoa development at Portland because it failed to disclose in complete and accurate details, all aspects of the effects of the proposed development. Whatever the outcome of this motion, the side effects are that it provides an opportunity to the House to debate one of the biggest industrial developments planned for Victoria in many years.

The proposed Alcoa project is coming to Victoria because Victoria can guarantee long term supplies of electricity—I emphasize the words "guarantee"—at a competitive cost. Oil prices around the world are increasing, so cheap power is a very important factor to industry. As the Premier stated, Victoria has huge deposits of brown coal which will play an increasingly important part in the industrial development of the State. The proposed smelter will be the biggest in Australia.

By 1988 it will produce 530 000 tonnes of aluminium a year. It will consume 900 megawatts of power—a quarter of the power used in Victoria at that time. The capital cost involved will be $1000 million. The number of people who will work at the smelter following its construction is 1200. The company estimates that 4000 people will be added to the population of Portland. I estimate that the increase in the population will be in excess of

4000—5000 or 6000 will live in the Portland district. If ever a provincial city in Australia cried out for additional population it is Portland and the surrounding areas.

The advantages for Portland are that it will help to substantially accelerate the development of the port of Portland. The future of the port of Portland is huge, apart from the aluminium smelter proposal. I refer to the amount of grain which will go out of the port of Portland in future. Bigger ships which can easily move in and out of the port of Portland will be used to export grain. The amount of grain leaving Portland will increase substantially in the near future.

Reference was made to the aerodrome. A new aerodrome and various other facilities will be provided in Portland. Housing will be needed, so a large responsibility will be placed on the Housing Commission and private enterprise to provide accommodation. Another special benefit will be that increased power will be provided for other industries which will follow the proposed Alcoa project to Portland. It was estimated that by 1983 Alcoa will be paying $650 000 to the local council, which will be half the amount of rates received. The local council will have problems like councils in other areas which have received a sudden surge of population—for example, Wodonga and Sale. Whenever that happens strains are placed on a municipality. I am not talking about the Government sphere.

Mr Dunstan—On both the town and the shire.

Mr ROSS-EDWARDS—Yes. A heavy responsibility will be placed on the Government, not only to get Alcoa established in Portland but to assist the Portland district by providing the area with the necessary facilities for the future. For those reasons, the National Party supports the principle behind the establishment of a smelter at Portland.

The views of the National Party are clearly set out in the Ministerial statement. There is a need for economic development in western Victoria. Population in many centres has been declining for many years because of the lack of job opportunities. It is sad to note that Parliament has lost seats in western Victoria. Political representation has been lost, compared with 12 or 15 years ago. It is an indictment on the Government because the Western District of Victoria is the worst area for population loss. This proposal will go a small part of the way towards reversing the process.

The establishment of the proposed Alcoa project at Portland will provide excellent advantages for the port of Portland. There is need for a large processing industry which imports raw material and exports manufactured material. The port of Portland is ideally suited for this purpose.

Victoria is in the happy position of being able to produce electricity at a competitive rate. It is necessary to exploit that advantage to ensure future industrial development in Victoria. The big question that arises—the most important question in this debate—is the price Alcoa will pay for electricity.

I am not able to make a real assessment, on the information available to me, as to whether Alcoa will be paying the correct amount. As the Premier stated, obviously Victoria has to be competitive otherwise it could not attract industry to Victoria. I suggest Victoria is selling its electricity at the cost of production.

From the information available, it is hard to determine who is right and who is wrong. There are interesting questions to be asked. Did the Government lean on the State Electricity Commission? Did the agreement receive the blessing and approval of the State Electricity Commission? Does the State Electricity Commission think it is getting into a commercial agreement or is it having to carry out a public service and provide electricity at a rate which the State Electricity Commission regards as non-economic?

At present the State Electricity Commission has big problems. It has big expenses ahead of it and the Government has taxed the commission, like

the Gas and Fuel Corporation, so it is not in the healthy financial situation it was in a few years ago. Because the State Electricity Commission is a semi-Government organization it will not be possible for anyone outside the Government to find out from the commission whether it has been leant on hard. I am inclined to think it was. That may be in the best interests of Victoria. It may be that because the Government has leant hard on the State Electricity Commission, Victoria will get this industry, but no one knows how much the State has to contribute to permit electricity to be provided at the agreed cost.

I shall make several comments on the Ministerial statement regarding areas which I feel require further amplification. Some of these matters have no doubt been considered and decisions have already been made but that is not apparent from the Ministerial statement.

Assuming that the proposed Alcoa plant reaches its full potential by 1988, consuming 900 megawatts of power, how much electricity will be available for Victoria generally and for other power-hungry industries which will undoubtedly be attracted to Victoria. The Premier did say that there will be a surplus of electricity for the Portland area. This is an important matter because some people take the view that in the 1990s Victoria may be short of electricity, or close to the line.

Electricity will be drawn from the Latrobe Valley. What consideration has been given to generating electricity closer to the site using natural gas from Timboon or entering into an agreement with South Australia to utilize the brown coal deposits at Millicent? These matters have to be considered. I would appreciate it if the Minister for Minerals and Energy could comment on these matters later.

In view of the natural advantages to Alcoa of the Portland site and the competitive costs of electricity supplied, why was it necessary to provide the company with a rebate of the turnover tax on power supplied for ten years? The Minister may also be able to answer that question. It appears a long period to get this company established.

The other matters to which I will refer in general terms are the various facilities, such as health, social welfare and education, that will have to be provided at Portland. Portland has been poorly looked after in the past. The old primary school has been a disgrace for years. There are problems at the technical school and on the foreshore of Portland, but for some reason Portland has been one of the neglected areas of the State.

There will have to be a dramatic change because Portland will have to be one of the favoured areas of the State if it is to be provided with facilities which are up to the standard of those enjoyed in other country areas of Victoria. This is an important message, because, for reasons that I cannot understand, Portland has been the poor relation among the country districts of Victoria for many years.

I refer to the decision to use a Ministerial Council to co-ordinate the development of Portland. Although in theory a regional planning authority would appear to be an appropriate group, experience with these organizations in other areas has not always been encouraging. There appears to be insufficient recognition of the geographical significance of this area. The green triangle study, in which the Government was involved, highlighted the inter-action existing between the south-west of Victoria and the south-east of South Australia. It was therefore seen that the membership of any future Ministerial Council should include at least one representative of the South Australian Government. I would suggest that a Minister would be appropriate. I accept that it would not be practical for him to be a member of the council, but he could be a co-opted observer. Portland is very close to the South Australian border and common problems will arise. At Ministerial Council meetings from time to time, there should be a Minister who has been seconded from the South Australian Government. I accept that he could have only observer status

but he would be able to discuss the over-all development of what is commonly known as the green triangle area.

Obviously, a number of decisions regarding the establishment of the complex at Portland must be made very quickly because of the deadlines involved. It is vital, in terms of the future development of Portland and the quality of life to be enjoyed by its citizens, that the correct planning decisions be made at this initial stage of industrial development.

The National Party hopes that the Government will provide more information on the areas I have discussed when it presents to Parliament the Bill to validate its agreement with Alcoa of Australia Ltd. It should be remembered that validating legislation must come before Parliament and be debated. I understand that it is planned to introduce the proposed legislation in the spring sessional period and I ask the Minister to ensure that it comes very early in September. It is urgent and should be the first Bill to be debated in the spring sessional period because this is a major project and one which honorable members must have the opportunity of debating. The agreement between the Government and Alcoa of Australia Ltd will not become binding until legislation is passed. It will be subject to Parliamentary ratification.

There must be full disclosure by the Government of its agreement with the company. During the Premiership of Sir Henry Bolte, I listened to debates where he talked about Esso-BHP and Alcoa and full details of the agreement were never given to the House. On this occasion there appears to be no good reason why the Government should not make full disclosure. Agreement has been reached. There is a gentleman's agreement in existence at present which will be signed before September. It would be wrong for honorable members to have to debate the agreement without full knowledge of its details. If the Government does not produce those details, it will suffer the consequences when the debate occurs.

Another matter which disturbs me is the mention by the Leader of the Opposition of the possibility of imposing a licence fee. The principle must be accepted by Governments that, once an agreement is entered into, it must be honoured. It is like a company. Shareholders may change, directors may change; but, if the company has entered into an agreement, that agreement stands. If it does not stand, the Government will lose the confidence of industry, not only in Australia but throughout the world. I can understand that the Opposition does not like it and that its first inclination is to say it will find some way of changing it. I am not a member of the Government and the same thought occurs to me; but the hard, cold fact is that the agreement has been made and we have to wear it. Things can be changed for the future but the agreement cannot be changed. Any attempt to change it would cause the State immeasurable harm. The only way in which extra charges could be applied would be if extra facilities were provided, and a supplementary agreement could then be entered into to pay for those extra facilities; or a charge could be levied on all industries in a particular area. An industry cannot be singled out and told, "You got too good a deal in the first instance and we are going to slice a bit off the top because you appear to be doing very well".

I regret that the Leader of the Opposition made this serious statement. I do not blame him, but I say to the Opposition that it has to get this idea out of its system if it wants to be the Government of this State at some future date. If the Opposition says it is going to change binding agreements entered into by a Government, it is not fit to be a Government in its own right.

Honorable members interjecting.

Mr ROSS-EDWARDS—The Leader of the Opposition said the Labor Party would not repudiate the agreement but would change it; and if his party failed to renegotiate the agreement it may impose an added financial cost burden on Alcoa of Australia Ltd. That

is a fair summary of the Opposition's attitude. But the Opposition cannot do that if it becomes the Government. If it imposed a levy on all industries in a particular area, that may be acceptable; but when the Government enters into a specific agreement and then, as soon as there is a change of Government, the new Government imposes a penalty, that is not acceptable. Once the agreement has been validated, it is something that the Opposition must wear. However, I hope the wise heads and the right wingers will have their way on this occasion.

Finally, I impress upon the Minister that it is essential that the Bill comes before Parliament early in September, and that it comes before Parliament with full disclosure of the details of the agreement. I assume that that will be done, and honorable members will then have the opportunity of discussing the agreement and voting against it if they see fit to do so. On this occasion, the National Party opposes the motion and reserves its judgment until the full facts of the agreement are put before Parliament.

Mr AMOS (Morwell)—Both the Premier and the Leader of the National Party have indicated the magnitude of the Alcoa proposal for Portland. Indeed, during his reply to the Leader of the Opposition, the Premier said that it was the largest single project of its type to be undertaken in Victoria. It is significant that this largest single project of its type will depend largely on the largest single project ever undertaken by a semi-Government authority in this State or, indeed, in Australia. I refer, of course, to the State Electricity Commission's giant Loy Yang power station project in the Latrobe Valley. For that very reason, the Opposition is firmly of the view that proposals of this type require energy impact statements, environment assessment and economic evaluation as fundamental requirements before approval.

In the absence of any proper evaluation, certainly in the absence of any energy impact study and in the absence of any proper Government response on environmental assessment, what then does Her Majesty's Opposition do in terms of addressing itself to the Ministerial statement which in such a bland, *laissez-faire* way was presented to Parliament and then in a few days taken away? Is it any wonder the Premier took the Ministerial statement away? It was worth nothing. That is why the Leader of the Opposition moved his motion in these terms:

> That the Ministerial statement in respect of the proposed Alcoa development at Portland fails to disclose in complete and accurate detail, all aspects of the effects of the proposed development.

Today honorable members saw the spectacle of the Premier coming into the House, talking about details being provided in his Ministerial statement which contained nothing and talking about an economic evaluation. He was referring, of course, to the staff discussion paper from the economic section of his department, which he made available to some members of the Opposition.

It touched in only a small way on the economic evaluation that the Opposition talked about. The Premier then began quoting from a list of the kind of benefits which would flow to Victoria and Australia from the proposal by Alcoa of Australia Ltd. Clearly, the Opposition agrees that there are many benefits, and welcomes stage 1 of the proposal, subject to a proper price being paid for electricity —the Leader of the National Party agrees with the Opposition on that— and subject to certain environmental standards being met; and I am sure honorable members would agree with that. The Opposition welcomes that proposal.

One would have thought that, in quoting the sort of benefits which would flow, the Premier would have quoted from some expert assessment that he or his department had carried out. It seems somewhat coincidental that the exact figures to the man, to the dollar, to the cent, that the Premier quoted to this House were contained in a letter which the head of Alcoa of Australia Ltd, George Haymaker, Jnr, had sent to the Leader

of the Opposition earlier today. In other words, the Premier was not using his own figures; he was using figures supplied by Alcoa of Australia Ltd. There is nothing wrong with that. I am not debating whether the figures are right or wrong. I am simply saying that, if the Premier were sincere in saying that a proper evaluation had been carried out, he should use his own figures and he should demonstrate to this House and to the people of Victoria that his Government has done its homework.

The Opposition knows that that evaluation has not been carried out. In answer to a question asked of him by me less than two weeks ago, the Premier freely admitted that the economics section of his department had not carried out any assessment of the tariff structure of the State Electricity Commission, tariff M option 5 having been offered to Alcoa. The Premier said that that was a matter for the State Electricity Commission and not one that the Opposition should be questioning, as if a semi-Government authority was going to be given an absolutely open go without any independent assessment. This Premier apparently agrees that there should be no proper assessment made.

What is the Opposition to do in assessing the project? Obviously, as a responsible alternative Government, the Opposition must be able to research this proposal as well as it possibly can. I believe the Labor Party has discharged all obligations and requirements in that area. The Opposition is able to produce to the public of Victoria five documents containing its appraisal of Alcoa of Australia Ltd's proposal. Those documents include the Opposition's attitude, its response to the Ministerial statement, an assessment of the cost of production of electricity in Victoria, an assessment of the financing of the proposed transmission line, an assessment of the hidden electricity subsidy and an assessment of Alcoa's ability to pay, which the Opposition has made available also to Alcoa of Australia Ltd. The Opposition has provided more information than the Premier has been able to provide in any documentation of the Government.

I invite the Minister for Minerals and Energy to explain to Parliament why the Government has not made a proper assessment of the State Electricity Commission tariff rates. The Government has much to answer for in its proposal to finance the proposed transmission line at a cost to the Victorian taxpayer and in its failure to provide an analysis of the ability of Alcoa of Australia Ltd to pay its way.

The Premier and the Leader of the National Party referred to the competitiveness between the States and overseas for industry and remarked that if Victoria charged too much for services, the industry may flee the coop. Private enterprise is a flighty bird—a statement of the former Premier, Henry Bolte, who led the merry chase in the Esso-BHP deals, and so on, and who since his retirement has gained directorship of many boards, showing his concern for investment but not his concern for Victorians.

It is well known that Brazil can offer aluminium smelters an electricity tariff rate of approximately 1·5 cents a kilowatt-hour on today's exchange rate of Australian dollars and that it can offer electricity at a much cheaper rate than Australia. But Brazil does not have the capacity at this moment, nor does it have the stable politics of Australia, and it certainly does not have the bauxite that is so readily available in this nation. Those other factors must also be taken into account. Reference has been made to other States and it has been suggested that the industry could have gone to some other State. Let us place it on the record and make it abundantly clear so that even the ignorant honorable member for Noble Park, who is interjecting, can understand, if one can penetrate his mentality, that the generating capacity of electricity authorities in other States already taken up with other aluminium smeltering proposals and other development proposals. There was no other excess electricity generating capacity State in Australia to which Alcoa of Australia Ltd could

have turned unless it wanted to join the queue and wait until there was in fact, some excess capacity for its development. Victoria then was in an extremely fortunate, strong bargaining position. But what did the Premier and the Government do? It laid on its back as usual, legs up in the air, and allowed its belly to be tickled once again.

Alcoa of Australia Ltd made it abundantly clear that it is prepared to pay the full cost of the supply of electricity. The company has said to us and made no secret of the fact that it never again wanted the sort of secret deals that Henry Bolte perpetrated on the State in respect of its first development at Point Henry. It did not want that secret deal situation; it wanted to come out in the open and enjoy a tariff that was available to everyone else that met the full cost of supply. The company has stated that it did not seek the exemption from the turnover tax that this stupid Government has provided and, in doing so, has denied Victorians $45 million in total on average over that ten-year tax holiday.

I remind the Government that plenty of houses in the Latrobe Valley and Portland could have been provided for $45 million. The company did not ask that, it did not ask for the cheap electricity rate. On the transmission line, it said to the Government, "Treat us like other industries". The State Electricity Commission has a self-help scheme and under it, Alcoa had offered $60 million of the $100 million total cost of the line from Geelong to Portland but the Government did not accept that and, instead, made some other arrangement whereby 58 per cent or $58 million of that $100 million transmission line from Geelong to Portland is supposedly repaid out of the tariff rate that Alcoa of Australia Ltd will pay. Let me now get down to what that rate is.

Any member of this House and any Victorian outside of the State Electricity Commission who attempts to obtain information to be able to determine the tariff structures and rates will find that task almost impossible; it is extremely difficult indeed. Notwithstanding that difficulty and the failure of the Government and the Minister to make information available, the Opposition has been able in its assessment to look at an economic assessment of what those costs could be. The Opposition is aware that economists differ as to the methods they will use to reach a cost but we say, in our examinations, "Look at the average cost, look at the historical cost, not the full economic cost of replacement, not at the historical average cost of process, and let us look at the fact that in this State, and in other States where there are electrical authorities, the cost of generation of electricity alters significantly throughout the year because of the various peaks caused by winter or summer, spring or autumn, and the various peaks caused by the work period during the day. Let us look at all those costs, add them together, do our sums and do our calculations."

I shall provide the Minister for Minerals and Energy with our cost assessment. It is an example, if honorable members like, but that thorough assessment that we have carried out clearly indicates that Alcoa of Australia Ltd will be receiving electricity from the State Electricity Commission at a cost of 1·6 cents a kilowatt-hour. The traiff M5 at 1·6 cents a kilowatt-hour includes a 0·11 cents a kilowatt-hour interruptability discount. I do not think anyone argues with that because an interruptability discount for such a large consumer where, in this case, with Alcoa of Australia Ltd, electricity supply can be interrupted for five two-hour periods in one week, means that the State Electricity Commission grid can draw upon that electricity in times of emergency; in other words, it is a cheap peak load power station. No one really argues with that, although some further detail is required if one wants a more refined assessment on whether there is a hidden subsidy in that also. Included in that 1·6 cent per kilowatt-hour is the interruptability discount.

We know, for instance that only one other industry in the State is on that tariff—John Lysaght (Aust.) Ltd—at Westernport. The Opposition estimates, on the production figures available, that the tariff to that company is approxi-

mately 1·71 cents a kilowatt-hour. The assessment of the electricity costs by the Opposition clearly shows that the cost ought to be 2·21 cents a kilowatt-hour because that is what it costs to produce—not to transmit and not to cover other infrastructure costs and new power station provisions and so on. It will cost 2·21 cents a kilowatt-hour to produce electricity, yet the State Electricity Commission is selling electricity to Alcoa of Australia Ltd at an estimated rate of approximately 1·6 cents a kilowatt-hour. Taking into consideration the interruptability discount of 0·11 cent a kilowatt-hour, the total cost to Alcoa of Australia Ltd will be half a cent a kilowatt-hour cheaper than the cost of producing the electricity.

If that is the case—and I strongly suggest that the Minister for Minerals and Energy carefully considers his reply because of the assessment carried out by the Opposition—clearly Alcoa of Australia Ltd is making no contribution under the proposed arrangement for any cost of the transmission line apart from the 21 per cent of the cost of the line from Melbourne to Geelong—about $7 million—and 21 per cent of the cost of the line between Geelong and Portland, about $21 million. The $58 million that the Premier glibly announced will be repaid by Alcoa of Australia Ltd via its tariff is not there and will not be repaid simply because the company is obtaining the electricity for half a cent a kilowatt-hour cheaper in the first instance. What does that mean?

That ridiculous subsidy means that in one year for stage 1 and every year that goes by under stage 1, $9·5 million is lost to the State. In stage 4, if this iniquitous situation is permitted to continue, it will mean a loss of $37 million each year. I suggest that the loss will be to every other electricity consumer in the State. The Minister will have the temerity to reply later, as the Premier implied, that the State Electricity Commission has to cover the cost of production and supply because of its charter. Of course it does, and no one denies that, but the Premier blindly forgets, ignores, or is too stupid to realize that the State Electricity Commission has a cross subsidy situation so extensive that it means that its total costs of supply are met by the charges that it makes but they do not necessarily apply to each individual consumer.

In other words, classes of consumers are paying far more than they ought because of the generous donations and contributions that the State Electricity Commission, with this Government's favour, makes to industries like Alcoa of Australia Ltd. It is no good for the hypocritical Premier to talk of energy conservation and the need to conserve the resources Victoria has if there is not to be any conservation component in energy tariffs applying to the State Electricity Commission. That is simply not the case with extensive cross subsidization of the tariff structure of the State Electricity Commission, for which the Premier congratulates the State Electricity Commission. I do not believe domestic and commercial consumers in Melbourne, whether the corner fish and chip shop, light and heavy industrial users, ought to subsidize any company—Alcoa of Australia Ltd or any other company—when those companies ought to be paying their own ways.

Of course, the Minister will inform the House that I am forgetting that large consumers of energy are supplied with base load power, which is cheaper to provide. Of course; but because Alcoa of Australia Ltd will run its plant continuously it is drawing on electricity with a 96 to 98 load factor, 24 hours a day, seven days a week and 52 weeks of the year. The demand will be continual and will cut through all peak, off peak and heavy peak electricity supply periods. Other consumers wanting electricity in heavy peak periods will have to pay more for it, and why should they? Is that not enough evidence to suggest it is high time for a proper appraisal of the State Electricity Commission tariff rate?

I am suggesting that in these instances and in the assessment of the Opposition, the need has been demonstrated for a proper economic evaluation of the State Electricity Commission tariff structure. The Opposition has demonstrated the need for a thorough economic appraisal of the proposed project

and the need to examine properly the impact on the energy requirements of the State. Perhaps the assessment of the Opposition on tariffs is not totally correct; I shall concede that. I said before that the Opposition reached its conclusion on the only information available —published information from the State Electricity Commission. If the information is not absolutely correct, either the State Electricity Commission lies in its annual reports and does not present candid reports or there is a great cross subsidization occurring for the State Electricity Commission to be able to supply industries under tariff M option 5 electricity at a half a cent a kilowatt-hour less than the cost of the production of the electricity. The Government cannot have it both ways.

My Leader spoke about the need for a proper energy impact statement, and the Premier, in reply, spoke about the Green Paper that the Government produced a few years ago. That was the end of any energy assessment so far as the Premier was concerned. Let the Premier be reminded, and also the House, that first of all the House was promised a White Paper. As honorable members know, a Green Paper is one that provides a Government with a number of policy options, and the Green Paper produced by the Government to the House was one that gave this Government's policy options. The Government has not gone to the next step and produced a White Paper setting out its policy.

It is not known what the Government's assessment of the energy needs of Victorians are. It is not known what the Government intends to do about the utilization of energy, and that is what is needed. If that was available, then each application for a proposal, such as Alcoa, which gave an energy impact statement saying how its proposal would fit into the State Government's policy on energy assessment, could be carefully considered. It would be known then whether the job creation encouragement of that industry was one that the Government wanted above others. That is not known because that information is not available. My colleague, the shadow Minister for economic development, will take this House, and this lazy inept Government, through the processes of why this information is not available.

There is a need for a proper evaluation. The Opposition supports, and welcomes, the proposal for Portland, because there is a need to develop that area and there will be job creation in this proposal. The Opposition welcomes it with qualifications, but submits that Alcoa ought to pay its way. There ought not be any subsidy for electricity cost, any exemption from turnover tax, and Alcoa ought to meet environmental standards. I am sure that Alcoa would welcome, and would be willing to meet those standards and still remain in this State. The Opposition wants a thorough energy assessment made, an environmental impact statement, an energy impact statement, and a proper State economic evaluation of any further development at Portland. That is little to ask for a proposal of the magnitude of this one. Therefore, I challenge the Government to accept the proposition made by the Opposition today.

Our position is clear; it will not change. Alcoa will be drawing on the State's grid in 1983, if all goes according to plan. I remind this Government, and the State of Victoria, that in 1982 a Labor Government will restructure tariffs and make those conditions applicable that we have spelt out here today.

Mr BALFOUR (Minister for Minerals and Energy)—I listened with a deal of interest to this debate, and I agree with honorable members that it is a very important one. The Government is pleased to know that the Opposition supports Alcoa going to Portland. One of the difficulties appears to be that the Opposition believes the Government is offering electricity to the Alcoa company at too low a price.

The State Electricity Commission of Victoria, under its Act, particularly section 20, among other things is

charged with the responsibility of examining the prospects of establishing in Victoria new industries requiring large quantities of cheap electrical energy, and to encourage and promote the use of electricity, especially the use thereof for industrial manufacturing purposes. The Parliament of this State has given to the commission a charter to do both those things, and I believe over the years the commission has done its best to comply.

In order that all comers may know of the tariffs, the commission publishes a full tariff schedule. In fact, the State Electricity Commission is the only electricity authority in Australia that publishes a full tariff schedule. During the debate on whether there should be aluminium smelters in Victoria, both the commission and I held fast that the regular tariffs should apply. These are the published tariffs, so people know where they stand, and we have not shifted from that stand.

The first two companies that made inquiries in Victoria eventually decided to construct smelters in New South Wales. I do not know what arrangements were made, but I do know that the price they asked for the State Electricity Commission to supply them with power was very much cheaper than the 1·6 cents a kilowatt-hour that was mentioned for Alcoa. It was their strategy to go around shopping to get the best deal, but I understand what they did get in New South Wales was much lower than that price. If the State Electricity Commission cannot produce power in Victoria for 1·6 cents a kilowatt-hour, I do not know how it can be done in New South Wales, or in Queensland.

Mr Jolly—That is not relevant. The costs here are relevant.

Mr BALFOUR—The costs in other places where they go are relevant, too.

Mr Jolly—We are subsidizing them.

Mr BALFOUR—I say that we are not subsidizing them. Many people wishing to obtain doctorates of philosophy are going around the world every year doing papers on tariffs.

Mr Wilkes—They are engineers.

Mr BALFOUR—No, they are economists doing papers on tariffs. The best people to work out these tariffs, whether it be for electricity or gas, are the people who run those authorities. There is a great deal of interplay between the various authorities in each State and internationally. I say that the most competent people in Victoria to work out tariffs for the State Electricity Commission, are the officers of the commission, who have a great deal of experience in this matter.

However, the M tariff, which has been designed for large industries, has been well publicized. There are five or six options in it. The size of the industry depends upon which option it takes. Alcoa may, under option 5, take energy into the plant at 500 kilovolts. If the industry is taking it at only 66 kilovolts it then goes into option 4 or 3, or one of the other options, but the taking of power at that voltage into the smelter means quite a deal in the actual cost of the power. If the State Electricity Commission is selling power too cheaply to Alcoa, then I suggest that it is selling 40 per cent of its energy too cheaply, because over the ambit of electricity sales, some 40 per cent of sales are at less than 1·6 cents a kilowatt-hour. Is the Opposition suggesting that the State Electricity Commission put up the tariff on hot water services, night pumping on farms, and a lot of other things, which generate 40 per cent of the sales of electricity?

Mr Cathie—They are off peak.

Mr BALFOUR—Of course they are off peak, but I am talking about the average.

The DEPUTY SPEAKER (Mr A. T. Evans)—Order! I am sure the Minister will make an excellent contribution to the debate without the help of members of the Opposition.

Mr BALFOUR—A great deal of power that is supplied to Alcoa will be off peak. As the honorable member for Morwell said, Alcoa will have a 97 per cent load factor. It will be operating 24 hours a day, 365 days a year. In fact, the last time he said

96 or 98 per cent. My notes are 97 per cent, but it will be one or the other. That is a very high load factor, and if that load factor is maintained 24 hours a day, 365 days a year, it is a very good load and it can be handled. At week-ends, and at other times when industry is not requiring that power, it can be produced extremely cheaply, and this is when the commission can come down to a rather low tariff.

Interruptibility applies only on the first 300 megawatts, but that is of benefit to the commission. If something went wrong, it would be able to shed up to that load. There are arrangements on the times when that can be done, but it is also of benefit to the company because it lowers the tariff by about 0·1 cents per kilowatt-hour.

Something was said about the availability of power in the future. In 1983, when the first potline would come on in Portland, and Alcoa would require some 230 megawatts, there would be an installed capacity of 6613 megawatts. In 1985, when the second line comes in, and Alcoa would wish to have 448 megawatts, there would be an installed capacity of 7613 megawatts. It really means that, in the period between 1983 and 1985, the commission would have installed 3000 megawatts, and Alcoa would have taken up 448 megawatts. Taking the full period to 1988, there should then be installed 8613 megawatts, of which Alcoa would be taking 884 megawatts, but of the amount of generation installed over the period, they would be taking 10 per cent of the total, and out of the last 4000 megawatts installed, Alcoa would be taking only 884 megawatts.

If Alcoa does not intend to develop beyond the first or second potline, anything can happen after that. There is no commitment other than that Alcoa has the benefit of the right of first refusal, but I believe the commission has made arrangements for other industries to come to Victoria. The energy Alcoa will use has been taken into account, and an extra 4 per cent per annum has been included for additional industry, and I believe the commission is capable of meeting that demand, if required.

Therefore, there need be no fears that the commission is selling all its electricity to Alcoa. It will be a good load. The tariff that has been produced for Alcoa is quite above board. It is published. There has been no pressure by the Government on the State Electricity Commission. In fact, when the first companies wanting to build aluminium smelters came here, they were told, "This is our tariff. Everybody knows it. If you can fit into that, we will be able to supply you". That is how the arrangements have been made by the State Electricity Commission. The State Electricity Commission will be putting in 58 per cent of the cost of the power line, and that will be recouped through tariff.

Mr Cathie—Whose tariff?

Mr BALFOUR—Through Alcoa's tariff, and anyone else who uses it. There is sufficient in that to carry it. Alcoa will put in 21 per cent, and the Government will put in 21 per cent. Special arrangements have been made to obtain overseas borrowings through the Loan Council on infrastructure, and for that reason the State Electricity Commission should be able to obtain funds to carry out the work.

Alcoa will be using only about 50 per cent of the capacity of the line and, as the Premier has indicated, that line will be capable of supplying power to other industries in the Western District or ultimately might even be linked to South Australia.

I have been most interested in the propositions put forward by the Labor Party. I will be delighted to receive a copy of the honorable member's assessment of the cost of the generation of power to enable me to have it examined, but there is much confusion in the minds of people who work on an average and endeavour to assess what the tariff should be.

One of the highest charges levied, and perhaps it covers 70 per cent of the tariff, is the demand charge. As I

stated earlier, Alcoa has a high load requirement which can be catered for by the State Electricity Commission at 1·6 cents a kilowatt hour. That charge will be increased as tariffs increase. If there is a tariff increase of 8 per cent or 10 per cent per annum, the tariff applicable to Alcoa will rise accordingly. There are no hidden catches. It is the view of the Government and the State Electricity Commission that to have Alcoa establish its smelter at Portland is an accomplishment which will benefit this State.

Mr JOLLY (Dandenong)—I support both the Leader of the Opposition and the shadow Minister for Minerals and Energy on this motion. What honorable members have witnessed today has been most illuminating indeed, because the statements made by the Premier and by the Minister for Minerals and Energy indicate that the Government has made decisions on the Alcoa project in the dark. There is no doubt about that whatsoever.

Let me briefly refer to the statement made by the Premier on environmental standards. The honorable gentleman indicated that Alcoa had undertaken an environmental study. The Opposition does not deny that and recognizes the quality of the work carried out, but the Government has not undertaken an environmental assessment, nor has it assessed the Alcoa environmental study. That is the first weakness in its approach to reach a decision on the project.

The second point relates to economic evaluation, with which I will deal in detail. The shadow Minister for Minerals and Energy has already outlined how the tariff to be charged is much less than the cost of supplying electricity to Alcoa and that factor becomes a vital and important point, and one that I will be taking up in some detail.

Turning first to the Ministerial statement and the decision by the Government to support an aluminium smelter at Portland, the statement indicates the very flaw in the Government decision-making process—in fact, the process is riddled with deficiencies. A multi-million dollar project is involved—perhaps the largest economic project that has come before this Parliament—yet there has been no proper economic evaluation. Without doubt the production of aluminium on the scale envisaged by Alcoa will have a substantial effect on the structure of the Victorian economy but no analysis has been made of that issue at all.

Further, no analysis has been made to determine what quantity of resources will have to be shifted from one part of Victoria to another. This is another area where honorable members have been kept in the dark. In fact, the decision of the Victorian Government is ad hockery at its worst because no planning has occurred in this sphere of Government activity. The devastating decay of the Victorian economy that has been occurring throughout the latter part of the 1970s will not be reversed by hasty, ill-considered decisions. All details must be evaluated before a decision is made.

The Leader of the Opposition has made it clear that the State Parliamentary Labor Party supports stage 1 of the aluminium smelter at Portland. This decision was not based on the belief that Victoria's scarce resource of electricity is being used in a way which maximizes employment opportunities in Victoria but because the Opposition was effectively faced with a choice of Alcoa and additional jobs or no Alcoa and no jobs.

Clearly Victoria has a comparative advantage in electricity production and it is extremely important that this resource is used to maximize benefits for Victoria, but the Government's decision-making processes are so pathetic that it is not possible to make a particular estimate. Indeed, it is extremely unfortunate that Parliament and the people of Victoria are forced to evaluate such an important project in the absence of full information. I have already indicated that the Labor Party believes the resources of this State should be used to maximize employment. No indication has been given by the Government that this is its

objective. Moreover, there has been no indication of how one can reasonably assess if this is being achieved.

I shall now deal with the major economic considerations which have been ignored by the Government. It is extremely interesting to note that the Premier set up an economic advisory panel which has been remarkably silent on this issue and the development of Victoria generally. A plan should be formulated to indicate how Victoria expects to develop in the period ahead. Honorable members need to know what is the projected industrial development for Victoria. That information should be part of the economic evaluation undertaken by the Government. Of course, that issue has been ignored completely.

In his statement today, the Premier clearly mistook economic clichés for economic planning. He believes the processes undertaken by the Government indicate that it is engaged in economic planning. That process was a disgrace especially as Victoria is facing the worst economic difficulties encountered since the economic recession in the 1930s.

No-one denies that Victoria has a comparative advantage in the production of electricity. Honorable members should accept that statement as fact. Accordingly it is of the utmost importance that the comparative advantage is used to bring about maximum benefits for Victoria. It is also important to recognize that this is not the only area in which Victoria has a comparative advantage.

Victoria has a comparative advantage in the production of mining equipment, agricultural machinery, machinery and transport equipment, glassware, photographic and scientific equipment, but the Government has failed to indicate its expectation of growth in those areas. Honorable members also have no indication of the type of Government subsidies which exist in those areas and there appears to be no intention by the Government to co-ordinate its policies to obtain the best type of industrial development for the State. Honorable members have not been provided with data on how these industries will change in the future; which industries are expected to go ahead or are expected to fall by the wayside; or how the Government intends to make adjustments to allow the Victorian economy to adjust to those changes.

The first weakness, and a very important one, in the approach adopted by the Government to the Alcoa project is that the project has been considered in isolation to the industrial development of Victoria. No projected industrial development in Victoria has been announced by the Government but that process should have been part of the economic evaluation undertaken in assessing the Alcoa project.

My second point relates to the extent of the Government subsidy payable to Alcoa. The magnitude of the subsidies have been detailed, first of all by the Leader of the Opposition and then by the shadow Minister for Minerals and Energy. One of the basic issues which has to be faced is the relationship between the price of electricity charged to Alcoa and the cost incurred in providing that electricity.

The Opposition has prepared a detailed costing of electricity to be supplied to Alcoa. It is based on the information contained in tariff M option 5 and the current position with that tariff. The costing is also based on information that is publicly available, and from that information the Opposition has estimated the average cost of providing electricity to Alcoa.

On our estimates, and I do not suggest this is the only estimate that can be made, nor do I suggest that it is the ultimate estimate, based on conservative assumptions, the average cost of providing electricity to Alcoa is in excess of the price to be charged. This concept should be grasped by honorable members because, by definition, if the price of electricity supplied to Alcoa is less than the cost of providing it, then a huge subsidy is being paid to the company actually purchasing the electricity. A consideration of subsidies payable to Alcoa is extremely important. Honorable members must

know the average cost of electricity to Alcoa because only then is it possible to assess the extent of Government subsidy or the subsidy paid to Alcoa by the electricity consumers in this State.

The Premier has been extremely misleading on this issue, to say the least. The State Electricity Commission has stated that it will recoup the outlay of the cost of providing electricity to Alcoa from the tariff charged, but of course that statement makes sense only if the price charged is in excess of the cost of providing that electricity. What has been said is simply empty rhetoric which ignores the economic realities of the situation. By definition, the Premier's statement can be true, as I have indicated to the House, only if the price payable by Alcoa for electricity supplied is in excess of the cost of producing that electricity. However, not one scintilla of evidence has been placed before the House to indicate that the tariff to be charged, the price to be charged for electricity supplied to Alcoa, is in excess of its cost of production. In fact, the studies undertaken by the Opposition indicate that, on its estimate which is based on conservative assumptions—I will be coming to those assumptions shortly—Alcoa is being subsidized to the extent of 0·5 cents a kilowatt-hour. That is a huge subsidy for electricity production required under stage 1 of the project. It amounts to approximately $9·5 million per annum, and if one looks at the stage 4 position, the subsidy will amount to $37 million per annum. They are extraordinarily large amounts. When the issue of the tariff was originally raised in the House, the shadow Minister for Minerals and Energy asked whether the economic section of the Department of the Premier would undertake such a study. At first the Premier vaccilated and then he exhibited confusion and in the end, fear, because the honorable gentleman would not allow the economics section of this department to undertake such a study.

If there is to be an estimate of the cost of providing electricity to Alcoa, it is necessary for an independent assessment, apart from that of the State Electricity Commission, to be undertaken. I am grateful to the Minister in this respect because he referred the House to section 20 of the Act. I shall quote that section covering the operations of the State Electricity Commission in this State because it states clearly that there is no obligation on the State Electricity Commission to take into account the cost of providing electricity to large users of electricity. Section 20A(2) reads:

> The Commission shall take into account the prospects of establishing in Victoria new industries requiring large quantities of cheap electrical energy.

That is all that is said. In a sense the section has a growth objective. The objective of the commission is to provide more and more electricity and to encourage large users of electricity to set up in this State. There is no obligation on the commission to take into account the cost of providing electricity to those large users. Given that objective and the commercial objectives of the State Electricity Commission, there are prima facie grounds for suggesting immediately that the price charged by the State Electricity Commission to these large users will be below cost. The Opposition, recognizing that point, took up the matter in detail and analyzed it on the basis of public information and came to the conclusion that the average cost of providing electricity to Alcoa will be below the price at which it is sold. The approach taken by the Opposition is set out in a detailed paper prepared by the research economist of the Leader of the Opposition, which I recommend to honorable members who take an interest in these matters.

The DEPUTY SPEAKER (Mr A. T. Evans)—There are too many interjections.

Mr JOLLY—It is apparent that members of the Government Party do not like listening to the truth. In examining the likely expected demand pattern of Alcoa for electricity and recognizing that there will be about 96 per cent

loading, the Opposition took into account only the historical costs, the book value of assets, and not a depreciation cost which takes into account replacement costs. By taking into account only historical interest rates and not current rates, the Opposition's estimate is extremely conservative, and I challenge any member of the Government party to show where the estimates are incorrect. Those honorable members are deficient and could not do so. They prefer to scream on the basis that no evidence has been presented. They hide behind the veil of the Premier, who would not allow his economists in the economic section of his department to undertake an investigation of the price charged to Alcoa for electricity and to ascertain whether it covers the cost.

The State Electricity Commission is concerned with encouraging heavy users of electricity, as I have already pointed out. It is not looking at the cost to individual organizations. Why are members of the Government party afraid of the economic section of the Department of the Premier undertaking a detailed evaluation of the cost of providing electricity to Alcoa? It is because they are scared of the truth.

Honorable members interjecting.

The DEPUTY SPEAKER (Mr A. T. Evans)—Order! I appeal to honorable members again to listen to the honorable member for Dandenong in reasonable silence. I know that he appreciates some encouragement, but it is a little out of hand at present.

Mr JOLLY—The Loy Yang project is associated with the provisions of electricity to Alcoa to the extent of a $2800 million investment and there are many other substantial costs. It is astounding that the economics section of the Department of the Premier is not instructed to evaluate whether the price covers the cost of production. The Premier exhibited his confusion on the issue when he answered a question in the House. At first he said that the cost benefit study undertaken by the economic section of the Department of the Premier took that into account, but if one looks at the footnote in the cost benefit study, one finds that financial considerations were not taken into account. The footnote reads:

> Note that this paper does not discuss financial arrangements relating to power supply, since final details are not available to the authors when the paper was prepared.

A critical decision was soon to be made, but final details on financial arrangements had not been provided. The Government made its decision before the details were made available. The Premier said at that time that even if the details were available, he considered it inappropriate for the economic section of his department to study these issues. What an approach to financial and economic management in this State! It is an absolute disgrace!

The DEPUTY SPEAKER (Mr A. T. Evans)—Order! The House was listening to the honorable member for Dandenong in a respectable manner until the Leader of the Opposition interjected and was backed up by the honorable member for Carrum. I ask those two honorable members to cease interjecting.

Mr JOLLY—It has been made clear that the price charged to Alcoa for electricity is less than the cost of providing that electricity. Honorable members do not know the magnitude of the difference in the price and cost and the Government has an obligation to provide that information.

Mr Weideman—Give us a guess.

Mr JOLLY—On the basis of conservative assumptions, I believe the difference between the price and cost of electricity is 0·5 cents a kilowatt-hour. In accordance with that conservative estimate, it is $9·5 million a year.

Mr Kennett—On today's values?

Mr JOLLY—Of course it is. It is assumed that the tariff charged and the cost of providing electricity will move in line with the general rates of inflation. That is the same assumption used in the Premier's cost benefit study. There is nothing unusual about

that. The only way in which tariff charged to Alcoa will recoup the cost of providing electricity is if, as the shadow Minister for Minerals and Energy indicates, there is a complete review of the tariffs so that they are designed to reflect costs. That is not the obligation of the commission, and apparently it is not the policy of the Government.

I move away from the issue of tariffs to the cost benefit study because the Premier has relied considerably on it. Economists who work in the area of cost benefit studies, and Dr Foley in another place would confirm that cost benefit studies are only a start to assessing the economic effects of a project. It is also important to recognize that studies of this kind by their very nature are based on limiting assumptions because it is necessary to make assumptions about the real world, to provide some simplified outcomes and some broad aggregate figures on costs and benefits.

It is important that honorable members and the public understand the nature of the assumptions that underline the cost benefit study. The first is that the cost benefit study must rely on a model of the economy for Australia from now to the year 2000. It relies on the model provided by the Institute of Applied Economics and Social Research at the University of Melbourne, the IMP model. Alternative models of the economy are available and the Industries Assistance Commission, or more accurately Professor Dixon and Professor Powell, have a different input-output model of the Australian economy and that is likely to produce different results from the IMP model. It is necessary to rely on a model of the Australian economy. At the outset I make it clear that the cost benefit study is concerned with examining the over-all costs and benefits on the national economy; it is not intended to analyse the effects on Victoria or on regional areas.

The second assumption of which one needs to be aware of is that the cost benefit study undertaken by the economic section of the Department of the Premier takes no account of what the economists call external dis-economies. It takes no account of the environmental costs associated with the aluminium smelter at Portland. That is excluded from the analysis.

Secondly, it is critical to the outcome of whether costs exceed benefits, how one treats wages and salaries as a cost in the cost benefit process. The study refers to three alternatives. One is that labour used in the project should be valued on the basis of unemployment benefits; the second is that it should be based on the average wage; the third is that it should be based on the average of those two rates. The cost benefit study points out that this assumption is critical. For example, if one takes the average wage as the basis for assessing the labour costs, there is no clear benefit to Victoria in terms of stage 1. It is only when one accepts that labour costs are reflected by unemployment benefits, or the average of unemployment benefits plus wages, that one reaches the conclusion that stage 1 has an over-all aggregate benefit to Australia. That limitation must be borne in mind and it is referred to in the report by the two economists of the Department of the Premier.

The capital cost of generating electricity from the Loy Yang project is part of the cost benefit study. The economists indicated that they based their estimates on the current price of the Loy Yang project, but it is known that these costs could change over time, not just in line with rate of inflation but could increase in real terms. In the cost benefit study it is recognized that the cost of constructing the Loy Yang project could increase in real terms by 10 per cent per annum. That factor would also reduce the benefits of the project when one takes into account the balance between costs and benefits.

The major issue which by its very nature cannot be undertaken by a cost benefit study is that such a study

ignores the distributional implications of the costs and benefits because it assumes, that if the gain from a particular project could compensate the losers and still remain a gain, the project is regarded as making a net contribution to economic welfare and has therefore been desirable in economic terms. It is pointed out on page 4 of the cost benefit study that this is the approach followed.

In other words, one examines the aggregate costs and benefits, and if costs are less than the benefits, one assesses that in an aggregate sense the over-all project has potential. That totally ignores who benefits from the situation—who are the individual gainers and losers—which makes it imperative that financial arrangements between Alcoa of Australia Ltd and the Government be examined closely. The financial arrangements may mean that only Alcoa of Australia Ltd is better off. In fact, by its very nature, the benefits of the cost benefit study are the profits to Alcoa of Australia Ltd. That is unsatisfactory. The exercise must be closely examined before any decision can be made.

The House divided on the motion (Mr A. T. Evans in the chair).

Ayes	31
Noes	45
Majority against the motion	14

Mr Amos	Mr Remington
Mr Cain	Mr Roper
Mr Cathie	Mr Sidiropoulos
Dr Coghill	Mr Simmonds
Mr Crabb	Mr Simpson
Mr Culpin	Mr Spyker
Mr Edmunds	Mr Stirling
Mr Ernst	Mrs Toner
Mr Fogarty	Mr Trezise
Mr Fordham	Dr Vaughan
Mr Gavin	Mr Walsh
Mr Ginifer	Mr Wilkes
Mr Hockley	Mr Wilton
Mr Jolly	*Tellers:*
Mr King	Mr Mathews
Mr Kirkwood	Mr Rowe

NOES

Mr Austin	Mr McClure
Mr Balfour	Mr McGrath
Mr Birrell	Mr McInnes
Mr Borthwick	Mr McKellar
Mr Brown	Mr Mackinnon
Mr Burgin	Mr Maclellan
Mrs Chambers	Mrs Patrick
Mr Coleman	Mr Ramsay
Mr Collins	Mr Reynolds
Mr Crellin	Mr Richardson
Mr Dixon	Mr Ross-Edwards
Mr Dunstan	Mr Skeggs
Mr Ebery	Mr Smith
Mr Evans (*Gippsland East*)	(*South Barwon*)
Mr Hamer	Mr Tanner
Mr Hann	Mr Templeton
Mr Hayes	Mr Thompson
Mr Jasper	Mr Weideman
Mr Jona	Mr Whiting
Mr Kennett	Mr Williams
Mr Lacy	Mr Wood
Mr Lieberman	*Tellers:*
Mr McCance	Mr Cox
	Mr McArthur

PAIR

Mr Miller	Mr Smith (*Warrnambool*)

The sitting was suspended at 6.24 *p.m. until* 8.5 *p.m.*

MELBOURNE (YARRA PARK) LAND BILL

This Bill was received from the Council and, on the motion of Mr BORTHWICK (Minister of Health), was read a first time.

FORESTS (FURTHER AMENDMENT) BILL

This Bill was received from the Council and, on the motion of Mr I. W. SMITH (Minister of Agriculture), was read a first time.

IMPERIAL ACTS APPLICATION BILL, IMPERIAL LAW RE-ENACTMENT BILL and CONSTITUTIONAL POWERS (REQUEST) BILL

Mr MACLELLAN (Minister of Transport)—I move:

That these Bills be now read a second time.

Two Bills of a similar nature were introduced into the Legislative Council in the previous session of Parliament together with the Constitutional Powers (Request) Bill. These Bills revised the Imperial Acts Application Act 1922 following a report of the Statute Law Revision Committee.

The revision of the Imperial Acts Application Act can now be divided into four areas:

1. The repeal of English law which remained in force in Victoria but which was either out of date or embodied in Victorian statutes.

2. The preservation of certain English enactments which could not be appropriately repealed or transcribed in modern form because of their historical significance.

3. The enactment in modern form as part of Victorian law of certain English enactments which were still of use and benefit to Victoria.

4. The facilitation of the repeal of English laws which were of paramount force in Victoria and could only be removed from the Victorian statute-book by calling upon the Commonwealth Parliament to exercise certain powers under the Constitution which would give Victoria power to repeal these Acts.

The scheme of the three Bills implementing this revision was as follows:

1. The Imperial Acts Application Bill was the first stage of implementing the recomendation of the Statute Law Revision Committee. It repealed many Imperial Acts and transcribed those Acts which were to be preserved in their existing form. It was considered that any attempt to revise these statutes in modern form would lessen their place in history; and significance as part of our constitutional heritage meant that they should be preserved.

2. The Imperial Law Re-enactment Bill implemented the recommendations of the Statute Law Revision Committee as to Imperial Acts that are either to be replaced or to be preserved in modern form. It was felt that these Acts were still of use to the State, but that they should be expressed in modern language and incorporated in existing Victorian statutes.

3. The Constitutional Powers (Request) Bill was intended to provide the Victorian Parliament with the power to repeal certain Imperial Acts which were of paramount force in this State because of the provisions of the Colonial Laws Validity Act 1865.

This Bill placed the Victorian Parliament in a similar position to that which has been achieved with regard to the Commonwealth Parliament by virtue of section 2 of the Statute of Westminster by providing that the Victorian Parliament may make a valid law even if it is repugnant to the law of England.

After the three Bills were introduced in another place, they were referred to the Statute Law Revision Committee for consideration and debate was adjourned.

In a report dated 13 December 1979, the committee recommended that the Imperial Acts Application Bill and the Imperial Law Re-enactment Bill be passed subject to certain amendments and that the Constitutional Powers (Request) Bill be passed without amendment. The recommended amendments to the two former Bills were essentially of a drafting nature. However, it was considered that, in view of the detail embodied in the Imperial Acts Application Bill and the Imperial Law Re-enactment Bill, it was appropriate to introduce two fresh Bills rather than introduce a series of amendments to the 1979 Bills.

The only recommendation of the Statute Law Revision Committee not adopted is that contained in paragraph 43 of the report. The attention of the committee was drawn to what was thought to be a deficiency in the proposed legislation. However, it has now been resolved that this matter arose from a misunderstanding and the position has been clarified with the Chief Parliamentary Counsel. The recommendation set out in paragraph 43 of the report is, therefore, not included in the amendments to the Imperial Acts Application Bill.

The details of the Bills are fully set out in the second-reading speech when the similar Bills were introduced in another place during the previous session, and I shall not set them out

again. For the further convenience of honorable members, explanatory notes are circulated with the Bills.

I should like to commend the work done by the Statute Law Revision Committee in relation to these Bills, and also the able assistance of Mrs Gretchen Kewley and Mr John Finemore, QC, the Chief Parliamentary Counsel.

The result of the passing of these Bills will be to enable Victoria to be in command of its own statute law. It will remove many Acts which are redundant, repugnant or irrelevant. It is part of the process of ensuring that our statute law is in modern form, up to date, and relevant to today's work.

I propose that the debate on these Bills be dealt with together, as all three Bills are interdependent. I commend the Bills to the House.

On the motion of Mr FORDHAM (Footscray), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, May 7.

FRIENDLY SOCIETIES (BENEFITS) BILL

Mr MACLELLAN (Minister of Transport)—I move:

That this Bill be now read a second time.

Its purpose is to increase the maximum amount of weekly payment which a registered friendly society may make to a member in respect of sickness and other benefits.

Section 5 (1) and (4) of the Friendly Societies Act 1958 provides that societies may be registered to provide, by voluntary subscriptions of members, for the relief or maintenance of members and their families in old age, widowhood, sickness or other infirmity, or to members in search of employment or in distressed circumstances.

The proviso to section 5 prohibits the registration of any society which, in respect of the objects of section 5 (1) and (4), contracts with any person for the payment of benefits exceeding $50 a week. Section 11 (11) (*d*) of the Act prohibits any society, whether formed before or after the commencement of the principal Act, from contracting with any person for the payment of a rate exceeding $50 a week in respect of benefits under section 5 (1) and (4) of the Act.

Section 26 of the principal Act restricts the entitlement of any member of a registered friendly society, or any person claiming through a member, to a rate not exceeding $50 a week in respect of benefits. This limit was set in December 1974, by the Friendly Societies (Benefits) Act 1974; the benefit in force before that time was $30. The increase was calculated in accordance with the increase in the consumer price index since the time of the previous adjustment.

The Government Statist has examined the effects of an increase in the maximum benefit as proposed and has recommended that the limit on the benefit be increased in accordance with the movement in the consumer price index since the limit was previously increased. This would bring the limit to $80.

Accordingly, the Bill before the House makes the appropriate amendments to sections 5, 11 and 26 of the Friendly Societies Act 1958.

The Government is of the view that it should be possible to amend the maximum amount of weekly payment which can be made on a more regular basis. Accordingly, the Bill provides that the new maximum weekly benefit shall be $80 a week "or any higher amount which may from time to time be prescribed by the regulations not exceeding $150". The maximum limit of $150 will ensure that should there be any substantial increase contemplated it will be necessary to place an amendment before Parliament. I commend the Bill to the House.

On the motion of Mr FORDHAM (Footscray), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, May 7.

MAGISTRATES' COURTS (JURISDICTION) BILL

Mr MACLELLAN (Minister of Transport)—I move:

That this Bill be now read a second time.

The Bill implements recommendations of the Criminal Law and Procedure Advisory Committee which was asked by the Attorney-General to examine the range of offences currently dealt with in the County Court with a view to ascertaining whether in the committee's opinion any of these offences could be dealt with summarily.

The committee consists of representatives of the Law Institute, the Bar Council and the Victoria Law Foundation, representatives of the law schools of Melbourne and Monash universities and the Legal Studies Department of the La Trobe University, the Public Solicitor, the Officer in Charge of the Criminal Law Branch, Crown Solicitor's Office, a Crown Prosecutor and legal officers of the Law Department.

The committee was generally in favour of expanding the range of offences which could be dealt with summarily. While the committee was in favour of expanding the summary jurisdiction of the Magistrates Court, it was unanimous in agreeing that a defendant should retain his option enabling him to have the matter heard in the court of higher jurisdiction if he so desires.

The Government accepts the committee's recommendations. There will often be occasions when the nature and gravity of the offence does not merit a higher court hearing. In addition, if the offence can be dealt with summarily, the necessity for two hearings, that is, a committal and a trial, is obviated. This means that the matter can be concluded more expeditiously in the interests of the accused and the community. The safeguard is that the defendant can always opt for a trial by judge and jury.

The Magistrates' Court summary jurisdiction in indictable offences is prescribed in section 69 of the Magistrates' Court Act 1971.

The Bill amends that section as follows:

1. It amends section 59 of the principal Act to provide that the cumulative sentencing power of the Magistrates' Court for the commission of several offences be increased from the present limit of four years to five years.

2. It amends section 69(1) of the Act by increasing from one year to two years, the maximum sentence capable of being imposed by a magistrate.

3. It amends section 69(1) (*a*), (*b*), (*c*), (*d*), (*h*) *and* (*m*) of the Act by giving a Magistrates Court power to deal with cases where the offence involves property to the value of $10 000 instead of the present jurisdiction limit of $2 000.

The committee considered that this figure is not excessive in view of the following reasons:

(*a*) It is not uncommon for household items and property to total up to this amount.

(*b*) There is already no jurisdictional limit on the value of a motor car where the offence involves theft, burglary, obtaining by financial deception or handling a stolen motor car. So, if the offence involves the theft of a Rolls-Royce valued at thousands of dollars, it can already be triable summarily.

4. It provides that a Magistrates Court can now deal with the offence of carnal knowledge against section 48 of the Crimes Act 1958.

The committee felt that this offence should be triable summarily on the basis that the plea is usually one of guilty and the procedure involved is basically a sentencing exercise. In 1978 there were 261 offences of carnal knowledge dealt with in the County Court and of these there were 233 pleas of guilty. In 1979 the figures were 138 offences and 123 pleas of guilty.

5. It provides that a Magistrates Court can now deal with any offence of indecent assault. At present a Magistrates Court has power to deal with

the misdemeanour of indecent assault against section 55(1). Sub-section (3) however, provides that a person found guilty of a felony is thus liable to a higher penalty. The committee was in favour of making the second offence triable summarily. It saw no reason why repeated acts of indecent assault should not be heard summarily when cases involving the recommission of the offence of theft or assault are currently dealt with summarily.

Accordingly, paragraph (*g*) is amended by repealing the words "the misdemeanour" and substituting the words "any offence" and it repeals the words "sub-section (1) of" which effectively provides that a Magistrates Court can now deal with any offence involving indecent assault as provided by section 55 of the Crimes Act 1958.

6. For the offence of forging Bills of Exchange against section 270 of the Crimes Act 1958, the Bill amends paragraph (*j*) of section 69 by giving the court jurisdiction to hear cases involving amounts not exceeding $5000 instead of the present jurisdictional limit of $1000.

7. Section 69(2) of the principal Act is amended by deleting the reference to misdemeanour and inserting the reference to the offence of carnal knowledge.

8. Clause 4 of the Bill corrects apparent printing errors in section 11(2) of the Magistrates Courts (Civil Jurisdiction) Act 1979.

I again emphasize that in all of these cases the accused will still have the option to elect for a trial by judge and jury. I commend the Bill to the House.

On the motion of Mr CAIN (Bundoora), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, May 7.

LOCAL AUTHORITIES SUPERANNUATION (AMENDMENT) BILL

Mr BALFOUR (Minister for Minerals and Energy)—I move:

That this Bill be now read a second time.

Legislation to provide superannuation benefits for employees of municipal councils and other local authorities was first enacted in 1947. Cover was effected in the form of life assurance policies with four major insurance companies. In 1961 this scheme was replaced by an internal scheme operated by the Local Authorities Superannuation Board itself which provided lump sum retirement and death benefits. In 1971 disability benefits were introduced followed in 1976 by pension benefits.

For some time contributors to the scheme have been seeking improved benefits and a conference held in December last between representatives of all parties agreed on action to increase lump sum benefits. The employers' representatives agreed to pay an additional contribution of about 1 per cent of salary to provide improved lump sum benefits by means of a scheme similar to that provided for outdoor employees of the Country Roads Board and State Government exempt employees under the State Employees Retirement Benefit Act 1979.

The legislation to give effect to the agreement will form a new Division 7 of Part I of the principal Act and will provide a minimum level of lump sum benefit in respect of permanent employees who either:

(*a*) retire having attained the age of 60 years;

(*b*) are retired on account of disability; or

(*c*) who die.

The minimum benefit bears a fixed ratio to adjusted final salary which is the lesser of:

(1) Final salary; and

(2) The greater of—

(*i*) average salary over the past three years; and

(*ii*) average salary over the past three years adjusted by a formula which takes into account increases in the average weekly earning index over the three years.

BENEFIT PAYABLE ON RETIREMENT

On retirement at age 60 or over a permanent employee who enters the scheme on or after 1 March 1980—the

commencing date for the legislation—will be entitled to a minimum lump sum benefit of 10 per cent of adjusted final salary for each complete year of membership, not exceeding 30. Thus a person with 30 or more years service will be guaranteed a lump sum of three times adjusted final salary. A person with less than 30 years service will be guaranteed a proportionate amount.

A member who is a permanent employee on 1 March 1980 will be entitled to a minimum benefit of:

(1) 10 per cent of adjusted final salary for each year of service after 1 March 1980.

plus (2) 5 per cent of adjusted final salary for each year of service prior to 1 March 1980 provided that the maximum length of service taken into account will be 30 years.

plus (3) his accumulated value.

Accumulated value is the sum of—

(*a*) One-half—that is, the contributor's half—of the actuarial reserve of his statutory retirement, death and disability benefits contract.

(*b*) One-half of his credit, if any, in the provident fund.

(*c*) Interest on (*a*) and (*b*) on a prescribed basis.

(*d*) One-half of the proceeds of any insurance policy held by the board on his life.

BENEFIT PAYABLE ON DEATH

The death benefit payable will vary according to the medical class in which the contributor has been placed.

Medical Class 1

On the death of a permanent employee in medical class 1, the same minimum applies as for retirement, but the calculation of service includes prospective service to age 65.

Medical Class 2

In the case of a class 2 employee the minimum will be a proportion of the class 1 amount calculated in the same manner as applies to existing contracts.

Medical Class 3

For the class 3 employee the minimum will be:

(1) 10 per cent of adjusted final salary for each complete year of service after 1 March 1980,

plus (2) in the case of a member who is a permanent employee on 1 March 1980, 5 per cent of adjusted final salary for each year of membership prior to that date, with a maximum of 30 years to be taken into account.

plus (3) his accumulated value.

BENEFIT PAYABLE ON DISABILITY

Minimum benefits in respect of a member whose employment is terminated on the grounds of disability will be calculated in the same manner as for death benefits.

The amount to be paid by employing authorities each year to provide lump sum benefits will be expressed as a percentage of salaries and will be determined by an actuary every three years as is now done for the contributions for pension benefits. As soon as the new legislation commences, a determination will be made for the period 1 March 1980 to 28 February 1983, when the next determination in respect of pension contributions is to be made. The two determinations will then be made at the same time on a three yearly basis.

The first of March was adopted for commencement of the new legislation because contributions are payable to the Local Authorities Superannuation Board on that date. Retrospectivity is justified because agreement for payment of the increased benefits was reached in December last.

The Bill includes one provision which does not concern minimum benefits. The current rate of contribution by employers to finance disability benefits is 1·75 per cent of salary which is sometimes more than is required. It is accordingly proposed to alter this to "a rate not exceeding 1·75 per cent of salary as determined by the Local Authorities Superannuation Board on the advice of an actuary".

Apart from this, the Bill affects only compulsory lump sum benefits and does not alter pension benefits or benefits

provided from voluntary additional contributions made by agreement between employers and employees. 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 Wednesday, May 7.

PLANNING APPEALS BOARD BILL (No. 2)

Mr LIEBERMAN (Minister for Planning)—I move:

That this Bill be now read a second time.

The measure has its foundations in a Bill that I introduced into Parliament during the spring sessional period embodying recommendations by the Building and Development Approvals Committee in its report to the Premier. Part II of that report on planning controls includes recommendations on the appeals system. The main recommendation on the appeals system was for a single appeals board to assume the functions of the Town Planning Appeals Tribunal, Environment Protection Appeals Board, the arbitrator under the Local Government Act and the Drainage Tribunal.

The Bill, introduced in the spring sessional period and allowed to lie over, provided for a Planning Appeals Board to take over the role of the first three bodies, but did not deal with the functions of the Drainage Tribunal for reasons I stated at the time. The Bill was allowed to lie over to allow submissions to be made and to enable further consideration of the inclusion of the Drainage Tribunal, membership provisions relating to possible personal interest, and whether the provisions of the Evidence Act should be included.

I should like to thank all those who made submissions, many suggesting ways to improve the proposed legislation. All the submissions provided valuable input. I should like to record my appreciation to the honorable member for Bundoora, spokesman for the Opposition on planning, and the honorable member for Gippsland South, spokesman for the National Party on planning, for their comments and suggestions.

The Bill now before the House is the outcome of a series of carefully considered steps during which those involved with the appeals system were consulted.

Firstly, the Building and Development Approvals Committee examined the system and made its recommendations. It submitted an interim report, which was released to the public, Government agencies and departments, councils and other bodies for study and comment. The submissions received were assessed by a steering committee consisting of the permanent heads of Government departments involved in the development process and appeals system. The steering committee recommended ways that the report and its conclusions could be implemented, and its recommendations were incorporated into the Bill that was then introduced and allowed to lie over.

Submissions received during the lying-over period were carefully considered, and this re-drafted Bill now before the House is the result. The legislation it embodies will be supplemented by appropriate regulations and guidelines. The Government proposes that the Planning Appeals Board should be set up according to this measure, and that the legislation should be reviewed, and, if necessary, modified in the light of experience after one year.

In addition to dealing with matters now determined by the Town Planning Appeals Tribunal, the Environment Protection Appeals Board, the Drainage Tribunal and the arbitrator under the Local Government Act, the board will deal with matters arising from section 95 of the Health Act; matters relating to subdivision of land at present determined by Governor in Council under section 569B(7) of the Local Government Act; appeals under section 9 of the Port Phillip Authority Act, and appeals in relation to the Strata Titles Act and the Cluster Titles Act. Let it be emphasized that this Bill does not affect the entitlement to appeal contained in the various Acts. It sets out to provide a more efficient, less complex method of determining them.

The new Planning Appeals Board will have a chief chairman, who will be legally qualified and will be required to

possess considerable administrative ability. The Bill provides that he may sit as a division of the board or as a member, or may conduct compulsory conferences. Primarily, his responsibility will be administration.

Selection of the chief chairman is highly important because he will assist in framing procedure and guidelines for the operation of the board for the benefit both of members of the board and those appearing before it. He will direct the workings of the registrar and staff of the board and be responsible for the board's day-to-day functioning.

The importance of the position is such that the Bill provides that the chief chairman receives emolument equivalent to that of a Supreme Court Judge. The Planning Appeals Board will have as many full-time and part-time members as are necessary appointed by the Governor in Council for periods up to seven years. There will be no maximum period for the appointment of the chief chairman. Full-time members of the board may not engage in other paid employment except by consent of the Governor in Council.

All members including the chief chairman, will retire at the age of 72 years. Except for the chief chaiman and deputy chief chairman, the Bill does not lay down the qualifications of the board's members, but they will be selected to supply the expertise that the board will require. The full-time membership of the board will include a number of nominated senior members, from among whom will be appointed a deputy chief chairman.

The Bill provides that the chief chairman may order a compulsory conference of parties to an appeal conducted either by the chief chairman or a member nominated by him. The objectives of such compulsory conferences are set out in the Bill as:

(*a*) to determine what matters are in dispute between the parties;

(*b*) to identify the questions of law and of fact required to be determined by the board;

(*c*) to provide a forum in which the parties may discuss their respective reasons for instituting or resisting the appeal, and where possible to settle or resolve the matters in dispute before the appeal is heard by the board.

Such a compulsory conference will occur as soon as possible, and if it is successful and the parties agree, the board member conducting it may determine or strike out the appeal concerned. It is expected that a proportion of appeals will be disposed of in this way.

Where the matter is not resolved at a compulsory conference, the conducting board member will report on the matters in dispute and the questions of law and fact to be determined by the board.

It has been suggested that compulsory conferences may cause delays, but the possibility of this must be weighed against the number of appeals that may be dealt with quickly and informally, and the hearing time saved by the preliminary work done. It must be emphasized also that a compulsory conference will be held only when ordered by the chief chairman.

When a compulsory conference fails to resolve a matter and it is referred to the board for hearing and determination, the member who conducted the conference will not take part in the hearing. For flexibility, divisions of the board may range from a single member to five members. One or more divisions will specialize in drainage in line with the recommendation of the Joint Select Committee on Drainage, which resulted in the establishment of the Drainage Tribunal. This will permit development of expertise in dealing with the complex technical problems inherent in land drainage and will provide consistent interpretation of drainage law.

It is considered desirable that drainage appeals should be brought under the Planning Appeals Board, but at the same time, the Government is cognizant of the needs which gave rise to the establishment of the Drainage Tribunal. It is important for the Planning Appeals Board to have specialist divisions to

deal with drainage matters so that consistent interpretation of drainage law can be developed.

To allow relevant matters to be examined together, the Bill provides that certain appeals may be heard together, which should save time and money for those concerned and provide determinations based on all related factors.

The emphasis of this legislation is to ensure that all parties receive a just hearing and a just determination. In certain circumstances, persons may be required to give evidence on oath or to produce documents. These provisions will apply when the board sits on matters pertaining to Part I of the Drainage of Land Act. In other cases, approval of the chief chairman will be a prerequisite.

The Bill provides for the Minister for Planning to consult the board on matters related to the use and development of land, where he considers the board's advice would be of assistance. This will be an important subsidiary role of the board. With the expertize and knowledge derived from its major function, the hearing of appeals, the board will be a source of valuable, impartial advice on which the Minister can call.

I will not at this time refer specifically to other provisions that have been amended, or provisions that have been introduced into this Bill. Suffice to say that the changes incorporated are designed to provide legislation under which a consolidated, one-stop appeals system can operate. Notes on the various clauses are contained in the explanatory memorandum accompanying the Bill.

I explained earlier that this Bill comes before the House after a great deal of broadly-based input has been considered. Understandably, various groups or individuals might have approached the measure differently.

I believe I am offering this Parliament balanced, workable legislation which will provide a simpler and more efficient system of dealing with appeals and which can be reviewed in the light of practical experience. The Government believes no-one should have to endure a multiplicity of appeals over the one application, and I feel sure that honorable members will thoroughly concur in the Government's view. I commend the Bill to the House.

On the motion of Mr CAIN (Bundoora), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, May 21.

STATE EMPLOYEES RETIREMENT BENEFITS (AMENDMENT) BILL

Mr THOMPSON (Treasurer)—I move:

That this Bill be now read a second time.

This is a relatively minor measure following the introduction of the blue collar superannuation scheme by the Government last December.

The Bill does four main things: Firstly, in accordance with an undertaking given by the Government, it extends the period during which members may opt out of the scheme. The date has been changed from 1 April to 1 June. Secondly, it brings officers operating the scheme under the control of the Public Service Board. Thirdly, it ensures that judges' associates are not automatically picked up in the scheme at the outset. In reply to the Deputy Leader of the National Party I point out that this is commonly known as a blue collar scheme; its technical name is the State Employees Retirement Benefit Fund, but it also provides a system of superannuation for exempt Public Service employees who are picked up in that category. The common label attached to it is the blue collar superannuation scheme. Fourthly, it introduces provisions to facilitate the implementation and operation of the Act.

Clause 2 provides a joining date for groups coming into the scheme after the commencement of operation of the Act. There are a number of groups which will no doubt apply to join the scheme as time goes by, and we want them to be able to join formally from the time at which they are accepted into the scheme. It is necessary to make provision in this way, otherwise the Act would have to be amended every time another group joined the scheme.

Clause 3 applies to associates of judges from the Supreme Court and the County Court. They have a relatively

complicated scheme of their own. It is not possible to make immediate provision for their transfer to the new scheme, and this is a saving clause to allow some time to elapse so that appropriate means can be found to allow them to transfer. This means they will not automatically have to opt out of the scheme at the outset.

Clause 4 provides that officers administering the scheme shall be under the general control of the Public Service Board and shall operate under the provisions of the Public Service Act.

Clause 5 is a protective clause. The main aim of this proposed legislation was to provide a form of superannuation for part-time employees. Once they are picked up in the scheme it is possible that some of them might be working for less than half time at a later date. This provision will ensure that they are not disqualified because of that. There are a number of people, particularly in the Country Roads Board, who could be affected in this way, and the clause will ensure they are not disqualified from participation in the scheme if they drop below the half-time work level.

Clause 6 provides for the extension of the time by which applicants may opt out of this scheme. The extension is for two months from 1 April to 1 June.

Clause 7 gives a further discretionary power to the board to allow people to opt out of the scheme within six months of making contributions. This clause caters for people who are having difficulty making up their minds or who have been, perhaps inadvertently, caught up in the scheme without having appreciated its full impact. It is a highly desirable change.

Clause 8 is a machinery provision, resulting from the fact that some people will have their schemes operating from the commencement of the Act and others from the joining date. Clause 9 fixes a time for the fixing of salaries and contributions related to salaries.

Clause 10 is a saving clause which will operate for this year because of the deferment period of two months during which people may opt out of the scheme. It will apply for the year 1980 only.

Clause 11 gives power for the employer, acting at the request of the board, to make deductions from the salary of an employee who has joined the scheme and where money is owing. A deduction of this type, however, shall not exceed $10 a week. Clause 12 is a consequential amendment because of the two months deferment previously referred to.

Clause 13 is rather interesting; it deals with arithmetic. Under the existing Act, if a person had, say, fifteen years and seven months service in some other superannuation scheme before coming into the new scheme and serves for, say, sixteen years and eight months after joining the new scheme, the fifteen years and seven months and the sixteen years and eight months are counted only as 31 years of service. In other words, a part of the year is not taken into account when assessing the total sum. Under this provision the fifteen years and seven months and the sixteen years and eight months would be assessed as 32 years, not 31 years, which seems only fair and reasonable. Clauses 14 and 15 are machinery provisions.

Clause 16 is a detailed clause, the main object of which is to ensure that the board is able to arrange for the absorption of people in existing funds, either individually or in groups. Quite a number of people as well as judges' associates will be transferring in this way, although there are some, such as those coming in from the Country Roads Board, who do not at present enjoy the benefits of any existing scheme. It was essential to have broad general saving clauses that will allow the officers administering the scheme to absorb people moving from their existing schemes into the new scheme on a fair, equitable and common basis, because the schemes from which they will be moving are generally different, and it is desirable that they come in on a basis of parity.

It can be seen that these are basically machinery provisions designed to implement more satisfactorily a piece of reform legislation which has been warmly

welcomed by part-time employees who in the past were excluded from superannuation schemes, and by other people such as exempt employees of the Public Service who will now be able to enjoy generous benefits for the first time. 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, May 6.

COUNTRY FIRE AUTHORITY (AMENDMENT) BILL

The debate (adjourned from April 17) on the motion of Mr Thompson (Minister for Police and Emergency Services) for the second reading of this Bill was resumed.

Dr COGHILL (Werribee)—In considering this Bill to amend the Country Fire Authority Act it is worth noting that at midnight tonight the current official fire danger period will end.

This has been one of the busiest seasons for the Country Fire Authority. Indeed, tonight's *Herald* contains a report pointing out that the authority fought approximately 3600 fires in the six months of the 1979-80 fire season. That was approximately double the number of fires fought in the 1978-79 season. A spokesman for the Country Fire Authority was quoted as having said:

> Victoria's fire fighters managed to combat fires under the worst possible weather conditions with minimal losses.

The Bill is relatively simple. It further refines the controls which are designed to prevent the loss and suffering due to fire in country Victoria. As honorable members would know, Victoria is one of the most fire prone areas in the world because of its hot, dry summers combined with the strong, dry winds which are often experienced in summer, together with the types of vegetation and terrain. There are few other parts of the world with as high a fire danger as Victoria.

Through recorded history, Victoria has suffered enormous and tragic losses from fire. There have been losses of human life, losses of animals, crops, fences, farm buildings and of people's homes—their most treasured property. The most severe fires which Victoria has known were those of 1939, but even those fires are considered not to be the worst that could possibly occur in Victoria. Some people who know the situation which can occur in Victoria believe that we could conceivably experience worse fire conditions than those which devastated the State in 1939, and it is possible that this will occur in the foreseeable future.

The fires that have occurred in Victoria would have had even more devastating effects if it were not for the commitment, self-sacrifice, dedication and bravery of our fire fighters, members of the Country Fire Authority, most of whom are volunteers—farmers, landowners and townspeople from country Victoria who are unpaid for their work and dedication in protecting their communities and the property of those communities. The Country Fire Authority, through the rural fire brigades, has formed one of the most effective fire-fighting organizations anywhere in the world. The fire control services which are carried out by the rural fire brigades under the auspices of the Country Fire Authority would be hard to equal in any country. It is a credit to the members of the rural fire brigades and the communities that support them that country Victoria has such magnificent fire prevention services. Indeed, the community co-operation and self-help of the rural fire brigades is one of the most splendid and successful examples of the application of Socialist principles.

Some honorable members may not understand that, because of the connotations that are sometimes wrongly attached to Socialist principles, but if they read their philosophy carefully, they will find that that is so.

The Bill will aid the Country Fire Authority in controlling and preventing fires in Victoria. The most significant changes to the Act are those which apply to total fire bans. Section 40 of the principal Act provides that a whole day may be declared as a period of total fire ban but that the declaration must be made before mid-

night on the previous day. There is no provision for a revocation of that declaration should weather forecasts change. The amendment allows part of a day to be declared a period of total fire ban and for a period of total fire ban to be either revoked or amended.

The amendments result from experience in the last fire season. On 15 April, which was not expected to be particularly dangerous for fires, the weather forecast was amended after midnight. It was thought likely that the dry, windy conditions would be dangerous. As that fact became known after midnight it was not possible to declare the whole or any part of the day a period of total fire ban, and messages were sent out to the rural fire brigades to be on the alert should fire break out. Fortunately no widespread disaster occurred on that day but it could have occurred and it could have been averted more easily if it had been possible to make a late declaration of a period of total fire ban.

In a reverse instance, also this season, a day was forecast as being particularly dangerous but did not turn out to be so. It should have been possible for the Country Fire Authority, having received an up-to-date weather forecast, to revoke the total fire ban either for part or whole of the day. The provisions of the amending Bill will allow that to be done.

A further matter flows from that—the defence which can be offered by a person charged with a breach of total fire ban restrictions. It is set out in the Bill that if the person concerned could not reasonably have known that a declaration had been made, that would be sufficient evidence for his defence. It could well happen that a person left home early in the morning, perhaps to gather fire wood or to go fishing, and did not have a radio. In that case the person would not be aware that a total fire ban day had been declared and it would be fair and reasonable that he or she should not be found guilty of an offence, provided he or she took the proper precautions to prevent the spread of a fire.

Dr Coghill

I turn to the practices prohibited on days of total fire ban. When the original Bill was drawn up, devices such as gas fired barbeques were not available and the equipment on the market was not as safe as that which is currently available. It has been put to me that perhaps the prohibitions should be amended to take this into account and that perhaps some gas fire barbeques would be safe in operation on a day of total fire ban because of their shielding. It may or may not be worth the risk of amending the legislation to provide for this. It is something which should be considered in the light of recent developments.

The Bill further provides that where a municipality prosecutes someone who has failed to comply with the direction to clear his property of fire hazards, the municipality will receive the monetary penalty imposed. That is a welcome advance. In the past it has seemed unjust that a municipality has had to incur the cost and inconvenience of initiating the prosecution but has received no benefit from that action.

The amendment to section 45 (2) of the principal Act will allow an assistant regional officer to be appointed to carry out certain duties where the proper officer of a municipality has been deemed not to be carrying out those duties adequately. This provision is simply to tidy up the matter, taking into account the appointments of assistant regional officers. In recent history there has not been a single case of the Country Fire Authority having to act against a municipality because a proper officer has not carried out his duties. This is simply a reserve provision which it is hoped will never be needed.

The final amendment in the Bill will protect volunteer firemen if they should cause some property damage in the course of their duties under the Act. It is unfair that any such person should be held liable for minor damage that might occur when their prime objective was to protect the community from the dangers of fire.

It should be plain from the comments I have made on the amending Bill that the Labor Party does not oppose the provisions of the measure. This is a welcome updating of the legislation and I commend the Bill to the House.

Mr TREWIN (Benalla)—I shall comment on the Bill on behalf of the National Party and will be supported by one or two other members of the party. The amendments to the legislation have been made not only to assist the fire fighters, the members of the Country Fire Authority and the Metropolitan Fire Brigades Board, but also many people in the metropolitan area. It appears that when people have made arrangements for barbeques on particular days and total fire bans have been declared for those days it has been necessary to cancel the arrangements. However, some people have taken a chance by doing something wrong and hoping they would not be apprehended. The Metropolitan Fire Brigades Board, the Country Fire Authority and the police are on the alert on total fire ban days to prevent this taking place.

The summer in Victoria is a danger period. In the north and north west there is fire danger from 1 December, and by Christmas time the whole State is tinder dry and very much a danger zone. Quips are often made about weather changes in the Melbourne metropolitan area, and there is a need for some amendments to the Act. I was amused when the honorable member for Werribee, who dealt rather well with this Bill, mentioned the service given by the volunteer firemen through the rural brigades and the urban fire brigades and stated that it indicated good Socialist policy. I would not agree with him on that. A volunteer fireman provides dedicated service, has a desire to help his community and is prepared to put his hand in his pocket to help others. He is not afraid to do his share in the community in the interests of all involved. I do not want the volunteer firemen, the Country Fire Authority or the Metropolitan Fire Brigades Board and its members to be slightly tainted by the suggestion made by the honorable member. The volunteer firemen and the Country Fire Authority are, in my opinion, the fourth arm of the Services.

On a day of acute fire danger a total fire ban must be declared before midnight on the day before, and it must continue for a period of 24 hours. That provision has the support of people who carry out the duty of suppressing fires in this State. However, on occasions an alteration could justifiably be made but it has been impossible legally for this to be done. Because of an altered weather forecast the Bill allows a total fire ban declaration to be male at 1 p.m. for the rest of the day. Reversely, a change could come in from the west or the south, rain could develop over portion of the State, and areas could be cooled off, considerably lessening the danger of fire. The amendments in this area are welcomed.

As I mentioned earlier, much pressure has been put on the Government, the Minister and the fire services for lessening fire ban restrictions if arrangements have been made to have entertainment, whether in a park in the metropolitan area or in some rural areas, and where weather changes have taken place and cool and rainy conditions exist at 10 a.m. or earlier on a day which has been declared a total fire ban day. The need for several amendments in that area is recognized.

As mentioned by the honorable member for Werribee, Victoria is a fire-prone State and the best evidence of this is in areas close to Melbourne where recently a firebug was travelling around lighting fires, not always on total fire ban days, but on hot summer days. The countryside easily becomes flammable when timber and grasses have dried. On a hot day, the eucalypt—the native tree of Australia—becomes volatile and extremely dangerous.

I remind honorable members of the 1939 bushfires, to which the honorable member for Werribee referred, when three-parts of the forest areas of the State were alight for nearly three days, covering thousands of square miles, and when the infamous fires of Black Friday—13 January 1939—occurred.

Those fires could occur again. Bushfires nearly as serious as those fires have recently been prevented by the provision of access roads into forest areas which have enabled members of the Forests Commission and fire fighters to attack and suppress fires caused mainly by lightning which in previous years, because of their inaccessability by either vehicle or foot, were left to burn, smoulder, and to flare up again. That protection will diminish in future if the activities of the timber industry are curtailed, because workers in the timber industry have contributed towards protecting forests from fires and fire fighters have used roads made by the timber industry for accessability to logging operations.

The Bill provides for proper officers to be appointed by municipalities. In most municipalities the shire engineer has the responsibility of fire protection. The shire engineer usually familiarizes himself with the district and ensures that the road systems are in order and that bridges are safe. He has the opportunity of determining fire hazards.

A problem confronting every shire engineer in every municipality is the absentee landowner. Over recent years, people who have made a few dollars—from all walks of life—have invested in a piece of land because they want to own a piece of earth. They will buy 40 hectares of land on which to build a hut or a house. If the house is of a lower standard than that which they own in the metropolitan area, the absentee landowner visits the area infrequently and the visits become even more infrequent as the family grows up and loses its desire to "go bush" now and again. Children grow up and are not so interested in the pony they have at the farm or in bush life.

This is occurring particularly around Mansfield, the Strathbogie Ranges, and in other areas where many blocks of 40, 60 or 100 hectares have been purchased by absentee landowners. Stock is not run on the properties and fire prevention work is not undertaken; the properties become fire hazards.

The proper officer of the municipality must do something about these properties. The work of the shire engineer involves more than examining roads, and it is not always possible for him to have the necessary time in which to carry out all his duties. Inspectors are appointed to assist him and to send notices to landowners requesting them to clear their blocks of land. So regular has the practice of small properties owned by absentee landlords become in some municipalities that it has placed a burden on municipalities. The municipality must do the work. It has always amazed me that prior to the introduction of the Bill, the charges made to landowners have had to go back to the Consolidated Fund. Under the provisions of the Bill the municipality will now be able to retain the money and ensure that its expenses are covered.

One instance occurred in the Benalla shire of an officer who was also the captain of the local fire brigade being appointed as the proper person to make inspections. Burning had to be done in certain areas and the officer worked on that job for two days, during which he had also to run his private business. The provisions of the Bill will now enable the municipality to collect costs of clearing fire hazards and hence will be well justified in paying a reasonable salary or reward to the appointed proper officer for those duties.

The Bill also contains several minor but important amendments to the Act which are explained in the Minister's second-reading speech and which have been mentioned by the honorable member for Werribee. I shall not repeat them in detail.

I pay tribute to the thousands of voluntary firemen in Victoria and the many thousands of residents who, because of other duties, give back-up support to the voluntary firemen, not only in the suppression of fires but also by contributing financially to ensure that adequate equipment is available for fire fighters.

Ironically, some groups of people are examining how the Country Fire Authority should be funded. Members of the brigade where I live supply the

manpower and on every insurance premium they pay a fire levy which is collected by the insurance company. The insurance company's contribution to the Country Fire Authority funding is from the money the property owner has paid on his insurance policy. The next contribution is from stamp duty collected by the Government, which is its contribution. Honorable members are told occasionally of the great contributions made by the insurance companies and the Government, but the money is coming from the pockets of the people who take the precaution of insuring their properties.

It is time the Government examined the method of funding of the Country Fire Authority and of voluntary firemen. It is time everyone made a contribution because everyone is affected and everyone is given protection. I am sure that voluntary firemen will always be prepared to contribute personally and financially, provided that everyone is making a similar contribution.

Some years ago, I was involved with the Longwood fire and fire fighters were greatly assisted with the control of that fire because the chief fire officer in Melbourne read the weather pattern better than the weather bureau and took immediate action to move equipment into central Victoria because, by watching the weather pattern, he had forecast that it would be a particularly bad day in that area. I also saw the aftermath of the fire. The persons who had insured their properties did not receive any support from disaster funds because they had looked after themselves. They did not want support, but they had made their contribution to the funding of the Country Fire Authority. The persons who had half-insured their properties needed some support; they had made a small contribution. The persons who had not insured their properties needed support from the disaster fund and had made no contributions to the funding of the Country Fire Authority.

I take the opportunity of referring to this matter because it is important that urgent consideration be given to the method of funding of the Country Fire Authority and of the provision of equipment and services that can better cater for the community than exists at present. New units are required for rural brigades. I live near the Hume Highway and I am most aware of the equipment that is used to protect the rural countryside and to ensure the safety of the thousands of motorists and huge transport trucks travelling on country roads. The Benalla urban and rural fire brigades weekly patrol the Hume Highway protecting the limbs, lives and property of people who do not necessarily live in their districts but who are passing through.

The ACTING SPEAKER (Mr B. J. Evans)—The aspects being covered by the honorable member do not come within the terms of the Bill. A passing reference is acceptable, but I ask him to return to the provisions of the Bill.

Mr TREWIN—I accept your advice, Mr Acting Speaker. I know I am traversing outside the provisions of the Bill, but I wish to comment on the Hume Highway which is the busiest road in the State. Recently, firemen in the community offered their services for a train derailment accident. Many rural voluntary firemen attended the scene for approximately 20 hours and should have received a few dollars for their services. Most would put the money back into the brigade funds. However, they gave up a day's work to assist. They were not only protecting property but also ensuring the safety of many other people. Foam equipment was provided by the Country Fire Authority, which was on standby, to protect the 100 railwaymen who were working under extremely dangerous conditions because the seven tankers derailed contained highly volatile fuel and were scattered across the railway lines. Two of them were leaking and the fuel was flowing around the embankments. I have raised this matter to illustrate to honorable members the dangers faced by firemen in carrying out their duties to the communities of which they are members as well as in performing the additional work

that is involved in protecting the property and persons of people who come from other areas.

Mr SIMPSON (Niddrie)—I support the remarks made by the honorable member for Benalla, the honorable member for Werribee and the Minister for Police and Emergency Services, in his second-reading speech.

The amendments that will be made by the measure are minor, but they have important effects. The inclusion of the words "or part of a day" in section 40 of the principal Act will mean that the authority will be able to proclaim part of a day as a total fire ban. That is sensible, as sometimes weather forecasts suggest that there will be a possibility of acute fire danger but a change comes through and the ban is no longer necessary. If the ban has been removed, people will not be so disadvantaged. Other minor amendments include a change in the wording in the principal Act to bring it in line with the change of title from "Chief Secretary" to "Minister for Police and Emergency Services".

I also congratulate both the permanent and volunteer members of the Country Fire Authority brigades, as did the honorable members for Werribee and Benalla. I do not believe those of us who live in the metropolitan area give sufficient recognition to the work carried out by the volunteer brigades. I am somewhat disappointed to have to relate to the House an incident that took place some four or five weeks ago. A fire occurred in the Boronia area and a Country Fire Authority volunteer was called to attend it. With his colleagues, he fought the fire, which was in a paint factory, until 9 o'clock the following morning. The fire fighter was exhausted and went to bed. He is an employee of the State Electricity Commission and he contacted his boss and told him what activity he had been involved in and that he was physically incapable of attending work that day. When he returned to work the next day he was told he would lose a day of his holidays. I investigated the situation and discovered that that was the second time that had happened to the man in seven months. If the man were to continue to answer calls to fires, it could well be that at the end of twelve months, instead of having four weeks annual leave, his leave could be reduced to two or three weeks.

I have raised the matter with the Minister for Police and Emergency Services and the State Electricity Commission. I am aware of the difficulty with the regulations, but I am confident that the Minister appreciates the situation and that the regulations will be altered so that they are not so stringent as to disadvantage volunteer fire fighters. The Minister has acknowledged that comment with a shake of his head. I am sure the matter is in hand and I thank the Minister for his response.

During the past few days I have been advised that volunteer fire fighters are concerned about the issue of protective clothing. These people give their services voluntarily in performing an important community duty and they are also involved in fund-raising activities to help with the purchase of equipment that can be used to fight fires in country Victoria.

Mr Crellin—What do you mean? What sort of protective clothing?

Mr SIMPSON—Overalls and boots.

Honorable members interjecting.

The ACTING SPEAKER (Mr B. J. Evans)—Order! Honorable members will cease interjecting, particularly the honorable member for Sandringham.

Mr SIMPSON—I am sure that if the honorable member for Sandringham wishes to make a contribution to the debate he will have the opportunity of doing so.

The ACTING SPEAKER—Order! I direct the attention of the honorable member for Niddrie to the fact that the Bill deals with the declaration of days of total fire ban and the extension of the powers of municipalities. The honorable member is straying from the Bill and I ask him to round off his present remarks and return to the Bill.

Mr SIMPSON—I was bearing in mind the tolerance you showed the honorable member for Benalla, Sir, and making a passing reference to the lack of protective clothing for those people who volunteer their services to the Country Fire Authority. I hope the Minister for Police and Emergency Services will give this matter his consideration.

I reiterate my support of the remarks made by the honorable members for Werribee and Benalla, and join with them in hoping the Bill has a speedy passage.

Mr BURGIN (Polwarth)—I also support the Bill and compliment Victoria's magnificent volunteer fire brigades on the work they have carried out over a long period. Anyone who has been involved in fires knows how much property has been saved by the superb work of these people. The present mixture of professional officers and well-trained volunteers ensures the safety of Victoria, and I hope the Government always retains that mixture.

The three main principles of the Bill are more important than many honorable members realize. Empowering the Country Fire Authority to cause to be broadcast declarations of days of total fire ban after midnight at the commencement of the days in question will be of great assistance. I imagine that the authority will proclaim more days of total fire ban than it has in the past, because if there is a change in the weather the bans can be removed. That means the authority will be able to proclaim fire bans when it appears that there may be the danger of fires and the State will be given greater protection.

I am pleased the Government did not accept the suggestion that Victoria be divided into different zones for the proclaiming of fire bans. Victoria covers a small area of land and it would complicate matters if different zones were proclaimed at different times. People travelling throughout the State would not know what the position was in the different areas. That system has been adopted in some other States that cover larger areas than Victoria. The conditions in those States are different and the system is suitable there, but I reiterate that I am pleased that the Government did not accept that suggestion for Victoria.

If the ban is able to be imposed on the day to which it applies, it is necessary that the Country Fire Authority should have the power to lift the ban at any time. That power will be given to the authority and it will encourage the declaration of fire bans when there is a likelihood of fire danger, because if a mistake has been made the bans can be lifted.

Although I have some reservations when it comes to the courts, I am pleased that in the case of a prosecution on a charge of lighting a fire in the open on a day of total fire ban, when the declaration was made after midnight at the commencement of the day in question, a defendent will not have committed an offence if he can prove that he did not know or could not reasonably have known that the day had been so declared, if he has taken all necessary precautions to prevent the spread of fire. That is necessary because there will be occasions when people do not know that a proclamation has been made early in the morning, particularly if they are travelling and do not have radios in their cars. I hope the courts will treat that provision in the way it is meant to be treated, and that it works as it is meant to.

The Country Fire Authority is gradually building up valuable equipment and that build-up, with the help of the volunteers who are also building up equipment, will need to go on for some time. I am worried about the financing of the purchase of the equipment. As the honorable member for Benalla mentioned, at present much of the money comes from insurance premiums paid in country areas. The more help the Government gives in this area, the less encouragement there will be for the farming and rural communities to insture their properties. That is happening now, as it has become costly for people to insure. I should like the Gov-

ernment to examine the suggestion that a percentage of all municipal valuations, through municipal rates, be devoted to the Country Fire Authority.

This would be a fair way of financing the Country Fire Authority and the Government should give thought to implementing the proposal in the future. Clause 3 allows municipalities to collect money from the imposition of fines where a property has not been provided with fire breaks as directed by the municipality. That is an excellent move and will compensate a municipality for some of the costs involved in carrying out its functions in this area. There is need for involvement between municipalities and the Country Fire Authority on all matters relating to fire breaks, the clearing of abandoned property and properties not occupied. The provision which allows fines which have been imposed to be collected by municipalities will help the situation.

I wish the Bill a speedy passage. Its passage is important for the future control of outbreaks of fires which may occur within Victoria at some time in the future.

Mr AMOS (Morwell)—The three main purposes of the amending Bill contain among them a power to enable the Country Fire Authority to amend or revoke the declaration of a day of total fire ban at any time. I use this opportunity to bring to the attention of the Minister for Police and Emergency Services two indisputable facts. One is that during the last summer fire season Victoria experienced an abnormally high number of declarations of total fire ban days. Notwithstanding that, a number of those days did not turn out to be the serious fire risk days that had been anticipated.

Honorable members are aware that there is provision in the Bill to make it a little easier with respect to such declarations, so that the declarations can be altered a little more quickly than under the present Act, if it is determined that a declaration be so lifted.

Honorable members are also aware that section 40 of the principal Act already enables the Country Fire Authority to declare a day of total fire ban for the whole or some specific part of the State. In other words, there is no need for the authority to declare a total fire ban day for the entire State.

It is within that context that I draw a fact to the attention of the Minister for Police and Emergency Services. I refer to the high number of fixed gas-fired barbeques located at sites throughout Victoria. I do not take anything away from the fire risk that portable gas-fired barbecues may provide, even the portable liquefied petroleum gas barbeques, and the risk of an accident occurring involving these portable barbeques if used on total fire ban days. On days when it is considered that there is a grave risk of a bad fire risk developing, an accident could lead to the outbreak of such a fire. I take nothing away from that risk.

However, because of changes in technology and manufacture and changes in society, we now have a large number of what are known as fixed gas-fired barbeques. Some of them are operated on natural gas, that is, they are connected to the natural gas grid. Others are running on liquefied petroleum gas but nevertheless are fixed structures. A large number are established and operating in the metropolitan area.

I for one fail to see how, in some instances, fixed gas-fired barbeques can constitute a grave fire risk. I bring to the attention of the Government the fact that during the summer fire season just ended, on a number of days when a total fire ban day had been declared, there would have been hundreds of circumstances where families had organized family barbeques, and friends, relatives and others had been invited to enjoy such a family barbeque, but those arrangements had to be abandoned at the last minute simply because of the declaration of a total fire ban day.

A number of those circumstances would have involved barbeques which were of the fixed gas-fired type and which in my view, because of the way in which they are manufactured, constructed and installed in no way constitute a grave fire risk.

I mention this aspect and ask the Minister and the Government to give consideration to examining those locations which have fixed gas-fired barbeques and consider their future operation, especially when total fire ban days are declared by the Country Fire Authority. I realize in the case of portable gas-fired barbeques that there is a risk if the apparatus turns over as that could cause a fire hazard, but I do not understand where that risk applies to fixed standing gas-fired barbeques. I ask the Government to undertake an investigation into that aspect and inform the House at some later date of the result of that examination.

Mr McGRATH (Lowan)—I also offer my support to the Bill and the statements made by the honorable member for Benalla, the spokesmen from the Labor Party and also the honorable member for Polwarth. There is nothing more alarming than a fire out of control, especially when it is in one's district. There is nothing more soul destroying than to see one's property ravaged by fire.

With those thoughts in mind, I welcome the amendment whereby the Country Fire Authority will now have provision to make an amendment to the declaration of a total fire ban day. The declaration could be made early in the morning on a certain day and perhaps that will make people more aware of the dangers that may be approaching and lead them to taking the necessary precautions to ensure that fires will not be left alight in the open which may result in damage to property.

The honorable member for Werribee made a worth-while contribution to the debate, but I take him to task on one of his comments. He was referring to the period 11 to 15 April of this year and he said that fortunately there were no disastrous fires in the State on those days. This was not the case.

A number of press statements circulating in my area have come to my notice and possibly if the present amendment being considered by the House had been introduced a month earlier, some of the headlines which appeared in local newspapers at the time relating to local fires would not have appeared. I refer to the *Avoca Mail* of 16 April which reported that a David Bramwell, a member of the Avoca brigade, was killed when a limb from a burning tree dropped on him. That fire occurred in the central part of the State.

In the *Wimmera Mail-Times* there appeared a report of a fire which destroyed 2000 hectares of farmland, buildings and 100 kilometres of fencing and a number of head of stock. A further press report concerning fires at that period also appear in the *Wimmera Mail-Times* and the report indicated that in the Joel Joel-Bulgana district, 29 farms were hit by fires and 3400 hectares and 86 kilometres of fencing valued at $95 000 were destroyed. Other losses included 1335 sheep. One farmer alone lost 721 sheep and a big percentage of his property was destroyed. It is interesting to note that people in that district are arranging a deputation to the Minister of Public Works seeking help for their area.

Those problems could possibly have been overcome if the amendment now being considered by the House had been introduced a month earlier. However, it is history now and hopefully we will learn a lesson from the outbreak of those fires and make further amendments to the principal Act to bring about more and better safety precautions to try to alleviate the losses incurred through fires.

The honorable member for Polwarth indicated in his speech that he hoped the State would not be zoned for total fire ban days. A move has been made by the Horsham Agricultural Society to have days of total fire ban declared on a zone basis rather than have a total fire ban for the whole State. One

of the spokesmen for the society, a Mr Rol Gross, who has been a volunteer fire fighter with the Country Fire Authority for more than 40 years, described Victoria's State-wide total fire ban days as farcical.

I hope during the winter recess the Minister for Police and Emergency Services will do all in his power to draft further amendments to the principal Act which will bring about the zoning of Victoria on a regional basis for the declaration of total fire ban days.

I refer to clause 2(c) which makes it a defence to a prosecution, on a charge of lighting a fire in the open air on a day of total fire ban which has been so declared after midnight at the commencement of the day in question, if the defendant proves that he did not know or could not have reasonably known that the day had been so declared and if he had taken all necessary precautions to prevent the spread of the fire.

It was expressed to me by Mr Robert Scott of Horsham, who is the region 17 fire officer, that perhaps that proviso was too lenient. Someone could come along and plead ignorance and say that he did not know that a total fire ban day had been declared. I pass on that comment for consideration by the Minister and suggest that ignorance in those cases is perhaps not a worthy defence to exclude a person from being penalized.

Mr HANN (Rodney)—I support the Bill and indicate my agreement with the proposed amendments. Many thousands of volunteer fire fighters throughout Victoria come under the control of the Country Fire Authority. These fire fighters have voluntarily spent hundreds of hours of training to equip themselves so they can fight the fires when they occur. I have seen a number of examples in my own area, particularly this year and last year, where they had been able promptly and efficiently to combat serious fires.

The Country Fire Authority and its volunteer nature of duty is unique in the world. I hope its present set-up will be maintained for many years and that the Country Fire Authority will continue to provide the necessary services which will support those men who have volunteered, thus enabling them to continue their present efficient methods of operation.

I refer to one very serious fire which occurred this year in the Harcourt-Castlemaine area. It appeared that the situation could potentially lead to a total disaster, but because the Country Fire Authority was able to get to the fire quickly, after travelling 70 to 80 kilometres and using many of its new units which had been introduced into the brigades over the past two years, it was able to quickly quell that fire.

The Country Fire Authority is adopting a responsible attitude and is supported by the Government. This measure is significant. I do not believe the last fire season was the real reason for the introduction of the measure but, rather, the previous fire season because more serious problems occurred in the summer of 1978-79 than last summer.

During the last summer period, total fire bans were declared on days of potential fire danger but, during the early part of the previous summer period, there were several days on which the Country Fire Authority did not declare a total fire ban. During January, by about 11 o'clock in the morning very high north winds were blowing particularly throughout northern Victoria but a total fire ban was not declared, partly because a system has not been adopted to divide Victoria into regions.

Many of the key Country Fire Authority personnel do not support that policy—it is important to put that on record—because of the possible confusion which would exist as very few people would be aware of the defined areas. Perhaps the Government should consider a system of dividing Victoria along the Great Dividing Range because conditions in the north can be bad whilst in the south the weather can be cooler.

I well recall Tuesday 9 January 1979. The previous Friday had been a potential fire day but it had not been declared as a total fire ban day. I was at Parliament House discussing with Mr Newell, the chief of the Country Fire Authority, why the authority had not declared the previous Friday a total fire ban day. During those discussions I mentioned that a complaint had been lodged with me that morning by a local regional Country Fire Authority representative from the area I represent.

Mr Simpson—The rural fire brigade is opposed to regionalization.

Mr HANN—This person is opposed to regionalization because it would not solve the problem unless the whole of the northern portion of Victoria were declared a region. It is interesting that, during those discussions, Mr Newell mentioned that the Country Fire Authority was fighting a fire in the Barmah area. The Minister is aware of this fire because several acres of land were burnt out at a cost of $147 000 to the landholders. A submission has been made to the Government and the Minister is giving it sympathetic consideration. Seventeen months have elapsed since that submission was made and I hope an early settlement will be made.

The cause of the fire was a charcoal burner. Approval had been given by the regional officer of the Country Fire Authority for the use of this charcoal burner. A fire occurred as a result of a spark which was generated from the charcoal burning unit on a day when temperatures exceeded 32 degrees Celsius. Fortunately no homes were burnt and no human or stock lives were lost. Extensive damage was done to fences and fodder was lost. This resulted in considerable financial hardship to the landholders concerned.

There is a definite need for some form of assistance for people who are affected by small fires. On the following Sunday, an area five miles from my home, caught fire when a single State Electricity Commission wire blew down in high winds. Several hundred acres of land were burnt out, including fencing and damage to fodder. In that instance, because damage occurred as the result of a State Electricity Commission conductor failing and a wire falling to the ground, the State Electricity Commission compensated the landholders down to one person who lost a section of fence worth $36.

An anomaly exists because in one case when a fire occurred because of State Electricity Commission action the residents were compensated but in the other, which was related to problems of the charcoal burning unit, so far the matter has not been resolved. The Minister has expressed sympathy in his consideration of this matter and I hope it will be resolved soon.

These cases highlight the reason for the introduction of the Bill. The Country Fire Authority appeared to have difficulties in deciding which days should be declared total fire ban days. There has been discussion about the possibility of regional areas.

One of the difficulties is that during cropping, on days of total fire ban, much of the harvesting equipment is at a standstill because of the danger of causing a fire. However, if a day is not declared a total fire ban day I am informed by the local regional representative from one municipality that it is difficult to encourage farmers not to use harvesting equipment on those days. The provisions of the Bill appear to provide that potential. It is practical to apply this principle because, usually by early morning, one has a fair idea about what the weather will be like, although that is not always the case.

On some bad fire days a total fire ban has not been declared but the following day has been declared a total fire ban day and the weather has broken down into rain. The Country Fire Authority has been criticized for declaring those days total fire ban days. This measure will enable the Country Fire Authority to withdraw the total fire ban provision. I hope that the flexibility contained within the Bill will assist it.

The third provision relates to the payment to a municipality of the amount of monetary penalty imposed. This is another matter which has been drawn to my attention in recent weeks. The city engineer of the City of Echuca, following a complaint from a person who runs an engineering business in the town about rubbish on land, sent notices to an absentee landholder who lives in Sydney but he refused to answer the correspondence.

The council was unable to do anything about removing rubbish from the land next to an engineering business in the heart of the business district. The council does not have funds to clear the rubbish off the block. The person who laid the complaint pointed out that there was subsequently a fire. Fortunately the local fire brigade put the fire out before it spread to the neighbouring engineering business but it could have had disastrous consequences.

This measure is a first step in solving this problem but a fund should be provided within the municipality so that the council can enter the property and clear out the rubbish. The Minister might care to consider the proposal of a special emergency fund to enable municipalities to clear blocks of land owned by absentee landholders or some unknown person who has not cleared the land. The council could clear away the hazards and then be reimbursed. I ask the Minister to take this matter back to the Country Fire Authority or his department. It may be possible to extend the fund referred to in the Bill. I do not know whether sufficient funds would be available, but a need exists for funds to enable disastrous consequences to be avoided.

Another area of concern is the Victorian Railways which seem to have adopted a couldn't care less attitude in the past two years—particularly last year—about much of the land owned by the railways throughout Victoria where railway lines and stations have been closed. This highlights the problem in the township of Lockington. The railways own a large portion of land in the centre of the town but have made no attempt to clear the fire hazard off the land. This also applies to Gunbower, Leitchville and Cohuna.

It is irresponsible of the railways not to clear fire hazards from their land, particularly in those townships.

Some form of compulsory mechanism should be provided to require the Victorian Railways, and other Government departments for that matter, to clear fire hazards on their land to ensure the safety of neighbouring landholders. The same situation occurred with the State Rivers and Water Supply Commission because of its policy in recent years of discouraging the grazing of irrigation channels. As a consequence, extensive areas contained high dry grass and a potential for real disaster. Fortunately, no major disasters have occurred. There should be some provision to require departments to carry out some form of fire protection which many landholders carry out. I also ask the Government to consider that matter. Despite a number of comments being made to the Minister of Transport, no action has been taken to have those fire hazards cleared.

I commend the Bill to the House, and acknowledge that further consideration may have to be given to perhaps ultimately considering dividing Victoria, perhaps along the Great Dividing Range, because conditions are often different in the north compared with the south. This measure may obviate the need for a zone.

Mr Simpson—Let's give it a try.

Mr HANN—That is right. One would hope that it would be possible to avoid the difficult situation that has occurred in the past, particularly 1978-79, when really bad days were not declared total fire ban days.

Mrs TONER (Greensborough)—The area I represent is one of the most sensitive areas to bushfires in the world. It contains a number of splendid Country Fire Authority brigades. I have contacted those brigades and they agree with the intent of the Bill. They do, however, have some reservations in regard to difficulties of implementation. The Government will have to

monitor very carefully the workings of the legislation because there may need to be some limit on the latest time—for example, the 12 midday news—at which a day of total fire ban can be declared.

My area was badly devastated by fire during the past couple of years with two severe fires occurring in the Plenty Gorge, one on Ash Wednesday this year, February 20, when 500 hectares of bush and open paddock were burned out by fires suspected to have been deliberately lit. That is the understanding, at any rate, and it is difficult to counteract that sort of activity. Nevertheless, the declaration of a day of total fire ban can make people more vigilant about such a situation.

With the enormous loss of property in my area, there is a consciousness of the devoted work of the Country Fire Authority. This year there were 55 Country Fire Authority units fighting the fires in the Plenty Gorge, so I am pleased that the Country Fire Authority sees the Bill as enabling it to act more efficiently. I commend the honorable member for Werribee for the work he has done on the Bill.

Mr THOMPSON (Minister for Police and Emergency Services)—This has been an instructive and informative debate, to which I have enjoyed listening. I thank the honorable members who participated, the honorable member for Polwarth, the honorable member for Rodney, the honorable member for Lowan and the honorable member for Benalla, whom I am pleased to see back again after a successful battle with the surgeon. On the other side of the House there have been contributions from the honorable members for Morwell, Niddrie and Greensborough.

I will take note of the matter of the open fire in the form of an open gas fire in park areas around the city raised by the honorable member for Morwell with a view to determining whether some different procedure can be adopted.

I note the complaint emanating from a man who apparently assisted in fighting a bushfire for the best part of a day and then found his pay docked by the State Electricity Commission. That is a ridiculous situation and I will do my best to overcome it.

I congratulate the honorable member for Werribee who was, I think, handling only his second Bill, on his positive and constructive approach which set a high standard of debate at the outset.

Finally, I should like to associate myself with the complimentary remarks about the units of the Country Fire Authority. The unselfish, voluntary service of the urban and rural fire brigades stands rather like an oasis in the desert in a dry, materialistic age.

The motion was agreed to.

The Bill was read a second time and, by leave, the House proceeded to the third reading.

Mr THOMPSON (Minister for Police and Emergency Services)—I move.

That this Bill be now read a third time.

Dr COGHILL (Werribee)—A matter raised by a number of speakers during the second-reading debate requires clarification. It is the matter of regionalization. I direct the attention of the House to section 40 of the Act which provides for the declaration of a total fire ban in the whole or any specified part or parts of the State. The power exists for regionalization if, as a matter of policy, the Country Fire Authority desires to adopt it and there is no necessity for any amendment of the Act. However, that provision is opposed by some significant and important elements in the community whose views should be respected.

The Rural Fire Brigades Association, which represents about 90 per cent of Victoria's rural fire brigades, at a recent meeting voted to oppose the concept of regionalization in the declaration of total fire bans, so there are quite strong reservations on behalf of the group representing fire fighters. It is my understanding that the Victorian Farmers and Graziers Association also has resolved to oppose the concept.

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

PENSIONERS' RATES REMISSION BILL

The debate (adjourned from April 17) on the motion of Mr Thompson (Treasurer) for the second reading of this Bill was resumed.

Mr KIRKWOOD (Preston)—The Opposition has had a hard look at the Bill, well remembering when the Local Government (Rate Relief) Bill was first introduced in 1977. The Labor Party has memories of the happenings throughout metropolitan Melbourne and the various protests by groups of pensioners over many years seeking relief of one type or another. The Opposition remembers the position in which local municipalities were placed where, in many cases, they were forced to reject any type of relief whatsoever. There were a few municipalities which granted some type of remission in those days and the burden of that remission was carried by the ratepayers and the municipalities.

The Labor Party believes an undertaking was given by the Government of the day to honour the half rate which has now been in operation for almost four years and which is an accepted part of the lifestyle of those holding pensioner cards. The withdrawal of that concession will be bitterly opposed because there is no doubt that the additional $120 will cause concern in various municipalities throughout metropolitan Melbourne and in country Victoria. I can imagine that the "blue rinse" areas, where the Liberals have most of their support, will probably be the hardest hit areas in Melbourne. That being so, there will be a change in the ceiling. It cannot stay at $120 per year; it has to be changed: That being so, Governments themselves must take a hard look at the question because they have not been paying their way.

Semi-Government authorities, both State and Federal, are not paying the various rates which they should pay in municipalities. This imposes a heavy burden for the municipalities to carry because today the services they provide are tending more and more heavily towards social welfare. If the figures were taken out, as I have done in previous years, it would be evident that there will be a heavier burden. In all areas of subsidized local government spending, the ceilings are failing to keep pace with the costs.

I quote to the House from the second-reading speech on the Local Government (Rate Relief) Bill on 23 March 1977 which, at the time, was handled by Mr Balfour, the then Minister for Fuel and Power, where he is reported as stating:

> 1. In certain inner suburbs where old areas formerly of comparatively low value have recently become fashionable, property values have increased enormously. As prices paid have increased, so too have municipal valuations and rates. Those who have given rise to this trend have little cause for complaint about it, but others may be gravely disadvantaged by the trend and face very real and unexpected hardship. These include people who purchased or took up residence long before the upsurge in prices in the particular area, and who in most cases are amongst the lower-income groups. Frequently, as long-term residents, they are now elderly and may well be pensioners or on fixed incomes. The Bill will enable councils to relieve special hardship which may arise for people in this category.

That is what honorable members were told at that time and that was the basis of the Local Government (Rate Relief) Bill in 1977. The circumstances of those people have not changed. Those people are still in the same position: They still face hardship and they still need the same relief of which they became recipients at that time. The same situation exists today and, in fact, the need is increasing.

One sees this trend occurring in Richmond. In the northern areas there are many pockets or wards where the municipal value is such that people will not qualify wholly for this relief. They will receive only part relief which will come nowhere near half. If the Government is fair dinkum, it should take a good look at what it has done in the past, review its position on the matter and come back to Parliament with a new type of assessment.

Having read the second-reading speech, I find it exceedingly difficult to understand that the Municipal Association of Victoria gave an opinion in which it agreed with the action the Government is preparing to take. I do not believe municipalities and councillors

would ever take up this position because the rebate system, as it now stands, is a burden not on the ratepayers but on the taxpayers. That a municipal council or councillors or an association should agree to a celing is beyond belief. I do not say that the facts outlined in the second-reading speech are untrue, but they are beyond the realm of credibility. It is a position that very few people will accept.

In part of my electorate, the City of Preston, there are 5000 people who are eligible to claim a rebate on their municipal rate, the highest number in any municipality in the metropolitan area, and that figure will increase this year. The betting is that there will be a 7 per cent increase. Pensioners, who occupy 16 per cent of properties in Preston, are presently receiving rate remissions.

The ACTING SPEAKER (Mr B. J. Evans)—Order! The time appointed by Sessional Orders for me to interrupt business has now arrived.

On the motion of Mr THOMPSON (Treasurer), the sitting was continued.

Mr KIRKWOOD (Preston)—When one takes into consideration in an area like Preston the number of persons who have had to claim rate remissions, one discovers that, if the Bill is passed, many persons will deeply regret the decision of the Government. When one understands what is happening, one discovers that the system of administration is rather quaint, in fact it is strange.

Near the end of each year, nearly every municipality has sent out its rate notices. Most metropolitan and country municipalities are similar in that they submit their claims to the Local Government Department around February. However, what does the Government, as it has been doing for the past four years, do? It pays only half the amount of the claims made by the council on the Local Government Department. The balance is not restored to the council until July. It means that for 6 months the Government is able to defer reimbursing the councils.

In the case of Preston, the amount involved is $420 000 and if that money could be deposited in short-term loans for the period that the Government defers paying the rate remissions, the council could make money for its ratepayers. The Government holds the moneys for nearly six months. How that is accepted, one will never know.

The low income groups and those on fixed incomes are affected by the breach of promise. Fairness does not exist. If the Government were fair, it would respect those disadvantaged persons and increase the rate remissions. These persons do not bludge on this or any other Government. There is a total requirement for this type of subsidy throughout the community.

Those persons who submit claims for rate remissions have thought twice about it. I can well remember many persons having to be coaxed into submitting a claim because they did not want to submit a claim for a 50 per cent reduction. It has now become an accepted practice because pensioners say, in effect, "This is what we are entitled to and, being an entitlement, we should take it up". It makes me wonder at times if the Government has done its homework.

There is an enormous cost to the various councils in processing the claims and no relief whatsoever is granted to any municipality to lighten that financial burden. Basically, most municipalities are serving the community, not the houses or institutions. Municipalities are in the social welfare business for keeps now and it is ludicrous that, because of the Bill before the House, the councils will have to examine, as they did a number of years ago, necessitous circumstances. With that will go all the heart-rending which honorable members knew about in local government a few years ago when the persons who were at risk had to open up and put in writing those very personal factors which would prove a case of necessitous circumstances. I would not like to see that type of requirement return. The community has been better off since the introduction of the Pensioners'

Rates Remission Act. I appeal to the Government to give this matter serious consideration.

I imagine the National Party would be sympathetic to the cause of the Opposition in this regard because I well remember one of the amendments the National Party moved four years ago to increase pensioner remissions 100 per cent. That type of relief was such that the Opposition was prepared to support the National Party.

The Government should meet the demonstrated needs of a particular section of the community. There is no need to have a ceiling which will oppress a certain section in the community. I again wonder whether the Government has closely examined the Bill.

A provision in the Bill could advantage those who have all the necessary aids and assistance and they do not need any remission. A person who owns a property could install either his or her mother or an elderly citizen as the sole occupier or joint occupier and the occupier could claim the remission. It could well be that the landlord could rig the tenancy in such a manner that the occupier would pay the rates. That being the case, the joint occupier or sole occupier would then be able to claim a remission and the owner of the property could be a son, brother or anyone, but nevertheless someone who has more liquidity and finance than the pensioner would have. That method could now be used by persons to rent flats, the odd house or those who have their mothers, brothers or sisters, if they are entitled to the pensioner rebate, living with them. That could be one of the lesser aspects of the Bill but it could be one reason why the scheme has been so costly for the Government to administer.

If that is the case—and there is no doubt it could be investigated—these costs could be trimmed. The remedy which is badly needed might then occur and so assist those most in need.

The Opposition does not agree with the Bill and will oppose it at the second and third reading stages. It provides the type of relief that the community can well do without, especially those who are on fixed incomes, and that means those persons who live on superannuation and the poor. Many persons on fixed incomes find that they can meet some particular type of pensioner credit and what happens? They gradually get on their feet but something like this knocks them back for years to come. The proposal will affect a depressed section of the community with which the average person would not wish to be associated.

It is hoped that the Government will give serious consideration to re-introducing the 50 per cent remission if the motion is carried.

Mr JASPER (Murray Valley)—The National Party did a lot of soul searching when examining the import of the Bill. The Federal Government should be responsible for social welfare payments. It is by default that the Victorian Government has taken over an increasing responsibility for social welfare. I am not suggesting that the areas it has moved into have not been to the advantage of many persons, but the first responsibility for social welfare should rest with the Federal Government.

The State Government has become involved in many areas of social welfare which involvement has resulted in increased costs. The Government is in a bind in many social welfare areas because of the rebates introduced for pensioners and various other deserving persons.

It is interesting to note that, when one examines the Pensioners' Rates Remission Act, initially the Victorian Government introduced a 50 per cent reduction in rates to assist pensioners to remain in their homes and live within their communities. However, because of the escalation of costs, the rate concessions have grown in 1975-76 from $6 million to an estimated $27·1 million in this financial year.

The National Party can understand the concern of the Government and the Treasurer, in trying to balance the books, to examine realistically what

assistance it can and should give to those deserving persons in the community. The National Party believed, when the 50 per cent reduction was introduced, it was a genuine concession to pensioners. This is a major break from that situation, and the position previously taken by the Victorian Government, and that was the point of concern expressed by many of the members within the National Party. However, the National Party also recognizes that there is a limit to the assistance that the Government can give in this area.

This Bill provides that, in the case of municipal rates, the concession will be 50 per cent or $120, whichever is the lesser, and in the case of water and sewerage rates it will be 50 per cent or $60, whichever is the lesser. That is a realistic level, and it will assist the people on lower level incomes. In most areas it will be a worth-while concession.

The people for whom I have the most concern, and this was alluded to by the honorable member for Preston, are those on fixed incomes and who are just outside the area of being eligible for some kind of pensioner concession. I have written to the Federal Treasurer on this matter to seek assistance for those people. They are being affected by today's inflation rate and a declining fixed income. They, therefore, have a lesser income to make ends meet, and do not have the concessions that are available to pensioners.

The National Party supports this Bill because it believes there is a limit to the assistance that can be given in this area. The Bill will assist those people in the most deserving situations.

Mr ROPER (Brunswick)—I find it extremely odd that the National Party has adopted the position stated by the honorable member for Murray Valley. I appeal to both the Government and the National Party, in a rational and reasonable way, to reconsider the position they have taken. The Bill will cause pensioners, who live in areas where rates are high, to bear more of the burden than pensioners in other areas where the rates are not so high. The honorable member for Geelong West agrees with that view.

This Bill will disadvantage some pensioners who traditionally have lived with their families in an area where the rates are comparatively reasonable.

Mr Jasper—You cannot have a Utopian situation.

Mr ROPER—I am not talking about a Utopian situation. I know that the honorable member for Murray Valley understands at least part of these matters, but take the case of a pensioner who is in receipt of a pension and is entitled to a full pensioner rate rebate. If his rates are $240 a year—and for many people that is the rate that the local council sets on their properties—he will obtain a rebate of $120. If a pensioner lives in an area where the rate is $300, he will still receive a rebate of only $120. He will have to pay $60 a year more than pensioners in other parts of the State. It will apply not only to other parts of the State, but within streets, or wards, or municipalities. That is totally unfair. The test of whether a pensioner is entitled to this assistance depends on his eligibility for certain categories of social security benefits.

The Government has traditionally taken the position that half of a pensioner's rates should be reimbursed by the State Government, but this Bill moves away from that principle. It might be that rates throughout non-metropolitan Victoria are infinitely less than rates in metropolitan Melbourne.

I remind the House of the remarks made by the honorable member for Gippsland East when a Bill granting a concession was debated on 30 March 1977. He pointed out in answer to a number of interjections that in many country towns and country shires in Victoria rates have to be set at a very high level. No doubt there are constituents in the electorate of Gippsland East, in the electorate of the Minister of Public Works, and in the electorate of Geelong West, who will no longer be

entitled to a rebate of half their rates. As a result of this provision, when those pensioners pay their rates next year, they will face a substantial additional burden, in some instances amounting to more than $1 a week extra out of their pensions.

The Labor Party can find no reason for the Government and the National Party taking this attitude. Take as an example the position of a widow living in the matrimonial home, a house she may have been living in for 40 or 50 years. The Government is now saying through this Bill that she should not be there if the rates are more than $240. The Government is demanding that she pays more of her rates than previously under the rate rebate Bill, a provision that has existed now for some time.

There are many quite ordinary houses in the City of Brunswick in which live pensioners, either couples or single pensioners on which the rates are $240 or more. They will be severely disadvantaged by this provision. It is a broken promise by the Government. The Government went out to the elderly people of this State on that promise, and presumably harvested a fair amount of support as a result of it, but it is now backing away. As the honorable member for Preston, who is very learned in matters of local government, said, the Government could save money in this area by a more closer policing of the provisions, as is done in rebates on motor registration fees. The Government has not taken any action to cut down on cheating. Instead, it will take this rebate away from pensioners who, in almost all instances, have only their pensions to live on. It must be remembered that the people we are talking about are in receipt of a pension at a high level and are holders of medical cards.

The Government, and the National Party, are saying that they do not mind that these pensioners will have to pay more of their rates. I remind the honorable member for Murray Valley of the remarks he made when a similar Bill was last before the Parliament. On that occasion the honorable member for Murray Valley moved a reasoned amendment to further extend the State's commitment in this area. The honorable member may not want to be reminded of his speech of 30 March 1977. On that occasion he proposed additional commitments by the State in this area and there followed a detailed debate in which nearly all his colleagues supported him. Now the honorable member for Murray Valley seems to be taking a different tack. It is regrettable, because, whether one likes it or not, the Parliamentary Labor Party, and the Parliamentary National Party, have more responsibility for the actions they take than they did in 1977. When we adopt a particular attitude in unison, the Government has to reconsider the proposition it puts before the Parliament.

If ever a proposition needed to be reconsidered, as the honorable member for Geelong West said at the beginning of my speech, this one needs reconsidering. The Treasurer should be examining the Bill to ensure that pensioners will not be harmed, as this Bill will in fact do. The honorable member for Burwood would be aware of pensioners who have, as their sole income, the pension and who will now be disadvantaged because of the amount their local councils will charge in rates. The aim of the original Bill was to ensure that pensioners had to pay only half their rates. It was a highly desirable provision that had the support of all parties in the Parliament, and one in which the National Party wanted additional assistance to be available from local government in this area.

Members of the Opposition oppose the measure. We ask that members of all parties reconsider the position because they are placing many pensioners at an unnecessary disadvantage. The scheme certainly costs more than it originally did. It cost $6 million when it was first introduced. Those honorable members who were not in Parliament at the time should read the comments made on the Bill at that time. Then they would realize that the

scheme started in a schemozzle, with many pensioners not knowing their entitlements and not making claims. One virtually had to be a Rhodes scholar to fill out the forms. There has been an increase in the cost of this scheme for two reasons; firstly, pensioners have been able to take advantage of the scheme because of improved administration and, secondly, municipal rates have increased.

I direct another matter to the attention of the honorable member for Murray Valley. The Bill sets a maximum rate rebate of $120. Is there going to be a situation where, every time inflation increases and rates go up by 10 per cent a year, a new Bill will have to come before the Parliament to amend the Act? Alternatively, is $120 to be the permanent ceiling, so that the disadvantage for pensioners in Mildura will become greater year by year?

I find the attitude of the honorable member for Mildura interesting. No doubt all the statements made by him and his colleagues on the previous occasion when a Bill on this subject was before the Parliament no longer apply. It may be that, like Saul on the road to Damascus, they have seen a new vision where the Commonwealth automatically moves in. I suggest an alternative vision, namely, the Commonwealth Government walking out of its responsibilities. In that situation it behoves the State Parliament, which has made promises and given undertakings to persioners, to make sure that those undertakings are honoured. We do not need broken promises, and we do not need this situation. The honorable member for Mildura says that this is a bad law.

Mr Whiting—It is an election gimmick.

Mr ROPER—It is a proposal that all parties agreed with, and, indeed, the National Party suggested additions to the measure by way of a reasoned amendment on which the voting went to a division. It is not an octopus, as the honorable member says by interjection; I explained the reasons for the figures. These were, firstly, because the administration was improved, and, secondly, because rates have increased substantially over the past couple of years. The honorable member for Mildura may be able to meet his rate bill easily and then claim it as a deduction on his taxation return.

Mr Whiting—Doesn't everybody else do that?

Mr ROPER—No, everybody else does not, because, in case the honorable member for Mildura has not noticed, the taxation system has been changed. People now receive a standard rebate unless they are paying substantial amounts of life insurance or medical costs; if their claims exceed a certain amount—it was $1600 last year—they may claim the deduction. Higher income earners like ourselves can claim our municipal and water rates as income tax deductions and receive a benefit from doing so, but other people are not necessarily in that happy situation. People who receive a pension or who have a medical card are certainly not in that happy situation.

The point I was making before that interjection was that there will be widows and elderly people in the City of Mildura who will find next year that they will have to set aside, if they can, substantial additional sums towards their rates, because the rates on some family homes in the City of Mildura, for example, may be about $300.

Mr Whiting—They are now.

Mr ROPER—Then they will probably be $350 to $400 next year. The pensioners who had probably been living in the same homes when a different rate climate applied will now have to pay the whole amount over $120. That will make them more than $1 a week worse off than they are now, if the sums of the honorable member are correct.

A person who receives a pension and possibly some other small amount of fixed income will also be at a substantial disadvantage next year, and Parliament should not allow this situation to exist. If we all believed it was all right and supported it in 1977, it is much more important now to do

so because municipal and water rates are a much heavier burden than they were.

I support the remarks of the honorable member for Preston that the Bill should be opposed by the Parliament and that the Government should ensure that no more money is being spent unnecessarily on people who should not receive the benefit; instead it should be used to benefit those who need it.

Mr BIRRELL (Geelong West)—The rationale of the Bill is fairly simple. The figures it contains came initially from New South Wales, where similar legislation was passed a year or more ago, and that is where the Bill originated.

For my home in Geelong, the municipal rates are $150 and the water rates are $120. If I were a pensioner I would be able to claim $75 and $60 respectively on those rates. Therefore, $120 and $60 seem to be reasonable figures, if one takes the word "reasonable" to include all those people in the category whom we are primarily seeking to help.

Mr Roper—It is the pensioner medical card that determines their eligibility.

Mr BIRRELL—I realize that, but the Government is attempting to sort them out in the system to some extent. Although everyone talks about those who pay $120 municipal rates and $60 water rates, a large category of people pay more than $250 in municipal rates and $120 in water rates. A surprising number of claims come from people in the system at the moment who pay municipal rates in varying amounts from $500 to $1000 a year. The blue rinse suburbs have been mentioned.

Mr Roper—It is not just the blue rinse suburbs; it applies also to industrial areas.

Mr BIRRELL—I know that, but the term has been used. At what point should a Government in its social welfare programme attempt to help the people? If a person is paying a municipal rate of $500 a year, he is sitting on a very expensive lump of land in an expensive area.

Mr Cathie—They sell out, do they?

Mr BIRRELL—It is only a few years since this concession was introduced, and before that people were not selling out, so let us sink that idea altogether. It is nice for the Opposition, in its true style, to back all the most expensive initiatives that it can devise. The speeches of Opposition members urge continuing and increased expenditure, but there comes a time when the Government ought to help those as a group who are most in need of help and not necessarily seek to help those whose rates indicate that they are sitting on properties worth $80 000, $90 000, $100 000 or $150 000.

There may be an odd exception where a person would move out of a home because of the provision, but that does not seem to be the sort of rational decision that people will take if they are in a category where their municipal and water rate notices do not come within the provisions of the Bill. It is a general measure that tends to sort out the sheep from the goats.

Members of the Combined Pensioners Association will not rebel at this measure, because they will all come within the provisions of the Bill. Although I agree that there will be odd cases where people will feel that the Government has been a bit hard on them, in the totality of the measure the Government has adopted a social welfare outlook of providing the greatest help for the greatest majority, and it deserves commendation for the decision embodied in the Bill.

Mr WALSH (Albert Park)—I join with the honorable members for Preston and Brunswick in opposing the Bill because, during the spring sessional period, in my reply to the Budget speech, I raised the question of a ceiling proposed to be placed on municipal, water and sewerage rates. My concept of the proposal was that it would further disadvantage people who needed financial help.

It has been something like three or four years since these rebates were introduced. Government supporters have been running around Victoria spruiking about what the Government has done for pensioners and saying that the Government has given 50 per cent rate concessions for municipal, water and sewerage rates. To place a ceiling of $120 or half, whichever is the lesser, on municipal rates is certainly putting many people into a financial position that they should not be in.

Different rates apply throughout Victoria, and what the Bill pretends to do is to say to one section of the community, "You will be right, because you pay only $240 in municipal rates. You will get half at $120". But if a person pays $280 in municipal rates he will have to pay $160, and therefore will be $40 worse off than the pensioner who receives the same weekly income from a Federal Government pension. That certainly makes that pensioner $1 a week worse off.

The Government should be looking after the aged, invalid, widowed and service pensioners and holders of the Commonwealth concession cards better, now we are in the latter part of the twentieth century, instead of going backwards, which is what the Bill tends to do. It says to the disadvantaged people, "We have given you some sort of concession for three years; we intend to take that away and put you in a worse financial position". Why should the Government do that to these disadvantaged people?

I believe the reason is that, firstly, these people have put their lives into our society; they have built up our State and this country and paid their taxes weekly, but now that they are not producing for the State or the country or paying taxes they have become a burden to the State. This is the attitude of the Government; it believes that these people are of no value, so it will make the concessions as small as it can; will make the Government look good and go around the country saying how well it has treated the pensioners.

In this day and age we should be looking at the situation not only of allowing concessions on municipal or sewerage rates, but also of extending concessions to further areas. Pensioners should certainly receive a 50 per cent concession for the supply of electricity. A 50 per cent concession should also be given to pensioners using gas to make their lives easier so that they can cope with everyday increases in the cost of living and enjoy their retirement without heavy financial burdens.

It does not shock me that the National Party is supporting the Bill because, judging from the comments made by National Party members in the House on many occasions on different Bills, one wonders how they can think of the people in a community at large. Many pensioners live in the rural areas represented by National Party members, and they should be considering those people who built up the country areas to what they are today and should give them some financial assistance to ease their way of life.

The Opposition does not support the Bill. An upper limit on the concessions is not in the interests of pensioners. Since becoming a member of this House, I have become associated with many pensioners in the area that I represent. Some of them are still paying $30 a week off their houses as they were doing when they first purchased them. It is expected that municipal rates in the South Melbourne area will rise by about 35 per cent to 40 per cent next year. In the Middle Park area the rates will be more than $240. Those people will be worse off than people living in the municipality of Port Melbourne which is also in the electorate that I represent, yet South Melbourne people will not have the same financial advantages that the Government will be giving to the people of Port Melbourne. There will be higher rating in one area where suffering will occur.

This Bill does not help pensioners. The Opposition is trying to look after the people who have built up this country and State over the years and

who are now in their retirement from industry and are trying to make ends meet. The Government is always saying what it has done for pensioners but what it gives with one hand takes away with the other, leaving the people worse off. I condemn the Bill. The Opposition does not support it. It is hoped that members of the National Party will have a change of view and will support the Opposition in its stand against the measure.

Mr ROWE (Essendon)—The community will greet this Bill with much alarm. It is no news to the House that in Australia our society is ageing; the proportion of elderly people is increasing. The electorate of Essendon has the highest proportion of elderly people —that is, those aged 60 and above—in the northern suburbs of Melbourne. Many of those people are pensioners who are affected by this Bill. It was hoped that the Government would extend the benefits available, particularly in the light of the comments by the honorable members for Preston and Murray Valley about people on fixed incomes who are not eligible for the various concessions that are now available to pensioners. However, a limit is being placed on the available concessions.

The Bill limits the rebate available to half of the rates payable or $120, whichever is the lesser. Problems occur with this type of legislation in times of rapidly increasing prices. Local government rates and Board of Works rates have been increasing more rapidly than the inflation rate. Last year the Melbourne and Metropolitan Board of Works rates increased by about 20 per cent. In light of that, it appears that the $120 minimum amount of rebate will shrink considerably. On average that amount would be about half of the average rate in the metropolitan area today. In two years' time it could be less than one-third.

I obtained some figures giving the average site values in the Essendon area. The average figure is $14 000, on which the municipal rate would be approximately $230. That would fall within the ambit of this Bill, and pensioners living in a home which had an average site value of $14 000 or dimensions of 50 feet by 120 feet will not be inconvenienced in this year. However, it must be understood that a significant proportion of people live in properties the site values of which would exceed $14 000. For example, in Essendon on a property with a site value of $17 000 which would have a frontage of some 65 feet, the municipal rate would be $274. A significant proportion of properties in that municipality fall within that category. They will be $17 worse off.

In the past municipalities have advertised this rate concession scheme widely, and more and more people are taking advantage of it. Pressure will build up from pensioner groups and associations for municipal councils to take up the shortfall. Where people have been used to recovering a 50 per cent concession on their rates, and in future there will be a shortfall, the pensioner associations will go to the local councils and request them to take up that shortfall.

For some time, during election campaigns, the Government has made considerable play of the fact that it has offered this concession to people in Victoria. I refer to a policy document put out by the Government prior to the last election on page 24 in which under the heading "Care of the Aged", the following appeared:

> We have assisted pensioners with their rates and taxes by meeting half the bill.

The document then mentions a number of other concessions available in new areas, but no statement is made about any ceiling proposed for rate rebates. Similar promises were made prior to the 1976 and 1973 elections. The Government has blatantly broken an election promise. For that reason and for the reasons outlined by other speakers on behalf of the Opposition, the Opposition will oppose the Bill.

Mr HANN (Rodney)—There is a small conflict between myself and the National Party on this matter because I oppose the Bill and the party has indicated that it is happy with my opposition to it as a personal indi-

vidual. There is no conflict as such between the National Party and me.

If one reads the Minister's second-reading notes and then the Appropriation Bill presented to this Parliament, one finds that no attempt has been made by the Minister to indicate how much money will be saved by the State Government. I have discussed the matter with the Minister and he has suggested that the State might save $2 million. No estimate has been provided by Treasury of the actual amount of money that this measure will save the Government in the next financial year. It will not save Treasury anything in the current financial year.

It was cleverly announced in the Budget to commence in the following financial year, I suppose to try to ease the opposition in the meantime. After the Budget was presented to the Parliament a member of the State executive of the Combined Pensioners' Association, an active person on behalf of pensioners in the electorate that I represent, drew my attention to their opposition to the measure and their concern that the Government was withdrawing the assistance that it had been providing in the past by granting the 50 per cent concession on pensioners' rates.

The comments of the honorable member for Essendon highlighted the hypocrisy of the Government on this issue because in the election campaign, only a matter of a few months prior to the announcement of this measure in April, the Government made great play of the fact that it was meeting half of the Bill in combination with local government on pensioners' concessions. It also announced a 50 per cent concession on motor car registration fees and third-party insurance premiums which has been implemented in a Bill which was passed by the Parliament recently. One wonders when a move will be made on that matter to reduce the percentage.

A ceiling has been placed on the rate concession and 50 per cent no longer applies. The Bill will not affect a large number of pensioners. The Minister says that between 10 per cent and 15 per cent of pensioners will be affected by the measure. No figures were set out in the Minister's reasons for introducing the measure or in the Appropriation Bill. No attempt has been made to calculate the precise or estimated amounts that will be saved by the Government. It is quite wrong to use pensioner rate rebates as an election issue or gimmick and, a matter of months later, to withdraw the concession. For that reason I oppose the Bill. Probably not many pensioners in the electorate that I represent will be affected immediately by it. However, there is a principle involved.

The only criterion the Government seems to have used in setting the amount is that it looked over the border to what the Labor Government was doing in New South Wales and followed its lead. One wonders whether in the forthcoming Budget the Government will have to consider raising the figures of $120 and $60. When amounts are fixed for concessions, they rapidly fall behind because of increases in inflation on buildings and rateable land. No doubt that is the reason why the Government is embarrassed over its legislation.

I will not support the Bill unless the Government spells out in clear detail the estimated amount that it will cost it in the coming year. The Government has no idea what that will be. It should have made some sort of estimate. Some reference should have been made to a percentage. Why was not an attempt made to indicate how many pensioners will be affected by a measure such as this in the current year? That could be calculated even by the honorable member for Bendigo. Perhaps the honorable member should be given that task before the Bill is passed because honorable members should have the information before voting on the Bill. Honorable members should know how many pensioners are affected by the decision and the likely effect of the provisions of the Bill on those pensioners. I am not prepared to support the Bill until that information

is provided and the Government justifies the measure it has brought before the House.

Mrs TONER (Greensborough)—I commend the honorable member for Rodney for his ability to step outside the lines of his party's ruling to support the Government. In fact, I would not be in the position of the honorable member for Rodney because the Labor Party always keeps its promises. The broken promises of the Liberal Party are of concern to the Opposition.

In 1977, the Government promised a 50 per cent rate remission to pensioners and it has now introduced a Bill which provides for a ceiling of $120. It is no good comparing the situation with the promises of the New South Wales Government because that Government has kept its promises and the Victorian Government has decided to break the promise it made in 1977.

I also commend the honorable member for Rodney on his comments about the number of people affected. The Labor Party would also like to have that information and to know the amount of money the State Government will recoup from pensioners. Prior to the State elections the Opposition was pleased that the Premier had stated the Government would give a 50 per cent concession in motor registration and third-party insurance. The Opposition did not then know that the intention of the Government was also to rob Peter to pay Paul and that a similar amount of money would be taken from the pensioners.

The Heidelberg municipality is partially covered in the electorate I represent, the other part of the municipality being represented by the honorable member for Ivanhoe. Of the 2954 ratepayers receiving the rate remission, 820 are affected by the ceiling of $120. When the honorable member for Geelong West claims that a few pensioners are affected, he should remember that in the municipality to which I refer more than a quarter of the pensioners there are affected.

That information should cause concern to the honorable member for Ivanhoe when he considers the considerable swing against the Government at the last State election and that the municipality is ageing and next year more people will be affected by the provisions of the Bill. Not so many people are affected in Diamond Valley; 1471 people receive the rate remission and only 90 of the properties in that area are affected. Rates in the area are fairly low. The subsidy claimed for that area is $8450.19. Next year, the number affected in that area will be considerably more.

What is the amount overall? Is it $2 million, as the honorable member for Rodney suggests? The figures I have given show that 10 per cent of the people in the Diamond Valley area are affected and more than a quarter are affected in the Heidelberg area. I do not have the figures for the Eltham area but they would be higher than Diamond Valley, so many people will be affected severely in that area also.

The Government is prepared to back away from its promises with a total disregard for the effect that those broken promises will have on elderly persons. The Government has made no commitment for indexing the $120 which has been set as a ceiling. One would have though that the amount would be tied to the consumer price index, but no attempts have been made to do that.

There was no suggestion prior to the State elections that this legislative measure would be initiated. The State Government was returned to power on false pretences, especially when one examines the narrow majority on which the Government was returned to office. The pensioners affected by this measure will be protesting to the Government.

I am deeply disappointed that only one member of the National Party has chosen to reject the Government's failure to honour its promises in this instance. I am conscious of the arguments put forward that the Federal Government has a responsibility for social welfare but nevertheless the

Victorian Government has a responsibility to honour its promises because it has always supported its Federal colleagues who have rejected pensioners' rights and incomes over the past few years. Criticisms cannot be laid and the buck cannot be passed back to the Federal Government when the Victorian Government is continually defending its measures of robbing the poor of the Victorian community.

I commend the work of the honorable member for Preston on the Bill. I am conscious that the rate referral scheme robs the community welfare services budget. This is what the Bill is all about. When the Minister for Community Welfare Services claims that welfare in Victoria has increased enormously, he is not talking of the FACS programme, about regional offices or about money for child maltreatment programmes; he is really talking of rate remissions because that is where the money has gone to in Victoria.

The Treasurer should examine whether this is the most appropriate department in which to place the responsibility for rate remissions. The Department of Community Walfare Services has great difficulty in policing rate remissions and in fact should hand the problem over to the Local Government Department.

The Minister for Community Welfare Services comments that he is happy to hand it over to the Local Government Department. It is more appropriate for that department to deal with rate remissions and had the department had that responsibility before the Bill was introduced, figures might have been available on the number of people affected and the amount of money involved. One can telephone municipalities in the electorate one represents to obtain basic facts and figures but it is difficult for one to telephone every municipality in Victoria to compile those figures. Obviously the Department of Community Welfare Services is not able to handle this aspect of the Budget and the Treasurer should consider that inadequacy; otherwise there will be an inflated view of the amount of money being spent on welfare.

Mr B. J. EVANS (Gippsland East)—The Bill is a classic illustration of the mess the Government has got into in making irresponsible and short-sighted electioneering promises without properly assessing the cost of those promises to the community. The Treasurer has no idea of the effects of the provisions of the Bill. He cannot state for what the Government is committed in the next financial year for pensioner concessions. The problem has been drawn to the attention of the Government by the Auditor-General who said that it has been necessary for the Department of Community Welfare Services to apply for a considerable advance from Treasury in order to meet the costs involved with this proposal.

It is a most clumsy arrangement, whereby the Treasurer has to find funds which are passed through the Department of Community Welfare Services and finally administered by the Local Government Department through local municipalities. From the outset, the proposition was stupid and ridiculous.

How much more simple and cheaper it would have been had the Government given every pensioner an entitlement of, say, $200 and determined those eligible to receive the money and merely sent the cheque. That would have saved the State and the Local Government Department millions of dollars. But, for the sake of short-term political advantages the Government has made this ridiculous promise.

Social welfare should remain the responsibility of the Commonwealth Government. While the State dabbles into social welfare it will get its fingers burnt, as it has in this case, with motor registration and every other aspect of social welfare, because the effect of the benefit is not fairly spread amongst the community. Every few months further anomalies are discovered because for some reason somebody misses out and therefore the Act must be amended again. The Govern-

ment is in a mess on this legislative measure and I know of no reason why I should help it to get out of its troubles.

Mr JOLLY (Dandenong)—The Bill is a manifestation of the irresponsibility of the Government buying votes at election time. The Bill has been introduced only to reduce those costs to the Government, as was pointed out by the National Party, and the Government has no estimate of the cost to the Budget in the current financial year. It also indicates that the Government has no coherent approach to the welfare of pensioners or to persons in poverty generally in Victoria and that demonstrates how backward Victoria is on social welfare matters.

Rather than reducing the benefits available to groups which generally will fall into poverty—and everyone knows the people who qualify for these rate concessions are holders of a TCI concession card, which means that those persons are almost totally dependent on the pension income—in this day and age I would have thought that a comprehensive review of the Government's approach towards issues of social welfare is needed. Some families not covered by the Bill must rely on other forms of social benefits to survive in the current difficult economic climate. Many people in Victoria are unemployed and dependent on unemployment benefits. There are also people relying on the sickness benefit as a source of income and others on special benefits.

Unfortunately, these people do not get any access to benefits from this Government or those provided by the Commonwealth Government while in some cases many other people will be in far more difficult circumstances than those receiving current benefits. A completely new and different approach is needed to the issue of concessions in the future, not one that simply sets out to cut costs in the name of balancing the books for the next State Budget. That approach is completely unsatisfactory for social welfare.

Many problems are associated with the imposition of a ceiling equal to half the value of the rate paid by the householder or, in the case of sewerage and roads, half the rate or $60 a year, whichever is the lesser. In these circumstances there is a wide variety of rating systems within the State and tremendous variations between different area in Victoria and between different concessions.

The residential area in Dandenong has gradually changed in zoning, especially for properties close to the main shopping centre. As a consequence, many elderly persons in Dandenong who have lived in that residential area for some time are now faced with huge increases in rates. They do not want to leave the area although they are facing an increased burden. In addition, in the future there will undoubtedly be a continuation in the increase of inflation.

Inflation is running at more than 10 per cent per annum and every three years there is a change in land valuations for the assessment of various rates. Such a change is imminent. As soon as that change comes into effect, the ceiling included in the Bill before the House will cause a large number of persons to miss out on the rate concession. That matter also needs to be taken into account.

In view of those circumstances, it is most disconcerting that the Government has decided to introduce such a ceiling. The fact that the Government during an election campaign is prepared to make irresponsible promises, which it has no intention of living up to, and reneges on those promises once it returns to office, is a poor reflection on the Government.

Mr THOMPSON (Treasurer)—The Government would want to act as Father Christmas to pensioners to the maximum degree possible. The Government has taken substantial steps along those lines with legislation introduced last year and this year relating to third party insurance and motor registration fees. The Government is also acting as Father Christmas to the other States, as

it is pointing out to the Grants Commission at the present time. However, there are limits.

The Bill before the House proposes something eminently reasonable, something that has already been done by the Wran Government in New South Wales, and I am sure honorable members opposite would be cautious about calling that Government unreasonable. The Government followed that Government's ceilings exactly—no better, no worse.

The information referred to by the honorable members for Rodney and Gippsland East is the sort of information that I have consistently sought from the Treasury and the best estimates they could come up with was a possible saving of $2 million to $3 million because municipal, Board of Works and water and sewerage rates will not be struck until later this year. Hence, the level of saving will depend upon the level of increase in those rates when they are struck later in the year.

On the number of pensioners currently affected, the figure produced by the Treasury, after random sample surveys, was that approximately 10 per cent to 15 per cent of pensioners will be affected, although a substantial number of those will be affected to a minimum degree.

There has been an escalation in costs over a four-year period from $6 million in the first full year of the operation of the scheme to $27 million this year and it rose from $22·5 million last year to $27 million this year. The Government is worried about that rapid rate of escalation. The Bill, if passed, will steady the rate of escalation.

The Government will subject the ceilings to careful review from time to time so that no injustice is done to pensioners.

The SPEAKER (the Hon. S. J. Plowman)—The question is that this Bill be now read a second time.

The motion was agreed to.

The Bill was read a second time and, by leave, the House proceeded to the third reading.

The motion for the third reading was agreed to.

The SPEAKER (the Hon. S. J. Plowman)—The question is that this Bill be transmitted to the Legislative Council and their concurrence desired therein.

Order! I understand that the honorable member for Preston wishes to express the Opposition's wish to have a division. I put the question for the second reading and the third reading. Honorable members should be aware that, if they wish to call a division, when I say, "All of those of that opinion say Aye, to the contrary No; the Ayes have it", they should express the opinion, "The Noes have it; division called for".

I do not want to deprive the honorable member for Preston of his rights. In order to put the matter straight, I shall put the third-reading question again. The question is that this Bill be now read a third time.

The House divided on the motion (the Hon. S. J. Plowman in the chair).

Ayes	.. ..	45
Noes	.. ..	32
Majority for the motion		13

AYES

Mr Austin	Mr McClure
Mr Balfour	Mr McInnes
Mr Birrell	Mr McKellar
Mr Borthwick	Mr Mackinnon
Mr Brown	Mr Maclellan
Mr Burgin	Mrs Patrick
Mrs Chambers	Mr Ramsay
Mr Coleman	Mr Reynolds
Mr Collins	Mr Richardson
Mr Crellin	Mr Ross-Edwards
Mr Dixon	Mr Skeggs
Mr Dunstan	Mr Smith
Mr Ebery	(*South Barwon*)
Mr Evans	Mr Tanner
(*Ballarat North*)	Mr Templeton
Mr Hamer	Mr Thompson
Mr Hayes	Mr Trewin
Mr Jasper	Mr Weideman
Mr Jona	Mr Whiting
Mr Kennett	Mr Williams
Mr Lacy	Mr Wood
Mr Lieberman	*Tellers:*
Mr McArthur	Mr Cox
Mr McCance	Mr McGrath

NOES

Mr Amos	Mr Roper
Mr Cain	Mr Rowe
Mr Cathie	Mr Sidiropoulos
Dr Coghill	Mr Simmonds
Mr Crabb	Mr Simpson
Mr Culpin	Mr Spyker
Mr Edmunds	Mr Stirling
Mr Ernst	Mrs Toner
Mr Fogarty	Mr Trezise
Mr Fordham	Dr Vaughan
Mr Ginifer	Mr Walsh
Mr Hockley	Mr Wilkes
Mr King	Mr Wilton
Mr Kirkwood	
Mr Mathews	*Tellers:*
Mr Miller	Mr Gavin
Mr Remington	Mr Jolly

The Bill was read a third time.

MOTOR CAR TRADERS (AMENDMENT) BILL

The debate (adjourned from March 18) on the motion of Mr Ramsay (Minister of Consumer Affairs) for the second reading of this Bill was resumed.

Mr ROWE (Essendon)—During his second-reading speech, the Minister said:

> As the House is aware, Bills of this nature are what might be termed "housekeeping" measures and to a large extent contain amendments about which there is little or no controversy.

I have discussed the measure with representatives of the Motor Car Traders Committee, the Victorian Automobile Chamber of Commerce, the Australian Finance Conference and the Royal Automobile Club of Victoria. I have also spoken with individual motor car dealers. I can assure the Minister that, if there is no controversy, there is nonetheless a good deal of concern about the Government's response, as contained in the Bill, to matters raised by the Motor Car Traders Committee in its annual reports over a number of years. To describe the amendments as "housekeeping" measures is not accurate.

The Bill is important and I have received some information from the industry concerning particular aspects of the retail motor car trade. It is estimated that in 1979 there were approximately 180 000 new vehicle sales in Victoria and 690 000 used vehicle transactions, of which the industry estimates that some 40 per cent were what is termed in-trade transactions and some 160 000 were private transactions between individuals. It is estimated that there were approximately 250 000 dealer to consumer transactions. There are some 3000 licensed traders operating in the State, employing approximately 60 000 people. The annual sales amount to approximately $3000 million.

The most important requirements are industry regulation and consumer protection. Australia has a high rate of car ownership—one of the highest in the world—and there has been a rapid acceleration in the price of new cars and, consequently, used cars. There is an increasing turnover of used cars by households, and it is estimated that households purchase motor vehicles every five or six years. The purchase of a motor car is, for most people in the community, probably the second largest expenditure they undertake, after the purchase of a home. The Opposition believes regulation of the industry is paramount and the protection of consumers is vital.

As a result of extensive discussions with various bodies within the industry, the Opposition has come to the conclusion that most of the amendments to the principal Act do not really come to grips with the problems facing the industry. These problems have been directed to the attention of the Minister and the Government over a number of years. I refer to the report of the Director of Consumer Affairs dated June 1978. At page 56, under the heading "General Comments on Motor Retailing", the report states:

> All the factors mentioned above—

That is a reference to eleven pages of comments on and criticisms of the motor industry as a result of complaints to the Ministry—

> combine to make the industry more prone to consumer dissatisfaction and, therefore, consumer complaints than any other industry. The Ministry feels that, unless a concentrated effort is made by all concerned to remedy the situation, complaints will continue at a high rate.

At present, complaints received by the Consumer Affairs Bureau involving motor vehicles account for 30 per cent of all complaints received.

It is worth mentioning that the Motor Car Traders Committee, the body set up by the Government to administer the principal Act, has repeatedly directed the attention of the Government to the need to take specific action to regulate the industry. The need that has most constantly been directed to the attention of the Government is the need for increases in the staff of the committee, so that it can adequately meet its responsibilities under the Act. Those responsibilities are broad. When the original legislation was introduced to Parliament, on 25 October 1972, by the then Minister of Transport, the Minister said:

> The aim of the legislation is to control dealers in motor vehicles through a licensing system. to establish positive protections for members of the community on the buying selling and exchange of motor vehicles, and to establish a fund to provide compensation for persons who suffer loss by reason of the actions of motor car traders.
>
> The main purposes of the Bill are to—
>
> . . . . .
>
> Afford protection to members of the public in transactions relating to both new and second-hand motor cars by the strict control of licensed motor car traders.

The emphasis was placed on the licensing system. What has happened as a result of the Government failing to agree to the repeated requests of the committee is that that body is finding it difficult to control licensing in Victoria. At page 3 of the latest report of the committee, the report for the year ended December 1978, when dealing with advertising within the retail industry, the committee stated:

> Advertising is a difficult area which the Committee has endeavoured to monitor within its limited resources. However, there are numerous undetected breaches of the Act and little can be done in this area until investigative staff are made available to the Committee.

The following comment was made at page 5:

> In each Annual Report, the Committee has drawn attention to the fact that its operations have been and are still being hampered by inadequate staffing. Whilst Government policy as to staff ceilings is fully appreciated, it should surely not apply to the Motor Car Traders Committee which can fund the staff for which it has continually asked, from its own separate funds. The provision of the additional staff which we believe to be so necessary to ensure the successful operation of the Committee, would of course generate substantial additional income by way of penalties.

It is also worth noting that the Motor Car Traders Committee had $490 000 to its credit at December 1978. On page 8 of that same report, under the heading of, "Breaches of Licences by Traders", the committee said:

> It is apparent that work done in this regard to date has only scratched the surface.

Further down on the same page the report, under the heading of "Alleged or suspected cases of unlicensed trading", reads:

> The elimination of unlicensed backyard traders is still possibly the most important single task facing the Committee. This year fifty cases of alleged or suspected cases of unlicensed trading were reported to the Committee and all were referred to either the Police or Consumer Affairs Bureau for investigation.
>
> This is yet another area of the work of the Committee that cannot be effectively handled until sufficient staff is made available to enable the Committee to initiate investigation where illegal trading is suspected.

Finally on page 9 of the report, the committee states:

> The over-all staffing position as it exists at present is hopelessly inadequate.

Then the committee refers to the need for investigating officers:

> The appointment of investigations officers to carry out field work is absolutely essential if unethical and unfair trading is to be stamped out and unlicensed trading successfully curbed.
>
> An administrative investigations officer or Assistant Secretary is required to carry out investigations of a non technical nature and to report to the Committee on cases of alleged unethical trading by licensed traders.
>
> The workload on the present staff is so high that virtually no field work whatsoever can be carried out.

That is an indictment on the Government's administration of this important industry.

The people operating in the industry have made their position clear to me. They believe the stance taken by the Motor Car Traders Committee is right, and they support it. There are two representatives from the Victorian Automobile Chamber of Commerce on that committee, and the committee is ada-

mant that unlicensed trading must be stamped out in Victoria. Licensed traders who operate within the law believe they face some economic penalty by obeying the law. The industry today is not the most buoyant. Car sales are not increasing rapidly. Dealers are faced with a smaller cake to share around in terms of retail sales of motor vehicles. Those people who are abiding by the rules and regulations are facing an economic penalty because of unlicensed dealers operating within the State. The fact that the Government does not heed this call by the industry to apprehend these people is serious. The Government must face up to its responsibilities in order to protect both the consumer and the industry itself.

The other aspect of the Bill that the Opposition directs to the attention of the Minister is that this Bill does nothing to overcome the problem of protecting a consumer who purchases a vehicle at auction, particularly in the provisions of the Bill relating to warranties. This is an increasing area of concern within the industry and to the Motor Car Traders Committee. It is currently not regulated, as is the rest of the industry, and little protection is offered to consumers in this regard.

The Motor Car Traders Committee also highlighted another important aspect, which the Government has failed to come to grips with in this Bill, and that is the problem relating to the arbitration procedures of the committee. In the last report of the committee on page 4, attention was drawn to this problem when the committee stated:

> The committee is firmly of the view that it should be given jurisdiction to arbitrate if so requested by the consumer alone where the dispute arises out of the sale of a motor car, or the alleged failure of a licensed motor car trader to fulfil his statutory obligations.

Currently a dispute can be brought before the committee by a consumer, but it needs to be supported by the dealer, or acquiesence is required by the dealer. The committee recommends to the Government that where a consumer believes he has a case to bring before the Motor Car Traders Committee for arbitration, and the motor car dealer refuses to bring the case before the committee, the committee should have the power to proceed and arbitrate on that matter.

I turn to the most significant clause within the Bill which concerns the Opposition most, and that is clause 15(1)(c), which relates to the proprietorship of a motor car. As the law stands, a consumer can purchase a motor vehicle from a trader within this State for many thousands of dollars, and subsequently he may find that he does not possess a clear title to that vehicle. There have been repeated occasions in recent times where a person has paid a substantial sum for a motor vehicle, and then a hire-purchase company has demanded from the new owner a sum to clear the outstanding amount on a hire-purchase agreement, or it will proceed to repossess the vehicle. A person may pay $5000 for a motor car that he purchased from a dealer within the State, and then find that there is $3000 outstanding on a hire-purchase contract on that vehicle. The Opposition believes that this Bill should be amended. I, therefore, move:

> That all the words after "That" be omitted with the view of inserting in place thereof the words "this House refuses to read this Bill a second time until provision is made requiring the Motor Registration Branch to register all hire-purchase and like agreements relating to motor vehicles and to record such details on motor registration certificates."

The DEPUTY SPEAKER (Mr A. T. Evans)—Is the amendment seconded?

Mr JOLLY (Dandenong)—Yes.

Mr ROWE (Essendon)—The Government response to the problem has been to require that every agreement entered into between a motor car dealer and a consumer must contain the name and business address of every person who has a proprietorial interest in the motor vehicle being sold. After discussion with the Australian Finance Conference, members of the Victorian Automobile Chamber of Commerce and the Motor Car Traders Committee, I am firmly of the view that this aspect of the measure does not come anywhere near solving the problem created as a result of the need for a clear title to be given on the sale of motor vehicles.

This matter has been brought to the attention of the Minister of Consumer Affairs by the body responsible for overseeing this industry, the Motor Car Traders Committee. On page 10 of its latest report under the heading of "Title to Motor Vehicles" the committee stated, *inter alia*:

> The Committee is becoming increasingly aware of and alarmed at the weaknesses of the present system of recording the proprietorship of motor vehicles. The ease with which a fraud can be perpetrated on an unsuspecting purchaser of a motor car—be he a private buyer or a licensed motor car trader—by an unscrupulous vendor, is such that urgent steps should now be taken to establish a simple but secure system. The ownership of any motor car should be recorded and a certificate thereof issued in the name of the owner with the interest of any party to whom the car has been pledged as security for a loan or other obligation, duly endorsed thereon.
>
> During the past year, numerous instances of defective titles have come to the notice of the Committee. In the vast majority of cases, a licensed motor car trader has been victim as the Committee has understandably insisted upon the trader giving a good title to every car sold regardless of the circumstances in which he (the trader) had acquired same. In one instance, a trader was required to pay a finance company $24 800 as a result of the private vendor to him failing to disclose his indebtedness.
>
> . . . . .
>
> Likewise, it has been necessary to reimburse a purchaser where as a result of being defrauded, the motor car trader has been forced out of business and bankrupted.
>
> There are, no doubt, many cases of defective titles which arise out of private vendor and purchaser transactions. The unsuspecting purchaser is left with the unpleasant choice of paying out the vendor's debt to the finance company or allowing the vehicle to be repossessed. In most cases, he has the vehicle repossessed as either he is unable to pay same or as is more likely, the payout figure is more than the car is worth. His chances of recovering his losses are negligible if indeed he is fortunate enough to find the perpetrator of the fraud.

That quotation clearly sets out the problems experienced by the industry and gives some indication of the attitude of the committee which indicates to the Government the legislative steps needed to overcome the problem.

The industry holds the view that the relevant clause in this measure which seeks to overcome the problem is no more than window dressing. It is a cosmetic answer to a very serious problem and it is felt by people who operate in the industry that the clause is unfair.

The wording of the clause is somewhat messy and its operation will be time consuming for the dealers and as a consequence it will become very costly. Naturally that extra cost will be passed on to the consumer. Most importantly the clause does not overcome the current problem.

I mentioned earlier that each year some 160 000-odd private transactions occur within Victoria. That type of transaction is not covered by this measure. It should be the responsibility of the Government to ensure that these frauds cannot be perpetrated upon either the public of people engaged within the industry. I have alluded to an example where a motor car trader was taken down for a considerable amount of money.

In many cases where a motor car trader sells a car to a consumer and a hire purchase contract exists on the car, one finds that the dealer is probably completely unaware of that situation and he is not necessarily acting deceitfully. Motor car traders have been defrauded as have other groups of people in the community.

The Opposition suggests that the Government should examine the problem and keep it in proper perspective. This matter is of considerable concern to important sectors, including the finance industry and the motor vehicle retail industry. It is of vital concern to all consumers who purchase a motor vehicle today. The average price for a used motor vehicle is usually between $5000 and $6000 and subsequently the purchaser may find that a similar amount is owing to a hire purchase company. In many cases the purchaser is left with little choice but to lose the $5000 he has paid to purchase the car and, in addition, he loses the car to the hire purchase company.

Those instances can arise in private transactions, just as they arise with licensed motor car traders or unlicensed motor car traders—it occurs on both

sides of the fence, selling a car to a licensed motor car trader or a trader selling a vehicle to a consumer.

The Opposition suggests there is need to centralize the recording of all these dealings, hire purchase and other lending agreements. The information relating to these dealings should be shown on the registration certificate, not the registration label.

The manner of collecting that information is another matter, and is the subject of another debate. However, I support the contention that it would not be difficult for the Government to legislate and require hire purchase or lending authorities to notify the Motor Registration Branch of any outstanding agreement in relation to a motor vehicle. Perhaps the onus should be placed upon the lending authority to pass on that information to the Motor Registration Branch when the loan is made on the purchase of a motor vehicle, and subsequently, when the loan is discharged at a later date, the onus should rightly be placed on the lending authority to so inform the Motor Registration Branch.

The Opposition believes there ought to be a central collation of the information, and the Motor Registration Branch would be the obvious body to organize that matter. It would certainly be the most effective way of doing it, because it is already involved extensively in the field, and that would be the simplest method to be used. That is the argument put by the Motor Car Traders Committee and this is the aspect which the Opposition believes should be supported.

For these reasons I urge the House to support the proposed amendment.

The DEPUTY SPEAKER (Mr A. T. Evans)—Order! Honorable members speaking from now on will be speaking to both the motion and the proposed amendment.

Mr JASPER (Murray Valley)—I declare at the outset that my family is involved in the motor industry in a General Motors-Holden's dealership at Rutherglen and has been the General Motors-Holden's dealer in that township for more than 50 years.

I congratulate the honorable member for Essendon on his contribution to the debate. Obviously he has done a great deal of investigation to become so well informed on the subject of the Motor Car Traders Committee and the amending Bill that the House is considering. The honorable member has contacted a number of interested bodies and people operating in the industry. His contribution to the debate has been excellent.

The Bill is designed to implement recommendations made to the Government by the Motor Car Traders Committee. The committee, which commenced operation in 1973, has produced an excellent record from the beginning. Its aims are twofold: They are, firstly, to promote and protect the integrity of motor car traders and, secondly, to protect consumers from unscrupulous practitioners, particularly a minority of licensed motor car traders and unlicensed backyard operators.

I have had extensive discussions on the Bill with the Victorian Automobile Chamber of Commerce, which is happy with the operations of the Motor Car Traders Committee and also recognizes that the motor car industry is a volatile industry. At present it is having a great deal of difficulty for a number of reasons which I have discussed in Parliament on many occasions, particularly over the past eighteen months. The Victorian Automobile Chamber of Commerce also recognizes the dual purpose of the Motor Car Traders Committee, which is, as I said, to protect consumers and to eliminate backyard operators, in this case traders, and also to protect the honest, decent and legitimate dealers. Most franchise dealers throughout Victoria operate in the most reputable manner to produce the best results and maintain the integrity of the industry. There are many aspects of the Bill on which I could comment in the debate tonight, but I have selected four clauses that need to be mentioned.

Clause 4 amends section 10 of the principal Act and it relates to meetings of the Motor Car Traders Committee. The load on the committee of five mem-

bers is far greater than it should be, taking into account that the members are part time. The provision to allow the committee to operate with a maximum of three members instead of five and to allow for the absence of both the chairman and the deputy chairman from the meeting will assist in the general operation of the committee and in its smooth running. The proposed amendment to section 10 will certainly be to the advantage of the Motor Car Traders Committee.

Clause 8 also needs special mention. It extends the discretion of the committee to reprimand a motor car trader for a minor offence. At present, as honorable members know, the only penalty that can be imposed on a licensed motor car trader is the revocation of his licence. I believe, as does the Motor Car Traders Committee, that in many circumstances this penalty may be too harsh, and perhaps a reprimand, where the motor car trader has erred in a particular area, would suffice to straighten out the problem and put him on the right track. I still believe the powers are far too limited. This must be examined, and I suggest that the committee and the Minister should examine the powers to impose a fine over the operation of a transaction. It could perhaps provide power to suspend the licence of a licensed trader for a certain time and the power to make equity in the transaction, such as where a warranty has been avoided or has not been as effective as it should have been, to the satisfaction of the consumer and the Motor Car Traders Committee. So although I applaud the provision to extend the power of the committee to issue a reprimand, I believe the powers should be extended into other areas.

Clause 15 was alluded to by the honorable member for Essendon. It amends section 30 (1) of the principal Act and in paragraph (c) of sub-clause (1) requires every agreement to contain the name and business address of every person who has a proprietorial interest in the motor car to be sold. It is a move in the right direction to have the proprietorship indicated on the agreement between the motor car traders and the consumer but, as was also mentioned by the honorable member for Essendon, it is really only window dressing and does not come to grips with the problem. It relieves the situation but does not overcome the problem, particularly with some finance companies which currently do not register their proprietorship with the Motor Registration Branch.

In the second-reading speech the Minister of Consumer Affairs stated:

> It is very difficult to legislate for total protection of the consumer in situations such as this. The principle of *caveat emptor* always applies no matter how carefully statutory protection and constraints are drawn, and the old maxim of never signing anything until you have read and understood it is as true today as it ever was.

Certainly a consumer has some responsibilities when purchasing a vehicle, and if he makes sure that he purchases it from a licensed motor car trader to start with, he will be on the right track. That licensed trader, in most instances, will make sure that the car he is selling is clear of that proprietorship, but the measure certainly needs to go further. I recognize the points made by the honorable member for Essendon in this regard.

I have spoken to the Attorney-General and the Minister of Consumer Affairs on this matter, and they indicated that the Government was examining it to ensure that in the future a foolproof method will operate and that a person purchasing a car will be able to check what the situation is.

Clause 21 is the other clause to which I should like to refer briefly.

Clause 21 amends sections 48 (3), 48 (4), 49 and 52 (1) of Part VIII of the principal Act. It makes it clear that transactions between traders do not come under the Act and protects the consumer from a licensed trader, where protection is necessary. This clause blocks finance companies from claiming against the guarantee fund. This is important because of some action recently taken.

I refer to a couple of areas which are not mentioned in the Bill but directly related to the Motor Car Traders

Committee. It is an indictment on the Government that it has not taken action on some areas of the excellent report prepared by the Motor Car Traders Committee almost twelve months ago.

For instance, the report recommended that two technical officers and one additional clerical staff member should be added to the staff of the committee so that it can operate more effectively in controlling the motor car industry. It is ridiculous that a recommendation was made which would not cost the Government any money because funds are available from the guarantee fund, made up of licence fees from motor car traders and penalties imposed, but the Government would not allow the committee to employ additional staff.

The Government should act immediately on the report that was made twelve months ago to ensure that the Motor Car Traders Committee is empowered to employ additional staff. I do not know whether this constraint is placed on the committee by the Treasury or the Public Service Board, but the Government is responsible for ensuring that the committee is able to employ additional staff so that it can carry out its work in an effective manner for the protection of consumers and licensed motor car traders. I ask the Minister of Consumer Affairs to comment on this point.

The other matter I bring to the attention of the House is one that I mentioned last year during the debate on the report of the Motor Car Traders Committee when I said that $500 000 is being held in the guarantee fund by Treasury. This money has been contributed by licensed motor traders and is not Government money but the committee has little control over the money. The Minister indicated that it was necessary to keep control to ensure that sufficient funds were available to meet commitments of the Motor Car Traders Committee.

It is ridiculous to think that the committee has $500 000 but is not permitted to employ additional staff or to invest the money so that it will earn interest to assist motor car traders. The figures from last year show the income of the Motor Car Traders Committee, and the expenses of the committee, so it is easy to deduce that it can afford to employ that additional staff without being in a loss situation.

It is worth noting that the licence fee for a motor car trader is $100 which has not changed since 1974. It is one organization that is operating against inflation. Surely if the funds are available within the guarantee fund there is no need to increase the licence fees. Conversely the committee should be permitted to invest the money from the guarantee fund on behalf of the committee so that the interest can be used for the benefit not only of the committee but licensed motor car traders and also to protect consumers against unlawful misrepresentation inside and outside the industry from backyard operations. These points are all of vital interest to the operation of the Motor Car Traders Committee.

The amendments contained in the Bill have been brought forward as recommendations of the committee. The Government has considered the recommendations and I have investigated them on behalf of the National Party which supports the amendments contained in the Bill before the House.

The National Party has given due consideration to the amendment moved by the honorable member for Essendon and is not prepared to support that amendment. The reason the National Party is not prepared to support the amendment at this time is that it is understood that a feasibility study is under way at present on this matter to get tighter control over the proprietorship of motor cars and how that proprietorship will be indicated.

The ideal method would be to utilize the resources of the Motor Registration Branch so that it can register proprietorship on the registration papers. I believe it should be the responsibility of the lending authority to register that proprietorship with the Motor Registration Branch.

The other reason the National Party is not prepared to support the amendment is that if the Bill is withdrawn

and redrafted it is hardly likely that it will be passed during this sessional period but will be carried over until the spring sessional period and the many measures contained in the Bill would not be debated until then. That is too long to wait. For the benefit of members of the National Party, I ask the Minister of Consumer Affairs to provide an indication of what is happening in this area.

I have already stated that the National Party is not prepared to support the amendment but seeks, from the Minister, an indication of when this amendment is likely to be presented to Parliament and what work is being done in this regard because members of the National Party believe it is most important, as does the honorable member for Essendon. We agree with his comments in this regard, but, on the other hand, believe that some assurance from the Minister is necessary that he is investigating this problem. The proposed legislation will be brought before the House and provided that assurance is given the National Party is not prepared to support the amendment moved by the honorable member for Essendon.

The National Party provides for a measure will improve and refine the operations of the Motor Car Traders Committee for the good of the industry, particularly consumers. An independent operating committee of members working on a part-time basis—people who are involved in the industry and who understand it—is an excellent idea. The Motor Car Traders Committee is a credit to the Parliament and Victoria and the improvements it is making to the motor car industry will add to the future betterment of that industry.

Mr JOLLY (Dandenong)—I congratulate the honorable member for Essendon for his fine speech on the motion, which indicated that he has done a lot of research in this area. I am sure honorable members are grateful for that research.

I am disappointed that the National Party is not prepared to support the amendment at this stage, although I understand the reasons it puts forward, particularly its concern that the Bill in its present form, if it is not passed now, will not be redrafted and presented to Parliament before it resumes for the spring sessional period. However, the amendment is apt. It is really the major reason for my participating in the debate.

I recognize that the Bill makes a considerable improvement in the protection afforded to consumers and will assist in improving the operations of the used car industry in Victoria. However, a number of deficiencies in the Bill have been demonstrated by the honorable member for Essendon. In particular, there does not appear to be sufficient encouragement to ensure that motor car traders become licensed motor car traders and, therefore, those people can operate outside the scope of the law. The penalty appears to be insufficient. This matter will be dealt with during the Committee stage.

I support the amendment moved by the honorable member for Essendon:

> That all the words after "That" be omitted with the view of inserting in place thereof the words "this House refuses to read this Bill a second time until provision is made requiring the Motor Registration Branch to register all hire-purchase and like agreements relating to motor vehicles and to record such details on motor registration certificates."

It is not necessary for a feasibility study to be undertaken to ensure that the provision is implemented. It is a need that has been long recognized, and it is unfortunate that no action has been taken on the matter in the Bill. It is disappointing that all the Government has had to offer on this issue is contained in clause 15 (1) (c) which reads:

> After paragraph (*d*) there shall be inserted the following paragraph:
>
> "(*da*) specify the name and business address of any proprietor of the motor car within the meaning of the Motor Car Act 1958;"

That will mean no substantial change compared with the present provision. This issue has caused considerable difficulty in the past to a number of constituents in the electorate that I represent. One person involved was a private consumer and the other was a used car dealer. In both instances the people had to bear the penalty for the

fact that they thought they were purchasing a vehicle from the legal owner, but in fact the vehicle was subject to a hire purchase agreement. In both cases I know that effort and time were spent in contacting the Motor Registration Branch about whether the cars were subject to hire purchase agreements. Information was obtained from the Motor Registration Branch that no such hire purchase agreements covered the vehicles in question.

Under the present legislation no responsibility is accepted by the Motor Registration Branch for those statements and it is not necessary for the branch to include a statement along the lines suggested by the honorable member for Essendon.

Mr Jasper—You would not like the Motor Registration Branch to have the responsibility?

Mr JOLLY—It has the responsibility of recording the information on the registration certificate. Responsibility for providing the information rests with the hire purchase company. A set of regulations should be developed to ensure that companies behave in that way and if a company fails to notify the Motor Registration Branch of the fact that a vehicle is subject to a hire purchase agreement, the hire purchase company should bear the cost of the mistake, not the consumer, not the used car dealer and not the Motor Registration Branch. Should a mistake occur because of bureaucratic problems at the Motor Registration Branch, it would be open to the finance company to sue the branch for that malpractice.

The intention of the amendment is clear. There is no doubt that the consumer needs added protection in the purchase of motor vehicles. It has been highlighted by the honorable member for Essendon that the purchase of a motor vehicle is the second most significant financial outlay faced by anybody in Victoria and in a lifetime it is usual for people to buy more than one motor vehicle. It is a matter of much concern that the Bill does not contain sufficient protection to consumers. Even if the Government and the National Party are not prepared to accept this amendment at present, there is a need for the Government to indicate that action will be taken in this area in the near future because a most unsatisfactory state of affairs exists. The consumer can be disadvantaged, as can legitimate, effective and honest used car dealers because at present they can be left to meet a hire purchase agreement about which they had no knowledge. In the past that has happened and it should not happen in the future. I hope the Government will act quickly on this issue.

Mr COLLINS (Noble Park)—I agree with the honorable members for Dandenong, Essendon and Murray Valley and I am sure that the Minister agrees that action should be taken in the near future to guarantee the title of all motor vehicles that change hands in this State. Much more responsibility rests with the finance companies than has been recognized by the Opposition when moving their amendments this evening.

In Victoria, if one wishes to buy a home which is to be financed by a building society, a bank or a terminating cooperative society, there is no way known that possession of the property will be gained before the title is clear; the lending organizations will not advance the funds in the first place. Checking takes place to ensure that there is a clear title before the deal is consummated, and even where a cash transaction is involved, the same legal processes are followed to ensure that a clear title is guaranteed.

That stage must be reached with regard to motor vehicles. Not too many private people have lost in this regard; those who have lost most have been dealers. The other day I had a discussion with somebody in the motor trade who advised me that although his company did not have the right to do so, it had taken possession again of a motor vehicle which it had supplied to somebody on the basis that it had a clear title. It turned out that the title was not clear, and the company was going to be sued for the money. It took back the vehicle and lodged it in its yard, on the basis that it would take three years for the due processes of law to be carried out to recover the moneys

from the company, and that the company would not lose in the meantime.

It is a serious problem which in recent times has been accelerating rapidly, particularly in the area which is becoming more well known every day as white collar crime. I understand that a certain solicitor who shall be nameless and who is now doing time in one of our institutions, having been brought back from overseas, obtained a fairly expensive motor vehicle from Brent's Motor Car Sales in Oakleigh under a financial arrangement. When it was due for registration, he deleted any reference to proprietorship on the vehicle's papers and he had a clear title, supposedly.

The problem is real. It is exploited more by those who understand the matter than by those who do not. The average consumer does not try to mislead in the area of titles but there is a problem in that someone who is bright enough to indulge in the exercise could start this morning with a $1000 motor car and finish this evening with a $30 000 motor car in a process of quick transfers, none of which had clear titles.

I wish to record in *Hansard* several changes to the legislation that should be considered in the future. Section 46 of the existing Act refers to the powers of the Motor Car Traders Committee to apply to a Magistrates Court for an order to rescind a contract of sale. That whole section should be removed from the Act on the basis that over the seven years the committe has existed, it has never applied for such an order from a Magistrates Court. It has no intention of doing this, on the basis that it believes it could be pre-empting any justice which would take place ultimately in a Magistrates Court if a dealer had to take his case to that court. As part and parcel of an attempt to simplify legislation and keep it easy to understand, this provision should be removed because it is not used.

Secondly, because the number of back-yard dealers seems to be mushrooming again and something should be done about the problem, section 5 of the principal Act should be amended to read "two cars" instead of six and there should be a requirement that any person who sold more than two vehicles in one year should, if required, prove that he was not a dealer. The average private person does not sell five or six motor cars in one year. Trading in a car does not constitute a sale as such. That could be one way of trying to curb it. There have been 60 prosecutions dealing with unlicensed motor car traders brought to the courts by the Motor Car Traders Committee in the past twelve months, and only fourteen have been successful. In a significant number of cases, section 5 of the Act has been used as a defence. Defendants have said, for example, that they were not sure of the number of cars they could sell. In many cases, they are not even acquiring vehicles themselves but are acting as consignment agents. The Minister is concerned, but these points need to be recognized. The motor trade wants them to be recognized.

The final point I make is that I believe it is necessary to reconsider the amendments to the principal Act being made by clause 21 of the Bill. Clause 21 (*a*) proposes to substitute in section 48 (3) of the principal Act the words "person who is or has been a licensed motor car trader" for the words "motor car trader". As a former motor car trader with no current interest in the industry, I envisage that provision will cause problems. Motor car traders who are licensed are being unfairly dealt with. The effect of the amendment will be to enable purchases from a dealer who has been previously licensed to claim from the fund into which legitimate dealers are still paying money, three or four years after his licence has been revoked. He might have committed a crime, served two or three years in Pentridge Prison, been released and commenced to trade in the back streets. I buy a car from him and I can still claim from the fund. In principle, that is wrong.

The Act should operate to restrict eligibility to claim against the fund to purchasers from currently licensed motor car traders or to transactions conducted while a person was a licensed

motor car trader. In that way, moneys saved on unjust claims could provide the additional staff necessary.

The Bill is necessary and I commend it to the House with one final comment. The oft-quoted figure from the 1978 report of the Director of Consumer Affairs is that 30 per cent of all transactions referred to his office arise from transactions within the motor industry. However, the transactions arising from the sale of motor cars referred to by the Director of Consumer Affairs represent only 1·5 per cent of the total transactions in which the motor car industry is involved. Only 1·5 per cent of the motor industry's total sales result in some form of problem and that is a relatively low level, as a comparison with the legal profession, the real estate profession or the housing industry will demonstrate. In the housing industry, something of the order of 2·5 per cent to 3 per cent of its transactions give rise to claims, so it must be said that a very small number of motor vehicle transactions constitute problems today.

On behalf of motor car dealers, I make the plea that they should not be over-regulated. They should be given the opportunity of cleaning up their own industry.

Mr REMINGTON (Melbourne)—I support the amendment. Initially I register a protest at the rather casual and cavalier attitude taken by the Government to the necessary amendments of the Motor Car Traders Act. The Minister is somewhat accident prone. He had some difficulties with the workers compensation issue through not doing enough homework and not paying enough attention to detial, and the same sloppy approach is reflected in this Bill. To a large extent, he says, it contains amendments about which there is little or no controversy! He is taking the line of least resistance.

One would have thought the Minister would have examined the last report made by the Director of Consumer Affairs, which bears the date 30 June 1978. From the seventeen or eighteen pages set aside for dealing with the motor vehicle industry it is apparent that, although the Motor Car Traders Committee has made notable advancement in this whole area, there is as yet an immense amount to be done. The Director of Consumer Affairs spelled it out. It would have been very easy for the Minister to have handed the matter over to a committee. The previous speaker acknowledged that he has experience in this area area and he could have been of assistance to the Minister in preparing worthwhile amendments to the Bill.

In his general comments, the Director of Consumer Affairs sums up the situation in about five major points, some of which are quite amazing: That people are exploited; that on a vehicle for which the cash price is $6395 some innocent person finishes up signing a document with a commitment of $13 320; that a person who earned $600 a month entered into an agreement which brought his total commitments to $526 a month. Consumer protection is necessary for people when actions of that type can occur in an industry. One could say that the consumer should have his wits about him and should protect himself. Unfortunately that is not always possible. The fine print is generally very fine indeed and when the chickens come home to roost the consumer is certainly the sufferer.

It was not only the Director of Consumer Affairs who highlighted the difficulties confronting the industry, but one would have thought his report would have been enough to have activated the Minister to bring forward worth-while amendments to the Bill. In addition, the Motor Car Traders Committee also spelled it out, and most of its reports are mildly worded and mildly mannered. The committee pulled no punches. There is much work to be done by the committee.

My colleague, the honorable member for Essendon, stated in his speech that the workload on the present staff is so high that virtually no field work can be undertaken. What an indictment of a Minister that he has taken no notice of the comments made! It is not

that they have not got a capacity to pay. They are running at a profit. It is the Government's obsession with staff ceilings which is quite stupid. My own experience on the Public Accounts Committee and on the new body recently formed is exactly the same: There is an obsession with staff ceilings which prevents many of the organizations operating under the responsibility of Ministers from being able to operate efficiently and effectively. The committee respectfully recommended that the understaffing situation should be remedied as a matter of urgency.

The Minister has twiddled his thumbs and has done nothing about it. What onerous Ministerial decision did he have to make for the appropriate action to be taken through the Treasury or whoever fixes the staff ceilings and to say, "Here we have a committee doing its best in a difficult area"?

Mr Ramsay—And doing a darn good job, too.

Mr REMINGTON—Yes, but the Minister is not. He is the man on the block. He is the man I am talking about, not the committee. If the Minister worked as the committee did, the problems with which the committee has to come to him cavilling for more staff would not have arisen. The Minister has been so wrapped up in his disastrous handling of the workers compensation legislation that he obviously has not had time to deal with other responsibilities within his Ministry. Well he might bristle under the criticism. He stands condemned that a vast area of the Victorian electorate needs consumer protection and he is so cavalier and indifferent to his responsibilities that he cannot even issue a Ministerial edict to ensure that this committee has adequate staff to carry out the tasks it wants to carry out to protect the consumer. The Minister has twiddled his thumbs. He has procrastinated. He is a disaster.

The DEPUTY SPEAKER (Mr A. T. Evans)—Order! Will the honorable member face the chair when addressing the House and not lean against the nearest piece of furniture?

Mr REMINGTON—The committee has a lot of work to do. The Motor Car Traders Committee has to administer the Act. It must attend to disputes concerning warrantees, conditions of sale, advertising vehicles, financial arrangements which may have been misrepresented, and so on.

Mr Ramsay—Does not the committee do a good job?

Mr REMINGTON—Of course, the committee does a good job in extreme difficulties. The committee would perform its job better if it had a Minister who was genuinely concerned about its problems instead of boasting about what the committee has achieved without any assistance from him. The committee would better serve the motorists if the Minister, instead of making stupid interjections, objectively examined the problems and acted constructively to improve his performance and endeavoured to have staff ceilings lifted for the benefit of the committee. The Minister should be sensitive to the problems of the committee. Three strikes and he is out—two strikes are against him already. He will be scrambling to get back into Cabinet if members of the Cabinet are elected on Ministerial performance.

The DEPUTY SPEAKER (Mr A. T. Evans)—Order! The honorable member has had plenty of latitude in making a personal attack on the Minister which is uncalled for and which has gone too far. He would serve the House better if he concentrated on the Bill and the amendment before the House.

Mr REMINGTON—The Motor Car Traders Committee has the final authority for a hearing to make restitution for vehicles being repaired and to issue orders that a vehicle must be repaired and so on. The committee has the ultimate authority to cancel dealers' licences. The committee has very wide responsibilities.

There is a total of 1·762 million motor vehicles in Victoria and if one considers that the very low average cost of the motor vehicle would be $2500, which is very low because the average price for a vehicle in a car yard is $3500, one realizes that the commit-

tee has the responsibility for more than $2500 million of capital expenditure in Victoria. Those figures were quoted in the June 1979 issue of the Australian Bureau of Statistics.

Motoring costs in Victoria are extremely high and the consumer needs every protection available when purchasing a vehicle. Motor vehicles are expensive commodities for investment. Figures taken from the latest issue of *Royal Auto* show that a Holden Commodore, 3·3 litres, over a three-year period costs an average of $73.50 a week to run and a Falcon costs $56.46 a week to run. Those figures are alarming and frightening and as they relate to new vehicles, the costs of running older vehicles would be higher because the purchaser has a heavier expenditure in buying a vehicle second-hand. Some second-hand vehicles are not what the car dealers claim and their performance deteriorates when they are taken from the yard.

It was very wrong in principle when the committee acknowledged that it had a problem in having five people attending a committee meeting for the Minister to want to reduce the quorum from five to three committee members. That is not a proper way of overcoming the problem. It defeats the original intention of the Bill, which allowed for representation from the legal profession, the Police Force, the Royal Automobile Club of Victoria and two representatives from the Victorian Automobile Chamber of Commerce to ensure adequate protection for the consumer. Now, not all of those people will attend the meetings. The representative from the legal profession has a busy practice and obviously the representative from the Police Force will not always be able to attend, which leaves the consumer representatives of the Royal Automobile Club of Victoria and the Victorian Automobile Chamber of Commerce, all of whom are retired gentlemen. The Royal Automobile Club of Victoria representative will be outnumbered by two to one resulting in an imbalance in favour of the trade. I am not suggesting that the Victorian Automobile Chamber of Commerce is unmindful of the requirements of the consumer, but the Victorian Automobile Chamber of Commerce represents the other side of the industry and the original intention of the Bill was to protect the consumer.

When the Minister puts in some solid work on the Bill he should consider increasing consumer representation on the committee which ideally would comprise a representative of the Trades Hall Council, which represents a vast number of workers in the State. It is regretable that owing to the short sessional period, the National Party has to recognize the difficulties with which the committee will be confronted if that party does support the amendment because one would have thought the Minister would have put more work into the provisions of the Bill.

The amendment is desirable and should have been reflected in the provisions of the Bill a long time ago. There have been significant losses to people who can ill afford to purchase motor vehicles and who do so in good faith and discover that the motor vehicles have outstanding liabilities against them. Like the honorable members for Dandenong and Essendon, I realize that it is not essentially a complex matter to give the Motor Registration Branch the work of recording on the registration certificate the various hire-purchase agreements being entered into and for responsibility to be given to the lender to ensure that such a contract is correctly recorded on the registration certificate.

I compliment the Motor Car Traders Committee on the work it has done and the contributions it has made, but I regret that the Government, on its own initiative, has not introduced this essential part of consumer protection by providing for registration of hire-purchase transactions.

Mr WALSH (Albert Park)—I support the amendment moved by the honorable member for Essendon. The Minister of Consumer Affairs has obviously tried to improve the Bill, however, it is inadequate in some areas.

The Bill should protect the consumer and that is why the amendment is before the House. Many persons who drive vehicles and pay good money for motor cars believe they own the car they have purchased. Often a person purchases a car through an advertisement in the newspaper and discovers that he does not own the car. All of a sudden someone comes along and repossesses that car which belongs to a finance company.

There should be an avenue whereby a person who buys or sells a motor car should notify the Motor Registration Branch within 48 hours. There should be a system whereby the person who has bought a car can discover whether the car is subject to a hire purchase agreement. For example, I know of a lady who paid approximately $7000 for a sports car that, unknown to her, was subject to a hire-purchase agreement. There was no indication of that on any of the certificates, but that lady will receive no compensation until the person who sold the car to her is apprehended. However, the seller cannot be found and, undoubtedly, he has taken a trip somewhere. There were no means by which that lady could discover whether the car she purchased was subject to hire purchase.

A system should be provided whereby a person can make an instant check to discover whether a car is subject to a hire-purchase agreement and whether the car belongs to the person from whom he or she is purchasing the car. The amendment covers that situation.

If a person writes out a cheque to purchase a motor car, it normally takes approximately three days for the cheque to be cleared. If there are any irregularities, the person can stop the cheque being cashed within the three days. All honorable members understand the system that operates in the cashing of cheques. If a system were provided whereby a purchaser could discover from the Motor Registration Branch whether a car was under hire purchase, and within three days could stop the cheque being cashed, that would be of assistance.

It is a sad situation if the Government cannot come up with a system to protect the consumer. It is to be hoped the proposed amendment will be supported and that the Bill will be amended accordingly.

The Motor Car Traders Committee is doing an excellent job with the staff available. An important part of the work of that committee is to issue motor car traders with licences. That committee also has the task of hearing charges to revoke licences held by motor car traders. That committee has made many good decisions on the revocation of the licences of motor car traders and has protected the consumer.

In the 1978 annual report of the Motor Car Traders Committee, the committee draws attention to its inadequate staffing situation. According to the report, on 1 January 1978 the committee had a balance of approximately $411 000 and, by the end of that year, a balance of $494 000—an increase due to the fines and other functions exercised by the committee. I do not know if there is any improvement in the staffing situation but, according to the annual report, the committee's staff consisted of one officer in charge, a secretary, three clerical officers, one of whom was on loan, a clerical assistant and two stenographers. That is an inadequate staff. The situation must be examined so that the committee can fulfill its function and catch those who violate the Motor Car Traders Act.

Another area dealt with by the committee is arbitration between the consumer and the licensed motor car trader. During the life of the committee, on only three occasions has a licensed motor car trader refused to have the committee arbitrate. The consumer should have the right to approach the committee and say, "I would like you to arbitrate on my purchase of a motor car". Legislation is warranted to make that facility available to the consumer. The Opposition is concerned about the consumer.

During 1978 the committee received approximately 500 telephone complaints a week. All of those complaints were followed up and resolved by telephone calls to the licensed motor car trader

involved. Many written complaints were also followed up and the committee did an excellent job. The over-all situation was that only 73 complaints received by telephone were not resolved. However, those complaints may have been resolved by now, as I am merely quoting from the annual report. That is a pretty fair record, considering the committee's staffing situation.

Field officers from the committee should be available to investigate complaints relating to advertisements—a situation which is hard to monitor because of the lack of staff. The committee should be able to monitor advertisements but it does not have the back-up staff to examine all the complaints against advertisements for motor vehicles. They have no doubt caught some of the people who have breached the advertising guidelines, but more staff is needed.

The 1978 report reveals that at that time there were 3416 licensed motor car traders in Victoria. That number could have increased, but it is the latest figure available. Unfortunately, some traders operate without licences. The Bill imposes a fine of $2000 for that offence. That is inadequate; it should be increased by about 400 per cent. It is easy for a person operating without a licence to pay $2000. He can do so by selling a couple of 1978 or 1979 models, using the profit from those transactions to pay the fine, and continue to trade without a licence. Field officers are also needed to police this area.

The last clause with which I shall deal, clause 8, was also referred to by the honorable member for Murray Valley. Under the provisions of the clause the committee is empowered to reprimand a motor car trader who has been found guilty of an offence that does not warrant the revocation of his licence. That is not good enough. Suspensions and fines should be provided for.

The first priority of the Opposition is the protection of the consumer, and the consumer would be best protected by the Government accepting the amendment moved by the honorable member for Essendon.

Mr RAMSAY (Minister of Consumer Affairs)—I thank most of the honorable members who contributed to the debate. Between them they made many positive points about the work of the Motor Car Traders Committee. I am glad that the House acknowledges that the committee has carried out its tasks in a manner that deserves praise and is a credit to the people of Victoria. I set aside the intemperate, illogical and somewhat unnecessary remarks made by the honorable member for Melbourne. I can only attribute his tirade to the lateness of the hour and possible indigestion. I hope he feels better tomorrow.

Given the lateness of the hour, I shall also set aside many of the points raised and simply thank honorable members for raising them. They will continue to be borne in mind as part of the general survey of the work of the committee in the weeks and months ahead.

The Bill contains a number of specific proposals, the vast majority of which appear to have the general support of the House. I shall mention two of the particular matters raised. The first is the staffing of the committee. To suggest that because the funding of the committee comes out of the guarantee fund there is no reason why staff ceilings should apply to the committee so long as the fund can afford it, and that the committee ought to be able to do what it likes about staffing, is a plausible, attractive and simple argument, but it is not right. The guarantee fund is precisely what it is called. It is a guarantee fund, and the first call on it must be as provided in section 48 of the principal Act, to pay out the amount of any loss that is admitted by the committee to have been incurred by any person by reason of the failure of a motor car trader to comply with any provision of the Act or the regulations.

The first responsibility of the committee and the Government is to ensure that there are sufficient moneys in the fund to provide for any call on the fund that might arise out of any loss or claim. The second responsibility is

that the Act provides that there shall be paid out of the fund from any amount standing to its credit the costs of the committee, but the decision on whether to enlarge the staff of the committee is not dependent primarily on the availability of money in the fund. It is a Government decision that must be based on the over-all policy of how many people ought to be paid out of the public purse in the different areas of Government administration. The Government's decision should be made independently of any consideration of the source of funding for the staff. I acknowledge that the committee is doing a first-class job and that, generally speaking, the motor car trade, which in 1973 contained many unsavoury elements, has been cleaned up. As the honorable member for Noble Park indicated, the rate of complaints is now approximately 1·5 per cent of all transactions, which is commendably low.

The question of proprietorship of motor vehicles is of great concern to the Government, and it is acknowledged by the Opposition in the amendment that has been moved. The Government does not accept the amendment. It would be quite inappropriate to delay the passage of the amendments proposed by the Bill while registration of proprietorship is sorted out. That is not to say that the matter should not be sorted out. Of course it should, but the House must decide how that should be done.

Clause 15 of the Bill provides that a motor car trader must specify the name and business address of any proprietor of a motor car within the meaning of the Motor Car Act 1958. That provides some protection for the consumer, because the trader is obliged, as part of the agreement, to give the name and business address of the proprietor. The remaining question is: How can the motor car trader know who or where such a proprietor is? That problem should not be dealt with in the Motor Car Traders Act, it should be dealt with in the credit Bills that will be brought before the House, I hope, in the spring sessional period. The credit Bills have been the subject of discussion with the Governments of other States in an endeavour to provide a uniform body of credit legislation throughout the Commonwealth. Uniformity of credit legislation is important in itself and it will be particularly important in the area of hire-purchase transactions involving motor vehicles, because interstate motor vehicles are certainly part of the general motor trade.

The provisions of the credit Bills should ensure that the onus rests on the company or person who is the supplier of the credit. It should be his or its responsibility to ensure that the credit transaction is properly recorded in a manner that will make the information available to the motor car trader, so that he can then comply with the clause in the Bill that obliges him to provide the name and address of any proprietor to an intended purchaser.

I give an assurance to the honorable member for Murray Valley that that is the direction in which the Government is moving, and that is the area where the Government will tidy up this legislation.

The amendment proposed by the honorable member for Essendon requiring the Motor Registration Branch to take the responsibility of registering all hire-purchase and like agreements places the responsibility on the Motor Registration Branch, and the Government believes the responsibility must be placed on the hire-purchase company, or the supplier of finance, rather than on the Motor Registration Branch, so that in the event of a car being sold without a clear title, the responsibility and the cost finishes back with the supplier of finance. That is the way the Government is proposing to sort out this Bill with the credit Bills when they are introduced in the spring sessional period.

I urge the House to support the Bill as presented. It introduces a number of improvements to the functioning of the Motor Car Traders Committee. I am sure that the passage of this Bill will be

in the best interests of the consumers of Victoria who purchase motor vehicles.

The House divided on the question that the words proposed by Mr Rowe to be omitted stand part of the motion (the Hon. S. J. Plowman in the chair).

Ayes	46
Noes	32
Majority against the amendment	14

AYES

Mr Austin	Mr McArthur
Mr Balfour	Mr McCance
Mr Birrell	Mr McClure
Mr Borthwick	Mr McInnes
Mr Brown	Mr McKellar
Mr Burgin	Mr Mackinnon
Mrs Chambers	Mr Maclellan
Mr Coleman	Mrs Patrick
Mr Collins	Mr Ramsay
Mr Crellin	Mr Reynolds
Mr Dixon	Mr Richardson
Mr Dunstan	Mr Ross-Edwards
Mr Ebery	Mr Skeggs
Mr Evans (*Ballarat North*)	Mr Smith (*South Barwon*)
Mr Evans (*Gippsland East*)	Mr Tanner
Mr Hamer	Mr Templeton
Mr Hann	Mr Thompson
Mr Hayes	Mr Weideman
Mr Jasper	Mr Whiting
Mr Jona	Mr Williams
Mr Kennett	Mr Wood
Mr Lacy	*Tellers:*
Mr Lieberman	Mr Cox
	Mr McGrath

NOES

Mr Amos	Mr Roper
Mr Cain	Mr Rowe
Mr Cathie	Mr Sidiropoulos
Dr Coghill	Mr Simmonds
Mr Crabb	Mr Simpson
Mr Culpin	Mr Spyker
Mr Edmunds	Mr Stirling
Mr Ernst	Mrs Toner
Mr Fogarty	Mr Trezise
Mr Fordham	Dr Vaughan
Mr Ginifer	Mr Walsh
Mr Hockley	Mr Wilkes
Mr King	Mr Wilton
Mr Kirkwood	
Mr Mathews	*Tellers:*
Mr Miller	Mr Gavin
Mr Remington	Mr Jolly

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

Clause 4 (Meetings of Motor Car Traders Committee)

Mr JASPER (Murray Valley)—I was totally disgusted with the comments of the Minister in reply to my earlier remarks concerning the staffing of the Motor Car Traders Committee. This clause will allow the committee to meet with only three members forming a quorum which does not have to include the chairman or the deputy chairman.

I remind the Minister that last year the Motor Car Traders Committee, in its report submitted in May, indicated that the over-all staffing position as it existed at that time was hopelessly inadequate. The Minister appears to be taking no notice whatsoever of the comments made by the Motor Car Traders Committee, especially when it requests more staff. The committee desires to spend some of the funds being provided by motor car traders on acquiring additional staff.

The Minister is not facing up to the situation. I quote one sentence from the annual report:

> The work load on the present staff is so high that virtually no field work whatsoever can be carried out.

By introducing clause 4, the Government recognizes that the committee needs to spread its work load. The Government is allowing the committee to meet without the necessity for the chairman or the deputy chairman being present and only a maximum of three members need to be present to form a quorum. The provision recognizes the enormous work load placed upon the committee, but it is not recognizing that the staff also faces an overworked situation.

The Minister should take note of this aspect and read the points I made during the second-reading debate. I hope the action taken by the Government is similar to the request made by the committee which is desirous of spending some of its own funds on the provision of adequate staffing.

The clause was agreed to, as was clause 5.

Clause 6 (Increase in penalty for unlicensed trading in motor cars)

Mr ROWE (Essendon)—This clause provides for an increase in the penalties set out in section 14 of the principal Act. The clause provides that any motor car trader who is charged with unlicensed trading in motor cars can be subject to a penalty of $1000 for a first offence. A penalty of $2000 is provided to cover a second or subsequent offence.

Without reiterating the second-reading debate on the staffing of the Motor Car Traders Committee, I again highlight the point that the Motor Car Traders Committee is doing an excellent job in bringing to the attention of the Minister of Consumer Affairs the numerous shortcomings it faces in adequately administering the Act.

I remind the Committee that the aim of the principal Act is to afford protection to members of the public in transactions covering both new and second-hand motor cars which are sold under the strict control of licensed motor car traders. The Motor Car Traders Committee clearly sets out a number of areas where it is only scratching the surface in trying to overcome the problems of apprehending unlicensed motor car traders.

The Government refuses to allow the committee to be adequately staffed to meet its obligations under the Act. I move:

Clause 6, lines 19 and 20, omit "First offence $1000; second or subsequent offence $2000" and insert "$10 000".

In proposing that the penalty be increased to $10 000, while recognizing that the amendment represents a significant increase in the penalty for an offence under the Act, I point out that it also highlights the point that the Government has neglected and is continuing to neglect its responsibilities in the administration of this Act and in bringing to justice those traders who continue to operate outside the law and without licences.

The Motor Car Traders Committee and the industry is adamant that the Government must take positive action to bring to justice those barkyard traders. That will not be achieved if the committee is limited in its staffing, and the Opposition suggests to the Government that a sufficient penalty should be provided, one which will be an adequate deterrent.

In suggesting a penalty of $10 000, I remind the Committee of the nature of car purchases and their significant volume. During the second-reading debate I mentioned that it had been estimated by the industry that there were 160 000-odd private transactions and 250 000 transactions between licensed motor car dealers and consumers. Those transactions involved a significant amount of money payable by consumers purchasing those motor vehicles, and a penalty of $10 000 against $3 billion worth of sales in a year is a small amount.

The Minister referred to a statement made by the honorable member for Noble Park, that only 1·5 per cent of all transactions resulted in complaints and he indicated that the figure was fairly low compared with other areas of business, such as housing and some of the professional areas.

One has to keep in mind that there are many hundreds of thousands of what are termed "in trade" transactions and even taking those into account, we are still speaking about total used car transactions in the vicinity of 196 000. I commend the amendment to the Committee.

Mr JASPER (Murray Valley)—I indicate that the National Party does not support the amendment. The philosophy behind the amendment is acceptable but in the present situation the highest penalty resulting from a prosecution brought before a court has led to a penalty of $480, remembering that the maximum penalty which can be imposed against an unlicensed trader is presently $1000.

The amendment proposed by the Government in clause 6 provides for a penalty of $1000 for a first offence and

a penalty of $2000 for second or subsequent offences, and that will improve the situation. The situation can be kept under surveillance and maybe there will be a need to increase the penalties for these matters, but that can be attended to at a later stage.

As I have stated, the maximum penalty which has been imposed to date has been $480, but the National Party, whilst agreeing to the philosophy of the amendment, also acknowledges that most legitimate motor car traders are agreeable to increasing the penalty to $10 000, for the offence committed by backyarders and people not operating correctly within the industry. It would certainly act as a deterrent for people who are caught, but the National Party believes the amendments proposed by the Government will be satisfactory.

Mr JOLLY (Dandenong)—I support the amendment moved by the honorable member for Essendon, because there is considerable disquiet in the industry about a number of individuals who are masquerading as traders while not being licensed traders. They do not face the same sorts of regulations and costs as do licensed motor car traders. There is a need for an additional deterrent to discourage people from acting as motor car traders while not being licensed.

I support the amendment because the penalty of $1000 suggested by the Government is probably less than a dealer would make on the sale of one motor vehicle. Therefore it is not a strong discouragement. The Opposition supports the proposition of a maximum penalty of $10 000, which is roughly the value of a new Holden. That would act as a deterrent, and certainly licensed motor car traders would support the provision. They are meeting all the costs and receiving few benefits because some people can get away with acting as motor car traders while not being licensed.

Mr RAMSAY (Minister of Consumer Affairs)—The Government does not accept the amendment.

The Committee divided on the question that the words proposed by Mr Rowe to be omitted stand part of the clause (Mr A. T. Evans in the chair).

Ayes	44
Noes	32
Majority against the amendment	12

AYES

Mr Austin	Mr McGrath
Mr Balfour	Mr McInnes
Mr Birrell	Mr McKellar
Mr Borthwick	Mr Mackinnon
Mr Brown	Mr Maclellan
Mr Burgin	Mrs Patrick
Mrs Chambers	Mr Ramsay
Mr Coleman	Mr Reynolds
Mr Collins	Mr Richardson
Mr Crellin	Mr Ross-Edwards
Mr Dixon	Mr Skeggs
Mr Dunstan	Mr Smith
Mr Ebery	(*South Barwon*)
Mr Evans	Mr Tanner
(*Gippsland East*)	Mr Templeton
Mr Hann	Mr Thompson
Mr Hayes	Mr Weideman
Mr Jasper	Mr Whiting
Mr Jona	Mr Williams
Mr Kennett	Mr Wood
Mr Lacy	
Mr Lieberman	*Tellers:*
Mr McArthur	Mr Cox
Mr McCance	Mr McClure

NOES

Mr Amos	Mr Roper
Mr Cain	Mr Rowe
Mr Cathie	Mr Sidiropoulos
Dr Coghill	Mr Simmonds
Mr Crabb	Mr Simpson
Mr Culpin	Mr Spyker
Mr Edmunds	Mr Stirling
Mr Fogarty	Mrs Toner
Mr Fordham	Mr Trezise
Mr Gavin	Dr Vaughan
Mr Ginifer	Mr Walsh
Mr Hockley	Mr Wilkes
Mr King	Mr Wilton
Mr Kirkwood	
Mr Mathews	*Tellers:*
Mr Miller	Mr Ernst
Mr Remington	Mr Jolly

The clause was agreed to, as were clauses 7 to 20.

Clause 21 (Amendment of No. 8408 ss. 48, 49 and 52)

Mr ROWE (Essendon)—Clause 21 amends Part VII of the principal Act which contains provisions relating to the Motor Car Traders Guarantee Fund. Section 48(3) is amended to restrict claims against the fund to

those arising from the failure of a person who is or has been a licensed motor car trader to comply with the Act or the regulations; at present, claims must be entertained against all motor car traders, whether licensed or not.

The Opposition argues that a number of people may be inconvenienced to a significant degree because of this change in the legislation. The Minister admits that to adequately overcome the problem of proprietorship and clear titles being given to people purchasing motor cars, and, in order not to hold up the current Bill, a new Bill will be introduced during the spring sessional period later this year. Therefore, those people who purchase cars in the meantime from unlicensed motor car dealers could be faced with the prospect that if the trader is unlicensed and defaults in any way or goes into liquidation or if the consumer has difficulties with respect to the proprietorship of the motor vehicle, then he cannot claim on the Motor Car Traders Guarantee Fund.

A consumer could be faced with the prospect of purchasing either a new or secondhand car at a significant cost only to have it repossessed by a hire purchase company, through no fault of his own or of the motor car dealer, because the title is not clear. Under those circumstances, I move:

Clause 21, line 11, omit "licensed".

The amendment is moved to protect those people who can find themselves in circumstances of dealing with unlicensed traders. Earlier I said that the Motor Car Traders Committee has difficulty in administering the Act —that was stated in its report—and in bringing to justice unlicensed traders.

It is not a matter of people not dealing with licensed or unlicensed traders. The onus should not rest on the consumer who purchases an item for perhaps $10 000. The Government has some responsibility to ensure that those people who evade the law are brought to justice. It is ridiculous to say that if a person operates as an unlicensed motor car trader people should know that he is unlicensed and should not deal with him. I am sure that in most cases if consumers knew that they would steer clear of unlicensed traders. I am sure that in many cases consumers would not know whether a motor car trader was licensed or unlicensed. They could be faced with the prospect of dealing with someone who was unlicensed but it is difficult for people to be sure of these matters.

Until many of these matters are resolved, particularly the matter relating to a clear title—the Minister admits a work study team is investigating the matter further—between people involved in the finance industry and the Victorian Automobile Chamber of Commerce, consumers should be protected in the meantime, whether they deal with licensed or unlicensed traders.

Mr JASPER (Murray Valley)—The amendment moved by the honorable member for Essendon is ridiculous and honorable members could not possibly support it. If the amendment were supported the Committee would be saying that licensed traders will protect the people who purchase vehicles from unlicensed traders. The Parliament should encourage people to buy from licensed motor car traders and not from backyard traders or unlicensed traders. The consumer would then be protected.

The consumer has some responsibility to ensure that the person from whom he is purchasing a car is a licensed motor car trader. He will then be protected by the Act, by the Motor Car Traders Guarantee Fund and be in a better position when he purchases a motor vehicle.

It is ridiculous to suggest that licensed motor car traders who pay $100 a year for every outlet they operate should protect the people who buy cars from unlicensed motor car traders or from backyard operators.

The National Party is totally opposed to the amendment. I am sure members of the Government will not support it. The honorable member for Noble Park has raised the point about the wording that is now substituted

in section 48 (3)—"person who is or has been a motor car trader". In that context a case could arise where a person who has been a motor car trader in years gone by, who then operates as a backyard operator could have a claim made against him through the guarantee fund. The point raised by the honorable member for Noble Park is correct and perhaps we will see how this works by experience.

I was completely disillusioned by the Minister's comments.

The CHAIRMAN (Mr A. T. Evans)—Order! I believe the honorable member for Murray Valley is now getting away from the actual amendment. I ask him to confine his remarks to the amendment.

Mr JASPER—The amendment relates to claims and the amount held in the guarantee fund. That is what I intended to refer to.

The CHAIRMAN—I cannot uphold the point made by the honorable member for Murray Valley. I ask the honorable member to confine his remarks to the amendment.

Mr JASPER—The National Party opposes the amendment. I hope the Minister will take heed of the comments I made during the second reading debate regarding the guarantee fund and will ensure that the money is used correctly, as far as the interests of the traders are concerned, and to employ more staff to assist the Motor Car Traders Committee in performing its function.

The honorable member for Murray Valley stated that the National Party will not support the amendment moved by the Opposition. I remind the honorable member that the Opposition is merely proposing the *status quo* in this matter. The original legislation ensured that all consumers were protected in their dealings with motor car traders. When that Bill was introduced, one of the highlights was that provision, which was supported by the National Party. The Opposition is not asking the Committee to go to some extreme; it is asking for the *status quo* to remain. All people who deal with motor car traders should be protected, whether the traders are licensed or not. It is the responsibility of the Government to ensure that the Motor Car Traders Committee has adequate staff to carry out the aims and objectives of the Act to ensure that unlicensed traders are put out of business.

Mr RAMSAY (Minister of Consumer Affairs)—The Government does not accept the amendment proposed by the honorable member for Essendon. The provision contained in clause 21 is reasonable. It suggests that a consumer should be responsible for checking that the motor car trader with whom he is dealing is licensed. It acknowledges that a consumer may have difficulty, particularly where a former licensed motor car trader has come back into the field and is operating without a licence, and provision is made to protect consumers in that circumstance. The Government believes a consumer has a responsibility to ascertain whether he is dealing with a licensed motor car trader, and those who deal with licensed motor car traders enjoy the protection of the fund.

Mr SIMMONDS (Reservoir)—The Committee is indebted to the Minister for his explanation. The honorable gentleman places the onus on the consumer rather than seeking to regulate the industry, which the existing legislation does. I draw the attention of the Minister to the definition of motor car trader in the principal Act. It is "a person who otherwise than in the capacity of an employee carries on the business, whether or not he carries on any other business, of trading in motor cars or holds himself out in any way as carrying on the business of trading in motor cars". The existing legislation provides for consumers in Victoria the protection of the guarantee fund. That protection is being removed by the Bill.

The Government is denying consumers benefits, in the interests of those who market goods. I commend the honorable member for Essendon for drawing the attention of the House to the fact that this is the result of the Government's amendment. The ex-

planation provided by the Minister is in no way acceptable when one views the healthy condition of the guarantee fund which contains approximately $500 000, only $39 000 having been expended. There is ample capacity in the fund to maintain the present level of consumer protection in Victoria. It is an indication of the Government's approach to consumer legislation that the Minister is now taking away from the people of Victoria a protection that has existed since the introduction of the legislation.

Mr JOLLY (Dandenong)—It has been made clear by other members of the Opposition that the Government is withdrawing a consumer right. This Bill reduces the rights of the consumer, and the honorable member for Essendon, via the amendment, is endeavouring to maintain the existing situation. Members of the Opposition are concerned to ensure that consumers receive adequate protection when they purchase a motor vehicle. The Minister has indicated that the onus is on the consumer to determine whether he is dealing with a licensed motor car trader. The consumer does not have detailed knowledge of the legislation relating to motor car traders and cannot be expected to have that information; it is not the easiest thing to find out. It is not rubbish, as members of the Government party seem to indicate, because the consumer does not possess perfect knowledge. There is no justification for removing the consumer right that already exists when there is almost $500 000 in the guarantee fund. I support the amendment moved by the honorable member for Essendon.

The House divided on the question that the word proposed by Mr Rowe to be omitted stand part of the clause (Mr A. T. Evans in the chair).

Ayes	43
Noes	32
Majority against the amendment	11

AYES

Mr Austin	Mr McClure
Mr Balfour	Mr McGrath
Mr Birrell	Mr McKellar
Mr Borthwick	Mr Mackinnon
Mr Brown	Mr Maclellan
Mr Burgin	Mrs Patrick
Mrs Chambers	Mr Ramsay
Mr Coleman	Mr Reynolds
Mr Collins	Mr Richardson
Mr Crellin	Mr Ross-Edwards
Mr Dixon	Mr Skeggs
Mr Dunstan	Mr Smith
Mr Ebery	(*South Barwon*)
Mr Evans	Mr Tanner
(*Gippsland East*)	Mr Templeton
Mr Hann	Mr Thompson
Mr Hayes	Mr Weideman
Mr Jasper	Mr Whiting
Mr Jona	Mr Williams
Mr Kennett	Mr Wood
Mr Lacy	*Tellers:*
Mr Lieberman	Mr Cox
Mr McCance	Mr McArthur

NOES

Mr Amos	Mr Roper
Mr Cain	Mr Rowe
Mr Cathie	Mr Sidiropoulos
Dr Coghill	Mr Simmonds
Mr Crabb	Mr Simpson
Mr Culpin	Mr Spyker
Mr Edmunds	Mr Stirling
Mr Fogarty	Mrs Toner
Mr Fordham	Mr Trezise
Mr Gavin	Dr Vaughan
Mr Ginifer	Mr Walsh
Mr Hockley	Mr Wilkes
Mr King	Mr Wilton
Mr Kirkwood	
Mr Mathews	*Tellers:*
Mr Miller	Mr Ernst
Mr Remington	Mr Jolly

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.

RACING (AMENDMENT) BILL

The debate (adjourned from April 23) on the motion of Mr Dixon (Minister for Youth, Sport and Recreation) for the second reading of this Bill was resumed.

Mr TREZISE (Geelong North)—The Bill amends a section of the Racing Act that relates to the Totalizator Agency Board and starting price betting and to other matters on which I will comment.

The first step will permit the pre-race broadcasting of tote dividends by radio stations, which is now prohibited in Victoria, even though it has been the practice in New South Wales. It is frustrating for punters in Victoria to be listening to the New South Wales races being broadcast on Victorian radio stations and to hear before the race starts the approximate odds that the Totalizator Agency Board is showing for the respective fields and then, when the Melbourne races come on the same station, pre-race odds are not given. This means that persons betting off course with the Totalizator Agency Board are betting blind, as compared to the New South Wales bettor and the on-course bettor who can look at the tote board to see the respective odds at the time for win and place bets on the horse, the dog or the trotter of his choice. It is a progressive step which is supported by the police.

Now that bettors can place their bets up to five minutes before the start of a race, more people will be encouraged to patronize the Totalizator Agency Board. That will help racing and enable a better service to be provided to the board's patrons. The police are prepared to support pre-race broadcasting of odds.

Starting price bookmakers are reported to be increasing in number in this State. The Bill will be a body blow to them because, if one wishes to place a starting price bet and rings a bookmaker, not only does one get the odds at that particular time, but one can make the choice between those odds and the starting price or, if one wishes, one can accept the price that the tote will pay after the race is over. Therefore, with a starting-price bookmaker the bettor has the choice of three prices, whereas the Totalizator Agency Board patron gets what is given to him after the race has been run.

Many people are now betting with the Totalizator Agency Board and risking their money when they have no hope of winning. They might have backed a horse on the Totalizator Agency Board at a starting price of perhaps two to one on or three to one on. Under the New South Wales system, the minimum pay-out for a winning bet is 52 cents. In Victoria a bettor can place his bet on a winning horse and get back only his 50 cents because there is not sufficient money in the pool to give him any more than he outlaid. Therefore in Victoria one bets blind with the Totalizator Agency Board and risks getting back the money one outlaid and no more, even though the horse may win.

With pre-race broadcasting of odds, a radio broadcaster may say that horse number 2 will pay 50 cents. Such an announcement would deter people from betting and risk losing their money without any chance whatsoever of winning.

The second step requires the Trotting Control Board in the future, as it should have done in the past, to obtain the approval of the Minister before outlaying money on capital works or other programmes. Honorable members will recall the Keysborough fiasco which should never have occurred. The Labor Party believes the above value cost was more than $1 million, although the Minister thought it was something less than $1 million. Whatever it was, I am sure that, under the new system, which provides that the Minister will have control of deals, such a scandalous waste of public funds, in a sport which is desperately short of finance, will not occur.

The Keysborough land was bought without even a valuation being obtained. Not only did the Trotting Control Board buy the Keysborough land but it also has land at Keilor which has lain idle for many years. Honorable members were told that the Keysborough land was bought for a multi-purpose trotting complex, but now the Minister has agreed that that may not be so developed. The evidence given recently by the Trotting Control Board to a Parliamentary committee was that the site at Keilor was bought for purposes of a racing or training track, so Melbourne may have three.

To be realistic, of course, the Trotting Control Board has laid out large amounts of public funds on land which should never have been bought. In future, it

will be necessary for such purchases to be approved by the Minister and I trust that such errors will be obviated. The Trotting Control Board has wasted money and I hope that the provisions of the Bill will bring that board into line.

The Bill increases the number of permits for mixed sports gatherings which the Minister may issue in any one racing year from 50 to 60. Mixed sports gatherings have been a tradition in the country areas of Victoria for more than a century and have been mainly foot racing activities which have widened to highland dancing, cycling, wood-chopping and quarter horse racing, which has increased in popularity over the past two or three years. It is only fair that even though it may not have the full support of galloping, trotting and greyhound industries the quarter horse racing industry should have its meetings increased because of its increased patronage.

The Bill legalizes a practice that has operated outside the law for many months, that of allowing the Totalizator Agency Board to advertise its activities. All honorable members realize that the "lucky shop" advertising has been bandied about in the press and on the radio for many months and the provisions of the Bill now make that practice legal. It is splitting straws by saying that the Totalizator Agency Board has jumped the gun in its advertising, but if it is good enough for its major competitor, Tattslotto, to advertise, then the Totalizator Agency Board should have the same right. I trust the Minister will keep an eye on the situation to ensure that advertising of the Totalizator Agency Board is not conducted at the expense of punters and patrons. I hope the prize money will not be reduced because of the expense of advertising.

The Bill also refers to the practice of the Victoria Club, now the Victoria Amateur Sports Club, to annually call the card, usually the day before the Melbourne Cup is run or the first Monday in November. Under the provisions of the Bill not only betting will take place at the club for the winning of prizes for the next day's Melbourne Cup, but members will be allowed to bet each way or on a win and place. I do not understand why the legislative measure does not take the further step of allowing betting to take place as it does on racehorses on Melbourne Cup day and allow not only on win and place but also on place betting and concession betting which are forms of betting becoming popular with patrons. I am surprised that the Bill does not include those forms of betting, but perhaps another Bill will be introduced later to allow for those forms.

The provisions of the Bill increase the penalties for starting-price betting. The existing penalties were last set in 1968 and these provisions update those penalties to the cost of living equivalent of the 1980s. All honorable members agree that starting-price bookmakers have been been parasites on the racing industry for many years, particularly since the Totalizator Agency Board enabled off-course betting to occur. Prior to 1961 if one did not attend the racecourse, which was hard if one lived in the country or could not afford to go to the racecourse, the only way in which to place a bet was with a starting-price bookmaker probably in the back lane behind a hotel and other similar venues.

In those circumstances people breaking the law by betting with starting-price bookmakers were justified, but the circumstances have changed with the introduction of the Totalizator Agency Board and now, as I said before, starting price bookmakers are parasites on the industry. On the course bookmakers pay not only income tax on their earnings but also a turnover tax on their holdings on a race day which means that a bookmaker can have a losing day at the races and perhaps lose $20 000 but although he leaves the course with an empty bag he must pay a turnover tax on the $20 000. That is a handicap for on-course bookmakers.

Starting-price bookmakers will always exist because one not only has a choice of various odds but also one can with many starting-price bookmakers obtain a refund of 5 per cent or 10 per cent on losing bets so that if a punter bets $100 with a starting-price bookmaker

and lost, he would perhaps have to pay only $90, which is an attractive proposition.

The New South Wales Government introduced severe penalties last year for starting-price bookmaking which created such an immediate reaction from the Totalizator Agency Board that its turnover had increased dramatically. This helped the State and the racing industry and I trust the same will occur in Victoria. The more starting-price bookmaking can be prevented, the more people will go to the Totalizator Agency Board. The penalties for starting-price bookmaking have increased substantially, from $500 to $2500 for the first offence and to a maximum of $10 000. The increase from $500 to $2500 is reasonable considering the difference in monetary values over the past fifteen years. At least that provision does not compare with the strange doings in the Queensland Parliament recently which passed a Bill to enable starting-price bookmakers to be fined up to $50 000 or to be given a term of up to three years in prison. That is ridiculous and demonstrates the ridiculous Government the Queensland people have.

I do query the provision of the penalty for a punter who bets with a starting-price bookmaker and who can be fined up to $500. The previous fine was $40 and the increase does not compare with the increase of the penalty for the starting-price bookmaker. It is out of proportion with that increase. No doubt, the ordinary man on the street who has perhaps not been able to get to a Totalizator Agency Board to place a bet will place a bet with the starting-price bookmaker and be liable for a fine of $500—a huge increase over the penalty he would have received before the introduction of the Bill. The Government has certainly made the penalty for the little punter out of proportion to the increase of the penalties for the starting-price bookmaker and I protest about that on behalf of the Labor Party.

The Bill qualifies the annual accounts and reports that should be presented to the Minister for Youth, Sport and Recreation and to Parliament by the reigning bodies—the Trotting Control Board, the Greyhound Racing Control Board and the Totalizator Agency Board—and that although the Act states that reports must be made for each financial year, because the racing season finishes at the end of July, the provision is made for that event and not for the end of the financial year.

Those bodies should be responsible to Parliament because they use public funds. The Victoria Racing Club is the main controlling body but does not have to report its financial accounts to Parliament. I do not have any objection to the way in which the racing game is run. The Victoria Racing Club today stands supreme in racing controlling bodies.

It is important that racing bodies be controlled—as should be the Totalizator Agency Board, which deals with millions of dollars—especially in an era when the State's economy is in a shaky condition.

Not only should the Minister for Youth, Sport and Recreation keep a close check on racing club transactions, he should also closely examine the greyhound racing industry, which has become, to a certain extent, a shambles. The greyhound racing industry is heading for certain disaster unless the Minister and the Government take an immediate close interest and call for a full inquiry into all facets by the Greyhound Racing Control Board right down to the rank and file. Unless something is done, that industry will go down the drain in the very near future, and that will be disastrous for the Government.

The Racing Act needs constant amendment because of the ever-changing circumstances. The Labor Party does not oppose the Bill.

Mr McGRATH (Lowan)—The National Party supports the Bill, which seeks to increase penalties for those persons charged with starting-price bookmaking. We should ask the question: Why are starting-price bookmakers

supported by punters? Perhaps the Government is taking too great a percentage from the Totalizator Agency Board turnover. I realize that a percentage of Totalizator Agency Board moneys is used to provide facilities for racing clubs, but other racing areas are deprived of funds. One of the ways in which the Government could entice punters back to the Totalizator Agency Board would be to reduce the percentage retained by the Government.

In recent times, there have been advertisements calling the Totalizator Agency Board the "Lucky Shop". In an era of advertising executives and experts, the "Lucky Shop" slogan is pretty second-rate. If money is to be spent on advertising to bring Totalizator Agency Board facilities before the public eye, the present campaign should be closely examined with a view to projecting a better image.

The revenue raised through daily doubles and quadrellas is a major source of finance for the Department of Youth, Sport and Recreation. The Totalizator Agency Board is in need of better advertising to provide more turnover.

It expected a 6 per cent increase in its finances in 1978–79, but received only a 2·93 per cent increase. A much more effective advertising programme is needed to bring punters to the Totalizator Agency Board windows.

On the Trotting Control Board needing Ministerial approval if it is to spend any more than $20 000 on capital improvements or purchase machinery, I question that amount in this day and age. Today a racing club is lucky if it can build a good toilet facility for $20 000.

The provision to provide punters with market fluctuation information is a good one. Market trends will be provided for punters before races commence, which will enable them to achieve the best possible odds.

Increasing the number of mixed sports gatherings from 50 a year to 60 will allow sprint horse racing patrons more meetings at which to display and race quarter horses and sprint horses. That would provide a useful boost to the growing quarter horse breeding industry. My colleague, the honorable member for Rodney, indicated that it is a fast growing sport in the Rochester area, as it is in Stawell and parts of the Wimmera. Those persons who spend thousands of dollars on breeding, racing and showing their horses deserve good facilities for these purposes. That will result in better breeding programmes.

The National Party supports the Bill and wishes it a speedy passage.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 11 were agreed to.

Clause 12 was verbally amended, and, as amended, was adopted, as were the remaining clauses.

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

The House adjourned at 3.3 *a.m.* (*Thursday*).

QUESTIONS ON NOTICE

The following answers to questions on notice were circulated—

HOUSING FOR ABORIGINES

(Question No. 159)

Mr MATHEWS (Oakleigh) asked the Minister of Housing:

How many housing units the Housing Commission has purchased for Aboriginal tenants this financial year to date, and how many units it proposes to purchase during the remainder of the year?

Mr DIXON (Minister of Housing)—The answer is :

In the financial year 1978–79, the Housing Commission purchased eight dwellings for Aboriginal tenants. In this financial year, the Housing Commission had purchased 42 dwellings to 31 March 1980 and plans to purchase a further 30 dwellings before the end of the financial year.

COMMUNITY HEALTH CENTRES

(Question No. 957)

Mr ROPER (Brunswick) asked the Minister of Health:

In respect of community health centres and community mental health centres, respectively:

1. Which centres have practitioners operating on a fee for service basis, specifying the positions occupied by such persons charging fee for service, and the arrangement in each case for the reimbursement of centre costs or alternatively the fee for service practitioners' contribution to centre funds?

2. Whether any salaried staff have the right of private practice specifying the position and in which centre, and on what basis the right is exercised?

3. Whether there are any plans to develop a code of practice, and/or standard agreement for fee for service activities in community health and mental health centres?

Mr BORTHWICK (Minister of Health) —The answer is:

Centre	*Type of practitioner*	*Reimbursement of centre costs or contribution to centre funds*
Anglesea and Airey's Inlet	1 General Practitioner	$20 per session
Broadford	1 General Practitioner	$20 per session
	1 Dentist	
	1 Optometrist	
	1 Physiotherapist	$12 per session
Broadmeadows	7 General Practitioners	$25 per session
	1 Obstetrician/Gynaecologist	$20* per session
	1 Paediatrician	
	1 Psychiatrist	
	1 Surgeon	
	1 ENT Specialist	
Churchill	3 General Practitioners	$20 per session
Corio and Lara	6 General Practitioners	$25 per session
	1 Obstetrician/Gynaecologist	
East Preston	2 General Practitioners	$270 per fortnight per General Practitioner
	1 Optometrist	A grant from Health Commission covers costs
Golden Square/Kangaroo Flat	2 General Practitioners	$25* per session
	1 Dentist	
Goroke	1 General Practitioner	No charge is made
Lakes Entrance	2 General Practitioners	$10 per session
Goroke	1 General Practitioner	No charge is made
	1 Dentist	$21–$22 per session
	1 Optometrist	$10 per session
Nowa Nowa	1 General Practitioner	Charge is included in sessional rate paid to Lakes Entrance centre.
Maroondah	4 Psychiatrists	$18 per session
	1 Chiropodist	No rent paid to centre as all work is done with geriatrics and chiropodist's fee is nominal
Marysville	2 General Practitioners	$6 per session
	1 Chiropodist	
Merbein	1 General Practitioner (full-time)	$155 per week
Moe	6 General Practitioners	$32 per session
	1 Obstetrician/Gynaecologist	
Rawson	1 General Practitioner	Charge is included in sessional rate paid to Moe centre
	1 Physiotherapist	$5 per session
Morwell	4 General Practitioners	$20 per session
	1 Anaesthetist	
	1 Obstetrician/Gynaecologist	
	1 Physician	
	1 Surgeon	
	1 Chiropodist	
Mt. District	1 General Practitioner	$115* per week
North Richmond	3 General Practitioners	All pay $15 per session plus each General Practitioner contributes approximately 10 hours per week of voluntary sessions.
Portarlington	2 General Practitioners	$23 per session
Quambatook	1 General Practitioner	No payment
Queenscliff	3 General Practitioners	$15 per 3 hours
Richmond	1 General Practitioner	$25 per session
	1 Psychiatrist	
Rosedale	2 General Practitioners	$10 per session
San Remo	4 General Practitioners	$20 per session
	1 Optometrist	$22 per month
St. Albans	8 General Practitioners	$10 per session. General Practitioner's charge at rebate level only and assist with voluntary services
	1 Consultant Physician	
	1 Psychiatrist	
	1 Obstetrician/Gynaecologist	
	1 Radiologist	
Stanhope	2 General Practitioners	$15 per session
Torquay	1 General Practitioner (full-time)	$140 per week
	1 Dentist	$20* per week
Timboon	3 General Practitioners in practice	$400 per week for practic

* Fee is currently under review.

No community mental health centres have practitioners operating on a fee for service basis.

2. Yes.

Full time salaried practitioners in community health centres do not have the right of private practice. However, part-time salaried practitioners in community health centres have the right to private practice on a part-time basis.

The following salaried staff in community mental health centres have a limited right of private practice:

Consultant Psychiatrist—Mitcham Clinic.

Psychiatrist—Melville Clinic.

Consultant Paediatrician—St. Gabriel's Balwyn Family Support Unit.

The terms and conditions under which the limited right of private practice is undertaken by the abovenamed are set out hereunder:

1. That the right of private practice not exceed 3 hours per week. This period of 3 hours need not necessarily be a continuous one but may consist of a number of consultations, the total of which must not exceed three hours in any week.

2. Such private practice must not take place on departmental premises and departmental staff, facilities, equipment, or drugs must not be used. The term "departmental premises" includes residences within the grounds of departmental hospitals and other departmental premises outside the boundaries of departmental hospitals.

3. Such private practice is not to extend to private practice of any aspect of Forensic Phychiatry.

4. The department will not indemnify any staff member against legal proceedings taken against him/her in respect of his/her private practice.

5. Staff are required to specify the nature and location of the proposed private practice, and to obtain the approval of the Minister prior to commencing practice.

6. Staff are required to advise the Director of the Mental Health Division annually of the total amount of fees earned as a result of their private practice.

7. Such private practice must only take place outside of the normal hours of duty of the staff member granted the right to practice.

8. The Minister of Health may withdraw his consent in specific cases for good and sufficient reasons.

3. No.

ESCAPE OF PENTRIDGE PRISONER

(Question No. 1105)

Mrs TONER (Greensborough) asked the Minister for Community Welfare Services:

1. What supervision by prison officers was in operation at the time of the escape from Fairfield Hospital of Pentridge prisoner David Dalby on 12 September 1979?

2. Why no action was taken to provide an appropriate barred hospital room at the hospital either before or subsequent to the escape of convicted double murderer Barry Quinn, on 16 November 1978?

Mr JONA (Minister for Community Welfare Services)—The answer is:

1. On 12 September 1979, when prisoner David Dalby escaped from Fairfield Infectious Diseases Hospital, he was in the custody of two officers—one a prison officer and the other a temporary prison officer. It is normal policy in such cases for a prisoner to be guarded at all times by two officers.

It seems that Mr Dalby affected his escape from a toilet at approximately 10.15 p.m. At the time he was apparently accompanied by the prison officer while the temporary prison officer allegedly maintained observation from the door of the ward, which is adjacent to the toilet on the third floor of the hospital.

The prison officer stated that he had previously examined the security of the toilet and observed the small window, but had failed to observe a vent pipe—which was connected to the ground—approximately two thirds of a metre from the window. It seems the prisoner entered the toilet cubicle, left his dressing gown on a rail and the door remained partly open. However the prison officer was unable to actually see the prisoner and after about three minutes, when he pushed the door open, he discovered that the prisoner had disappeared. It was considered that negligence on the part of the officers, in that they did not maintain a proper guard, facilitated the prisoner's escape.

Accordingly, the prison officer was charged with being negligent in the discharge of his duties by failing to keep the prisoner under constant surveillance, thereby enabling him to escape. He was also charged with failing to obey Standing Orders which require the escorting officers to accompany the prisoner whenever he moves from a ward. These charges were heard by the Director of Correctional Services on 14 November 1979 who found them proven and fined the officer $200 on each count.

However the temporary prison officer could not be charged—as he was not a permanent public servant—therefore his services were terminated on 23 November 1979.

2. It is true that the escape of convicted double murderer Barry Quinn also from Fairfield Hospital, on 16 November 1978, caused great concern and a security review. However there is no option other than to treat prisoners suffering from infectious diseases at Fairfield. Hospitals generally however, are opposed to placing bars or other overt security measures on windows or other potential avenues of escape. Senior staff at Fairfield believe that the

hospital should provide the best possible medical and therapeutic care for patients and that security and other such considerations are not the responsibility of the hospital. My department acknowledges that attitude and appreciates that prisoners at the hospital must be maintained under the closest surveillance, given that there are no other security measures.

This incident arose however, simply because of poor surveillance and those responsible have been appropriately dealt with. It is expected that there will be no such repetition of this incident. Consideration is being given at this time to the construction of a security ward at Fairfield Hospital along the lines of the security ward, St Augustine's, at St Vincent's Hospital. As yet though nothing definite has been planned for such a facility.

MINISTRY OF HOUSING

(Question No. 1108)

Mr CATHIE (Carrum) asked the Minister of Housing:

1. What annual rental the Ministry of Housing is paying for its offices in Myer House?

2. Whether any reports on the Ministry's shift from its old premises have been compiled; if so, what reports and whether they will be made available to honorable members?

Mr DIXON (Minister of Housing)—The answer is:

1. $825 182.

2. The moving was arranged through the normal quotation process. Apart from commendatory letters on the co-operation which was received from officers of the Miinistry prior to and during the shift, I am unaware of any reporting on the shift.

"LANDMARK" COMPETITION

(Question No. 1834)

Mr HOCKLEY (Bentleigh) asked the Premier:

In respect of the recent "Landmark" competition:

1. Why the assessors ignored a restrictive condition that anything of more than one layer of information would be disregarded and awarded Entry No. 2005 a prize?

2. What attention was paid by the assessors to the utilitarian and financially self-supporting aspects of a landmark in their 48 awards?

3. Why there was no Government representative on the Assessors Committee in order to ensure that all conditions of entry were observed?

4. Why the competition was considered necessary?

5. Whether the Yarra Bank Casino design was inspired by one or more of the nine Landmark pyramidal entries?

6. Why it was necessary to provide for a second extended entry date to 1 August, and why it was not publicized?

Mr HAMER (Premier)—The answer is:

1. The Panel of Assessors in assessing Entry No. 2005 acted in accordance with the conditions of the competition. The assessors concluded that the A1 size sheet itself in Entry No. 2005 amounted to a conforming entry.

2. The criteria which the Panel of Assessors used in judging the entries are listed on page 6 of the Landmark brochure.

3. Eight distinguished citizens with a wide range of skills and experience were appointed to the Assessing Panel. Because of their background it was not considered necessary to have a Government representative on the panel.

4. The competition was considered necessary to find the best idea/ideas in the world for the best possible use to be made of a magnificent central area in the City of Melbourne.

5. No.

6. The competition closing date was not extended to August 1.

DEPARTMENT OF AGRICULTURE

(Question No. 2154)

Dr COGHILL (Werribee) asked the Minister of Agriculture:

Further to the answer to question No. 1838 given on 25 March 1980:

1. What directions or other indications have been given to the Department of Agriculture in respect of current Government policy, indicating the date and the subject matter in each case?

2. What current projects and programmes are undertaken by the Department in response to direction or other advice as to Government policy?

Mr I. W. SMITH (Minister of Agriculture)—The answer is:

The answer to both parts of the honorable member's question is as follows:

The expenditure provided by the Government is to meet the programs and projects approved by the Minister and Treasurer and as the honorable member will know these programs and projects are on computer and available for management decisions regarding priority funding and overall efficiency in the utilization of money and manpower for the benefit of the farming community.

WEARING OF UNIFORMS IN GOVERNMENT DEPARTMENTS

(Question No. 2183)

Mr GAVIN (Coburg) asked the Premier:

In which departments and statutory authorities it is compulsory for officers to wear a uniform?

Mr HAMER (Premier)—The answer is:

The information sought by the honorable member is not available. It is a matter for determination by individual departments and authorities.

SECURITY CLEARANCES FOR MINISTERIAL STAFF

(Question No. 2291)

Mr GAVIN (Coburg) asked the Premier:

Whether Ministerial staff are given a security clearance; if so, who gives such a clearance; if not, why?

Mr HAMER (Premier)—The answer is:

No. Referees of appropriate standing and previous employers are consulted before final selection of staff is made.

Legislative Council

Thursday, 1 May 1980

The PRESIDENT (the Hon. F. S. Grimwade) took the chair at 11.17 a.m. and read the prayer.

PENSIONERS' RATES REMISSION BILL

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

MOTOR CAR TRADERS (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. HADDON STOREY (Attorney-General), was read a first time.

RACING (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. F. J. GRANTER (Minister of Water Supply), was read a first time.

QUESTIONS WITHOUT NOTICE

WESTERNPORT BAY

The Hon. E. H. WALKER (Melbourne Province)—Can the Minister for Conservation advise whether John Lysaght (Australia) Ltd sought permission from the Hastings Shire Council to fill in 22 hectares of Westernport Bay adjacent to its plant? In view of the major conservation problems posed by coastal infilling, which has been well documented by the Westernport environmental study, will the Minister review the need for such work to protect the coastal environment?

The Hon. W. V. HOUGHTON (Minister for Conservation)—I am not aware of the proposal suggested by the honorable member, but I shall certainly check up on the matter and advise him.

SALINITY

The Hon. B. P. DUNN (North Western Province)—Is the Minister of Water Supply aware of the suggestion made by the Sunraysia and Riverland Committee on Salinity that low level loans should be made available to irrigators to reduce the effects of salinity and improve farm management by allowing them to replace overhead sprays with other forms of irrigation equipment which have less of a disastrous effect? If so, can the Minister advise what action the Government proposes to take on the suggestions made by the committee?

The Hon. F. J. GRANTER (Minister of Water Supply)—The proposals made by the Sunraysia and Riverland Committee on Salinity have been raised by both Mr Dunn and Mr Wright and the matter is currently receiving attention. The proposal about the Kerang area has meant that $200 000 was made available this year for on-farm works and the matter that Mr Dunn raised,

about reduced salinity by the use of overhead sprays, will receive consideration.

CLERICAL STAFF FOR DISTRICT INSPECTORS

The Hon. J. A. TAYLOR (Gippsland Province)—Is the Minister of Education aware of the predicament of district inspectors, particularly in country areas, that has risen because their clerical staff are only being employed either part-time or half-time? Will the Minister give consideration to upgrading the number of clerical staff available to district inspectors?

The Hon. A. J. HUNT (Minister of Education)—Representations have been made by district inspectors to that effect and the position will be examined during the course of Budget considerations.

SEX EDUCATION

The Hon. R. A. MACKENZIE (Geelong Province)—My question, which is directed to the Minister of Education, concerns the human sexual instruction units being offered to form IV students in schools throughout Victoria, which I believe to be a worth-while measure. I have received several telephone calls from parents in the Geelong area who were concerned that no consultation with parents took place regarding attendance of children at the unit. Are there any guidelines laid down by the Education Department to ensure that the parents of the children are at least consulted before their children undertake the course?

The Hon. A. J. HUNT (Minister of Education)—An announcement was made by the Assistant Minister of Education, Mr Lacy, about the issue last year. For the benefit of Mr Mackenzie, I advise that an irate parent made contact with me recently complaining that he was against sex education in schools because experience was the best teacher! The announcement made last year by my colleague, the Assistant Minister of Education, indicated that a representative committee was being established to prepare suggested guidelines for a teaching of subjects in the health and human relations field. It is an excellent, high-powered committee which is already working well. It is proposed that the committee will submit guidelines for consideration by the Government which, in turn, will be adopted and promulgated.

No detailed guidelines exist at the moment. Therefore, the outcome depends up the decision of each local school. It is considered that it is better to have general guidelines to operate under and that teachers who undertake the subjects are properly trained. It is recognized that some parents will not, in any event, want their children to participate in these classes. The long established principle that parents have the right to withdraw their children from sex education classes when they have a strong bona fide moral or religious objection will be maintained.

The Hon. B. P. Dunn—Who judges that?

The Hon. A. J. HUNT—Mr Dunn, by interjection, asked who will be the judge. The parent, of course, is the prime judge of whether a strong and bona fide moral or religious objection applies. However, if it is apparent that it is not an issue upon which such an objection can be based or on the mistaken belief of what constitutes an objection, discussions will be held with parents before a decision is made.

BUILDING AND CONSTRUCTION INDUSTRY

The Hon. D. N. SALTMARSH (Waverley Province)—I direct my question to the Minister for Local Government, representing the Minister of Public Works. It relates to the assertion made by sections of the building and construction industry that they are unable to create effective competition in tendering because of inadequate breakdowns of costs associated with public works. Can the Minister indicate any action the Government is proposing to provide effective and efficient

offers to enable proper competition in tendering for major public works programmes to occur?

The Hon. D. G. CROZIER (Minister for Local Government)—I agree with the thrust of the question that, from time to time, criticisms have been made. I also venture to suggest that it is most desirable that the free enterprise sections of the building industry should be encouraged. I am certain that the Minister of Public Works is aware of that criticism and I am confident that he has taken steps to improve the situation.

SECTION 120A SEWERAGE SCHEMES

The Hon. D. R. WHITE (Doutta Galla Province)—Recently, the Minister of Water Supply indicated that following a report on section 120A schemes, Cabinet was dissatisfied with the recommendations made by the sub-committee and that within two weeks the Minister hoped to make a decision which would be of interest to the people living at Chirnside Park, Mount Helen near Ballarat, Mount Eliza and Geelong. Can the Minister indicate why this has occurred and whether he has resolved the issue of double payments in respect of section 120A schemes? Has the Government made a decision on the matter?

The Hon. F. J. GRANTER (Minister of Water Supply)—I did not say I was dissatisfied with the scheme but I said I was not satisfied that justice had been done. I said I would make a decision in two or three weeks. I think that question was asked on about 16 April and I hope to make the announcement within three weeks.

MITCHELL RIVER DAM

The Hon. W. R. BAXTER (North Eastern Province)—I direct my question to the Minister of Water Supply. In view of the continued misrepresentation of the benefits of the Mitchell River dam being made by some honorable members, some sections of the media and people in the community, can the Minister inform the House whether his Ministry or the State Rivers and Water Supply Commission has a concise brochure available that sets out precisely the benefits of the dam to the community? If not, will the Minister give consideration to the publication of a small brochure that can be made publicly available?

The Hon. F. J. GRANTER (Minister of Water Supply)—No such brochure is available now. However, the Government and the State Rivers and Water Supply Commission have enunciated the benefits of the Mitchell River dam and those benefits are well known to the community. I will discuss the possibility of publishing a small brochure with the Water Commission and I will make every endeavour to ensure that such a brochure is prepared.

BALMORAL RAILWAY LINE

The Hon. K. I. WRIGHT (North Western Province)—My question, which is directed to the Minister for Local Government, representing the Minister of Transport, refers to the Balmoral railway line and a statement made by Mr Ken Gross, Chairman of the Grain Elevators Board. He would have had no political motive in what he said as he is an active and practising member of the Liberal Party. He said, plainly and categorically, that the Balmoral railway line should be preserved. Could the Minister inform the House whether this statement will have any effect on the Government's policy or any recommendations that might be made as a result of the Lonie inquiry?

The Hon. D. G. CROZIER (Minister for Local Government)—I am aware of the statement by Mr Ken Gross, the Chairman of the Grain Elevators Board. I am sure that such an apolitical and objective statement would be of interest to Mr Lonie who, as Mr Wright is well aware, is currently conducting an inquiry into the transport needs of the State as foreshadowed by the report and in conformity with one of the recommendations of the Lonie report. I have discussed the matter with Mr Gross in the precincts of this House in the past 48 hours and, as far as I am aware, Mr Gross has discussed, or intends to discuss, the matter further with Mr Lonie.

MOTOR CYCLING INSTRUCTION

The Hon. JOAN COXSEDGE (Melbourne West Province)—In view of the tragic loss of young lives and serious injuries caused by motor cycle accidents, often with no other vehicle involved, will the Minister of Education consult with his relevant Ministerial colleagues to set up a special instruction class for learner motor cyclists because this means of transport will probably become more attractive to young people as the cost of fuel rises and as the current transport situation is far from satisfactory?

The Hon. A. J. HUNT (Minister of Education)—A proposal that such action be taken is already before me from the Technical Schools Division and will be given full consideration during forthcoming Budget discussions.

VENISON TRADE

The Hon. D. M. EVANS (North Eastern Province)—I direct my question to the Minister for Conservation. In answer to a question I asked last week on the commercial exploitation of sambur and hog deer, the Minister indicated that should commercialism proceed, as has been indicated it possibly could, with the illicit trade of venison for Melbourne restaurants, that trade would have to be brought under the control of the Abattoir and Meat Inspection Act. Is it a fact that trade going into restaurants in Melbourne is not under the Meat and Abattoir Inspection Act at present? In other words, is meat which is not properly prepared and supervised under such provisions currently being traded?

The Hon. W. V. HOUGHTON (Minister for Conservation)—I believe that is the case. In answer to Mr Evans's question last week, I said that venison was being "illegally flogged" to the restaurants of Melbourne. That involves a number of implications, one of which is that venison being supplied to restaurants in Melbourne is not under the control of the Abattoir and Meat Inspection Authority.

GIPPSLAND LAKES

The Hon. I. B. TRAYLING (Melbourne Province)—My question is directed to the Minister for Conservation. On a number of occasions in this House, I have referred to the continuing devastation of fish population in the Gippsland Lakes by groups of fishermen who are using nets and other means to take fish out of the lakes, particularly in the Metung area. The Minister expressed concern that this practice continues. I wonder whether the Minister can inform the House, in view of his expressed interest on previous occasions, what he has done to rectify the problem? This situation has driven tourists away from Gippsland and is of great concern to the local people in the area.

The Hon. W. V. HOUGHTON (Minister for Conservation)—The concern expressed by Mr Trayling has also been expressed to me by recreational fishermen who use the Gippsland Lakes. I have taken the matter to the Fisheries and Wildlife Division and, from time to time, replied to those who made the objections. I will be happy to make a copy of that reply available to Mr Trayling.

One of the problems is that some people cannot catch fish. Some of them do not expect to catch fish. They just like fishing. The people who cannot catch fish tend to look for someone else to blame. Sometimes they blame the professional fishermen; sometimes they blame the Fisheries and Wildlife Division; and sometimes the Minister for Conservation who is probably the easiest target of the lot. As I said, I shall provide a copy of my letter to Mr Trayling. It will explain quite a few things about the matter.

YOUNG PEOPLE LEAVING HOME

The Hon. R. J. EDDY (Thomastown Province)—I direct my question to the Attorney-General. As a number of young people are now able to leave home at the age of sixteen years without the consent of their parents, many of them—and I speak particularly of males—are being enticed into a life of prostitution, drugs and crime. As these young people are not permitted to be

served liquor and are not eligible to be called up for military service until they attain the age of eighteen years, has the Government given any consideration to raising the age at which children are permitted, without the consent of their parents, to leave home?

The Hon. HADDON STOREY (Attorney-General)—The Government has not considered raising the age at which children may leave home. The reality of life today is that people of the age of sixteen are at a stage when they want to leave home. It is extremely difficult for their parents to do other than try to persuade them to remain at home. Certainly, it is regrettable that young people who have not reached that stage of maturity whereby they can cope with some of these problems get into an environment where they are exposed to the sort of perils of which Mr Eddy spoke.

Rather than legal restraints on leaving home, matters of education and upbringing are more important in trying to persuade those young people that they should not leave home and should not expose themselves to these evils. As well as that, it is important to take whatever steps can be taken to deal with the older people who try to lead these young people into prostitution, drugs and crime. That is an area where the Government has to be very active.

PAPER

The following paper, pursuant to the direction of an Act of Parliament, was laid on the table by the Clerk:

Victorian Film Corporation—Report for the year 1978–79.

On the motion of the Hon. W. A. LANDERYOU (Doutta Galla Province), it was ordered that the report be taken into consideration on the next day of meeting.

CROWN LAND (MINERAL SPRINGS) BILL

The debate (adjourned from the previous day) on the motion of the Hon. W. V. Houghton (Minister for Conservation) for the second reading of this Bill was resumed.

The Hon. D. R. WHITE (Doutta Galla Province)—On behalf of the Opposition, I wish to indicate that this is a most important measure because it is one of two Bills to come before the House this session which will help to bring about the re-emergence of Daylesford as an important tourist area. In that regard I would like to take the opportunity of congratulating the Labor Party candidate and director of the Labor Party campaign for the seat of Gisborne, Mr Phillip Coleman, for the excellent campaign he conducted during the course of the last State election. Without that campaign which brought about a swing of 11 per cent in the voting for the seat of Gisborne, this Bill would not be before the House today. The reality is that with the swing of 11 per cent, the seat of Gisborne is now within 2 per cent of becoming a Labor seat. The town of Daylesford is an important part of the seat of Gisborne and has a high Labor vote.

The reason for my indicating that to the House is because the recommendations for the introduction of the Bill were made by the State Development Committee. The basis of the committee's work for the Bill was made in the year 1970 and the recommendations which led to the amendment to the Crown Land (Reserves) Act emanate from the report prepared in 1970. It is interesting to note that not one member of that State Development Committee is a member of the House today. It is regrettable that we have had to wait ten years for the recommendations of an all-party State Development Committee to be implemented. It is clear that the Government and the Minister are mules and it is not until such time as they have been kicked that any action will be forthcoming. The impact made by the Labor Party has made the City of Gisborne a marginal seat and it is clear that what has prompted the Government to take a course of action is the fact that the Labor Party requires only 2 per cent to win that seat. The key aspect of the Bill is that power will be given to a committee of management, in this case, the Shire of Daylesford and Glenlyon, of a mineral springs reserve or, where there is no

committee, the Governor in Council to grant leases for the collection, preparation, sale and removal of mineral water or the operation of mineral water baths, spa therapy centres, kiosks or other amenities.

It is important that the Shire of Daylesford and Glenyon has that power and can enter into long-term leases. Recommendation No. 20 of the 1970 report of the State Development Committee reads:

> That, if large scale commercial development in the form of a spa therapy centre occurs, the control of the public reserve from which the mineral waters issue be vested in a committee of management, which shall include representatives of the respective Government departments and/or authorities concerned.

That and other recommendations were made in 1970 and it has taken ten years for those recommendations to be effected. It was a simple recommendation and the Bill before the House is a simple measure which could have been undertaken years ago.

The Shire of Daylesford and Glenlyon now has the opportunity to become a major tourist area. It has not had the best of good fortune in recent years; it is not the same tourist centre that it was 30 or 40 years ago, but now that mineral water has become more fashionable and is a growth market prospect, the Daylesford area can look forward to regaining its status as a major tourist centre.

The Opposition wishes the council of the Shire of Daylesford and Glenlyon—the committee of management—and the community of Daylesford every success in this venture. We do not oppose the Bill and wish it a speedy passage, so that the shire has every opportunity to continue its work. The Opposition's only regret is that this action was not taken years ago.

The Hon. K. I. WRIGHT (North Western Province—The Bill seeks to update the Act relating to the development or use of mineral springs. As Mr White said, the Bill stems from a report of the State Development Committee on mineral spa water resources. I will not enter into the argument as to why the report, which was brought down in 1970, has not seen the light of day. However, I acknowledge that it was an all-party committee and my predecessor in this House, the Honorable Arthur Mansell, was a member of that committee. The terms of reference of the committee of inquiry state, *inter alia*:

> (*a*) What sources of mineral spa waters exist in the State of Victoria?
>
> (*b*) What are the geological characteristics of the surrounding country?
>
> . . . .
>
> (*e*) What public reserves have been provided to protect the springs?
>
> . . . .
>
> (*h*) How best in the public interest should mineral springs be controlled, maintained, developed and promoted, in the future?

It is most disconcerting to note the conclusions and acknowledge the dismal state into which the Daylesford tourist attraction had sunk. The conclusions of the report state, *inter alia*:

> (5) Many committees of management of areas reserved pursuant to section 14 of the Land Act have failed to pursue a vigorous policy of improvement and renovation of facilities for the use of mineral waters.
>
> (6) In most cases, the amenities provided by committees of management for the use of the waters are archaic, dilapidated, unhygienic and uncomplementary to the environment in which they are situated.
>
> (7) Committees of management of mineral springs in this State, acting either individually, or in concert, would benefit greatly by maintaining closer contact with controlling bodies of overseas spa resorts, with a view to studying in closer depth what facilities and amenities in use overseas would be suitable to Victorian conditions.

Following that there was an inquiry and report by the then Mines Department. That report concluded that certain springs would support commercial developments.

The Bill will enable a levy to be applied. I ask the Minister for Conservation whether that levy, which is expected to raise $60 000 a year, will be used in any way to maintain, further develop and improve the facilities which, the committee's report claims, have fallen into such an "archaic, dilapidated and unhygienic" condition.

The Shire of Daylesford and Glenlyon has expressed support for the Bill which, it hopes, will boost the tourist industry and develop and enhance employment in the area. The National Party does not oppose the Bill.

The Hon. N. B. REID (Bendigo Province)—I support the Bill. It gives power to a committee of management of a mineral spring reserve to grant leases for:

(*a*) the collection preparation sale and removal of mineral water; or

(*b*) the operation of mineral water baths spa therapy centres kiosks or other amenities.

The Bill is quite broad in its intent and it will allow development of the Daylesford area. The Bill also provides for a lease being granted to an operator of a facility at a mineral spring and the grant may not exceed 21 years or, in some specific instances, where a certificate has been obtained from the Minister under sub-section (4) for a period not exceeding 99 years, which would make any proposition viable. I take pleasure in supporting the Bill which is important to the Daylesford area and relates closely to another Bill which will be discussed later.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendments of No. 912)

The Hon. K. I. WRIGHT (North Western Province)—Will the Minister of Lands indicate who will make up a committee of management of a mineral springs reserve? Will it be the local municipal council?

The Hon. W. V. HOUGHTON (Minister of Lands)—In many cases the committee of management of Crown reserves is the municipality. However, that procedure is not always followed and the committee of management is likely to comprise local residents and members of the municipal council, or just local residents. It is a matter for discussion at a local level.

The Hon. D. R. WHITE (Doutta Galla Province)—In view of the statement made by the Minister of Lands, it would be reassuring to the people of Daylesford and the council of the Shire of Daylesford and Glenlyon, which has acted as a committee of management in respect of Crown reserves in that area, if the Minister would indicate whether it is the Government's intention to ensure that the shire council will be the committee of management of mineral springs reserves in the future.

The Hon. W. V. HOUGHTON (Minister of Lands)—It is not my intention to change the committee of management.

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.

GROUNDWATER (MINERAL WATER) BILL

The debate (adjourned from the previous 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. D. R. WHITE (Doutta Galla Province)—This is the more substantial measure of the two concerned with the redevelopment of the mineral springs water reserves in the Daylesford area. It takes two innovative steps to assure the redevelopment of the mineral springs reserves: Firstly, it introduces a 1 cent per litre levy on every litre of mineral water extracted from the Hepburn Springs–Daylesford area and, secondly, establishes a mineral water development fund for the redevelopment of areas from which mineral water is derived.

The Opposition agrees with the Bill. A couple of amendments will be moved in Committee but, as with the previous Bill, we welcome it and hope that it contributes towards bringing about the redevelopment of the Daylesford area which has not enjoyed the best of fortune as a tourist and business centre over the past ten to twenty years. Daylesford is in nowhere near the condition it was in the 1920s and 1930s. Mineral water now sells better than it once did. It is to be hoped that the market will continue to grow and that there will be a trend towards the use of mineral springs for drinking purposes and also for hydro-therapy.

The Opposition has closely examined the Bill, especially the introduction of section 48A (1) which reads:

> It shall be a condition of every groundwater licence issued under this Division, whether before or after the commencement of the Groundwater (Mineral Water) Act 1980 which authorizes the extraction of mineral waters that the licensee shall pay to the commission a surcharge of one cent per litre for every litre of mineral water extracted or recovered by or on behalf of the licensee.

The Opposition expresses some concern about whether that proposal is constitutional. The difficulty with the surcharge is that it has every appearance of being an excise, and if it is an excise, then it is a financial taxing measure which is an exclusive prerogative of the Federal Government. If that is the case, this measure would be deemed to be unconstitutional.

The Opposition has sought expert legal advice from barristers and academics in the field of constitutional law, and it woud appear, as so often happens when advice is sought, that the advice is not clear. The Opposition also sought the advice of the Chief Parliamentary Counsel, Mr Finemore, on why the surcharge in its current form is not an excise tax, and he was most helpful in that regard. However, we pressed him with a couple of proposed amendments put forward by the Shire of Daylesford, which we thought had some merit, particularly one in which the shire suggested that after section 48A (3) there should be inserted the following sub-section, (4):

> A licence may be issued by the State Rivers and Water Supply Commission for the extraction of mineral waters for bathing and physiotherapy purposes for which no surcharge will be payable as provided for in section 48A (1), but a lesser charge shall be made by the Governor in Council.

The Opposition thought that proposal had some sense because if a charge of 1 cent per litre is levied on hydrotherapy users of mineral spring waters, the cost of having bathing houses and charging people to meet the cost would become prohibitive.

This measure, if applied to hydrotherapy users, would mean that instead of having development at Daylesford and Hepburn Springs of bathing for health and recreational purposes, there would be a disincentive because this levy would be too severe.

The Opposition attempted to test this amendment with our chief draftsman and legal advisers, and we were told—and there was a great degree of unanimity to this—that if the surcharge was played around with, if exemptions were provided in any form, or there were reductions for any section of the market, and then there was a High Court challenge by a licensee or the Federal Treasurer claiming that it was an excise duty, the High Court would probably take a different attitude if there were exemptions for particular users. In other words, Mr Finemore's confidence in respect of the legislation as originally drafted would not be the same if exemptions were given to hydro-therapy users.

The Opposition brings this issue before the House to explain its reservations, and to indicate that while we do not propose to amend the Bill at this stage, the proposal is not clear of all constitutional difficulties.

Members of the Opposition went back to the Shire of Daylesford and indicated that we supported their principle, their view, that hydro-therapy users should be charged less, but we thought it was not necessary to move the amendment they proposed because of its constitutional implications—and we did not water down Mr Finemore's position—but we thought there was a way out in the Bill. The Opposition would like some assurance from the Minister whether that is the case. We would like an assurance on clause 2 (*d*) in respect of section 48A (2) in the Groundwater (Mineral Water) Act. It provides:

> The amount of mineral water extracted or recovered shall be determined by agreement between the licensee or the Commission or in default by the Minister.

The Opposition wonders whether the Minister is of the view that he would be able to exercise some discrimination or judgment about the amount of water for which he was going to tax hydrotherapy users. We would not like to see bathing houses put out of the market place because of this provision of the

Bill. We would like to see provision for them to be charged a lesser amount. The amendment proposed by the Shire of Daylesford has constitutional difficulties. Having said all that, the Opposition would like some assurance from the Minister to the Shire of Daylesford, the committee of management, and prospective bathing house developers, that this legislation will not be prohibitive and put them out of the market.

The Opposition has analysed its reservations about the Bill in respect of its possible constitutional difficulties, and we know that if constitutional problems arose another way of resolving this issue would be to have a higher lease or rental imposed upon users that took into account the amount of water they used as a basis for determining the rent. An alternative for the Government to consider would be to estimate the amount of water that a consumer or leaseholder would have used in a bottling plant, and if this returned an income of $50 000 or $60 000 per annum as a result of a 1 cent per litre levy, instead of charging a 1 cent per litre levy because of the constitutional difficulties, it may have been more appropriate to charge the leaseholder rental of the same amount that could be recovered from the 1 cent levy.

I direct this to the Government's attention: Did the Government consider a lease or rental based on $50 000 to $60 000 per annum, given that is about the proposed income from the first year or two from the 1 cent per litre levy charge; and what reason did it have for dropping that alternative?

I submit those reservations to the House because the last thing the Opposition wishes to occur is for a prospective agency, or the Federal Treasurer, to take out a constitutional challenge in respect of this legislation and delay its implementation for three or four years and, once again, postpone the redevelopment of Daylesford as a tourist area. For that reason, the Opposition will not entertain the proposed amendment that the Shire of Daylesford wishes to introduce for hydro-therapy users, although we fully support that hydro-therapy users should be given some concession.

This is a simple piece of legislation in one respect. It is desirable, and is a new addition that will be welcome not only in Daylesford, but by all people who visit Daylesford or who are likely to visit Daylesford in the future because they know that they will be going to a place with much better facilities and improved conditions.

I also wish to point out that once this Bill is examined closely, it becomes complex in view of its constitutional problems. The other major feature of the Bill is how the mineral water levy is to be used. The Government has indicated that it intends to set up a separate account in the Treasury for the Mineral Water Development Fund. There is a distinction on who will have control over the day to day running of the lease, and the management of the lease, and the day to day running of the mineral water fund. Although the management committee will have an intimate association with the creation of the lease and the management of the mineral springs reserve, it will have far less say in to what use the money is to be put.

One of the Opposition's fears in that regard is the possibility that this could well become another tax-raising measure from which the local people will not recieve full benefit. The Opposition would like some assurance from the Minister that the funds raised from the mineral springs reserve, such as at Daylesford and Hepburn Springs, will be returned to the committee of management and be used in the main for works on reserves in those areas. If this money is not put to that purpose, but is used as a general taxing measure, it will have a devastating effect on the morale not only of the committee of management, but of all local business, and local people in the Daylesford area who have been looking forward to this proposal for so long.

The Hon. J. A. Taylor—Does it not say that in the last section of the Bill?

The Hon. D. R. WHITE—For the benefit of Mr Taylor, it states:

> The money may be applied in respect to any mineral water development after consultation with the Minister of State Development Decentralization and Tourism for the following purposes.

In other words, the point I am making is that all the money that is raised will go first to the Mineral Water Development Fund.

The Hon. J. A. Taylor—Are you not aware that the word "may" in legal terms is mandatory?

The Hon. D. R. WHITE—My interpretation of the word "may", I regret, does not have that meaning, and I do not think any reasonable person—and a reasonable person does have some standing in the law—could regard the word as having the same connotation. As my colleague, the honorable member for Thomastown, Mr Butler, said, if the Government were of the view it should be applied solely for those purposes, it would have been more appropriate to use the word "shall".

For those reasons the Opposition would like to see the committee of management have greater involvement in the activities of the use of the funds for those purposes, and we would like to see money returned to the areas to be used exclusively on the ground reserves.

I will be moving during the Committee stage two amendments to put these proposals into effect. The Opposition does not oppose the Bill. We welcome it. We hope it has the desired effect of regenerating growth and development, particularly in the tourist industry, in Daylesford. We believe the amendments that I will propose in Committee will bring that about more expeditiously than the current proposals that the Government has in mind.

The Hon. K. I. WRIGHT (North Western Province)—The National Party also supports this Bill, which is complementary to the Bill that was before us earlier. It has been sought for ten years and it carries into effect the recommendations of the State Development Committee on the mineral spa water resources of Victoria. Once again, I note paragraph (g) in the terms of reference of this inquiry:

> Is commercial use being made of the spa waters at present? If not, is commercial use possible?

The conclusion that stems from that term of reference is No. 21, which reads:

> A more equitable system of payment for the right to commercially use mineral waters would be on the lines practised overseas, where, in addition to rental, royalties are often paid by commercial enterprises, according to the volume of production.

There one sees that recommendation of the State Development Committee carried into effect.

The first purpose of the Bill is to impose a surchage of 1 cent a litre on the volume of mineral water extracted under groundwater licences issued for that purpose.

The second is to create a fund from which the revenue may be applied towards the cost of the management and improvement of Crown land mineral springs reserves and, generally, the promotion of the economic development of the mineral water resource areas.

There has been some speculation as to what amount the surcharge should be. An article appeared in the *Herald* of 15 March 1980 under the heading "Now it's a tax grab on water". The article stated that the surcharge was expected to make up to $5 million for the Government each year. It has been explained that the amount which will be raised is significantly less than $5 million, but whatever the amount is, I hope the local committees of management and municipalities will receive more assistance to maintain their various assets than has been given in the past. As I said earlier, these assets are in a chaotic and even archaic condition.

I hope also that the situation of the salt mining industry will be improved. The industry is located mainly in the North Western Province, and the local municipalities have received a particularly harsh deal from the Government.

In reply to a question I asked on 14 March 1978, the Minister representing the Minister of Lands revealed that:

> The amounts of royalties paid in respect of salt removed from areas administered by the Lands Department were:
>
> | | |
> |---|---|
> | 1974–75 | $24 112 |
> | 1975–76 | $24 034 |
> | 1976–77 | $19 276 |

The part of that answer which most concerned me and my colleagues is the fact that not 1 cent of that money is payable to the local municipalities.

The PRESIDENT (the Hon. F. S. Grimwade)—Order! Mr Wright is dealing with matters other than those contained in the Bill. I do not object to his mentioning them in passing, but perhaps he should do just that.

The Hon. K. I. WRIGHT—Thank you for your guidance, Mr President. What I am endeavouring to do is to turn to an allied commodity which is precisely the same and which is also the subject of a surcharge or royalty, and to indicate that in this instance not 1 cent has been repaid to the local municipality. I have pointed out how dilapidated are the assets and facilities in the mineral spring areas and that, notwithstanding the huge amounts of royalties that have been received, the local municipalities have received nothing, not even for roads that were broken up. The roads between Pink Lake and Linga were badly deteriorating and no finance could be obtained to update them. I recall that in earlier days a rather picturesque way of carrying the salt was by camels joined head to tail.

The PRESIDENT—I am enjoying the honorable member's explanation, but I suggest that he return to the Bill.

The Hon. K. I. WRIGHT—Having made the point, I hope also that the Minister in charge of the Bill will endeavour, in his response, to reassure the House that a reasonable proportion of the money which will be raised by the surcharge will go towards the improvement of the assets.

The Shire of Daylesford and Glenlyon, to which I referred earlier, has also expressed concern that outside bodies may well come in and take away mineral waters to process them elsewhere. This would be most detrimental, because the shire council hopes, as do others, that the local tourist industry and employment will be enhanced by this activity.

I have covered the main points which concern members of the National Party. Having brought these to light, I indicate that the National Party proposes to support the Bill.

The Hon. N. B. REID (Bendigo Province)—Discussions on the development of mineral spring reserves have been going on for some time. The records that I have been able to trace go back to 1925. I must reply to the criticism which was levelled at the Government by Mr White regarding the delay. Surely Mr White does not attribute the delay from 1925 until now to the present Victorian Government?

Mr White gave full credit for this proposed legislation to Mr Elliot. I am not sure to which Mr Elliot he was referring, whether it was the Honorable Doug Elliot, a former member of this Chamber. Certainly the other Mr Elliot to whom I think Mr White was referring was a leaf in the stream and has now passed on.

If the Government had relied on the presence of the Australian Labor Party to promote this Bill, it would probably never have been seen. In recent weeks a statement was made by the Australian Labor Party economic spokesman—I am not sure which section of the party he represents—who claimed in another place that a surcharge on mineral water for the development of Daylesford was iniquitous and unjustified. As I said, if we had waited for the Australian Labor Party to propose a Bill, we would never have seen any piece of proposed legislation.

Probably the prime instigator of the proposal for legislation for the development of spa reserves and resources in Victoria is one of my colleagues in another place, Mr Tom Evans, who represented the area of Daylesford for a number of years. He travelled overseas and made a study of spa resorts

throughout the world, came back to Victoria and made that information available to form the basis of a report by the State Development Committee which was formulated in 1970. The report contained some excellent recommendations which were further followed up by the Government when the then Mines Department carried out an investigation of the resorts to ascertain what quantity of mineral spa water was available in the area and what standard of quality it reached.

That investigation took a considerable amount of money and a great deal of time, and finally a report was compiled. It concerned a geological survey of the Daylesford–Hepburn Springs mineral water carried out by the department, and the report contained not only a thorough investigation of that resource but also a number of conclusions and recommendations, one of which was that consideration should be given to charging a licensing fee or royalty for mineral water. That message has come through very clearly for some time, and it follows largely along the lines of what is occurring overseas, as was discovered by Mr Tom Evans.

The viability of the mineral water bottling facilities was enhanced by a further report made by a firm of consultants who carried out an economic study of Victorian mineral water resources in 1979. That report also contained some important recommendations. The same message was contained in that report, that a form of surcharge should be made on the extraction of mineral water from that area and that the royalty or surcharge should be put back into the Daylesford–Hepburn Springs area or the area from which the resource is extracted.

It was ascertained from the combined resources of the Department of Minerals and Energy and the consultants' study that the reserves of mineral water in the Daylesford area should exceed the total requirements of the national market for many years. In other words, there was adequate water there; it was able to be extracted, and a surcharge should be levied to improve the area from which that resource is taken. To do that it is important that the area be promoted. It is one thing to extract mineral water and to take the surcharge on it and cover the money expended, but the important thing is to promote the area.

During the 1920s, 1930s and 1940s onwards, the Daylesford–Hepburn Springs area was a popular tourist area. I have heard the claim that it was an excellent honeymoon spot. I am sure the waters that flow in the stream would have a most beneficial effect on any young couple going there for their honeymoon. I should like to see that golden era of Daylesford return so that Daylesford will become a tourist centre again.

After the 1950s, when motor cars became more readily available and cheaper air flights were introduced, people did not visit the Daylesford area as much as they had previously. That situation has now altered dramatically because of current energy problems, and perhaps now that people are conscious of the energy requirements for making long trips, they will make the trip from Melbourne, Ballarat, Bendigo and other centres to Daylesford and it will again become a popular tourist area. To achieve this it is necessary to promote the area from both inside and outside, by national advertising, on television and through the media. For this reason, the Government wants to be able to expend funds to promote the area from outside so that the money can be spent within the resource area and also to promote it through national advertising.

The consultants' report also gave a clear indication that there were sufficient resources in the area for perhaps two or three bottling plants to be established, and, obviously, as one of the members who represents the people in the area, I would encourage that type of development as much as possible. It is necessary to protect the resource, because it is not unlimited. The State Rivers and Water Supply Commission has the authority under the Groundwater Act to control the number of

bores and the rate of extractors to protect that resource. It is important that the quality be preserved and that excessive drains are not made on this valuable resource.

The rate of surcharge has come in for some discussion, and I draw the attention of honorable members to the size of a 1 litre bottle. I thank you, Mr President, for allowing me to bring it into the House. This brand of Hepburn Spa mineral water costs approximately 70 cents. The bottle contains 1 litre and has an attractive label which states that the contents are "Sparkling natural mineral water", and goes on to state:

> The one bottled at the natural springs. Contains no drugs, no fluoride, only natural minerals.

On the other side is the mineral water analysis which is: 100 000 parts —calcium bicarbonate 72·3; magnesium bicarbonate 116·1; sodium bicarbonate 90·1; sodium sulphate 11·6; sodium chloride 11·6; iron, slight trace. It is an excellent product which costs approximately 70 cents, on which the surcharge payable is one cent.

It is interesting to compare the present cost of that product with its cost some years ago. I am indebted to Mr Bob Kerr, the very efficient manager of the Parliamentary refreshment rooms, for a copy of the Parliament House refreshment rooms tariff of charges dated 31 July 1890. In those days a joint, hot or cold, cost one shilling. Aerated waters, and amongst them I notice Daylesford mineral water and Lithia mineral water, cost sixpence a glass, which was about 50 per cent of the cost of a meal. Today, the cost of a meal in the Parliamentary refreshment rooms is between $2.50 and 95 cents. I am not complaining about those prices. Recently I purchased a glass of Hepburn Springs spa water in the refreshment rooms. It cost 30 cents, which represents at the most perhaps 30 per cent of the cost of a meal or in some instances only 12 per cent. The product is well priced at present.

I should like to tell honorable members a few of the other prices, the wine list in particular. In those days the products of the Parliamentary refreshment rooms came in quarts, pints and glasses. A quart bottle of Fosters English ale was one shilling and sixpence. It is obvious that in those days honorable members could have had an extremely pleasant time on one shilling and sixpence.

I now turn to the matter of promoting and assisting the commercial development of mineral water resources areas, which is dealt with on page 3 of the Bill. The community of Daylesford and the Daylesford Shire Council obviously want the bulk of the money to return to the area. Proposed new section 72 (4) (*i*) is the relevant provision. It reads:

> (i) promoting and assisting the commercial development of mineral water resource areas; and

Section 72 (4) (ii) reads:

> (ii) the carrying out of works and improvements the management and maintenance of such works and improvements and the provision of services directly associated with the extraction and utilization of mineral water.

"Directly" is the key word. This provision will enable assistance to be given to a wide range of industries associated with mineral spa water development.

When my colleague, Mr Tom Evans, was overseas he saw the development of hydro-therapy spa centres. Such centres are probably one of the greatest tourist attractions in spa resorts overseas.

In this instance it is the desire of the local people, particularly the citizens committee for spa development which has been very active in promoting the development of the mineral water resources, not only to develop the commercial bottling enterprise in Daylesford but a hydro-therapy spa resort which will attract visitors to the area so it may become the health centre of Victoria. For some years there has been a widely held opinion amongst people in the health field that hydro-therapy and the bathing of persons in mineral water is beneficial to health. Some arthritis sufferers place great confidence in mineral baths which are believed capable

of alleviating much of their suffering. A hydro-therapy spa unit in the Daylesford–Hepburn Springs area would be a wonderful development if it could be achieved, either by private enterprise or Government development.

The Shire of Daylesford and Glenlyon has been strong in its support of this Bill. It is anxious to see the development of its town and the obvious benefits that will accrue from the surcharge and the return of money to the area. It is hoped that the town will be able to be beautified and made attractive to visitors and tourists.

Much discussion has taken place by interested citizens in the area. Tourist groups have been involved and I thank them for their assistance. Much co-ordination has occurred with Government departments and members. I mention Mr Darrell Horton of the State Development Committee who has played a big part in the formulation of this Bill and Mr Desmond McCoy from the State Rivers and Water Supply Commission, Dr Donald Spencer-Jones from the Department of Minerals and Energy and many other people from the Lands Department who have been involved in the total co-ordination of the Bill. It has not been an easy exercise, as Mr White will acknowledge. It has been difficult to get the Bill to this stage. Mr White has had discussions with Mr Finemore, the Parliamentary Counsel, and will appreciate the difficulties which the Government has had in putting forward this proposal for the levying of a surcharge on the mineral water resources to enable improvements to be carried out in the Daylesford area. I commend the measure to the House. It will bring prosperity and development to the Daylesford area. I wish to quote a small piece of poetry with apologies to Dr Howard and our former colleague Mr Elliot.

Where reverent gum trees grey leafed arching stems
Enshrine the creek 'tween walls of slanting slate
Run waters syphoned from some buried crate
In drops more precious than deep-mined gems.

The elements are liquid in that stream
And bursting bubbles charge the atmosphere;
The breath of nature moves the grasses here
And all is tranquil as a mid-day stream.

The Hon. N. B. Reid

The Hon. J. W. S. RADFORD (Bendigo Province)—I am pleased to support my colleague, Mr Reid, and this Bill. As Mr Reid pointed out, it has been a long time in coming, many obstacles having been in its path. It is interesting that the measure has been introduced at this time because, as has been indicated by Mr Reid and by those who are associated with the accommodation industry, the tourist figures for Daylesford are beginning to build up. In the early part of this year there was a dramatic increase in the number of tourists visiting and staying in Daylesford.

The Bill is well timed and is supported by the Opposition and the corner party. It is most welcomed by those who fought so hard for so long. The community support for the measure has been mentioned by my colleagues, and it has been most remarkable. There is consensus in the Daylesford community for the principle behind the idea. I can recall the first meeting that I attended of the citizents committee for spa development. It was well attended and the enthusiasm shown more than two years ago has carried on to this day.

Mr Reid referred to Mr Tom Evans who formerly represented that area. If anyone can be said to be the godfather of the Bill, it would be Mr Tom Evans. I pay him a compliment for his energy and determination in crystallizing the thought in the past and for his recent efforts in getting the Bill before the House. I also pay tribute to the present member who represents that area, Mr Tom Reynolds, for the work that he also has put into the Bill. It has been a long-drawn-out fight. The legal problems in particular were difficult. Reference has been made to the work of Mr Finemore. It is hoped that with all the advice that has been given the many obstacles that seemed insurmountable have been overcome. The work done by Mr Darrell Horton must be recorded during this debate. Much of the work has fallen on his shoulders.

The Shire of Daylesford and Glenlyon has also been vitally interested in this Bill. It is extremely refreshing to find that the opposition is limited and that

the Bill, when passed, will do much to restore prosperity to, and to develop, the town of Daylesford. Mention has been made of the development fund, and it should be borne in mind that success will not be achieved overnight. The sums of money mentioned are not great but they form the basis for building up the town to the prominence that it formerly held in the world of tourism in Victoria and Australia.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment)

The Hon. F. J. GRANTER (Minister of Water Supply)—I thank all honorable members who have contributed to the debate for their constructive remarks. Many present and past members of Parliament have represented Daylesford and all have endeavoured to promote the mineral waters of that area. My mind goes back to when a former Minister, Clive Stoneham, represented the area. Russell White, a former Minister, also represented the area. Both of those gentleman were keen to see Daylesford develop as a mineral waters area.

All honorable members who have spoken to the Bill have demonstrated the need to do something for the Daylesford–Hepburn Springs area, an area which, many years ago, was a great tourist attraction. The guest houses formed a prominent part of the economy. However, very few guest houses now operate in the district.

It is to be hoped that, following the passage of the Bill, Daylesford will develop as a tourist area. I represented the district for nine years, and I, along with my colleagues of those days, Tom Evans and you, Mr President, worked to promote the mineral waters. However, we were not successful.

I am pleased to say that I now have had the opportunity to present the Bill before the Committee. It is hoped that the Bill will fulfil the hopes of all honorable members who have spoken to it. The "crunch" came when the Minister for State Development Decentralization and Tourism, through the department, produced a report entitled *Victorian Mineral Water Economics of* 1979. That provided the impetus and know-how to present the Bill.

Following a trip overseas, Mr Evans, M.L.A., produced a report of 54 pages on mineral waters and the possibilities of their use. A good deal of credit must go to him. I do not take credit from anyone who wishes to promote the area.

Many conferences have been held on the Bill with departmental officers; the Chief Parliamentary Counsel, Mr John Finemore, and members of the Labor party have met with the council. One man who comes to mind is Alan Godfrey, who has done a lot in promoting the mineral waters. Constructive criticism has been levelled during the debate today and I thank those honorable members for their constructive ideas.

The problem that confronted me is the one mentioned by Mr White, namely, the surcharge. The Government was faced with how to overcome the levy being declared an excise. Following the advice that I received from Mr John Finemore, it was decided that the levy would be a surcharge so that it would not be construed as an excise. I cannot say whether that will defeat any challenge that may be made, but it is to be hoped that it will because the intent of the Bill is to develop the natural resources of mineral waters.

The question has been raised whether hydro-therapy centres and baths would be charged 1 cent per litre of mineral waters used. I have been advised that the baths will be treated under the Groundwater Act and will pay a licence fee of $15. That may seem a little meagre in the light of the benefit that a commercial enterprise, through the fees it may charge, will receive from mineral water. I shall discuss the matter with the Government's advisers, but I do not intend to delay the passage of the Bill. I will give Mr White's suggestion serious consideration.

All honorable members are concerned with the promotion of the area through the funds received from the surcharge being used for the area's development. Other mineral springs not far from Daylesford are situated at Kyneton and Vaughan Springs. I do not know whether those areas will be entitled to any moneys extracted from the operation of the springs. However, proposed section 72 (4) as inserted in clause 2 (g) reads:

(4) Moneys held in the Mineral Water Development Fund may be applied in respect of any mineral water development by the Minister of Lands after consultation with the Minister for State Development Decentralization and Tourism for or towards the cost of—

(i) promoting and assisting the commercial development of mineral water resource areas; and

(ii) the carrying out of works and improvements the management and maintenance of such works and improvements and the provision of services directly associated with the extraction and utilization of mineral water.

I do not know whether that entirely satisfies Mr White. If the surcharge is not used for the development of the areas from where the surcharge is derived, I believe I have wasted my time, and I have spent a lot of time on the Bill. I can recall spending so much time on only one other Bill, the Drainage of Land Bill. I have had my heart in this Bill to do something for the area, and all honorable members who have spoken have indicated the same desire. It is to be hoped that the Bill achieves its aim and that Daylesford will return to some of its former status as a tourist area.

The manager of the Hepburn Springs Baths has been assured that he will not be charged 1 cent per litre for mineral waters used, but will receive a groundwater licence.

The Hon. D. R. WHITE (Doutta Galla Province)—I move:

Clause 2, page 3, line 12, after "development" insert "in the municipality in which the moneys were raised".

It is reassuring to hear the Minister of Water Supply give the assurance that the persons who provide facilities for hydro-therapy centres will not be charged the 1 cent per litre levy. I endorse the Minister's comment on the work done by Mr Godfrey. He has been working outside the auspices of the Shire of Daylesford and Glenlyon with a group of interested citizens and, over a long time, has worked towards bringing about the Bill which is before the Committee, as have other citizens in the area.

While the Minister hopes that the funds will be used for the exclusive purpose of the whole area, it is true to say that that is not what the Bill specifies. It is not sufficient for a Minister to give an assurance that, as a matter of policy, the Government hopes that over an indefinite period of time—so long as he is the Minister—this course of action will occur.

As the Minister will appreciate, Governments change, Ministers change portfolios, and an assurance given by one Minister is not binding on his successor. The only thing that would be binding on the present Treasurer is a legislative requirement as proposed in the amendment.

Not only should the committee of management have the say on who holds the lease but also it should have real confidence that all the moneys raised will be returned to the area. There is no assurance that the money will be returned to the area and the Opposition takes into account the Minister's words that, so long as he is the Minister, he hopes that he can persuade the Treasurer that his assurance should carry the force of legislation. Accordingly, the amendment has been moved, so that the committee of management and the local community of Daylesford will be fully assured that the moneys will be returned for the intention originally raised.

The Hon. F. J. GRANTER (Minister of Water Supply)—I appreciate Mr White's comments on behalf of the Shire of Daylesford and Glenlyon. However, the Government is sincere in its endeavours to promote the area and, for the reasons I have already enunciated, I cannot accept the amendment. I again give the assurance that the promotion and the interests of Daylesford and Hepburn Springs will, at all times, be paramount.

The Committee divided on Mr White's amendment (the Hon. W. M. Campbell in the chair).

Ayes	10
Noes	24
Majority against the amendment	14

AYES

Mr Butler	Mr Walker
Mrs Coxsedge	Mr White
Mr Landeryou	
Mr Mackenzie	*Tellers:*
Mr Sgro	Mr Eddy
Mr Thomas	Mr Kent

NOES

Mr Baxter	Mr Knowles
Mrs Baylor	Mr Lawson
Mr Block	Mr Long
Mr Crozier	Mr Radford
Mr Dunn	Mr Reid
Mr Evans	Mr Saltmarsh
Mr Granter	Mr Stacey
Mr Hamilton	Mr Storey
Mr Hayward	Mr Taylor
Mr Houghton	
Dr Howard	*Tellers:*
Mr Hunt	Mr Guest
Mr Jenkins	Mr Wright

PAIRS

Mr Kennedy	Mr Chamberlain
Mr Walton	Mr Hauser

The sitting was suspended at 1.6 *p.m until* 2.8 *p.m.*

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

Clause 2, page 3, lines 16 to 18, omit all words and expressions on these lines and insert—

"(i) promoting the development of mineral water resources;

(ii) assisting the development by any person entitled to grant a lease pursuant to section 29A of the Crown Land (Reserves) Act 1978 of tourist and recreational facilities associated with the use of mineral water resources on any Crown land mineral springs reserve established pursuant to the Crown Land (Reserves) Act 1978 which is under the control of a committee of management; and".

The Hon. F. J. GRANTER (Minister of Water Supply)—Once again, the Government rejects the amendment. As I already pointed out during the debate on the previous amendments, the Government believes the situation is already well covered.

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

Ayes	22
Noes	11
Majority against the amendment ..	11

AYES

Mr Baxter	Mr Knowles
Mrs Baylor	Mr Lawson
Mr Bubb	Mr Long
Mr Crozier	Mr Radford
Mr Dunn	Mr Reid
Mr Granter	Mr Saltmarsh
Mr Guest	Mr Stacey
Mr Hamilton	Mr Storey
Mr Hayward	
Mr Houghton	*Tellers:*
Mr Hunt	Mr Evans
Mr Jenkins	Mr Taylor

NOES

Mr Eddy	Mr Trayling
Mr Kent	Mr Walker
Mr Landeryou	Mr Walton
Mr Mackenzie	*Tellers:*
Mr Sgro	Mr Butler
Mr Thomas	Mrs Coxsedge

PAIRS

Mr Chamberlain	Mr Kennedy
Dr Foley	Mr White

The clause was agreed to.

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

COUNTRY FIRE AUTHORITY (AMENDMENT) BILL.

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

The Hon. R. A. MACKENZIE (Geelong Province)—The main purpose of the measure is to enable the Country Fire Authority to declare a day of total fire ban after midnight; in other words, at the commencement of the day in question and also to amend or revoke a declaration of a day of total fire ban at any time. The Bill also provides for the

payment to municipalities of the amount of monetary penalty imposed upon a landowner for failure to comply with a direction given by the municipality to clear fire hazards from a firebreak on his property.

When considering any Bill affecting the Country Fire Authority, reference should be made to the magnificent job that this volunteer body performs throughout Victoria. The Country Fire Authority is a unique body of which Victoria can be proud. Presently the authority consists of more than 110 000 volunteers, and includes men from all walks of life who are prepared to give up their time and energy to undertake training and, when the call comes, to go out and risk possible injury and even death trying to protect the property of all Victorians, not just their own property. It is only fitting for a body of volunteers to be fully supported by the Government. Presently the Government is getting its fire protection services in this State—I do not say this in a derogatory manner—on the cheap.

The Government should closely examine the requirements of this large body of volunteers and leave no stone unturned to ensure that it is fully supported. These men are prepared to give up hours of their own time to undertake training and to risk their bodies to protect large areas of the State. Despite past assurances given by the Government that it would provide the necessary support, unfortunately when it comes to actual performance, nothing happens.

I refer to a report commissioned by the Government in 1977 following disastrous bushfires throughout Victoria. One of the recommendations in the report was:

> The Authority should, at the first opportunity, review the allocation of its funds so as to increase expenditure on the provision for volunteer brigades, of more firefighting vehicles of a modern, efficient type and more and better equipment generally.

As I stated, that was one of the major recommendations and, following the release of the report, the Premier visited the area and this is the result of his visit, according to the *Herald* of 30 June 1977:

> WE'LL GIVE CFA MORE, SAYS PREMIER
>
> The State Government was prepared to back the Country Fire Authority financially, the Premier, Mr Hamer, said today.
>
> "We will back them. It is just a question of what they want." he said.
>
> Mr Hamer was commenting on a statement by the one-man board of inquiry into bush fires, Sir Esler Barber, QC.

On that occasion Mr Hamer was giving fire fighters an assurance that no stone would be left unturned to help them, that virtually they had only to ask and it would be provided, but in practice it has not turned out that way.

In the *Sun* of 3 March this year, there is a story concerning a small town called Dereel which is near Cressy in the Ballarat area, where 30 volunteer firemen, members of the local brigade for that district do not have a fire truck. The article indicates that a very bad fire broke out in the district and when the firemen went to fight it, they had no fire truck. One of their members stated that, despite promises made in 1977 that a fire truck would be supplied, it had not arrived.

The Hon. N. F. Stacey—Mr Mackenzie, how long had that brigade been in existence?

The Hon. R. A. MACKENZIE—The article does not indicate how long the brigade had been in existence.

The Hon. N. F. Stacey—I thought Mr Mackenzie might know.

The Hon. R. A. MACKENZIE—No, I am just reading the article.

The Hon. N. F. Stacey—Would Mr Mackenzie be surprised to learn that the fire brigade had been in existence for only five months?

The Hon. R. A. MACKENZIE—It had applied for a fire truck in 1977, but that is not the basis of the argument I am putting forward. The Premier had promised in 1977 to provide equipment and at that time he had stated, "We will back them. It is just a question of what they want." The article continues:

> The fire started at Berringa Road or thereabouts, and the Rokewood truck was quick off

the mark," says Norm Dunshea. "But here in Dereel, the volunteers had to go in their own cars.

"It was a pitiful sight to see our blokes battling, exhausted, but still full of determination to finish their job as they watched the other fire trucks racing to danger points.

"They worked like footsloggers in the Army while superseded trucks rust away in the yards of city brigades."

Norm is a member of the committee which has been trying unsuccessfully for years to get a fire truck, and he's wondering just what has to be done to attract the Government's attention to their plight.

"Mr Hamer visited the scene of this fire and praised the men for a job well done," he says.

"But Mr Hamer's praise doesn't put out fires —just bloody hard work."

That is what a member of that brigade stated.

The Hon. N. F. Stacey—But that is in a newspaper, Mr Mackenzie.

The Hon. R. A. MACKENZIE—Yes, I said that it was in the *Sun*.

The Hon. B. P. Dunn—What position did that member hold in the brigade?

The Hon. N. F. Stacey—It does not show that in the *Sun*.

The Hon. D. G. Crozier—He was probably the press officer.

The Hon. R. A. MACKENZIE—It does not indicate his position in the brigade, just that he was a member. I refer to an article which appears today in the *Mountain District Free Press* which circulates in the Belgrave area. The article is headed "'Fire Boss Slams Death Gear" and states:

Volunteers in Upper Ferntree Gully Fire Brigade have attacked the Country Fire Authority for failure to provide protective clothing.

Volunteers don't get protective gear. They risk reath or serious injury when fighting fires without protection of approved clothing.

That is a fact and even Mr Stacey could not argue against the assertion that many volunteer fire fighters go to fight fires without adequate protective clothing. The Government does not supply sufficient protective clothing to protect these volunteers who are prepared not only to give up their time but also to risk their lives to protect property.

The Government fails to realize that it is better to spend money on prevention before a fire than to pay compensation claims afterwards. Honorable members are aware of the large amounts of money which are paid in compensation after disastrous fires, and it would be far better for the Government to be paying out this money before these disastrous fires occur than afterwards. The Government should be doing something about preventing the outbreak of fires and ensuring that volunteer fire fighters are fully protected by providing them with up-to-date equipment and protective clothing.

Another important factor which should be taken into account is the provision for adequate compensation cover. I realize the Government has increased the compensation payable to volunteer fire fighters following publicity concerning a fire fighter in Gippsland. In the event of a fire fighter being off work, not only should it pay the necessary workers compensation rates but also, like many large companies and Government bodies, it should make up the difference between the workers compensation rate and the person's normal salary so he is not out of pocket.

The Hon. J. W. S. RADFORD (Bendigo Province)—Mr Deputy President, I question the relevance of Mr Mackenzie's remarks to the Bill under consideration.

The DEPUTY PRESIDENT (The Hon. W. M. Campbell)—The bulk of what Mr Mackenzie has stated appears to be relevant. At times it might not be fully relevant but, on the other hand, Mr Mackenzie is using his statement as a basis for speaking on the Bill. This is how I view the position at present.

The Hon. R. A. MACKENZIE (Geelong Province)—I am speaking about the Country Fire Authority and alterations to the principal Act. At such times honorable members should be reminded of the work that volunteer fire fighters are performing and some of the problems confronting them. As I was about to mention, there was a volunteer fire fighter in the Boronia area about a month ago who was called out to fight a fire at midnight. He fought the fire until 9 a.m. the next day and was exhausted by his efforts. He was unable to attend work and when he did return

to work the following day he was informed that he would lose a day's wages. I understand that he was an employee of the State Electricity Commission and this is one area which the Government should seriously examine.

The Hon. B. P. Dunn—Was that position rectified?

The Hon. R. A. MACKENZIE—So far as I am aware, not to this stage, but it has been raised in another place and I understand that the State Electricity Commission is looking into the position. I point out again that the Government must ensure that these volunteers do not suffer hardship or loss of salary because of the tremendous amount of money and property which they are saving the Government through their voluntary efforts. Everything must be done to provide encouragement for the volunteers. Morale must be kept high so that volunteers will continue to be recruited.

This is an important Bill because it corrects a couple of provisions in the Act which led to problems regarding the declaration of total fire ban days. In the past, total fire ban days had to be designated from midnight to midnight.

On some occasions a total fire ban day is not announced at midnight and the weather changes when a north wind blows up and by early morning conditions are grave; but on another day which is designated as a total fire ban day the weather changes and it might even be raining.

This measure is designed to cover those anomalies and to allow a person who has taken every care regarding fire safety to argue as a defence that he did not know about the proclamation of a total fire ban.

There has been much discussion about whether a total fire ban should relate to the whole of Victoria or only to certain areas. Some members of the Country Fire Authority believe it should cover the whole of Victoria. I have worked on building sites in the heart of the city, where, on a day when a total fire ban has been declared one is not permitted to use an electric welder. That seems ridiculous when one is surrounded by asphalt, steel and concrete.

The Government should consider perhaps separating the metropolitan area or some areas of the State. The Opposition does not oppose this measure but commends the Government for introducing these amendments to the Act and tidying up the anomalies that exist. The Opposition hopes the Government will take note of some of the matters that have been raised during the debate.

I am sure that members of the National Party will put forward some matters of concern about the Country Fire Authority when they are given the opportunity to do so. The Country Fire Authority is a body of more than 110 000 throughout Victoria who are volunteers in every sense of the word. They give up a lot of their time, sometimes at risk to themselves. It behoves the Government to do everything it can to ensure that these people receive adequate support and protection.

On the motion of the Hon. B. P. Dunn, for the Hon. K. I. WRIGHT (North Western Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, May 6.

MELBOURNE UNDERGROUND RAIL LOOP (LAND DEVELOPMENT) BILL

The debate (adjourned from April 23) on the motion of the Hon. D. G. Crozier (Minister for Local Government) for the second reading of this Bill was resumed.

The Hon. E. H. WALKER (Melbourne Province)—This is a Bill to make provision for the proper development of any land leased, purchased or acquired by the Melbourne Underground Rail Loop Authority and which is no longer required for the rail loop; to make provision for consolidation of land owned by the authority and the City of Melbourne in the Museum station area which is considered essential to the proper development of the area; and to enable the authority to establish and manage a property trust to provide the funding for any development.

The Labor Party offers no opposition to this measure. It would perhaps be more proper to say that the Labor Party welcomes it and believes it is the type of legislation that indicates that Governments can take worth-while funding initiatives in regard to public authorities.

The most important part of the Bill is that it makes provision for the consolidation of land for a walk-way between the Museum station which is nearing completion and, in colloquial terms, the back door of Myers, from the Museum station through to Lonsdale Street. This walk-way or conduit will unfortunately not pick up the major development Melbourne had looked forward to, namely, the David Jones development. I understand that in reply to a question asked in another place recently by the Labor Party spokesman on transport, the Minister of Transport indicated that the David Jones company of Sydney had withdrawn its interest in the site it proposed to develop. I stand to be corrected on that, but I understand that some disappointment has arisen over this matter because, from memory, the David Jones company had been interested in developing the area since about 1976.

This adds disappointment to disappointment because, prior to this initiative involving David Jones, the authority had endeavoured to encourage developers to become interested in land at the Flagstaff station by advertising world-wide in 1977. The authority did not receive any response from developers. That was a major disappointment. It was always thought that the Museum station was the best place for development and over the years many interesting developments have been proposed. It appears that the first major proposal for the Museum development will be a tunnel or walkway through to Myers. At least Myers will be there for some time. I regret that some of the other exciting proposals have not come to fruition.

This Bill will mean the turning of a corner—at least I hope it will—because it allows the authority to take financial initiatives on its own behalf. I will not comment at length on that matter because it has been well canvassed in another place. I shall comment on the rail loop itself. I believe the decision to build the underground rail loop was not a good decision at the time it was made. Once a commitment has been made and so much money has been spent on a project, that project must continue.

There was a time many years ago when one could have spoken of the need for an underground rail loop in Melbourne and it could have been useful when the city had growth potential and was developing as the only major commercial conglomerate within the metropolitan area. The underground rail loop has been a proposal for most of this century. The redoubtable Premier of the 1950s and 1960s, Sir Henry Bolte, used the underground rail loop as a carrot during election campaigns. It was an election promise and was not properly researched.

The Hon. B. P. Dunn—It was meant to cost $80 million.

The Hon. E. H. WALKER—That is so, and it will now cost $400 million or more. I can name a number of Government projects in recent years that have involved a factor of five in cost escalation. One example is the Arts Centre.

The DEPUTY PRESIDENT (the Hon. W. M. Campbell)—I do not think Mr Walker can discuss that matter at this stage.

The Hon. E. H. WALKER—The estimate in 1969 was $80 million and it is now approximately $400 million.

The Hon. D. R. White—That is not because of the inflation rate.

The Hon. E. H. WALKER—The inflation rate does not involve a factor of five. I believe the decision to construct an underground rail loop was a poor decision at the time and Melbourne is stuck with what could well become a white elephant.

The Hon. N. F. Stacey—Mr Walker said "could"; is he making a prediction?

The Hon. E. H. WALKER—One cannot say that it will not work; one must wait until it is in operation to see how it will work. There is now no need for an underground rail loop. The amount

of $400 million that will be expended on the underground rail loop could have been spent, for instance, on a rapid rail link between Melbourne and Dandenong. Perhaps Mr Stacey would agree with that proposition because it would assist those people who live in the Chelsea Province. That proposal might have cost the sort of money that is being spent on the underground.

A rapid rail link would have meant it would take only fifteen minutes to travel from the centre of Dandenong to the centre of Melbourne. This would have allowed the development of a central business district at Dandenong. Dandenong would have had its own major transport interchange. Melbourne could have developed differently and would have served the metropolitan area better. It would have been less necessary to build expensive freeways to the heart of Melbourne. That would have been a good use of $400 million. At the time, Victorians were told that the underground rail loop was needed to reinforce business activity in the centre of Melbourne.

The DEPUTY PRESIDENT (the Hon. W. M. Campbell)—I inform Mr Walker that every honorable member is allowed some leniency, but he is now going too far. He is going over the total history of the underground rail loop. That is not the purpose of this debate. It is proper to refer to the principal Act, but I think Mr Walker has gone further than he should.

The Hon. E. H. WALKER—I accept your advice, Mr Deputy President. I am referring to the funding. The Bill provides for ways of raising money for capital development. It was originally intended that the underground rail loop would be funded by a contribution of 40 per cent from the ratepayers of Melbourne. For that reason, this matter is directly related to the Bill because it is a money Bill. In the early 1970s, that 40 per cent was bargained down to 25 per cent and later bargained down to something like 10 per cent.

The DEPUTY PRESIDENT (the Hon. W. M. Campbell)—That has to do with construction of the loop. It is not related to the Bill.

The Hon. E. H. WALKER—I accept your advice in that regard, Mr Deputy President, but the Bill permits the Melbourne Underground Rail Loop Authority to raise money in ways directly related to the loop and for development of the loop, ways which will assist in the paying off of the debt created by the construction of the loop.

Honorable members may undersand it better if I put it this way. The cost of the loop will be something like $40 million to the State every year for the next 40 years, and that is a very large sum of money. It is something like $10 per head per year for each man, woman and child of this State for the next 40 years. The Bill allows fund-raising, not from Loan Council sources, as has been the case in the past, but from more direct initiatives taken by the authority itself. The Bill is welcomed because it will relieve the strain upon the public purse; but it must be related back to the funding of the underground rail loop project in the first instance.

The DEPUTY PRESIDENT—I will allow the honorable member some latitude, but I will not permit him to go too far.

The Hon. E. H. WALKER—The benefit to be derived from the underground rail loop must be seen to be, to a large degree, derived by the businessmen of the City of Melbourne who will not be paying the proportion of the cost that they ought to be paying. This Bill will make it possible to develop the Museum station area, particularly, in ways which I believe are creative and which have not normally been undertaken in the past by a Government of this type.

I remind honorable members that my party suggested this method for the funding of developments on two previous occasions. To that extent, the Government has taken some advice, as it often does, from my party. I welcome the fact that the Government sees the sense of some of the Opposition's proposals.

I was going to comment in a more general way, relating the City of Melbourne to the City of Toronto and the manner in which that city has funded development. However, I suspect that

you, Mr Deputy President, would have imagined that to be a little tangential to the Bill, although such a comparison would have illustrated that this method of funding has been used in another city. I suspect that members of the Melbourne Underground Rail Loop Authority have been to Canada and examined the situation in a city which is very similar to Melbourne and have decided to adopt similar steps. The consistent position of my party has been that there should be capacity for public enterprise of this kind, but Labor Party members have also taken the view that there ought to be a tax on the increase which will occur in land values associated with the opening of the underground rail loop.

That really means that the Labor Party's view is that the public should benefit from what may be called the unearned increment where public development has increased property values. In a sense this funding approach will benefit because it allows the Melbourne Underground Rail Loop Authority to take part in initiatives with other partners. It will be possible for the Melbourne Underground Rail Loop Authority to be a profit-making body and to take part in profitable ventures, and that is worth while. It is basic to the view of the Opposition that, wherever public investment occurs, and there is a true increase in property values as a result of that public investment, that increase in value ought to revert to the public sector because it is a profit from which the public rather than the private developer ought to benefit.

In that sense and with those few comments, I indicate that the Labor Party welcomes the initiative. Members of my party are saddened that the major body that was to assist in the development of the Museum station area, the David Jones organization, has withdrawn from its involvement in the project, and we are saddened that the authority could not attract developers to the Flagstaff station area. I hope this Bill, when it is enacted, will assist in the kinds of initiatives necessary to make that public authority a more profitable one.

The Hon. D. M. EVANS (North Eastern Province)—The National Party has examined the Bill closely and finds both it and the concept interesting. It is my intention later, on behelf of my party, to move an amendment to the second-reading motion.

The Melbourne Underground Rail Loop Authority has always been, and still is, a construction authority engaged on the installation of a major public utility for the principal benefit of the central business district of Melbourne. The cost of that utility is now being borne largely by the taxpayers, although in the original concept a substantial proportion of the cost was to have been borne by the City of Melbourne itself, therefore by its ratepayers, and, I assume, by at least those people plus some others who would derive a direct benefit from the installation of the utility. The amount of money being actually contributed on a percentage basis by the City of Melbourne has been constantly eroded by Government action as a result of the escalation of costs. The Government believed, because costs had escalated to such an extent, that the City of Melbourne could not bear the additional cost and that the taxpayer should take over the liability.

The matter of a property tax of some sort, as referred to by Mr Walker, to siphon off some of the financial benefit gained by those who have property in the City of Melbourne, was intended to be covered by the contribution to be made by the city itself. That has certainly been watered down. I am inclined to think that the costs of some Government instrumentalities and works of this nature are a bit like sowers' acres and reapers' acres. The sower sows a lot more crop than he takes off; he gets a better yield per acre and while it is growing it looks pretty good to the bank manager!

There are also a number of points of interest in the proposals contained in the Bill. I have commented on the fact that the cost of the loop has increased dramatically and that a substantial proportion of that cost is now being passed across to the taxpayers of Victoria.

Surplus land will be available at the completion of the project and the proposal obviously is to attempt to use this land in an effort to reduce the net total cost of the operation.

The Bill proposes to reduce that total net cost by further investment through the Melbourne Underground Rail Loop Authority on a continuing basis, with the eventual intention and hope that, after a substantial period of time, the public purse will be relieved of a larger slice of that cost; in other words, that, by investing, the cost to the public will be reduced.

However, the time factor also comes into this. Surely it is reasonable to suspect and suggest that, rather than waiting additional time for the possibility of the eventual accrual of financial benefit, it may be wiser to get a good price quickly and get out. The National Party's view is that that would be the sensible way of approaching this issue. There is some evidence to suggest it may be a wise course. It has already been indicated in previous debates that public authorities are not necessarily expert in the field of investment of this nature.

From time to time, the Labor Party both here and in another place and publicly has indicated that the ability of public authorities to favourably, and indeed on some occasions honestly, manage the trusts entrusted to them may be lacking. The Housing Commission land deals are a case in point. I make no judgment on the accuracy or inaccuracy of any charges made publicly or otherwise. The point under investigation is whether that authority has managed its responsibilities well. There have been several other inquiries of this nature from time to time.

As to the benefits which it is hoped will flow to the public purse as a result of further investment over a long period, if one looks at similar projects and operations through Government agencies, one is not so happy about the eventual prospects of success. That adds weight to my proposal that perhaps the best way out of the situation may be to accept the quick, easy, low bid; that is to say, sell the land to a private developer.

It has been said in defence of the project being put before Parliament that there is a real economic benefit, that it is a good investment and that it does have a high developmental value. So be it. That means it would be a good deal, and if that is correct there would be brisk competition to take up the advantage if it were offered to private enterprise and the price should, therefore, be better.

The Hon. E. H. Walker—Don't you believe in public enterprise?

The Hon. D. M. EVANS—I am not saying that the public purse should lose out. I am saying that, from the point of view of the public purse, it would be better to take the low, quick bid and get out.

The Hon. W. A. Landeryou—Are you going to sell the country railway lines, too?

The DEPUTY PRESIDENT (the Hon. W. M. Campbell)—I advise the honorable member to ignore the interjections.

The Hon. D. M. EVANS—I shall accept your advice, Mr Deputy President. We are getting into an area that is less than productive. The points I made have been clearly understood. If one must introduce the question of Socialism, there are some areas where the community must accept responsibility and those include the provision of many of the services which the community requires. The community requires, for example, education facilities, public transport facilities, public roads and a variety of other services. Defence is another requirement if one considers the Commonwealth's area of responsibility. There are many services that it is logical and sensible for a Government to provide. There are others which are best handled by private enterprise, which has the carrot of the profit motive in front of it, to see that these things are done efficiently and well.

There is also a need—and I believe this has been adverted to in another place and during the various debates which have taken place from time to

time, and indeed Mr Walker referred to this point—that any development which occurs as the result of the availability of this land following the completion of construction must be under proper planning procedures and controls so that whatever is done does not siphon, channel or in any other way direct certain concourses of people into a particular area for the benefit of a more narrow group of commercial interests or enterprises in the community. The back door of Myers is obviously what I refer to. As Mr Walker has stated and as I agree, it would be unfair that public money spent on the Melbourne Underground Rail Loop Authority project, the underground rail loop, should unduly advantage one small group within the whole group that it was originally expected to advantage, that is to say, the central business district of Melbourne and, assuming there is an accrual of benefits from the central business district to the whole State, therefore, the whole State as a second string. That point needs to be clearly borne in mind.

The next point which concerns me is that I understand that the Bill, together with the principal Act, will enable the Melbourne Underground Rail Loop Authority to have the opportunity and the power to buy further land, if it believes such a step to be necessary. It is clear, for example, that should the development of the Museum station site be seen to require an additional small portion of land immediately adjacent to it, the authority will be able to say that it needs this area of land to make a more rounded project, a more viable project, and it will have the opportunity of doing just that. Under the Bill, the Melbourne Underground Rail Loop Authority will have the power to acquire public land in order to develop it as a public resource.

This is an indication of the direction in which the authority could find itself proceeding in the future. In other words, it will have the power to acquire land and to develop it for commercial purposes. It will start off in a small way and, as I have indicated, it will say, "We need this land for a well rounded project". It will find that this is a most satisfactory and interesting way to proceed, and the community will then have a public authority committed and on its way as a major land developer in a commercial sense.

That would be a most undesirable procedure in the interests of Victoria. It is the intention of the National Party to move the amendment which I hope will shortly be circulated in my name. However, before proceeding to that, I state that it is my party's belief that the whole of the future work and responsibility of the Melbourne Underground Rail Loop Authority should be handed over to the Railways Property and Construction Board, which has the power to deal with that land, and that the underground rail loop should be handed over, as was the original intention, to the railways, which I hope will run it properly. Accordingly, I move:

> That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until the Melbourne Underground Rail Loop Authority has been reviewed by the Public Bodies Review Committee.".

Mr President, I know it will be claimed by those who speak in opposition to the amendment that it would unduly hold up the passage of the Bill. It could well be used as an opportunity to delay the winding up of the Melbourne Underground Rail Loop Authority until such time as the Public Bodies Review Committee has had the opportunity to examine and report. I do not accept that line of argument because, if Parliament so desires, the committee could immediately examine the need to have the authority continue in operation in order to accept the responsibilities proposed by the Bill. There is no reason why it cannot proceed in advance of a review of the 400 or 500 sewerage authorities.

This is a $500 million operation and another $50 million or $100 million would be invested. That is sufficient reason why, in the public interest, the Public Bodies Review Committee should immediately examine the continuing existence of MURLA.

One can envisage the Melbourne Underground Rail Loop Authority being perpetuated for ever and a day. Hence, it is the view of the National Party that

those areas that the authority seeks to move into will be best handled by private enterprise.

The Hon. N. F. STACEY (Chelsea Province)—I appreciate the reference made by Mr Evans to the Public Bodies Review Committee. It is my impression that he kept the real terms of his amendment up his sleeve until the end and his earlier remarks did not necessarily substantiate his argument. That is his right and I do not criticize him.

The concept of a Public Bodies Review Committee is an interesting one. However, that committee is already in the process of conducting a wide-ranging review of public bodies. I have received strong indications from persons employed in the Public Service and statutory authorities that the committee, in making administrators aware of their responsibilities, has already achieved a review function by making those persons aware of their accountability.

Mr Evans said that he did not want the proposed amendment viewed as a delaying tactic but that is how it would be regarded. The opening of the first stages of the underground loop is only months away. In view of that, it would be negligent to postpone the commercial development that will occur. Therefore, it is my intention not to support the amendment, despite its interesting motives. I support the Bill.

I was interested in what Mr Walker had to say. Obviously Mr Walker has prepared a detailed review of the underground loop. He stated that good decisions had been made in the past and will be made in the future. Mr Walker spoke about facts and not political ideas and I appreciate what he had to say. I was delighted to hear his comments relating to improved rail services for Dandenong and I appreciate his endorsement of that idea. What he said in regard to Dandenong could equally be applied to Frankston.

An important justification of the loop is that when it is completed it will increase the capacity of the rail lines to Dandenong and Frankston by up to 40 per cent. It is important that in the morning and evening peak hours both of those lines carry commuters in comfort. That can only be achieved by the installation of a third line to shorten the time span between trains which would increase their turnaround. That is the purpose of the loop. That is why persons outside the central business district realize that the $400 million Mr Walker spoke about will have an important effect on the entire metropolitan area which will have reasonable access—within 3 or 4 miles—to a railway station and that is an important consequence of the loop.

In terms of the commercial development of the Museum station, Mr Walker made the point that two elections ago the Labor Party policy recognized the need for commercial development of the central business district by public enterprise. Therefore, it was interesting to hear Mr Walker state categorically that in 1976 the Australian Labor Party had a strong policy commitment. It is my regret that it did not have such a strong policy commitment in 1979 and it is my double regret that it did not have that strong policy commitment in the late 1960s when this policy decision was being formulated. However, it is better late than never.

Mr Walker regrets that the amendments affecting the Museum station do not apply to the Flagstaff station. It is regrettable that a joint commercial development cannot apply to the Flagstaff station. However, nothing succeeds like success. It is my strong view that the underground loop is relevant to the 1980s and will be more relevant in the 1990s.

Mr Walker suggested that Melbourne does not need the underground rail loop now. That is a one-sided view that cannot be substantiated by fact. Perhaps if Mr Walker had provided examples, I might have been able to understand what he was saying. An underground rail loop in this day and age is far more relevant that it would have been when the concept was developed in the 1960s, especially in terms of the need for energy conservation.

If, as a result of the rail loop, the capacity of the rail system is increased, commuters could be assured of a comfortable seat during the morning and evening peak hours. That would attract people back to public transport and act as an energy saving measure. In order to run the railways successfully the co-operation of everyone is needed.

In terms of energy conservation, in the following decade it will be considered selfish and inefficient if the present reliance on motor cars continues. The daily spectacle of car after car, usually with only one person in it, chewing up the fossil fuels at a tremendous rate, is a disturbing sight. This Bill is based upon the premise that, to ensure survival of the central business district, the current trend must be reversed and the underground rail loop used to its full capacity.

Implicit in the underground planning was the preservation of the central business district, which comes within Mr Walker's province.

The Hon. P. D. Block—There are not many voters there!

The Hon. N. F. STACEY—There are certainly more car spaces than voters in the central business district, and perhaps that fact has closed Mr Walker's mind to cars and car spaces.

The Hon. W. A. Landeryou—Lucky you have *Hansard*; they are the only ones listening to you!

The Hon. N. F. STACEY—I will acknowledge that interjection so that Mr Landeryou's comments of the day can get into *Hansard*. The establishment of the underground rail loop will maintain the central business district as an economic force. Unless the underground is successful, the central business district, as a shopping district, in the next decade, will die. Mr Walker was unable to or has not recognized that argument.

The fundamental purpose of the Bill is to allow commercial developments to take place on the Museum station site. The intention of continuing and maintaining the growth of capital cities will be realized only if the citizens of Victoria appreciate that need and are able to travel economically to the central business district. I support the Bill.

The Hon. B. P. DUNN (North Western Province)—I shall answer some misconceptions to which Mr Stacey referred but I will not take as long as he did to do it. The National Party is not attempting to delay the development that is proposed. This Bill seeks the perpetuation of the Melbourne Underground Rail Loop Authority as a development authority; it is not about anything else. The argument of National Party members is the continual concern being expressed about the number of authorities operating in the State.

The Government has set up a committee too study those authorities, but before one of the authorities that has been in existence for many years is examined, it will become a further developing authority by the Bill. The Government is perpetuating that authority, without examining it.

The Hon. D. M. Evans—National Party members will oppose it.

The Hon. B. P. DUNN—As Mr Evans says by interjection, National Party members will commit themselves to the subject of this perpetuation.

The Hon. W. R. Baxter—It is doing something it was not set up to do.

The Hon. B. P. DUNN—The mechanism under which this development is to take place has nothing to do with the Melbourne Underground Rail Loop Authority. Honorable members have dealt with the Railway Construction and Property Board. Surely, the Victorian Railways have the expertise to move towards commercial development on these sites without perpetuating an authority when honorable members do not even know whether it deserves to remain in existence.

The amendment, so capably moved by Mr Evans who made an excellent case on behalf of the National Party, simply states that the matter should be referred to, and studied by, the Public Bodies Review Committee, before legislation is passed to perpetuate the authority further and extend this area

of responsibility. That is a just claim that most reasonable honorable members would accept.

The Hon. W. R. Baxter—The committee could deal with it right now.

The Hon. B. P. DUNN—That is so. I did not suggest anything that could preclude that from being done or prevent the Government from taking that action if it wished to give it the priority it deserves. I take a somewhat different view on the underground railway from Mr Stacey. Frankly, it will be a massive financial burden on the taxpayers of Victoria and will never, in the history of its operation, prove its worth and value.

The importance of the central business district of Melbourne is now being reduced because of the development of business areas outside the district. The Government should be encouraging that development instead of bringing people into the city every day. Honorable members should be considering the development of other parts of Melbourne and that is what has taken place already. Therefore, the underground rail system—I have never been an advocate of it—is a waste of the taxpayers' money that would have been better used for a total upgrading of the present railway system.

It is far more important to have a reasonable rail service with adequate carriages and so on then it is to save people the inconvenience of walking or travelling by tram to the city. The underground railway will be a waste of money to the taxpayer. The amendment proposed by Mr Evans is sound and reasonable and well worth supporting. It is not a delaying tactic. The authority should be investigated before the House further perpetuates it.

The Hon. D. G. CROZIER (Minister for Local Government)—In spite of Mr Dunn's enthusiastic advocacy of the amendment moved by Mr Evans—I can see the reasons for the amendment—I must disagree with it. The purpose of the Bill is not to perpetuate the Melbourne Underground Rail Loop Authority as a land developer. Of course, that authority, along with all other statutory bodies, will be the subject of review by the Public Bodies Review Committee. If the House accepts the amendment, it will be a delaying tactic.

The purpose of the Bill, as Mr Walker explained, is to facilitate development. I will not say to Mr Dunn, or anyone else, that this was the first intention of the Government. Originally, the David Jones organization expressed a desire to take over the development. For various reasons, such as changes in financial climate and other company circumstances, the David Jones organization has decided in the interim that it is no longer prepared to take on that development. However, it has expressed an interest in participating in the development.

The important consideration is that the central business district needs and deserves such development. All honorable members know that it is the prime site. The concept is excellent, even if various members have their own views on the importance of it. I do not share Mr Dunn's analysis of where the Government's proprieties should be and my enthusiasm for decentralization is no less than his.

Honorable members would be in no doubt about the matter after the debate that was finally concluded last night on the area I have the honour to represent. A vigorous and robust central business district is important for the future of the State, as it is for the future of the City of Melbourne, and the concept and objective of this development is one that all honorable members should be supporting.

Although honorable members, naturally enough, are entitled to express their views on the validity or otherwise of the rail loop concept, the actual development that has taken place so long ago is now an academic matter and it is necessary to facilitate development of the Museum station and the adjacent area to the best advantage of the city. Clearly one option would be, as Mr Evans suggested, simply to unload the property and hope that it would be developed.

Many real difficulties exist and the Government is not convinced that action would be in the best interests of development of the site and it is not sure that the option would lead to the development it wants. The development has scope for a mixture of private and public enterprise. The Government has reviewed the matter and decided on the best option available to it. It is true that Governments and public bodies do not have an immaculate reputation of business development. I suggest that the professionalism of the Melbourne Underground Rail Loop Authority in maintaining its financial affairs has been extremely good. It is certainly in no way the responsibility or fault of the Melbourne Underground Rail Loop Authority that costs have been considerably increased over the years.

The PRESIDENT (the Hon. F. S. Grimwade)—Order! The Minister should not be recapitulating remarks made in the second-reading debate, on which he has spoken. He should address his remarks to the amendment.

The Hon. D. G. CROZIER—I shall be happy to do so, Mr President. Mr Evans suggested one option which the Government rejects on the grounds that it would inhibit, rather than promote, the basic objection of the legislation. Therefore, the Government does not accept the amendment. The Government considers that the measures proposed to be enshrined in the Bill and the procedures proposed to be inserted into the Act by the Bill to widen the powers of the authority to be a land developer, in a limited sense, is the best course to adopt. For that reason, the Government cannot accept the amendment moved by Mr Evans and supported by the National Party.

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

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

CHIROPODISTS (AMENDMENT) BILL

The debate (adjourned from the previous day) of the motion of the Hon. W. V. Houghton (Minister for Conservation) for the second reading of this Bill was resumed.

The Hon. R. A. MACKENZIE (Geelong Province)—This is a simple Bill to remove a requirement that a person must be at least 21 years of age before he or she can be registered as a chiropodist. It also makes provision for the tabling in Parliament of annual reports of the Chiropodists Registration Board of Victoria. The Opposition proposes no opposition to the Bill. It is straightforward and clears up some minor points. It allows students who pass the chiropodists course to be able to practise their profession before the age of 21 years.

The other clause relates to the tabling of the report of the board. This provision was initiated by a member of the Labor Party in another place, and will bring the Act into line with the Physiotherapists Act and the Chiropractors and Osteopaths Act which also provide for the reports to be submitted not just to the Minister, but also to Parliament. It is most important that registration boards of this kind report to Parliament rather than to the Minister. The Opposition does not oppose the Bill.

The Hon. B. P. DUNN (North Western Province)—This Bill has been adequately explained by the Minister and reiterated by Mr Mackenzie. The National Party supports its provisions.

The motion was agreed to.

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

YOUTH, SPORT AND RECREATION (GUARANTEES) BILL

The debate (adjourned from the previous 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. R. J. EDDY (Thomastown Province)—This proposed legislation will enable guarantees to be given in respect of moneys that may be borrowed to provide sporting and recreational facilities. It is a step forward because it will assist approved sporting and recreational organizations and will enable guarantees to be given by the Government on borrowing. Sporting bodies will be able to undertake projects and construct sporting facilities in the

interests of all sports-minded people in municipalities and shires throughout the State and will be able to borrow money at lower rates of interest than would be available to them through private borrowing.

When a club seeks assistance from the Department of Youth, Sport and Recreation to construct a sporting or recreational facility, it must apply through its local council and the name of the club is placed on a priority list. If it is fortunate enough to be high on the priority list, the club will receive a subsidy from the department to assist it with the project.

Although the money provided by the department is of considerable assistance, clubs which apply for loans must, in a number of instances, depending on the type of facility they are endeavouring to construct, also provide sometimes three times as much as the amount they receive from the department. On occasions clubs must raise 100 per cent of the finance at high rates of interest to cater for the essential needs of the sporting community in their area. This measure will be of assistance to the majority of these clubs and will provide them with Government support.

When a club applies for a guarantee, the project must first be approved by a committee established for the purpose, and applications are investigated by officers of the Department of Youth, Sport and Recreation. These precautions are essential because the department must be assured that the applicant can repay the loan which is being guaranteed.

However, the proposal will help only a handful of projects because of increasing construction costs. The Department of Youth, Sport and Recreation does not receive as much Government assistance as other Government departments, such as the Health Commission, when Budget allocations are made. The department receives insufficient funding to enable it to carry out the work or provide finance to assist sporting clubs in vital projects. Some 85 per cent of the funding for the department is derived from the Totalizator Agency Board, but it should receive a higher allocation from the Premier. The department should also receive some assistance from moneys derived from Tattersall's, and I strongly urge the Government to consider conducting a State lottery for this purpose, because there is an extreme need today for the provision of sporting facilities.

Much of the vandalism, crime and drug addiction that is prevalent today results from unemployment, because people are bored and idle without work. The provision of more sporting and recreational facilities will go a long way towards overcoming those problems. Many people today have reduced working hours, work part time or are retired. People are living longer, and need extra sporting and recreational facilities so that they can spend their leisure hours in a more useful and suitable manner than they do at present.

I mentioned that the Department of Youth, Sport and Recreation is starved of funds. Today sport is a big issue, as is the future of the Olympic Games. In 1973–74 the Federal Government allocated $4 million for sport; in 1974–75 the allocation was $4·6 million; and in 1976–77 the allocation was $12 million. However, for 1979–80 the allocation has been reduced to $3·7 million. The States are finding difficulty in providing money to the departments covering youth, sport and recreation. More funds are vitally necessary to allow sporting bodies to extend the buildings that presently exist in municipalities and to build bigger and better premises that will enable more people to enjoy recreational facilities. The Department of Youth, Sport and Recreation should be given a higher priority in the allocation of funds, especially in view of the vandalism and crime in the community and the fact that young people are enticed into the drug situation. If these facilities were available they would go a long way towards overcoming this serious problem. The Labor Party hopes what has been said will be noted. It does not oppose the Bill.

The Hon. D. M. EVANS (North Eastern Province)—The National Party supports the Bill which seems to be a sound and sensible measure. I mention briefly that in his second-reading

speech the Minister outlined the fact that various bodies set up within the Department of Youth, Sport and Recreation will examine each case and make recommendations on it. The Minister also said that the committee will consult with the appropriate municipal council. I think that is a wise precaution because municipal councils undoubtedly have many responsibilities for facilities in their own area, and the worst thing that could be done would be to have additional facilities established when the ones already in existence or planned could carry out the functions adequately. There should not be too many public toilets and so forth. There must be some rationalization in this and the municipal councils are in the best position to do it. I wonder why the need to consult is not written into the Bill in the relevant clause. I shall discuss that point briefly during the Committee stage.

Apart from that, this seems to be a reasonable and sensible Bill which contains adequate safeguards regarding the ability of any association or any group funded or guaranteed in this way to meet its commitment. There are additional safeguards to ensure that the Government does not carry too much of the burden or risk. The National Party supports the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 8344 s. 2(1))

The Hon. F. J. GRANTER (Minister of Water Supply)—The remarks of Mr Eddy and Mr Evans will be noted. I have noted what Mr Eddy said about sporting facilities and the need for more facilities for people who are out of work and need to take their minds off other things. I agree up to a point, but I think the Department of Youth, Sport and Recreation has made some magnificent facilities available, both to youth and elderly people in the State of Victoria. Since this department has been created by the Government its facilities have been second to none in Australia. There is a need in some areas for the facilities to be improved and increased and as time goes by that will take place.

Mr Evans stated that the safeguards are mentioned in the second-reading speech but not in the Bill. As I am not the Minister in charge of the Bill I cannot comment on that, but I have noted his remarks. I believe the undertakings will be carried out.

The clause was agreed to.

Clause 3 (Amendment of No. 8344)

The Hon. R. J. EDDY (Thomastown Province)—In some municipalities facilities lying idle could be used to the advantage of people who want recreation. I ask the Minister to speak to the Minister of Education about this matter. Recreational facilities at many secondary schools are not used of an evening and could be used by clubs. This would save the clubs money and would obviate the necessity for the Government to guarantee loans. The gymnasiums and halls that are available in these schools could be used to advantage by many people. That is why they were built. I ask the Minister to refer the matter to the appropriate Minister.

The Hon. D. M. EVANS (North Eastern Province)—I raise again the matter which I mentioned a few moments ago, that I believe the necessity to consult with municipal councils would perhaps be better included in proposed section 14A (1), as contained in clause 3 of the Bill. Perhaps the words "after consultation with the municipality or municipalities concerned" could be inserted in the proposed section to follow the reference to the State Sports Council. This would have the advantage of spelling out the provision clearly. Although the Minister's second-reading speech which explains the Bill has considerable force, it is absolutely essential that the municipalities be consulted in this matter just from the simple point of view of making the best use of resources and understanding the full responsibilities within the community. That wording should be included in the Bill. I hesitate at this stage to request the Minister to

defer the matter for a few moments and to consult with his colleague, the Minister for Youth, Sport and Recreation, as to whether he would agree to the amendment which only enshrines in the Bill the promise contained in the second-reading speech. I wonder whether the Minister will comment on that. It would be of real value to municipalities and would engender more confidence in the Bill.

The Hon. F. J. GRANTER (Minister of Water Supply)—I shall deal with Mr Evans's point first. The provision is in the second-reading speech of the Minister, and I will definitely take up the point raised by Mr Evans with the Minister and ask him to consider it in any future amending Bill. In the second-reading speech the Minister indicated sympathy along these lines when he said, "Who will consult with the appropriate municipal Council on amongst other things the need for the facility". I take the point made by Mr Evans. I do not think there is need to delay the Bill at this stage because the point is covered, but to give it greater force, I will put the point to the Minister.

Mr Eddy raised the matter of greater use after hours of facilities in schools. I believe this occurs in a number of towns in Victoria. Multiple use is made of these facilities in places like Warracknabeal and St. Arnaud.

I had the pleasure of opening the Warracknabeal hall some time ago and I understand that it is used both day and night. If there is a need to use the halls further, or if they can be used, I know it would be the desire of the Minister that this take place. However, I will certainly refer the matters raised by both of the honorable members to the Minister.

The clause was agreed to.

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

ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT) BILL

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

Discussion was resumed of clause 2, relating to definitions.

The Hon. W. V. HOUGHTON (Minister for Conservation)—Mr Chairman, since progress was reported on the Bill, I have had further consultations with the archaeological society, representatives of the Aborigines and various other departmental people concerning the Bill. I suppose that the principal conclusions reached are that it is reasonable that the Archaeological Aboriginal Relics Advisory Committee should be increased from two representatives of the Aborigines to three, and I propose to move an amendment to that effect.

With respect to the rights of people to enter archaeological sites, I intend to omit the clause referring to that matter in the amendments I propose. In respect to the rights of a Minister to declare a site to be of no archaeological importance or significance, I have decided that this will be done only after consultation with the committee. There are other amendments to the amendments I originally intended to propose but do not now intend to continue with. One amendment will provide that instead of a person having to obtain a permit for surveys, that person will now merely have to advise of his intention to conduct a survey and report the result of that survey on a form prescribed under the regulations which already exist in the Act. That was a matter of contention with the archaeological society but has now been clarified to its satisfaction.

In my consultation with representatives of the Aborigines, it was indicated that the clause I proposed as an amendment is to their satisfaction. One or two other things have been done to my satisfaction.

The Hon. B. P. DUNN (North Western Province)—I would like to commend the Minister for at least undertaking the request of the Committee, when clause 2 was last discussed, to have further consultations. Those consultations of the Minister have shown that it is through such discussions that a greater consensus can be achieved on what the Bill and these clauses actually require.

Unfortunately, this consultation did not take place prior to the Bill being introduced and many of the difficulties of the House when it was last discussed would have been overcome by that kind of consultation. Honorable members hope that the principle will be applied in the future and trust that the consultations and the amendments to be proposed by the Minister will at least come part of the way towards meeting the suggestions and needs of the various groups who are vitally interested in this Bill.

The Hon. N. F. STACEY (Chelsea Province)—The remarks of the Leader of the National Party are appropriate. From my experience I have no doubt that the Minister is always ready to examine a case put before him and that has happened on this occasion. I will save any further remarks until a later stage.

The Hon. J. W. S. RADFORD (Bendigo Province)—I support the Bill and I congratulate the Minister on the amendments he had made after consultation with Aborigines.

The CHAIRMAN (the Hon. W. M. Campbell)—I point out to Mr Radford that the Committee is not dealing with amendments the Minister has made. It is dealing with clause 2 under which the Minister has the right, as he normally has, to reply to what has been said during the second-reading debate. Perhaps the honorable member will keep his remarks until clause 5 of the Bill is under consideration.

The clause was agreed to, as were clauses 3 and 4.

Clause 5 (Amendment of No. 8273 s. 5)

The Hon. W. V. HOUGHTON (Minister for Conservation)—I move:

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

Clause 5, paragraph (*a*), line 23, omit "eleven" and insert "twelve".

This amendment will have the effect of increasing the number of people on the advisory committee by one.

The Hon. JOAN COXSEDGE (Melbourne West Province)—Apparently I am unable to move the amendments standing in my name but I would like to speak to what I hope to put.

The CHAIRMAN (the Hon. W. M. Campbell)—What Mrs Coxsedge should really do is speak in opposition to the suggested amendment if she so desires, stating the reasons why she opposes it. However, Mrs Coxsedge cannot speak to any amendment which she wishes to move.

The Hon. JOAN COXSEDGE—I will say why I do not support the amendments moved by the Minister. I am very pleased to note that the Minister has had a slight change of heart since the Bill first came before the House and has increased from two to three the number of Aborigines to be represented on the proposed Archaeological and Aboriginal Relics Advisory Committee. However, I do not think the Minister is going far enough. I do not believe it is either just or fair that only three people from the Aboriginal community will be on that committee. It merely pays lip service to the notion that the Aboriginal community is having any genuine say in matters which affect it directly.

My foreshadowed proposal was that the number should be increased to five, which is the minimum number as far as the Opposition is concerned. I would like to see more, but five people would at least guarantee that some reasonable consultation could take place with the Aboriginal community as far as its sacred sites and cultural places are concerned.

The second part of my foreshadowed recommendation is also most important and I hope that honorable members will agree with me that the Aboriginal people themselves should choose from their own panel of ten, the people it wants on the committee.

The CHAIRMAN (the Hon. W. M. Campbell)—The Committee is not dealing with that matter. I point out to the honorable member that the Committee is dealing with a suggested

amendment to clause 5 (1) (*a*) —changing "eleven" to "twelve". The point Mrs Coxsedge is talking about may come under a further suggested amendment to be put to the Committee by the Minister.

The Hon. JOAN COXSEDGE—It is actually part of clause 5 and it is part of my foreshadowed amendment to clause 5. It is consequential on the others.

The CHAIRMAN—What I am trying to say is that the situation is difficult when a motion is being moved by the Minister and some other member wishes to move an amendment in precisely the same area. I do not want to restrain Mrs Coxsedge in any way. I think the honorable member can get sufficient of her message over on this first amendment to let honorable members know her views. Perhaps Mrs Coxsedge has gone far enough at this stage.

The Hon. E. H. WALKER (Melbourne Province)—A difficulty arose in this House some time ago in regard to the Post-Secondary Education Bill. A large number of amendments were moved by the Government, as has become the practice in recent times. I do not wish to speak against that, but point out that it makes matters difficult for the Opposition. On that earlier occasion, the Opposition was able to debate most successfully the Government's amendments and compare them with foreshadowed amendments from the Labor Party. That made the debate most successful. In a number of instances on that occasion, there were two or three amendments to a particular clause and, as I understand the practice of the Upper House—and it makes some sense—when amendments are consequential, one tests the whole content of the amendments on the first one.

This is a similar case. Where the Minister has indicated a change simply from eleven to twelve members of the advisory committee, the whole purport of the amendment is that the extra person will be a member of the Aboriginal community, as the Minister has indicated. Although it is not an official document, if one refers to the amendments of Mrs Coxsedge which were printed and distributed, but are not to be moved, one finds that the first of the honorable member's amendments is of a similar kind. If Mrs Coxsedge had been able to rise before a Government amendment had been moved, she would have spoken to the whole clause by testing it on the first part of her amendment.

The CHAIRMAN (the Hon. W. M. Campbell)—I accept the point and comments made by Mr Walker and I now rule that Mrs Coxsedge is in order because of the procedures adopted by the Committee in the past.

The Hon. JOAN COXSEDGE (Melbourne West Province)—Thank you for your ruling, Mr Chairman. The point I am making to honorable members —and I think it is most important—is that the Aboriginal people themselves choose from a panel of ten who should be on the advisory committee; the decision should be their own and it should not be left to the Minister.

The Hon. W. V. HOUGHTON (Minister for Conservation)—Mr Chairman, I take the first point of Mrs Coxsedge's proposition that there ought to be more than three representatives of the Aborigines on the advisory committee. Certainly, I would not intend in the future to be inflexible about that proposition. The performance of all members of the advisory committee should be examined in the light of experience and if it is appropriate to make alterations, of course I shall be willing to do so.

Far be it for me to suggest to the Opposition problems it will have but if Mrs Coxsedge's amendment is carried and my amendment is lost, there will be a return to the provisions of the original Bill for two representatives.

The Hon. J. W. S. RADFORD (Bendigo Province)—The Minister for Conservation is to be congratulated on increasing the representation. Yesterday, I spoke to Mr Les Russell of the Aboriginal Advancement League about matters that affect the members of that organization and he referred me to the problems of the Aboriginal people and

accessibility to sacred relics by Aboriginal people. He mentioned certain cave drawings at a particular site.

The Hon. E. H. WALKER (Melbourne Province)—On a point of order, Mr Radford has strayed from clause 5 and is now discussing a later clause which concerns access to sites.

The CHAIRMAN (the Hon. W. M. Campbell)—Order! I have been waiting for Mr Radford's initial comments to relate to the points raised by Mrs Coxsedge and replied to by the Minister and I hope the honorable member will do so shortly.

The Hon. E. H. WALKER—Further on a point of order, I do not wish to be a nuisance, but the Bill is structured in such a way that honorable members will realize that I have foreshadowed certain amendments and shall be speaking at length on those. Mr Radford has begun to discuss the matter of access to sites which is important but which is not provided for in clause 5.

The CHAIRMAN—I was hoping that very soon the point Mr Radford was making would relate back to the reasons why the Minister has increased the representation and why he considers those numbers should be increased, much in the way Mrs Coxsedge has done.

The Hon. J. W. S. RADFORD (Bendigo Province)—The point is just which members of the various leagues and interested organizations are to be represented by whom. The Aboriginal population of Victoria has declined markedly from the population of 1835 estimated by Sir Thomas Mitchell to be 6000 and the 1854 estimate of 7500. Mr R. Brough Smyth, author of *The Aborigines of Victoria,* volume 1, stated at page 45:

> The difficulty of forming an estimate of the numbers increases year by year. There are several natives employed occasionally, and some continuously, on sheep stations and farms, and the natives of Victoria now travel a good deal, and many cross the border.

When delegates or representatives of the various interested Aboriginal organizations are to be appointed, are they actually being appointed as representatives of the Aboriginal race generally or as representatives of the Aboriginal race in Victoria?

Unfortunately, the population of Aborigines in Victoria has declined severely over the years. In 1876 a large proportion of this race was eliminated by an epidemic of measles and unfortunately, only 500 Aborigines were listed in Victorian protectorates as listed by Brough Smyth. I ask the Minister who is to determine who is a Victorian Aborigine?

The Hon. B. P. DUNN (North Western Province)—Mr Radford has raised many questions worthy of discussion but I shall restrict my remarks to the suggested amendment. In the second-reading debate the National Party stated that there was a need to increase the number of members on the advisory committee to allow for an increase of Aboriginal representation. The Minister has gone part of the way towards achieving the desire of the National Party and the National Party will accept his suggested amendment, which increases the number from eleven to twelve and therefore allows for the appointment of another Aboriginal representative on the committee. Perhaps that increase is not ideal and will not be acceptable to the Labor Party, but I shall be interested if the Minister will indicate whether the increase has been made with the general approval of the Aboriginal community with which he states he has discussed the provisions of the Bill. Moving towards greater Aboriginal representation on the committee is at least one step in the right direction.

The Hon. E. H. WALKER (Melbourne Province)—I support the comments of Mrs Coxsedge. The bulk of the work that is to be done under the aegis of the Bill and the principal Act will be related to Aboriginal relics because the bulk of the work is of pre-1835. There is no doubt that the bulk of the persons comprising the advisory committee is other than Aborigines.

Mrs Coxsedge's foreshadowed amendment would not have meant a majority of Aborigines on the committee but would have provided the possibility for representation of the five major group-

ings of Aborigines which exist geographically in the State. In just the same way as the white community in Australia is not homogenous, so is the Aboriginal community not homogenous. There are variations. The Government is only nominal about Aboriginal representation. A concession was made of three representatives. The figure should be increased to five because of the clear-cut geographical groupings of Aborigines in Victoria.

Aborigines have different practices and each group considers different rights as either more or less important than others. Different groups have different gods. Nominal representation will not fulfil the intent of the Bill. I do not wish to demean the move by the Minister. I am delighted that the Government is willing to correct the representation. But if a proper base had been sought for representation of the Aborigines the number would be different and there would have been some reference to where those Aborigines would come from and, more importantly, to the point referred to by Mr Radford, who did not offer a solution, of the method of selecting the representation of the Aboriginal community, which ought to be written into the Bill.

The principal Act simply says, "Two being Aborigines nominated by the Minister" which will be changed to three. The Labor Party suggests that, there being two legitimate and proper organizations of Aborigines in the State, the National Aborigine Council, Victorian Section, and the Aboriginal Advancement League, which are recognized and respected bodies, the method proposed by the Opposition which is used in other groups of advisory committees should be used in this case, with the Aboriginal community in Victoria represented by those two groups nominating a panel of perhaps, 6, 8, or 10 from which Ministerial judgment would be exercised. In other words, the Minister would have the last say on who would be the three—presumably on advice—and the community would have the basic job of choosing who they believed would represent them best. The Minister has been receptive to suggestions on this matter and perhaps he will consider either in further amendments to the Bill or in practice in administering the provisions of the Bill in the future how the selection of three is to be made and the numbers because the Opposition believes five would be more representative than three and would not materially alter the balance of the advisory committee.

The Hon. N. F. STACEY (Chelsea Province)—It is of particular interest to me to recall Mr Radford's speech on the subject in which he referred to the fact that the views of the Government had changed with the transmission of the Bill from the other place to this place. That is acknowledged by the Minister's amendments today. It reinforces my belief of the real value of a bicameral Parliament. The opportunity for second thoughts is provided under a bicameral system of which both the Opposition and the Minister have been able to take advantage.

The Minister proposes to increase the representation of Aborigines on the committee from two to three. When the original Bill was being drafted in 1972 it was recognized that it was right, fit and proper that there should be at least two members representing the Aboriginal people on the advisory committee. The Minister now states that there is value in having three and the shift in that opinion from 1972 to 1980 is a recognition of the increased awareness of the need for the particular interest in and knowledge of Aboriginal people. Probably when the original Bill was drafted, concern was expressed more for anthropology and archaeology.

It is recognized now that Aboriginal people have a history that goes back at least 400 000 years but when most honorable members attended school, it was taught that the Aboriginal history went back 8000 or 10 000 years. This new knowledge has meant that the anthropologists and archaeologists represented on the committee need to be assisted and supported by Aborigines who, in recent times, have had more public support for the notion that certain sites are of particular value to Aborigines.

I therefore support the amendment suggested by the Minister.

The Hon. W. V. HOUGHTON (Minister for Conservation)—Mr Dunn asked whether, during consultations with the Aboriginal representatives, they had agreed with the proposal I made. My impression was that they approved. It was certainly made known to me when I first consulted with them that they would like to have five representatives on the committee. I am sure they still hold that position, but the impression I gained was that three representatives were acceptable to them. I am not inflexible and I remind honorable members that from time to time opportunities of amending Acts are available. If the performance of any of the members of the advisory committee, not only the Aboriginal members, requires reassessment, that will be done.

Mr Walker suggested writing into the Bill the sorts of people who ought to be consulted about the appointment of representatives to the advisory committee. It seems to me that when a Bill is specific, it is also exclusive. That is a real problem, particularly among the Aboriginal people, who are not homogeneous—nor is any other community group—because if the Bill stipulates that such-and-such a group will be consulted, only that group will be consulted. I take the point made about the people who ought to be consulted, and the same thought occurred to me. However, I should not like it to be written into the Bill. I would rather be able to have the widest possible range of consultations.

The Hon. W. A. LANDERYOU (Doutta Galla Province)—I reinforce the point made by members of the Opposition, which may have been lost after Mr Stacey's approach to the problem and the response of the Minister. Although the Minister has come considerably farther up the path towards the proposition put by Mr Walker and the Government has changed its mind, the selection of representatives ought to be left with the Aboriginal community.

I do not accept the argument that it is not possible to do that. Mrs Coxsedge suggested that five Aboriginal members could be chosen by the Minister from a panel of ten names submitted by the Victorian Aboriginal community. The somewhat esoteric arguments put forward by Mr Radford and, to an extent, embraced by the Minister, do not alter what should be the correct approach. To the best of my knowledge and belief, the members of almost every advisory panel established by the Government or Parliament who represent certain sections of the community—whether they be the Trades Hall Council, the Chamber of Manufacturers or any other sectional interest—are selected from a panel of names submitted by the relevant organization or group. Most legislation contains a provision stipulating that process.

Although I appreciate that the Victorian Aboriginal community is not a great monolithic structure—no more than any other community or group in this society—I believe it would be possible to work out a suitable provision, particularly bearing in mind that it could be worded sufficiently loosely to provide the Minister with room in which to manoeuvre. The extra step should be taken by the Minister, who is in a compromising and co-operative mood.

The Hon. W. V. Houghton—I have not finished yet.

The Hon. W. A. LANDERYOU—I hope Mr Stacey has not managed to talk the Minister out of that mood. The Minister should take it on his shoulders to take that step. He should not worry about what the Minister of Housing might say. He should take the next step and say, "The Government will honour the judgment of the Aboriginal community, which can submit a panel of ten—or whatever other number Parliament finally decides upon —names, and I will select from that panel. The Aboriginal members of the committee will be people of your choice and I will reserve my right, as a Minister of the Crown, to make my selec-

tion from your choice of the actual persons who are to become members of the committee".

This is a fundamental matter of principle, and I am sure that the Minister, reasonable as he is in his present mood, will be prepared to accept it.

The Hon. W. V. HOUGHTON (Minister for Conservation)—How could I resist an appeal couched in such appealing language and so obviously designed to appeal to certain sections of the community? However, there are other points of view, and perhaps they should be put.

As Mr Landeryou said, many Acts provide for appointments to various committees to be made by a Minister selecting particular individuals from a panel of names, but equally as many Acts do not contain that sort of provision. It is my view that, under the Westminster system of government, a Minister ought to be responsible for what he does. He should not have the let-out of being able to say, "That member of that advisory panel or committee has behaved disgracefully, but it is not my responsibility. The other fellows chose him". That is an opposite argument. A Minister of the Crown should be responsible for consulting with those groups who will be providing representatives. He should inform himself, through consultation, and then make his decision. That is what is proposed in this case.

The Hon. J. W. S. RADFORD (Bendigo Province)—A great deal has been said about representatives of the Aboriginal community. I certainly concur with those sentiments, but I point out that before there was such an awareness of their cultural heritage among Aboriginal people, many people in the white community were interested in the archaeological evidence of the Aboriginal civilization as it was before the coming of the white man. These people have come from every area of the State and every walk of life, including farmers, doctors, tradesmen, forestry workers and housewives.

As Mr Walker pointed out, it is extremely hard to define a group that involves people from all over the State who are interested in a particular subject. There are many organizations and societies involved in the archeological aspects of Aboriginal culture. I hope the Minister will bear in mind the work done in the past by these people. Many of them have been at great pains to make their collections available, not only to the State centre, which has been collecting Aboriginal artifacts, but also in other ways. They have done much to make the locations of Aboriginal middens and camps known and to record them for posterity. Some of those people, such as Aldo Massola, are, unfortunately, no longer with us, but the work they have done should not be forgotten.

Aldo Massola was a pioneer in drawing the attention of the general community to Aboriginal sites and artifacts. He made it possible for Europeans to, as it were, look through the eyes of an Aborigine and discover where camp sites and artifacts could be found. Driving along, one might see a sandy heap and believe it to be nothing, but a person interested in archaeology might realize that it was an Aboriginal camping ground. These people, because of their valuable experience and knowledge, on the advisory committee and not ignored.

The Committee divided on the suggested amendment (the Hon. W. M. Campbell in the chair).

Ayes	24
Noes	9
Majority for the suggested amendment	15

AYES

Mr Baxter	Mr Howard
Mrs Baylor	Mr Hunt
Mr Block	Mr Knowles
Mr Bubb	Mr Lawson
Mr Crozier	Mr Long
Mr Dunn	Mr Radford
Mr Evans	Mr Reid
Mr Granter	Mr Storey
Mr Guest	Mr Taylor
Mr Hamilton	
Mr Hauser	*Tellers:*
Mr Hayward	Mr Saltmarsh
Mr Houghton	Mr Stacey

NOES

Mr Butler	Mr Mackenzie
Mrs Coxsedge	Mr Walker
Mr Eddy	*Tellers:*
Mr Kent	Mr Thomas
Mr Landeryou	Mr White

PAIRS

Mr Chamberlain	Mr Kennedy
Mr Jenkins	Mr Sgro

The Hon. W. V. HOUGHTON (Minister for Conservation)—The Opposition must be delighted that it lost that amendment because honorable members can imagine the problems it would have faced with the Aboriginal community if it had won! I now move:

That it be a suggestion to the Assembly that they make the folowing amendment: Clause 5, paragraph (*c*), line 29, omit "10" and insert "11".

The suggested amendment was agreed to.

The Hon. W. V. HOUGHTON (Minister for Conservation)—I move:

That it be a suggestion to the Assembly that they make the following amendment: Clause 5, after paragraph (*f*) insert: '( ) In sub-paragraph (ix) for the word "two" there shall be substituted the word "three.'

The suggested amendment was agreed to, and the clause was postponed.

Clauses 6 and 7 were agreed to.

Clause 8 (Amendment of No. 8273, s. 12)

The Hon. W. V. HOUGHTON (Minister for Conservation)—For reasons which I have already stated during the debate, I propose to the Committee that it vote against this clause.

The Hon. E. H. WALKER (Melbourne Province)—I appreciate the Minister finding this solution to a point which was raised by myself during the second-reading debate and proposing to omit the clause which amends section 12 of the principal Act. Clause 8 provides:

In section 12 of the Principal Act after paragraph (*a*) there shall be inserted the following paragraph:

"(*aa*) enter upon and be within an archaeological area;".

The Minister is proposing that that provision be not added to the principal Act. What that will achieve is to take us back to the *status quo*. However, that does not quite cover the point I tried to make during my contribution as the Opposition was more inclined to allow freer access to Aborigines than to others. However, as the previous situation was at least reasonably acceptable to that community, the Opposition offers no opposition to the suggestion that the Committee vote against the clause.

The Hon. B. P. DUNN (North Western Province)—The National Party also agrees to the proposal of the Minister which will return us to the position which applied before the introduction of this measure. The principal Act allows persons access to an area with the approval of the Minister. No exception is made for wardens or officers as was proposed in the clause under discussion. The suggested amendment proposed by the Minister returns us to the *status quo* which will allow all people access even though it is with the approval of the Minister.

The clause was negatived.

Clause 9 (Amendment of No. 8273, s. 17)

The Hon. W. V. HOUGHTON (Minister for Conservation)—I indicated earlier in the debate that it was proposed to return the section referred to in this clause to the *status quo*. I propose to the Committee that it vote against this clause.

The Hon. E. H. WALKER (Melbourne Province)—As I foreshadowed earlier in the debate, I had proposed to move an amendment to this clause and my proposed amendment has been distributed. I commented on its effect during my second-reading speech. I wished to create a situation where Aborigines were specifically excluded from sites. Once again the Minister, probably after consultation, has agreed that the best course to adopt is to revert to the situation as it applies under the principal Act, a situation which appears to have worked reasonably well in the past.

I was not included in the negotiations so I am assuming that what the Minister has suggested is acceptable to the Aboriginal community. Clause 9

relates to section 17 of the principal Act which refers to persons not being allowed to enter archaeological areas without permission. Perhaps the Minister could elucidate and answer my fears by indicating the method by which Aborigines should seek permission to enter sites which are of archaeological interest. I would like to hear the method to be followed by Aborigines who wish to have access to such sites. I am sure the Minister has discussed the matter with someone but his suggestion does not appear to answer the question raised by the Labor Party the last time this matter was discussed.

The Hon. W. V. HOUGHTON (Minister for Conservation)—What is proposed is to return to the situation which presently exists under the principal Act. The effect will be to place everybody in a similar position, whether he be an Aborigine, a Calathumpian or whatever. The original prescription provided that a person should not be within an archaeological area without the permission of an authorized person. There was then a qualification of that prescription with reference to Crown land, private land and so on. Provision was made whereby permission to be within an archaeological area was limited as to time, place and so on.

The Hon. E. H. WALKER (Melbourne Province)—I am not quite sure whether the Minister has answered my fears. I ask what the normal procedure will be for Aborigines to become authorized persons to enter these areas. What procedure will they have to go through, as described by the principal Act, to gain permission from an authorized person to enter an archaeological area?

The Hon. W. V. HOUGHTON (Minister for Conservation)—The usual procedure is to apply to the Minister. It is not provided that the person apply to anyone associated with an archaeological area to gain permission. The persons who are authorized to grant permission are those set out in section 17 of the principal Act. In the case of Crown land, in the first place the person would apply to the Lands Department and ultimately a decision would be made by the Minister on the advice of the Secretary for Lands. In the case of land vested in a statutory corporation, the Minister administering the responsible Act would be the person to whom one should apply. In the case of land under the control of a Minister under an Act, the person would apply to that Minister. In the case of private land, he would apply to the owner and when the owner is not the occupier, to the occupier or a person authorized by the occupier to give such permission. Whether it be an Aborigine or anyone else they would be required to obtain permission from those persons who are authorized to give that permission.

The clause was negatived.

Clauses 10 to 12 were agreed to.

Clause 13 (Amendment of No. 8273 s. 22)

The Hon. W. V. HOUGHTON (Minister for Conservation)—This clause relates to surveys and I propose to the Committee that it vote against the clause to enable it to be substituted by a new clause which I shall propose later.

The Hon. E. H. WALKER (Melbourne Province)—If I understand the position correctly, I am pleased to see the Minister's initiative in this regard, but I am not sure what he means by a new clause that he will propose later. Does the honorable gentleman mean he will propose that today or at some future time?

The Hon. W. V. Houghton—Today.

The Hon. E. H. WALKER—I am sorry, I did not understand that. I will reserve my comments until the Minister has submitted his proposition.

The clause was negatived.

Clause 14 (Amendment of No. 8273, s. 23)

The Hon. W. V. HOUGHTON (Minister for Conservation)—I move:

Clause 14, paragraph (*b*), line 30, after "Minister" insert "after consultation with the Advisory Committee".

During the debate on the second-reading of the Bill and the reasoned amendment proposed by Mrs Coxsedge, this problem was discussed and it was suggested that the Minister could arbitrar-

ily and capriciously—and taking all the associated political risks—declare a site to be of no archaeological significance.

The Hon. E. H. Walker—The comments were mine.

The Hon. W. V. HOUGHTON—Yes, I believe they were, but the reasoned amendment was moved by Mrs Coxsedge. The fear of this happening, while remote, can be understood and it has occurred in certain circumstances in other parts of Australia, but not Victoria. I propose that in order to place some limitation on the so-called arbitrary decision which the Minister may make, he can only do so after consultation with the Advisory Committee. Mr Walker's proposition was that the action would be taken on the recommendation of the Advisory Committee. However, I take the view, as I stated earlier in the debate, that the Minister has to assume responsibility for what he does in this matter and it would be better if he did it after consultation.

The Hon. E. H. WALKER (Melbourne Province)—The Opposition is pleased to see an alteration which reflects some of its views expressed during the second-reading debate. There is a slight difference between the words "recommends" and "consults", but in the spirit of compromise or accommodation that seems to exist, the Opposition is pleased that the Minister is willing to make the change.

The Hon. B. P. DUNN (North Western Province)—The National Party also agrees with the action being taken by the Minister. The Minister is responsible for the Act and it is only right that the Minister should carry responsibility for any decision he makes. The proposal allows the committee, which is really an advisory committee, to do just that —advise the Minister on the course he should take. What the Minister is agreeing to is writing into the legislation a provision that he must consult with the Advisory Committee and that achieves the purpose which honorable members were striving to achieve when the Bill was debated last week.

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

New clause AA

The Hon. W. V. HOUGHTON (Minister for Conservation)—I move:

Insert the following new clause to follow clause 12:

'AA. After section 22 (4) of the Principal Act there shall be inserted the following subsection:

"(5) Any person who undertakes an archaeological survey of any land shall—

(*a*) notify the Director of his intention to undertake a survey prior to the commencement of the survey; and

(*b*) provide all site information collected in the survey to the Director in the prescribed form."'

I propose that the new clause be inserted in place of the clause that was discussed earlier about the surveying of archaeological sites. The effect of the new clause is that anyone who intends to conduct a legitimate survey rather than merely kick around a piece of ground, and intends to search for archaeological sites, should notify the department of his intention and the results of his work.

A further feature of the new clause is that a central registry of archaeological sites will be compiled. Therefore, anyone who wishes to make a reference to it will know exactly where to go to discover the previous work undertaken. The new clause will save overlapping and will not waste the time of archaeologists. It will be a point of reference for archaeologists.

The Hon. E. H. WALKER (Melbourne Province)—I am pleased that this change has been made. In the second-reading speech I made significant comments about the poor drafting where the word "survey" was placed between the expressions "disturb" and "or excavate". The addition of the word "survey" made a poorly worded clause because the words "disturb" and "excavate" are quite different from "survey".

The Minister has since had consultation with professional archaeologists and, I believe, the Victorian Archaeological Society. The results have been favourable. In this sense the words "survey" and "permission" are not meant in the same way. Mention is made of the word "notification", which is a responsible procedure. Now archaeolo-

gists from universities who are dealing with educational matters and are professional in their approach will notify the director of their intentions. Such archaeologists—and I agree with this also—will provide information gleaned from sites to the central registry. Previously this was undertaken in an informal way although a great deal of information has been compiled by the Victorian Archaeological Society, which enables further work to be undertaken. I compliment the Minister on the new wording because it makes quite clear the difference between "survey" and the other procedures which are, "excavate" and "disturb". The Opposition supports the new clause.

The new clause was agreed to.

Progress was reported, and the suggested amendments, and the amendments, were reported to the House and adopted.

It was ordered that the Bill be returned to the Assembly with a message intimating the decision of the House.

ESTATE AGENTS BILL

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

That this Bill be now read a second time.

The most important and in many cases the largest single transaction that most members of our community enter into on their own behalf is the purchase of their home. In most cases, this is done through an estate agent. The estate agent brings together the vendor and the purchaser, and generally earns his or her commission if he or she effects a sale. Thus the real estate industry is one that impinges very vitally on the lives of a great number of people in our community, and estate agents play a most important role in one of the biggest and far-reaching decisions that most of us make.

For these reasons, it is most important that the law of this State relating to estate agents and sub-agents should be sound law, ensuring that the highest standards are observed in the real estate industry. Prior to the introduction in the spring session of Parliament last year of a Bill to amend the Estate Agents Act 1958, the Government consulted in great detail and depth with a wide range of persons and organizations interested in the real estate industry in this State.

At the time that Bill was introduced, interested persons and organizations and the community generally were invited to study the form and content of the provisions it contained and make comment on or submissions in relation to what was proposed. I am pleased to be able to inform honorable members that that invitation was accepted by many people and that in the ensuing months many submissions were received in relation to the Bill. These varied greatly in detail and in depth. Organizations such as the Real Estate Agents Association, the Real Estate and Stock Institute of Victoria, the Victorian Stock Agents Association as well as the Law Institute and the Master Builders Association made lengthy and detailed submissions, while a number of other submissions were received from individuals who were concerned with specific aspects of the proposed amendments. By and large those making submissions agreed with the over-all thrust of the proposed legislation and were mainly concerned with various procedural aspects or details of the general scheme.

At the time the Bill was introduced last year it was announced that it was the Government's intention to introduce a Bill to re-enact the Estate Agents Act 1958 incorporating the amendments in that Bill and other amendments or provisions that seemed necessary or desirable after consideration of all the submissions received. The Bill before the House is a Bill to re-enact the Estate Agents Act 1958 with appropriate amendments and additional provisions to ensure that the real estate industry will be properly conducted for the benefit of the community generally.

As I have said, the general thrust of the amending Bill introduced last year was well received and has been maintained. The Estate Agents Committee which has served the real estate industry so well for many years will be replaced by an Estate Agents Board which, in addition to taking over all the functions

of the committee, will have other duties and responsibilities. Not the least of these will be the responsibility for the licensing of estate agents and sub-agents which has formerly been the province of the Magistrates Courts. The board will also enjoy wider disciplinary powers than those possessed by the committee.

The board shall have seven members appointed by the Governor in Council. One is to be a barrister and solicitor of at least five years' standing, another a person qualified in accountancy, two will be selected from a panel of names submitted by the Real Estate and Stock Institute of Victoria, one from a panel of names submitted by the Real Estate Agents Association of Victoria, one from a panel of names submitted by the Victorian Stock Agents Association and the last will be at the choice of the Governor in Council.

The chairman of the board will be appointed by the Governor in Council from among its members. One of the members will also be appointed deputy chairman. The board will be responsible for determining eligibility for and the granting of licences. The Bill provides for the appointment of a secretary to the board who will be responsible for the exercise of the duties and powers currently performed by the Registrar of Estate Agents save for those related to the Estate Agents Guarantee Fund which under this Bill will be performed by the board having regard to the different nature of the fund as provided for in this Bill.

Before leaving the board it must be pointed out that the Bill empowers the board to inquire into and punish breaches of rules of professional conduct by sub-agents as well as agents. The 1958 Act gave such disciplinary powers to the committee only in relation to estate agents. In the event that the board finds that an agent or sub-agent has misconducted himself the board can impose a penalty ranging from an admonition or reprimand to a fine and even to cancellation of the offender's licence.

The Estate Agents Act 1958 provided for an Estate Agents Guarantee Fund. This Bill provides for a fund by the same name. However, the Estate Agents Guarantee Fund as provided for in this Bill is a different fund from its predecessor. The fund is made up of interest from the investment of a proportion of moneys in the estate agents' trust accounts together with licence fees. The fund is in fact established and operated along similar lines to the Solicitors Guarantee Fund.

In addition to being available as a source of compensation for persons who suffer pecuniary loss at the hands of estate agents, the fund will meet the administrative expenses and salaries of persons associated with the board and its functions. The fund, previously existing, was available as a source of compensation to persons who suffered loss as a result of the behaviour of an estate agent acting as an estate agent. The Bill provides that recourse for compensation to the new updated fund can be had by any person who suffers loss through dealing with an estate agent in the course of or in connection with any business in respect of which the agent is or should have been licensed. The fund will also be used for the conduct of educational courses related to real estate both for persons in the industry and interested members of the general public. There is provision in the Bill that, in the event of the fund growing sufficiently large, it may be used for the purpose of assisting and encouraging home ownership.

In an endeavour to ensure that the service provided by the industry to the public is of a high standard, the Bill provides that all real estate offices have to be managed by a licensed estate agent or a branch manager specially approved by the board to manage a particular branch office. Prior to granting approval the board will have to be satisfied that the proposed branch manager is a sub-agent who has had at least four years' experience and has passed an examination prescribed by the board designed to ensure that the sub-agent is sufficiently well qualified to manage the branch office. The Bill has a "grand-father clause" to protect the position of sub-agents who were, as at 11 March 1980 managing branch offices.

These provisions together with clause 29 of the Bill which replaces section 20 of the Act will, it is hoped, eliminate the practice of licence lending. Clause 29 elaborates and makes more specific the provisions against licence lending to overcome decisions in Magistrates Courts that the offence of licence lending did not occur unless an actual licence was physically handed over. The Bill provides that any agent who permits any person to represent himself as the holder of a licence shall be guilty of an offence. The purpose of these provisions is to ensure that the public can be assured that the persons with whom they deal in the real estate field are properly qualified for the task.

This Bill amends many other provisions of the Estate Agents Act 1958 and introduces new provisions affecting estate agents and sub-agents. These changes are designed to cure problems that that Act created both for its administrators and those subject to its provisions.

The definition of "estate agent" has been changed in form rather than in substance and this change of form means that the word "business" has had to be defined in the interpretation section of the Bill. The definition of "small business" has been amended to include businesses sold up to $100 000 as opposed to the former $30 000.

The Bill contains a definition of a "stock and station agent" and special provision is made in the Bill in respect of stock and station agents in that they are permitted to employ sub-agents partly in real estate work and partly in stock and station agency work. This provision means that stock and station agents in this respect are in the same position as declared corporations. Sub-agents employed both by declared corporations and stock and station agents may be deemed to have been employed full-time in sub-agency work if their real estate agency work with their respective employers is substantial. If the board so deems, this will enable such persons, all else being equal, to be eligible to obtain an estate agent's licence.

There is a provision in the Bill to exempt from holding a licence both agents of the Housing Commission and travel agents when performing traditional travel agency work. This is in addition to the previously existing exemptions. The Bill, unlike the Act, distinguishes between licensed estate agents who conduct an estate agency business whether in their own right, or as a partner or as a director, and licensed estate agents working in real estate as employees.

The Bill provides that the board may require an applicant for a sub-agent's licence to have some minimal basic qualifications.

The Act provided that one-half of the directors of a real estate corporation and the officer of the corporation in *bona fide* control of its estate agency business had to hold an estate agent's licence. The Bill provides that all directors of a real estate corporation who are engaged in the estate agency work of the corporation must hold an estate agent's licence. There is a saving provision in respect of sub-agent directors who have been directors for a period of ten years prior to the coming into operation of this section. Sub-agent directors of less than ten years' standing as at 11 March 1980 may continue as such for five years and thereafter only subject to such conditions as the Estate Agents Board determines to be appropriate.

In order to better manage and control the activities of sub-agents the Bill provides that, upon issue of a sub-agent's licence, an "employer's copy" will also be issued, and it will be an offence for an estate agent to employ any person as a sub-agent beyond a period of fourteen days unless the agent has in his possession a current "employer's copy" of the sub-agent's licence. The Bill provides that licences shall be biennial as opposed to annual.

The Bill provides that the names of all persons directly involved with the business of a real estate agency should be listed in a prominent manner at every place where business is carried on and on the letter-head of each firm.

The Bill introduces provisions to regulate franchise agreements. Franchising agreements are a comparatively recent innovation in the real estate industry and to date they have been, by and large, self-regulating. Such agreements have benefits, not only for those involved, but also for the general public dealing with the franchisees. Because of the growth of the practice of franchising, it seemed appropriate that agreements to this end should be regulated and the Bill does regulate such agreements.

The Act permitted an estate agent commissioned to sell a property to purchase that property, provided he obtained the consent in writing of the person by whom he was commissioned. The Bill places an absolute prohibition on an agent commissioned to sell a property from purchasing that property and the Bill sets out when an agent shall be deemed to be financially interested in the purchase of such a property.

Part VI. of the Bill deals with the very important matters of accounts and audit. A joint submission in respect of those matters was received from the Australian Society of Accountants and the Institute of Chartered Accountants. Following discussions with a representative of the joint sub-committee of those bodies a number of amendments were made to the provisions of this Part. These amendments are designed to ensure that what the Bill requires in the way of accounting and audit accords with modern accounting and audit practices.

The Bill makes more changes than those to which I have adverted. It is, as I have said, the result of a great number of submissions and lengthy and detailed discussions. It is not necessary for me to deal with each amendment and addition in detail as they are explained in the clause notes circulated with the Bill. I commend the Bill to the House.

On the motion of the Hon. W. A. LANDERYOU (Doutta Galla Province), the debate was adjourned.

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

GEELONG PERFORMING ARTS CENTRE TRUST BILL

This Bill was received from the Assembly and, on the motion of the Hon. A. J. HUNT (Minister of Education), was read a first time.

MOTOR CAR TRADERS (AMENDMENT) BILL

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

That this Bill be now read a second time.

The purpose of this measure is to make a number of unrelated amendments to the Motor Car Traders Act 1973 designed to improve and facilitate the administration of the Act. All the amendments have been sought by the committee which has the statutory responsibility to administer the Act. As the House is aware Bills of this nature are what may be termed "housekeeping" measures and, to a large extent, contain amendments about which there is little or no controversy. The bulk of the provisions of this Bill fall into that category and the notes on clauses attached to the Bill should suffice to assist honorable members in their consideration of the measure.

However there are several matters to which I would draw attention. Currently the only objections to the grant or renewal of a licence under sections 15 and 18 of the Act which can be considered by the committee are those made by the Chief Commissioner of Police. It has become apparent that a large number of complaints received by the Ministry of Consumer Affairs relate to circumstances involving the sale of motor cars.

The Government therefore considers that it is appropriate for the Motor Car Traders Committee, in its consideration of the grant or renewal of a licence under the Act, to be apprised of any complaints made or action taken against the applicant under the Consumer Affairs Act. Accordingly, clauses 7 and 9 enable the Ministry of Consumer Affairs to so inform the committee.

Another important change relates to the committee itself. Honorable members will be aware that the committee,

which functions on a part-time basis, consists of five members who are required to attend to all matters relating to the administration of the Act. Consequently its work load is heavy and, in particular, the provisions of section 10 which require the chairman or the deputy chairman to preside and the quorum of three to contain at least one of those two office bearers have become onerous. The chairman has drawn attention to the difficulties confronting the committee in this regard and has sought some easing of the statutory restrictions on the committee in respect to the conduct of and attendance at meetings. The committee is currently meeting at least twice weekly and sometimes on four occasions.

The Government agrees that some relief should be afforded and proposes to enable the committee to function in the absence of both the chairman and his deputy. In future in such circumstances, the three remaining members will be able to elect one of their number to preside.

In addition the committee is enabled by the Bill to establish sub-committees consisting of two committee members. Such sub-committees will consider matters referred for report by the committee itself, the committee will consider those reports and make the executive decision. This will have the effect of clearing the committee agenda and will assist greatly in reducing the formal workload of the committee and the number of full meetings.

Clause 15 of the Bill makes a series of amendments to section 30 of the Act which deals with agreements in respect of the sale of a motor car. The amendments are designed to clarify the directions relating to information to be contained in such an agreement and, more importantly, to require every agreement to contain the name and business address of any proprietor of the motor car within the meaning of the Motor Car Act. Proprietors under that Act include persons who have any rights under a hire purchase agreement, bill of sale or like instrument and a written hiring agreement.

The effect of the amendments will be to alert the buyer to the fact that the title to the motor car is encumbered and that, before he can obtain a clear title, the motor car trader with whom he is dealing will have to clear that encumbrance. The buyer should make sure this is done before he closes the deal. It is very difficult indeed to legislate for total protection of the consumer in situations such as this. The principal of *caveat emptor* always applies no matter how carefully statutory protection and constraints are drawn, and the old maxim of never signing anything until you have read and understood it is as true today as it ever was.

Finally, I draw attention to clause 21 which proposes significant amendments to Part VII. of the principal Act. The Part, which consists of sections 48 to 52, establishes the Motor Car Traders Guarantee Fund. It states what moneys are to be paid into the fund, gives the authority for disbursements, and contains directions relating to claims against the fund.

Section 48 (3) states that there shall be paid out of the fund the amount of any loss which is admitted by the committee to have been incurred by any claimant by reason of the failure of a motor car trader to comply with any provision of the Act or the regulations. This means that any person, whether he is a motor car trader, a licensed motor car trader or a customer, has access to the fund in respect of the failures.

The committee has informed me of its growing fear that persons in the trade will see the fund as a means of recouping losses on normal trading transactions. The committee believes that the fund was established for the protection of consumers only and it is fearful that if persons in the trade as well as consumers are entitled to relief, the fund will be quickly exhausted. A declaratory order of Mr Justice Brooking in the Supreme Court confirmed the fears of the committee as to the potential wide availability of the fund.

As the House is aware, the main supply to the fund consists of the fees payable under the Act and these are provided by licensed motor car traders

on grant and subsequent annual renewal of licences. The committee believes that the moneys so appropriated should be used only to satisfy claims made against the fund by consumers who have incurred financial loss attributable to the failure of a licensed motor car trader or a former licensed motor car trader to comply with any provision of the Act or the regulations. The Government agrees with this belief.

Accordingly it is proposed to amend Part VII. of the Act to restrict claims against the fund to those arising from a dealing with a "licensed motor car trader" or former licensed motor car trader as distinct from a "motor car trader", and to debar a motor car trader and a special trader as defined in the Act from making any claim against the fund. Clause 21 effects the appropriate amendments.

The Motor Car Traders Act goes a long way to protect the consumer in transactions involving the purchase of motor cars. It requires persons in that business to be licensed, imposes sanctions on both licensed and unlicensed persons and provides the means whereby an aggrieved consumer can obtain relief, including financial relief, in certain circumstances. Any persons buying a motor car, if they wish to have the protection of the Act, must ensure that the person from whom they are making the purchase is a licensed motor car trader. Failure to do so leaves them unprotected. I commend the Bill to the House.

On the motion of the Hon. W. A. LANDERYOU (Doutta Galla Province), the debate was adjourned.

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

PENSIONERS' RATES REMISSION BILL

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

That this Bill be now read a second time.

The purpose of this Bill is to implement the Government's decision announced in the Budget speech for the current financial year to place an upper limit on rebates available under the pensioners' rates remission scheme. This decision followed an examination of the scheme after the Municipal Association of Victoria raised with the Government the question of introducing an upper limit on the amount of the pensioner rate remission allowed on each property. In considering the matter the Government has also had regard to the importance of channelling available resources into the areas of greatest need.

In this regard I should point out that expenditure on pensioner rate concessions has grown from just on $6 million in 1975–76 to an estimated figure of $27·1 million in the current financial year.

Under the provisions of the Bill, limits will apply to remissions on rates struck on or after 1 July this year. The Bill will place a maximum limit on remissions allowable to eligible pensioners, so that:

- in respect of municipal rates and charges, one-half or $120 will be remitted, whichever is the less; and
- in respect of each water and sewerage rate, one-half or $60 will be remitted, whichever is the less.

These limits are in line with those which apply in New South Wales.

The Bill also provides that pan charges levied by a municipality will be regarded as a sewerage rate for the purposes of this scheme. Where a pensioner and his spouse are jointly liable to pay a rate, they will be regarded as a single unit for the purpose of calculating the rate remission; and where a pensioner is liable to pay a rate together with one or more other people, the remission will be applied rateably.

No change is proposed in the definition of "pensioner" as currently being used in connection with the rate remission scheme. In accordance with the provisions of the Municipalities Assistance Act 1973, this includes aged, invalid, widowed and service pensioners who hold a Commonwealth concession card. I commend the Bill to the House.

On the motion of the Hon. G. A. S. BUTLER (Thomastown Province), the the debate was adjourned.

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

RACING (AMENDMENT) BILL

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

That this Bill be now read a second time.

The purpose of the Bill is to amend both the Racing Act 1958 and the Lotteries, Gaming and Betting Act 1966. Although two different Acts are involved, the amendments are homogeneous in that they all concern the racing industry. The most significant amendments are probably those which propose an increase in certain penalties prescribed by the Lotteries, Gaming and Betting Act for offences relating to illegal betting and, more specifically, to starting price bookmakers.

Some concern has recently been expressed at the extent of starting price betting in this State. The fines prescribed for these offences have not been increased since 1968; and with the recent inflationary trends, the existing fines do not provide an adequate deterrent to illegal operators. The Bill provides for substantial increases in the penalties and for the removal of the distinction between second and subsequent offences. The racing industry strongly supports these proposals.

The Bill reintroduces an offence of failure to give true name and address if a person is apprehended whilst engaged in street betting. Sub-section (2) of section 23 of the Lotteries, Gaming and Betting Act, which created this offence, was repealed by the Crimes (Powers of Arrest) Act 1972. Although the offence was not transferred to the Crimes Act, the penalty was retained in the Lotteries, Gaming and Betting Act, which suggests that the offence was inadvertently abolished. The Government considers that this measure would be a useful weapon in the battle against S.P. betting.

A further matter which warrants special mention is that of advertising by the Totalizator Agency Board. Ever since the board was established in 1961, it has engaged in limited advertising, with the emphasis being on the spring racing carnival each year. The board's management recently decided to extend its advertising so as to compete with other forms of gambling, and honorable members will be aware of the board's recent advertising campaign. However, the Crown Solicitor has advised the Government that the prohibition on the advertising of totalizators contained in the Lotteries, Gaming and Betting Act, may apply to the Totalizator Agency Board as well as to any other totalizator.

The Government considers that the board should be able to promote its services on a fair and competitive basis, and that any restrictions on the promotion of on-course and off-course totalizators should be removed. The Bill amends the Lotteries, Gaming and Betting Act accordingly. All sections of the racing industry agree that there is a need for the removal of these restrictions.

Another proposed amendment to the Lotteries, Gaming and Betting Act 1966 also concerns the Totalizator Agency Board. The Act prohibits the broadcasting or publishing of pre-post betting information on a Victorian-framed market, although section 116T (2) (*b*) of the Racing Act allows the broadcasting of totalizator dividends after they have been declared. The amendments proposed will allow the broadcasting of approximate totalizator odds prior to a race, so that Totalizator Agency Board patrons will be aware of market fluctuations. This information will be of great value to the board's patrons and should lead to an increase in turnover. The racing industry and the Victoria Police support the pre-post broadcasting of totalizator fluctuations.

The Bill contains two provisions relating to the Trotting Control Board. Debate in Parliament on the subject of the board's purchase of the land at Keysborough highlighted the lack of any requirement on the board's part to seek Ministerial approval for major capital projects or even to advise the Minister of its plans. It is proposed that the

Trotting Control Board must obtain the Minister's approval for its capital expenditure and for the purchase of assets and items of equipment which will cost more than $20 000. These controls will ensure that major proposals are submitted for Ministerial consideration, without hindrance being caused to the board's day-to-day operations.

The other amendment will allow the Racecourses Licences Board, with the approval of the Minister, to authorize payments out of the Racecourses Development Fund to assist the Trotting Control Board to acquire hardware and software for computerized racing, registration and accounting systems. The Racecourses Licences Board can authorize payments only for works carried out on a licensed racecourse, except in certain specific cases.

One exception was the establishment by the Victoria Racing Club of a computer-based information system. The Racing Act was amended in 1974 to allow the use of the Racecourses Development Fund for that purpose. The Trotting Control Board has submitted a detailed proposal which, I understand, amply justifies its need for computerization. I might add that the Greyhound Racing Control Board has been consulted on its need for computer facilities, but considers that its existing systems are adequate for its present needs.

Finally, the Bill increases from 50 to 60 the number of permits for mixed sports gatherings which the Minister may issue in any one racing year. Mixed sports gatherings are, as the name suggests, programmes which combine a number of different sporting activities, such as foot-running, cycling, horse-racing, wood-chopping and Highland dancing. The purpose of mixed sports gatherings is to provide for the entertainment of country people, particularly those communities which are some distance from a licensed racecourse. For this reason, such gatherings may not be held in the metropolitan area. The importance of the gathering permit is that it permits bookmakers to operate not only on the local events, but also on horse races being held elsewhere on the same day.

The number of permits for this type of meeting was fixed as recently as 1977, but the need for extra permits has been felt already. This year the number of applications totalled 57, including six from the Victorian Sprint Horse Racing Association. Because the number of applications exceeded 50, only two permits were issued initially for the sprint horse racing meeting. A further two permits were transferred to the association when the orginal holders cancelled their meetings, but it was considered that six meetings could have been justified for this fast-growing sport. The increase in the number of permits proposed by the amendment allows for a small degree of expansion in line with the Government's policy to permit these meetings only where they will not affect meetings conducted by licensed race clubs. The remaining amendments are of a minor nature and are covered fully in the explanatory notes. I commend the Bill to the House.

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

It was ordered that the debate be adjourned until Tuesday, May 6.

ADJOURNMENT

Unmanned railway stations—Section 120A sewerage schemes—Lake Hume water level—Caulfield to Mordialloc railway line—Epping to Whittlesea railway line—Compensation for bombing incidents.

The Hon. A. J. HUNT (Minister of Education)—I move:

That the Council, at its rising, adjourn until Tuesday, May 6, at a quarter to three o'clock.

The motion was agreed to.

The Hon. A. J. HUNT (Minister of Education)—I move:

That the House do now adjourn.

The Hon. JOAN COXSEDGE (Melbourne West Province)—I raise with the Minister for Local Government, representing the Minister of Transport, a

specific situation faced by passengers and railway staff in the rundown Victorian railways system.

On Thursday 3 April at approximately 9.30 p.m. an incident occurred immediately outside the Syndal railway station on a Melbourne-bound train when empty stubbies were thrown into the train. At Mount Waverley station a girl, who had been injured by flying glass, alighted from the train. The guard did his best to assist her but the train had to travel through five unmanned railway stations before he could reach a telephone to get medical assistance for the girl. In this case the injuries were minor, but I ask the Minister what would happen if somebody had a heart attack on the train and needed urgent medical attention.

It is a very unfair situation for the railway staff because it puts an enormous amount of stress on them and more and more persons are reaching the stage of being frightened to travel on trains at certain times. The incidents I have just described are symptomatic of a much greater disease—the disgraceful running down of the railway system. I ask as a matter of urgency that the Minister reverse the situation and return VicRail to its former place as an important and efficient part of the State's public transport system.

The Hon. D. R. WHITE (Doutta Galla Province)—I raise a matter with the Minister of Water Supply. I have received representations from a Mr Strangio of 207 Maroondah Highway, Chirnside Park. He has sought permission from the Lilydale Sewerage Authority to have a septic tank installed on his property. In seeking the permit, the authority has indicated that it will consent to the granting of a permit for the installation of the septic tank on the subject land as a temporary measure upon and subject to the owner entering into an agreement and making acknowledgements and covenants referred to in that agreement.

The authority has requested Mr Strangio to enter into an agreement which says that the owner hereby acknowledges and declares that he is fully cognizant and aware that sewer reticulation may be provided to the subject land in the immediate or near future by the authority and that such sewerage reticulation work to the subject land will probably be at the cost of the owner or of the then owner of the subject land. The concern of Mr Strangio is that, by entering into such an agreement, he will be making a commitment to repay the authority a certain sum of money in relation to that connection. The reason for his concern is connected with the present re-examination of 120A schemes currently being undertaken by the Minister.

I draw this matter to the attention of the Minister and I will provide the Minister with a copy of the request made by the authority and I ask the Minister to indicate to the House, in the near future, what recommendation he will be making to the sewerage authority to either abandon or rectify these types of agreement.

The Hon. D. M. EVANS (North Eastern Province—I refer the Minister of Water Supply to a matter I have mentioned on several occasions, namely, the run-down in the water level of Lake Hume. Based on figures provided two weeks ago, Lake Hume had 660 000 megalitres of water and the run-down at that time was in the region of 110 megalitres per week, which means that if those figures were accurate—which I assume they would be—there was about six weeks' supply left in Lake Hume, and then it would be totally empty.

Substantial quantities of water are stored in the new Dartmouth dam and the control of that water rests with the River Murray Commission. However, I request the Minister to discuss with that commission the possibility of allowing some of the stored supply from the Dartmouth dam to be released downstream from Lake Hume so that the weir is not allowed to totally rundown because problems will arise for those persons whose properties border Lake Hume if the water falls below a certain level.

I ask that the Minister take up this matter with the River Murray Commission not only for the immediate pros-

pect of this year but also because a reasonably important principle is involved regarding the operation of the two water storages in following years.

The Hon. ROBERT LAWSON (Higinbotham Province)—I raise with the Minister for Local Government, representing the Minister of Transport, the provision of a third railway line between Caulfield and Mordialloc. It is an urgent project which is being held up by lack of funds. I ask the Minister to approach the Minister of Transport with a view to instituting an inquiry into the possibility of extending that line to Moorabbin as that would at least provide some relief for the difficulties of transport between Mordialloc and the city.

The Hon. G. A. S. BUTLER (Thomastown Province)—I direct a query to the Minister representing the Minister of Transport. I seek from him some guidance for the electors I represent in the Mill Park, Whittlesea and South Morang areas on whether or not the Minister of Transport has given any consideration to the re-establishment of the railway line from Epping to Whittlesea. The Mill Park housing development will cater for 50 000 people in the near future, and this area, as the Minister is aware, is growing rapidly week by week. The Whittlesea township continues to expand in a residential sense, and it is reasonable to project that within the next five years or so there will be a considerable residential population, which could be serviced by the railways, but there is no service. It has been discontinued for some years.

I seek clarification from the Minister so that I can inform those people within the areas who constantly ask what the situation is.

The Hon. R. J. EDDY (Thomastown Province)—I direct my remarks to the Attorney-General. Constituents in the electorate that Mr Butler and I represent, last week suffered property damage as a result of a bombing of the Lalor medical clinic. Even my electoral office was damaged. There are units directly behind the medical clinic, and cars belonging to the residents were damaged to such an extent that some of the quotes for repairs are as high as $1800. I should like to know the rights of those people to compensation. I know that people are supposed to insure their properties, but the people who had their cars damaged to that extent have no hope of having them repaired. I ask the Minister if these people have compensation rights because of this incident.

The Hon. HADDON STOREY (Attorney-General)—I can only feel a good deal of sympathy for the people Mr Eddy mentioned. The loss and destruction that can be caused by bombing is tragic for anyone involved. Regrettably, there is no system under which the Government provides compensation for loss of property. The Government does provide compensation through the criminal compensation law for persons who suffer injury as a result of a criminal act. I note on looking at comparable figures in other States, that Victoria provides many times the amount of money provided in other States, but that does not extend to property damage.

The only item of compensation would be if the offender were found, and he had the means to satisfy any claim. Otherwise one has to rely on one's own insurance of property, which I suggest is a very wise precaution to take of a motor vehicle, the same as on a house. I think an ordinary insurance policy would cover that sort of damage.

The Hon. D. G. CROZIER (Minister for Local Government)—Mrs Coxsedge reminded the House of a regrettable incident that took place at the Syndal railway station recently. I consider her conclusions are deserving of some brief comment. She told the House that in her view this particular episode, and other similar episodes of recent times, indicate a running down of the rail system. The malaise is not the running down of the rail system, but the increasing propensity to violence in some elements of our society.

She also posed the question: What would happen if a passenger on that train or a similar service suffered a heart attack? My understanding is that in every guard's van there is a first aid kit, and railway employees are trained

in first aid. Clearly, in a medical emergency, I would have thought the train could have, and would have been stopped at any point, and help would have been summoned in the same way that anyone would summon help in any other such emergency. I assure Mrs Coxsedge that her comments will be conveyed to my colleague the Minister of Transport.

I might add, that no one is more conscious than the Minister of the need for an improved and efficient railway system. I suggest to the House that no Minister of Transport in recent times has done more, and is doing more, to grapple with the formidable task of bringing the railway system of Victoria to a more efficient standard.

Mr Lawson raised the interesting possibility of a third track from Caulfield to Moorabbin. I am not personally aware how far that investigation has proceeded, but I will discuss it with the Minister of Transport.

Mr Butler referred to the withdrawal or the discontinuance of the service on the Epping to Whittlesea line, and asked whether consideration has been given to re-establishing that service. I have no personal knowledge of the intention of the Minister in this regard but I will endeavour to provide an answer to Mr Butler.

The Hon. F. J. GRANTER (Minister of Water Supply)—Mr White raised a matter regarding Mr Strangio, of Maroondah Highway, Chirnside Park, and the agreement which he has been requested to enter into by the Lilydale Sewerage Authority, about installing a septic tank as a temporary measure. Mr White has handed me the letter, and I will ask the Lilydale Sewerage Authority to withhold any action or not to enter into any agreement with anyone in respect to septic tanks until I make a statement next week.

In respect of the matters raised by Mr Evans regarding the level of the Hume weir, I can only say that the Hume weir is lower this year than it was at this stage last year, as most of the storages are throughout the State, other than Rocklands. Strangely enough, Rocklands is at a higher level than last year, and it is one of the poorest reservoirs as far as catchment is concerned in Victoria. Mr Evans requested that the River Murray Commission consider allowing water from the new Dartmouth reservoir to be transferred to the Hume weir. I will certainly take that matter up with the River Murray Commission. As Mr Evans knows, and the House knows, both of these storages are under the control of the River Murray Commission.

The motion was agreed to.

The House adjourned at 5.55 *p.m. until Tuesday, May* 6.

Legislative Assembly

Thursday, 1 May 1980

The SPEAKER (the Hon. S. J. Plowman) took the chair at 11.5 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

ST NICHOLAS HOSPITAL

Mr ROPER (Brunswick)—I ask the Minister of Health: In view of the continuing criticism of physical facilities at St Nicholas Hospital, criticism which has been going on for at least the past ten years, has the Government considered demolishing St Nicholas Hospital and creating alternative modern facilities on a number of sites rather than on one site, and rather than continuing to throw good money after bad?

Mr BORTHWICK (Minister of Health)—No, the Government has not considered at this stage completely demolishing that hospital. The actual report did not suggest that, although it did draw to the Government's attention a number of major deficiencies at St Nicholas Hospital. The greatest deficiency, of course, is the fact that it originally had been designed as a

children's hospital, many years ago, and, as a consequence, the physical facilities inside the hospital were designed just for small children, and bathing and toilet facilities are a particular problem.

The Government was committed to a major expenditure last year, I think it was on wards 3 and 4, the poorest from the point of view of those facilities, and in terms of the total hospitals programme and objectives I could not possibly see the Government's way clear to completely rebuild that institution, however desirable it might be at present.

The honorable member talked about criticism in the community. I think he would find if he studied my statement in detail, that the direction we are heading is to bring numbers of children out of St Nicholas Hospital into a decentralized situation, which in the statement is referred to as intensive programme homes. I do not like that professional description. From that many children will ultimately be able to be moved from St Nicholas Hospital. As well, the actual space available will be greatly increased when the Department of Property and Services is able to obtain new premises for the mental retardation services administration.

I am well aware and conscious of the fact that the St Nicholas building is old. I am also well aware of the fact that there is a need to decentralize that form of care. The general thrust is in that statement. So I could not see my way clear at present to build a new hospital for a large number of severely and profoundly retarded and handicapped children.

I might add in this general question, I do not know whether honorable members are aware of the small hospital that was purchased at Mount Evelyn, called Rosine Nursing Home, where 30-odd children, very similar to those at St Nicholas Hospital, are being handled very well indeed, and it is possible from that example to build a number of much smaller units than St Nicholas Hospital, but at the present time I have no plans for that.

FLASHING LIGHTS ON SCHOOL BUSES

Mr ROSS-EDWARDS (Leader of the National Party)—Is the Minister for Police and Emergency Services aware that in America a system has evolved of having flashing lights attached to school buses as a safety measure and that those lights are activated when picking up or setting down children? I understand that experiments are also taking place in Queensland along these lines. Has this matter been brought to the notice of the Minister, and if it has not, will he investigate the possibility of introducing a similar system in Victoria as a safety measure to protect children travelling on school buses?

Mr THOMPSON (Minister for Police and Emergency Services)—Some experimental work has taken place in this area through the initiative of the Road Safety and Traffic Authority. The idea sounds a good one and would provide added safety for large numbers of school children who travel on school buses. I will certainly be pleased to examine the suggestion. Actually, it is in keeping with the experiment commenced this week to provide a greater degree of pedestrian safety whereby the police are encouraging pedestrians to wear armbands which can clearly be seen at night. As I mentioned in the House the other day, pedestrians are assuming that at night they are seen by motorists. However, in direct reply to the question asked by the Leader of the National Party, yes, I will be pleased to examine the proposal.

MITCHELL RIVER DAM

Mr BURGIN (Polwarth)—Will the Premier supply the House with details of his commitment to the Paynesville Waterworks Trust on the construction of the Mitchell River dam wall?

Mr HAMER (Premier)—The Paynesville Waterworks Trust is one of several waterworks trusts in East Gippsland which have for several summers had to impose some degree of rationing of water. This trust in particular is one which will benefit from the construction of the Mitchell River dam. This is an aspect that is often over-

looked by certain critics of the dam. It is not just to provide irrigation water for a few farmers, it has a very important role to play in providing an urban water supply for Bairnsdale and, as I said, for Paynesville and other places.

All I have indicated to the Paynesville Waterworks Trust, after it wrote to me, was that the present planning of the State Rivers and Water Supply Commission was that construction work on the dam will begin in the next financial year. In fact, as the honorable member for East Gippsland well knows, quite a deal of preliminary work has been carried out this year on the construction of access roads and so on. Of course, that commitment has always to be subject to one over-riding consideration, that is, unforeseeable changes which may be made at the Loan Council meeting in June, but, subject to that, it is the intention of the State Rivers and Water Supply Commission to begin construction of the dam in the next financial year and it is hoped to complete construction in 1983. That is the planning and, unless something unforeseen occurs in a financial sense, that is the programme which will be carried out, and that is the assurance I gave to the Paynesville Waterworks Trust.

MENTAL HEALTH ACT

Mr FORDHAM (Footscray)—The Minister of Health will recall the recommendation contained in the Syme–Townsend report, received by the Government in 1974, that a general review should be made of the Mental Health Act. The last review had been undertaken in the 1950s and it was recommended that another review should be carried out—as it was described—with some urgency. The report was submitted in 1974, and, in view of this, will the Minister explain why the Government has still not set up a public inquiry into the Mental Health Act and why it is persisting in conducting yet another internal review on what obviously appears to be a non-urgent basis?

Mr BORTHWICK (Minister of Health)—Over the past several months greater emphasis has been placed on that inquiry. It is an internal inquiry at this juncture—it is not an open inquiry. I might add, for instance, that the scientologists are very anxious to make it a general, open inquiry, particularly relating to those aspects of the legislation under which their activities are controlled. They are also very much involved in this matter and are bombarding me weekly about the present internal inquiry. The internal inquiry will make a recommendation to me on whether the inquiry should become more open, but at present I would rather not commit myself.

I am aware of the prospective date, and I think I have written to some honorable members indicating it, but I would not like to mislead the House by trusting to my memory on a Thursday morning.

FUNDS FOR LATROBE VALLEY

Mr McINNES (Gippsland South)—Can the Premier advise the source and the projected application of funds for the proposed Ministerial Council in the Latrobe Valley and state to what extent those funds will be made available? I understand the amount is about $10 million, but there seems to be some ambiguity on this matter.

Mr HAMER (Premier)—I assume the honorable member is referring to the funds which are being specially allocated for what could be called infrastructure work in the Latrobe Valley arising out of the rapid rate of development there, particularly in electricity generation. The Government has set aside $10 million over the next five years and has asked the consultative council, through the Ministerial Council, to suggest how that amount should be allocated. Of course, it will have to be spread over the period, but that is what the Government has asked the consultative council to do. The council has already had two meetings, and we expect to receive at least a preliminary report from it before long.

At any rate, I stress that this amount is in addition to what might be regarded as normal allocations for that area of Victoria. These are special allocations to meet a special situation.

JOB SHARING

Mr McARTHUR (Ringwood)—I direct a question to the Minister of Labour and Industry and refer to the concept of job sharing, which brings more people into the work force but for shorter periods and which is being used successfully by several members of Parliament in their electorate offices. In the interests of getting more individuals into the work force, could the Minister indicate whether he would consider the feasibility of having a programme to publicize and promote the concept of job sharing amongst employers and industry generally?

Mr RAMSAY (Minister of Labour and Industry)—The Victorian Employment Committee is examining a number of different possibilities of creating jobs, including job sharing, but it is important to recognize that sharing jobs means spreading the available work amongst a greater number of people. If this is to be done in a way that is meaningful to the economy, it involves not maintaining the same level of income for every person who is then sharing a job. It is an idea that is worth examining and it is being examined at the moment.

ST NICHOLAS HOSPITAL STAFF MEMBER

Mr EDMUNDS (Ascot Vale)—I direct a question to the Minister of Health. As the report on the St. Nicholas Hospital children which was released yesterday contained some extremely critical comments of the person named as Ms Rosemary Crossley, and as the Minister studiously avoided making any mention of this person in his Ministerial statement, can he advise the House what is the Government's attitude towards this person and her future employment within the Health Commission?

Mr BORTHWICK (Minister of Health)—This morning, Miss Crossley met with the permanent head of the department and he, in his right as permanent head, offered Miss Crossley an appointment to be seconded to the staff of the John Lindell Library situated within the Health Commission.

Miss Crossley is qualified in that field generally and I understand she will be advising the chairman of the commission of her attitude towards that offer later today.

SHORTAGE OF SKILLED TRADESMEN

Mr COX (Mitcham)—Is the Minister of Immigration and Ethnic Affairs aware of the shortage of skilled tradesmen in the community? If the Minister is aware of this shortage, can he inform the House what action he is taking and what sort of response he expects to get from the Federal Government to any submissions he will put forward?

Mr WOOD (Minister of Immigration and Ethnic Affairs)—At a recent Ministerial conference comprising the Federal Minister of Immigration and Ethnic Affairs and State Ministers it was generally agreed that the intake of migrants with skills that are in short supply in Australia should be increased.

Following that meeting, the Premier and I met with the Federal Minister in an attempt to work out ways and means of attracting skilled tradesmen who are in desperately short supply in Victoria. Despite the expansion of the apprenticeship training programme and the increase in funds for technical education there will still be a big shortfall in skilled workers.

There are many projects throughout Australia, as well as Victoria, where there will be a great need for people with special skills and if the Victorian Government, the Governments of all other States and the Federal Government wish to see these projects completed the only way to fill the shortfall is by encouraging migrants from traditional source countries to come to Australia. The Government has a process at the moment of trying to encourage these people with special skills to Victoria.

There are officers who are determining where the shortfalls are and officers who are talking with developmental firms in an attempt to ascertain the types of skills which are desperately needed, a need which will increase as the years go by.

The Government is working on this in an attempt to try to plug the gap because, like certain other projects, Alcoa, Portland, will have an eventual work force of 1200 people and will need between 400 and 500 skilled tradesmen in that operation, as well as the ancillary works that will be needed to support it. The Government is doing everything possible to overcome this shortfall.

ROAD TRAFFIC AND SAFETY AUTHORITY

Mr CRABB (Knox)—In view of the fact that legislation is before the House to abolish the Motor Registration Branch and have its functions taken over by the Transport Regulation Board, can the Premier indicate what fate is in store for the Road Safety and Traffic Authority which is the last authority under the former Chief Secretary's Department to be reallocated and the last transport oriented department now within the Ministry for Police and Emergency Services?

Mr HAMER (Premier)—As the honorable member for Knox is well aware, a principal function of the Road Safety and Traffic Authority, as its name implies, is road safety. It is closely associated with the police function and for the indefinite future, as far as any other reallocation is concerned, the Road Safety and Traffic Authority will stay where it is under the Department of Police and Emergency Services.

MENTALLY HANDICAPPED PERSONS

Mr McGRATH (Lowan)—In view of the fact that the Federal Minister for Social Security, Dame Margaret Guilfoyle, indicated that the Federal Government will provide eighteen group homes for the mentally handicapped, can the Minister of Health indicate whether any of these group homes will be established at Warracknabeal to complement the Woodbine Mental Retardation Centre that is already there?

Mr BORTHWICK (Minister of Health)—As the honorable member knows, during a recent visit to Woodbine the objective of the committee to establish a family group home in Warracknabeal was made known to me. If the honorable member would care to see me afterwards, I shall endeavour to obtain information as to whether Warracknabeal is one of the eighteen homes. Dame Margaret Guilfoyle has given me a list of those homes for the next year. If Warracknabeal is not included, I suggest to the honorable member that he should advise his committee to apply to the Department of Social Security because during the conference that I had with Dame Margaret Guilfoyle when she gave me the list of the eighteen homes for the first year of the triennium, she made it clear that her department would be taking this matter further in the next two years of the triennium. Although obviously numbers have missed out in this first year of the programme, they should be aware, as many people were not aware initially, of the thrust of the programme that will assist the mentally retarded in this State.

WEST GATE BRIDGE AUTHORITY

Mr WILLIAMS (Doncaster)—I ask the Minister of Transport a question concerning measures taken to reduce the appalling losses of the West Gate Bridge Authority. Is the Minister satisfied with the measures taken and can he elaborate on what has been done to increase the revenue of the authority?

Mr MACLELLAN (Minister of Transport)—The West Gate Bridge Authority sought approval to reduce the tolls by people buying vouchers or tickets in bulk. That reduced the amount payable by the people who use that system of payment, and resulted in increased traffic. The increased number of vehicles enabled the authority to receive in round figures about $1 million more in revenue per annum than it would otherwise have expected to receive. The

authority is still not meeting its interest bill but it was clearly expected that it would not do so in its infant years.

A decision will have to be made by the Treasurer on whether interest is to be capitalized or dealt with in another way, and discussions have been proceeding on that question. The overall result is that the West Gate Bridge Authority has adjusted the toll, it has attracted greater patronage, it has an incredible, world-renowned safety record and it is $1 million better off and therefore able to look forward to the future with confidence.

VICTORIAN DAIRY INDUSTRY AUTHORITY

Mr FOGARTY (Sunshine)—Will the Minister of Agriculture confirm that the current term of office of members of the Victorian Dairy Industry Authority will shortly expire? I refer to the chairman, the deputy chairman and members of the authority. If so, is it the intention of the Minister to allow farmers and processors to elect a person or persons to represent them on this an important authority? Further, will the Minister consider extending the authority to allow employee representation as occurs with the Federal counterpart, the Australian Dairy Corporation?

Mr I. W. SMITH (Minister of Agriculture)—The term of the Victorian Dairy Industry Authority will shortly expire and reappointments will need to be made. Of course it will not be possible within that period to alter the Act. The method of selection of the personnel of the authority is by inviting organizations which are concerned with that segment of the industry to submit a panel of names from which a recommendation is made to the Governor in Council. That course will be followed when the next appointments are due.

ABORTION

Mr SKEGGS (Ivanhoe)—I address a question to the Premier, and refer to his announcement last year that the application of the Menhennitt code on abortion in Victoria is under review. In view of the distressingly high incidence of abortion in Victoria, is the Premier now able to advise the House further on this matter?

Mr HAMER (Premier)—There is a very wide range of opinion on this matter and some very strongly held opinions apply to it. The consistent attitude of the Government has been to uphold the law in Victoria as enunciated in the Menhennitt ruling. I do not believe most people would be happy about the way that law has been operating. Accordingly, the Government is examining the operation of the Menhennitt ruling through a committee of the Government party and I am sure that committee will produce some very sensible recommendations, but I am unable to say precisely when they will be available. However, the committee is functioning.

FLUORIDATION OF WATER SUPPLIES

Mr CULPIN (Glenroy)—Will the Minister of Health inform the House whether the committee set up by the Government to inquire into the fluoridation of water supplies has finalized its report, and will the report be made available to the public? If the report has not been finalized, will the Minister take the appropriate steps to have it finalized?

Mr BORTHWICK (Minister of Health)—As I understand the matter, that committee was appointed by the Premier and will report directly to him. If I may put words into his mouth, I have no doubt that on such a public health issue he will make the report available.

INTER-DEPARTMENTAL TELEPHONE DIRECTORY

Mr JASPER (Murray Valley)—Is the Minister of Public Works aware that the correctness of telephone numbers within the inter-departmental telephone directory became so inaccurate some years ago that his predecessor indicated that on ringing a particular Government department he found he was speaking to himself? As that stage has again been reached, will the Minister indicate whether there is to be a new telephone directory produced in the

near future giving accurate numbers of Government departments and people within those departments?

Mr AUSTIN (Minister of Public Works)—The last directory was produced in 1978. Historically, a directory has been produced every two years, so a new issue is now due. I do not intend allowing the matter to reach the situation where I am likely to phone myself when using using that directory.

Honorable members ought to be aware that the directory is in fact out of date on the day it is printed and this creates problems. Currently, the necessary information is being accumulated from the various Government departments and a new directory cannot be released until that information is complete. I am considering a recommendation from my department to have the directory printed by the Government Printer.

Bearing in mind the value of this directory to electorate offices, to members and their secretaries, it would be helpful to me if one or two honorable members could indicate the format they would prefer the directory to take. By that I mean whether they preferred the 1978 production which merely gave the telephone numbers and the offices held by people in the various departments, or the previous system which gave the names of departmental heads and senior officers within departments. There again, it is important to remember that personnel change very rapidly, and the names given in the directory are also out of date fairly rapidly.

STATE SAVINGS BANK

Mr CRELLIN (Sandringham)—I refer the Treasurer, in his capacity as Ministerial head responsible for the administration of the State Savings Bank, to reports in the Senate of 2 April this year that certain pensioners, whose pensions have been investigated by the Department of Social Security, have had their accounts tampered with by that department and that moneys have been extracted by the department from those accounts without the authority of the account holders?

Furthermore, in carrying out investigations into pensioner entitlements there are some instances of strong boxes belonging to people being held in trust by the bank having been opened without the authority of the strong box depositor and that wills and other documents have been extracted.

Will the Minister conduct an investigation into this highly questionable practice and, should the need arise, investigate the matters of the Department of Social Security concerning pensioners to ensure that the State Bank varies its procedures to bring them more into line with acceptable practice and thus alleviate the unnecessary concern being felt by many pensioners?

Mr THOMPSON (Treasurer)—The matter was directed to my attention this week and investigations are being carried out to determine whether the allegations are correct. The Government certainly would not approve of a system where there is some automatic deduction by another Government department from someone's savings bank deposit.

Over the years, when money has been owed, for example, by studentship holders, I suppose that if the Government had adopted that method it would have been reatively easy to have achieved full repayment of the money owing. However, the Government regards such a method as obnoxious and it entered into agreements with studentship holders for repayment of the money owing and no direct deductions were made from savings bank accounts or from other accounts. The idea would have some attraction if the State could write its own reimbursement cheques and claim them on the Commonwealth Bank accounts, but this is not possible and it is not an acceptable practice to have refunds of money going from one Government department to another disregarding individual rights or, in this case, of refunding a Commonwealth department through the agency of the State Bank where quite obviously the approval of the deposit holder should be obtained before there is any tampering with the bank account.

CO-OPERATIVE FARMERS AND GRAZIERS DIRECT MEAT SUPPLY LTD REPORT

Mr DIXON (Minister of Housing)—By leave, I move:

That there be presented to the House a copy of the report of the inspector appointed to investigate the affairs of Co-operative Farmers and Graziers Direct Meat Supply Ltd.

The motion was agreed to.

Mr DIXON (Minister of Housing) presented the report in compliance with the foregoing order.

It was ordered that the report be laid on the table and be printed.

MINISTERIAL STATEMENT

Co-operative Farmers and Graziers Direct Meat Supply Ltd

Mr DIXON (Minister of Housing)—I desire to make a Ministerial statement which concerns the Co-operative Farmers and Graziers Direct Meat Supply Ltd.

On 20 June 1978, the Registrar of Co-operative Societies, acting pursuant to section 89 of the Co-operation Act 1958, appointed Mr Chernov to hold an inquiry into the affairs of Co-operative Farmers and Graziers Direct Meat Supply Ltd. Mr Chernov's report was received by the Registrar in October 1979.

On the advice of the Solicitor-General and the Attorney-General that the tabling of the report could prejudice any possible criminal proceedings, the Government decided at that time not to table the report. When making that decision, the Government believed that any possible criminal proceedings arising out of matters dealt with in the report would be able to be instituted in a relatively short time.

On 23 April 1980, the Premier made a Ministerial statement relating to the giving of the report to the Co-operative under section 77J of the Co-operation Act. The Government has now decided principally because of a number of events which occurred after the making of that statement that the report should now be tabled.

Following the Premier's Ministerial statement last week, the honorable member for Rodney made several comments which traversed the subject-matter of the report. His comments included——

The SPEAKER (the Hon. S. J. Plowman)—Order! The Minister is now relating directly to comments made by the honorable member for Rodney in debate last week, which contravenes Standing Order No. 93, which reads:

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 suggest to the Minister that he may refer in general terms to comments made but that he would be transgressing that Standing Order if he goes on to spell out precisely what those comments were.

Mr DIXON—The comments made received wide media coverage about the fact that funds appeared to be used from the co-operative to prop up other unassociated companies for which the chairman of the co-operative was accountant in his accounting practice and that the meat producers were literally robbed of $1·862 million.

As I have said, those comments received wide media coverage.

At all times the directors of the co-operative have asked that the report be tabled. Following the media coverage given to the comments of the honorable member for Rodney, Mr Smart and the accounting firm Marquand and Co. have also asked that the report be made public.

Finally, the Government has been advised that there is still a considerable amount of investigational and other work to be done in order to determine whether any, and, if so, what charges ought to be laid arising out of matters dealt with in the report. It is in this context that the Government has decided that the report should now be tabled.

In his Ministerial statement, the Premier also announced that the Victorian Government would be prepared to agree, provided both the Federal Government and Barclays Bank Ltd also agreed, to an application made by

the society for a further deferment of six months of both the April 1979 and April 1980 instalments of $1 million each, subject to certain conditions, in order to assist the society.

In his remarks to the House, the honorable member for Rodney alleged that the conditions to which the Premier referred were conditions imposed by the Government on the society as a condition for the Government agreeing to the extension of time. I state in the clearest possible terms that the conditions referred to by the Premier were conditions suggested by the society in its approach to the Government; they were not conditions imposed by the State Government, the Commonwealth Government or the lender, Barclays Bank Ltd.

In his report under the heading "Party VII Summation of Conclusions and Recommendations", the inspector has made recommendations concerning what he considers to be desirable amendments to the Co-operation Act 1958. The inspector strongly recommended that an effective means be provided, either by a scheme of arrangement or by legislation, to ensure that the interests of members of a society will be protected against any abuse of power by an administrator. The inspector also suggested that it could also be considered desirable that an administrator be required to disclose, in a manner similar to that contemplated by section 123 of the Companies Act 1961, his interest or association with any companies or organizations with which he or members of his firm are connected in the relevant sense.

Attention was also directed to the need to provide in the Co-operation Act requirements relating to the issue of a prospectus, again on the lines of sections 37 to 47A of the Companies Act.

Arising out of a complete review of the provisions of the Co-operation Act 1958, Cabinet recently considered, and approved in principle, a submission recommending substantial changes to the legislation. The recommendations of the inspector were included in that submission.

It is anticipated that the necessary Bill, which is presently being drafted, will be introduced during the spring sessional period later this year.

I move:

That the Ministerial statement be taken into consideration tomorrow.

Mr FORDHAM (Footscray)—The arrangement between the parties was that time will be made available, if it is required by either the Opposition or the National Party, to respond immediately. I can understand that, in the present circumstances, the arrangement agreed to by the Minister of Health yesterday—that equal time will be made available at the choosing of either the National Party or the Opposition at some time during this sessional period —would be suitable. Can the Minister give an assurance that that will be done?

Mr DIXON (Minister of Housing)—I give that assurance.

Mr CATHIE (Carrum)—The Opposition welcomes the assurance given by the Minister, but I bring to the attention of the honorable gentleman a practical difficulty. The honorable member for Brunswick managed to obtain the last available copy of the report. I hope that when the Ministerial statement is debated, sufficient copies of the report will be made available for all honorable members.

Mr Dixon—That will be done.

The motion was agreed to.

APPROPRIATION MESSAGE

The SPEAKER (the Hon. S. J. Plowman) 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 State Employees Retirement Benefit (Amendment) Bill.

VICTORIAN ECONOMY

Mr JOLLY (Dandenong)—I move:

That this House expresses its deep concern at the decline in the Victorian economy and condemns the Victorian Government for failing to support and implement policies which will lift the Victorian economy out of the present serious recession.

The SPEAKER (the Hon. S. J. Plowman)—Order! Is the motion seconded?

Mr WILKES (Leader of the Opposition)—I second the motion.

Mr JOLLY (Dandenong)—For the benefit of all honorable members I emphasize that the Victorian economy is at present in a grave recession. Not only is it important to recognize the dimensions of the recession, but it is also important to understand that the Victorian economy has deteriorated in comparison with the Australian economy as a whole and in comparison with the economy of the neighbouring State of New South Wales. During the past two or three years, and even within the past twelve months, the performance of the Victorian economy has been particularly poor.

The Opposition is concerned that the Government is not prepared to face the economic reality. The Premier has, in this House, attempted to grasp at the unemployment figures released by the Commonwealth Employment Service in a desperate attempt to demonstrate that the Victorian economy is not in as bad a situation as it really is. The figures released by the Australian Bureau of Statistics show that during the past twelve months Victoria has fared worse than New South Wales in unemployment, and even the Commonwealth Employment Service statistics were used by the Premier in a misleading fashion. The honorable gentlemen implied yesterday that there had been an improvement in the figures during the past twelve months, but the fact is that during that period the number of unemployed in Victoria has risen by approximately 7000. I also point out that unemployment statistics are not the most relevant figures to use as a basis for assessing the state of the economy. It must be understood that there is considerable hidden unemployment in Victoria and it must be recognized that employment growth in Victoria is slower than it is in New South Wales. Also, there has been a population drift out of Victoria because job vacancies are fewer here than they are in other States and over recent years the Victorian vacancies have been declining.

It is disgraceful that, as the Opposition spokesman for economic planning, I am forced to put the Victorian economy into perspective. That sort of situation should never arise. Quarterly reports should be prepared and made available to all honorable members. As I indicated last week, when it is necessary for honorable members to debate the Supply Bill it is imperative that they be supplied with an assessment of the economy. No attempt to do that has been made. Therefore, I shall attempt to fill the void, because it is extremely important that honorable members know where the Victorian economy is heading and its present state.

The first step I shall take is to outline the performance of the Victorian economy in respect of demand indicators. In order to determine what is likely to happen to future economic prospects, it is necessary to analyse the demand situation. It should be well understood that a growth rate, in real terms, of approximately 5 per cent is required simply to ensure that there is no deterioration in the economic situation. Given that yardstick, what is the position of the Victorian economy?

The major component of demand is consumer spending. That is recognized by everybody and cannot be denied. It accounts for approximately 60 per cent gross domestic product. What is happening in this area? Although figures on the over-all consumer spending in Victoria are not provided, figures are available for retail sales and motor vehicle registrations. The entire community is aware that the motor vehicle industry is in a serious recession, which is adversely affecting employment opportunities. The figures for retail sales, which, as I have said, are the major

component of consumer spending because the sales indicate the value of goods sold in Victoria, reveal an extremely depressing picture, particularly when compared with the situation in New South Wales.

The latest figures available deal with the twelve-month period up to the September quarter of 1979. In that time the real value of retail sales in Victoria declined by 1·2 per cent. I have already explained that there must be a growth of approximately 5 per cent if the economy is not to deteriorate, but there has been a decline of 1·2 per cent. The situation in New South Wales is different. In that State there was an increase, in real terms, of approximately 2·2 per cent. There was, at least, some growth in the economy of that State, although, admittedly, it is not sufficient to ensure a sustained recovery. Unfortunately, no more up-to-date figures for retail sales on a quarterly basis are available. Clearly, consumer expenditure is a weak spot in the Victorian economy. It is bad all over Australia, but particularly so in Victoria.

The next component of demand is savings. Conservative parties all over Australia have advocated a reduction in the savings ratio, yet simple-minded members opposite claim that it is a good thing that there is a high savings ratio in Victoria. That completely contradicts the economic policies of the Federal Government, which claims there must be a reduction in savings.

I now turn to private investment. Unfortunately, no retail information is available on private investment in Victoria, or in any other State for that matter, and one can only proceed on the basis of the performance of consumption expenditure to provide a guide as to what is likely to happen with investment in the private sector. The other area of private investment is, of course, investment in dwellings. We all know of the serious recession in the home building industry at present. The Opposition welcomes the recent initiative of the Government in subsidizing interest rates for lower and middle income earners to borrow from building societies; but that is not enough. The Government's policies are riddled with contradictions. It advocates a tightening of the money situation and supports the policy of reducing inflation first. That means, inevitably, that the home building industry will be adversely affected. Therefore, although the home building industry is in a slightly better position than it was at this time last year, it is still in a deep recession.

The third major component of consumer demand is Government expenditure. The Government fails to recognize that Government expenditure creates jobs. In the Budget last year, the Government gave priority to reducing employment in the public sector. Members of the Government party hold the view that if one reduces jobs in the public sector one automatically creates them in the private sector. That is absolute nonsense. There is no relationship between the two. The reasoning the Government applies to the public and private sectors can apply only when there is full employment—of course, Victoria does not have full employment at present.

By imposing staff ceilings and cutting back public sector expenditure, the Government is adversely affecting employment, and the report of the Public Service Board, which was presented to Parliament yesterday, implies that the Government's policies are not enabling the Government to meets its economic objectives. It is disastrous on general economic grounds and also on resource allocation grounds. When we examine the three major components of internal demand indicators, we see that the Victorian economy is in a very sad state.

Turning to the short-term economic outlook, I have already explained to the House how badly the Victorian economy is performing in consumption expenditure, a major indicator of demand. What has the Government done on the issue? Instead of trying to encourage consumption expenditure by

introducing attractive policies, it does exactly the opposite and increases indirect taxes such as stamp duty, probate duty and gift duty. Such a policy brings about a redistribution of income in the community from the low income groups to the wealthy groups. Everybody knows—even the honorable member for Noble Park—that low income earners have a higher propensity to spend than high income earners. A redistribution of income associated with the taxation policies of the Government further retards consumption expenditure in this State. That fact would be firmly understood by the Treasurer who would not deny that point.

Victoria's indirect taxes are the highest in the land. One reason is that the Government hastily reduced probate duty which is taking away valuable revenue from the State. That is the situation and, as I have indicated, Victoria has the highest indirect taxation in Australia.

Two forms of indirect taxation which are vital to the performance of Victoria's economy are stamp duty and Government charges associated with the purchase of a home. No one can deny that those forms of taxation are higher in Victoria than in any other State or Territory. That is the first point I make. The housing industry is extremely important, yet Victoria has the highest rate of Government charges in the land.

The motor vehicle industry is responsible for more employment in Victoria than any other industry. Victoria relies more on the motor vehicle industry than does any other State, but the Government imposes the highest Australian rate of stamp duty payable on the sale of motor vehicles.

That accentuates the problems which already exist. I have indicated that not only is this occurring in the private sector but also in the Government sector where there has been a cutback in expenditure, which will mean a further decline in employment opportunities in this State.

Given that that is the economic background to the situation, it is important to see how that background affects unemployment and employment in Victoria, because clearly they are or should be the major concerns of honorable members. All there has been on this issue is a series of Dorothy Dix questions to the Premier based on Commonwealth Employment Service statistics.

Honorable members recognize that not only are the figures of the Commonwealth Employment Service and the Australian Bureau of Statistics on unemployment deficient but also they do not take into account hidden unemployment. It is important to recognize that the figures of the Australian Bureau of Statistics provided by the Australian Statistician are based on a survey of the population, whereas the figures provided by the Commonwealth Employment Service are based on the number of people who register with the Commonwealth Employment Service in an attempt to obtain jobs.

The Australian Bureau of Statistics figures, although narrowly defined, cover a broader section of the community—even the Prime Minister is on record as saying that the figures of the Australian Bureau of Statistics should be looked at when determining employment trends in the unemployment situation.

When one does that, one can see that Victoria's situation is deteriorating. In fact, over the past twelve months the figures for Victoria revealed a worse picture than those of New South Wales. I have prepared a set of tables on the unemployment and employment situations. I have spoken to the Speaker and contacted *Hansard* and I understand there are no problems in having these tables incorporated. I seek leave of the House to have the material incorporated in *Hansard.*

Leave was granted, and the tables were as follows:

Table 1
UNEMPLOYMENT RATE
VICTORIA AND NEW SOUTH WALES
(March 1979 to March 1980)

Month	(1) Victoria %	(2) N.S.W. %	(1) / (2)
March 1979	5.6	6.4	87.5
April 1979	5.7	6.4	89.1
May 1979	5.2	6.3	82.5
June 1979	5.5	5.9	93.2
July 1979	5.3	5.9	89.8
August 1979	5.5	5.2	105.8
September 1979	6.2	5.5	112.7
October 1979	5.9	5.5	107.3
November 1979	5.4	5.2	103.8
December 1979	5.8	5.8	100.0
January 1980	6.0	6.3	95.2
February 1980	6.1	6.3	96.8
March 1980	5.9	5.8	101.7

SOURCE: Australian Bureau of Statistics, *Unemployment Australia* (Reference No. 6201.0)—various issues.

Table 2
INDEX OF CIVILIAN EMPLOYMENT
VICTORIA AND NEW SOUTH WALES
(January 1977 to January 1980)

Year	Victoria	New South Wales
TOTAL		
1977	100	100
1978	101.1	100.5
1979	101.1	101.2
1980	102.1	102.9
PRIVATE		
1977	100	100
1978	99.6	99.2
1979	98.9	99.5
1980	99.8	101.5
GOVERNMENT		
1977	100	100
1978	102.2	104
1979	104.1	105.6
1980	105.2	106.7

SOURCE: Australian Bureau of Statistics, *Civilian Employees* (Reference No. 6213) —various issues.

Table 3
JOB VACANCIES VICTORIA AND NEW SOUTH WALES
(March 1977 to February 1980)

Month	(1) Victoria	(2) NSW	(1) + (2)
1977			
March	18,000	14,500	+3,500
May	14,400	10,300	+4,100
August	14,300	12,300	+2,000
1978			
February	13,100	11,500	+1,600
March	11,700	12,500	− 800
May	9,500	12,200	−2,700
1979			
May	10,600	14,000	−3,400
August	9,500	13,800	−4,300
November	8,900	14,800	−5,900
1980			
February	10,300	17,000	−6,700

SOURCE: Australian Bureau of Statistics, *Job Vacancies Australia* (Reference No. 6231) —various issues.

Table 4.
VICTORIAN MANUFACTURING GROWTH PROSPECTS

Industry	*Employment* (1) 1000	*per cent*	*Growth Prospects* (2)
ASIC 21—Food Beverages and Tobacco ..	58·8	14·2	Most sectors reported no charge in forward orders
ASIC 23—Textiles	21·2	5·1	No change in forward orders on the aggregate
ASIC 24—Clothing and Footwear.. ..	47·2	11·4	Forward orders slowly increasing in clothing and drop in footwear. Knitting Mills not bright
ASIC 25—Wood, Wood Products and Furniture	20·8	5·0	Forward orders gaining momentum slight growth expected. Increase in activity last year did not increase employment
ASIC 26—Paper ad Paper Products, Printing and Publishing	33·3	8·0	Forward orders 3·5 per cent. increase slight growth expected.
ASIC 27—Chemicals, Petroleum and Coal Products	20·5	4·9	No clear indication of growth prospects
ASIC 28—Non-Metallic Mineral Products..	13·8	3·3	Slight growth overall
ASIC 29—Basic Metal Products	13·3	3·2	Decline in forward orders
ASIC 30—Fabricated Metal Products ..	36·8	8·9	Slight growth
ASIC 32—Transport Equipment	62·4	15·0	Drop in forward orders
ASIC 33—Other Machinery and Equipment	59·0	14·2	Marked increase in forward orders.
ASIC 34—Miscellaneous Manufacturing ..	28·4	6·8	Overall slight growth
	415·4	100·0	

Source 1 VCM Manufacturing Industry in Victoria, October 1979 Table 2.
2 VCM Pulse Survey of Victorian Manufacturing, February 1980.

Mr JOLLY—I thank the House. Honorable members opposite should not be fearful of the facts that come before them because it is time honorable members faced up to economic realities.

The unemployment rate set out in table 1 covers Victoria and New South Wales from March 1979 to March 1980. The third column of that table relates the unemployment rate in Victoria compared with that of New South Wales. I do not want to spend too much time on this table but I make these points: Firstly, Victoria's unemployment rate from March 1979 to March 1980 has increased from 5·6 per cent to 5·9 per cent, an unequivocal deterioration in the unemployment situation.

Over the same period, in New South Wales the unemployment rate has declined from 6·4 per cent to 5·8 per cent so there has been a relative improvement in that State. Over the period we also see that New South Wales has generally had a lower rate of unemployment than Victoria. The third column in the table reveals that over the past eight months on only two occasions has Victoria had a lower unemployment rate than New South Wales. Honorable members can see that the advantages that Victoria may have had in the early stages of this deep recession are now disappearing. I have taken only the past twelve months as that period shows the signs that Victoria's economy is deteriorating. It is no good going back further because the facts and signs are that Victoria's economy is deteriorating, as I shall explain later.

These unemployment figures underestimate the serious decline in Victoria's economy. I readily accept that unemployment indicators are not the best indicators of the labour market in Victoria and many other economists hold a similar view, including economists within the Premier's department. I shall later refer to economists within the ANZ Bank who have prepared a short statement on Victoria's economy. However, Victoria has been progressively starved of employment opportunities.

It is important to recognize that one of the important reasons for the suppression of the unemployment rate in Victoria is that the State has been exporting its unemployed to other States because job opportunities in this State are disappearing. This view is supported by the economic section of the Department of the Premier.

I shall quote from a document which provides an indication of future prospects for Victoria. I read from page 13 of the statement prepared in July 1978 by the economic section of the Department of the Premier. It is not a new phenomenon but it is one which is still applicable. The document indicates:

> With Victoria's manufacturing sector more heavily oriented towards highly protected, slower growth industries than other States, a slightly slower rate of economic growth can be expected in Victoria than other States. This is likely to lead to a net outflow of population to the faster growing States. In short, population growth is expected to respond to economic factors, but only partially mitigate the unemployment problem Victoria might face.

One of the reasons why Victoria has been showing a consistently lower rate of unemployment in the past is because people have been going interstate to obtain jobs. This move in population has been indicated because the population growth in Victoria has been relatively lower than that for Australia as a whole. For the year to June 1979 —unfortunately these are the latest figures available—Victoria's population increased by less than 1 per cent. In fact the increase was 0·92 per cent, whereas the increase for Australia was 1·19 per cent and in New South Wales the increase in population growth was 1·29 per cent. If one examines the net interstate migration from Victoria for the year to June 1979, one will find that there was a net interstate migration from Victoria of 10 323. It would be my proposition that recently this situation has deteriorated even more because if honorable members examine the unemployment situation, they will find that Victoria is not performing very well.

I turn to table 2. It indicates the position of civilian employment. One should examine the index of civilian employ-

ment for Victoria and New South Wales. It is important to have a starting point which is when the policy of reducing inflation first came into being. Victoria has performed relatively badly compared with New South Wales. Taking the position in January 1977 and comparing it with January 1980, the increase in Victoria has been 2·1 per cent whereas the increase in New South Wales employment has been 2·9 per cent. There has been a much higher growth rate in New South Wales.

Since the beginning of 1977 there has been no growth in employment in the private sector for Victoria, in fact there has been a slight decline. When that is contrasted with the New South Wales position, instead of there being a decline in employment in the private sector there has been an increase of 1·5 per cent. One can see from those figures that there has been an increase in private employment in New South Wales but a decline in Victoria.

That leads me to table 3 which really highlights how Victoria has been starved of employment opportunities during a period when it has had a "reduce inflation first" policy operating. It is important for honorable members to understand that that policy has had a more disastrous effect on Victoria than on any other State. It is important for the public to recognize that the policies of the Federal Government are strongly supported by the Victorian Government.

In March 1977 there were 18 000 job vacancies in Victoria. I should point out that these figures are compiled by the Australian Bureau of Statistics and are not data based on people seeking employment through the Commonwealth Employment Service, the figures are much broader than that. As I have said, in Victoria, there were 18 000 job vacancies in March 1977 but at the same time in New South Wales there were only 14 500. In other words, job vacancies in Victoria at the beginning of 1977 were 3500 higher than in New South Wales. In February 1980, the situation had turned around and, on the available figures, there were only 10 300 job vacancies in Victoria. In other words there had been a decline of 7700 between March 1977 and February 1980, whereas in New South Wales over the same period there had been an increase of 2500.

The difference between New South Wales and Victoria in 1977 was that prior to the "reduce inflation first" policies taking effect, New South Wales lagged behind Victoria in job vacancies by 3500. The latest figures show that New South Wales is 6700 ahead of Victoria. That shows the decline in employment opportunities that exist in Victoria. There are important differences between the States. The Victorian economy is declining relative to the Australian economy and, in particular, to the New South Wales economy.

It is time the Government treated economic policies and information as top priority. Members of Parliament need to know what is happening in the Victorian economy before important documents like the Budget are prepared so that they can evaluate the situation. A quarterly report on the Victorian economy should be provided to members of Parliament.

In case members of the Government party think I have been giving a distorted view, I refer to the publication of a private sector organization which has analysed the Australian and Victorian economy, namely, *ANZ Bank Business Indicators* of March 1980, published by the Australia and New Zealand Banking Group Ltd. It is up-to-date information. I shall quote from this publication and ask supporters of the Government to listen closely:

> In the past year, growth in the Victorian economy was generally slower than in New South Wales and Queensland. Growth rates of various economic indicators in 1979 were below Australian averages, although higher than in 1978. Victoria is heavily dependent upon the manufacturing sector, particularly motor vehicles, which is currently experiencing significant long term structural problems. In addition, sluggish population growth in recent years and recession in dwelling construction have had widespread ramifications. The recent buoyancy in rural incomes although significant has not been large enough to offset these adverse conditions.

I shall now refer to the employment situation. I have been highlighting how the unemployment situation tends to contradict what is occurring in the Victorian economy. This view is supported by the ANZ Bank which states:

> The State is in the apparently contradictory position of being below the Australian average for employment growth,

In other words, performing badly—

> yet consistently performing better than average in respect to unemployment.
>
> . . . . .
>
> An explanation for the lower unemployment appears the relatively slower growth in the 15-19 year age group in Victoria, together with the migration of population to other States.

The publication goes on to explain other economic factors.

The population is drifting out of Victoria and this has tended to provide unemployment figures in Victoria which are lower than they would otherwise be. It disguises the serious deterioration in the Victorian economy.

It cannot be denied that Victoria has a serious economic problem. It is getting worse and firm policies are needed to put Victoria back to work. The problem is that Victoria is in the era of stone age economics, because the Secretary of the Federal Treasury is dominating economic policy. I recognize that the Federal Government is dominant in the economic performance of Victoria and other States. A policy of reducing inflation first is advocated by the Federal Government. A policy of reducing the rate of money supplied, of Budget deficit and so on is an extremely restricted policy.

The Victorian Government cannot withdraw from its responsibility for those policies because it supported them. The Opposition has repeatedly told the Government that it is on public record for supporting a policy of no stimulus until the inflation rate is reduced to 3 per cent. The Government should retract that policy statement because it encourages the Federal Government to follow it up with even more restrictive policies. This policy came from a Queen's Counsellor who was paid approximately $21 000 by the Victorian Government to say that is the policy that the Victorian Government supports. These people act under the auspices of the Premier's department.

In line with the policy of restrictions and squeezing the economy to death, the Government also supports a policy of reducing real wages. That will only reduce consumption expenditure. Victoria is relatively badly off with respect to consumption expenditure.

It is time the Government completely dissociated itself from the policies of the Fraser Government because it has been an economic disaster. I know this view is held by the honorable member for Dromana and I agree with his comments on the Fraser Government policy.

I shall now comment on the State economic policy because although the Federal Government places the State in an economic straight jacket, there is room for the Victorian Government to take action to prevent the Victorian economy from being crushed by Federal policies. Given the severe recession which exists in Victoria, public sector resources in this State should be used to maximize employment in Victoria. Unfortunately, there is economic mismanagement in Victoria. There is a lag in recognizing the seriousness of the economic problems.

The Premier is concerned with public relations rather than the State economy because he only uses the Commonwealth Employment Services figures. Once the Government recognizes a problem it takes it years to act, so there is a response lag.

It is clear that the first step that needs to be made to manage the economy in Victoria is to give top priority to a system of basic monitoring of the economy. There is now no regular evaluation of Victoria's economy. The Economic Advisory Committee considers the economy as a whole, not just the Victorian economy. There is no comprehensive information.

The committee considers the position of the general economy of Australia, so if there is a differential with respect to Victoria, it never gets to

the public because the Government likes to keep these facts hidden from the people of Victoria.

In the absence of information, forward economic planning is impossible. Honorable members have no idea where the economy is heading unless they do their own research but it is impossible to get the complete picture of the impact on the public sector. This is not the time to go into detail on this issue.

Everyone recognizes that the Budget sector is the only sector where some information is provided about the Victorian economy, but that excludes 50 per cent of economic activity in the public sector. Even if honorable members were provided with accurate and comprehensive information about the Budget sector they would still have an incomplete picture of the Victorian economy. That is the first thing that needs to be done to improve the information system so that honorable members know where Victoria is going and the impact of Government decisions on the Victorian economy.

I will select the simplest because there is controversy about liquid assets being used to generate jobs. One matter which has been raised on numerous occasions is the outfall of investment funds from the public sector in Victoria to interstate. I refer in particular to investments held by the State Insurance Office. On 30 June 1978, investment by the State Insurance Office in interstate semi-government authorities was $96·3 million, which is a large sum of money. By June 1979 the figure was $109 million. That is an increase of $12·5 million in one year.

I have raised this issue with the Treasurer who says he has issued an instruction to the State Insurance Office that it should buy securities within Victoria before investing interstate. That response can be regarded as reactionary. A more imaginative economic policy is needed. The State Insurance Office should be provided with the opportunity of investing through modern financial investment policies and techniques of lease-back. The Government is reluctant to look at that proposal. It is common with the private sector. It is desperately needed.

Traditional capital works expenditure in Victoria has been slashed but by a comprehensive lease-back policy, Victoria could counteract the effects of the cutback which would occur because of the restraints imposed by the Federal Government. The problem is that the Victorian Government has no imagination or understanding and is not willing to take a stand on the issue. A comprehensive lease-back programme is being ignored by the Government although it could cause an increase in employment and population growth in Victoria which would stimulate economic activity.

I now refer to the liquid asset position of the State Insurance Office as a whole because plenty of money is available for a comprehensive leaseback programme to take place. In June 1975 liquid assets in Victoria stood at $160 million. In four years this figure increased to $720 million, an increase of 351·1 per cent. Funds are available. A leaseback system could become a very important part of a State anticyclical policy. This policy could be negotiated between the State Government, the State Insurance Office and various Government departments. The Opposition does not suggest this policy should be compulsory but suggests it as an alternative form of investment to keep money in Victoria and to provide jobs.

The first step is for the Government to identify land and property held by State departments which could be sold to the State Insurance Office and then leased back by those departments. By doing this, funds are made available for new capital expenditure. All that is necessary in undertaking this programme is to identify those areas and ultimately transfer ownership from the Government department to the State Insurance Office. Those buildings could then be leased back by the various departments. That could apply to the Education Department, the Health Commission and so on. There is plenty of scope for this sort of programme to

be implemented. I believe it is urgent to do so because cutbacks in traditional expenditure result in social needs not being met.

In addition, in the present environment of a serious recession combined with a lack of employment opportunities, this could generate employment in Victoria, and this is important.

There is scope for the Government to take action—and it has moved to some extent in this area—to extend the leasing programme which exists in other areas. I recognize that this programme is proceeding, but it is not enough. It should be undertaken on a larger scale in the area of public transport. The "red rattlers" are in a state of decay and are terrible to travel on. Leasing should be extended into that field so that new trains can be provided while creating jobs in the private sector. There is an important interrelationship between Government expenditure and employment in the private sector.

There is also a general need to reduce the cash balances held by the public sector in Victoria. It is not denied by anyone that there is a lack of co-ordination of cash flows in Victoria. The financial planning in Victoria's public sector is a disgrace. It goes back again to the Government's failure to give direction to the public sector. In the view of the Labor Party, a centralization of cash flows is necessary.

The best guess available is that about 980 statutory authorities exist in Victoria and there is no co-ordination at all. If one concentrated on the major statutory authorities, it would be true to say that those organizations would have different peaks and different troughs in their cash flows. Because there is no centralization of cash flows, it is necessary for each statutory authority to make a decision in isolation on how much cash and liquid assets it should hold at any time. If there were a centralization of cash flows, it would be possible to reduce the liquid assets held in the public sector and the funds thus released could be transferred into fixed assets and again that would be capital expenditure which would create job opportunities in Victoria. The centralization of cash flows should be given top priority. It would enable the State, on a sound financial basis, to reduce liquid assets, to convert them into fixed assets and to create jobs in Victoria. I am sure every honorable member would agree with that objective.

I conclude by making some comments about planning for the future in Victoria. Unfortunately, Hamer lets it happen. That is the sort of planning which occurs in Victoria. There is no economic planning, yet an unprecedented economic crisis is being faced by this State and by the Western World. There will be enormous changes in the structure of the Victorian economy and the Government needs to be prepared to cope with the situation. Economic planning is definitely needed but there is no sign that the Government will enter into this area.

Victoria is extremely fortunate in having a diverse economic base. However, without economic planning the full advantage of this diverse structure cannot be reaped. Yesterday, during the debate on the motion moved by the Leader of the Opposition with regard to the Ministerial statement on the proposed Alcoa development at Portland, and in other economic debates in this House, I indicated that the Government must identify areas of growth and change and explain how these changes are expected to occur and how the economic policies of the Government knit in with those changes. Detailed economic studies of those issues are necessary.

There is a need to know what the export markets will be for Victorian products. There is a need for a set of policies that will facilitate change and ensure that any disruption such as always takes place when changes occur is minimized. There is a need to ensure that policies will not result in structural unemployment, and a need for planning within the public sector.

Consistency and co-ordination, which at present do not exist, are absolutely essential.

This is a matter of concern to the Victorian Chamber of Manufactures which has made it quite clear that the lack of co-ordination of policies in the Victorian economy is a factor in the adverse economic performance in this State. I quote from a publication issued by the Economic Affairs Research Service of the Victorian Chamber of Manufactures in October 1979 entitled *Manufacturing Industry in Victoria.* On page 72 of that document, under the heading, "The Co-ordination of Policies", it states:

> The differing regulatory and other requirements that are faced in getting large industrial projects off the ground are extremely complex. There is a need to establish some sort of co-ordinating body that would be able to facilitate the speedy resolution of requirements at the planning stage of large industrial developments. Possibly a small unit could be established within the State Public Service that would be responsible for co-ordinating policies affecting large developments and would have the authority to speed up the resolution of problems connected with requirements of development projects.
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> The second important issue is that of control over the statutory authorities. The comments made earlier about the S.E.C. highlight the nature of the problem in this area. There is a need for the State to determine what its policies are in a particular area and to be able to influence statutory authorities so that State policies can in fact be implemented. The statutory authorities should be more accountable to the public and should be required to provide more informative reports for debate in the State Parliament.

The Opposition fully supports that proposition. There is a need for co-ordinated policies within the public sector. Finally, on the issue of planning, there is a need for the Victorian Government to enter into manpower planning and to knit this in with the expected developments and changes in the Victorian economy.

The Victorian economy is in a state of grave recession. The deterioration occurring in Victoria's economy is worse than in Australia as a whole. In the main, the policies causing this can be traced to the concept of reducing inflation first. That concept has been an economic disaster for Victoria and it is time that the Victorian Government disassociated itself from it. Although it has been placed in an economic strait-jacket by the Australian Government, the Victorian Government has done little to offset the effects of that. I demonstrated how Federal policies have accentuated the problems faced by Victoria.

There is a need for modern financial economic management, for co-ordination of cash flows, for increased leasing programmes, for the introduction of lease-back programmes and for forward economic planning. Unless there is a change in the direction of economic policy both in Victoria and Federally, Victoria will become the land of wasted employment opportunities.

Mr THOMPSON (Treasurer)—The motion moved by the honorable member for Dandenong refers to failure to support and implement policies which will lift the Victorian economy out of the present serious recession. If one can use those terms to describe the economic position in Victoria, one will be struggling to find in the dictionary adjectives to describe the position in some other States of Australia and in many other parts of the world.

How does one judge whether the state of the economy is good or bad? There are certain well-known and accepted criteria and in nearly every one of those Victoria heads the list. It has consistently had the lowest rate of unemployment of any State in Australia and still has, according to the official statistics of both the Australian Bureau of Statistics and the Commonwealth Employment Service.

Mr Jolly—That is not so.

Mr THOMPSON—I invite honorable members to examine the statistics. The latest figures issued by the Commonwealth Employment Service indicate that the unemployment levels throughout the various States are as follows: New South Wales, 6·42 per cent: Victoria, 6·17 per cent, the lowest; Queensland, 7·48 per cent; South Australia, 7·69 per cent; Western Australia, 6·91 per cent; Tasmania, 7·37 per cent; Northern Territory, 9·29 per cent. The Australian average is 6·72

per cent, and I remind honorable members that the figure for Victoria is 6·17 per cent.

The statistics supplied by the Australian Bureau of Statistics disclose a similar picture. They differ a little from State to State when compared with the Commonwealth Employment Service figures, but again Victoria heads the list with an unemployment level of 5·4 per cent.

Mr Jolly—What is the date of those figures?

Mr THOMPSON—These are figures as at March 1980 provided by the Treasury. The figures referred to by the honorable member for Dandenong are separate, irregular figures that are produced separately on a State-by-State basis. The official figures from the Australian Bureau of Statistics in respect of unemployment in the various States are as follows: 5·4 per cent in Victoria; 5·6 per cent in New South Wales; 6·6 per cent in Tasmania; 7 per cent in Western Australia; 7·2 per cent in Queensland; and 7·4 per cent in South Australia. The Australian average on those figures is 6·1 per cent.

On the quarterly and monthly presentations that the Government receives, the picture through the years has nearly always shown Victoria in the best position of all the States in relation to unemployment. In response to an interjection, I will make the document available.

Mr JOLLY (Dandenong)—On a point of order, Mr Acting Speaker. The figures I provided to the House came from the Australian Bureau of Statistics document entitled *Unemployment in Australia* which demonstrates conclusively that the unemployment rate in Victoria is higher than that in New South Wales. I ask the Minister to make clear where the figures he relies on come from.

Mr THOMPSON (Treasurer)—The figures I have quoted are the official statistics provided to me by the Treasury and they come from the Australian Bureau of Statistics. There are other figures produced which were quoted by the honorable member for Dandenong. These figures which are released by the Australian Bureau of Statistics in a document entitled *The Labor Force in Australia* indicate an improvement in New South Wales. This series of figures also gives a State-by-State figure for unemployment but these are quite irregular and are not generally used as a true indication of unemployment. The official figures published show that Victoria is in the most favourable position.

Mr Amos—They are your figures, Treasury figures.

Mr THOMPSON—No, they are not. I have just pointed out where the figures quoted by the honorable member for Dandenong come from.

Mr Amos—Where do your figures come from?

Mr THOMPSON—They are official Commonwealth figures.

The ACTING SPEAKER (Mr Mackinnon)—Order! The Opposition will have the opportunity of rebutting the point being expressed by the Treasurer at a later time and I suggest that honorable members take that opportunity.

Mr THOMPSON—From memory, the second set of figures used by the honorable member for Dandenong includes people who are looking for part-time employment as well as those seeking full-time work. Those figures include people such as housewives who want part-time jobs. I believe that is the basis for the compilation of the second set of figures and the reason for a slightly different result. It is only a slightly different result, but it happens to put New South Wales in a different position from Victoria.

The official statistics from the Australian Bureau of Statistics and from the Commonwealth Employment Service still show Victoria as having the lowest rate in the Commonwealth of Australia of people seeking full-time employment and that has been a consistent picture throughout the years.

Secondly, Victoria has consistently had the highest rate of home ownership of any State in Australia and, so far as the Government can ascertain,

of any country in the world, including New Zealand, Canada and the United States of America, countries which through the years have been recognized as having a high rate of home ownership.

The latest figures taken from the Australian national accounts show that for the household income per head of mean population Victoria leads once again with a figure of $5757; New South Wales is in second position with $5638; Queensland, $5113; South Australia, $5418; Western Australia, $5284, and Tasmania, $5192. So Victoria also has a significant lead in that important area.

In relation to savings bank deposits, which indicate a certain level of prosperity, the Victorian rate is again the highest, standing at $1957 as compared with $1174 in New South Wales; and the Australian average is $1431. A comparison between Victoria and New South Wales for 1978 and 1979 can be demonstrated in the level of savings bank deposits which increased by 8·1 per cent a head in Victoria and by 7·4 per cent a head in New South Wales. Once again, Victoria has the lead—in nearly every important criterion Victoria still leads the other States of Australia. It is vitally important for honorable members to examine not only the past and present but also the future.

The most effective way of indicating employment opportunities in Victoria is to take account of the number of people employed as a percentage of the total population of working age. Once again, Victoria is significantly higher than New South Wales and it is also higher than the Australian average; 62·4 per cent of Victorians are engaged in full or part-time occupations; the figure for New South Wales is 60·6 per cent; and the Australian average is 61·4 per cent. This is the most important figure to consider. It varies from State to State because of the tremendous number of married women now in the work force. On the Australian average it has been estimated that, whereas only 27 per cent of married women were in the work force in the middle 1960s, today that figure has risen to 42 per cent. Those married women are taking up many positions which, in the past, may have gone to younger people. An examination of the participation rate in the work force demonstrates that Victoria is clearly ahead of the Australian average and of New South Wales.

The Opposition has adopted a strange attitude to future job opportunities in its policy towards the development of Alcoa of Australia Ltd. The Opposition did everything but completely spurn the new project at Portland. The project is a $1000 million enterprise which will provide employment for 1000 men directly and for an additional 3000 persons indirectly during its construction. When completed, it will provide permanent employment for 500 persons at the plant and indirect employment for another 1500 persons.

What does the Opposition really want? It has stated that it wants an energy assessment, an environmental assessment, a living assessment, a complete re-assessment of the whole project, and a review of the agreement. The end result would be that the development would not go ahead. When that approach was adopted by the Dunstan Government in South Australia, industry would not touch that State. Instead of vigorously supporting the Government in its enterprising moves to go after big projects that will provide long-term permanent employment and make a permanent contribution to the material wealth of Australia, the Opposition is worrying about this, that and the other thing and doing everything to frighten industry and investment away from the State. Imagine the consequences of one Government—believing that one day the Opposition could possibly be the Government—threatening to review major agreements made by a previous Government: Nothing could be more unsettling or unstabilizing than that approach, and I only hope that message does not move around the world.

Victoria has the lead in all areas that matter and there is an expansion programme in Victoria the like of which has never happened before in the State. I refer to the $1000 million investment of Esso-BHP and the $1000 million project at Portland, the $300 million development at Altona for a petrochemical plant, and expenditure of $235 million by General Motors-Holden's Ltd on two projects at Fishermens Bend, the Point Wilson project which is likely to entail an expenditure of between $500 million and $700 million with the construction of a king-size petro-chemical plant, and the chemical development of the Shell Co. of Australia Ltd at Geelong, which has already been completed to the tune of $54 million, with another $70 million to be spent there. In the country, I refer to the Australian Newsprint Mills Ltd development in Albury-Wodonga, which will be a total investment of $130 million. Australian Paper Manufacturers Ltd is considering a new expansion programme in Gippsland for a total expenditure of $100 million. There are many other projects.

Never before has Victoria seen such a group of large-scale expansion programmes proposed by private enterprise, many of which are already under way. Victoria also has the big Loy Yang project of approximately $2·8 billion, the World Trade Centre which —despite the sceptics—will be of tremendous benefit to the State, and other similar projects. Victoria has big private enterprise projects which have been conservatively estimated to total approximately $2·5 billion and projects of similar dimension from State capital works efforts will supplement those.

The honorable member for Dandenong referred to some difficulties of levels of State taxation and although he asked why some of the State tax levels are so high, he did not provide the answer. Obviously, because Victoria has been forced to subsidize and is still subsidizing the other States of Australia through tax reimbursement schemes, the Victorian Government has to lift its State taxes to a reasonably high level to provide a standard of facilities that will compare favourably with other States—for example, housing, water supply, provision of police, hospitals and so on.

I reiterate that if Victoria were reimbursed on the same level *per capita* as New South Wales this financial year, it would have another $27 million to spend—which would be very useful. If Victoria were reimbursed on the same basis as Queensland, it would have an extra $435 million; if it were reimbursed *per capita* on the same basis as South Australia, an extra $651 million; if it were reimbursed *per capita* on the same basis as the boom State of Western Australia, with its mineral developments, it would receive an additional $811 million; and on the same *per capita* basis as Tasmania, it would receive an additional $1285 million.

That would not matter quite so much if it were not repeated year after year. It has happened in that form for the past 37 years, since uniform taxation was first introduced by the Commonwealth Government to prosecute the war effort. I am pleased that the Grants Commission is currently in Melbourne to examine Victoria's case for a reallocation of the tax reimbursement moneys. If any major financial review were ever necessary, it certainly is in this case. Victoria cannot go on playing Father Christmas to the other States of Australia. The Victorian Government admits that Victoria has a duty to do everything possible to assist development in the weaker States—States that were previously regarded as the weaker States—but today there must be a realistic assessment of the way in which money is allocated to the various States.

The honorable member for Dandenong referred to the way in which reserves are used in Victoria and used the example of New South Wales and its encouragement of leasing and supplier credit arrangements. Taking the second point first, Victoria does make close to maximum use of deferred payments and leasing arrangements which ensure that large capital works can be carried out that might not otherwise be carried out if the Government were to rely purely and simply on the loan

programme, which was cut by approximately $48 million last year. Victoria is certainly using its reserves intelligently and to the maximum possible degree.

Over the year 1978–79, the cash balance reserves of the New South Wales Government grew by $17 million whereas Victoria's declined by $53 million. Recently New South Wales has been far more conservative in its use of reserves than has Victoria. That Victoria's balances declined by $53 million was largely due to the moves of the Premier to allocate vast sums of money to the co-operative housing movement, firstly of $25 million and secondly of $30 million. If Victoria were to have the same level of reserves as New South Wales, it would need to have another $176 million when one works those figures out on a priority basis, comparing them with what Victoria receives in tax reimbursements from Canberra and with what New South Wales receives. Obviously, Victoria is making the maximum use possible of those reserves in the interests and the development of Victoria.

It is also important to examine recent trends, and again trends in Victoria are favourable. For example, there was a substantial increase in exports from the port of Melbourne and other ports in Victoria. In the four months prior to October 1979 exports totalled $1068 million. The exports through the ports of Victoria increased by 66 per cent whereas exports through the ports of New South Wales increased by only 17 per cent and exports from the Commonwealth increased by only 36 per cent.

The figures for imports are somewhat similar. The increase in Victoria was 20 per cent. The increase in New South Wales was 10 per cent, and the increase on an Australia-wide basis from all ports was 17 per cent. This is a very favourable trend.

The sitting was suspended at 1.1 *p.m. until* 2.5 *p.m.*

Mr THOMPSON—Some mention was made of the housing industry and the fact that the level of commencements of construction of new houses was not as high as it has been sometimes in the past. This is true, the housing industry is the springboard of the economy and must be watched very closely. However, when one looks at the New South Wales figures, which I admit are high, it will be seen that the two States have passed through different phases at different times. Victoria reached its peak in the financial year 1975–76 and 1976–77, when the commencements in Victoria exceeded those of New South Wales. New South Wales then proceeded to semi-boom conditions, and the expert forecasts indicate that the level of construction in Victoria will be increasing substantially in twelve months time, whereas the level of construction in New South Wales will be declining.

I shall take the forecasts of Philip Shrapnel and Co. Pty Ltd who are highly respected in the building industry, made in March 1980. Their prediction is that there will be an increase in construction of dwellings of 43·6 per cent in Victoria for the quarters ending March and June 1981, whereas in New South Wales the increase will be only 18 per cent, so the pattern will be changing because Victoria has been passing through a relative low in housing construction in the past couple of years, and New South Wales has been passing through semi-boom conditions.

However, the Government believed that some stimulus was necessary for the housing industry, and it was for this reason, and in order to help close the deposit gap—a very important second reason—that the scheme was announced by the Minister of Housing last week for subsidising interest rates. This will provide assistance for 1000 house owners who will be given loans over a 30-year period with an interest subsidy varying with a top level of 3 per cent.

One of the major factors of the Government's analysis of the housing industry, which was causing relatively small commencement levels, was the deposit gap, and the Government believed this subsidy would make a positive contribution towards the solution of the deposit gap, and the

Government welcomes the complimentary and realistic remarks passed by the Opposition in this very important field. There were lengthy negotiations over a period of some months with the Minister of Housing, and it was not done as an off-the-cuff decision, but only after protracted negotiations with senior officers of the building societies.

The honorable member for Dandenong correctly said that Victoria is the headquarters of the motor industry in Australia. The Government is watching very carefully trends in that area. They do not show marked signs of increase, although recent statistics are of little help until they are revised. The Government realizes their importance to the future in Victoria, and is watching them carefully.

In regard to industrial development, the Government is pleased to note the type of expansion that has been taking place in country areas. The Government is delighted to note that the last census returns indicate that the population in country Victoria is growing at a faster rate than the population of the metropolitan area. In answer to the interjection of the Leader of the National Party, we would hate to introduce politics into it; this is essentially economics. It is most pleasing to note that at long last the population of country Victoria is developing at a faster rate than that of the metropolitan area, and some areas, such as Albury-Wodonga, and Shepparton, are developing at a much faster rate. One of the factors has been—it is not the only one—that the Victorian Government has been pumping large sums of money into the incentive fund for decentralized industries. It cost the Government approximately $24 million to $25 million a year, but after much experimentation the Government decided it was necessary for it to provide positive financial incentives for industry to go to the country.

I do not want to delay the House any longer, but I should like to sum up the position. It is very easy to make wild generalizations, and wild assertions, but one must stick by the recognized criteria for judging whether the state of the economy in Victoria is sound, and if one takes those recognized criteria, one comes to factors such as these: Which State has the highest rate of home ownership in Australia? The answer is Victoria. Which State has the highest level of household income in Australia? The answer once again is Victoria. If one looks at the State with the highest level of savings bank deposits, the answer once again is Victoria. If one looks at the very important indications of which State has consistently had the lowest level of unemployment in Australia, and still has, the answer once again is Victoria.

The Government has noted the gloomy, depressing, pessimistic forecast of members of the Opposition. We know that they are not keen on private enterprise development. All the facts and figures show that the economy of Victoria is in a healthy State and it is a case of Victoria full steam ahead under an enterprising private enterprise Government.

Mr ROSS-EDWARDS (Leader of the National Party)—This motion causes the National Party concern. "The decline of the Victorian economy", are the first words of the motion. Anyone who is not a member of the Government party, any businessman in Victoria, would agree with those sentiments in the early part of that motion. The National Party is concerned about the economy of the State, and it has good reason to be concerned. Naturally members of the Government party support the Government, but if the Government is not showing concern at present about the decline in the Victorian economy, then I do not think it is in the real world.

Mr Birrell—It is a permanent state of life.

Mr ROSS-EDWARDS—If these Liberal Party back-benchers care to cast their minds back to the heady days when the Liberal Government had the flags flying and was going well, they would know that there is a very different atmosphere about today. However, I do not agree with the final words of the motion:

and implement policies which will lift the Victorian economy out of the present serious recession.

That is overdoing it.

I commend the Opposition for instituting the debate. It is a very important debate, because employment prospects and industrial development are dependent upon the financial management of this State and, for those general reasons, members of the National Party will support the motion. We are concerned. If honorable members got around and talked with the business people in Melbourne they would know that they are very concerned. They say, "Where are we going in this State? What is happening? We want decisions and we cannot get decisions". To sum up the whole thing, if one moves about with members of company boards and business management in Victoria, the greatest criticism one hears of this Government is that it will not make decisions. They say of the Government "They won't say no, they won't say yes, they say 'maybe' some times".

If I contribute nothing more than that to this debate I hope those words will not be lost on the Liberal Party back bench, because in days gone by we could get decisions in Victoria. People can get decisions in Queensland, and in New South Wales, but they cannot get them here.

There are conflicting indications in the economy of Victoria. There is reason for hope in some ways and reason for concern in others. The situation is stagnant, although I had hoped in my forecast, which was wrong, that 1980 would see Victoria coming out of its recession much better than has actually happened. There has been a rural boom, an increase in prices and good seasonal conditions, and I hoped that this would have had a more beneficial effect than it has had. Towards the end of 1980, provided that good seasonal conditions continue, it could well be that the impact will be felt. I had hoped that early 1980 would have shown a good result from what is called the rural boom—the tremendous improvement in rural conditions and prices—but it has not been reflected to the extent that I hoped it would be.

Mr Kennett—What is your indicator that that has not occurred?

Mr ROSS-EDWARDS—Unemployment, for one; I should have thought more jobs would have been created and unemployment would have been relieved to a greater extent. I do not say that as a criticism of the Treasurer; I am expressing my concern on this aspect of what has happened. I do not blame him personally for the percentage of unemployment, but the Liberal Party is almost as bad as the Labor Party because it believes in the saying, "My party, right or wrong", and goes along with whatever the Premier says. There does not seem to be any room for sensible and intelligent discussion. When the Minister of Housing was a back-bencher, he would give both sides of the question. He did not always please the front bench when he did so, but he made a worth-while and interesting contribution. However, that does not happen any more.

Despite what the Opposition says, unemployment in Victoria in recent times has been consistently lower than anywhere else in Australia. The Opposition produced a set of figures to support its case, and that is fair enough, but credit must be given where it is due. The number of jobs available is causing deep concern, and that is the indicator that must be heeded for next summer, because if the jobs are not there, the danger is that unemployment could conceivably get worse.

Mr Jolly—More people will move out.

Mr ROSS-EDWARDS—I will talk about migration from Victoria shortly. It is high. People are moving to Queensland, Western Australia and New South Wales at a pretty static rate, but a considerable number of people are doing so, for good reasons. With all due respect, Queensland has a better climate than Victoria, so if a person has no ties in Victoria, why not go to Queensland? The mines and industrial development in Queensland

and Western Australia provide opportunities for young people who want to make a lot of money quickly, particularly if they are skilled tradesmen. The annual net loss of 12 000 people from Victoria through migration is understandable, but it is still an indicator that causes concern.

Mr Dixon—That is internal migration.

Mr ROSS-EDWARDS—That is right.

The ACTING SPEAKER (Mr Mackinnon)—Order! Interjections are useless, and some of the interjections are descending to the level of ordinary conversation. I suggest that the honorable member observe the normal forms of the House.

Mr ROSS-EDWARDS—Thank you for your guidance, Mr Acting Speaker.

The other problem that Victoria faces is that it lacks the wide tourist appeal enjoyed by some other States. Some figures I saw the other day include one which makes that quite understandable.

Mr Dixon—Which figures are you quoting?

Mr ROSS-EDWARDS—These are figures showing where people spend their time. People are getting out of Victoria pretty quickly. I do not wish to denigrate my own State, but people are not spending the number of days here that we would like them to spend. The Minister of Housing should go back to the good old days when he would make a contribution and hop into the Government occasionally. If he did that, it would be more useful than carrying on in the parrot style he is using at present.

Victoria lacks the rich mineral resources that are found in Western Australia, and must rely heavily on manufacturing, which is currently a generally sensitive segment of the economy in all Western countries. Whether we like it or not, economic policy in Australia, in both the fiscal and monetary areas, is very much a Federal Government function. One of the most important roles of the State Government is to ensure that it administers its functions as efficiently as possible and continues to invest in capital assets for the use of future generations. The Government must generate business activity and employment opportunities, particularly for the young.

I have said a thousand times that the concern of the National Party for some years has been that the State Government has been allowing departmental costs to increase more rapidly than the rate of inflation. I have stated this in my policy speeches and in Budget speeches, and this is a fact of life. As a result, the Government had to prune back on capital investment through the Works and Services Account. An example of this is hospital spending; there is no way in which another hospital bed could be fitted into the hospital building programme anywhere in Victoria at present. That is a general statement, but it is pretty accurate; it is as tight as a drum and not one extra bed could be fitted in. Recently a senior health official was visiting the electorate I represent and said that a six-year plan was to be implemented. The reply was that the only worry is that it will be more depressing than it is now if needs cannot be met before the six years elapse.

One of the moves the Government has made is the creation of the Public Bodies Review Committee, with which it introduced the general concept of sunset legislation. However, I repeat what I said about the committee during the debate on the Supply Bill a few days ago; I expect the Government to suggest to that committee some of the bodies which should receive attention, particularly on advice from the Treasury, which should be able to make suggestions on where the committee's priorities should lie. I hope the Treasurer will take note of that comment.

One of the things that Victoria needs —and I have said this before—is for Parliament in particular and all honorable members in general to play a more active part in supervising the cost and effectiveness of the public sector. Towards that end I have suggested—and there is no political ex-

penditure in this; it is an Opposition favourite—that decentralized control and the use of trust balances could be implemented without creating any risk to the financial structure of the State. I mentioned to the Treasurer yesterday a comparison of actual and Budget expenditures, and the need for major variations to be compared and circulated to all members of Parliament as soon as possible after the end of the financial year and well before the Budget discussions are held. It is hoped that a more constructive contribution could be made if that information were available. I suggest that an objective report on the Victorian economy be published with the Budget—I have made that suggestion before—and also that the report of the Auditor-General be made available at any time to be utilized during the Budget debates, and I understand that this is what is done in most other States.

The business and financial leaders of Victoria should be playing a greater part in consultation with Government and putting forward their view to the Government. The other political parties which are not in Government should be consulted and conferred with. I do not know what success that practice is enjoying in Tasmania. It is not a case of taking over, but if people have ideas to put forward, a better method of consultation should be available than that of writing letters to the Treasurer. If there are suggestions to be put forward, they should be put forward in discussions with the Cabinet and senior Treasury officials.

In conclusion, and for the benefit of the Liberal Party back bench in particular, I point out that there is serious disquiet amongst the conservative business establishments in Victoria about the way in which the Government is performing on economic matters. I do not know whether Liberal Party back-benchers move amongst the business leaders of the State, but if they do, they would be shocked to hear some of the things they say. It must be remembered that Victoria has a free enterprise Government, and the business community has supported the Government over the years and expected it to perform, but it is not performing. One example of that is the proposed casino-convention centre. I had personal involvement in this matter because I introduced two deputations on it to the Premier. These people were led to believe in August last year that the Government had agreed in principle to the development of the casino-convention centre concept.

Mr Birrell—The party rules sometimes, not the Government.

Mr ROSS-EDWARDS—The point is, I understood that the Government had received agreement in principle from the party last August. However, the proposals had never been considered because the principle of the party was changed. The issue of casinos is a Liberal Party domestic problem, but the Premier went out, obviously on behalf of the party and the Government, and encouraged people to put in submissions. Those people spent hundreds of thousands of dollars doing so and were told nine months later that the show was finished and that there would be no casinos.

I will not go into the arguments for and against casinos; I know that the Government must have a decision from the party on casinos. If the answer is "Yes", it should invite people to make application and comment on the proposal, but the Government should not be wishy-washy and invite people to make applications, then later say that the proposal is not going to be proceeded with because the party knocked it back. That is an example which shows that the Government cannot make any decision, and the business community wants a decision. As one business leader said to me the other day, "It is better to get a 'no' than a 'maybe' because 'maybe' costs you money. There are too many 'maybes' from this Government and we want decisions, 'yes' or no'."

Mr Dunstan—You are only 75 per cent right.

Mr ROSS-EDWARDS—That is more than most members of the Liberal Party are.

The economic progress of this State is of concern to all honorable members. We have a responsibility to co-operate with the Treasurer and to do our best to make this a wealthier and more progressive State for the people of the future to enjoy. I make my comments in a spirit of co-operation and I am trying to be constructive. I leave one message, that at present there is grave concern and disquiet amongst the business community about the management of this State. I will not go into some of the disasters of recent years which are now history. I know the Treasurer is aware of the situation and I hope back-bench members of the Liberal Party realize its seriousness.

Mr RAMSAY (Minister of Labour and Industry)—Recently a Minister in the Labor Government of New South Wales said to me that the simple solution appeals only to those without responsibility. The honorable member for Dandenong seeks to condemn the Government and to deplore the present state of the Victorian economy. He has put forward a completely impractical solution which, I suggest, appeals to only those without responsibility.

During this debate the honorable member for Dandenong has drawn on a number of economic indicators which, he suggests, show that the state of the Victorian economy is demonstrably worse than the situation in New South Wales. Many of the statements that he made were not supported by figures, but he carefully selected certain figures which, he claimed, showed that Victoria was worse off. He went on to suggest the causes which in broad terms he said were that this Government was mistaken in supporting the Commonwealth Government in the policy of reducing and containing inflation. He suggested that the State Government's taxation policies were contributing to the so-called malaise in Victoria. The honorable member criticized the lack of information available, not only to the Government but to this Parliament and to the business leaders of the community, and finally, he condemned what he called the unco-ordinated cash flow that exists within the Victorian Government and public authorities.

The ACTING SPEAKER (Mr Mackinnon)—Order! There are too many interjections across the table. If it is necessary to have interjections, they should be made in a more normal fashion.

Mr RAMSAY—The honorable member then suggested cures. He said that Victoria's problems will be over if the Government obtains better economic information; if the State Insurance Office is able to purchase a number of capital assets from other arms of Government and lease them back to Government; if the cash flow is co-ordinated; and if the Government enters into better economic planning. Then, it was claimed, Victoria will look forward to a bright and rosy future. The simple solution appeals to only those without responsibility.

Honorable members should consider one or two of the selective economic indicators used by the honorable member for Dandenong. Firstly, he took the unemployment figures, the Australian Bureau of Statistics figures, with which I have no quarrel, and pointed out that, compared with March last year, when Victoria's unemployment figure was 5·6 per cent, it has grown this year to 5·9 per cent. In March last year, Victoria was well ahead of New South Wales. The New South Wales figure was then 6·4. The honorable member quoted it as now being 5·8. Comparing March with March, the honorable member said New South Wales has improved significantly but in Victoria the situation has marginally worsened.

If the honorable member had chosen to compare February rather than March figures, he would have found that Victoria improved from 6·3 per cent to 6·1 per cent, and New South Wales also improved from 6·6 per cent to 6·2 per cent. Even on the honorable member's own figures, taking February to February, Victoria would have been in a better position than New South Wales.

The Treasurer gave the figures for the number of unemployed persons seeking full-time employment and here too the Victorian situation was better than that of New South Wales. The honorable member for Dandenong said that in the past nine months the New South Wales figure for all people seeking employment has been lower than the Victorian figure. If he had compared the situation of the two States over the past two years, he would have found that Victoria has had lower monthly figures on seventeen occasions and New South Wales has had a lower figure on only six occasions.

This sort of meaningless comparison of statistics does not impress me and I believe it to be a considerable waste of time. I point out these inconsistencies merely to illustrate that it is like a telescope; what one sees depends upon what end one looks through. Statistics can be selected to prove any point. The honorable member for Dandenong has done this and the Government can produce similar figures to prove that he is wrong. The Parliament of Victoria would be better employed looking at the situation that exists in Victoria and not trying to check whether Victoria is better off than New South Wales or producing figures to prove various things. Selective economic indicators never helped a Government or businessman make any worth-while decision.

The honorable member for Dandenong then criticized the policy of the Government of containing inflation. He said it was misdirected and that the Government should be concerned with something else. It might pay the honorable member and this House to think about what the alternative would be.

The ACTING SPEAKER (Mr Mackinnon)—Order! The honorable member for Dandenong has had an opportunity of contributing to the debate and he should not interject so frequently. The honorable member for Burwood should also reduce the number of his interjections.

Mr RAMSAY—In 1973, 1974 and 1975 there was an example of not containing inflation in Australia. During those years there was an extreme effect on exports and enormous problems developed for industry as a result of the huge increases in costs. Industry completely lost confidence in where it was going. It provided a living example of how chaos can occur in a country where the need to contain inflation is put to one side or is given a lower priority than it is receiving from the present Federal Government, supported by this Government. Policies of containing inflation are difficult, unpopular and hard to explain. However, the alternative is economic disaster and it would be irresponsible of a Government to follow the arguments of the honorable member for Dandenong in this debate.

The honorable member then suggested that State taxation was a major handicap to sound economic policy and growth in Victoria. There are difficulties related to State finances, and the Treasurer pointed them out clearly. Victoria's share of the over-all income taxation revenue under the Commonwealth State arrangements is inadequate and throws back on the State the need to find additional resources. It is necessary for Victorians to pay more State taxation to make up the shortfall. Certainly this Government makes representation to the Commonwealth Government and will continue to do so. If members of the Opposition, who are interjecting, would care to join the Government in making those representations and make suggestions as to how the representations can be improved, it would be appreciated. If the honorable member for Morwell and other members of the Opposition know how that can be done, they should speak up instead of sitting in the House hollering.

The honorable member for Dandenong said that the Government should have better information. The economic information available to any Government is always capable of refinement and improvement. I have no quarrel with the idea that the calibre of the Government's economic indicators should be improved. This is the very reason why one part of the work of

the Victorian Employment Committee is the creation of a job forecasting bureau with the specific task of looking at what employment opportunities will arise in the future and how the industrial training and educational system can be geared to meeting the needs of the future. That task has recently been undertaken. The information obtained will be additional to the material that is already available.

The second cure suggested by the honorable member for Dandenong was the marvellous idea of a lease-back programme from the State Insurance Office. On the surface it appears to appeal. The State Insurance Office has many millions of dollars to invest. Why not invest that in a lease-back arrangement to the Government? It is a well-known practice in private industry. If an industry has large amounts of capital tied up in fixed assets such as buildings, it sells a building to a company and leases it back, thereby releasing a large amount of fixed capital and making it available as working capital to improve the prosperity and operation of the company.

To transfer a private enterprise situation to a public situation is a short-term solution with many hidden long-term problems. It is simply delaying the moment of truth about how a State Government can finance its immediate obligations and meet its ongoing obligations. If the proposals of the honorable member for Dandenong were followed and Victoria entered into lease-back arrangements, the following, for example, would occur: If the Government sold a school site to the State Insurance Office and leased it back, certainly it would have the value of the school site immediately and it would be available as working capital to the Government and could be immediately invested and jobs created, but the Government would have taken on an endless obligation to pay to the State Insurance Office the rent on that school site that previously was held rent free.

The difference in free enterprise is that the working capital is put into an income-generating project. On that same example, rent would be paid on a school site which would not generate any income. The Government would take on a long-term liability for the State which would only increase the problems of financing the operations of the State in the years ahead. A lease-back arrangement is a simple solution that will appeal to those without a sense of responsibility.

The honorable member for Dandenong sought to co-ordinate cash flows. Of course, the co-ordination of cash flows in any enterprise can be helpful, but it is a long shot from co-ordinating cash flows in a single enterprise to those between various arms of the Government and its developments, demands and responsibilities.

The honorable member suggested a cure of economic planning. It is well known that a degree of indicative economic planning can help any business, community and Government. There is always room for better and more visionary planning and I support the principle. But there are other indicators to examine which show that the Victorian economy is nowhere as grim as the honorable member for Dandenong would have the House believe. Indeed, the honorable member issued a series of tables to be incorporated in *Hansard*, but during his speech he did not refer to table 4, that of the Victorian manufacturing growth products and I trust that that table will also be incorporated in *Hansard*.

There are certainly signs that economic growth in some branches of manufacturing industry is sluggish but by no means is it an over-all grim picture. In many areas growth is apparent and the situation is being maintained. I shall not go into details of that now, but I am glad that table 4 will be incorporated in *Hansard*.

My colleague, the Treasurer, gave a run-down of individual development projects on the drawing boards, some of which are under way in Victoria, and I shall not repeat those. The important indicator which is in my immediate field of responsibility is the number of apprentices able to find positions in

the Victorian work force today. The level of activity within the State can be measured by the figures that are available from the Industrial Training Commission.

In the ten months to 30 April of this year, a record number of apprentices was indentured. The total is 7227, an increase on the number for the same ten months last year, which was the previous highest level on record, an impressive 18·7 per cent. The commission reports that as at 30 April there were 39 044 apprentices and probationers in training under the commission's jurisdiction. If the economy of industry were half as bad as the Opposition would have the House believe, I suggest that this would be reflected in the decline in the number of apprentices taken on.

An Honorable Member—What about those who miss out?

Mr RAMSAY—Certainly, many young people are looking for jobs and the Government needs to do what it can to find them positions, but it should not be suggested for one moment that Victorian industry today is declining, because the indicators are that this is simply not true.

The real solution lies in the encouragement of entrepreneurial skills throughout the community, in both the public and private sectors, because it is when people—individuals and companies—have creative ideas of how to produce something for which there will be a demand in the community, that jobs are created, cash flows are created and there is a response to a demand from which the Victorian economy will continue to grow vigorously, so that in the future every man, woman and child who wants employment will be able to obtain it.

The House divided on the motion (the Hon. S. J. Plowman in the chair).

Ayes	38
Noes	38

AYES

Mr Amos	Mr McInnes
Mr Cain	Mr Mathews
Mr Cathie	Mr Miller
Dr Coghill	Mr Remington
Mr Crabb	Mr Roper
Mr Culpin	Mr Ross-Edwards
Mr Edmunds	Mr Rowe
Mr Evans (*Gippsland East*)	Mr Sidiropoulos
Mr Fogarty	Mr Simmonds
Mr Fordham	Mr Simpson
Mr Gavin	Mr Spyker
Mr Ginifer	Mr Stirling
Mr Hann	Mrs Toner
Mr Hockley	Mr Trezise
Mr Jasper	Dr Vaughan
Mr Jolly	Mr Wilkes
Mr King	Mr Wilton
Mr Kirkwood	*Tellers:*
Mr McGrath	Mr Ernst
	Mr Walsh

NOES

Mr Austin	Mr McCance
Mr Balfour	Mr McClure
Mr Birrell	Mr McKellar
Mr Borthwick	Mr Mackinnon
Mr Brown	Mr Maclellan
Mr Burgin	Mrs Patrick
Mrs Chambers	Mr Ramsay
Mr Coleman	Mr Reynolds
Mr Collins	Mr Richardson
Mr Crellin	Mr Skeggs
Mr Dixon	Mr Smith (*South Barwon*)
Mr Dunstan	Mr Smith (*Warrnambool*)
Mr Ebery	Mr Templeton
Mr Evans (*Ballarat North*)	Mr Thompson
Mr Hayes	Mr Weideman
Mr Jona	Mr Williams
Mr Kennett	*Tellers:*
Mr Lacy	Mr Cox
Mr Lieberman	Mr Tanner
Mr McArthur	

PAIRS

Mr Trewin	Mr Wood
Mr Whiting	Mr Hamer

The SPEAKER (the Hon. S. J. Plowman)—Order! The result of the division is Ayes 38, Noes 38. As this motion should be carried by a majority of the House and not merely by the casting vote of its Presiding Officer, I cast my vote with the Noes.

The motion was therefore negatived.

LIQUIFIED PETROLEUM GAS SUBSIDY BILL

Mr BALFOUR (Minister for Minerals and Energy)—I move:

That this Bill be now read a second time.

Its purpose is to enable the implementation of the Commonwealth's LPG grants scheme whereby a subsidy of

$80 a tonne will be paid to registered distributors of LPG and of reticulated gas for certain eligible uses.

There have been a large number of increases in the price of LPG since November 1978, during which the ex-refinery price of LPG has risen from $67 a tonne to $147 a tonne, and finally to $252 a tonne as from 29 January 1980. Only a few days before the last price rise, the Minister for National Development and Energy, Senator J. L. Carrick, announced that the Commonwealth Government had decided on a temporary scheme for assistance to household users of LPG consisting of a subsidy of $80 a tonne. The Commonwealth's decision was designed to alleviate hardship incurred by household users of LPG as a result of these extraordinary prices increases.

The State Government has, since the removal of naturally-occurring LPG from the Prices Justification Tribunal, protested the imposition of these massive price increases, which imposed even heavier burdens on country people. It requested that the Commonwealth Government reduce the price of LPG, that it immediately introduce legislation implementing the subsidy and that it widen the application of the subsidy to include all LPG users. On 8 April 1980, the Minister for National Development and Energy issued a statement of Commonwealth LPG policy in which the highlights were that the price of LPG was reduced from $252 to $205 a tonne; the subsidy was extended to include usage by non-profit residential-type institutions and schools, as well as household usage; and, furthermore, the Minister announced the Commonwealth's intention that the subsidy would be available for eligible LPG sales made as from 28 March 1980.

Commonwealth legislation to implement the subsidy scheme is incorporated in a Bill—the Liquefied Petroleum Gas (Grants) Act 1980—which has passed all stages of the House of Representatives and is now in the Senate. It is expected that the Commonwealth legislation will be passed through the Senate before the end of its current session.

Since payments made in accordance with the Commonwealth's scheme are requested to be made to the States, complementary legislation is required in each State to provide a mechanism whereby the State Government can receive and pay claims from distributors, and whereby the State Government may claim and receive reimbursement from the Commonwealth Government. Payments made to registered distributors and moneys received from the Commonwealth under the Act will be administered in Victoria by the Treasurer. The detailed administrative work will largely be carried out by authorized officers of the Commonwealth Department of Business and Consumer Affairs.

The State Government is continuing discussions with the Commonwealth Government in furtherance of its view that the subsidy scheme should be widened to include all users of LPG. However, the Government believes the benefit of subsidies available under present Commonwealth policy should be made available to eligible consumers as quickly as possible. It is therefore introducing the present Bill, which is necessary for implementation of the Commonwealth legislation as a matter of urgent priority.

The main points of the Commonwealth Act are—

(A) The Act will apply for a period of three years from 28 March 1980.

(B) A subsidy of $80 a tonne will be paid to distributors of LPG and reticulated gas derived from LPG or naphtha, in respect of LPG supplied for eligible use.

(C) Eligible use is defined to include domestic use in residential premises, use by non-profit institutions providing medical or nursing care and use by non-profit-making schools. Industrial use is not included in the subsidy provisions. Also, commercial uses such as in hotels, motels, boarding houses, and

so on are excluded. The detailed definitions of eligible uses are also included in the State Bill now under consideration.

(D) Provision is made for all gas supplied to purchasers in cylinders, other than automotive cylinders, to be deemed to be sold for eligible use.

(E) Distributors of LPG and of reticulated gas derived from LPG will be required to register and to give undertakings that they will pass to their customers the benefit of payments under the scheme.

It should be noted in particular that, in the case of the Gas and Fuel Corporation, eligible customers have been benefiting from prices based on this subsidy as from 9 April 1980, in the case of cylinder and bulk LPG. The corporation's reticulated LPG customers have been receiving the benefits of subsidies far greater than those proposed by the Commonwealth from before 28 March 1980. It is also understood that customers purchasing LPG in bulk or in cylinders from other suppliers, such as oil companies, are not able to obtain the benefits of the subsidized prices until the Commonwealth and State legislation is implemented. Passage of the Bill will therefore allow the corporation to claim, through the State Government, the Commonwealth subsidy to which it is entitled, and will allow other suppliers to implement the subsidized prices.

The Bill may be summarized as follows: Clause 1 describes the Act as the Liquefied Petroleum Gas Subsidy Act 1980. Clause 2 covers the commencement of the Act. Clause 3 interprets the terms used. The definitions of terms used are consistent with those contained in the Commonwealth legislation.

Clause 4 provides for calculation of subsidy to be in accordance with the scheme. Clause 5 provides for the Minister to authorize an advance on account of a payment under the Act. This provision is in similar terms to the Commonwealth provision. Clause 6 provides for the appointment by the Minister of authorized officers for the purpose of the Act. Clause 7 deals with claims for payments. Clause 8 deals with certification of amounts payable, through the issuing of certificates in writing. Clause 9 provides that where such a certificate has been given, the Minister shall authorize payment of the certificated amount to the registered distributor. Clause 10 deals with overpayments and their recoupment. Clause 11 deals with the giving of securities. Clause 12 deals with the preservation of accounts, books, documents and other records relating to the sale of LPG.

Clause 13 deals with inspection of accounts and stocks. Clause 14 deals with the power of authorized officers to require persons to answer questions and produce documents. Clause 15 deals with the power of authorized officers to require persons to submit to examination on oath or affirmation in pursuance of clause 14. Clause 16 deals with offences. Clause 17 deals with delegation of powers by the Minister. Clause 18 deals with the power of the Governor in Council to make regulations not inconsistent with the Act. I commend the Bill to the House.

I have some copies of the Commonwealth Bill that has been passed by the House of Representatives and of the second-reading speech made by Mr Garland when he introduced it. I shall make a copy of each document available to the honorable member for Morwell and the Leader of the National Party. All honorable members know the importance of the proposed legislation, and I seek the co-operation of all parties in having the Bill passed through the Victorian Parliament as quickly as possible.

On the motion of Mr AMOS (Morwell), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, May 6.

WATER (VALUATION EQUALIZATION) BILL

Mr I. W. SMITH (Minister of Agriculture)—I move:

That this Bill be now read a second time.

It amends the Water Act 1958 to remove inequalities in water rates caused by differences in the levels of

valuations in adjoining municipalities. These differences arise because of the need for revaluations to be carried out in different years.

The situation the Bill is designed to overcome occurs in the commission's Otway urban and Otway rural districts. The municipalities concerned are the shires of Heytesbury, Warrnambool and Hampden; of these three, Heytesbury revalues three years behind the other two. Due to the structuring of the valuation groups in the area, it is not practical for the councils concerned to revalue in the same year. Under the Water Act the commission must levy a uniform rate on the municipal valuation in force each year. This results in similar properties in the neighbouring townships of Cobden and Terang attracting substantially different rate payments for the same service. For example, last year, the rate applicable to the average household in Cobden, in the Shire of Heytesbury, would have been calculated to be $146, while in Terang, which is in Hampden shire, the corresponding amount would be only $70; in other words one was more than double the other.

Understandably this problem has been of concern to the ratepayers involved for some years, and the Shire of Heytesbury has been active in seeking a solution. Following that shire's representations in 1978, the Government provided some relief by granting a 20 per cent subsidy to ratepayers within that municipality to offset the effect of the revaluations. This resulted in write offs totalling $36 476 over the two rating years 1978–79 and 1979–80. This subsidy arrangement is not a satisfactory long term solution to the problem of valuation disparity.

Methods of rectifying the situation were considered by the Valuer-General who has suggested the system of valuation equalization provided for in the Bill. Under this proposal, owners of similar properties in adjoining municipalities would pay similar water rates.

In general terms the system provided for in the Bill would operate as follows:

(1) On request of the commission the Valuer-General will determine a valuation equalization factor for each municipality in which part of a commission district lies such that, when that factor is applied to the total valuation of the lands rated by the commission in each municipality, these total valuations are equalized to a common valuation year.

(2) The commission would apportion the total amount of rate revenue required in its district between each municipal area in the ratio which each municipal area's equalized valuation bears to the total equalized valuation.

(3) The commission would then strike a different rate in each municipality on the valuations in force. This rate would enable the collection, from each municipal area, of sufficient revenue to meet its share as determined in (2) above.

(4) The commission would then issue rate notices based on the valuations in force.

This system has the following advantages:

It is relatively simple to operate.

It uses existing valuations.

The cost is minimal.

The existing anomalies are overcome.

The philosophy of an equalization factor is not new. In South Australia the Valuer-General provides such a factor for the use of all water and sewerage authorities. In that State the arrangement is that one-fifth of the State is valued each year and the factors are supplied annually in respect of the remaining four-fifths. The South Australian legislation was, in term, based on an earlier New Zealand Act.

The experience in both New Zealand and South Australia has been that the equalization factors give an equitable and acceptable basis for rating by servicing authorities.

This Bill is intended to provide a means whereby ratepayers within the Water Commission's districts are fairly and equitably rated and I commend it to this House.

On the motion of Mr AMOS (Morwell), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, May 6.

SALE OF LAND (DEPOSITS) BILL

Mr MACLELLAN (Minister of Transport)—I move:

That this Bill be now read a second time.

In this State it is common practice for a purchaser to pay a deposit upon the purchase of land to an estate agent, often upon signing an unconditional sale note. That agent does not usually hold the deposit as a stakeholder, but rather deducts his commission and accounts to the vendor or the vendor's solicitor for the balance. A number of cases have occurred, and have been the subject of much media coverage, where the vendor has been unable to complete the transaction, for example, where the balance of the purchase money is insufficient to discharge the mortgage or mortgages to which the property was subject, and yet the vendor fails to repay the deposit monies because they have been spent elsewhere. It is true, of course, that the purchaser can sue the vendor in such circumstances for the deposit monies, but in many instances the vendor has lacked the means to satisfy any judgment, should judgment be obtained against him. Accordingly, the purchaser has missed out on both the land and his deposit.

This problem was referred to the Committee of Inquiry into Conveyancing for its consideration and recommendations. That committee delivered an interim report on 19 October 1979, which dealt, amongst other things, with the question of the application of deposit monies pending the completion of a contract for the sale of land.

The committee pointed out that a contract can provide that an agent is to receive the deposit moneys as a stakeholder so that he will be liable to return the moneys to the purchaser if the contract goes astray or is unable to be completed. However, contracts in Victoria rarely contain such a provision and an agent, as has been said, normally receives the deposit as agent for the vendor.

The committee was of the view that the situation in Victoria required correction by legislation. In the committee's view, the effect of the legislation should be that a deposit is to be held intact until settlement, unless all the parties to the transaction otherwise agree, and that, when a deposit is paid to an agent, he should hold it as stakeholder pending the completion and should not be entitled to deduct his commission before settlement.

The committee recommended that the Sale of Land Act 1958 be amended to provide that any deposit paid upon the purchase of land to an estate agent or solicitor acting for the vendor should be held by the agent or solicitor as a stakeholder pending the completion of the transaction or, in the case of a terms contract, upon the purchaser becoming entitled to possession of the land sold or to the receipt of rent and profits.

It will be noted that the committee's recommendations that it be an offence to receive a deposit of more than $500 upon the sale of land where the deposit is paid to some person other than an estate agent or solicitor, and that where a deposit in excess of $500 is paid to a person other than an estate agent or solicitor, the contract should be voidable by the purchaser before completion and the deposit should be recoverable, have not been picked up in the Bill. It was thought that the implementation of these recommendations would have the effect of preventing persons from acting on their own behalf. The Government is not advocating that people should not retain estate agents or solicitors, but does not believe that people who choose not to should be under any special disadvantage as a result of that choice. Hence these recommendations have not been enacted into the Bill.

The committee agreed of course that the vendor should be entitled to the deposit if the purchaser defaults and the contract is rescinded, and that the purchaser should be entitled to the return of the deposit if the vendor defaults and the contract is rescinded.

The committee also recommended that provided there were adequate safeguards, the purchaser should be able to

authorize an estate agent or solicitor to release the deposit moneys to the vendor. The committee thought there should be sufficient safeguard if the authorization were required to be in writing and the vendor was required as a condition of the release of the deposit to furnish the purchaser with particulars of all mortgages, charges and encumbrances affecting the land in question, and the amount required to discharge any mortgage or charge at or before completion. To ensure strict compliance the committee thought that it should be an offence to supply false particulars, and if false particulars were supplied the purchaser should be entitled to rescind the contract before payment of the balance of the purchase money and recover the deposit.

The committee considered that inconvenience could result from deposit moneys being unavailable for use at a simultaneous settlement of a purchase by the vendor because the moneys were in the agent's hands. It is suggested that this could be overcome by a provision requiring an estate agent to pay the deposit to the vendor's solicitor upon his written request. The estate agent, the committee said, should, however, be entitled to retain out of the moneys handed over, the amount of his anticipated commission and expenses, which amounts he should continue to hold as stakeholder. The deposit monies paid to a vendor's solicitor by an estate agent should continue to be held by the vendor's solicitor as a stakeholder with the qualification that it should be available to be applied on behalf of the vendor at any settlement of a purchase by the vendor which is simultaneous with the settlement of the purchase to which the deposit relates.

It will be noted that the Bill does not make provision for the implementation of this recommendation of the committee in the terms in which it is made. It was considered that this recommendation would be given effect to by permitting deposit moneys to be released to the vendor provided the purchaser was satisfied that it was in his interest to permit this to be done.

The vendor is able to have deposit moneys released to him, where they are received by him personally, simply by making appropriate arrangements with the purchaser to withdraw those moneys from the bank account into which they have been paid pursuant to the provisions of clause 25 of the Bill. Where deposit moneys are being held by a solicitor or estate agent as a stakeholder, the provisions of clause 27 of the Bill permit them to be made available to the vendor provided the purchaser is satisfied that it is not against his interests to do so.

This Bill gives effect to the recommendations made by the Committee of Inquiry into Conveyancing with respect to the application of deposit moneys in relation to the purchase of real property save for the qualifications I have mentioned.

The Bill does this by inserting a new Division 3 in the Sale of Land Act 1962.

The new section 23 sets out definitions. The new section 24 provides that a deposit held by a solicitor or estate agent shall be held as a stakeholder.

The new section 25 provides that deposit moneys paid to a vendor shall be paid into a special purpose bank account which can be drawn upon only with the signatures of both the vendor and the purchaser.

The new section 26 provides for the disposition of the deposit if the contract is rescinded.

The new section 27 sets out the procedure under which the deposit can be made available to the vendor. This covers a case where the vendor needs the deposit to settle another transaction.

The new section 28 avoids any attempt to contract out of the provisions of the Act. The new section 29 is a transitional provision.

The provisions of the Bill will ensure that for the future, innocent purchasers who have in good faith paid a deposit for the purchase of a home or land, will not lose that deposit in the event that the sale of the property is not completed through no fault of the purchasers. I commend the Bill to the House.

On the motion of Mr CAIN (Bundoora), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, May 7.

MELBOURNE (YARRA PARK) LAND BILL

Mr BALFOUR (Minister for Minerals and Energy)—I move:

That this Bill be now read a second time.

Its purpose is to enable the Corporation of the City of Melbourne as committee of management to grant leases of the land known as the Richmond Cricket Ground.

The Richmond Cricket Ground is portion of the area permanently reserved in 1873 as a site for a public park more familiarly known as Yarra Park. This park is vested in the Minister of Lands and the Corporation of the City of Melburne as trustees, with the corporation being appointed as committee of management.

Historically, a cricket ground existed at the site as early as 1854 when Yarra Park was simply unreserved Crown land known as Richmond Paddock. The Richmond Cricket Club first occupied the site under tenure from the Lands Department and, subsequently, by arrangement with the trustees and committee of management.

The demands made on the ground are considerable and result from the presence of the Richmond Cricket and Football Clubs at the ground, and the willingness of the cricket club to make the facilities available for use by many other sporting bodies and the public.

The existing facilities at the ground need up-grading and to this end both clubs have now reached an agreement which will ensure proper development and maintenance of the ground.

In view of the substantial expenditure involved in carrying out the works associated with the proposed improvement programme, the Richmond Cricket Club desires security of tenure in the form of a 21-year lease which the corporation is willing to grant.

Under the leasing arrangements proposed by the Bill, it is provided that any lease shall be for a term not exceeding 21 years and shall be subject to the approval of the Governor in Council.

The Bill takes into account the proposed future widening of Punt Road by providing in this event that no compensation shall be payable to the lessee.

It is proposed to include in the lease a special condition ensuring that the ground will also be made available for major sporting or recreational events if so required by the Government. The land, which may be leased under the provisions of the Bill, is shown by the plan in the Schedule to the Bill. I commend the Bill to the House.

On the motion of Mr CATHIE (Carrum), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, May 7.

FORESTS (FURTHER AMENDMENT) BILL

Mr I. W. SMITH (Minister of Agriculture)—I move:

That this Bill be now read a second time.

This Bill proposes a number of unrelated amendments to the Forests Act 1958 which I will now describe in turn. Clause 1 contains the usual provisions relating to citation and commencement. Clause 2 substitutes the words "Minister for Police and Emergency Services" for "Chief Secretary" in sections 3 (3) and 3 (4) (*b*) of the principal Act. This is a consequential amendment following amendment of the Public Service Act by regulation.

Clause 3 extends the provisions of section 23 of the principal Act to enable the Forests Commission to enter into agreements. This is necessary because the Crown Solicitor has advised that there is some doubt whether the existing provisions of the Forests Act allow the commission to enter into agreements—except as provided for in section 94A which relates to farm forestry only. This matter was raised in connection with negotiations between the commission and the University of Melbourne for the joint use of facilities at the School of Forestry at Creswick.

The Crown Solicitor's advice is also relevant to negotiations taking place between the commission and the Victoria Conservation Trust for the management of certain lands donated to the trust under conditions such as life tenancy arrangements for the donor. It is therefore essential that any doubt about the ability of the commission to enter into agreements be removed by amending legislation.

The Crown Solicitor has also advised that the existing provisions of the Forests Act in regard to forest schools appear to contemplate that any such school will be used primarily to train forest officers of the commission. The agreement between the commission and the University of Melbourne which I referred to in relation to clause 3, provides for the university to share use of the School of Forestry at Creswick for part of its degree course in forest science. The amendment proposed in clause 4 will clarify the situation by enabling the commission's forestry education facilities to be used by universities or other tertiary education institutions.

The proposed amendments to the principal Act contained in clause 5 relate to parks and reserves set aside and declared under section 50 of the Act. Section 50 (1) of the Act provides that the Governor in Council may set aside any area of reserved forest and declare it to be a forest park, scenic reserve, alpine reserve, roadside reserve or a reserve for any other purpose.

The Government has accepted many recommendations of the Land Conservation Council requiring that the Forests Commission manage areas reserved for special purposes. These areas are to be reserved under section 4 of the Crown Land (Reserves) Act 1978 and placed under the control and management of the commission pursuant to section 18 of the Crown Land (Reserves) Act and the Forests (Reserved Lands) Act 1979. They will subsequently be set aside under section 50 of the principal Act in order that they may be made subject to special regulations appropriate to their use and management.

These new reserves include State parks, wilderness, regional parks, multi-purpose parks, education areas, historic areas and flora and fauna reserves and these new categories of reserve are not specified as such in section 50 of the principal Act. They are very important conservation areas and it is appropriate that they be specifically identified in the legislation under which they will be managed, that is, the Forests Act 1958. The amendment proposed in clause 5 (1) will insert these new categories of reserve into section 50 (1) of the principal Act.

Section 50 (5) of the principal Act provides that the Governor in Council may make regulations for the care, protection and management of forest parks, scenic reserves, alpine reserves, roadside reserves or reserves for special purposes. The existing regulating power will not be adequate to give effect to some of the prescriptions for management that the Land Conservation Council has recommended be applied to some of the new categories of reserves to be managed by the commission, particularly wilderness. The amendment proposed in clause 5 (2) will enable the Governor in Council to prescribe regulations for these parks and reserves along similar lines to those provided for in the National Parks Act.

Clause 5 (3) inserts into section 50 of the principal Act an additional subsection which will enable the Governor in Council to appoint a qualified person to audit the accounts of committees of management appointed under section 50 (3) of the principal Act or to direct that such accounts be audited by the Auditor-General. This amendment was suggested by the Auditor-General and is appropriate in situations where committees of management handle significant amounts of public money.

Clause 6 inserts a new section into the principal Act to permit the commission to enter into a specific agreement with persons who wish to donate or devise their property to the commission. The amendment will also enable the commission, pending formal transfer and dedication of the land as reserved forest, to exercise control and

management over such land while permitting the donor or testator to remain in occupation during their lifetime. There are a number of instances of people wishing to donate their property to the Crown under conditions which allow the donor to retain some rights to use the property. The arrangement is usually made via the Victoria Conservation Trust and in some instances it is the wish of the donor and the trust that the property be managed by the Forests Commission.

The generosity of these donors will result in some very beautiful and valuable properties coming into public ownership and it is the policy of this Government to do everything reasonable to ensure that the wishes of the donors are met and that the properties are properly protected and managed. I commend the Bill to the House.

On the motion of Dr VAUGHAN (Glenhuntly), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, May 7.

GEELONG PERFORMING ARTS CENTRE TRUST BILL

The debate (adjourned from April 16) on the motion of Mr Lacy (Minister of the Arts) for the second reading of this Bill was resumed.

Mr ERNST (Geelong East)—The main purpose of the Bill is to provide for the appointment of the Geelong Performing Arts Centre Trust which will have the objective of being responsible for the construction, management and operation of the Geelong Performing Arts Centre and to achieve these goals with the minimum disruption. It also provides for the repeal of the Geelong and District Cultural Institute Act 1958 and dissolves the membership of the council of that institute. It also provides that all property vested in the institute will be transferred to the trust which will have power to continue any matters vested in the institute.

I thank the Minister of the Arts for his interest in this project. The honorable gentleman indicated his interest by briefly outlining the history of cultural activities in Geelong. However, I wish to go into a little more detail on the history of cultural activity to illustrate the extent of involvement of the Geelong district in those cultural activities.

When one investigates this matter, one finds that this interest stems from the early 1850s. Because of pressure exerted by certain people, in 1859 certain Crown lands were granted as a site for the construction of a Mechanics' Institute for the use and convenience of the residents of Geelong. In 1899, the Geelong Mechanics' Institutes Act was enacted and the Geelong Mechanics' Institute Incorporated was set up under the Act and continued to conduct its affairs until 1954. Like a number of other mechanics' institutes at that time, it experienced financial difficulties and several proposals were put forward to remedy the situation.

As an example, in 1949 it was suggested the entire property should be taken over by the Geelong War Memorial Committee for development as a second world war memorial but a fear was expressed at the time about the proposal and it was abandoned.

In 1951 negotiations were commenced with the postal department with a view to purchasing the property, but public feeling aroused by the threatened loss of the hall was so strong that the negotiations were abandoned.

At that stage the position was that the institute, although possessing a valuable property, had insufficient income to make the best use of it. At the same time there was a growing public demand that a hall should be made available to Geelong residents for public and cultural purposes.

After some years, a committee known as the Geelong and District Advisory Committee was established and I understand it still exists. The committee was a central body comprising representatives of the municipalities in the Geelong district, and that body discussed matters and problems of mutual interest.

In 1952 a sub-committee was formed to explore the possibilities of providing a public hall, particularly using the existing hall and facilities at the Mechanics'

Institute. The sub-committee recommended that a new body should be set up to take over the assets and liabilities of the institute and that all municipalities in the Geelong district should have representation on that body and that there should also be representation from cultural organizations. It was recommended that the charter granted should cover a wide range of cultural and intellectual pursuits. All parties involved agreed to the move and the committee approached the Labor Government of the day which resulted in the Geelong and District Cultural Institute Act being passed on 13 October 1954.

It will be seen from the early history that there is a close liaison between the cultural organizations, the municipalities and the people of Geelong. Maybe the Minister of the Arts understood the strong feeling of concern that existed when he made his visit to that area last year.

I refer to some of the conditions that existed in Geelong with regard to the arts which probably still exist. On 27 October 1954, during the debate on the Geelong and District Cultural Institute Bill Sir Thomas Maltby, the Opposition spokesman at that time, said:

> It is regrettable that moving pictures and the radio have made heavy inroads into the cultural desires of the community. I am happy to say, however, that in the great and growing Geelong district there are bodies of persons who are now prepared, in competition with distracting influences, to try to provide cultural relaxation and education for the average person. I refer chiefly to a group of organizations known respectively as the Geelong Association of Music and Art, the Geelong Society of Operatic and Dramatic Art, the Geelong Trades Hall Council, the Chamber of Commerce and scholastic institutions. These bodies by their actions evince that there is a great amount of latent talent waiting to be tapped; it lacks, as it were, only a stage and a forum.

That continues today but will be overcome when the new cultural centre is opened.

I hope when the Governor in Council appoints the six members of the trust, consideration will be given to people who have been associated with these organizations for some time. I pay tribute to past and present members of the Geelong and District Cultural Institute, particularly Councillor Harold Leach, who, because of the provisions of the Bill, will unfortunately not be allowed to take part in the new trust. That is regrettable because he has 28 years' involvement and twenty years' experience in running two halls without a loss.

Perhaps the Minister might move an amendment which will permit the appointment of members of the Geelong council and the Geelong District Cultural Institute Council who have the necessary experience. These people have worked tirelessly and with dedication to achieve the objective which has resulted in the present project being almost completed. I hope the new trust and the Ministry of the Arts will recognize the service these people have given.

The Bill allows for activities to be conducted at the centre for purposes other than the arts. The centre can be used as a convention centre, subject to the approval of the members of the trust and subject to the suitability of the persons involved to use that centre.

Clause 7 (4) provides that:

> A person of or over the age of 72 years shall not be appointed a member of the trust.

The Opposition will support an amendment to allow a person like Councillor Leach to be appointed to the trust because of his experience. I ask the Minister to seriously consider such an amendment.

Clause 11 (1) provides that:

> The trust shall meet at least four times in each calendar year.

That provision should be altered to require more than four meetings a year. More than four meetings a year would be required to run the organization efficiently.

I am pleased to note that the building committee appointed by the Geelong and District Cultural Institute has been retained because it has performed well in the construction of this building and its experience will be of benefit in future.

I now wish to refer to a few comments made by the local councils. The City of Geelong supports the Bill for the formation of a new trust, but is concerned about the membership of the trust and would support a proposal that all councils be represented on the trust.

The Shire of Corio supports the Bill and hopes the services of the members of the Geelong and District Cultural Institute will be recognized. The shire supports a no-loss situation which I believe the cultural centre will achieve over a period of time although perhaps not in the short term. The shire council has noted that the provision under which six members were to be appointed in the original proposals by the Minister—spelt out last year—specified that the six persons, not nominated by the municipalities, should have special knowledge, qualifications or interest in the arts, or be persons involved in business, legal, commercial or financial areas. That is not spelt out in the Bill. I hope the Minister will consider this matter. The council hopes all persons appointed to the trust have broadly based interests and are capable of ensuring that the trust is operated on a business-like basis.

The City of South Barwon suggests that the membership of the trust be increased to nine. If that suggestion is not agreed to, it suggests that local councillors in the area should select three members from a panel, rather than their being appointed. That worthwhile suggestion would enable local councils to participate in the project.

Concern has been expressed throughout the municipalities about the maintenance or the operating costs of the centre. The City of South Barwon states:

> . . . this council's established policy is that, upon finalization of its capital contribution to the Centre, it will not be responsible for any maintenance costs or operating losses of the Centre.

The City of Geelong West also suggests that nine councils should be represented on the trust and that the members of the trust should elect the chairman. There is possible merit in that suggestion. The Geelong West City Council states that it is not prepared to contribute towards a trust fund until all details of the funding are made known.

The council further states that nowhere in the Bill is it made clear whether municipalities will be asked to fund any loss if the centre operates at a loss in the early stages. I ask the Minister to consider that matter also. The council also points out the fact that the Bill refers to "the City of West Geelong" and requests that that be altered to the correct term of "the City of Geelong West".

The City of Newtown states that the funding needs to be clarified regarding the liability of the GAMA centre and is concerned that Councillor Leach, who is a member of that council, may not be appointed to the trust despite the fact he has been involved with this type of cultural activity for 28 years. The council also states it has received no acknowledgment to a letter sent to the Minister in October. I ask the Minister to investigate that matter.

The Shire of Bellarine is concerned about a number of matters. The first is related to the financial arrangement of the trust and the lack of reference to any future liability by the municipalities if the centre operates at a loss. Clause 16 appears to be the only clause in the Bill which deals with the borrowing powers of the trust. It is also concerned about the membership of the trust, which is limited to three councils. It suggests that council representation should be one for each region. Concern is also expressed that the people appointed to the trust should reside in the Geelong region. Promotion of the region is essential and people who live in the area will naturally wish to promote the area.

The Borough of Queenscliff does not wish to be represented on the trust and has made that clear in a letter to me. I am sure they will have made that clear to the Minister. The council states it could not see its way to contributing to the Geelong Performing Arts Centre and asks to be deleted from the representation.

The Shire of Bannockburn does not wish to be represented because of the financial commitment which could be involved.

I now refer to some of the comments made by the Geelong and District Performing Arts Centre in a letter to the Minister of the Arts on 22 April 1980. Amendments to the Act were suggested. The first suggestion was that in clause 7 (1) after the words "nine members" the words "all of whom shall live within the boundaries of the municipalities mentioned in sub-section (2)" be inserted.

Reference was also made to the incorrect reference to the City of Geelong West. That is being changed.

A request was made that clause 7 (4) should read:

> Except for the appointments of the initial persons to the Trust a person of or over the age of 72 years shall not be appointed a member of the Trust".

That is to cover their interest so that Councillor Leach and others can be appointed to the trust as their experience has been invaluable in the past and would be invaluable in the future.

It was suggested that in clause 10 (1) for the words "This first meeting" the words "The first meeting" should be substituted.

It was suggested that in clause 15 (1) (2) (3) (4) (5) and also in clause 17 (5) the word "account" should read "accounts" as more than one account will need to be opened. It is believed that is covered in the amendment.

In clause 18 (2) it is suggested the reference to (*i*) should read (1).

Reference is made to the GAMA Theatre but I will not take up the time of the House with that matter.

Attention is drawn to a letter written to the Minister on 30 October 1979 which states at page 2 item 4:

> In any legislation passed attention should be paid to the question of Municipal rating of the Geelong and District Performing Arts Centre which could, under some circumstances, have a crippling effect on future finances.

I can understand that. The Adelaide Festival Trust has for rate purposes a valuation of $50 000. Honorable members can understand that if a value were to be established, it could allow for that payment to be taken out.

In clause 14 (4) a request is made that for the words "Local Authorities Superannuation Act 1958" there should be substituted the words "State Superannuation Fund". This is to allow the staff to have portability of State superannuation benefits. The Minister should consider this matter because most of the people employed in that centre will come from the State area because the local government area is limited.

People would naturally look to Geelong to gain some experience and would possibly move on to the State area. They would also like the Bill to provide for the trust to have direct access to the Crown Solicitor of Victoria, if that is possible, because of the saving of a financial commitment and also because the Minister would have knowledge of the way the Crown Solicitor would act.

The main point on which the municipalities want clarification is the commitment to funding. There seems to be a limit on the commitment by the Government for funding for operational purposes. While operation on a no loss basis ought to be the gaol, I do not believe that can be achieved in a short time. It would not be unrealistic for the Government to make allowances for ongoing funding and to provide a budget for the Geelong Performing Arts Centre Trust. It is important that in its first years of operation the centre and the activities should be promoted by taking its plays into industry, the schools and street theatre to both educate and encourage the community to be part of the centre. This costs money, and a lack of funding would restrict the promotion of the centre and, because of the prices they would have to pay, would allow only one class of people to be entertained at the centre, thus depriving people on lower incomes of participating in enjoying the centre which they have helped to provide.

The Minister should examine that side of it, because he well knows that, if there is a restriction on funding, especially in the early years, it will take longer to reach the no loss situation. I hope the Minister will clarify the funding situation as far as the municipalities are concerned. I ask him to respond to that so that they will all know what their responsibilities are and so as to counteract fears which they justifiably entertain.

The centre itself is of pleasing design, and I congratulate the architect on the work he has done. It consists of a main theatre, which is a multi-purpose theatre with seating for 812 people, full lighting and sound facilities, dressing room, wardrobe, etc., a smaller theatre capable of seating 250 people on movable seating, and a third theatre, the old home of the GAMA Theatre, which at one stage was a church. The retention of that church and also of part of the Plaza Theatre is something to be proud of. There are spacious foyers which will no doubt be used as display areas and for informal productions which will further create public awareness of the centre. There are catering facilities and a bar is to be established, together with a coffee shop and a bistro which will serve lunches and pre-dinner drinks.

The centre will be of benefit to Geelong and will be the envy of many centres throughout Australia. It will attract many people to the Geelong area, once it is in operation. The Opposition offers no objection to the Bill but asks the Minister to take into consideration the comments from councils on the points raised. The Labor Party wishes the Geelong Performing Arts Centre Trust every success.

Mr McINNES (Gippsland South)—The National Party supports the Bill to establish the Geelong Performing Arts Centre Trust to act as a body corporate to carry out the manifold functions in a manner rather similar to that in which the Melbourne Arts Centre is established. The project has been warmly received in Geelong and the surrounding municipalities. There has been a public contribution of, I understand, almost $1 million and the combined councils have contributed $500 000. In addition, there has been a windfall in the provision of $775 000 from the gold lottery consultation.

In my opinion, this is an appropriate use for moneys coming from gambling. Such funds ought to be used to provide amenities to cater for the varying tastes of the public. I say that because, as we move into the era of fairly large regional arts centres such as the ones projected at Sale, Warragul and Echuca, Geelong being one of the larger ones, a project costing $7·5 million to $8 million overall, it is necessary to keep in mind that these facilities are for the benefit of all of the public. They should not be used in such a way as to create a clique or a peer group, as it were. Some people do tend to become a little airy fairy at times and one sometimes sees arts groups keeping facilities to themselves and believing that, whilst they can appreciate them, others cannot. That is a barrier that needs to be broken down. This requires education, which I should hope would be provided through schools and through various performances being available to everybody, regardless of people's tastes, so that all may come to an appreciation of various forms of the arts.

There are to be nine members of the trust, three of whom are to be elected from a panel of names submitted by the nine municipalities involved in supporting the arts centre. One presumes that the lack of definition of where other members are to come from is to enable various organizations to submit names and to play a part. From my experience, that approach may be useful because there tends to be some in-fighting between groups in the art world and I should hope that this fluidity of approach will help to resolve that.

Nevertheless, there is some concern that people with views of that type are not always the best judges from an economic standpoint; and I would have liked to see included on the trust someone with financial experience—an

accountant or perhaps a financial manager. Obviously one will be, or ought to be, appointed by the board to be responsible to the board. One must not lose sight of the fact that, as far as possible, the centre ought to be self-supporting. Understandably, there may be some difficulties about that in the early stages of its operation, but that ought to be the target.

Another point that worries me is the delegation to a sub-committee of the trust, which can comprise any two or more of its members, of the full powers and functions conferred on the trust by the Bill. That seems to be a rather wide delegation and it ought to be reviewed. To put the affairs of an $8 million enterprise, with the chance of many conflicting views and needs, into the hands of a sub-committee of two people who are empowered to exercise the whole of the powers of the trust without even referring matters to a full meeting seems unduly wide and perhaps even imprudent.

I hope the other arts centres around the State which I mentioned earlier can share in this golden nugget from the lotteries. I will be looking forward to support in that direction for some centres in Gippsland. I remind the Minister of that because I was hopeful that at Sale a project would receive $1·6 million, which suddenly evaporated.

Mr B. J. Evans—That happened in Sale, too.

Mr McINNES—The Sale people were certainly rather perplexed about the whole thing. I hope that project is now back on the rails again and proceeding, because it is important that the committees and the councils behind these projects know where they are going so that they can appeal to the public for support. They need to have a unified voice.

The main theatre in the Geelong Performing Arts Centre is a multi-purpose theatre capable of seating 812 people in Continental style seating. I note there is provision for 35 mm and 16 mm projection. I infer from that that it will be used as a cinema from time to time, and I am pleased to note that. These centres should act as social meeting places. At the Geelong centre there is provision for some meal facilities and there are concourses where displays of various kinds could be held—not only art displays but displays of perhaps computers or of technology that will have a large influence on public life in the future. In pleasant surroundings, the public can fully appreciate these things and can, as a side benefit, become more familiar with the operations of the centre and the amenities provided. In that way, it can become a real meeting place where social intercourse can take place, a place everybody can enjoy, not simply a place where one stands outside and says, "That is the arts centre but that is above my head" and feels that it is not for oneself. It ought to be for all people and I hope it will perform that function.

I welcome the initiatives taken by the municipalities in Geelong and the people in the area who supported the project. I understand the centre is to be opened later this year. Its construction must have gone pretty much to timetable because we have not heard controversy surrounding it such as we have heard surrounding the Melbourne Arts Centre, a project now running into almost 25 times the cost of the Geelong project. That is an interesting observation. One could look at the value for the dollar obtained from centres such as this in country areas. They are very welcome and they stimulate the talent existing in the country and allow country communities to see presentations which may come on circuit from the Melbourne Arts Centre to these seven or eight regional performing centres, bringing their talents to the people in country areas. The National Party has pleasure in supporting the Bill.

Mr BIRRELL (Geelong West)—I do not want to traverse what has already been said. However, I want to highlight a few other aspects of the development of the Geelong Performing Arts Centre because, until recently, I was the political contact between local interests and the financial development

of the concept, at a State level. At that level I have had intimate and regular contact over many years.

The honorable member for Geelong East covered the historical background quite well. There have been a succession of organizations in Geelong. There was the old Mechanics Institute in 1899 and that was a benchmark, followed by the Geelong and District Cultural Institute which was basically a local government organization which inherited the role of the Mechanics Institute in 1954. I feel that I should not relate historical problems of the proposed trust inheriting a local government organization, basically the Geelong and District Cultural Institute. The historic association flows through to the Bill in that the institute will have three members of the Geelong Performing Arts Centre Trust.

The history of the fund raising ought to be put on the record. Many problems ran their course during the last eight or ten years. It was apparent for many years, going back 20 or 25 years, that the old buildings would one day cease to serve a useful function. Those buildings were starting to look old and decrepit and the time for something new was arriving. It was accepted that Geelong would have to do something to retain favour with participants in and patrons of the arts. Therefore, plans were put in train to raise the necessary money.

Progress was made because, in the 1960s, the State Government came out with a policy of a $2 for $1 fund-raising mechanism to establish art centres and the like, including a performing arts centre at Geelong. That was the first major step that provided an incentive and it was acted upon. The fund-raising only required one-third local contribution and two-thirds State contribution and that major step forward brought the present efforts to fruition.

In the initial stages, the method of local fund raising was by a public appeal which ultimately raised approximately $850 000. Initially the council of the institute agreed that on a *pro rata* basis it would raise $500 000 and that was achieved. The pool of money came to a little in excess of $1·3 million. By claiming the $2 for $1 Government contribution, a sum of approximately $4 million was achieved. Geelong could have done better had it taken the bull by the horns in 1972–73 and utilized an architectural concept to get a centre off the ground at nearer $2 million than the ultimate figure of $6 million.

However, at that time, the Government in Canberra changed and one of the early changes to the financial structure was to take away the taxation exemption for contributions to cultural activities. One of the first appeals in Australia to be affected was this organization's fund raising and planning for a new cultural institute or a performing arts centre. Representatives went to Melbourne and Canberra to seek clarification and, if possible, some easing of the discontinued exemptions because they believed their fund raising had quite a hurdle to jump. That is easy to understand in the context of anyone who has been involved in the public fund-raising area. Eventually, in lieu of a change in the law, the Whitlam Government promised to donate $1 million to the over-all appeal, but that money was never forthcoming.

The delay was such that a year was wasted before a quote was obtained for the building and it was well above the earlier quotes and it escalated until eventually the final contract was signed at approximately $6 million. Therefore, the entire scheme of financing had to be gone through again. It meant that if the institute obtained a $6 million quote on a new design, which was a little less elaborate than the earlier one, the institute had to raise $2 million. At that stage the committee had approximately $1·3 million in the kitty. Therefore, someone had to scratch his head to see where the other $750 000 was to come from. Amongst those who scratched their heads—in my case it would bring blood of course—was a bright idea that I approach the Treasurer with a request for one of the recently invented Tattersall's gold lotteries to be run for the arts centre.

Over a bite of lunch with the Treasurer one day, I twisted his arm hard enough and he agreed. The $775 000 obtained from that effort bridged the gap. It was a useful lunch and I did not mind paying for it. Geelong received the proceeds of the Gold Lottery No. 3 and the local kitty went over the $2 million mark. With the $4 million the Government put in on a $2 for $1 basis it was possible to enter into a contract for $6 million. The building is almost complete, near the centre of Geelong, not far from the Post Office.

The Minister of the Arts ought to take note that the building is on two separate parcels of land and that the situation is not quite as simplistic as it is set out in the Bill. I should like to hear from the Minister on that aspect. It is a technical title problem that needs correcting. That is the historical background compared with the more usual historical background given by the honorable member for Geelong East.

Councillor Harold Leach is still very keen and capable and he has just turned 72. He came to me for advice quite recently regarding his position as a justice of the peace. It will be difficult to break the bounds of the law and the policies that are inherent in the current State situation where the Government is keen not to place persons over 72 in a host of positions in the community for which the Government is responsible.

Mr Collins—I reckon 72 is a beautiful age.

Mr BIRRELL—It might be a beautiful age, but public administration not only must be uniform, it must be seen to be uniform. If I were the dictator, I would like Councillor Harold Leach to be my first appointment. He is the old progenitor of the concept of raising money and the titular head of the committee that has done the hack work. He is keen to carry on his task, yet the 72-year-old rule may yet be difficult to jump. I leave that in the Minister's hands as that is what Ministers are for, I suppose.

The rate problem ought to be mentioned. Nothing would tend to make the problem of financing the centre almost impossible as the levying by the council of full rates on the valuation of the building and, if that ever happened, it would be disastrous. Legislation exists on the statute-book that provides for some leverage to be given to the rates that can be charged.

However, one cannot be too sure, because councillors change. It is to be hoped that the City of Geelong will not charge rates at all, or perhaps merely a nominal rate to collect the rubbish and leave it at that. The real chasm that could be opened up would be if one of the eight or nine councils which contributed to the building funds for the new Geelong Performing Arts Centre should say, "Should we carry the burden of not exempting rates". If they were to seek some contribution for what is given up elsewhere, they might get a cold reception, and that is the sort of situation that sometimes develops in the local council world where there are a number of councillors and councils.

It is to be hoped that rates will not be charged on this public building which is absolutely non-profit making in its operations. The building will be a burden if it will not run at a profit but at a loss. A few losses and one is virtually bankrupt. That is a point I want to place on record.

The other queries I raise are fairly simple. The desire of the local committee on the arts centre is to query whether the nine appointees should be local residents. It is their wish that they should be. There might be some reason why one or two could well come from outside; I do not see why that would occur, but the query has been raised.

I have mentioned the title difficulty with the land and the problem of rates. However, I raise one final small matter. As the new trust will not be a local government organization at all, but a total public organization in which three of the nine managerial committee will be representatives of

Local Government, why is there a delineation of superannuation in favour of the Local Authorities Superannuation Fund rather than the State Superannuation Fund?

Some honorable members hold the view that everyone in that category ought to be put under the State superannuation scheme because it is a preferable scheme to the local authorities superannuation scheme. The committee is asking if it is possible for the Act to be varied so that these employees will be put under the State superannuation scheme. That would please them and, of course, it would please me as well.

I raise that matter with the Minister because he has received the submission from which I am quoting, and he has had time to look at it. I take it he will be happy to give a reply.

Honorable members who come to Geelong will be welcome, when they near the main city post office, to proceed around the corner into Ryrie Street and look at this new development. It is exciting. It incorporates some portions of old historic buildings, which are sound, within the centre. It is hoped that the centre will be opened either late this year, or early next year. It is a significant development in anyone's terms. It fills a long-felt need, just as the Deakin University filled a need in Geelong. It is necessary in a city with a population of 150 000, and a district population of 250 000. It is a first-class proposition. The bricks and mortar are almost finished. I wish it well. I hope it prospers, and I hope it can become economically viable as the years roll by.

Mr TREZISE (Geelong North)—I do not think there is need for me to repeat what has already been said by the honorable member for Geelong East and the honorable member for Geelong West, but I put on record my support for the measure because the Geelong Performing Arts Centre in Ryrie Street, Geelong, is welcomed by the entire Geelong community, particularly the cultural activities, both visual and performing, that will use this centre.

There is concern that if the centre runs at a loss, especially in the early years—as so many new projects seem to—there is no provision in the Bill to counter the problem. I trust the Minister and the Government will keep this matter closely under scrutiny, if ever this occurs. I hope it does not. Community centres start up with a great deal of hope and ambition, but some can run into stormy waters in the first years of operation.

The honorable members for Geelong East and Geelong West have expressed their views on this. They are endorsed by the entire community of Geelong, because wherever we live in Geelong, or whatever part of Geelong we represent, we belong to the Geelong community, and we join together in wishing the Geelong Performing Arts Centre a most successful future. I trust that the Bill will be passed and that the arts centre will be a great success in the future for the Geelong people.

Mr AUREL SMITH (South Barwon)—I add my full support to that of those honorable members who have already spoken on this Bill. The whole concept of the cultural centre, and also this Bill, is the culmination of many years of work by a large number of people in Geelong, who have been dedicated in preserving Geelong's cultural interest and attractions. In my opinion the leader of this movement has been Councillor Harold Leach, who has already been mentioned by other honorable members. I add my commendation to his achieving this goal.

I do not intend to canvass the details of the Bill, or the history of the institute. That has been ably covered by my colleagues. I commend the comments of the honorable member for Geelong East on this project. I am delighted that it has received the wholehearted support of all parties in this Parliament, and I wish the project every success.

Mr LACY (Minister of the Arts)—I thank honorable members from the Geelong area, as well as the honorable member for Gippsland South, for their support for this Bill. It is an historically significant Bill in the life

of the residents of the Geelong area, in respect of the development of their cultural affairs and cultural life, particularly in the performing arts.

This centre is going to be a magnificent complex of theatres. I compare this centre with the Victorian Arts Centre, and the reasons for the need for comparable legislation, which is the basis upon which I will seek to answer many of the points that have been raised during the contributions made by honorable members to the debate.

I also would like to thank the municipalities mentioned in the Bill for their contributions to the development of the concept, for the work that they have put into the Geelong and District Cultural Institute, for the work they have done to date in carrying the flag for the arts, particularly the performing arts, in the Geelong area. I met with them at great length last year, in the presence of the local members of Parliament, and discussed what was proposed in legislation. The officers of my Ministry have been delighted with the co-operation that they, and I, received in the preparation of this Bill. Also I should like to thank, and congratulate, the Geelong and District Cultural Institute for its work, and for its contribution to the Bill as well, and I particularly appreciate the detailed consideration that it, and the local members, have given to the preparation of this Bill. I am sure that as a result of the passage of the Bill, and the nine amendments that I will move in the Committee stage, the centre will become the focus of performing arts in the Geelong area.

The Geelong Performing Arts Centre will be a very different performing arts centre from other country or provincial performing arts centres in this State. It is far more comparable to the Victorian Arts Centre than it is to those other centres that have been, and are to be funded, under the regional performing arts centre programme. It is a complex of theatres, whereas the others consist of one theatre. The Geelong arts centre, with a seating capacity of 800, is identical in capacity to the Playhouse in the Victorian Arts Centre. Therefore it will be able to be used by companies who will realize the advantage of performing not only in the Victorian Arts Centre but also in the Geelong Performing Arts Centre. The centre will be able to accommodate companies in seasons contiguous with one another, and I am sure that the people of Geelong will have many more visits from major companies in their district as a result of the opening and development of this centre.

As I said, the Geelong Arts Centre is recognized by the Government as comparable to the Victorian Arts Centre in every respect except cost. Because the trust that will administer it has been established by statute, detailed consideration has had to be given to proposed amendments that will introduce differences between the legislation governing the Geelong Performing Arts Centre and that under which the Victorian Arts Centre operates. It was recognized that they would be the only two arts centres whose trusts would be established by statute, whose governing bodies would be established by statutes, and it was always the Government's intention that they would be nearly identical in almost every respect.

There was a significant and local contribution that had to be taken into account in the framing of the legislation for the Geelong arts centre. I will deal with the amendments later in the Committee stage, and explain the reasons for them, but they have been referred to during the debate, and I might mention them in passing.

The two Bills were proceeding in parallel, and in most of their key clauses they were identical until the Victorian Arts Centre Bill went ahead about six months earlier than the Geelong Performing Arts Centre Bill. A number of amendments were made to the Victorian Arts Centre Bill at a late stage, and they were not picked up in this Bill, again until the late stages. That is the explanation for some of the amendments that I will move during the Committee stage.

The composition of the trust has been referred to, as has the representation of municipalities. I have taken into account the desire expressed at the meeting of all interested parties last year at Geelong, and also again in recent correspondence in recent days, that there be one representative of each municipality mentioned in the Act. Of course not all municipalities want that. The honorable member for Geelong East referred to two municipalities which do not want it. Certainly, the Borough of Queenscliff is one that does not wish to be represented.

The principle of no taxation without representation is one that ought always to be kept to the fore in these matters, and where there is taxation, or contribution as it is in this instance, at least the representation should be comparable with that contribution. As the programme for the establishment of the Geelong Performing Arts Centre has been financed by a two for one subsidy, it seems appropriate that the representation on the trust ought to be of that order, but when there are nine municipalities involved, something has to be done to reduce the numbers —unless there is to be a trust of 27 members. The Deputy Leader of the Opposition would recognize that would be too big a trust for an organization like this. The honorable member for Geelong East agrees with the view that the local people involved in the Geelong and District Cultural Institute, in the performing arts company, and in arts generally, but who are not involved in municipal government, ought to be represented.

I cannot agree with the proposition that all members of the trust should live in the municipalities concerned, but I temper my remarks by saying that I have no reason for believing that if there was a person who lived outside the municipality, say, in Melbourne, who had a contribution to make to the trust, and may even be sought by the trust, that person should be prevented by the Governor in Council from being a member of the trust. That person may have particular experience or expertise in the performing arts, so it would be possible to allow that appointment to take place. For that reason I have resisted that proposition. A great deal of representation has taken place and I acknowledge the views expressed by the honorable members for Geelong West, South Barwon and Geelong East, on behalf of people who have led the way in the development of this project. Certainly the work of those people is acknowledged by the Government, and I would want it to be continued.

However, the statutes provide in respect of the Victorian Arts Centre Trust concerning the appointments of judges and many other people, which are dependent upon statutes, that a maximum age limit must apply, beyond which an appointment will not be made. Neither the Government nor I would want to establish any statutory provision which contravened that general principle, and I hope honorable members will understand that.

I mention one or two other matters, one of which is the funding issue which was also mentioned in debate. The honorable member for Geelong East made a particular point of it. As yet it is not known what funds will be required. However, the principle enshrined in this Bill and in the funding arrangements under which the centre was established on a $2 to $1 basis ought to be the guide used to approach those problems when they arise. There is certainly a commitment by the Government to contribute to the funding of the operating and maintenance costs of the centre, but I should not want to rule out the desirability of there being an ongoing $2 to $1 arrangement. It is reflected in the funds that have been provided for the establishment of the centre; it is reflected in the representation on the trust, and it ought to continue to be reflected in the ongoing responsibility for the maintenance of the centre.

Of course, it is hoped the centre will not run at a loss. Nevertheless, I make it clear, as I did when I visited Geelong last year to discuss the proposal with representatives of municipalities and the Geelong and District Cultural Institute, that that is the sort of basis on which the Government

would build any future arrangements for operating and maintenance costs for the centre.

The honorable members for Geelong West and Geelong East raised the question of the Local Authorities Superannuation Fund being used rather than the State Superannuation Fund. That point is covered by a proposed amendment; it is proposed to remove clause 14 and to insert a new clause to correct that situation.

I thank the House for its support of the Bill and join with honorable members in wishing the measure a speedy passage.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Interpretation)

Mr LACY (Minister of the Arts)—I move:

Clause 2, page 1, line 13, to page 2, line 3, omit all words and expressions on these lines and insert—

'"Centre" means—

(*a*) the land under Crown Grant dated 4 March 1902 and comprised in Certificate of Title volume 2889 folio 654;

(*b*) the land described in the deed registered by Memorial 431 in Conveyance Book 709; and

(*c*) the land, being Crown Allotment 9, section 55A, City of Geelong, Parish of Corio, County of Grant, which was permanently reserved by an Order in Council of 17 October 1978 as a site for Public Purposes (Performing Arts)—

and the buildings and improvements thereon.'

Late advice was received from the Geelong and District Cultural Institute which indicated that the interpretation of "centre" contained in clause 2 was inaccurate. This matter was also referred to by the honorable member for Geelong West in the second-reading debate. Accordingly, an appropriate amendment has been prepared which adequately describes all the land which now comprises the centre.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 3.

Clause 4 (Transitional)

Mr LACY (Minister of the Arts)—I move:

Clause 4, line 24, omit "(including the Centre)" and insert "whatsoever".

This proposed amendment is consequential upon the amendment to clause 2. It is proposed to insert a new sub-clause to clause 4 to empower the Governor in Council to vest in the trust that part of the centre which is currently Crown land permanently reserved for public purposes for use for the performing arts, under certain terms and conditions. The provision will enable all the land comprising the centre to be vested in the trust.

The amendment was agreed to.

Mr LACY (Minister of the Arts)—I move:

Clause 4, insert the following sub-clause after sub-clause (2):

"( ) The Governor in Council may notwithstanding anything to the contrary in the Crown Land (Reserves) Act 1978 grant to the Trust the land referred to in paragraph (c) of of interpretation of "Centre" in section 2 for the purposes for which the land is reserved subject to such conditions, exceptions and reservations as the Governor in Council thinks fit.".

This is also consequential because it is proposed to insert a new sub-clause after clause 4 (3) in order to make a specific provision for the transfer of the mortgage over one parcel of the land from the institute to the trust.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 5 and 6.

Clause 7 was verbally amended, and, as amended, was adopted, as were clauses 8 and 9.

Clause 10 was verbally amended, and, as amended, was adopted, as were clauses 11 to 13.

Clause 14 (Staff)

Mr LACY (Minister of the Arts)—I invite the Committee to vote against this clause. This will allow the addition of a new clause, as proposed in a later amendment to be moved.

Mr FORDHAM (Footscray)—I should like the Minister to explain the substance of this change, because it is quite significant. Earlier the Minister made significant play about comparing

the Geelong Performing Arts Centre Trust with the Victorian Arts Centre Trust. My recollection is that the provision in the Victorian Arts Centre Act does not contain the words "with the approval of the Minister" in referring to the appointment of a manager and the conditions under which staff may be appointed. I may not be correct, but I ask the Minister to reflect on that matter. It seems that what the Minister is taking away from the Geelong Performing Arts Centre Trust by removing clause 14 and replacing it with the new clause which he foreshadowed is a significant power of authority to employ staff members.

The reality is that the situation will change from time to time, depending on the development of the trust, the centre, and its unquestioned growth of activities over the next decade. It would be difficult for the Minister to monitor that to the extent proposed. I should like to think that greater confidence and flexibility could be given to the trust. The Minister may have a reason for removing this power of appointment and providing instead a right of veto over such appointments, and I seek his advice on why the step is being taken.

Mr LACY (Minister of the Arts)— I thank the Deputy Leader of the Opposition for bringing this matter to my attention. The answer to the question is that the comparable employment provision in the Victorian Arts Centre Act does not include the words "with the approval of the Minister". It is in an endeavour to bring them into line with one another that the new clause is proposed to be inserted, so the view expressed by the Deputy Leader of the Opposition has been taken into account in framing this proposed amendment.

The only significant difference between this clause and section 14 (1) of the Victorian Arts Centre Act is that the latter provides:

> The Trust may, with the approval of the Minister, from time to time employ—
>
> (*a*) a general manager;
>
> . . . . .
>
> (*c*) such other persons as are necessary for the purposes of this Act.

The explanation for the removal of the provision about a deputy manager is that the Victorian Arts Centre includes a gallery and a concert hall. A very much bigger organization will be required to administer the Victorian Arts Centre, which will eventually be responsible for the Sydney Myer Music Bowl and a computer ticket agency that honorable members are aware of. That trust will have many other responsibilities, apart from those that are vested in the Geelong Performing Arts Centre trust, that it was thought there was no need to indicate in the Act a position of deputy general manager.

The clause was negatived.

Clauses 15 to 17 were agreed to.

Clause 18 was verbally amended, and, as amended, was adopted.

New clause AA

Mr LACY (Minister of the Arts)— I move:

Insert the following new clause to follow clause 13:

"AA. (1) The Trust may, with the approval of the Minister, from time to time employ a general manager and such other persons as are necessary for the purposes of this Act.

(2) The Trust may, with the approval of the Minister, from time to time enter into contracts for the services of any person with special qualifications on a part-time basis or for a limited period.

(3) Persons employed by the Trust shall be employed on such conditions as the Trust with the approval of the Minister from time to time determines and shall be paid—

(a) such remuneration as is fixed from time to time by the Trust with the approval of the Minister; and

(b) such travelling and other allowances as are fixed from time to time by the Trust with the approval of the Minister.

(4) A person employed by the Trust is not, in respect of his employment as such an employee, subject to the provisions of the *Public Service Act* 1974."

This amendment inserts a new clause AA to follow clause 3, in place of clause 4 which was previously negatived. I cannot understand why the amendment was handled in this way, but it was.

There is a need for special provisions for the Geelong Performing Arts Centre which are parallel with the

Victorian Arts Centre Act 1979. It is imperative, in the interests of the Government internal policy, that provisions consistent with those applicable to the Victorian Arts Centre apply to the Geelong Performing Arts Centre. The Geelong centre will have three theatres, the largest having a seating capacity of 850 which is identical to the Playhouse at the Victorian Arts Centre. It will be the only regional centre with the capacity to take a full show from the Victorian Arts Centre. This matter was inadvertently overlooked during the stages of the Bill's progress.

The new clause was agreed to.

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

TRANSPORT (ROAD FUNDS) BILL

The debate (adjourned from April 17) on the motion of Mr Maclellan (Minister of Transport) for the second reading of this Bill was resumed.

Mr CRABB (Knox)—This Bill has two objectives. The first part of the Bill deals with the validation of moneys paid in respect to compensation to people living in a section of Alexandra Parade, partly in Collingwood and partly in Fitzroy. It also permits further sums to be paid to people in similar circumstances. The second part of the Bill concerns an entirely different matter which has a fairly dramatic effect on the structure of the Country Roads Board finance.

I shall deal with the Alexandra Parade matter first. The Opposition is concerned that this measure does not go as far as it should. For a long time, complaints have been made to the Government not merely about other parts of Alexandra Parade and Princes Street but about compensating people who are disadvantaged by new freeway projects.

The recommendations contained in the Gobbo report are now rather old but the Government has not met the challenge of handling problems of people under threat. In due course, my colleagues the honorable members for Richmond and Oakleigh will draw the attention of the House to problems in the areas they represent. The people who live in Alexandra Parade on either side of the area defined in the Act—it is defined as merely being that section between Gold Street and Brunswick Street in the cities of Collingwood and Fitzroy—are disadvantaged because of the increase in the volume of traffic.

The principles contained in the Bill have wider ramifications and it is important for the House to consider the precedent created by the Bill regarding compensation payments for future freeway projects. The most imminent is the Gardiner's Creek freeway in Malvern which will disadvantage many hundreds of home-owners to different degrees. Some people have already been disadvantaged. The people who live in Warrigal Road will be severely disadvantaged when the freeway reaches that area.

It is the view of the Opposition which has been publicly stated on a number of occasions that everyone who is disadvantaged by a freeway—not only those properties which are acquired to build the freeway but those who live in adjacent streets and feeder roads—ought to be adequately and properly compensated.

The cost of that compensation has to be built into the cost of building the freeway. It is not satisfactory for the Government to finance freeway development by diminishing the property values and the enjoyment of life of the people in surrounding areas. It is not their problem. The people who live near freeways ought not to have to pay for them, because that cost should be built into the cost of the freeway and if the Government carries out a cost benefits analysis that cost ought to be included in the process of making a decision to build a freeway.

I put on record now; when a Labor Government comes to power full compensation will be paid to every person who is disadvantaged by a freeway. It is time the Government acted upon the recommendations made to it, particularly in the Gobbo report and took

the honest attitude that everyone who is disadvantaged by a freeway development should be properly compensated.

It is my intention to move a motion to expand the definition of Alexandra Parade so that it covers the whole of Alexandra Parade.

The second part of the Bill refers to an entirely different matter. It dramatically changes the mechanism of financing the Country Roads Board. At present a percentage of motor registration fees collected by the Motor Registration Branch automatically goes into a fund called the Roads (Special Projects) Fund. That fund is subject to Treasury approval. All expenditure is according to an application submitted by the Country Roads Board to Treasury. Money can only be expended from the fund if Treasury approves.

The other part of the Country Roads Board financing affected by the Bill is that part of the Government fuel levy which is allocated to roads. Currently the fuel levy goes into the Roads (Special Projects) Fund from which 25 per cent goes of the road maintenance account of the Country Roads Board. The money in that account cannot be spent for anything but maintenance of roads. The balance of that fuel levy—75 per cent—goes into the transport fund which is spent at the discretion of the Minister. As I understand the position, in the past financial year a large part of that amount has gone to the Country Roads Board to be spent at the discretion of the board.

This Bill attempts to move both of those sums—the percentage of motor registration fees and the fuel levy—into the Roads and Special Projects Fund, thereby abolishing the Roads (Special Projects) Fund, which is subject to Treasury approval. The Roads (Special Projects) Fund will be split, 75 per cent to the Country Roads Board and the remaining 25 per cent to the transport fund.

Money currently directed to a fund which is subject to Treasury approval, a fund ear-marked for road maintenance, will now go into a fund which is to be spent at the discretion of the Country Roads Board.

I do not think I am unduly suspicious, but when the Minister made his second-reading speech I was alarmed that the figure of 75 per cent which is to go to the Country Roads Board out of this new fund was not justified.

The Minister did not indicate any financial projections or financial assessments. That information was given to honorable members without any analysis of how the figure of 75 per cent was reached. The Minister offered to make available to me an officer of the Ministry to advise me on the matter, and I am grateful to the honorable gentleman for that. However, the figures that the officer of the Ministry came up with were different from other figures that are supplied by the Chairman of the Country Roads Board. I was not being sneaky in asking for two sets of figures, but was discussing finances with the Chairman of the Country Roads Board and the matter was mentioned in passing.

The Ministry of Transport claimed that from 1980–81 the Country Roads Board would have received under the existing legislation, without this Bill, $10 million which it lost from the road-making charges abolished last year; $20 million which was the cost of motor registration concessions given during the last sessional period; and $25 million which would have gone through the Roads (Special Projects) Fund which is under the control of the Treasury. That makes a total of $65 million. That is compared with the same $35 million for the Roads (Special Projects) Fund, and an estimate of $56 million to come from the fuel levy, giving a total of $91 million. I am told that the $65 million lines up with 75 per cent of $91 million. It does not actually do so, but that was the justification given by the Ministry.

On the other hand, the Country Roads Board was not looking at only the $10 million lost from road maintenance charges, the $20 million cost of motor registration concessions, and $35 million which would have gone through the

Roads (Special Projects) Fund, but also at $5 million for special impact works and a further $6 million which it expects to be granted to match the Commonwealth funds. That amounted to a total of $76 million and not the $65 million which the Ministry was talking about. That also lines up with the 75 per cent of collections, the reason being that the Country Roads Board thinks it will receive the $35 million into the Roads and Special Projects Fund plus $75 million from the petrol levy and not $65 million that the Ministry is talking about.

That dissertation on numbers might have confused all honorable members, including myself, but I am trying to demonstrate that it is remarkable that a Bill dealing with large sums of money can be introduced without any sensible explanation being given of how the relevant figure was calculated and the reasons for it. When I went to the people who did the negotiations, the Ministry of Transport and the Country Roads Board, I found that each gave a different rationalization of the figure. If the Ministry of Transport is right, and the Country Roads Board can expect to receive only the replacement of road maintenance charges, the replacement of the registration concessions and the replacement of the Roads (Special Projects) Fund money, where does the $5 million special impact figure come from and where does the $6 million needed to match the Commonwealth grants come from? The figures that I have been given do not make sense when compared with each other.

The Minister says that the percentage is right; indeed it is. In both cases figures were given to justify the 75 per cent requirement. Clearly, if the Government and its instrumentalities have gone through a process and arrived at the figure of 75 per cent, there should be no difficulties in telling me and the House what the process is. However, two independent sources give a rationalization of what the 75 per cent is. I conclude that neither explanation was necessarily the way in which the 75 per cent was arrived at. However, I should be interested to hear from the Minister later on this matter.

I now deal with special impacts work for which the Country Roads Board expects to be refunded and which the Ministry does not expect it to be refunded. Grants made to municipalities for special impact works on roads fall into two categories. The first is: Improvements to the road network to assist in the development of projects of major significance to the State or where there has been a marked increase in non-local traffic as a result of the impact of Government development or tourist policies. The only project that comes within that category is the road works around Gippsland, where the Loy Yang power station is being built and enormous loads are carried on roads that are not designed for them.

The other group of impact works is: Improvement and/or rehabilitation of road network necessary to compensate for increased heavy traffic resulting from rail line closures, reduced train services or the development of regional freight centres by the Victorian Railways Board.

I am talking about $5 million in the past financial year. If ever there was proof of the argument put forward over and again in this House against the closure of country rail services, this is it. Because of the closure of country rail lines it is necessary to spend large sums of money on the infrastructure of country roads. The clearest example is the Balmoral railway line. A special works impact grant should be provided for roads in the area because they are not capable of safely and efficiently carrying the amounts of wheat and superphospate that have always been carried on the railway line.

The specific point is not just the uncertainty that I have about the way in which the Minister has arrived at this new proposal; it is also the change in the purpose for which the funds are to be used. The road maintenance account is earmarked for expenditure on maintenance of roads. One could visit a shire in country Victoria without finding serious complaints about the lack of funds for road maintenance. This Bill proposes to remove the requirement

on the Country Roads Board to spend the Road Maintenance Account moneys on road maintenance. I seek leave of the House to have incorporated in *Hansard* two tables which I have checked.

The ACTING SPEAKER (Mr Wilton) —I understand that the material which the honorable member wishes to have incorporated in *Hansard* has been submitted to the Chair and to *Hansard*, and that *Hansard* has indicated that there are no difficulties in having it incorporated.

Leave was granted, and the tables were as follows:

C.R.B. DIRECT EXPENDITURE ON ROADS
(Source: C.R.B. Annual Reports)

	Construction			*Maintenance*			*Total*		
	Common-wealth	*State*	*Total*	*Common-wealth*	*State*	*Total*	*Common-wealth*	*State*	*Total*
FREEWAY EXPENDITURE $M.									
1978–79	33.7	22.3	56.0	1.1	2.1	3.2	34.8	24.4	59.2
1977–78	30.4	21.2	51.6	1.1	1.8	2.9	31.5	23.0	54.5
UNCLASSIFIED ROADS EXPENDITURE $M.									
1978–79	24.1	9.5	33.6	6.1	1.3	7.4	30.5	10.8	41.0
1977–78	24.1	10.6	34.7	6.0	1.1	7.1	30.1	11.7	41.8
STATE HIGHWAYS EXPENDITURE $M.									
1978–79	11.4	14.2	25.6	1.9	14.7	16.6	13.3	28.9	42.2
1977–78	11.1	16.5	27.6	1.6	13.1	14.7	12.7	29.6	42.3
MAIN ROADS EXPENDITURE $M.									
1978–79	9.6	13.4	23.0	..	13.9	13.9	9.6	27.3	36.9
1977–78	9.2	13.8	23.0	..	12.8	12.8	9.2	26.6	35.8
FOREST AND TOURIST ROADS EXPENDITURE $M.									
1978–79	0.5	1.9	2.4	..	3.0	3.0	0.5	4.9	5.4
1977–78	0.1	2.0	2.1	..	2.7	2.7	0.1	4.8	4.9
TOTAL ROADS EXPENDITURE $M.									
1978–79	79.3	61.3	140.6	9.1	35.0	44.1	88.4	96.3	184.7
1977–78	74.9	64.1	139.0	8.7	31.5	40.2	83.6	94.6	178.2

C.R.B. DIRECT EXPENDITURE ON ROADS
(Changes 1977–8 to 1978–9 (Source: C.R.B. Annual Reports)

$ Million

	Construction			*Maintenance*			*Total*		
	Common-wealth	*State*	*Total*	*Common-wealth*	*State*	*Total*	*Common-wealth*	*State*	*Tota*
Freeways	+3.3	+1.1	+4.4	..	+0.3	+0.3	+3.3	+1.4	+4.7
Unclassified	..	—1.1	—1.1	+0.1	+0.2	+0.3	+0.1	—0.9	—0.8
State Highways	+0.3	—2.3	—2.0	+0.3	+1.6	+1.9	+0.6	—0.7	—0.1
Main Roads	+0.4	—0.4	..	..	+1.1	+1.1	+0.4	+0.7	+1.1
Forest and Tourist Roads ..	+0.4	—0.1	+0.3	..	+0.3	+0.3	+0.4	+0.2	+0.6
Total	+4.4	—2.8	+1.6	+0.4	+3.5	+3.9	+4.8	+0.7	+5.5

Percentage

	Construction			*Maintenance*			*Total*		
	Common-wealth	*State*	*Total*	*Common-wealth*	*State*	*Total*	*Common-wealth*	*State*	*Total*
Freeways	+10.9	+5.2	+8.5	..	+16.7	+10.3	+10.5	+6.1	+8.6
Unclassified	..	—10.4	—3.2	+1.7	+18.2	+4.2	+1.3	—7.7	—1.9
State Highways	+2.7	—13.9	—7.2	+18.7	+12.2	+12·9	+4.7	—2.4	..
Main Roads	+4.3	—2.9	..	..	+8.6	+8.6	+4.3	+2.6	+3.0
Forest and Tourist Roads ..	*	*	*	*	*	*	*	*	+10.2
Total	+5.9	—4.4	+1.2	+4.6	+11.1	+9.7	+5.7	+1.8	+3.6

*Rounded figures are too small for valid entries.

Mr CRABB—I understand that a limited number of copies of these two tables are available if honorable members want them. One of the tables deals with changes between 1977–1978 and 1978–1979 in Country Roads Board direct expenditure on roads. The other is a table of the actual amounts spent on roads in each of those two years. I derived these figures from the Country Roads Board Annual Reports; they are a total of the amounts actually spent on roads, not including management costs and the other things listed. The table which lists the actual amounts shows the total figures in the last lines. It indicates the total road expenditure in 1978–79 of $184·7 million and that a substantial amount of money has been spent on freeways by the Country Roads Board.

The board splits its expenditure for accounting purposes to this House into State highways, main roads, unclassified roads, forest and tourist roads. That does not help anyone who is trying to follow the Country Roads Board expenditure patterns because the money it receives from the Commonwealth Government is allocated in four different categories—it also lists national highways and national commerce roads. The four categories are: Urban arterial roads, urban local roads, rural arterial roads and rural local roads. Perhaps much of the disputation that occurs annually between the Victorian Minister of Transport and his Federal colleague would be obviated if the Commonwealth changed its classification structure. On that table one can compare the amount spent on maintenance and the amount spent on construction in each category. It will be seen that little maintenance expenditure is made on freeways, nor would one expect any because the freeways have been built in the recent past.

A substantial proportion of money has been spent on maintenance of State highways—$16·6 million—compared with $25·6 million spent on road construction. The figures given for construction include reconstruction. The Country Roads Board divides them in that way, which does not help any sensible analysis.

The other table which is concerned with changes between 1977–78 and 1978–79, contains figures which say something more important. It is found that the amount spent on construction by the State as opposed to the Commonwealth reduced in absolute terms in each category except freeways. However, the amount spent by the State on maintenance increased in all categories. When the figures are considered in terms of a percentage of construction and reconstruction it is found that for unclassified roads there is a 10 per cent drop; for State highways there is a 13·9 per cent drop and for main roads there is a 2·9 per cent drop. That is on the actual money, given that there was an increase of between 8 and 10 per cent in costs, which is large. Less money was spent on construction and reconstruction during those two financial years. However, the percentage amount spent on maintenance rose substantially. I am told that that was largely because of rises in the cost of bitumen, labour and so on and not a significant amount of increased work was done; it just cost a lot more to do it.

The road system of the Country Roads Board and the way in which it makes a distinction between unclassified roads and main roads is unfathomable. I do not know when the distinction between made roads and unclassified roads was last reviewed but it was a long time ago. If one goes to the outer suburbs of Melbourne where a significant growth has occurred, and I guess that the same would be true of any country town or area where growth has occurred, one finds some remarkable inconsistencies.

Recently I received from the Country Roads Board a communication about roads expenditure in the electorate that I represent. That is as good a reference point as any, because in the category of main roads there is Dorset Road, with a vehicle-per-day count of 10 900; and in the unclassified road section there is Bayswater Road with a vehicle-per-day count of 23 100. The unclassified road in this situation has more than twice as much traffic as the main road. If any honorable member representing an outer area where there has been

significant growth will look at what are called main roads in the area and what are called unclassified roads, he will find there is no rhyme or reason to the classifications. Byways that are hardly used are called main roads, and main arterial roads are called unclassified roads.

Mr Williams—The Government stopped classifying roads; that is what caused this.

Mr CRABB—I am interested to hear that interjection. These are roads that have been unclassified for some time. At some point the Boronia and Doncaster road ceases to be a main road but carries an enormous amount of traffic and clearly should be described as an arterial road. The difference between the two is that municipalities have to pay a higher share of the cost of construction of unclassified roads than they do on others.

Mr Williams—That is not true—keep to the facts.

Mr CRABB—Those are the facts. It is high time the Country Roads Board reassessed its classification of an arterial road and a local road. I would prefer those terms to be used in the Act rather than the present terminology which has not been looked at since Adam was a boy.

Members of all parties have had the opportunity of a discussion recently with the Chairman of the Country Roads Board about their finance packages and I express my gratitude because it was the first time I have experienced that exercise. It was valuable. One particular matter of concern to me is the discretion of the Country Roads Board in funds. If honorable members still have the documents provided by the Country Roads Board I refer them to page 6 and invite them to study the Commonwealth funds and compare those with the amounts that the Commonwealth said it was providing and which it actually allocated. There is a significant difference.

Indeed, if honorable members want a reference point, they should study page 5 of the financial facts provided by the board in which the board states that the original allocation for 1979–80 for urban arterial roads was $25·5 million and that the amount the Country Roads Board intends to spend on urban arterial roads is $31·5 million. The $6 million came from the other section called urban local roads which was allocated $10·2 million and which the board intends spending $4·9 million of the funds for that purpose. There has been a transfer of funds from one group to another. This is not the first year in which that has happened. It has happened for several years in the past. However, it never happens any other way. Money is always taken from local roads and put into arterial roads. It is the consistent bone of contention between the Opposition and the Government on road finance and indeed between the State Government and the Federal Government.

I direct the attention of the House to the extent of the disagreement between the Federal and State Governments, and quote from a press release of November 1979 issued by the Federal Minister for Transport, Mr Nixon, which stated, *inter alia*:

> Under the circumstances, I was unable to approve these programmes. I advised the Victorian Minister of Transport, Mr Maclellan, that I was concerned to see whether, in the final analysis, Councils would receive fair and equitable treatment, and whether sufficient funds would go to Councils for rural roads before considering approval of 1979–80 programmes.

Each year there has been an enormous argument because the Commonwealth Ministry of Transport is oriented towards spending funds on basis roads infrastructure and the Country Roads Board and the State Ministry of Transport is oriented towards spending money on large expensive freeway projects. It has been said that 3 per cent of Victoria's road system ought to be reconstructed this year. In May of last year the Chairman of the Country Roads Board, in an article printed in *Memo* stated, *inter alia*:

> Over the past thirty years or so, 2·9 per cent of the State highway system has, on average, been reconstructed each year, but in 1977–78 only 1·6 per cent was rebuilt.

. . . . .

Clearly this is an unsatisfactory situation and unless additional funds are injected into reconstruction there wil be a long-term deterioration of the road system.

The chairman has not changed his mind because in an article in the *CRB News* of December 1979, he stated, *inter alia*:

. . . it has been estimated that to maintain the rural State Highways in a satisfactory condition, approximaely 3-4 per cent of the total length should be reconstructed each year, but, in 1978–79 the Board was only able to allocate funds to enable approximately 1 per cent of the length to be reconstructed.

If this present low rate of reconstruction continues for a number of years there could be a long term deterioration of the road system which could only be corrected by making available additional funds for the reconstruction of existing roads.

From the figures of the Country Roads Board, in 1977–78 1·6 per cent was reconstructed and in 1978–79 only 1 per cent. It is estimated that at least 3 per cent and preferably 4 per cent ought to be reconstructed. Approximately only a third of the money is being allocated towards reconstruction that ought to be allocated, which is apparent to anyone travelling in the country and experiencing the appalling conditions of the roads. This also applies to suburban roads. Not so long ago the Knox council threatened to close Ferntree Gully road because of its dangerous condition unless the council was given an allocation of funds to repair the potholes. That road is a main arterial road.

Honorable members need to examine the amounts of money being spent on reconstruction; on main roads it is $23 million, on unclassified roads it is $33 million, on local roads, $25 million and on freeways $56 million. Indeed, I am informed that each year the Country Roads Board spends approximately $20 million on purchasing land and property for future freeway development. The Minister of Transport is well aware that the new road development that is his current project is almost entirely a freeway development. Not many road developments in the State are other than freeway developments.

The Minister should be reminded that every time a case of hardship of a property owner is put, the Country Roads Board will have to buy the property that is threatened by future developments of freeways. There are future planned developments on the books which anyone with any brains knows well will never be started but the Government persists with its grandiose schemes to emulate Los Angeles. In studying the metropolitan area, the planned freeway network is like a spider web spreading over the map of which a large chunk in the middle has had to be scrapped.

It is plainly ridiculous for the Government to spend substantial sums of money on property development for future projects which will never take place and at the same time allow the existing road system to fall into a state of disrepair so that it cannot be used. It is mad to spend $20 million on property acquisition for projects well into the future and at the same time to spend only one-third of the amount of money the Government should be spending on road reconstruction.

I foreshadowed that during the Committee stage I shall move an amendment to restrict the expendiutre of moneys which comt from the Roads (Special Projects) Fund of the Country Roads Board to be moneys which ought to be spent on maintenance and reconstruction of public highways, including loan grants to municipalities for that purpose. The wording I have used is similar to the wording that is already in the petrol franchise Act, although that Act only applies to maintenance. It would be preferable if this were to apply to reconstruction.

The first half of the Bill does not go far enough in providing compensation for the people whose properties are on or in the vicinity of Alexandra Parade. Nor does it give succour to those in a powerless position in other metropolitan areas because of the threat of freeway development. The Opposition is not sure how the Government obtained the figure of 75 per cent for the Country Roads Board in the second half of the Bill. The money ought to be directed towards maintenance of the basic infrastructure of the country and metropolitan road systems.

Mr B. J. EVANS (Gippsland East)—The National Party supports the Bill. It is a step, albeit a small one, along the road of getting some simplification and sanity into road funding in Victoria. If the honorable member for Knox has done nothing else, he has drawn to the attention of the House how complex the method of road funding has become and any legislative measure which will eliminate some of the funds and categories and which will bring about sanity into the allocation of road funds is a step in the right direction, for which I compliment the Minister of Transport.

The first part of the Bill is validation legislation—it is extraordinary how often validation legislation has been initiated in the House recently. Honorable members are being asked to validate payments made from the special road fund towards the purchase of property abutting Alexandra Parade or for carrying out any noise amelioration measures in the vicinity of any property abutting Alexandra Parade. The National Party does not oppose that proposition. It does appear strange that the authority has been there in the past for work carried out on many freeways. It is part of the design of freeways and no doubt there is an intention to reduce noise or ameliorate interference with the rights of people whose properties abut freeways so whether money is spent on the freeway itself or on the properties abutting the freeway is immaterial; it is an integral part of the cost of providing freeways and roads.

The argument raised by the honorable member for Knox does pose difficult questions because in the process of providing freeways which may in some way adversely affect the properties of some people, I do not think there is any question that the provision of those freeways enhances the properties of many other persons, which is a factor that is ignored when examining the over-all question.

The persons who live in Wills Street and Carol Crescent, which is one of the links between the end of the South-Eastern Freeway and Waverley Road, will be happy with a link between the South-Eastern Freeway and the Mulgrave Freeway. The people who live along Waverley and Warrigal roads have benefited a great deal from the construction of the Mulgrave Freeway. In almost all cases of Government expenditure, some people benefit and some people are disadvantaged.

As I have always argued in relation to planning matters, if the situation is to be fair and honest the Government must have the right to claim some share of the benefits received by the people who benefit from planning decisions. If the matter is to be put into its proper context, those aspects will have to be taken into consideration.

Anybody who has travelled to the south-eastern suburbs or in the direction of Dandenong must agree that a high priority should be given to the link between the two freeways, because it would benefit many people.

Mr Dunstan—How does one decide who benefits? That is most difficult.

Mr B. J. EVANS—If the honorable member for Dromana had been listening to my earlier remarks, he would have heard me posing those sorts of problems. The honorable member for Knox dwelt at some length on the way in which the figure of 75 per cent was arrived at. Knowing the honorable member's background and training in the use of figures, it is a little strange that he should have dwelt at such length on that question. He appeared to fail to notice that the wording is "not less than 75 per cent", which is rather different from the argument the honorable member put forward.

From the way in which he referred to the matter, it appeared as though he believed there ought to be some precise, defined formula on which the figure of 75 per cent was decided. I do not believe that figure has any more significance than the earlier figures that it is replacing—$10 million or 25 per cent. Those figures were probably pulled out of the hat to give Parliament an indication of the proportion of the funds that the Government believed should reasonably be directed towards those purposes. The problem of allocating percentages

and amounts of funds to different categories of roads occupies too much of the time of officers of the Country Roads Board. Their efforts would be better directed to getting on with the job of constructing roads, rather than spending so much time working out formulas. I am sure the average person would be much happier if the funds were spent on providing better roads for the community, rather than being wasted in working out difficult calculations.

Mr Dunstan—Is it not a case for Ministerial responsibility?

Mr B. J. EVANS—Yes, that is it exactly. Governments cannot function properly unless Ministers are prepared to take responsibility for the departments they administer. That is why I am pleased about these provisions of the Bill. Funds will be allocated to the board to allow it to carry out its functions, but other funds, at the discretion of the Minister, can be allocated to the board or allocated in some other way so that functions related to transportation can be carried out. That is desirable and I hope all Ministers will accept that type of challenge. It is high time we got back to the old concept of Ministerial responsibility with Ministers accepting that responsibility for what the departments they administer do; the responsibility for the way in which those departments function is theirs and theirs alone. That is why I rather deplore the complex road funding situation with the allocation of Commonwealth funds to various categories of roads.

The Commonwealth Government ought to make the funds available without any tags and allow the State Ministers to accept responsibility for the distribution of the funds. Over the years I have made my point of view clear. I believe that is the only logical method. Despite all the efforts Federal Ministers may have made in the past to bring about a particular division of funds between various categories of roads, it is still well within the capability of a State Government, through an authority such as the Country Roads Board, to alter the allocations between the categories within the scope of the funds allocated at the Minister's discretion.

Although the Commonwealth Minister has modified the system to a degree, I am not convinced the priorities have been materially changed. The Commonwealth Minister has made a lot of threatening noises, and in some cases has had a degree of surface success, but if one discovered where every last dollar was spent I think it would be found that little has been changed. It is obvious to anyone who travels on country roads that the funds allocated for their construction and maintenance are not adequate.

Mr Dunstan—Obviously, you have not driven in New South Wales.

Mr B. J. EVANS—I concede the point made by the honorable member for Dromana, who implies that Victorian roads are better than those in New South Wales. I agree with that. The change at the State border is quite dramatic, particularly on Princes Highway East.

Mr Birrell—You are not talking about the Wran Utopia, are you?

Mr B. J. EVANS—That has been the situation for many years. It was certainly so long before the Wran Government took office in New South Wales. It is not a criticism of the New South Wales Government, because that State covers a vastly larger geographical area than Victoria and, obviously, the funds available to be spent on roads and communications generally must be spread more thinly in a large State than in a small one. That also applies to Queensland and Western Australia.

I do not dispute the need for the smaller, well-developed States to help the larger States that have many isolated communities. What I do dispute is that that principle is not applied within Victoria. The well-developed city is not doing its part to help the isolated communities which lack the means of communication that are readily available in the more densely populated metropolitan area. I have never disputed the formula applied to the allocation of funds to the various States, through which the majority of people in the more densely populated States help, through what is in effect a subsidy, the less advantaged States.

As I said at the outset of my remarks, I believe the Bill is a step in the right direction—albeit a relatively small one. I hope the Minister agrees to accept the responsibility for decision making, because I do not know how country people will ever get justice in these matters unless responsibility can be pinned down. They cannot vote a Government instrumentality out of office. They cannot say, "We are not getting a fair deal from the Country Roads Board, so we will not vote for it". They can, however, do something about the situation if the Government is responsible, and in the final analysis the Government must be responsible for all Government funding, including that for roads.

I do not believe the measure will make much difference to the State's roads, but it will simplify the understanding of the extremely complex question of road funding, and it is therefore welcome.

Mr SIDIROPOULOS (Richmond)—As an honorable member who represents the area in which Alexandra Parade is located, I shall take this opportunity of contributing to the debate and will concentrate my remarks on the first part of the Bill.

It gives me no pleasure to again be forced to condemn the Government for the way in which it has treated the elected councils of Collingwood and Fitzroy and the people who live in those municipalities over the issue of Freeway F19.

The Government was interested only in Freeway F19 and tried to get it open using all the means at its disposal, including the use of force by sending in uninvited 500 members of the Police Force. The Government showed no concern for the massive problems of traffic, pollution and noise, that the freeway created.

The Government has failed to fulfil the promises which were made before the opening of the freeway. The most widely-publicised promises made at the opening of Freeway F19, included the promise to fully compensate all residents who lived along Alexandra Parade. The Premier himself made two promises, that of providing double glazing for all homes and that the Government would buy out any resident who wanted to move and it would pay pre-freeway prices. There was no reference to any restrictions.

After the opening and when the residents approached the Government and offered to sell their houses, the Premier made it clear that residents living in the section between Brunswick Street and Gold Street would be eligible for compensation. That was the only concession offered to householders along Alexandra Parade.

The reason given was that no significant change had occurred in traffic volume since the opening of the freeway. It is a shame that the Premier and the Government have broken promises for the sake of a few thousand dollars.

Figures provided by the Country Roads Board covering traffic volume before and after the opening of the Eastern Freeway clearly indicate the change in traffic volumes. I shall go through them section by section to prove that there was a significant change in the traffic volume after the opening of the freeway.

There were 47 houses in the section between Nicholson Street and Brunswick Street. In 1977 the traffic volume was 38 800 cars a day and in 1978 there were 46 700 cars a day, which represents an increase of 11 900 cars a day.

In the section between Brunswick Street and Smith Street, there were 23 houses; in 1977 the traffic volume figure was 12 000 cars a day and in 1978 it was 29 000, which indicates an increase of 17 000 cars a day.

In the section between Smith Street and Gold Street there were located 28 houses and the traffic volume figure was 10 400 cars a day in 1977 and 29 000 cars a day in 1978.

There were 25 houses located in the section between Gold Street and Hoddle Street and in 1977 the traffic volume was approximately 6000 cars a day and in 1978 it was 31 000 cars a day. Despite those figures the Premier stated that there had been no significant change in the traffic volume.

I have shown to honorable members that the Premier, on behalf of the Government and in order to avoid the Government's responsibilities to the people affected by the opening of the freeway and to save a few lousy dollars, has made untrue statements. The Government's hypocrisy on this point has reached a new high because it was prepared to spend something like $85 million on building the freeway but at the same time it was not prepared to spend money to buy the houses that had been affected because of its disastrous road planning. It has been estimated that the acquisition of the houses affected would have involved the Government in an outlay of less than $1 million.

I take this opportunity to stress the treatment which the Government has exhibited to the people living in this locality compared with its treatment of people living in other areas. To be specific, I shall read a letter which was written by the then co-ordinator of the Citizens Against the Freeway to Mr Russell, Chairman of the Country Roads Board on 2 April this year. That letter stated:

Dear Sir,

I am writing to raise once again an issue which has caused us great concern for a long time. Many times, dating back to well before the Eastern Freeway was opened to traffic the need for noise barriers on the section between the Merri Creek and Gold Street, Collingwood has been urgently raised with the Board. A request for such barriers for example was made at the first meeting of the Monitoring Committee in May 1978.

To date there has been absolutely no action to install such noise barriers which are urgently needed to reduce the intolerable level of noise pollution affecting this area. As we have raised this matter with you in various ways including at the two deputations you have received including myself with respect to the Eastern Freeway and in view of the noise readings taken by the Board clearly showing this area to have noise levels in excess of 68dB(A) we ask that you provide clear answers to these questions.

1. Has the Board rejected the construction of noise barriers or noise insulation for areas adjacent to the Eastern Freeway between the Merri Creek and Gold Street, Collingwood?
2. If not when and on what basis will a decision be made with respect to this problem?
3. Will the Board release the full details of the noise investigations carried out by its officers with respect to this area?
4. Will the Board release the "results" of its investigations pursuant to the provisions of section 15 of the Country Roads Act 1958?
5. On what basis was the decision made to include noise barriers in the original design of the F19-Eastern Freeway for the section in Kew but not for the section in Collingwood?
6. On what basis was the decision made to recently extend the noise barriers in Kew and on the basis of what information was this action taken?

The people on this side of the river are being treated differently from those on the other side of the river, and those questions have not been answered.

The noise barriers which it was promised would be erected along Alexandra Parade between Hoddle Street and Princess Street to reduce the noise pollution have never been built. The people are being treated differently because Kew happens to be in the electorate represented by the Premier.

The Bill will not help all the people of Alexandra Parade. It discriminates against almost half the residents in Alexandra Parade and covers only half of the heavily affected homes. Alexandra Parade, physically and naturally, starts from Hoddle Street and finishes at Nicholson Street. It is hard to understand on what basis the Premier, through this Bill, wishes to restrict or change the natural location of Alexandra Parade by cutting it in half. The two councils concerned, Collingwood and Fitzroy, predicted the problems that the freeway would cause to the area and the effects it would have on the local residents. Clauses 2 and 3 of the Bill are another example of the contempt shown for the people of Collingwood and Fitzroy.

It is too late for the Government to show sensitivity to the problems which the people in Alexandra Parade have already experienced, but, even so, I urge honorable members and especially members on the other side to display some belated concern about the Bill. They should urge the Government to extend the area in Alexandra Parade from Hoddle Street down

to Nicholson Street so that all the people in this area whose homes are affected will be eligible to receive compensation.

Mr MATHEWS (Oakleigh)—This Bill illustrates that the Government has at last become aware of the problem of planning blight. The Bill sets up a financial mechanism through which this problem can be tackled as it affects roads. Unfortunately, the Bill does nothing to spell out the sort of planning and compensation mechanism which will also be necessary if the financial arrangements are to be put to work effectively. This is a matter of considerable concern to me, representing, as I do, an area in which approximately 1000 households are currently planning blight victims.

Let me say something about the four categories into which these households fall.

Firstly, there is a large group of households which are physically in the path to be taken by the C3 route of the Gardiners Creek valley freeway. This represents perhaps the least acute of the four categories of disadvantage to which I refer. The Country Roads Board has been most co-operative and accommodating so far in applying the hardship provisions of its charter and acquiring properties where hardship can be demonstrated by owners of properties in the path of the C3 route.

When I asked the Minister last year how many of the 338 households which lie directly on the route had become the subject of a compensation application or an acquisition arrangement, he told me that as at 4 September 1979 the Country Roads Board had received in respect of those properties 131 applications for immediate purchase, of which 96 were approved for the commencement of negotiations and 18 were rejected. I understand that the process of acquisition in that area has been maintained at roughly that tempo, and the position of those people whose homes will actually have to be demolished to make way for the freeway is about as satisfactory as could be the case.

The real area for concern lies in the other three categories, because there is a group of 560 households which lie adjacent to the C3 route but not actually within the reservation which has been established for that route. The occupants of 230 of those houses will be subject to noise levels in excess of 68 decibels when the freeway finally goes through. Sixty-eight decibels is recognized by international standards as being the maximum tolerable level of traffic noise to which people can consistently be exposed.

As I said, we know from Country Roads Board investigations that 230 houses in that group of 560 houses will be exposed to noise at that intolerable level as a result of the freeway going through. The residents in those houses are the people who can confidently anticipate being exposed to the hardships and health hazards with which the people of Alexandra Parade are already familiar, and which have been described to the House so well this evening by the honorable member for Richmond.

The effect on the valuation of properties belonging to this group of 560 households has been a fall of between 10 per cent and 15 per cent since the C3 freeway route was promulgated. The total value of those 560 properties was about $30 million. There has been a decline in the value of the properties of between $5 million and $6 million since the freeway route was designated. This development has significant implications because it means that none of those 560 families is in a position to buy another comparable property elsewhere.

The honorable member for Knox referred to the Gobbo report as a rather elderly report. It recognized the predicament of those people and made recommendations as to the basis of compensation which should be payable. Moreover, the Government, in recognition of the recommendations in the Gobbo report, introduced a Public Works and Planning Compensation Bill in 1978 which lapsed with the proroguing of Parliament prior to the last elections. For some inexplicable

reason that Bill has never been reintroduced. The effect is that those 560 families have been left in a state of complete suspension concerning their property rights.

The Minister knows that the facts I am putting before the House have been the subject of an expert investigation. The anti-C3 action group in the Oakleigh electorate retained the services of a professional valuer, chosen for his impartiality on the freeway issue, Mr Peter Braham. He was asked to carry out a valuation of six of those 560 properties. There is a remarkable consistency in the results obtained by Mr Braham's investigation. For example, a property at 55 Kyarra Avenue, Glen Iris, had a possible value of $80 000 before the freeway route was announced and afterwards a possible value of only $72 000. A property at 38 Ivanhoe Grove, Chadstone, had a possible value of $42 500 before the freeway announcement and afterwards of $36 000. A property at 41 Kyarra Avenue, Glen Iris, had a possible value before the freeway was announced of $50 000 and afterwards of only $47 000. A property at 26 Allenby Road, Glen Iris, had a possible value of $66 000 before the announcement and $58 000 to $60 000 afterwards. The property at 19 Cairnes Crescent, Glen Iris, had a possible value of $50 000 before the announcement and $45 000 afterwards.

In only one instance had a property examined by Mr Braham retained its pre-C3 announcement value. The effect of this development on property values has locked these people into a desperate situation, thanks to the Government's neglect of the recommendations contained in the Gobbo report and its failure to reintroduce the Public Works and Planning Compensation Bill of 1978.

These people find themselves in a vacuum. If it is necessary for them to sell their property because the breadwinner is transferred interstate, or any other of the exigencies which are suddenly visited on families in this area, they have to accept a cash loss on the value of their property of between 10 per cent and 15 per cent. If, by choice, they want to move and build new lives away from the adverse future effects of the freeway, they cannot hope to acquire property of a comparable standard to the one they will be required to leave behind.

I do not suggest that the Public Works and Planning Compensation Bill of 1978 was the repository of the possible wisdom or justice on the subject.

Mr Simpson—There is a vast difference between what happened in Albury-Wondonga and what happened here.

Mr MATHEWS—Yes, the generosity of the Government to the people of Albury-Wodonga and its attitude to my constituents are light years apart.

The arrangements put forward in the Public Works and Planning Compensation Bill of 1978 were defective in some respects, and perhaps no point demonstrates that better than the arrangements suggested in the Bill relating to compensation for those home-owners who will be affected by a noise level of 68 decibels when the freeway goes through.

Under the provisions of the 1978 Bill, these people would have had to wait twelve months after the freeway opened before being able to make a claim for compensation, and yet the noise levels they will be subjected to are known now. They have been reported in the various studies associated with the freeway construction decision. They have been reported in the investigations which were carried out prior to the decision to adopt the C3 route. Every prospective purchaser knows about the noise levels.

The SPEAKER (the Hon. S. J. Plowman)—Order! The honorable member for Oakleigh is straying, and has been for some time, beyond the scope of the Bill which relates to Freeway F19 in Alexandra Parade between Gold Street and Brunswick Street in the cities of Collingwood and Fitzroy. More than a passing reference has been made to the Gobbo report and I ask the honorable member to return to the terms of the Bill before the House.

Mr MATHEWS—Mr Speaker, I suggest that I continue my remarks after the dinner break.

The SPEAKER—I suggest that the honorable member for Oakleigh return to the Bill and continue until I leave the Chair. However, I will accede to the suggestion.

The sitting was suspended at 6.23 *p.m. until* 8.6 *p.m.*

Mr MATHEWS—Prior to the suspension of the sitting I had referred to 338 houses in the electorate that I represent and adjacent areas which are to be acquired for the purpose of construction of the C3 route and to 560 more houses which, although not lying directly in the route of the freeway, are seriously affected by its environmental consequences and thus have suffered a decline of between 10 per cent and 15 per cent in their market value. Another group of householders has been affected adversely by this project—the residents of Warrigal Road, Toorak Road—

The SPEAKER (the Hon. S. J. Plowman)—Order! Before the suspension of the sitting, I directed the attention of the honorable member to the content of the Bill, and said that it was permissible to make passing reference to matters such as those to which the honorable member was alluding at some length. I ask the honorable member to return to the specifics of the Bill.

Mr MATHEWS—The second-reading speech of the Minister included the following:

> The Government also agreed to provide noise buffers and sound-proofing on properties still in private ownership and funds have been made available for these purposes. Funds have been provided for noise reducing measures on a number of properties purchased, including fitting double glazed windows, heavier front doors, roof insulation and forced ventilation. The costs incurred in the property purchases and for noise amelioration have been met from funds provided by the Treasurer from the Roads (Special Projects) Fund for the Eastern Freeway special project.

The SPEAKER—My understanding of that comment is that it relates to the properties mentioned within the scope of the Bill, namely, Alexandra Parade between Gold and Brunswick streets in the cities of Collingwood and Fitzroy.

Mr MATHEWS—The whole purpose of the Bill is to establish the mechanism for similar payments in respect of other projects, including the one to which I was alluding in my last remarks.

The SPEAKER—Can the honorable member point out to me where in the Bill that is the case?

Mr MATHEWS—On page 8173 of *Hansard*, in the left-hand column the following appears:

> The Bill seeks, from 1 July 1980, to abolish the Roads (Special Projects) Fund established under the Motor Car Act and to redirect moneys via the Consolidated Fund to the Roads and Special Projects Fund under the control of the Minister of Transport and established under the Business Franchise (Petroleum Products) Act. This will bring into the one fund the franchise licence fees on the sale of petroleum products and that part of motor registration fee collections that under section 7A of the Motor Car Act now goes to the Roads (Special Projects) Fund.

In other words, the new fund which is created by this Bill assumes the functions which were previously discharged by the Roads (Special Projects) Fund.

The SPEAKER—Will the honorable member proceed.

Mr MATHEWS—I wanted to refer briefly to those householders who have properties in Warrigal Road, Toorak Road and Burke Road and who, although they are nowhere named in any of the reports preparatory to the Freeway C3 project, will suffer adversely because of traffic conditions and environmental degradation associated with those traffic conditions in the period subsequent to the Mulgrave Freeway reaching Warrigal Road and prior to the Freeway C3 link being constructed. I suggest to the Minister that it would be highly appropriate for the mechanism described in the Public Works and Planning Compensation Bill 1978, for the designation of any highway as a public work for compensation purposes, to be brought forward at an early date to deal with this case.

Mrs Patrick—This is a hypothetical case.

Mr MATHEWS—I invite the honorable member for Brighton to discuss the matter with any one of the 1000 householders to whom I have referred. She

will find that they regard the situation as anything but hypothetical. Those people are tied to their present properties. They cannot afford to move because of the diminution in the value of properties that has occurred as a result of the designation of the C3 route. They would like to be re-located but this is not possible because of the diminution in the value of their properties.

I shall refer to two other aspects of expenditure which would be appropriate from the new fund which this Bill creates. When I asked the Minister last year when it was anticipated that the construction of Freeway C3 would commence, he said, firstly, that it would not commence for at least five years and, secondly, that the Government had not designated a date either for commencement of construction or for completion of the works.

The SPEAKER (the Hon. S. J. Plowman)—Order! The honorable member has spent sufficient time discussing matters relating to areas not directly on the Bill. I have granted him considerable latitude in making passing references to the C3 route and specific areas within his electorate as the funds may apply to that area. However, the honorable member has now had ample opportunity to relate his remarks more than briefly to those areas. I ask him to direct his remarks to the Bill.

Mr CRABB (Knox)—On a point of order, Mr Speaker, during my speech and the speeches that have followed, much of the debate has been about the combination of two parts of the Bill before the House. The first is to create a precedent of planning for people injuriously affected by freeway development. The second aspect is the provision of funds for that purpose. Admittedly, the first aspect relates only to Alexandra Parade near Freeway F19. It is clear from the report that it will be adopted as the precedent. It is being created in respect of Alexandra Parade when the provision of finance is to be increased at the discretion of the Country Roads Board and, in this regard, is relevant to other freeway areas that are a matter of deep concern to the people of Victoria.

That matter has been canvassed in the debate. Although it would not be right for any honorable member to delay the House with the details of some parochial problem, what the honorable member for Oakleigh has raised is a significant matter because, after the freeway which is specifically referred to in the Bill, Freeway F19, the next most significant project is the freeway in his electorate.

The SPEAKER (the Hon. S. J. Plowman)—Order! I understand the thrust of the point of order raised by the honorable member for Knox. One must consider how far relevance can be taken in this matter. If one followed the argument of the honorable member for Knox to its entirety, one could debate the situation around the State and have some relevance to the precedent being created by the Bill. I suggest that the rules of debate in this place have been consistently followed, or should have been and they are that passing reference to other areas of a similar type can be accepted.

The honorable member for Oakleigh has spent a great deal of his speech specifically on areas outside the areas set out in the Bill. Considerable latitude has been given to him in that instance and I now ask the honorable member to return to the framework of the debate which would be directly within the scope of the Bill.

Mr MATHEWS (Oakleigh)—Honorable members in this House are sent here by specific groups of people in our community. I represent the people of the Oakleigh electorate, where this legislation has a direct, burning relevance for 1000 householders affected by the C3 route. These people have been deeply disadvantaged as a result of decisions taken by the Government and this Bill represents the first ray of light that they have had to illuminate their problems. It is that point that I want to develop. I have based my comment on particular planning problems of freeways to which I have earlier referred.

I intend to comment on the pressures that planning designations of this sort impose on areas for which no concept of compensation is directly relevant. It seems to me that the effect of the long lead-time to which the Government is accustomed to adopting on road construction projects—I demonstrated to the House earlier how it seems unlikely that a project such as the Gardiners Creek Valley Freeway will be completed for at least ten years—will throw disproportionate traffic pressures on roads which were never designed to handle such traffic. I refer particularly to Waverley Road.

The SPEAKER (the Hon. S. J. Plowman)—Order! One of the Standing Orders relates to relevance of debate and good reasons exist for controls on debate in the House. As I have said to the honorable member, if he is allowed to pursue this argument any honorable member who is interested in a parochial problem, such as a proposed freeway in his electorate, or anywhere in Victoria might follow the same line as the honorable member for Oakleigh is using in his argument. That gets away completely from the relevance rule in debate. Opportunities are available to honorable members by substantive or other motions or by amendment to a Bill to broaden the scope of debate. However, the Chair is bound to ask that remarks pertain directly to the Bill.

Considerable lenience is allowed—or has been allowed in this case—so the debate has not been too narrow. However, as I have pointed out to the honorable member for Oakleigh, he is straying well beyond the bounds of the Bill and I ask him to return to matters specifically relating to the Bill before the House.

Mr MATHEWS—With respect, Mr Speaker, it seems to me that the view you have just expressed defeats the whole purpose of representative democracy. If there is to be meaning in my presence here as a representative of a specific electorate, there must be a right on my part to speak for that electorate.

The SPEAKER (the Hon. S. J. Plowman)—Order! I have made it clear to the honorable member that the forms of the House give him, as an elected representative, every opportunity to raise any subject he wishes. However, the rules of debate do not allow irrelevance in debating a particular motion or a Bill. The honorable member is not being disallowed to discuss matters relevant to the Bill. He has adequate opportunity, by use of the forms of the House, to discuss any subject. However, in discussion of a Bill the honorable member must keep his remarks relevant to the Bill.

Mr CRABB (Knox)—On a point of order, Mr Speaker, the honorable member for Oakleigh has been discussing the freeway proposal. It is the one single freeway exercise which is being developed in Melbourne at this stage. It is the one place where 1000 home owners are in trepidation about their future. It is not the Healesville freeway or the Scoresby freeway; it is the one freeway that is actually being developed.

The SPEAKER—What is the point of order?

Mr CRABB—I believe the comments of the honorable member are in order within the rules of debate of this House. I believe the honorable member for Gippsland East, who has spoken this evening, and I certainly did in my speech, brought to the attention of the House the nature of the Bill. Its relationship to what has been done in relation to Alexandra Parade is of crucial importance to what is happening simultaneously in other areas of the State. It is, in my opinion, quite proper for an honorable member who has that sort of situation occurring in his electorate to direct to the attention of the House the significance of the Bill as it relates to his electorate now—not in some hypothetical future situation, but as it relates in real and immediate terms to what is actually occurring.

The comments being made by the honorable member for Oakleigh are germane to the decision that the House must make on the Bill and on the

various amendments that have been foreshadowed. I appeal to you, Mr Speaker, to be understanding of the problems that exist in places like the Gardiners Creek area where people are faced with such problems.

The SPEAKER (the Hon. S. J. Plowman)—As I have explained to the honorable member for Oakleigh, and I will explain again for the benefit of the House, passing reference to matters of this nature is permitted by the Chair. However, any honorable member wishing to labour any point or points not relevant to the Bill concerned has available to him the forms of the House which give him the opportunity of doing so either by substantive motion or by an amendment to the Bill. However, the honorable member's time has now expired.

Mr WALSH (Albert Park)—I see the Bill in two parts, the first part dealing with Alexandra Parade where houses can be bought in a certain area, and the other part dealing with revenue that will be raised from the petrol levy introduced in August last year.

So far as the Alexandra Parade area is concerned, 23 houses have already been bought by the Country Roads Board.

Mr Maclellan—That is not so.

Mr WALSH—That is stated in the Minister's second-reading speech.

Mr Maclellan—By the Public Works Department; not by the Country Roads Board.

Mr WALSH—There have already been 23 houses sold and no doubt many other home owners would like to sell up and move away from that area. The Bill deals only with the area between Brunswick Street and Gold Street where there is heavy traffic. Noise levels are such that residents cannot sleep. The air is polluted by motor vehicles. Vibration caused by traffic is wrecking the foundations of houses. This situation is occurring along Alexandra Parade.

A similar situation will arise in the near future when Princes Street is made into a freeway. One hopes that there will be a Bill before the House to compensate people living in Princes Street, Carlton, the continuation of Alexandra Parade, where people will be affected in the same way as are those whom this Bill is designed to compensate.

Another problem exists at the school near Princes Street where some children are suffering from an undiagnosed illness. The parents are quite concerned about the situation. One hopes that, in the Committee stage, the Government may consider and accept the amendment because it deals with the situation far better than the Bill does at present. One can only hope for that, but one may have reservations because of situations that have occurred in this House in the past.

I turn now to the second part of the Bill dealing with the petrol levy introduced in August last year. At that time, the price of petrol was something like 29·78 cents a litre, representing about $1.35 cents a gallon. The price has now risen to 34·14 cents a litre or $1.54·9 cents a gallon. Every time petrol prices rise, the levy increases. I have made the statement in this House on numerous occasions that my personal judgment is that the revenue to be raised from that levy will be approximately $60 million per annum. At the time of its introduction, it was said that 25 per cent of the levy would go to the Country Roads Board. The Bill provides for a vast increase in the Country Roads Board's share of the levy, an increase to 75 per cent. The Labor Party does not dispute that. It agrees that 75 per cent of the revenue from that levy should go to the Country Roads Board. As a matter of fact, perhaps 100 per cent of the levy should go to the board because the motorists who buy the petrol are paying the levy and should have better roads to drive on. The Commonwealth Government gets 40 cents of every $1 that the motorist spends on petrol.

In the metropolitan area and in my electorate, many roads are not up to standard. One would expect that, from the 75 per cent of the levy that goes to the Country Roads Board, quite an

amount would go back to the municipal councils so that they can maintain the roads.

In my electorate alone, there are roads in need of maintenance. Since the opening of the West Gate Bridge and the Johnson Street Bridge, heavy traffic has flowed in many surrounding areas. Some of the money from this petrol levy should go to the Port Melbourne and South Melbourne councils so that they can up-date roads to cope with those traffic flows.

Another area where some of this money should be spent is on Beach Road. In that instance, it is not only my electorate which is involved but also the electorates of St Kilda, Brighton, Sandringham, Mentone, Chelsea and so on. Money should be spent in that area so that traffic can flow freely and motorists are not annoyed by traffic hold-ups.

There is no doubt that an acute shortage of funds exists. Better roads are needed and, if more finance were made available to municipalities, the trauma experienced on the roads would be lessened. If one examines information I have obtained—which is fairly conservative—the judgment can be made that 10 per cent of road accidents are caused by the conditions of the roads. If road conditions were improved the accident rate would be cut and lives would be saved. If more funds were made available to municipalities from the large percentage of funds allocated to the Country Roads Board, funds could be transferred into areas where they are required. The amount made available from State and Federal contributions to the Country Roads Board for 1978–79 totalled $257 million. Over a ten-year period that amount has decreased by 15 per cent. Funds should be allocated to municipalities so that they can maintain our roads. Funds from that area, and from the levy on the petrol users—which incidentally should never have been introduced because other avenues should have been used to obtain money for road maintenance—should be used in the interest of Victorians. These funds could be used to upgrade roads and build pedestrian overpasses and subways and would result in a better situation than that which prevails at present. Members of the Opposition believe the Bill does not go far enough. The Opposition will propose an amendment during the Committee stage which it hopes the Government will accept.

Dr COGHILL (Werribee)—In his second-reading speech, the Minister of Transport pointed out that the Bill would facilitate allocations towards special impact works and it is on this aspect that I wish to comment.

Members will agree from their study of the Bill, that clause 6 introduces the formula which eventually establishes the funds available for this type of work. This is a matter which was recently discussed at a meeting of the Western Region Commission. The commission was discussing special impact works with officers of the Country Roads Board who were present to explain the policy of the Government and the allocation of funds for special impact works and related matters. During the discussions with the Country Roads Board officers, debate took place over the allocation of funds for special impact works to different parts of Victoria and, in particular, to the area about which the Western Region Commission had expressed concern. The Western Region Commission, as well as individual municipalities, has subsequently taken up the matter with the Minister and the Country Roads Board.

The special impact works are designed to upgrade roads where planning and other decisions taken by the State Government have affected the volume of road traffic in certain areas. One that is particularly important in the western metropolitan region is the link between the Western Highway and the freeway leading to the West Gate Bridge. A great deal of development has occurred in the western suburbs, particularly in Melton and Deer Park, and much of the traffic emanating from that area has found it advantageous, even with the existing condition of the roads, to use the West Gate Bridge when travelling to the eastern and south-eastern suburbs.

However, little attempt has been made to upgrade those roads, although roads leading to the West Gate Bridge from

the eastern suburbs have been improved. Therefore, although a traveller driving from Melton to Hawthorn is confronted with some difficulty, inconvenience and extra wear and tear on his vehicle by the condition of the road, he or she is still able to save 20 minutes travelling time by using that route rather than alternative routes. The route which motorists generally follow is from the Western Highway, down Robinson Street, Station Road or Fitzgerald Road to Boundary Road and then into Little Boundary Road. From Geelong Road motorists travel to Grieve Parade and onto the Lower Yarra Freeway. The area is subject to heavy traffic which is a direct consequence of the Government's policy of developing Melton as a satellite city and developing Deer Park through the activities of the Urban Land Council. Yet, despite the need for additional funds to create an adequate link, no attempt has been made by the Government to establish such a link between the Western Highway and the Lower Yarra Freeway.

I urge the Minister of Transport to ensure that sufficient funds are made available for special impact works so that this link, among others, can be funded. Clearly as the legislation stands —and as it will stand if the provisions in this Bill are implemented—sufficient funds will still not be available. As the honorable member for Albert Park pointed out, there is a need for more funding of this type of work.

Mr ROPER (Brunswick)—I raise a number of matters about compensation and the planning of freeways in the Alexandra Parade area. The area that I am fortunate enough to represent includes the Princes Street area of Carlton and the "livability"—if I can use that term—of the roads to the north of that area has been diminished by the planning of the freeway. No compensation was made to the residents of the area and no provision was made to enable them to cope with the changed situation.

The Minister would probably be aware that Princes Street, North Carlton, which is represented by my colleague, the honorable member for Melbourne, is a fairly narrow street. Funnelled into that street are enormous levels of traffic, not only at morning and afternoon peak times, but also at most other times of the day. The residents are placed in a situation where their properties and life styles have been severely affected by an inconsiderate decision taken by the Government.

If one examines traffic volume—cars per day—between 1977 and 1978 in the Princes Street area between Lygon and Nicholson Streets, one finds it has risen from 30 200, which is not a low level of traffic, to 41 700 in 1978. Since then traffic volumes are significantly higher. I have received complaint after complaint from my constituents who are upset at the earth-shattering nature of some of the traffic which was described by honorable members on this side of the House. Ths traffic is probably undermining the quality of the properties belonging to the people in those streets. These people are now living on the edge of an island and they dare not allow their children to venture outside alone because of the major risk of an accident. They are even hesitant to venture outside themselves. There is also the problem of traffic noise levels which enter the houses and make them unsatisfactory to inhabit. The planning of the freeway occurred without consultation with the local people in adjoining streets or without consideration for the detriment such action would cause to their lifestyles. The situation has worsened along Princes Street and nearby streets as the Minister and the Melbourne City Council attempt to force traffic travelling north and west from the freeway, farther into this area.

Matters of noise, the livability of the area, and the detrimental effects to health concern my constituents. There is enough evidence now that pollution, particularly lead pollution, represents a health risk to families. I know that the honorable member for Frankston is not concerned about this because he is not concerned about much at all, but my constituents are concerned, as are people all over Melbourne, about the health risks of increased traffic levels and lead in petrol.

If Government supporters have any doubt about it, I suggest that they read the report of the National Health and Medical Research Council on the dangers of lead levels, particularly to young children, and examine the report in Sydney of which one can question certain aspects but of which the important part is the significant levels produced by lead in petrol and reasons for concern not only in working class and other areas represented by Labor Party members but also in the nice, toffy areas represented by Liberal Party members. The amount of the lead levels in Mosman, despite the swinging New South Wales electorate being represented by a Liberal Party member, was equal to that in Balmain, which, in the past eighteen years, has been a sensible part of Australia in returning Labor members to office.

The streets of Melbourne need to be examined for the health risks as a result of the construction of freeways and additional roadworks. The Glenferrie Road hill near Scotch College is one example. If children under five years of age in that area were tested, the results would produce alarming statistics on lead levels. There is no doubt about the deleterious effects of lead on the development of young children. I drive a lead-free petrol car. If the Minister of Transport, who is interjecting, would examine my car, he might understand a great deal about the economics of motoring. It is interesting that the Minister and the Government cannot even get their regulations right on the carriage of various petroleum products.

The SPEAKER (the Hon. S. J. Plowman)—Order! I ask the honorable member to return to the Bill and to ignore the Minister's interjection.

Mr ROPER—One would never be able to ignore the Minister. He suggests that all these problems are resolved by everyone turning to cars propelled by liquefied petroleum gas. That is part of the solution. A greater part of the solution is to ensure that lead is removed from petrol, which can be done efficiently and effectively, as companies like Chrysler and other car manufacturers in the United States of America have demonstrated.

The SPEAKER—Order! The honorable minister is straying from the provisions of the Bill. I ask him to direct his remarks to the Bill.

Mr ROPER—People who live in areas of high traffic concentrations like Alexandra Parade suffer disabilities from noise and general discomfort and from health risks. It will be tragic and difficult to work out a system of compensation for those people if lead petrol is retained. If the Government were genuine in caring for the health of Victorians, it would adopt the recommendations of the National Health and Medical Research Council and progressively reduce and eliminate lead in petrol rather than dragging its heels, as it is at present.

My constituents live in Princes Street, Rathdowne Street, Nicholson Street, Brunswick Road and various other roads which have had vastly increased traffic and as a result they suffer deleterious effects. This applies particularly to young children.

The SPEAKER—Order! To assist the honorable member's memory, the title of the Bill is:

> A Bill to validate certain payments made out of the Roads (Special Projects) Fund, to close the Road Maintenance Account in the Country Roads Board Fund, to abolish the Roads (Special Projects) Fund, to amend the Business Franchise (Petroleum Products) Act 1979, the Commercial Goods Vehicles Act 1958, the Country Roads Act 1958, the Motor Car Act 1958 and for other purposes.

The "other purposes" seem to be getting a thrashing and I ask the honorable member to come back to the terms of the Bill rather than talk about what might have been in the Bill and what should have been in the Bill. I would rather he spoke of what is in the Bill.

Mr ROPER—Mr Speaker, I agree with you that there should be additional matters in the Bill because noise amelioration concerns people, for which they should be compensated, but also the health difficulties they will surely and unfortunately experience because of the lack of Government activity on health issues. My

constituents are also concerned that additional road works are planned for the area at the end of Alexandra Parade, on the corner of Princes Street and Nicholson Street for which a number of fly-overs and other projects for that area have been proposed which will again increase the volume of traffic using the area and will remove valuable social welfare services that have been paid for by the Department of Community Welfare Services. I am sure the Minister for Community Welfare Services is aware of the valuable services provided in that area which will be affected by those traffic movements.

I support the propositions advanced by my colleague, the shadow Minister of Transport, about the need for a far more thorough review of the way in which people are compensated and the burden they carry which was adequately described by my colleague, the honorable member for Oakleigh. Honorable members must examine aspects other than the building of freeways that affect the health of the community and, in particular, the health of young children.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

Clause 4 (Payments out of Country Roads Board Fund)

Mr CRABB (Knox)—I move:

Clause 4, line 12, after the words "Alexandra Parade" insert "including Alexandra Parade between Gold Street and Hoddle Street in the City of Collingwood and between Nicholson Street and Brunswick Street in the City of Fitzroy".

Clause 4, line 14, after the words "Alexandra Parade" insert "including Alexandra Parade between Gold Street and Hoddle Street in the City of Collingwood and between Nicholson Street and Brunswick Street in the City of Fitzroy".

It is outrageous for the Government to have originally offered no compensation at all to the unfortunate residents of Alexandra Parade and then offered compensation to those persons who live between Brunswick and Gold streets, completely omitting those who live between Nicholson and Brunswick streets and those between Gold and Hoddle streets.

The amendments do not force the Government to pay the residents compensation. If the amendments are agreed to, the Country Roads Board will be empowered to purchase properties in the other parts of Alexandra Parade and carry out noise amelioration measures along the whole length of Alexandra Parade, not merely the centre section of it. That is the type of amendment that any reasonable Government ought to accept. It does not demand that the Country Roads Board purchase properties or carry out noise amelioration measures, although any reasonable Government would look after those residents equitably, as it has done for the residents in the centre of Alexandra Parade.

The case history of Alexandra Parade was extremely well put by the honorable member for Richmond. If the Opposition's amendment is accepted, the Country Roads Board will be empowered to make appropriate payments and either purchase the properties or undertake noise amelioration measures as it deems fit. That is an acceptable amendment if the residents of not only Collingwood and Fitzroy but also Carlton, Richmond and indeed Oakleigh have any confidence in the Government. I commend the amendments to the House.

Mr MACLELLAN (Minister of Transport)—I draw the attention of the Committee to clause 2 which states:

For the purposes of this Act "Alexandra Parade" means Alexandra Parade between Gold Street and Brunswick Street in the cities of Collingwood and Fitzroy.

Clause 4 adequately covers the situation adverted to in the amendments. I cannot understand why the proposed amendments do not apply to clause 2 of the Bill, but I can understand the technical problems faced by the honorable member for Knox.

The Government will not accept the amendment. The Bill validates the purchases already made. When debate ensued on the Wodonga Area Land Acquisition (Validation) Bill the word

"illegally" was used. Now I have the opportunity to introduce a validation Bill I would prefer the term, "without legal warrant". What was done, was done in good faith. The use of money from the Roads (Special Projects) Fund, in senior counsel's opinion, is not warranted by the particular description of the project.

The Government has not conducted amelioration measures on the road reserve and I do not think the counsel's opinion suggests that the Government would have any difficulty in doing that. The Government has purchased private properties abutting the road reserve or made payments in respect of amelioration measures made on private properties. Those payments are for thicker front doors, double glazed windows and household insulation. That has been done in a particular section of the street which, it would not be unfair to say, was previously a quiet by-road. It was a very quiet section of street which was added on to the end of the Eastern Freeway. Therefore, the level of traffic was such that the expectations of the residents were not raised substantially. That is why the Government at that stage chose to take a policy decision to offer to purchase if residents wished to sell and to adopt amelioration measures to try to assist in the noise problem.

The honorable member for Richmond made a strong and sincere case on behalf of the residents he represents that that policy should be further extended. If that is what the honorable member for Knox seeks to achieve, given the original inconsistency between the original measure and the problem of the Governor's message, the Government does not seek to expand the area of commitment beyond that made at the time that the Government would purchase the properties of those persons who wished to voluntarily leave their properties and would treat by insulation or suitable accoustic treatment the properties of those persons who wished to continue living there.

The honorable member for Knox can say what he likes about my supposed attitude. The Government had advised those persons who have presented deputations that it would not be the Government's policy to do otherwise, and the Bill seeks to validate what has been done. The Bill seeks to validate any further purchase that might be made in honouring the promise relating to that specific section of street. Given that situation and explanation of the background to the situation, the Government does not accept the amendment.

Mr CRABB (Knox)—I have never before felt as ashamed of the Government's attitude as I am at this moment. There are a handful of householders in the area being discussed. They are ordinary working people whose lives have been dramatically changed by the Government's transport policies. The Government has not only refused to pay them compensation, but also refused to consider introducing a measure to allow them to be paid compensation at some future time. That is how the Government treats the people who live in Fitzroy and Carlton, but how does it treat the Minister's second cousin in Wodonga? How did it treat Mr Wallace of Bethanga Park?

The ACTING CHAIRMAN (Mr Birrell)—Order! I suggest that the honorable member confines his remarks to the amendment and keeps away from personalities.

Mr ROPER (Brunswick)—On a point of order, Mr Acting Chairman, I would suggest that it is reasonable for my colleague to compare the way in which the Government treats one group of people with the way in which it treats another. The honorable member is suggesting that the Government should treat this group of people better than it has and treat all people who suffer disadvantages equally. He is not suggesting that all the people in the Alexandra Parade areas should be given $1 million, like Mr Wallace.

Mr Crabb—That would do for all of them.

Mr ROPER—The Government should exercise some fairness. That is the basis of the amendment moved by the honorable member for Knox.

The ACTING CHAIRMAN—Order! Standing Order No. 73 states:

> Debate on an amendment shall be strictly confined to the terms of that amendment.

I shall enforce that Standing Order.

Mr CRABB (Knox)—The point I make is that if someone living in Alexandra Parade between Nicholson and Brunswick streets or Gold and Hoddle streets was the second cousin of the Minister of Transport and hired the Premier's law firm as his solicitors, what compensation would he get? Would he be brushed off as these poor people are being brushed off tonight, or would he be getting the same treatment as Mr Wallace from Wodonga got? He was paid more than the Valuer-General's valuation with 10 per cent on top, and the property was then leased back to him at $1 a year.

The ACTING CHAIRMAN—Order! The honorable member seems to have lost his head a little on this point. I require him to return to the point of the discussion. Imputations against honorable members are disorderly.

Mr CRABB—The fact is that none of the 50-odd residents in Alexandra Parade have relatives in the Liberal Government and they cannot afford to hire the Premier's law firm or to be prominent members of the Liberal Party. None of them received compensation. The fact is that if that $974 000 that the Minister's miserable and crooked Government paid to Mr Wallace, the Minister's second cousin in Wodonga——

The ACTING CHAIRMAN—Order! That remark is unparliamentary.

Mr CRABB—What?

The ACTING CHAIRMAN—To refer to the Minister's crooked Government is wrong and unparliamentary.

Mr Roper—Refer to the page in *May!*

The ACTING CHAIRMAN—Order! The honorable member for Knox will return to the amendment being debated.

Mr CRABB—If the $974 000 that this Government paid to the Minister's second cousin, a client of the Premier's law firm, had not been paid in that way, it would have been enough to provide appropriate and equitable compensation to the residents of Alexandra Parade. The fact that the Government spent that much money by handing it to one of the Government's cronies means it does not have enough left to pay proper compensation to decent taxpayers. Never has there been a more disgraceful position.

The ACTING CHAIRMAN—Order! Never have I heard a more disgraceful speech. The honorable member must return to the amendment. That is the sixth time I have had to ask the honorable member to do so.

Mr CRABB—The amendment proposed by the Opposition asks that the Country Roads Board be given power to enable it to make payments to the people in Alexandra Parade who have been disadvantaged. It is as easy as that. That is all the amendment does, but the Minister, the second cousin of Mr Wallace, refuses to allow the Country Roads Board to have the option of considering paying 1 cent to the people who live in Alexandra Parade, yet some people—and the honorable member for Box Hill, who is interjecting, is one of them—voted with the Government last night to validate the payment of $1 million to Mr Wallace. The honorable member for Box Hill and the other honorable members will not be allowed to forget that tonight or on any other night. The honorable member for Box Hill is prepared to put up with every crooked, twisted deal the Government has ever been involved in, but when the lives of ordinary, decent people are ruined by the Government, what does the honorable member do? Nothing! He does not believe they should be given money or succour or sympathy. There is nothing for them, because they live in Collingwood or Fitzroy and are not prominent Liberal Party members and relatives of members of the Cabinet and they do not hire the Premier's law firm. They are just ordinary, decent people who deserve a decent go.

The ACTING CHAIRMAN—Order! Has the honorable member finished?

Mr CRABB—No, I have not finished.

The ACTING CHAIRMAN—Order! Once again, imputations are being hurled across the Chamber in contravention of the ruling of the Chair. I ask the honorable member to return to his normal style, which has been appreciated in this Chamber for several years. The honorable member is blotting his copybook very badly.

Mr CRABB—My style is a matter for me and my constituents. The behaviour of the Government tonight is an atrocity. I thought many of the honorable members I am looking at on the Government side of the Chamber held some principles dear. The ordinary, decent-living taxpayers of this State are being disadvantaged by Government action and they should be compensated sympathetically by the Government.

This week the House heard all the reasons why Mr Wallace had to be paid $1 million. He was disadvantaged. He was suffering hardship. That is what we were told was the reason for his being paid $1 million. What is the Government going to do for the 65 people in Collingwood and Fitzroy? The Minister for Community Welfare Services may well laugh. Perhaps that is the way he treats the people of Collingwood and Fitzroy, but it will be an indictment on every member of the Government party for their entire political careers that they will not stand by ordinary people but make rural Liberals millionaires because they have relatives in the Cabinet and the Premier's law firm is acting for them. Members of the Government party are leaving decent, ordinary people in Collingwood and Fitzroy to cope with problems the Government has created for them.

These people are just like the people living in the electorates of Mitcham, Box Hill, Knox or Frankston. They bought their houses and are paying off their mortgages. They cannot sell the houses because no one will buy them because the Government has put a freeway in front of them. Every person who lives in the suburbs and is paying off a mortgage would understand the difficulties they face. The Government is saying to the entire community that if the planning authorities cause a diminution in the value of real estate the owners of that real estate can go broke and the Government will let that happen unless the property owners happen to be prominent Liberal Party members related to a member of Cabinet and able to hire the Premier's law firm.

The ACTING CHAIRMAN—Order! I shall read Standing Order No. 108, and if the honorable member does not respond, I shall take the appropriate action. Let it sink in! The Standing Order states:

> No member shall use offensive or unbecoming words in reference to any member of the House and all imputations of improper motives and all personal reflections on Members shall be deemed disorderly.

I shall not read it again.

Mr CRABB—None of the people who live in Alexandra Parade—and I have met them on a number of occasions —is a prominent member of the Liberal Party. None of them has a relative in Cabinet. None of them can hire the Premier's law firm. None of them is receiving compensation!

The ACTING CHAIRMAN—The honorable member has 20 seconds.

Mr CRABB—This Government is a disgrace. It is a shame that the Government refuses to recognize the plight of these people but can be so obscenely generous to its favourite sons.

Mr WALSH (Albert Park)—I join with the honorable member for Knox in supporting the amendment moved by the Opposition. It certainly seems to me that the Government has two sets of values, one for the working class, and one for its class. This amendment gives a right to all people living in Alexandra Parade, between Nicholson Street and Hoddle Street, to sell their properties at a reasonable price, and to be properly compensated by the Country Roads Board. The Country Roads Board is not expected to buy the whole area; all that is asked is that the option be available to these people. It seems to me that the people

who live between Brunswick Street and Nicholson Street, and between Gold Street and Hoddle Street, are suffering from the same complications that are occurring between Brunswick Street and Gold Street. The Government believes it is all right for that section to have a sanction, but the people in the areas between Brunswick Street and Nicholson Street, and Hoddle Street and Gold Street, have no rights. However, they are suffering from noise, pollution, and vibrations to their property, which is decreasing in value continually. It does not matter how much the property decreases in value, no one wants to buy property in the area.

It shows what the Government thinks of working-class people. It is not prepared to give them a chance. Many of them may not want to leave the area, but at least the Government should give them the opportunity to sell their properties at a reasonable price, and live in a peaceful area. It is not their fault that the Government made the irresponsible decision to put a freeway around that area.

It would have been a different situation if the freeway had been put in an area like Brighton. The Government seems to be continually attacking the areas of working-class people. In my area, the Government is content to build a railway line through a recreational and residential area.

I join with my colleague, the honorable member for Knox, in being hostile to the Government for not accepting this amendment. It is a good amendment, and will give everybody who lives between Brunswick Street and Gold Street, Nicholson Street and Brunswick Street, and Gold Street and Hoddle Street an equal opportunity which they should have with everyone else.

Mr SIDIROPOULOS (Richmond)—I am very disappointed with the attitude of the Minister of Transport, and the way he answered the questions I put to him. He never explained why he made this decision to divide people who live in the same street, the same area, and who suffer the same problems. He discriminates one section against the other. He never explained that satisfactorily to me, and that proves once again the attitude of this Government. I previously put the example of the distinction made between people who live this side of the river, and those who live on the other side of the river.

I represent working-class citizens; people who fought for their rights, before and during the opening of this freeway. The people in the area wonder whether the Government has done this to them because they have been naughty boys.

Once again I condemn the Government for the discrimination which this Bill creates against the people of Collingwood and Fitzroy.

Mr ROPER (Brunswick)—I firstly ask why the Minister, despite the request reasonably made, particularly by the honorable member for Richmond, has refused to try to explain why the Government adopts one attitude to one group of residents and another attitude to a different group of residents, who have exactly the same kind of problem, demonstrated to be caused by the Government's action. The Minister has remained mute and silent on this matter, and the Opposition would like to know why he, and his Government, adopt different attitudes, not only between groups of residents but also between the residents of Collingwood and Fitzroy, and, to a lesser extent, the people I represent in North Carlton, and other groups in the community.

When there is a grey area, or an area of doubt, this Government has generally adopted the policy that it pays out the money. Look at the people in Pakenham, Sunbury and Melton. The unfortunate Alan Bond, who was down to his last $5 million, got not only the full value but also the full value plus a percentage. As the Premier said last night, they get a solatium. They get a trip around the world, a Jaguar, and a lot of other things as well—a million dollars! But what of the people of

Fitzroy and Collingwood? They are ignored by this Government. Their lifestyle has been severely affected by this freeway, but the Government has done nothing to compensate them.

Honorable members will be aware of the matters put to the House by my colleague, the honorable member for Knox. If Mr Wallace had also owned a city property, and it happened to be in Alexandra Parade, and he was represented by the Premier's law firm, and was a prominent member of the Wodonga Liberal Party——

Mr Cox—We have heard that.

Mr ROPER—The honorable member seems to believe that if a truth has been mentioned once——

Mrs Chambers—Seven times.

Mr ROPER—That means that one should not mention that truth again. Members of the Opposition believe the way in which this Government treats one group as opposed to the way it treats another group, should be mentioned again, again and again, and we will do so. The people of Mitcham, the people of Geelong West, and the people of all the electorates in this State, will become more and more aware of this. Mr Acting Chairman, you are well aware that the Australian and Victorian people react very badly to Governments treating different groups of people on a different basis just because of who their cousins are, or to which party they belong.

The ACTING CHAIRMAN (Mr Birrell)—The honorable member is making an imputation that is against Standing Order No. 108, and I ask him to desist from this approach.

Mr ROPER—I suppose the honorable member for Richmond, and I, will just have to walk along that road hoping we can find such a person in the category I mentioned. There may be one who has the characteristics that the honorable member for Knox has suggested that are a secret to this Government. Those people obviously do not have secret access to the Government's purse—all they have is a just claim. They have been disadvantaged whereas other people have been advantaged. What the Minister and the Government seem to believe is that those people can bear the cost and other people can obtain the benefits.

It is not good enough. The situation is repeated, not only in the area of Albury–Wodonga that has been mentioned in passing, but also in North Melbourne and North Carlton. A man called Mr Silberg received an enormous benefit from the Government. If Parliament had not taken action, he would have retained that benefit without any difficulty at all. It would be interesting to ascertain whether Mr Silberg's flats had suddenly lost some of their value because of the freeway. This is possible because they are only about 200 yards from the area that has been mentioned by me and 800 yards from the area raised by my colleague, the honorable member for Richmond.

I do not know what Mr Silberg's relations are with the Government. I do not know whether he or his law firm is related by blood, or any other way, to the Government or whether he is a member of the Liberal Party. However, I do know that he was extraordinarily successful in his business dealings with the Government. If the value of his flats was affected, it would have been interesting to see what the Minister of Transport would have done. The Housing Commission was obligated to buy the flats.

The ACTING CHAIRMAN (Mr Birrell)—Order! The honorable member for Brunswick should not involve the Housing Commission in the debate. The Committee is debating an amendment to the Transport (Road Funds) Bill and I ask the honorable member to relate his remarks to that Bill.

Mr ROPER—I do not know what the Acting Chairman knows about this area but if one drives through it, one actually finds that within 200 yards of the area mentioned by my colleague a substantial amount of the housing is, to a recognizable degree, Housing Commission accommodation. The flats to which

I am referring, which are 800 yards away and also significantly affected, were owned by Mr Silberg. The Housing Commission area is also affected by the action of the Government over the freeway.

Mr Silberg will be receiving compensation, whereas the ordinary people that my colleague, the honorable member for Richmond, and I represent have received little advantage, benefit or compensation from the Government. No justification exists for the double standards the Government adopts on compensation. It rushed in a Bill which covered the compensation aspect at the end of 1978 but honorable members have never seen it again. That measure was supposed to provide some protection for people in this situation.

The Government is choosy about who it protects and who it benefits and unless one is particularly advantaged and well-connected, one does not receive any benefit, protection or advantage. The amendment provides that if one suffers disadvantage, protection is provided. No more just way can be proposed to protect the people of Victoria than the amendment moved by my colleague, the honorable member for Knox.

The Committee divided on Mr Crabb's amendment (Mr A. T. Evans in the chair).

Ayes	.. ..	32
Noes	.. ..	40
Majority against the amendment	.. ..	8

AYES

Mr Amos	Mr Remington
Mr Cain	Mr Roper
Mr Cathie	Mr Sidiropoulos
Dr Coghill	Mr Simmonds
Mr Crabb	Mr Simpson
Mr Culpin	Mr Spyker
Mr Edmunds	Mr Stirling
Mr Fogarty	Mrs Toner
Mr Fordham	Mr Trezise
Mr Gavin	Dr Vaughan
Mr Ginifer	Mr Walsh
Mr Hockley	Mr Wilkes
Mr Jolly	Mr Wilton
Mr King	
Mr Kirkwood	*Tellers:*
Mr Mathews	Mr Ernst
Mr Miller	Mr Rowe

NOES

Mr Austin	Mr McCance
Mr Balfour	Mr McClure
Mr Birrell	Mr McGrath
Mr Borthwick	Mr McInnes
Mr Brown	Mr Mackinnon
Mr Burgin	Mr Maclellan
Mrs Chambers	Mrs Patrick
Mr Coleman	Mr Reynolds
Mr Collins	Mr Richardson
Mr Dixon	Mr Ross-Edwards
Mr Dunstan	Mr Skeggs
Mr Ebery	Mr Smith
Mr Evans	(*South Barwon*)
(*Gippsland East*)	Mr Templeton
Mr Hann	Mr Thompson
Mr Hayes	Mr Weideman
Mr Jasper	Mr Williams
Mr Jona	Mr Wood
Mr Kennett	
Mr Lacy	*Tellers:*
Mr Lieberman	Mr Cox
Mr McArthur	Mr Tanner

The clause was agreed to, as was clause 5.

Clause 6 (Amendment of No. 9272 s. 11)

Mr CRABB (Knox)—I move:

Clause 6, line 38, after the words "financial year" insert "and not less than the minimum amount so paid to the Country Roads Board Fund shall be credited to a special account to be called the Road Maintenance and Reconstruction Account which shall be applied only on the maintenance and reconstruction of public highways, including grants to municipalities for that purpose."

During the second-reading debate this matter was canvassed at some length. The purpose of the amendment is to ensure that adequate funds are directed to the Country Roads Board in such a way that 3 per cent of the State highway system will be reconstructed each year, according to the requirements that have been enunciated by the Chairman of the Country Roads Board on more than one occasion. It is not necessary for me to canvass the matter again and I commend the amendment to the Committee.

Mr MACLELLAN (Minister of Transport)—The Government is not able to accept the amendment moved by the honorable member for Knox. Honorable members would be aware that this measure is intended to remove entrenched categories from the Country Roads Board accounts and the amendment moved by the honorable member would merely create another account.

At the point of removing a road maintenance account we would be creating a general road maintenance account slightly extended to reconstruction.

The difficulty is that funds from this account—in other words 75 per cent of the guarantee to the Country Roads Board—could not be used on the Keilor bypass, the Drouin bypass or the Berwick bypass, or to purchase properties for road construction purposes. It should be noted that the majority of property purchases are not in urban areas but in country areas, mainly associated with the national highways programme rather than anything else. One freeway programme that is really going ahead is the national highway programme, especially the Hume and Western highways.

The honorable member seeks to achieve a particular objective but it is better if it is left to the Country Roads Board to make the initial judgment regarding the division between new construction funds, maintenance funds or reconstruction funds. As the honorable member stated in his second-reading speech he can be assured that there has been a significant shift away from new construction works with larger amounts being devoted to maintenance works than to new construction work. There has been a sharp shift in that direction, as the honorable member noted in his second-reading speech.

The Government is anxious not to obtain full responsibility for maintenance works but to support municipalities in their maintenance programmes. There has been an increase in new construction work but not to the extent mentioned by the honorable member for Knox. There has certainly been rebuilding or reconstruction work representing approximately 3 per cent of the road system but over a 30-year period, it means that the whole system will quietly and almost indisputably go backwards if the present trend continues.

It shows up here and there but what we need is a substantial injection of new funds. It was not intended that this Bill be the vehicle for the substantial injection of new funds. It was designed to recast the accounts which in effect hypothecate—that is the Federal word—entrench or require payment of the funds the Country Roads Board presently receives. The Bill requires that payments be made to the Country Roads Board to allow it to get on with its job, namely, the assessment of all applications for new construction work, maintenance works, repairs of collapsed bridges and the various other items which are directed to the Country Roads Board.

The honorable member for Werribee mentioned the question of impact funds for municipalities. All rural municipalities were written to and invited to make an application for impact funds. Surprisingly, some municipalities did not respond. Approximately $1·8 million was distributed in impact money and the balance of $4·7 million was distributed for urgent works. The invitation to apply for impact funds or indeed for funds for urgent works will be repeated and perhaps those municipalities which did not obtain a grant in the first round will have an opportunity to receive a grant in the second round.

I advise the Committee that the Government does not accept the amendment. The honorable member for Knox has made his point—he wishes these funds increasingly to be directed towards what I call road improvements and maintenance which does not involve community disruption.

I know that there is confusion over the word "freeway" and that sometimes a freeway is associated with an operation leading to disruption in an inner suburban area or a settled community. Often the word "freeway" is used to describe projects which are entirely accepted by the community.

Indeed, if I am correctly informed, in relation to the Berwick Freeway—I prefer to call it the Berwick bypass project, although technically it is a freeway—that is going through the town planning process at present, only one objection has been lodged. The project was widely publicized within

the local community but nobody seems to oppose it except one objector who is more worried about the question of compensation.

Turning to the Keilor project, I understand that the honorable member for Keilor is most anxious to have funds directed towards the completion of the Keilor bypass. Honorable members who represent that area will know that the Country Roads Board is at this stage releasing plans for that project.

The forward planning and town planning process has been reached on the duplication of the Calder Highway which passes the Calder race track, but these are works which are technically described as freeways—perhaps I am going beyond the terms of the amendment that has been moved.

I accept the spirit of the criticism made by the honorable member for Knox, but so far as I know I have not proposed the creation of any new freeway in any urban area other than the planning proposals which are now being undertaken with respect to the C3 scheme. As the honorable member for Oakleigh would know, the stage has been reached where the Melbourne and Metropolitan Board of Works has displayed maps as part of the planning process, then objections will be lodged and the hearing of those objections will follow.

That is an unusual situation in the sense that the Government has predetermined, before the planning process, its intention, with a prescription as a policy objective that no work will be commenced within five years.

As the honorable member is aware, when he or any other honorable member has brought a hardship matter to my attention, I have certainly encouraged them to refer it to the Country Roads Board for assessment. I have not yet had to knock back one of the hardship applications which has been submitted to me by the Country Roads Board. At the same time, where there are difficulties in those assessments, if honorable members have critiques to make of the process by which the Country Roads Board assesses hardship, I shall be pleased to have them drawn to my attention and to review the situation with the honorable member concerned. That is not offering to make a special case of any particular application, but of trying to learn what honorable members believe hardship should mean.

The Country Roads Board is bound by the laws of this Parliament, and cannot go on frolics of its own. That was one of the reasons why I sought to mildly correct the honorable member for Albert Park when he said that the Country Roads Board had bought those houses in Alexandra Parade between Nicholson and Hoddle streets. The Country Roads Board did not buy the houses, and if it had done so, the problem would never have emerged. What happened was that they were bought through the Department of Property and Services in the name of the Department of Crown Lands and Survey, and when it came to a question of further property being purchased, on this occasion, as I mentioned to the honorable member for Albert Park, the property, which is a block of flats, was owned by Ansvar Insurance Co. Ltd. That matter triggered off the request for a legal opinion, which indicated that the purchases were beyond the power of the Roads (Special Projects) Fund.

I hope that where I detect these "beyond power" actions, I shall be able to bring them to the Parliament for correction. I thank honorable members for their support in correcting the matter and for their support in the more general area of trying to correct the accounts of the Country Roads Board. However, I must say in all frankness to the honorable member for Knox that his proposed amendment merely seeks to put a further complication into the accounts at the very moment when the Bill's whole purpose is to delete the separate accounts, so that the Country Roads Board has a known and, so far as I can work it for the board, predictable fund. There are difficulties about predicting it to the finest tuning, but nevertheless it will have a forward planning fund which will enable the

board to get ahead with the job that needs to be done of building roads in the State.

Mr MATHEWS (Oakleigh)—Before honorable members vote on this clause, I should like the Minister to elaborate further on the remarks he has just contributed to the debate. The Minister said he was not aware that any hardship compensation application had ever been rejected, and I should like to hear from him, as would, I believe, many other honorable members on both sides of the House, whether the category of hardship to which he referred was exclusively that of properties which are actually required for the construction of the freeway and, if that is the case, why legislative action has not been taken to open up the possibility of similar compensation being available for those people who are no less adversely affected by their proximity to a freeway zone.

As I have demonstrated to the Minister and the Committee tonight, in the environs of the C3 route there are no fewer than 560 houses whose market value has depreciated by anything from 10 per cent to 15 per cent—an average of $4000 a property. That means that a $30 million slab of real estate in the heart of Melbourne has been devalued by $6 million overnight.

I ask the Minister to explain before honorable members vote on the clause what the Government's intention is in regard to this category of person who is disadvantaged by proximity to a freeway route rather than being in the path of the route.

Mr MACLELLAN (Minister of Transport)—I regret having to address the Committee on a second occasion, but the honorable member for Oakleigh is correct in drawing my attention to the fact that I made my remarks without stating that I was referring to the first category—that is, those specifically involved in the easement for the road. These are the ones which the honorable member for Oakleigh identified as his first group.

The honorable member asked me the policy in respect of the wider area of properties that might be affected but not touched by a road proposal—it is not a freeway proposal, it is a road proposal—in other words, the second group to which he referred. I have to say that this Bill just does not address itself to that question; it has nothing to do with that question. Indeed, as the Opposition has been arguing all night, it is not dealt with in the Bill.

As the honorable member for Oakleigh made perfectly clear, he believes it is related to the legislation which will follow the Gobbo report. Therefore, I have to say in that area it will not be the responsibility of the Minister of Transport but of one of my Ministerial colleagues. I should imagine, although it is not necessarily final, that the Ministry for Planning will have the carriage of the matter in that regard because it will apply not only to roadworks, whether freeways or other roadworks, but, if it is going to follow the recommendations of the Gobbo report, it will apply also to a far wider range of public works which can have these sorts of effects. I addressed myself to those properties which were actually affected by the road proposal—that is, the road construction, easement or acquisition—and not to the properties which might or might not suffer other effects. In most cases it is a beneficial effect, but in some cases it is not.

The Government's response on that question is a matter for my colleague, the Minister for Planning, but it is not in any way related to this Bill other than that the Bill provides the Country Roads Board with money, and I suppose it is money which will be used if such a policy is followed.

Mr CRABB (Knox)—The intent of the proposed amendment was accurately described by the Minister as making a point. It is not easy for members of the Opposition or the National Party to amend Bills which concern the expenditure of money, because under the Standing Orders that requires a message from the Governor, and the Governor is not generally inclined to give me a message to that effect! However, that is the reason, and

the amendments honorable members move are not necessarily those that they wish to move.

The point that is being made, which I hope has been accepted by the Government, is that the Country Roads Board has to pay greater consideration towards amendments and reconstruction for a basic infrastructure of rural or urban roads and rather less towards the building of grandiose freeway projects.

If the Government is to allow the Country Roads Board discretion in the expenditure of those funds, I do not disagree with that *per se,* but if it is to allow a statutory authority to have that discretion, it should at least require the authority to report to Parliament and to the Executive Government in a way that enables the Government and the Parliament to understand what is being done and consequently to comment on it. It is not an appropriate way to run the State or to run anything else by merely delegating the decision-making process and never checking on it. There must be an adequate process of checking back. The annual report of the Country Roads Board and other documents which it currently supplies are not an adequate means of assessing the board's priorities and the way it has carried out its finances during the preceding year. It is simply not sufficient to use those categories of main roads, unclassified roads and so on.

It is not good enough to mix the funds spent on reconstruction with the funds spent on new construction into one lump sum. There has to be a better reporting process to Parliament if Parliament is to delegate discretion to the board. If the Country Roads Board were a public company, it would be deregistered at the Stock Exchange for not complying with the rules. It should comply with the rules.

It is unfortunate that the Government is not handling this Bill regarding compensation in relation to the freeway F19 by making a statement of policy with respect to compensation to be paid for future freeways. As the honorable member for Oakleigh said, there are 1000 families in the electorate he represents whose financial well-being is in a parlous state because they are ignorant about the future intentions of the Government. I could not advise them in this respect.

Between the two extremes that have been mentioned tonight—I will not repeat them—is the generosity of the Albury-Wodonga Corporation and parsimony of the Country Roads Board at Collingwood. The citizens of Oakleigh, Malvern and Camberwell will be placed in the same position, although judging from the debate in the House tonight, no one could say which end of the extreme they will find themselves in.

It is encumbent upon the Minister and the Government to make a statement to the people. The Opposition has given a commitment to the people about what it will do when it gains office. It is appropriate for the Liberal Government to make that same commitment now it is in office.

Mr CAIN (Bundoora)—I do not want monetary compensation made available to those people affected by road freeway construction although their property is not acquired. Some people seem to suffer from tunnel vision about noise which is quantifiable. There are other deleterious effects of road construction, widening and freeways that have nothing to do with noise. Noise is simply dealt with. Other societies have dealt with noise because it is quantifiable.

I urge the Government to consider using the money available for compensation for preventative measures. The Government should consider ways of ensuring that deleterious effects are minimized. If a freeway will adversely affect people, the Government should look at ways of reducing that effect by the use of double glazing and buffers to prevent noise and pollution and to prevent the intrusion of freeways.

Simply to pay money to a person who happens, for the time being, to own the property is not the right way to handle the problem. The best way to handle it is to compensate the community. That raises the question of

what should be considered on the question of compensation. The Government report ignores this. Money should not be paid to individuals. It may be desirable to compensate the community by providing public works and parks but not to compensate the person who happens to own the property at the time the works are carried out. It is time to look beyond the constraints of Gobbo, money and noise. The question is much more complex and should be considered in more depth than it is.

The amendment was negatived.

The clause was agreed to, as was clause 7.

Clause 8 (Amendment of No. 6326 s. 7A)

Mr MATHEWS (Oakleigh)—Clause 8 asks the Parliament to relinquish a fund with which it has become familiar, namely the roads: Roads (Special Projects) Fund, and to accept in its place another fund called the Roads and Special Projects Fund of which the Parliament knows even less. It is fair in those circumstances that the House should ask the Minister for an assurance that all those things which could be done under the original fund will also be possible under the new fund.

In his second-reading speech, the Minister told the House that the Roads (Special Projects) Fund had been used in recent times to provide noise buffers and sound-proofing on properties still in private ownership and that fund had been made available for that purpose. He said money had been provided for noise reducing methods on a number of properties purchased, including fitting double glazed windows, heavier double doors, roof insulation and ventilation.

It is true that, in part, the Bill being debated has provided a necessary measure of validation for those items of expenditure, but it is equally true that the expenditure has taken place, that the fund the House is being asked to relinquish tonight has proved to be an acceptable and adequate vehicle, in practice, for the sort of expenditure which was required in Alexandra Parade.

It is reasonable that the Minister should give the House an assurance tonight that similar items of expenditure, preferably without the need for subsequent validating legislation, would be available from the second fund which is mentioned in clause 8—from the Roads and Special Projects Fund. The Minister and the Government will be deceiving themselves if they suppose their obligations in this sphere are exhausted by Alexandra Parade.

In the metropolitan area one can see an increase in the number of main roads where environmental conditions approaching, and in some cases equaling, the intolerability of those in Alexandra Parade are being created. By way of example to the Minister, I cite the situation in Dandenong Road between Huntingdale and Warrigal roads. I defy anyone to argue that the noise generated by traffic along that stretch of road at peak periods is exceeded anywhere else in the metropolitan area.

The CHAIRMAN (Mr A. T. Evans)—Order! There is far too much audible conversation in the House, particularly from the Opposition benches. I can only assume that members of the Opposition do not wish to hear their colleagues. I ask for silence.

Mr MATHEWS—The honorable member for Burwood apparently does not think it is worth listening. Perhaps if I mentioned High Street Road he would be more familiar with that example. In Dandenong Road, Waverley Road, High Street Road and Toorak Road the environmental conditions emerging as a result of traffic pressures are putting intolerable pressure on the householders along those roads.

The responsibility of the community is not confined to those situations where problems are generated by new works, there is a responsibility on the part of the community where pressures are generated simply by the relentless upward creep of traffic levels.

It does not matter to the average householder whether his house is being shaken to the foundations by old

traffic or new traffic. It does not matter to the average householder whether his child's level of intelligence is being impaired by old lead or new lead. It does not matter to the average householder whether the atmosphere he breathes is being poisoned by old automotive pollution or new automotive pollution.

The CHAIRMAN (Mr A. T. Evans)—Order! I fail to understand how the matter of pollution and lead content in the atmosphere has anything to do with the finance matters in the clause under discussion. The honorable member should return to the subject of the clause.

Mr MATHEWS—I shall be happy to clarify the matter for you, Mr Chairman, as well as for the honorable member for Burwood. The expenditure related to all the items not just those met from the Roads (Special Projects) Fund. It is reasonable that the House should know what it is being asked to vote for. I ask the Minister whether similar expenditure will be possible for the Roads and Special Projects Fund in which the Minister now asks the House to merge the Roads (Special Projects) Fund. These matters are not confined, as they seem to be in the blinkered eyes of this Government, to areas like Alexandra Parade where there are new works. They exist also where impossible conditions have emerged as a result of rising traffic levels. If the community allows its public transport services to run down so far, and so exalts the place of the private car in the community, in its collective choice in these matters the community incurs some responsibility to the people who suffer as a result. In the context of this clause the House requires an assurance from the Minister that payments for these purposes will be possible, without the necessity for subsequent validating legislation, as they have been from the fund with which honorable members are now asked to dispense.

Mr MACLELLAN (Minister of Transport)—I am not able to give the assurance sought by the honorable member. I could not be certain that everything that has been done out of the Roads (Special Projects) Fund will be possible to be done out of the new fund because as the honorable member has been aware, there has been validating legislation. However, I will investigate the matter and ascertain whether I can advise the honorable member further.

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.

BUILDING SOCIETIES (AMENDMENT) BILL

The debate (adjourned from April 15) on the motion of Mr Dixon (Minister of Housing) for the second reading of this Bill was resumed.

Mr CATHIE (Carrum)—This Bill attemps to correct mistakes that were made in the past. It is not good that that must be done. The Building Societies Act was re-written in 1976. During the three years of its operation some deficiencies and omissions have been found. The amendments proposed in the Bill are necessary because of the appalling drafting mistakes that were made in 1976. At the outset I point out that the Opposition does not oppose the Bill. Some honorable members might say that it could not be true that such mistakes were made in 1976. However, I shall illustrate what I mean.

Clause 7 of the Bill indicates that section 31 of the principal Act contains the words:

> purchase shares, or lend or otherwise advance moneys to, in

I used to teach English and I know that one should not finish a sentence with a preposition in that way. Honorable members are told that the words should be:

> purchase shares in, or lend or otherwise advance moneys to

That makes sense because many groups of people in the community do purchase shares and so forth. However, when an attempt has been made to amend a drafting error, another appalling drafting error has been made

and I suspect that even the Minister for Youth, Sport and Recreation and Housing and whatever, who used to be a schoolteacher like I was, would know how to spell "otherwise". It is not "otherwis". An attempt is being made to amend a draft by putting words in their proper English order but a spelling error has now been made. The Minister may be prepared to move a suitable amendment.

A similar position applies in clause 24. Again an appalling drafting error has occurred. Presumably, when the Bill was rewritten in 1976 the word "provisions" was meant to be included in the clause. Instead, the word "proons" was used. I do not know the process by which Bills are drafted and presented by the Government, but presumably the people responsible should go back to *Schoenheimer Basic English Spelling* and do their homework. When they do, they may be able to present a Bill to this House. The Bill attempts to correct the errors made in the 1976 legislation.

Honorable members know that a permanent building society is a non-profit organization whose primary aim is the provision of long-term housing finance. That is an important role, not only in the community, but in the whole development of the Victorian economy. A permanent building society is a non-profit organization which provides for many people in the community long-term housing finance which those people would not otherwise be able to obtain. That is the reason why people either make deposits or become shareholders with such societies. These societies collect savings from the public by offering a safe and convenient form of investment and they then lend those monies to prospective home purchasers.

I invite honorable members to look at the 1980 annual report of the Australian Association of Permanent Building Societies. A perusal of that report indicates the size and importance of these societies in the economic development of the Australian nation. The report discloses total loans for housing in 1978–79 of the order of $2096 million. That is a large increase over the figure for the previous year and it helps to underline that permanent building societies are playing an increasingly important role in the development of the Australian economy. The report estimates that for the then current financial year loans for housing throughout Australia by permanent building societies amounted to $2250 million. That is a large sum. It has an enormous relationship, not only to the financing of housing in Australia, but to the whole development of the Australian economy.

Translating that information to what it means for Victoria, in the last financial year a sum of about $456 million was being invested through permanent building societies in housing. Perhaps the Minister can correct me, but I suspect that that is more than the State Savings Bank lends for housing in a year. The share of the housing market, in terms of the development in particular and the competition, would be seen by the bank as competition between the permanent building societies, on the one hand, and the State Savings Bank, on the other hand.

One sees from the report of the registrar that there are about 49 societies in Victoria, of which only about half are active. They are the ones which are developing rapidly and which are an important part, not only of the housing market, but of the development of the Australian economy.

The clauses of the Bill before the House relate basically to the group accounts, the accounts of subsidiaries of permanent building societies. Many of the amendments which the Minister has presented are a rewriting of the Companies Act. The Labor Party has no opposition to that. There is a need for the registrar to have control over the subsidiary companies or the group accounts run by building societies in this State, and that information ought to be divulged to the registrar. There is no argument about that.

It may well be that a small company may provide a specialized service to a particular building society. For example, it may provide a printing service or a management service or whatever. Those sorts of accounts which are being run

by that building society ought to be seen in one form so that, if building societies control subsidiary companies, those subsidiaries are equally part of the over-all operation of the building society and they ought to be seen in that way. The Labor Party supports the Bill in attempting to achieve that result.

It is remarkable, as I indicated by highlighting at the beginning the very simple drafting errors that can occur, that when the Act regulating building societies was rewritten, so much was omitted which had up until that time been part of the existing legislation; and because that was then omitted, this House is now in the position of having to restore it. For example, clause 2 (2) inserts in section 4 of the principal Act a new sub-section (2) which provides that any reference to the making of an advance upon the security of freehold property includes a reference to the making of an advance upon the security of a mortgage or other charge over the land. That bears upon the fact that the Act ought to cover a mortgage which involves a stratum title or a cluster title. Those matters were omitted when the legislation was redrafted in 1976. They should not have been omitted and the Minister has presented this Bill to the House to restore those matters to the legislation.

This is a matter of common sense because the trend towards strata titles or cluster titles reflects the changing choice within the Victorian community as the population ages and the proportion of the population that is more elderly becomes more significant. The sorts of choices those people will make in housing will involve such things as strata titles or cluster titles and that situation should be taken into consideration. This Bill covers that situation.

Clause 3 of the Bill amends section 7 (8) of the principal Act so as to permit a society to acquire property for any of its objects and also to dispose of that property. It is a simple point but it was not included in the 1976 legislation.

Although the principal Act makes it clear, as it should, that a building society must not spend more than 5 per cent of its assets on property, it may well have the task of acquiring property for the purposes of managing its assets and providing office accommodation, and it needs to have power to do so. The amendment confers that power.

One of the amendments which will be effected by clause 4 restricts to shareholders the right to inspect the books and records of a society. The societies would, no doubt, argue that there is no need for anybody else to make such an inspection of the balance sheet or the rules of the society or whatever a person may want to inspect. After all, the existing legislation provides that copies of certain documents are to be made available to the shareholders. However, experience has shown in the past that matters could arise—for example, in a takeover situation—where it may be sensible to restrict the inspection of books and records of a society to the shareholders involved.

The amendments in clause 5 refer to the Starr Bowkett societies of which there are two in Victoria. As I understand it, the difference between the Starr Bowkett societies and the permanent building societies is not major, but there is some difference between the two types of societies. A Starr Bowkett society is a kind of compulsory saving society. A member eiects to pay so much into it each month for some sort of return.

At some stage building societies will use a ballot system to allot an interest-free loan. Given that two types of building societies exist, there is a need to clearly indicate that the Starr-Bowkett Building Society is essentially different to a permanent building society.

Another amendment to the Act indicates that, although the principal Act presently provides that a majority of five directors of the society must reside in Victoria, it is becoming onerous to some societies. Therefore, the redrafting achieves flexibility by providing that at least two directors are resident in Victoria.

Clause 9 appears to me to be basically a lift out of provisions in the Companies Act and the Opposition does not oppose it. The provision relates mainly to group accounts and seeks to arrive at a position where the accounts can be adapted to meet the requirement of other building societies in Victoria. The Opposition has no objection to that.

A further clause refers to the appointment of auditors and, under the principal Act, a director can be appointed auditor. What is desired, and all honorable members would agree, is an assurance that a director, or even an employee of a director, of a building society cannot be appointed auditor of that society. Auditors should not only be independent, but also they should be suitably qualified. The Opposition does not oppose that provision.

Another proposed amendment refers to the validity of a transfer of engagements. I shall not go through the history, except to indicate that what was approved by the Registrar of Building Societies was challenged by the Registrar of Titles which led to a court ruling in favour of the Registrar of Titles. That ruling has led to the proposed amendment to the principal Act.

The other amendment I wished to comment on is contained in clause 20. It deals with the security taken by a society to allow it to buy and sell mortgages. This is an important matter especially in a situation where a run down of liquid funds occurs. The development of the secondary mortgage market is a relatively new phenomena in the community. The building societies are indicating that if they have a marketable commodity, that is the area in which they should be involved. This provision allows more flexibility for such an involvement and the Opposition does not oppose it. The other amendments simply make the original definition and drafting of the 1976 legislation more readable. The principal Act contained powers which dealt with a defunct society. Although it is a minor matter, it means that if a society is wound up and at a later date it is discovered that there is property vested in the defunct society, no other body has power to act in that area. There ought to be a power to act and the proposed amendment provides the registrar with that power.

Clauses 26 to 30 propose amendments relating to the Building Societies Advisory Committee. The committee has to manage the administrative general fund and the present requirements tend to be rather difficult and cumbersome. In other words, if building societies need to invest funds in a reserve fund, at present, every committee member has to sign the necessary authorization. Hence, the proposed amendments quite sensibly provide the committee with a common seal and, furthermore, all building societies must contribute, on an annual basis to the reserve fund. A substantial penalty is involved when building societies default.

Clause 28 which amends section 91(6) of the principal Act permits payment of moneys out of the reserve fund to meet the cost of expert or specialized services. It is a matter of general administration and from time to time a need exists for some sort of investigation. A need may exist in the field of computer services, which is a complex area of development, and not only building societies, but also other groups involved in the business world have to come to terms with it. The amendment suggests that building societies will be able to permit payment of moneys out of the reserve fund to meet the cost of such expert or specialized services. For example, if a computer analyst qualified in a particular accounting field is required, it is proposed that a building society will have power to pay for his services out of the reserve fund. The Opposition does not oppose the amendment and believes it to be a sensible arrangement. Part of the operation of the principal Act relating to building societies in Victoria allows the use of moneys from the reserve fund to employ experts for a specific project.

The amendments proposed to the principal Act are mainly an attempt to overcome omissions made in 1976 when the legislation was rewritten and the Opposition wishes the Bill a speedy passage through the House.

Mr McINNES (Gippsland South)—The purpose of the Bill is to correct errors and omissions in earlier legislation, namely, the Building Societies Act 1976. Therefore, the Bill is a collection of bits and pieces and generally has the support of the Building Societies Institute.

The honorable member for Carrum has dealt with some of the major points. However, it is worth reflecting upon how permanent building societies have developed to the extent where they now have a total asset value of over $2000 million in Australia. Building societies have continued to grow at a rapid rate. Many had their origins in English practice and some of the earlier societies, namely, the Starr-Bowkett Building Society, which is mentioned in the Bill, became popular in New Zealand. Only two of those societies have remained in Victoria and the Bill deals with the need to formalize their operations.

The SPEAKER (the Hon. S. J. Plowman)—Order! The time appointed under Sessional Orders for me to interrupt the business of the House has now arrived.

On the motion of Mr MACLELLAN (Minister of Transport), the sitting was continued.

Mr McINNES (Gippsland South)—Permanent building societies have experienced personnel and are well placed to administer the Starr-Bowkett Building Society companies. Many directors are selected from within the community and building societies have developed from fairly modest beginnings to very substantial financial enterprises. They have developed to the point where there is some competition between the building societies and banks. Some societies are concerned about the form of advertizing used by banks, which they feel is somewhat unfair. Unlike banks, the societies are not involved in extra curricula activities. They keep mainly to their own line of business —to provide finance for homes. The societies have been successful at providing at a relatively low cost—not necessarily the lowest cost that can be provided—loans to home buyers giving those purchasers the opportunity of buying residences of their choices within price brackets they can afford.

Apart from special loans of more than $100 000, most societies are able to loan money through their criterian of, usually, approximately 90 per cent of the valuation. They perform a fine service and with the growth of the industry from shaky beginnings, the societies have developed so that they are a respected source of finance and have achieved a stature approaching that of banks.

I am pleased that the Minister of Housing provided finance interest subsidies. In a recent statement he said that every interest rate is hedged with a few hitches. The building societies would probably want to take up further with the Minister how it will perform in practice. I am sure that could be discussed.

The Bill does not contain controversial provisions. It is a tidying-up measure. It deals with reserve funds and better accounting methods. Building societies form a responsible profession and have established a good track record in Victoria.

Basically, the Bill deals with the two Starr Bowkett societies and widens the provisions of the Act to enable those societies having difficulties in providing a majority of Victorian residents as directors by limiting the requirement to two directors being resident in Victoria. The Bill is straightforward. The National Party supports it.

The motion was agreed to.

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

VICTORIAN SOLAR ENERGY COUNCIL BILL

The debate (adjourned from April 17) on the motion of Mr Balfour (Minister for Minerals and Energy) for the second reading of this Bill was resumed.

Mr AMOS (Morwell)—The Government intends to establish a Victorian Solar Energy Council and has introduced the Bill to encourage, promote and review research into and the development of the uses and potential uses of solar energy and for other purposes. The definition of solar energy for the purpose of the Bill includes other forms of alternative energy sources such as wind energy, biamass energy, and so on.

The Opposition welcomes the initiative of the Government and its statement that more attention should be paid to solar energy research and development and to encouraging and promoting the other alternative energy forms which the Bill encompasses.

A proper management approach should be taken to energy in Victoria and in Australia. Victoria cannot afford a piecemeal and fragmented approach to energy. Proper management of the State's energy resources and the effective uses of these resources is vital. There must be a framework in which energy research and development initiatives can be developed. There should be a single council for the promotion and encouragement of research and development of alternative energy resources.

The Government recently established the Victorian Brown Coal Council to examine the research and development of brown coal. The Government's method of promoting and encouraging solar energy research is the proposal that there should be yet another council established to encourage, promote and review that research. There is no need to establish a new bureaucracy.

That very necessary task can be accomplished by having one single energy research and development council which would amass and take advantage of the expertise available in the community in the various fields of energy research—that is, those more exotic energy forms touched upon in the Bill.

The Minister for Minerals and Energy spoke about some of the developments that have taken place in Australia and overseas in the utilization of renewable energy resources. The Minister also spoke about encouragement and stated what the Government had done to encourage solar energy research.

I am reminded of the second annual report of the Victorian Solar Energy Research Committee presented to Parliament on 9 April. I am also reminded of the first annual report of the Victorian Brown Coal Council presented in October last year. Both are attractive, glossy reports which tend to give the reader the impression that much is being done. However, that is not the case. One does not need expensive, glossy reports to discover how little the Government has done to encourage and promote energy research.

I remind the Minister of the debacle in 1977 when there was a breakthrough in research technology by the Australian National University. The Premier responded to that widely publicized breakthrough in his usual glib way of trying to achieve publicity at any cost. That response was reported in articles in the *Herald*, *Age*, and *Sun News-Pictorial*. I quote from the *Herald* of 28 March 1977 where the Premier is reported to have said:

> The Premier, Mr Hamer, said today the State Government would be willing to make a town available for research into solar energy.
>
> Researchers would then be able to examine a complete community using solar energy appliances.
>
> Mr Hamer said the Government would be prepared to consider making finance available.

In an article in the *Age* of 29 March the Premier is reported as having said that if solar energy systems could be devised:

> the Government would offer a small Victorian town to experiment with.
>
> . . . . .
>
> "We would be prepared to back them up financially and if they can devise a system for a small town to try out solar energy for light and power, will try to get one.

In an article in the *Herald* of 3 May the Premier is reported to have said:

> . . . the Government had some discussions with the Australian National University in the past month on what ways Victoria could help.

The Premier conveyed the impression that the Government was so concerned about the need to promote and encourage solar energy research that it was going out of its way to make a small country town available for that research and, in so doing, the Government was going to do something.

However, the Premier was questioned in Parliament on what the Government had done. I refer to a question I asked on 30 March 1977 of that year. My question was:

> Whether an offer of assistance was made by the Government to the solar research programme of the Australian National University before he made such an offer publicly on television; if so, when the offer was made and by whom; if not, whether the offer has now been conveyed to the university research team by letter or other means?

I asked that question because my inquiries revealed that no such offer had been made. The Premier, because of the forms of this House and the way honorable members are held in contempt—apart from breaches of the Standing Orders—had to answer truthfully and say that no offer had been made to the Australian National University research group.

What the Premier said in the press was so much nonsense; he did not transgress any Standing Orders by lying but he certainly did not tell the truth when he spoke to those reporters about what the Government had done or was prepared to do. So much for the Government's concern!

Similar questions were asked of the Government as to what moneys it had made available for solar energy research over a specific period of time. The Premier's replies indicated that, apart from the State Electricty Commission and the Gas and Fuel Corporation using their own funds, very little moneys indeed had been made available, until recent years when there has been an added interest in devoting money to energy research. The reports made available to the Government indicate that an amount of $3 a head of all Victorians ought to be devoted to energy research. It is known from the small amounts of money allocated to research, that nowhere near that amount of money is spent. That demonstrates what the Government really thinks about the need for proper energy research.

The Government talks glibly about energy conservation and finite energy resources but it does precious little to promote and encourage research into renewable energy forms that can be depended upon to turn the wheels of industry and create prosperity.

The attitude of this Government is reflected in the attitude of its colleagues in Canberra. The Fraser Government's actions in energy research show how it uses the oil and gas excise and other taxing mechanisms to boost its revenue and assist it in overcoming a Budget deficit, but little is provided for energy research. If one takes the increase in the crude oil levy as an example, one realizes that the increase nets the Federal Government $2500 million in revenue but, in its last Budget, that Government allocated only approximately $9 million for energy research programmes throughout the country. It takes $2500 million from one sector of the population—the motorist—and, in return, provides a total of $9 million for energy research. That shows how sincere the Federal Liberal-National Party Government is, and is also an example of the sincerity of this Government.

This Government is all very well and fine when it comes to public relations and glib exercises and putting up shop window fronts to pretend it is doing things, like the glossy publications of the Victorian Brown Coal Council and the Victorian Solar Energy Research Committee, but it is not so well and fine on content. It is high on one thing but low on another. It is high on publicity but low on content. This Bill is another example of the Government attempting to persuade people that it is interested in encouraging research into the more

exotic forms of energy. It has decided to set up a solar energy council when there is no need to establish yet another bureaucracy. If it administered and managed the energy authorities of Victoria properly, it could do all the research and development promotion necessary through a single council.

The Opposition is not unmindful of the immense difficulties associated with the promotion of technology such as solar technology, and it is not ungrateful for the tremendous hard work and dedication that has gone into research and development carried out by people associated with various Government programmes, including even programmes of this Government. Members of the Opposition realize the difficulties and understand that much more needs to be done to encourage that work. I remind the Government of the work that has been done by other Governments in this country to provide that sort of encouragement. I direct the attention of the House to the work performed by the Law Reform Committee of South Australia, which completed a report entitled, "Solar Energy and the Law in South Australia—A Paper for Information and Discussion as to Law Reform and Incentives to assist the use of Solar Energy in South Australia".

The report was requested by the then Attorney-General of South Australia, Mr Duncan, and in a press release Mr Duncan said:

> At present, research and development of the solar energy industry in Australia is fragmented and unco-ordinated . . . For this reason, a number of submissions to the Standing Committee have recommended the establishment of a Federal Solar Energy Research and Development Authority to stop the overlapping of research, to direct funds, and to co-ordinate efforts generally.

That is the sentiment I referred to earlier. It is a fragmented approach, whether it be in the solar field or any other field, but Victoria is contemplating setting up yet another bureaucracy to examine research into energy authorities, where a single authority would be adequate if it were properly managed.

The report of the South Australian Law Reform Committee went on to discuss the difficulties experienced in the promotion of solar technology. It stated:

> Co-ordination between the State and Commonwealth efforts in encouraging solar energy and energy conservation seems essential.
>
> Co-ordination at the State level is also necessary to pursue questions of policy raised by the Committee and other matters referred to.

The matters referred to are extensive. The committee made the point that electricity and gas authorities can play an important part in encouraging the use of solar energy systems and said that if solar energy systems contribute to or reduce peak demands, this should be reflected in the tariff structures. The tariff structures in Victoria, particularly those of the State Electricity Commission, do nothing to promote conservation or the use of solar appliances. I am referring particularly to solar hot water systems, because the present tariff structure encourages the use of systems that use off-peak electricity to heat the water with the solar system acting as the booster, rather than the base heat being provided by the solar system and the boosting being done by the use of electrical energy. That is a reverse situation. Rather than encouragement, there is discouragement. That is what the Law Reform Committee of South Australia was referring to when it said that the use of solar systems should be reflected in tariff structures. In other words, the encouragement of the use of solar systems should be reflected in the tariff structures.

The report also touched on another important aspect of this matter. If the use of solar energy systems is to be promoted, it is necessary to protect the people who go to considerable capital expenditure to install the systems—whether they are industries that require low-grade heat or domestic users—from the intrusion of others into the sunlight and solar rays they seek to use. The committee said:

> Existing law does not grant any right of access to the sun, although easements can be used to exchange ownership of air space. It is relatively simple to define the scope of

unimpeded access necessary to use solar collectors effectively, but not so simple to suggest how an individual right to such access can be implemented.

The report goes on to describe how appropriate it would be to consider such protection as part of planning law. There are States in the Western World that have implemented the sort of legislative means needed to protect the right to sunlight so as to further assist and encourage those people who have installed solar systems. I refer the Minister to legislation introduced into the Californian legislature, which was a Bill to provide that the right of receiving sunlight upon and over land may be attached to other land as an easement and to define a solar easement and a solar energy system. That is one example of many such pieces of legislation that have been found necessary in other countries to provide the proper promotion and encouragement for the use of solar systems.

If the Government is sincere about promoting the use of the solar system, it should give consideration to introducing legislation of that type.

I referred earlier to the Victorian Brown Coal Council, which was set up in legislation introduced by the Government on 19 September 1978. I remind honorable members that the Act constitutes a Victorian Brown Coal Council to make provision for and with respect to the evaluation of brown coal resources in Victoria, to undertake and promote research into, and development of the potential uses of brown coal and for other purposes. In many respects, the Victorian Brown Coal Council and the Victorian Solar Energy Council are similar. There are departures that are not appreciated readily, and I ask the Minister to inform the House why those departures have been made.

I refer specifically to just two or three examples. Firstly, why do the borrowing powers of the Victorian Brown Coal Council differ from the borrowing powers of the Victorian Solar Energy Council? Honorable members know that the Victorian Solar Energy Council, with the approval of the Treasurer, and subject to such terms, conditions and limits as the Treasurer imposes, may borrow moneys whether by way of overdraft or by other means, but that provision is not contained in the borrowing powers of the Victorian Brown Coal Council Act.

I note, too, that clause 17 of the Victorian Solar Energy Council Bill states that the council may acquire by gift, grant, bequest or demise any property and agree to carry out any conditions of any such gift, grant, bequest or demise and the council may create and administer any trust, fund or funds in connection therewith or for any other purpose whatsoever. But the similar clause contained in the Victorian Brown Coal Council Act includes the word "purchase", and states that the council may acquire by "purchase". It then goes on to say by gift, grant, and so on. Why has the Government decided that the Victorian Brown Coal Council can acquire land by purchase, but it proposes that the Victorian Solar Energy Council cannot? I should like the Minister to explain to the House the reason for that difference.

Similarly, the Victorian Solar Energy Council, under clause 12 (2) of the Bill, has not the same power as the Victorian Brown Coal Council to purchase land. A similar arrangement in the Victorian Brown Coal Council Act is section 11 (2), where the first responsibility of the council in paragraph (*a*) is to purchase land. That has been omitted completely from the similar clause in the Victorian Solar Energy Council Bill. Again, I say, why the difference?

I do not refer to those differences to suggest that both councils as far as possible should be the same, and that there is a need to have two councils. I say there is some inconsistency, and no reason has been given for that inconsistency, and I ask the Minister to explain.

I simply make the point again. There is no need for two councils to look into energy research and development. In my view, the best possible way for proper energy management is to have one council with the appropriate technical committees. If there were, for instance, a State energy authority, a single energy research and development council, and if we had public access by an

advisory committee to energy policy in this State, then there would be something like sound energy management, but that does not exist. The Government has persisted with a fragmented approach to energy in this State. It is an example of how the Government approaches administration, whether it is energy, transport, housing or anything else. It just responds as the pressures become too great. It has no proper planning. It responds to pressures as they come up from time to time, or it responds to pressure groups as they flex their muscles from time to time. If somebody says that a solar energy research council is needed, the Government will have one without any proper thought whether that promotion into energy research could be done better by another body.

Because of the commitment of the Labor Party to sound energy management, I move:

That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and redrafted to provide for a single Energy Research and Development Council responsible for the encouragement of research and development of alternative energy forms and uses."

I ask the House to support that amendment.

The ACTING SPEAKER (Mr Birrell)—Is there a seconder to the amendment?

Dr VAUGHAN (Glenhuntly)—I second the amendment.

Mr AMOS (Morwell)—It will at least have the Government make a start, if only a small start, in bringing about proper, efficient, energy management in this State.

Mr MACKINNON (Box Hill)—I support the Bill and oppose the amendment. In supporting the Bill, I ask honorable members to reflect on the question of energy, and where solar energy and other related energies fit into the total energy picture. It is a mistake to consider all forms of energy as being one. The honorable member for Morwell implied that they could all be considered at the same time in the same way. Although energy is clearly interchangeable, and the actual forms of energy and their origins and sources are different, the circumstances under which the various forms of energy are developed are very different; the need for different forms of energy also are very different.

Even more importantly, the ways in which the various forms of energy are developed are different, because some forms of energy are being developed mainly in the statutory authority area, the public sector area, and others are being developed particularly in the private enterprise sector. This is a factor which is important when considering the need for the Victorian Solar Energy Council.

I regard the proposed council not just as an *ad hoc* development, as the honorable member for Morwell suggested, but rather as a considered development by the Victorian Government. The Government initially saw the need for a solar energy research committee, and having satisfied itself about the work of the committee and the benefits to be derived as a result of its work and the potential and opportunities that would be derived from expanding the work of the committee from research to areas of development, has now seen the need to form the Victorian Solar Energy Council. Honorable members should realize that the importance of forming the council is to meet the need to support development. It is not just a question of meeting special energy needs in Victoria. I regard the formation of the council as one of the ways in which Victoria can create individual opportunities for manufacture and for enterprise, and that is surely one of the important activities that must be carried out in the State at all times.

For this reason I believe the energy council will concentrate on these special individual areas where one would look for enterprise, for initiative and entrepreneurial activities. The council can also act as a focus for Australia in the development of solar energy activities. It should enable Victoria to become perhaps the world focus for solar energy activity. That should be one of its aims, and it is in

that sense that I regard it as creating an opportunity, although it will be up to the Government to make sure that it realizes on the opportunity.

Certainly, it will be important to consider who forms the council and who shall staff the council, but I share with the honorable member for Morwell a concern that the council should not become a massive bureaucracy. At all times it should restrict itself to being a strong, small but vigorous body which perhaps acts more in a catalytic sense rather than as an almighty and overpowering energy authority. After all, Victoria already has two major statutory authorities for electricity and gas, and these should not be compared in that way.

I should also like to make a special plea that the council will take up seriously the question of the development of ethanol from biomass. There is scope for harnessing it and it is not purely a matter for the Department of Agriculture or for Commonwealth authorities. It is an area where some confusion exists. For instance, an article in an issue of *Stock and Land* earlier this year on the one hand contains the headline "Farm ethanol 'not economic'" and on the other hand another headline reads, "US Gasohol sales sought". The truth must lie somewhere between the two. I suggest that the initiative of the farmers should be harnessed usefully to make sure that we do not overlook the opportunities that exist for developing ethanol as a fuel for Australia. This council could play a valuable and useful role in this area, amongst others. It will attract solar industries to Victoria, which will be the forerunners of large and valuable industries of the future.

Mr B. J. EVANS (Gippsland East)—To be realistic, the development of alternative sources of energy is more likely to arise from countries less well endowed than Australia, particularly Victoria, with conventional sources of energy. Victoria is very lucky because of the massive brown coal resources and the oil and gas reserves which are available to it, but the countries where one would expect progress to be made in the development of alternative fuels are in those parts of the world where pressures arising from the lack of those alternatives are greatest. For that reason I do not think Victoria will become a world leader in the development of solar or alternative forms of energy.

It is essential to keep up with developments which are taking place. The climatic conditions in this country lend themselves to the utilization of solar power for use as direct energy. The new council that is to be set up should be responsible largely for the collecting of information about experience obtained in other parts of the world, the collection of technical information, and particularly advising people interested in alternative forms of energy.

It is noteworthy that clause 4, for example, provides:

> For the purposes of this Act, a reference to solar energy includes a reference to wind energy, tidal energy and fuels produced from biomass and wastes.

I wonder whether it is correct to give this new body the title of the Victorian Solar Energy Council, because it may well be that the general public will not appreciate that the council is being used in its broadest concept. In the mind of the average person the term "solar energy" is applied particularly to the use of direct sunlight for the heating of water and the production of electric power. Therefore I question whether the title is the most appropriate one in the circumstances.

Many developments have taken place in the use of solar energy; for instance, in recent years a solar operated electric fence unit has been developed. Admittedly, it uses minute quantities of electric power, but the solar cells which have been developed recently lend themselves to this technique and are useful in areas remote from alternative sources of electric power. That is one minor example of how solar energy is already being utilized.

I know from my own experience that many farmers, for example, are interested in the possibility of using biomass techniques for producing the energy requirements, particularly of

dairy farms because, as my colleague, the honorable member for Gippsland South, who is as familiar with dairying as I am, reminds me, a large amount of waste is generated in dairy yards. It presents a real problem of disposal, and dairy farmers often read reports about the use of this waste material for producing energy which can be used in the running of the dairy farm, where large amounts of hot water are required. Refrigeration is also needed, and the whole setup lends itself to a development of this kind.

I do not believe there is any likelihood of much progress being made in this field because the capital cost involved in an installation of this kind is such that the average farmer is more prepared to pay the cost for the convenience of being able to run his electrically operated hot water service and refrigerated unit. The cost and convenience is such that I do not believe the alternative proposal is really close to becoming a reality.

One would imagine the ultimate catalyst in this situation will be the price of energy available to farmers. If the price of electric power starts to soar, progress will have to made towards finding alternative forms of energy. I do not see the sense in the point raised by the honorable member for Morwell, that the Parliament should artificially push up the price of electric power in order to stimulate development of this kind. What is the point of forcing development when it is not really required?

There is no foreseeable crisis in the availability of fuels for the production of electric power in Victoria. Therefore, there is no point in artificially pushing up the price of electric power. After all, as has been canvassed in the House within the past 24 hours or so, the price of electric power for hot water heating is very low because it is utilized at a time when it is part of the base load which the State Electricity Commission can produce at a very low unit cost. Why not take advantage of that situation?

I can see no great virtue in the amendment. For example, a single energy research and development council might well get on to the wrong track if it is one body, whereas if research and development is distributed through a number of bodies, some degree of competition will develop between those bodies to prove that their line of investigation will provide the best results.

There is no doubt that the Ministry will be the over-riding body. If the individual bodies have to report to the Ministry of Minerals and Energy that is the area where the drive should come from.

The National Party supports this measure but it is not expecting earth-shattering findings from the committee. It will be a useful body for reference and to co-ordinate and collate information that will largely emanate from other parts of the world. It should be useful in passing on advice to those who are interested in alternative sources of energy and how best to go about it.

Dr VAUGHAN (Glenhuntly)—I begin by briefly commenting on the last contribution to this debate which was made by the honorable member for Gippsland East. My understanding is that the rural community has been exceedingly quick in Australia to pick up technological development, particularly technological development that has occurred as a result of research funded by Australians.

The rural community in Australia, particularly those involved in agriculture, has been quick to pick up technological development as a result of the work done by the Commonwealth Scientific and Industrial Research Organization, yet that body is a single body with a multiplicity of roles. It works extremely effectively and I am sure that the honorable member for Gippsland East would acknowledge that, and yet he got up in the House and said a multiplicity of individual bodies is more desirable than one body efficiently administered with a clear purpose and a role of co-ordination.

Solar energy, I suppose, began on the third day of creation when the sun was created to light the heavens by day. I note, from recently reading the Bible, that plant life occurred on the dry land on the second day of creation, in the absence of the sun. I do not know how photosynthesis occurred on that occasion. However, the harnessing of solar energy began with the very first plant life—the very first photosynthetic fixing of carbon dioxide—so the storage and harnessing of solar energy precedes man by some considerable period.

Solar energy produced since, in the most general sense, encompasses all traditional sources of energy, be it brown coal, black coal, wind power or tidal power—all of the conventional sources of energy. I draw that to the attention of the honorable member for Gippsland East.

I now wish to canvass an international aspect of this debate and relate it to the Victorian scene. Australia has recently become a member of the International Energy Agency. A major aim of the agency is to encourage multi-lateral co-operation in energy research and development. Multi-lateral co-operation under the auspices of the Commonwealth Heads of Government Regional Meeting includes the setting up of an alternative energy technological information centre at the Commonwealth Scientific and Industrial Research Organization.

It is proposed that bilateral co-operation in solar energy research and development and demonstration will take place between Australia and Japan, where there is considerable interest in solar generation of electricity and the design of advanced plate collectors, solar cells, and the peripheral components. There is also co-operation with the United States of America where a memorandum of understanding is under consideration, and with India where the projects under consideration include solar air-conditioning.

On the national scene, the National Energy Research Development and Demonstration Council was formed in May 1978 to advise the Minister for National Development and Energy on the development and co-ordination of a national programme of energy research, development and demonstration.

In 1973, the Council of the Institution of Engineers, Australia, moved to appoint an interim committee to inquire into, and report on, the changing pattern of Australia's primary energy needs and related matters. I bring to the attention of the House an extract from a report brought down by the task force on energy of the Institution of Engineers, Australia:

> Describing Australia's energy resources and usage purely in terms of a national balance sheet tends to mask the basic problem of differing State and Commonwealth responsibilities in the energy field. Conflict between the State and the Australian Governments is not, of course, restricted purely to energy matters, but it is important to emphasize the extent to which constitutional issues are likely to interfere with the development of a coherent energy policy.

The article continued, referring to part of the paper that I am not canvassing here:

> As mentioned earlier, only specified powers are conferred on the Australian Parliament by the Constitution, the remainder being retained by the respective Parliaments of the six States. Energy was not one of the powers conferred on the Australian Parliament. Primary responsibility in this field has remained with the States, which control energy production and distribution through various government departments and public authorities. Each State tries to meet its own needs for energy, on the basis of its own fuel resources. The Australian Government has a direct role in controlling the export of energy resources arising from its responsibility for overseas trade.
>
> The OECD Examiners' report on Science and Technology in Australia in 1974, recognizing this situation, said:

To a large extent that still applies. The article continued:

> "It is no exaggeration to say that there exist six energy policies in Australia largely independent of each other".

In Australia there is a Constitutional problem with formulating policy on complex national matters, and energy research and development is such a matter. It encompasses solar energy research and development.

It would seem to me as, I hope, a reasonable man, that there is no argument against the amendment put forward by the honorable member for Morwell. It is administrative common

sense. It is based on the experience of governmental research and private research in this country. Australia has an excellent research and development record in the solar energy field, and Mr Robert Morse, who was mentioned in the Minister's second-reading speech and his colleagues deserve much of the credit. I congratulate them on past work performed. However, no research and development programme will be a success without a considerable investment of funds. Research and development in any field requires a lot of dollars before there is any tangible dividend. A moderate research and development exercise will frequently prove to be futile because a large amount of money and effort is required over a long period before tangible results are seen.

When investigating the matter of solar energy it is interesting to note that the Arabs have entered the field with their oil and petro dollars. I refer honorable members to an article in *New Scientist* magazine of 14 February 1980 under the headline "Arabs turn their Eyes to the Sun". In view of the hour and day of the week I shall not canvass the matter further but shall merely refer it to the Minister and honorable members.

I have had some brief discussions with the scientific community about this Bill. One group which has chosen to comment on the measure is the Royal Australian Chemical Institute. I refer to a letter to me from the honorary secretary of the Victorian branch of the institute, dated 28 April 1980 which says:

> We have canvassed Branch Committee opinion

That was referring to the Bill—

> and the following points emerged:
>
> 1. It may be appropriate to have one authority to oversee all energy programmes.

Here is support for the amendment moved by the Opposition from a learned society. The letter continued:

> 2. The composition of the Committee of the proposed Council is likely to be made up of many of the same men who serve on other similar Councils, hence, we have a de facto single authority.
> 3. There is the great risk of duplication of effort if every State sets up similar councils. National co-ordination should be considered.
> 4. Any funding flowing from such a Bill must be adequate to maintain viable research programmes. Clause 4 of the Bill indicates that many types of energy are being contemplated and may not be able to be properly supported.

It comes back to the matter of funding. The last comment in the letter was:

> The Institute supports any proposal that provides continual funding for professional chemical activities.

I commend the amendment moved by the honorable member for Morwell to the House.

Mr BALFOUR (Minister for Minerals and Energy)—I thank honorable members for their contributions to this debate. The Government does not accept the amendment proposed by the honorable member for Morwell. He has made those proposals on a previous occasion. Although the day may come when there is a single energy authority, at present there is a Ministry of Minerals and Energy under which were built up statutory authorities which are defined into certain categories. The Brown Coal Council started as the Brown Coal Research and Development Committee. After the committee had been working for two or three years it was decided that a statutory body should be set up to undertake the work that it was doing. The same course is proposed with the Solar Energy Committee. It was established in 1977, and over the period has made a deal of progress. The time has now come to make it a statutory authority, to appoint a council to the committee to advise the Government and the Department of Minerals and Energy on solar energy for the future.

I ask the House to support this Bill. It provides for action that should be taken at this stage. Time will prove its worth and who knows what will happen in the future? One or two questions have been asked of me. The honorable member for Gippsland East mentioned clause 4. For the purposes of this Bill a reference to solar energy includes a reference to wind energy, tidal energy and fuels produced from biomass and wastes. It is conceded that all those things come under the

broad heading of solar energy and that is why they were included in the clause.

The honorable member for Morwell asked why there were certain differences between this Bill and the legislation setting up the Brown Coal Council. Clause 12 of this Bill contains no provision for the Solar Energy Council to purchase land. The reason is that the Government has set up the Department of Property and Services Division and if the Solar Energy Council wishes to purchase land, the land can be purchased for it by the department. That is one difference, in clause 12.

Clause 14 provides that the council may, with the approval of the Treasurer and subject to such terms, conditions and limits as the Treasurer imposes, borrow moneys whether by way of overdraft or otherwise. I was not aware of the technical or drafting differences between this Bill and the Central Gippsland (Brown Coal Land Compensation) Bill, but both clauses are intended to mean that, with the approval of the Treasurer, funds can be borrowed.

The other clause mentioned by the honorable member was clause 17. That clause is included to empower the council to acquire by gift, grant or bequest any land, goods or chattels which may be given to it. If some private enterprise or other body wished to make donations, the council will be able to accept them.

Mr Amos—You used the word "purchase" in the Central Gippsland (Brown Coal Land Compensation) Bill.

Mr BALFOUR—Yes, but this clause deals with gifts. It allows the council to accept gifts.

Mr Amos—But you omit the word "purchase".

Mr BALFOUR—Yes, because if land is to be purchased it should be purchased through the Property and Services Division. I think I have answered the queries.

As the honorable member for Glenhuntly said, we should be turning our faces to the sun. I am sure that every member who lives in the east of Melbourne would like to be facing that way before long, and I hope we will be out of this place before the sun is in the sky.

The House divided on the question that the words proposed by Mr Amos to be omitted stand part of the motion (Mr A. T. Evans in the chair).

Ayes	..	41
Noes	..	31
Majority against the amendment	..	10

AYES

Mr Austin	Mr McClure
Mr Balfour	Mr McGrath
Mr Birrell	Mr McInnes
Mr Borthwick	Mr Mackinnon
Mr Brown	Mr Maclellan
Mr Burgin	Mrs Patrick
Mrs Chambers	Mr Ramsay
Mr Coleman	Mr Reynolds
Mr Collins	Mr Richardson
Mr Dixon	Mr Ross-Edwards
Mr Dunstan	Mr Skeggs
Mr Ebery	Mr Smith (*South Barwon*)
Mr Evans (*Gippsland East*)	Mr Tanner
Mr Hann	Mr Templeton
Mr Hayes	Mr Thompson
Mr Jasper	Mr Weideman
Mr Jona	Mr Williams
Mr Kennett	Mr Wood
Mr Lacy	*Tellers:*
Mr Lieberman	Mr Cox
Mr McCance	Mr McArthur

NOES

Mr Amos	Mr Mathews
Mr Cain	Mr Miller
Mr Cathie	Mr Remington
Dr Coghill	Mr Roper
Mr Crabb	Mr Sidiropoulos
Mr Culpin	Mr Simmonds
Mr Edmunds	Mr Simpson
Mr Ernst	Mr Stirling
Mr Fogarty	Mrs Toner
Mr Fordham	Mr Trezise
Mr Gavin	Mr Walsh
Mr Ginifer	Mr Wilkes
Mr Hockley	Mr Wilton
Mr Jolly	*Tellers:*
Mr King	Mr Rowe
Mr Kirkwood	Dr Vaughan

PAIR

Mr Smith (*Warrnambool*)	**Mr Spyker**

The motion was agreed to.

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

TOWN AND COUNTRY PLANNING (AMALGAMATION) BILL

The debate (adjourned from April 17) on the motion of Mr Lieberman (Minister for Planning) for the second reading of this Bill was resumed.

Mr CAIN (Bundoora)—The Bill proposes radical and dramatic changes in the structure of planning in Victoria. It dismantles the Town and Country Planning Board which has existed for nearly 35 years and places its functions within the Ministry for Planning. The Bill proposes a total amalgamation of the present Ministry for Planning and the Town and Country Planning Board and the Ministry for Planning becomes the board for the statutory duties in which the board was cast under the Act. The Minister becomes a responsible authority in those instances where the board has previously acted as a responsible authority. The Minister also has, in place of the board, what is to be known as a consultative council, a new body created to take the place of the board to advise the Minister and to perform other functions which are defined in the Bill.

Substantially, although not entirely, the Bill implements the recommendations of the BADAC committee. The Opposition has given careful consideration to the measure and opposes it.

I had the opportunity, at the Minister's invitation during his second-reading speech, of discussing the matter with various officers of his department and from the Town and Country Planning Board. I thank the Minister for the opportunity with which he presented me. After reading the Bill and considering it, I telephoned his office to make arrangements to see the officer concerned and I received a message that I could have access to four officers.

I was embarrassed by this largesse and suggested to the gentleman who communicated with me that four officers was more than I was entitled to and that I did not need four public servants to waste their time for my education. My protest went unheeded and I had four officers to advise me. I do not wish to appear ungracious, but that is not my idea of a consultation. The Minister was also present.

If there is to be that type of consultation made available to the Opposition and to the National Party, it ought to take place where the officer can be free to communicate with the honorable member without any other officer and without the Minister present. This is a delicate situation because there were officers of both the Ministry and the board which was being subsumed. I was grateful for the opportunity of discussions but on reflection and with hindsight I request that in the future those opportunities should be provided in a form different from the discussions I had.

For good reasons, the board ought to be retained with its present functions. It performs an independent role and the best way of demonstrating that role to the House is to quote from the Report on the Building and Development Control System in Victoria, known as the BADAC report—at page 134, under the sub-heading of Town and Country Planning Board in which reference was made to the functions of the board. Paragraph 8.11 states, *inter alia*:

> One significant difference between the proposed structure and the existing structure is that the current body advising the Minister in relation to a number of his statutory functions is a statutory authority comprising both full and part time members who could be expected—

and I emphasize this—

> . . . to take a more independent view than a government department would do and in the case of the part time members would represent a community interest as opposed to a government interest.

Further in the same paragraph the report stated:

> Both the Board and the Ministry are implementing government policy and in exercising functions for this purpose they should be directly responsible to the Minister for Planning. These functions are not appropriate for a statutory authority. However, there are some instances where it may be desirable to have an independent advisory body. In establishing its initial planning policy for example in relation to a proposed statement of planning policy or in making other major policy decisions of a planning nature the government may wish to obtain reports and evaluations other than those available from the State Co-ordination Council.

The report proposes an independent body and the corruption of that has been put into the Bill as a consultative council. The first portion of paragraph 8.11 which I have quoted emphasized the need for an independent role of the board in which it has been cast for 35 years and which should be retained. The board as at present constituted makes decisions and recommendations and gives advice to the Minister which ought to be followed by the Minister for Planning unless there are very good reasons to the contrary.

The Minister—and he will not mind me using the analogy—could be cast in the role of a judge of a court of appeal because there is considerable pressure upon him with the various matters that will go before him. He is subject to pressures of time and it must not be overlooked that there is a political intonation and flavour running through planning decisions and representations.

The board forms a safe and desirable buffer in the real world. The legislative measure contemplates and proposes provisions that will impose intense pressures on the Minister. The measure compounds those problems by placing the Minister in an up-front position.

The Minister may well become bogged down in trivia or minutiae of planning—the everyday decisions, the Mickey Mouse decisions and the mini matters. Without any disrespect to the present industrious and hard-working Minister for Planning, he may well be dictated by pressures of time forcing him to abdicate his wider and more important responsibilities that do not have the same time pressures on him. Those factors must be considered.

The Bill does nothing for the complex and confusing planning structure in Victoria. One example is the present definition of a responsible authority in the Town and Country Planning Act. At page 5 of the Act a "responsible" authority is defined. It is a complex definition but I make reference to that only to demonstrate that that and many other complex matters have not been tackled by the Bill. The Act is in a mess; it is a difficult task to find one's way through it.

A whole range of planning schemes and ordinances in the country and city areas are in some difficulty. There is no reference available and it is time to introduce computers to supply information on the Town Planning Appeals Tribunal and the Ministry for Planning. The Bill does not grapple with the major shortcomings that exist. I now move the following amendment:

That all the words after "That" be omitted with the view of inserting in place thereof the words "this Bill be withdrawn and redrafted to provide for:

1. The establishment of a Ministry for Planning and Regional Development to take over the responsibility for planning, State development and decentralization;

2. The Ministry to formulate strategy plans for the whole of Victoria; and

3. The establishment of a Land Commission with power to acquire, develop and market land.".

Mr WILKES (Leader of the Opposition)—I second the amendment.

Mr CAIN (Bundoora)—The Ministry for Planning ought to be reconstituted so that it embraces State development as one of its functions because State development concerns the development of regions, the use of resources and the structure, use and development of an area linking transport planning with land use planning to enable regions to develop as an entity.

On the development of regions, job opportunities should be created, and that should be done in the Ministry for Planning. The Ministry's priority—and this is where there are grave shortcomings in the present Bill—ought to be State strategies and metropolitan planning. The Ministry ought to be concerned with the big issues and decisions.

The metropolitan planning role of the Board of Works ought to be covered by the Ministry for Planning. The planning of the metropolitan area is the single most important planning function to be fulfilled. The amendment draws attention to the role the Ministry has to play in the introduction of some form of land development

body which should play an active role in the development and redevelopment of land.

The growth and expansion in the outer metropolitan area is drawing to a halt. A land development body would consolidate, redevelop and recycle land in the inner area. Such a body has a vital role to play in the redevelopment of redundant land in and around the inner and middle suburban areas.

The classic case in the past three to four years was the opportunity that was missed in the redevelopment of land known as Yarra Falls in Abbotsford, near the Yarra River. The opportunity of taking hold of a substantial piece of land in an area where all services are available went begging. A radical and robust approach by a Government body would have utilized that land. A number of Government bodies, including the Housing Commission, examined the land which was rejected on the grounds of economics.

There must be a new approach to the sorts of propositions that will arise from time to time in the inner areas if the Government is to do more than merely talk about consolidation and containment of the inner areas and make better use of the existing urban structure.

Energy demands require that that be done and the situation be approached in a realistic and practical way. It is a bipartisan policy that should receive general acclaim from the planning community. However, it is only being debated at present and more should be done if planning is to be picked up and recast.

The administration of the Town Planning Appeals Tribunal should be removed from the responsibility of the new maxi Ministry. In a number of instances concern has been expressed about the apparent lack of independence between the administration of the tribunal and the Ministry. It is a *quasi* judicial body and there should not be the slightest suggestion of pressure or interference with its functions. It was undesirable to have it under the control of the Ministry in the past and removal of it from the new maxi Ministry is all the more desirable because of the ever-increasing size of that Ministry. On the face of it, the Law Department is the appropriate body to administer the tribunal.

An amalgamation of these most important bodies in a planning structure might be superficially attractive and thought to be somewhat radical but would provide a remedy for the prevailing ills. These ills have common ground. Too much complexity and confusion exists among planners and those who seek to tread their way along the planning path. There are inefficiencies and overlapping functions. There is no hard evidence to convince the Opposition that the proposed amalgamation will overcome those problems. The Ministry for Planning has only been in existence since 1973 and, is seen as an upstart, because it is intruding into the domain of the Town Planning Appeals Tribunal. There was perhaps some empire building and some friendly, if not always desirable, competition between them. Both the Ministry and the board perhaps see the Board of Works, which plays a large role in metropolitan planning, as something of a grotesque bureaucracy.

All that is common ground, but I do not believe there is anything in the Bill—despite some of the almost glib *non sequiturs* in the BADAC report—that affords any real guarantee that all this will change because one large structure will replace two moderately sized structures. The frictions that may be there will not disappear because the bodies will be sheltering under the one umbrella. The positive disadvantages the Opposition sees in the proposed changes far outweigh any benefits that it sees being derived from the amalgamation.

Mr McINNES (Gippsland South)—The National Party has considered the main thrust of the Bill, which, as has been said, arises out of the Building and Development Approvals Committee glib *non sequitar* in the BADAC report. It has given a lot of consideration to the proposed major change in the role of the planning bodies, the

amalgamation of the Town and Country Planning Board with the Ministry for Planning to form a new Department of Planning. The Ministry for Planning has a staff of about 60 and the Town and Country Planning Board has a staff of about 120. It will be interesting to see whether the two bodies can successfully and harmoniously mesh.

The Town and Country Planning Board has been in existence for some 35 years and, during that time, it has, in general, carried out substantial work in the planning area. On many occasions, it has had a pretty rough road and I am sure some of the actions taken have raised the hackles of those whom the board has set out to serve. It is not easy to thrust planning down the throats of the public by telling them what is good for them, but at times it is necessary because of the need to protect the resources of the State and, in the end, to reach a much better protection of the environment through sensible planning schemes.

The public have been confused and even bewildered with the many complex processes of planning. That is still the case. It has not been possible to put over the proposition simply, with the result that hackles rise at the mere mention of planning. I am not referring only to individuals, the ordinary person, but also to the municipalities that represent those people.

There is some merit in the diffusion of power by setting up, alongside the Ministry, another body that can give a second opinion. The Minister can then listen to other experts. However, in the end, the question of who is accountable has to be decided. The Bill sets out to, amongst other things, make Ministers accountable. I am pleased that recently the Government has started to do that more frequently and is getting back to real Ministerial accountability. In other words, if the Minister is not performing he takes the odium, and the policies of the Ministries change with changes of Ministers. That is an appropriate position for the Government to take.

The very fact that the democratic processes have sometimes been seen to be dispersed by the build-up of a bureaucracy in the form of such organizations as the Town and Country Planning Board may have acted to make planning less popular than it might otherwise have been. However, the community has to live with planning one way or the other, and if it is done responsibly, with accountability, no one should fear it.

The amendment moved by the honorable member for Bundoora concerns me a little in that it conjures up in my mind the picture of a powerful bureaucracy which may well become a government within a government, as it were. Although it is attractive to say that planning, regional development and resource protection and development are obviously complementary—as indeed they are—one should tread warily in combining them in an administrative mix that will inevitably give rise to a powerful bureaucracy.

The other method is perhaps to simplify the proposition and make the Minister, as head of the department, responsible. In that case, the buck goes no further and responsibility falls on the Minister's shoulders. Through that method it may well be that justice, as perceived by the people affected by planning schemes, may well be a more direct and appropriate process.

If the measure is to be adopted, it will be necessary to move fairly quickly. The staff involved in both bodies obviously want to know where their futures lie. As I have said, the Town and Country Planning Board has existed for approximately 35 years, but things do not last for ever, they have a habit of changing.

The Bill is a new initiative and has merit, but some of its provisions, as presently worded, give rise to concern. I thank the Minister for the opportunity of talking with senior officers and discussing the points that are of concern to me. I do not agree with the honorable member for Bundoora on this matter. If I seek counsel, whether I meet 4 or 44 senior officers,

I still reserve the right to obtain other opinions and views. Nonetheless, I am grateful for the opportunity of speaking with the officers and of obtaining a response from them on the matters that I regard as controversial.

One of those matters is the delegation of power. As the Bill stands, the provision is far too broad and should be amended. The fact that responsibility is being placed on the shoulders of the Minister means that that power should not be delegated too far down the line. He has to carry that responsibility. The National Party will oppose it as it presently stands.

The consultative council is designed to advise the Minister if he requires advice. Again, one has to take a position on whether he ought to receive the advice of the consultative council on all occasions or whether he should call for advice when he needs it. Since the Government is now consolidating the planning processes into one body and making the Minister responsible in every way, one could say that he should call for advice when he wants it, but by setting up a body such as a planning council but not giving it the statutory powers that the Town and Country Planning Board has, there will have to be changes. If changes are to take place, it is probably necessary to make provision for minor committees to meet on certain specialist aspects. The National Party sees no great difficulty in this.

It has been a very difficult Ministry over the past few years. For some of the Ministers who held that portfolio it has been almost the kiss of death politically. It is not an easy portfolio. It is extremely complex. One of the problems was that the sins of the father were vested in the son, as it were, and we saw good Ministers getting into great difficulty because of bodies which opposed them. They must have felt enormously frustrated at times.

This measure clears the decks and makes that chain of command a direct one, without too many lateral lines. Members of the National Party are prepared to believe it is a positive move. We will keep the development of the Department of Planning, and its restructuring, under close review, and we will certainly want to see that in the delivery of planning to the client there is improvement.

One is left with the feeling that after 30 years the Town and Country Planning Board does have an enormous degree of expertise, and one would hope this would be retained with the amalgamation and that some of the policies already in force, such as the decentralization of offices throughout Victoria, will be continued, and that these offices and the people who staff them and manage them will have a very significant role, and one which they will need to handle very sensitively. If they are seen as a third tier of government, with municipalities being the fourth tier of government, we may be in for a lot of trouble. However, if they can fulfil the advisory role of educating and informing and assisting local bodies and local authorities, and if the political processes are given full rein, it will throw a greater responsibility back on us as members of Parliament to analyse the views that are given to us, and the expressions of opinions that may come from these councils and authorities. Rather than simply priming a parish pump, we should be able to make decisions based on as much information as it is possible to make available, and we should act in the role of peacemaker and help to co-ordinate the workings of the new department out in the field. If it is found that the actions of the department are such that it is aggravating some of the difficulties that are occurring at present, then obviously we should be able to get a much more positive, flexible, and quicker response by our actions within this Parliament.

Members of the National Party were pleased to see the amendments that the Minister has foreshadowed. He has been kind enough to give us a preliminary copy of them. They seem to remove some of the areas of concern, with the exception of the delegation of authority.

The honorable member for Bundoora also mentioned the Town Planning Appeals Tribunal and its future role. This is an important item at present. The legislation concerning that has been deferred. The National Party intended to oppose certain aspects of that legislation. An appeal body is rather different. It does need to stand at some distance, for obvious reasons, and to retain a great deal of autonomy if the public are to believe it has a useful and proper role. Whether it should, as foreshadowed by the honorable member for Bundoora, be accountable or responsible to the Attorney-General as the lawmaker, is a question I would like to consider further. I have not had a lot of time to think about that and I would like to take counsel with some of the people who are already concerned with this, because the appeals area is an extremely important one.

The opportunity of going to appeal by people who are affected by planning matters is one that ought not to become too expensive. It should be as easy as possible. I know that some of the factors that were in the Bill that was introduced a few weeks ago were attractive, so long as the quality of the appeal system is not lost. However, at this stage, that is not part of the Bill before the House.

I hope to have the opportunity of speaking on the amendments as they come forward.

Dr COGHILL (Werribee)—As both the shadow Minister, the honorable member for Bundoora, and the honorable member for Gippsland South have pointed out, this is an important Bill that has to be considered in the context of the Victorian Liberal Government planning policy for the whole of Victoria's development. The problem at the moment, as honorable members would be well aware, and as was implied by the honorable member for Gippsland South, is that there tends to be a somewhat *ad hoc*, band-aid approach—a patchwork approach—in planning for Victoria's development. In a Bill such as this we should be looking for some indication of how Victoria's development could be given direction, how co-operation can be achieved between the Ministry for Planning and the Department of State Development Decentralization and Tourism, how better co-ordination can be achieved in development decisions in both the public and the private sector, and some guide should be given to potential investors in Victoria as to the direction of Victoria's development. That sort of direction is not implied or indeed possible under the Bill.

Mr McInnes—The important investors are the ones who live in Victoria.

Dr COGHILL—Exactly; as the honorable member for Gippsland South says, the important investors are those who live in Victoria, whether in the private or public sector. The history of development is that where people have had a clear guide to the future pattern of development, they are more confident to make investment decisions. That is the very point I was getting to. This Bill merely provides for amalgamation between the Ministry and the existing board. That simply is not the answer to the problems confronting the State. What is needed is an amalgamation between the Ministry for Planning and the bodies responsible to it and those parts of the Ministry for State Development Decentralization and Tourism concerned with the pattern of future State development. That is the form of amalgamation which is needed if Victoria is to be given a real sense of direction in overcoming the serious problems which it faces and which were well explored in this morning's debate.

There are valuable precedents which we ought to look at which show how this can be achieved. The most successful of those, without doubt, in recent Australian history was the Federal Department of Urban and Regional Development between 1972 and 1975. If one examines the achievements of that department under the then Minister, Mr Tom Uren, who I believe will again be Minister of a similar department after this year's Federal election, one can see that it brought benefits to all parts of Australia and Victoria and, no doubt, even the Ministry for Planning is still

benefiting from the work which the Federal department did between 1972 and 1975.

Such an amalgamation as has been suggested in the proposed amendment would be of considerable assistance to Victoria in these sorts of co-ordination, in giving a sense of direction, and in enabling a strategy plan for the whole of Victoria and each of its regions to be properly developed. That is not possible under the existing Ministerial arrangements and with the present divisions of responsibility for planning and development. If such a strategy plan could be developed under an amalgamated Ministry such as that, there could be clear guidelines to Victorian investors, whether in the public or the private sector, which could only be to Victoria's advantage in overcoming its unemployment and other serious problems.

A further aspect of the proposed amendment is the need for a land commission with power to purchase as well as to develop and sell land. The success of land commissions is no better illustrated, at least in Australia, than in the Albury-Wodonga area. The Government has had extreme difficulty in administering the Albury-Wodonga project efficiently and fairly and without taints of corruption, but none the less the project has been an over-all success and has pointed to the tremendous value of the activities of land commissions in fostering regional development.

Indeed, if one looks at current developments in Victoria, one can see again where a land commission could be of value, especially when one sees what is happening at Portland. Alcoa of Australia Ltd was able to snap up all the vacant land which could have been used for housing in that area. That effectively placed a strain on the market and is putting one private profit-making concern into a monopoly situation so far as people's housing is concerned. If Victoria had a land commission, it could have moved into the area as soon as the possibility of Alcoa's development was foreshadowed. The future of that area could have been much better protected, particularly the prices of land and houses for people moving to the area to take up construction and permanent jobs associated with the Alcoa development.

Not only does this Bill not provide the answers but it contains some dangerous elements. One of those was referred to by both the honorable member for Bundoora and the honorable member for Gippsland South, and that is the delegation of responsibility. A snow job has been done on the Minister and the Government in this respect. They have been so desperate in their concern to appear to be acting radically and positively in reforming planning law in Victoria that they have been panicked into writing in this extraordinarily extensive power of delegation of the Minister. The honorable member for Bundoora pointed out how that could well be misused because of the responsibilities placed on the Minister under this proposed legislation. It is not acceptable that the opportunity provided in this proposed legislation should be allowed to go unchallenged by Parliament.

The final point to which I wish to refer is the state of the present legislation. It would be almost impossible for anyone with no experience in reading legislation to follow the provisions of town and country planning legislation in Victoria as it now stands. The Town and Country Planning Act was last reprinted in September 1975. A number of amendments have been made since then, the most recent being last year, and these have not been incorporated into the Act through a reprinting, so it becomes almost impossible except for someone dealing in a legal manner with the legislation from day to day to follow it and be familiar with it.

Of even more concern than that is the state in which the legislation will be if this Bill is passed into law. There are many provisions in the Bill which amend the provisions of the Town and Country Planning Act but will not be incorporated in it in a reprint, because substitutions will not be made. It will be a separate Act which will have important ramifications in town and country planning, but it will not be possible for it to be printed as one Act because new clauses will not be substituted for exist-

ing clauses. Therefore, anyone wanting to understand the operations of town and country planning law will have to know that it is necessary to consult at least two Acts, as amended, and even then they will have considerable difficulty in working out just how each relates to the other.

The Bill is quite unacceptable, and I strongly commend the proposed amendment moved by the honorable member for Bundoora.

The House divided on the question that the words proposed by Mr Cain to be omitted stand part of the motion (the Hon. S. J. Plowman in the chair).

Ayes ..	..	41
Noes ..	..	31
Majority against the amendment ..	..	10

AYES

Mr Austin	Mr McClure
Mr Balfour	Mr McGrath
Mr Birrell	Mr McInnes
Mr Borthwick	Mr Mackinnon
Mrs Chambers	Mr Maclellan
Mr Coleman	Mrs Patrick
Mr Collins	Mr Ramsay
Mr Dixon	Mr Reynolds
Mr Dunstan	Mr Richardson
Mr Ebery	Mr Ross-Edwards
Mr Evans	Mr Skeggs
(*Ballarat North*)	Mr Smith
Mr Evans	(*South Barwon*)
(*Gippsland East*)	Mr Tanner
Mr Hann	Mr Templeton
Mr Hayes	Mr Thompson
Mr Jasper	Mr Weideman
Mr Jona	Mr Williams
Mr Kennett	Mr Wood
Mr Lacy	
Mr Lieberman	*Tellers:*
Mr McArthur	Mr Brown
Mr McCance	Mr Cox

NOES

Mr Amos	Mr Miller
Mr Cain	Mr Remington
Mr Cathie	Mr Roper
Dr Coghill	Mr Rowe
Mr Crabb	Mr Sidiropoulos
Mr Culpin	Mr Simmonds
Mr Edmunds	Mr Simpson
Mr Ernst	Mr Stirling
Mr Fogarty	Mrs Toner
Mr Fordham	Mr Trezise
Mr Gavin	Mr Walsh
Mr Ginifer	Mr Wilkes
Mr Hockley	Mr Wilton
Mr Jolly	*Tellers:*
Mr Kirkwood	Mr King
Mr Mathews	Dr Vaughan

PAIR

Mr Smith (*Warrnambool*)	Mr Spyker

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 (Short title).

The CHAIRMAN (Mr A. T. Evans)—Amendments Nos. 1 to 5 of Mr Cain are contingent on amendments Nos. 6, 11 and 12 and proposed new clause A. I suggest that amendment No. 1 be used to test the feeling of the Committee on these amendments. Accordingly, I suggest that the honorable member should move his first amendment and in doing so speak on amendments 6, 11 and 12 and the new clause.

Mr CAIN (Bundoora)—I move:

Clause 1, page 2, line 6, omit "4" and insert "3".

There are two main purposes of the amendments. The first is to ensure that the number of substantive provisions in this Bill should appear for the purposes of those who may wish to refer to them not in the amending Bill as it becomes an Act, but in the principal Act, the Town and Country Planning Act. The new clause set out on page 3 of the amendments embraces the present provisions in clauses 4, 11 and 12 of the amending Bill. No substantive alteration is made, but the new clause if adopted by the Committee would ensure that the provisions in amendments 4, 11 and 12 would appear in the Town and Country Planning Act, the principal Act, and not in this Bill.

The reason for this was foreshadowed in the speech of the honorable member for Werribee, that if there is a series of Acts in the legislation that presents enormous difficulties to those seeking to find their way around the present town and country planning provisions. Members of the Opposition believe that so far as possible, matters of real consequence and substance should be included in the principal Act to make the task of the person seeking to find what the Act provides as simple as is possible under the present difficulties.

Assurances have been given about a consolidation and a rewriting of the Act and the Opposition accepts those, but it is concerned about how long that will take and about ensuring in the meantime that so far as is possible life should be made a bit easier for those who have to make use of the Act. It is difficult enough for anyone whose day to day work is in this field to try to follow the various amendments that exist. For the person who is not familiar and who has infrequent visits into the area, it is an impossibility to find his way through it and, so for as possible, honorable members should assist those people. The amendments will offer some small assistance in that direction.

The second matter dealt with in the series of amendments at present under consideration by the Committee was mentioned earlier and concerned the administrative control of the Town Planning Appeals Tribunal. As honorable members will be aware, it is not proposed to proceed with structuring of the new board and therefore the present tribunal will continue in the indefinite future. The Ministry has a role to play under the Act in matters before that tribunal. It is undesirable that the same Ministry is administratively responsible for the tribunal which is dealing with matters of considerable consequence of a *quasi* judicial nature.

Now is the time, by this amendment, in the fourth schedule which directs what matters shall be the responsibility of the Attorney-General, to take the control of the tribunal away from the Ministry and put it in a department where it will be seen to be independent and distinct from the Ministry which is concerned in the issue before it on a day to day basis. I commend the amendments to the Committee.

Mr LIEBERMAN (Minister for Planning)—The amendments have some appeal in respect of the common objective to have the Act rewritten and it is hoped, in a simplified form. However, the honorable member is ahead of himself because it would be premature to implement this proposal when it is already announced Government policy that the Town and Country Planning Act will be rewritten. In fact, the preliminary work has begun and the working party has been on the job for some time. I am confident that the Act will be in a form which will be available for consultation and scrutiny by all honorable members in the not too distant future. By that I mean in a range of say twelve months. On that basis I suggest that the amendment should be opposed. However, the principle is right and we are in common accord on it.

On the question of administration of the appeals board, honorable members should know that the second reading of the Planning Appeals Board Bill was made by me yesterday and the measure will lie over by necessity because of the three weeks' adjournment. The second-reading speech confirmed that the appeals board will be monitored and reviewed in a period of twelve months. During that time the question of whether administration of the appeals board systems would best lie with the Attorney-General and the Law Department, than with the Ministry for Planning can be examined by all honorable members.

I noted that the honorable member for Gippsland South commented about his desire to consult with others. As Minister, I also wish to consult with others including the Attorney-General and I suggest that the dialogue and the final determination on that question should best be left because the appeals board system is complex; it has been with us for many years. I believe the twelve months' period after the enactment of the Planning Appeals Board Bill following the spring sessional period of Parliament will be invaluable for all honorable members to determine that matter. On that basis I oppose the amendments.

Dr COGHILL (Werribee)—I do not intend to be denied my right to speak on this Bill because of the lateness of the hour. The problem is that the Gov-

ernment has not provided sufficient sitting days for important Bills such as these to be considered. The Minister has provided no explanation of why the principal provisions of the amendments should be opposed, let alone any credible explanation. No argument has been put against the basic thrust of these arguments, and that must be extremely disappointing.

An area of legislation like this should be administered competently and thoroughly. It is too important for the Minister and the Government to introduce this type of Bill into the Parliament, to look at some amendments which it agrees are right and proper in principle that should have been part of the original Bill, and then to reject them out of hand without explanation.

On many occasions the Government has committed itself to tidying up legislation and translating it into plain English to make it easy to follow. By opposing the amendments the Government is making legislation more difficult even for lawyers to follow, much less the average man in the street who may have some development application or may in some other way be concerned about town and country planning legislation. It would have been a simple matter for the Minister to have instructed his department in drafting this Bill that the amendments should be incorporated in the principal Act. However, for whatever reason, the Minister has not taken that simple step to assist people who will be required to use this legislation for at least twelve months.

The Committee divided on the question that the figure proposed by Mr Cain to be omitted stand part of the clause (Mr A. T. Evans in the chair).

Ayes	40
Noes	31
Majority against the amendment	9

AYES

Mr Austin	Mr McGrath
Mr Balfour	Mr McInnes
Mr Birrell	Mr Mackinnon
Mr Borthwick	Mr Maclellan
Mrs Chambers	Mrs Patrick
Mr Coleman	Mr Ramsay
Mr Collins	Mr Reynolds
Mr Dixon	Mr Richardson
Mr Dunstan	Mr Ross-Edwards
Mr Ebery	Mr Skeggs
Mr Evans (*Gippsland East*)	Mr Smith (*South Barwon*)
Mr Hann	Mr Tanner
Mr Hayes	Mr Templeton
Mr Jasper	Mr Thompson
Mr Jona	Mr Weideman
Mr Kennett	Mr Williams
Mr Lacy	Mr Wood
Mr Lieberman	
Mr McArthur	*Tellers:*
Mr McCance	Mr Brown
Mr McClure	Mr Cox

NOES

Mr Amos	Mr Mathews
Mr Cain	Mr Remington
Mr Cathie	Mr Roper
Dr Coghill	Mr Sidiropoulos
Mr Crabb	Mr Simmonds
Mr Culpin	Mr Simpson
Mr Edmunds	Mr Stirling
Mr Ernst	Mrs Toner
Mr Fogarty	Mr Trezise
Mr Fordham	Dr Vaughan
Mr Gavin	Mr Walsh
Mr Ginifer	Mr Wilkes
Mr Hockley	Mr Wilton
Mr Jolly	*Tellers:*
Mr King	Mr Miller
Mr Kirkwood	Mr Rowe

PAIR

Mr Smith (*Warrnambool*)	Mr Spyker

The clause was agreed to, as were clauses 2 to 9.

Clause 10 (Planning Consultative Council)

Mr CAIN (Bundoora)—I move:

Clause 10, lines 11 to 27, omit all words and expressions on these lines and insert—

"(*a*) one (who shall be the chairman) shall be a person having knowledge and experience in town and country planning and who is nominated by the Minister;

(*b*) one shall be a person having experience in local government and who is nominated by the Minister;

(*c*) one shall be a person having experience in community affairs and who is nominated by the Minister;

(*d*) one shall be a person having experience in economic planning and who is nominated by the Minister after consideration of panels of names submitted to him under this section by organizations concerned with economic planning;

(*e*) one shall be a person having experience in social planning and who is nominated by the Minister after consideration of panels of names submitted to him under this section by organizations concerned with social planning;

(*f*) one shall be a person who is nominated by the Minister after consideration of panels of names submitted to him under this section by industrial or commercial organizations; and

(*g*) one shall be a person who is nominated by the Minister after consideration of panels of names submitted to him under this section by organizations concerned with the conservation of natural resources."

Clause 10 sets up the Planning Consultative Council. This amendment seeks to widen the classes of persons who will serve on that council. It should be remembered that the council is the body which now stands, so far as is relevant, in place of the board in offering independent advice to the Minister concerned.

The functions of the council are set out in the proposed new section 6D. They are important functions. This body offers the shield to the Minister in place of the shield that the board previously offered.

I submit to the Committee that the range of representation suggested by the amendment is much more representative of the community at large. It is desirable that this body be representative of the community at large in view of the important function it performs in providing a sounding board for the Minister. The amendment sets out in detail the categories of persons that it is proposed should comprise the council. They are—one person having knowledge and experience in town and country planning, one in local government, one in community affairs, one an expert in economic planning; one in social planning, one concerned with an industrial or commercial organization and one concerned with the conservation of natural resources. It is a far more representative group than the group proposed by clause 10.

Mr LIEBERMAN (Minister for Planning)—Honorable members will note that I, too, have circulated amendments to this clause. I shall not speak in detail on my own amendments but respond to the proposals of the honorable member for Bundoora.

It is my view that local government in Victoria should have two representatives on the Planning Consultative Council. Those representatives would bring to the council the expertise and knowledge of local government and the knowledge of the community generally which is reflected by and large by people serving in the local government arena.

The Municipal Association of Victoria has been good enough to inform me by letter that it supports the proposed legislation and has asked me to provide a means by which organizations such as itself could be invited to submit nominations. When discussed, my amendments will indicate my sympathy for that approach.

The honorable member's request for people with special qualifications for social and economic planning also will be adequately provided for in the amendments I have circulated that deal more appropriately and consistently with the type of person and expertise needed in the consultative council. For those reasons I oppose the amendment.

Mr McINNES (Gippsland South)—The National Party does not accept the amendment of the honorable member for Bundoora. The combination at present provides a more democratic and experienced representation rather than isolating it to specialist fields. The role of the specialist comes farther down the line. This is a consultative body whose task is to assist the Minister for Planning with the policies of the Ministry and the National Party does not agree with the role of the more narrowly-defined professionals for the

purposes proposed by the honorable member for Bundoora. Professionals certainly have an important place, but not in this instance.

Membership of the consultative council ought to have an appropriate balance of representation between metropolitan and non-metropolitan interests and I am glad that the Municipal Association of Victoria agrees with those views. I am sure the participation by municipalities in these consultative processes through their appointment to this very important consultative committee is one that will lead to a closer working arrangement and better co-operation than the system of having two professionals to whom the honorable member for Bundoora referred, one experienced in economic planning and the other with experience in conservation and natural resources. The concept of those experts is too narrow. I prefer a broader approach which will occur within the consultative council, which will obviously take advice from experts with specialist knowledge in the fields to which the honorable member for Bundoora refers. My comments are in no way a denigration of those experts. A broader policy which requires a broad oversighting by the council is needed for final recommendation to the Minister for Planning. The breadth of experience in the make-up of the council ought to adequately reflect that view.

I hope the two representatives from the municipalities will comprise a metropolitan and a country representative who will be approved by their respective organizations.

The Committee divided on the question that the expressions proposed by Mr Cain to be omitted stand part of the clause (Mr A. T. Evans in the chair).

Ayes	40
Noes	31
Majority against the amendment	9

AYES

Mr Austin	Mr McGrath
Mr Balfour	Mr McInnes
Mr Birrell	Mr Mackinnon
Mr Borthwick	Mr Maclellan
Mrs Chambers	Mrs Patrick
Mr Coleman	Mr Ramsay
Mr Collins	Mr Reynolds
Mr Dixon	Mr Richardson
Mr Dunstan	Mr Ross-Edwards
Mr Ebery	Mr Skeggs
Mr Evans (*Gippsland East*)	Mr Smith (*South Barwon*)
Mr Hann	Mr Tanner
Mr Hayes	Mr Templeton
Mr Jasper	Mr Thompson
Mr Jona	Mr Weideman
Mr Kennett	Mr Williams
Mr Lacy	Mr Wood
Mr Lieberman	
Mr McArthur	*Tellers:*
Mr McCance	Mr Brown
Mr McClure	Mr Cox

NOES

Mr Amos	Mr Mathews
Mr Cain	Mr Remington
Mr Cathie	Mr Roper
Dr Coghill	Mr Sidiropoulos
Mr Crabb	Mr Simmonds
Mr Culpin	Mr Simpson
Mr Edmunds	Mr Stirling
Mr Ernst	Mrs Toner
Mr Fogarty	Mr Trezise
Mr Fordham	Dr Vaughan
Mr Gavin	Mr Walsh
Mr Ginifer	Mr Wilkes
Mr Hockley	Mr Wilton
Mr Jolly	*Tellers:*
Mr King	Mr Miller
Mr Kirkwood	Mr Rowe

PAIR

Mr Smith (*Warrnambool*)	Mr Spyker

Mr LIEBERMAN (Minister for Planning)—I move:

Clause 10, line 16, after "Minister" insert "after consideration of panels of names submitted to him under this section by councils of municipalities and organizations concerned with local government and community affairs".

The Bill, as drafted, provides for the Minister to nominate two persons having experience in local government and community affairs. The amendment makes provision for the Minister to consider panels of names submitted by municipal councils and organizations concerned with local government and community affairs and provides that panels of names are to be submitted in respect of all vacancies from part-time members of the council.

The amendment was agreed to.

Mr LIEBERMAN (Minister for Planning)—I move:

Clause 10, lines 26 and 27, omit "having experience in the development of land" and insert "who is concerned with the balanced development of the State and who has regard to the need to conserve the natural resources of the State in the light of all relevant social economic environmental ecological and scientific factors after consideration of panels of names submitted to him under this section by organizations concerned with the balanced development of Victoria".

The Bill, as drafted, makes provision for the Minister to nominate a person having experience in the development of land. The amendment now makes provision to nominate a person who is concerned with the balanced development of the State, having regard to the need to conserve natural resources in the light of all relevant social, economic, environmental, ecological and scientific factors. The Minister is to consider panels of names submitted by organizations concerned with the balanced development of the State.

Mr CAIN (Bundoora)—The Act provided an all too narrow criterion on which to appoint a person among the other persons who make up the Planning Consultative Council. I commend the insertion of a person who has a much broader base and background.

Mr McINNES (Gippsland South)—The National Party does not oppose the amendment because the appointment in the original Bill could have been of a person who had conflicting interests. I am sure the amendment is too long. There is a need for representation of someone who has a background of experience in the nuts and bolts of subdivision of land and who is no longer directly associated with it but who can provide practical experience. That person is totally outweighed by the numbers on the Planning Consultative Council and the amendments that have been foreshadowed relating to pecuniary interests will adequately remove any element of doubt.

It is necessary to have someone from the commercial side of things who has had that industry experience. There are two bodies that represent the interests of those in that profession. It is to be hoped the Minister for Planning will take that into account and appoint a person of sufficient experience who is unbiased to fulfil an important role on the council.

The amendment was agreed to.

Mr LIEBERMAN (Minister for Planning)—I move:

Clause 10, lines 28 and 35, omit all words and expressions on these lines and insert—

"(3) In nominating persons to be members of the Council the Minister shall have regard to the functions of the Council mentioned in section 6B and to the need for the Council to be comprised by members capable of discharging the wide range of duties conferred on the Council by that section.

(4) With respect to the appointment of an original member of the Council referred to in paragraph (*b*), (*c*), (*d*) or (*e*) of sub-section (2) and where there is or is about to be a vacancy in the office of a member of the Council referred to in paragraph (*b*), (*c*), (*d*) or (*e*) of sub-section (2), the Minister shall by notice published in a newspaper generally circulating throughout Victoria invite as the case requires councils of municipalities and appropriate organizations to submit to him in writing within such period as is specified in the notice panels each of not less than three names and not more than five names of persons eligible to be appointed as members of the Council".

The amendment inserts a new sub-section (3), which requires the Minister, in nominating persons to be members of the Planning Consultative Council, to have regard to the need for the council to be comprised of members capable of discharging the wide range of duties conferred upon the council in carrying out its functions, which are set out in the proposed new section 6B. These functions include requirements in relation to statements to planning and regional policy plans. A range of experience and knowledge within the membership concerning matters to be dealt with by the council is most desirable. A list of all such matters would be extensive but would include such environmental, rural and urban considerations.

The existing sub-section (3) is renumbered (4) and is amended consequentially as a result of amendments requiring panels of names to be submitted for all vacancies in respect of all part-time members. The amendment

also confirms that the original appointments are to be subject to the same requirements.

The amendment was agreed to.

Mr LIEBERMAN (Minister for Planning)—I move:

Clause 10, lines 41 to 45, omit all words and expressions on these lines and insert—

"shall hold office for such period not exceeding five years as is specified in the instrument of his appointment but shall be eligible for re-appointment.

(7) The members of the Council other than the Chairman shall be part-time members and, subject to this Act, shall hold office for such period not exceeding three years as is specified in their respective instruments of appointment but shall be eligible for re-appointment."

The amendment provides for the Chairman of the Planning Consultative Council to be appointed for a period not exceeding five years instead of three years as presently provided for in the Bill. Other members may be appointed for periods up to three years as presently provided.

The amendment was agreed to.

Mr LIEBERMAN (Minister for Planning)—I move:

Clause 10, page 9, after line 31, insert the following:

"6D: (1) If a member of the council has any direct or indirect pecuniary interest in any matter to be considered by the council and is present at a meeting of the council at which the matter is to be considered, he shall at the meeting as soon as practicable after the commencement thereof, disclose his interest, and shall not remain in the room in which the meeting is held during any consideration or discussion of, or the taking of any vote on any question with respect to that matter.

(2) For the purposes of this section a person shall be deemed to have an indirect pecuniary interest in any matter if he is a member of a company which has a direct or indirect pecuniary interest in that matter.

(3) Notwithstanding anything to the contrary in sub-section (2), a member of a company shall not, by reason only of his membership, be deemed to have an indirect pecuniary interest in any matter if—

(*a*) he does not have a beneficial interest in any shares of that company; or

(*b*) the total nominal value of the shares of that company in which he has a beneficial interest does not exceed 1 per centum of the total nominal value of the issued share capital of that company.

(4) In this section the expression "shares" includes stock and the expression "share capital" shall be construed accordingly."

I acknowledge the contribution by the honorable member for Bundoora who proposed an amendment which is identical to mine. I also acknowledge the contribution made by the honorable member for Gippsland South for his valuable input into this amendment which provides for a disclosure by a member of the council of direct or indirect pecuniary interests.

Mr McINNES (Gippsland South)—The two amendments are close and almost identical in their thrust. I pay tribute to the Minister for adding sub-clauses (2), (3) and (4), which put beyond any shadow of doubt the need for disclosure of a pecuniary interest, whether direct or indirect, so that justice can be seen to be done, as well as being done.

The amendment was agreed to, as were consequential amendments, and the clause, as amended, was adopted, as were clauses 11 and 12.

Clause 13 (Amendment of No. 6849)

Mr CAIN (Bundoora)—I move:

Clause 13, page 12, lines 10 and 11, omit "(except this power of delegation)" and insert "other than—

(*a*) this power of delegation; and

(*b*) functions and powers under section 13, section 14, section 24, section 26(1), section 28(2) and (3), section 32(3), (4) and (6), section 40, section 40A and section 41".

The amendment would limit the powers of delegation and would exclude delegation in respect of a number of sections, which are enumerated in the amendment. The matters excluded are matters of significance and they involve plans, amendments to plans, the acquisition of land and compensation. Those are all matters that ought not to be delegated and they ought to receive the attention of the Minister.

Members of the Opposition were somewhat stunned by the wide power of delegation provided for in the Bill. I understand the Minister accepts the proposed amendment and the Opposition is pleased that he does, because it believes the amendment will provide a reasonable restriction on the power of delegation. I commend the amendment to the Committee.

Mr LIEBERMAN (Minister for Planning)—Indeed, I do accept the amendment as being appropriate. It shackles my power of delegation and I readily accept the shackles as being proper.

Mr McINNES (Gippsland South)—As was foreshadowed earlier during the debate this evening, the National Party is pleased that the amendment is to be accepted. It will fulfil a need and place responsibility squarely where it ought to lie.

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

Schedule

Mr LIEBERMAN (Minister for Planning)—I move:

Schedule, page 22, in the item relating to the *Local Government Act* 1958, omit "(*a*)".

The amendment will delete a proposed amendment to the Local Government Act that will be effected by an amendment in the Local Government (General Amendment) Bill.

The amendment was agreed to.

Mr LIEBERMAN (Minister for Planning)—I move:

Schedule, page 22, in the item relating to the *Local Government Act* 1958, omit—

and

(*b*) In sub-section (2) for the expression "Where after considering a report from the Town and Country Planning Board, the Minister for Planning" there shall be substituted the expression "Where the Minister administering the *Town and Country Planning Act* 1961".'

The same comment made in connection with the previous amendment applies to this amendment.

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

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

ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT) BILL

This Bill was returned from the Council with a message intimating that on consideration of the Bill in Committee they suggested that the Assembly should make certain amendments in the Bill, and further acquainting the Assembly that they have made amendments in the Bill.

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

The House adjourned at 1.36 *a.m.* (*Friday*) *until Tuesday, May* 6.

QUESTIONS ON NOTICE

The following answers to questions on notice were circulated—

HEALTH COMMISSION VACANCIES

(Question No. 390)

Mr ROPER (Brunswick) asked the Minister of Health:

In respect of—(*a*) medical officers and related medical positions; and (*b*) dental officers and related dental positions in the Health Commission, as at 1 June 1979, which positions are currently unfilled?

Mr BORTHWICK (Minister of Health)—The answer is:

As at 1 January, 1980 the Health Commission of Victoria had on its establishment 663 positions in category (*a*) which includes, as well as Medical Officers, allied Health professionals such as Occupational Therapists, Physiotherapists, Psychologists, Speech therapists, Physiotherapists Assistants, Chiropodists, Anaesthetic and Operating Theatre Technicians, Pharmacists, Dietitians, Mental Health Education Officers, Laboratory Assistants, Radiographers and 422 in category (*b*) which includes as well as dentists, dental attendants and dental therapists.

At 1 January 1980 there were a total of 260 vacancies in these areas—204 under category (*a*) and 56 under category (*b*). Of this total of 260, 178 are subject to the staff ceilings imposed by Treasury in May 1978, leaving a balance of 82 effective vacancies in categories (*a*) and (*b*).

AUDITING OF GOVERNMENT ORGANIZATIONS

(Question No. 1884)

Mr WILKES (Leader of the Opposition) asked the Treasurer:

Which Government and semi-Government organizations are not subject to audit by the Auditor-General and for what reasons?

Mr THOMPSON (Treasurer)—The answer is:

The Auditor-General undertakes audits for all Government and semi-Government organizations where he is required to do so by a provision in the relevant Act establishing such an organization.

Where an Act is silent so far as a requirement for audit is concerned it remains the responsibility of the organization concerned to arrange for an appropriate audit to be undertaken.

STATE LABORATORIES, WERRIBEE

(Question No. 1897)

Dr COGHILL (Werribee) asked the Minister of Public Works:

Further to the answer to question No. 1536 given on 11 March 1980, in respect of the proposed relocation of the State Laboratories at Werribee:

1. Who are the members of the project steering committee?

2. On how many occasions the committee has met, indicating which members attended on each occasion?

3. What decisions or recommendations have been made by the committee?

Mr AUSTIN (Minister of Public Works)—The answer is:

1. Officers from:

Premier's Department
Department of Minerals and Energy
Ministry of Conservation
Police and Emergency Services
Law Department
Department of Agriculture
State Rivers and Water Supply Commission
Treasury
Health Commission
Public Works Department.

2. Meetings were held on:

6 April 1979—Project Steering Committee
Mr J. B. Jack, Deputy Secretary, Premier's Department.
Mr E. J. O'Brien, Co-ordinator of State Laboratories, Premiers' Department.
Mr P. W. Salkeld, Scientific Projects Office, Premier's Department.
Mr J. F. Swan, Director of Building, Public Works Department.
Mr J. T. Green, Acting Chief Architect, Public Works Department.
Mr A. F. Cullen, Assistant Secretary, Department of Minerals and Energy.
Mr H. Blutstein, Laboratory Service Co-ordinator, Ministry of Conservation.
Mr J. R. Hall, Assistant Commissioner (Crime), Police Department.
Mr L. K. Turner, Director, Forensic Science Laboratory, Police Department.
Mr J. M. Murphy, Director Court Administration, Law Department.
Mr J. G. Bath, Executive Research Officer, Department of Agriculture.
Mr W. M. Drew, Chief, Water and Material Science Division, State Rivers and Water Supply Commission.
Mr J. S. Wilson, Principal Water Scientist, State Rivers and Water Supply Commission.
Mr D. J. Knipe, Assistant Co-ordinator of Works, Treasury.
Mr J. Bennie, Secretary, Health Commission.
Mr H. Granek, Project Architect, R. & D. Group, Public Works Department.

25 May 1979.

E. J. O'Brien
P. W. Salkeld
A. F. Cullen
H. Blutstein
L. K. Turner
D. Baker, Chief Inspector (Crime), Police Department
J. M. Murphy
J. G. Bath
W. M. Drew
J. S. Wilson
J. Bennie
H. Granek

29 June 1979

E. J. O'Brien
P. W. Salkeld
A. F. Cullen
H. Blutstein
D. J. Swanson, Assistant Commissioner (Services), Police Department
L. K. Turner
D. Baker
J. M. Murphy

J. G. Bath
W. M. Drew
F. Taylor, Chief Engineer, Planning and Development, State Rivers and Water Supply Commission
J. Bennie
D. J. Knipe
J. T. Green
H. Granek

10 August 1979
J. Jack
E. J. O'Brien
P. W. Salkeld
A. F. Cullen
E. Kaiser, Acting Laboratory Service Co-ordinator, Ministry of Conservation.
D. J. Swanson
L. K. Turner
D. Baker
J. M. Murphy
W. M. Drew
F. Taylor
J. Bennie
D. Romanis, Treasury Representative, State Treasury
H. Granek

3. This committee was a Project Committee and its decisions related to preparation of the brief. There have been no meetings since 10 August 1979, as the relocation of the laboratories is not proceeding at this stage, due to the decision to provide Police and Coronial Forensic Laboratories at West Melbourne.

SCHOOL MEDICAL SERVICE

(Question No. 2036)

Mr FORDHAM (Footscray) asked the Assistant Minister of Health:

What proportion of Victorian children in primary schools, high schools, technical schools and other schools, respectively, received a medical screening examination by the School Medical Service in 1979, and what are the expected proportions in 1980, 1981 and 1982?

Mr LIEBERMAN (Assistant Minister of Health)—The answer is:

Routine medical screening examinations are carried out on primary school children, who attend Grade 1 and have not had a routine medical examination at kindergarten.

In 1979 the following were listed with the Education Department as registered in Victorian Schools—

State	
Primary—All Grades	375 818
Grade 1 only	68 957
High	166 902
Technical	63 664
Registered Schools	
Primary—All Grades	114 489
Grade 1 only	15 622
Secondary	96 220
Total: Grade 1 children for 1979	84 579
Number of Grade 1 children given routine Medical Screening examination in 1979	41 213

When added to the number seen previously as pre-schoolers, the 41 213 screened in Grade 1 would represent close to 100 per cent of the total Grade 1 population of 84 579.

It is expected that if staff numbers remain the same, the same proportion of children will be seen in 1980, 1981 and 1982.

Vision tests only are carried out on Form 1 children in High and Technical Schools but accurate figures as to the number so tested are not readily available.

Legislative Council

Tuesday, 6 May 1980

The PRESIDENT (the Hon. F. S. Grimwade) took the chair at 3.12 p.m. and read the prayer.

TRANSPORT (ROAD FUNDS) BILL

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

BUILDING SOCIETIES (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. F. J. GRANTER (Minister of Water Supply), was read a first time.

VICTORIAN SOLAR ENERGY COUNCIL BILL

This Bill was received from the Assembly and, on the motion of the Hon. F. J. GRANTER (Minister of Water Supply), was read a first time.